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Dolores M. Wilson

December, 2003

RESOURCES, ROLES, AND CONFLICT:  
ACTIVE RESOURCE MANAGEMENT IN THE ANGLO-NORMAN KINGDOM

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A Thesis

Presented to  
The Faculty of the Department  
of History  
University of Houston

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In Partial Fulfillment  
of the Requirements for the Degree of  
Master of Arts

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RESOURCES, ROLES, AND CONFLICT:  
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An Abstract of a Thesis

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## **Abstract**

Contrary to the view that the Middle Ages was simply a time of rapid environmental exploitation and degradation, legal documents of the Anglo-Norman kings who reigned England and Normandy 1066-1135 reveal that medieval landholders practiced conscious management of their resources. These resources centered on woodland and fisheries, both daily necessities. Because of the value of woodland products, foresters employed by the king, lay nobility, and ecclesiastics actively managed trees and vegetation. The understanding of ecosystem damage is evident in controls on fisheries, specifically restrictions on blocking the passage of fish in waterways. These conservation efforts were not aimed at environmental preservation because of altruistic motivations, but rather to preserve needed resources for economic and political ends. Because of the value of the environmental riches at their disposal, conflict was inevitable and could escalate to violence. These incidents reinforce the conclusion that the Anglo-Normans practiced a defacto active resource management.

## Acknowledgements

I would like to thank the Bodleian Library and Koninklijke Bibliotheek for kind permission to reproduce several manuscript images in this thesis. I would also like to thank Phillimore & Co Ltd for permission to use modified map outputs from the *Domesday Explorer CD-ROM*. A special word of appreciation goes to the University of Houston Special Collections department who assisted me in countless hours of research with their *Regesta Regum Anglo-Normannorum: 1066-1154* volumes.

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## **Chapter 1**

### **Perspectives & Sources of Environmental History for the Anglo-Norman Kingdom**

Modern perception of human interaction with the environment is heavily rooted in our post-industrial setting. The environment comes to the forefront each year, especially for school children, via Earth Day celebrations. The first Earth Day in 1970 was organized as a ‘teach-in’ with both an educational and protest flavor.<sup>1</sup> In tone, it was negative: a forum to express the American concerns about degradation of the land, rivers, lakes, and air.<sup>2</sup> In this Earth Day setting, humans are viewed as the destroyer, the polluter of the environment. This has serious impacts on the perception of human historical interaction with the environment: If people have done such a bad job of keeping our environment healthy in spite of all of our modern scientific knowledge, how much more damage must they have done in the past in their ignorance? This thesis will counter this modern perception. Through an examination of the legal documents of the first three Anglo-Norman kings (William I, William II, and Henry I) who reigned from 1066 to 1135, we will investigate the level of awareness and control exercised by the medieval Anglo-Normans over their environmental resources. What were the resources they

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<sup>1</sup> Jack Lewis, “The Spirit of the First Earth Day,” *EPA Journal* (Jan/Feb 1990)

<sup>2</sup> Senator Gaylord Nelson, “All About Earth Day,” The Wilderness Society, <http://earthday.wilderness.org/history/>

attempted to manage? How did they exercise control? What types of conflicts developed over these coveted resources? Were the management practices truly active and deliberate?

The management practices of the Anglo-Normans will be examined through an in-depth look at documentary evidence of the period. The aim is to identify the defacto resource management strategies employed by the Anglo-Normans as found in these documents, not to argue for a comprehensive conscious plan for resource management. This Introduction begins by outlining the sources available for this undertaking. It then turns to the historiography related to this topic. Because of the interdisciplinary nature of environmental history, the wide range of sources required for this research will become apparent. Lastly, the Introduction examines what came before the Anglo-Normans: the earlier Germanic laws, Norman traditions, and English precedents that they inherited. Chapter 2 analyzes the ways in which woodland was handled, followed by a similar analysis of fisheries in Chapter 3. Chapter 4 discusses the individuals who acted to carry out these management mandates. The final chapter further discusses conflicts during the Anglo-Norman period and ties those conflicts to political developments during the next century. This becomes, in some sense, the legacy of the Anglo-Norman active environmental management.

