

Royal Forests:

In Anglo-Saxon England, though the kings were great huntsmen, they never set aside areas declared to be "outside" (Latin *foris*) the law of the land.[4] Historians find no evidence of the Anglo-Saxon monarchs (c. 500 to 1066) creating forests.[5] However, under the Norman kings (after 1066), by royal prerogative forest law was widely applied.[6] The law was designed to protect the "venison and the vert". In this sense, venison meant "noble" animals of the chase – notably red and fallow deer, the roe deer, and wild boar – and vert meant the greenery that sustained them. Forests were designed as hunting areas reserved for the monarch or (by invitation) the aristocracy. The concept was introduced by the Normans to England in the 11th century, and at the height of this practice in the late 12th and early 13th centuries, fully one-third of the land area of Southern England was designated as royal forest. At one stage in the 12th century, all of Essex was afforested. On accession Henry II declared all of Huntingdonshire to be a royal forest.[4]

The areas that became royal forests were already relatively wild and sparsely populated, and can be related to specific geographic features that made them harder to work as farmland.

In the South West of England, forests extended across the Upper Jurassic Clay Vale. [8] In the Midlands, the clay plain surrounding the River Severn was heavily wooded. Clay soils in Oxfordshire, Buckinghamshire, Huntingdonshire and Northamptonshire formed another belt of woodlands. In Hampshire, Berkshire and Surrey, woodlands were established on sandy, gravelly, acid soils. In the Scots Highlands, a "deer forest" generally has no trees at all.

Marshlands in Lincolnshire were afforested.[9] Upland moors too were chosen, such as Dartmoor and Exmoor in the South West, and the Peak Forest of Derbyshire. The North Yorkshire moors, a sandstone plateau, had a number of royal forests.

William the Conqueror, a great lover of hunting, established the system of forest law. This operated outside the common law, and served to protect game animals and their forest habitat from destruction. In the year of his death, 1087, a poem, "The Rime of King William", inserted in the Peterborough Chronicle, expresses English indignation at the forest laws.

Offences

Offences in forest law were divided into two categories: trespass against the vert (the vegetation of the forest) and trespass against the venison (the game).

The five animals of the forest protected by law were given by Manwood as the hart and hind (i.e. male and female red deer), boar, hare and wolf. (In England, the boar became extinct in the wild by the 13th century, and the wolf by the late 15th century.) Protection was also said to be extended to the beasts of chase, namely the buck and doe (fallow deer), fox, marten, and roe deer, and the beasts and fowls of warren: the hare, coney, pheasant, and partridge.[10] In addition, inhabitants of the forest were forbidden to bear hunting weapons, and dogs were banned from the forest; mastiffs were permitted as watchdogs, but they had to have their front claws removed to prevent them from hunting game. The rights of chase and of warren (i.e. to hunt such beasts) were often granted to local nobility for a fee, but were a separate concept.

Magna Carta

Main article: Magna Carta

Magna Carta, the charter forced upon King John of England by the English barons in 1215, contained five clauses relating to royal forests. They aimed to limit, and even reduce, the King's sole rights as enshrined in forest law. The clauses were as follows (taken from translation of the great charter that is the Magna Carta):[14]

(44) People who live outside the forest need not in future appear before the Royal Justices of the Forest in answer to general summonses, unless they are actually involved in proceedings or are sureties for someone who has been seized for a forest offence.

(47) All forests that have been created in our reign shall at once be disafforested. River-banks that have been enclosed in our reign shall be treated similarly.

(48) All evil customs relating to forests and warrens, foresters, warreners, sheriffs and their servants, or river-banks and their wardens, are at once to be investigated in every county by twelve sworn knights of the county, and within forty days of their enquiry the evil customs are to be abolished completely and irrevocably. But we, or our chief justice if we are not in England, are first to be informed.

(52) To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgement of his equals, we will at once restore these. In cases of dispute the matter shall be resolved by the judgement of the twenty-five barons referred to below in the clause for securing the peace (§ 61). In cases, however, where a man was deprived or dispossessed of something without the lawful judgement of his equals by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. On our return from the Crusade, or if we abandon it, we will at once render justice in full.

(53) We shall have similar respite [to that in clause 52] in rendering justice in connexion with forests that are to be disafforested, or to remain forests, when these were first afforested by our father Henry or our brother Richard; with the guardianship of lands in another person's `fee', when we have hitherto had this by virtue of a `fee' held of us for knight's service by a third party; and with abbeys founded in another person's `fee', in which the lord of the `fee' claims to own a right. On our return from the Crusade, or if we abandon it, we will at once do full justice to complaints about these matters.

Charter of the Forest

Epping & Hainault Forests

Main article: Epping Forest

Main article: Hainault Forest

Epping and Hainault Forest are surviving remnants of the Royal Forest of Waltham. [24] The extent of Epping and Hainault Forests was greatly reduced by inclosure by landowners. The Hainault Forest Act 1851 was passed by Parliament, ending the Royal protection for Hainault Forest. Within six weeks 3000 acres of woodland was cleared.[25] The Corporation of London wished to see Epping Forest preserved as an open space and obtained an injunction in 1874[26] to throw open some 3,000 acres (12 km²) that had been inclosed in the preceding 20 years. In 1875 and 1876, the corporation bought 3,000 acres (12 km²) of open wasteland. Under the Epping Forest Act 1878, the forest was disafforested and forest law was abolished in respect of it. Instead, the corporation was appointed as Conservators of the Forest. The forest is managed through the Epping Forest Committee.

Agist: to take in cattle to remain and feed, at a certain rate; orig. to admit for a stated time

into a forest. (OED)

Amercement: punishment or penalty applied at the discretion of a court or other authority, as

contrasted with a penalty predetermined by statute.

Assart: to grub up trees and bushes from forest-land so as to make it arable.

Attach: to place or take under the control of a court; to arrest or seize by authority of a writ

of attachment.

Chiminage/Cheminage: a toll for liberty of passage through a forest. (OED)

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Demesne: possession (of real estate) as one's own. An estate held in demesne: land possessed

and held by the owner himself, and not held of him by any subordinate tenant.

Disafforest (or sometimes Deforest): to free from the operation of the forest laws.

Estreat: the true extract, copy or note of some original writing or record, especially of fines,

ameracements, etc. entered on the rolls of a court to be levied by the bailiff or other officer.

Eyre: a circuit made by an itinerant judge (justice in eyre) in medieval England.

Farm: to take on or hold for a term at a fixed payment. Herbage: right of pasture, pasturage.

Mark: in England approx. 2/3 of £1 sterling (~13s 4d)

Pannage: the right or privilege of pasturing swine in a forest or the payment made to the

owner of a woodland for this right.

Purpresture: an illegal enclosure of or encroachment upon the land or property of another,

as by an enclosure or building in the royal forests.