### **Anglo-Norman Historical Sources**

When using an environmental analytical approach to evaluate the Middle Ages, the nature of the sources comes into question. Many of the documents in the Anglo-Norman period are legal in nature. First, there are recorded *acta* of a king or noble. These

were typically sealed by the king, but not consistently. It was common for a series of gifts to be recorded in *pancartes*, edited collections of grants compiled by the beneficiaries' *scriptoria*. They are typically quite long and contain lists of all gifts given to the beneficiary over a fairly large time span effectively recording the history of gifts to a particular church or abbey. They were living documents that were edited over time; therefore, earlier versions may exist. *Pancartes* are much more elaborate than simple diplomas confirming individual donations.<sup>3</sup> Diploma, confirmations, and *pancartes* often contain valuable details about the type of land granted and the stipulations of the beneficiary's usufruct rights. A particularly insightful type of document for this analysis is reports of pleas, which have a strong narrative element. These texts record disputes and the final agreement reached by the parties.<sup>4</sup> For our purposes, these pleas describe conflicts over environmental resources in more vivid detail than simple confirmations or lists.

The *acta* of the Anglo-Norman kings are found in three volumes. David Bates has edited the most complete and accurate collection of *acta* for William the Conqueror on both sides of the Channel.<sup>5</sup> This collection supercedes the collection edited by H.W.C. Davis in 1913. However, Davis' work is still of value because it contains the *acta* of William II.<sup>6</sup> The second volume in the original *Regesta Regum Anglo-Normannorum*

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<sup>3</sup> *Regesta Regum Anglo-Normannorum: The Acta of William I (1066-1087)*, ed. David Bates. (Oxford: Oxford University Press, 1998), 23-28. Hereafter cited as Bates, *RRAN I*.

<sup>4</sup> Bates, *RRAN I*, 30-35.

<sup>5</sup> Bates, *RRAN I*.

<sup>6</sup> *Regesta Regum Anglo-Normannorum: 1066-1154, Vol. 1*, ed. H.W.C. Davis (Oxford: Clarendon Press, 1913). Hereafter cited as *RRAN I*.

series contains the *acta* of Henry I.<sup>7</sup> In Bates' collection, a Latin (or Old English) transcription is available for all of the documents. In the other two, not all texts were published in their entirety. The *Regesta Regum Anglo-Normannorum* series was written as a calendar, and many *acta* are just summarized; therefore, not all of the details of transactions were readily available in published form for this investigation.

Three legal treatises from the Anglo-Norman period contain some statements about environmental resource management practices: *Constitutiones de Foresta*, *Leges Edwardi Confessoris* and *Leges Henrici Primi*. The *Constitutiones* is a law code purportedly issued by King Canute in the eleventh century, but a Norman scribe wrote it, and the practices appear to reflect Anglo-Norman practice.<sup>8</sup> *Leges Edwardi Confessoris* was supposedly written after the barons advised William the Conqueror to learn the English customs and laws from English nobles. Bruce O'Brien argues however for a date shortly after King Stephen's charter of liberties was issued in 1136.<sup>9</sup> An unknown scribe compiled the laws in force during Henry I's reign in *Leges Henrici Primi*.<sup>10</sup> Both of these legal texts contain valuable insight into forestry practices, but relate little about fisheries.

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<sup>7</sup> *Regesta Regum Anglo-Normannorum: 1066-1154, Vol. 2*, ed. Charles Johnson and H.A. Cronne (Oxford: Clarendon Press, 1956). Hereafter cited as *RRAN II*.

<sup>8</sup> *Constitutiones de Foresta* in *Ancient Laws and Institutes of England*, Great Britain Record Commission (London: G.E. Eyre and A. Spottiswoode, 1840). Charles J. Cox, *The Royal Forests of England* (London: Methuen & Co., 1905), 5. Evidence from the law supports Cox's claim. First, the law survives only in Latin, unlike the other Anglo-Saxon kings' codes. Second, the text makes a reference that would not have been present in Canute's day: the list of protected beasts of the forest includes roebuck, hare, and rabbit (capreoli, lepores et cuniculi). Rabbits were not introduced to England until after the Conquest (Mark Bailey, "The Rabbit and the Medieval East Anglian Economy," *Agricultural History Review* 36, no. 1 (1998): 1-20.).

<sup>9</sup> See Bruce O'Brien's discussion in Chapter 2 of Bruce O'Brien, *God's Peace and King's Peace: The Laws of Edward the Confessor* (Philadelphia: University of Pennsylvania Press, 1999).

<sup>10</sup> *Leges Henrici Primi*, ed. and trans. L.J. Downer (Oxford: Oxford University Press, 1972). Scholars do not know why the laws were compiled or how accurate the compilation was.

The awesome undertaking of the *Domesday Book*, compiled in 1086-87 as a record of all of the lands and wealth in William's England helps fill in the gaps.

*Domesday Book* is divided into two subparts, *Great Domesday* and *Little Domesday*. The English translation of *Great Domesday* by Phillimore is now available on CD-ROM and this was the text used for this research.<sup>11</sup> H.C. Darby compiled the geographical data of *Domesday Book* into his multi-volume series on *Domesday Geography*. These compilations provide additional data about the *Domesday* entries dealing with woodland and fishery products, as well as conflict.

The great majority of the primary source documents are in Latin, although a minority in Old English has also survived. The Latin or Old English text will be given in the footnote when the analysis depends on a particular reading of the text or when the passage is particularly insightful about environmental resource management or conflict.

The public documents of the period, both charters and the *Domesday Book*, offer insights into land use by listing major categories of land, like fields, forests and ponds, but the historian must keep in mind that geographical and environmental features were incidental to the survey.<sup>12</sup> Determining the actual size of the various land units is often impossible. Even when the size of the field or forest is recorded, medieval measurements were inconsistent, mixing fiscal, conventional, and measured acres.<sup>13</sup> In spite of these

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<sup>11</sup> *Domesday Explorer CD-Rom*, ed. John Palmer, Matthew Palmer, and George Slater (Chichester, UK: Phillimore & Co. Ltd., 2000). Hereafter cited as *Domesday Book* with the Phillimore entry number.

<sup>12</sup> Emily W.S. Russell, *People and the Land Through Time: Linking Ecology and History* (New Haven, CT: Yale University Press, 1997), 26.

<sup>13</sup> Andrew Jones, "Land Measurement in England, 1150-1350," *The Agricultural History Review* 27, no. 1 (1979): 10-18. The term *acre campestris* (field acres) or *acre ut lacent* was used to denote a natural unit of ploughing, regardless of the actual size. In the Midlands and southern England, this conventional acreage

limitations, the primary sources can still reveal the types of resources being managed and the types of restrictions placed on them.

Understanding the terminology used at the time is also critical to this examination. The most controversial word is forest or *foresta*<sup>14</sup>. In England, the term forest most often designated a legal entity consisting of extensive land, including both woodland and pasture, within which the right of hunting was reserved for the king or his designees and subject to a special code of laws administered by local officials.<sup>15</sup> The medieval forest did not imply continuous tree-cover, although many examples of forests were well wooded.<sup>16</sup> Designated forests encompassed wooded lands like the forests of Dean and Hants, but others like Dartmoor and Exmoor were moorland, and still others like Sherwood were heath.<sup>17</sup> The opposite is true as well: not all wooded areas were

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unit appears to be 2/3 to 3/4 of the size of the standard acre. Fiscal acreage refers to the size used in fiscal assessments. These were administrative units used for tax and tithe purposes, not physical reality. The measurement by standard length was also used. The perch, typically 16 ½ feet, but ranging up to 24 ½ feet, began to appear in mid-twelfth century charters. The “royal” acre used a 4 x 40 perch measurement, regardless of the length of the perch. The other problem in medieval land measurement was that the area could not be easily measured (in current times we use sophisticated surveying equipment for this task). Areas were estimated using a linear measurement of only the parcel width in many cases.

<sup>14</sup> The use of the word *foresta* to designate specifically the king’s forests is common in Henry I’s charters. These grants typically use phraseology like “in meis forestis” and “in foresta mea” when referring to holdings of the king. See the charters calendared as Nos. 794, 1025, 1413, 1689, and 1847 in *RRAN II* for this use. In contrast, the word *bosco* is used in No. 1808 and 1933 to refer to other people’s woodland. This indicates at least as early as Henry’s reign, a clear distinction was being made between royal forest and regular woodland.

<sup>15</sup> Cox, 2. See also Charles Watkins, “Themes in the history of European woods and forests,” in *European Woods and Forests: Studies in Cultural History*, ed. Charles Watkins, 1-10 (New York: CAB International, 1998). See Appendix C for a glossary of technical terms.

<sup>16</sup> D.M. Palliser, *The Staffordshire Landscape* (London, 1976), 67. Palliser does note that all of the areas designated as forests in Staffordshire were indeed wooded.

<sup>17</sup> Oliver Rackham, “The Growing and Transport of Timber and Underwood,” in *Woodworking Techniques before A.D. 1500*, ed. Sean McGrail (Oxford: BAR International, 1982), 205. Hereafter cited as Rackham, Growing and Transport of Timber.

designated as forests.<sup>18</sup> Few forests were established in the two biggest concentrations of woodlands in England in the Anglo-Norman period: the Weald and Chilterns.<sup>19</sup> The word *silva* or wood was often applied to untilled, unoccupied land, but the relationship between *silva*, waste<sup>20</sup>, pasture, and forest is not clear.<sup>21</sup> The word “forest” will be reserved for the special administrative unit put in place in England by the Normans after the conquest and the word “woodland” will be used to designate an area with tree cover.<sup>22</sup> A park was a manmade fenced enclosure often in a wooded area, typically for deer that would be hunted.<sup>23</sup> Some forests contained parks, but not all parks were connected to forests.<sup>24</sup>

When discussing the nature, use, and conservation of woodlands, one should recognize that woodlands were not confined to poor, uncultivable soils.<sup>25</sup> In fact, many wooded areas had especially rich soil, so their continued existence can be attributed to

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<sup>18</sup> Palliser cites numerous examples from Staffordshire of wooded areas not included in the ‘forest’.

<sup>19</sup> Rackham, *Growing and Transport of Timber*, 205.

<sup>20</sup> The meaning of “waste,” designated in Latin by *vastum* or *wastum*, is itself controversial. Neilson uses the term as both the clearing of woodland and any uncultivable land in his article “Early English Woodland and Waste,” *The Journal of Economic History* 2.1 (1942): 54-62. Emilie M. Amt points out that the term may have been mainly administrative in the *Domesday* Survey because it appears that “waste” lands in one estate are listed as viable holdings of another estate. She goes on to argue that in pipe rolls of the 1150s, “waste” was “devastated” land unable to produce its accustomed revenue because of economic damage of some kind. Emilie M. Amt, “The meaning of waste in the early pipe rolls of Henry II,” *Economic History Review* 44, no. 2 (1991), 240.

<sup>21</sup> Neilson, 54.

<sup>22</sup> Rudolf Kiess made a persuasive argument for this usage in his article “The Word ‘Forst/forest’ as Indicator of Fiscal Property and Possible Consequences for the History of Western European Forests” in *European Woods and Forests: Studies in Cultural History*: 11-18. His research into Frankish forests showed that the term forest was only applied when it was necessary to defend the property against the interest of other claimants. The Normans used the term in precisely the same way.

<sup>23</sup> Palliser, 89.

<sup>24</sup> Cox, 2.

<sup>25</sup> Roland Bechmann, *Trees and Man: The Forest in the Middle Ages*, trans. by Katharyn Dunham (New York: Paragon House, 1990), 10.



either the lack of ability to clear the trees or recognition that the woodland itself provided valuable products. Woodland played such a central role in medieval agriculture that the economy of the time is often referred to as silvo-pastoral.<sup>26</sup> Woodland thus consisted of tamed, tracked areas, rather than extensive forests, where animals could graze and wood could be gathered.

Other more oblique evidence supplements the sources written to enumerate property rights. These documents include the narrative chronicle of Orderic Vitalis and archeological findings. The archeological evidence is particularly valuable in analyzing the historical development of fisheries and fishponds.

The analytical nature of this study will become obvious through the handling of these sources. The analysis often turns on specific details buried deep in charters or within a narrative description. These details are then pieced together to create a view of the Anglo-Norman environmental management practices. The goal of the approach is to expose the environmental history under the documentary page.

### **Environmental History & the Middle Ages**

Environmental history is defined, most simply, as history “about the role and place of nature on human life.”<sup>27</sup> In general terms, this includes the study of economic, political, social, and technological impacts of humans on the natural environment and

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<sup>26</sup> Vito Fumagalli, *Landscapes of Fear: Perceptions of Nature and the City in the Middle Ages*, trans. Shayne Mitchell (Cambridge, 1994), 21.

<sup>27</sup> Donald Worster, “Doing Environmental History,” in *The Ends of the Earth: Perspectives on Modern Environmental History*, ed. Donald Worster (Cambridge: Cambridge University Press, 1988), 292.

their use of natural resources as well as the natural environment's impact on the human condition.<sup>28</sup>

J. Donald Hughes has written a marvelous essay on the general development of the field.<sup>29</sup> He traces the beginning of the field to the 1930s, when the *Annales* School in France began to stress the mutual interaction of people and their habitat. Within this context, the environmental historian does not represent nature as an eco-system apart from human influence, but rather sees in nature the effects or causes of the human condition, whether physical, social or moral. The “cross-fertilization” of the sciences and history has created many key works of environmental history, including the collection of essays *Man's Role in Changing the Face of the Earth* and the work of Alfred Crosby that examines the impact of European colonization.<sup>30</sup> As David Arnold summed up the approach, it rests on the “belief that nature and culture are dynamically linked and that history is in some central way connected with this intimate and continuing relationship.”<sup>31</sup> Today's environmental historian can also take the approach one step further and examine ideas about the natural world – how these developed and how they created an understanding of history and culture at the time the ideas were prominent.<sup>32</sup>

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<sup>28</sup> David Arnold includes an excellent discussion of the schools of thought on environmental impact on man's condition in *The Problem of Nature: Environment, Culture, and European Expansion* (Cambridge, Mass.: Blackwell, 1996). There have been two lines of historical inquiry into environmental impacts on man: (1) gradual, characterized by adaptations to climatic conditions, and (2) catastrophic, such as floods, earthquakes, or volcanic eruptions.

<sup>29</sup> J. Donald Hughes, “Writing on global environmental history,” in *An Environmental History of the World*, ed. J. Donald Hughes, 242-248 (New York: Routledge, 2001).

<sup>30</sup> Hughes, 243-4.

<sup>31</sup> Arnold, 11.

<sup>32</sup> Arnold, 3.

Donald Worster has categorized the writing of environmental history under these principals into three levels: understanding nature itself, describing socioeconomic interaction with the environment, and comprehending the mental and intellectual perceptions, laws, and myths that “become part of an individual’s or group’s dialogue with nature.”<sup>33</sup> This thesis is primarily aimed at the second level of environmental history: social and economic relations of the Anglo-Normans with their environment, although some conclusions about the mental state of these medieval consumers is inevitable.

In fact, the medieval history scholar R.W. Southern has characterized the late eleventh and early twelfth century as the beginning of “medieval humanism,” the increase of scientific knowledge leading to a rational view of the nature of humans.<sup>34</sup>

Within this growing humanism, Southern argues that

“along with this large view of man’s natural dignity there must go a recognition of the dignity of nature itself....Thus man takes his place in nature; and human society is seen as part of the grand complex of the natural order bound together by laws similar to those which tie all things into one.”<sup>35</sup>

In the twelfth century, theologians began to write down the organization of the universe, discussions of natural elements, descriptions of animals, medical treatises, and the like.<sup>36</sup>

David J. Herlihy noted an “emergence of a new collective psychology and a new view of

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<sup>33</sup> Worster, 293.

<sup>34</sup> R.W. Southern, *Medieval Humanism* (New York: Harper & Row, 1970), 29-60.

<sup>35</sup> Southern, 31-32.

<sup>36</sup> Southern, 44.

man and nature” within this intellectual setting.<sup>37</sup> The result was an increasing awareness of three things – the natural world, goals achievable by harnessing its gifts, and the tools and materials available to do so – and the development of a “collaborative” mentality toward the environment.<sup>38</sup> This developing view of humans as part of nature may have created a new sense of environmental stewardship, although as this thesis will argue, the stewardship was intended to conserve the resources at hand in order to ensure full value to the usufruct holder.

It is important from the outset of this discussion to understand environmental ideas of the Norman period in relation to our own twenty-first century ideas of “environmentalism”. Even though Anglo-Norman kings regulated the use of specific resources, these regulations were always designed to conserve a specific resource such as trees for shipbuilding, not to preserve rare species or save the “environment” for some kind of intrinsic value.<sup>39</sup> Environmentally aimed medieval management often regulated activities both to protect resources and protect property rights.<sup>40</sup> Power associated with the ability to control resources is also a large factor in the desire to apportion woodland and fisheries. Landholders had the ability to create and strengthen relationships with others through the giving of permission to use resources. The spectacle of hunting, in particular, could maintain royal prestige and status.<sup>41</sup> But the defacto management

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<sup>37</sup> David J. Herlihy, “Attitudes Toward the Environment in Medieval Society,” in *Historical Ecology*, ed. Lester J. Bilsky (Port Washington, NY: Kennikat Press, 1980), 110.

<sup>38</sup> Herlihy, 110-113.

<sup>39</sup> Russell, 161.

<sup>40</sup> Russell, 35.

<sup>41</sup> Watkins, “Themes in the history of European woods and forests,” 4.

practices that will be discussed in the remaining chapters of this thesis indicate that more than simple power struggles were in play. Resource holders were interested in maintaining long-term access to environmental commodities, and thus turned to conservation practices. Richard Hoffman has previously argued that in the Middle Ages, “demand, pressure, and declining yields of medieval inland fisheries motivated proprietary and regulatory measures directed at controlling human behavior, and furthermore, provoked intentional human intervention in the environment aimed at changing natural relationship.”<sup>42</sup> This thesis takes a similar approach to both woodland and fishery resources.

As the beginning of this chapter remarked, historians have generally failed to acknowledge any environmental management or awareness on the part of medieval people. This is due mainly to this modern conception of “environmentalism.” Our current “ecological crisis” and its ties to medieval practices has been the subject of several key works. Lynn White argues that Christian attitudes of mastery over nature permitted the unchecked exploitation of the environment in the Middle Ages.<sup>43</sup> Jean Gimpel included a chapter on environment and pollution in the often-read *The Medieval Machine* and clearly stated: “Medieval man brought about the destruction of Europe’s natural environment.”<sup>44</sup> Soon afterward, Charles R. Bowlus argued that fourteenth century problems of famine and disease have their roots in an economy that “overexpanded relative to existing resources and available technology in the twelfth and thirteenth

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<sup>42</sup> Richard Hoffman, “Economic Development and Aquatic Ecosystems in Medieval Europe,” *American Historical Review*, 101.3 (June 1996), 652.

<sup>43</sup> Lynn White, “The Historical Roots of Our Ecologic Crisis,” *Science* 155 (1967), 1203-1207.

centuries.”<sup>45</sup> Even historians writing since 1990 have viewed medieval man as an environmental destroyer. J. Donald Hughes, for example, focused on land clearance and subsequent timber shortage as the main environmental legacies of the Middle Ages in *An Environmental History of the World*.<sup>46</sup>

This is not to say that treatment of the environmental history of the Middle Ages has been all negative. Most of the previous historical writing has been on woodland and forest history. Charles Young’s article “Conservation Policies in the Royal Forests of Medieval England” is insightful. He argues that forest policies adopted in England after the Norman Conquest did result in woodland conservation. However, Young contends that the conservative nature of the forest was purely a bi-product of the desire for hunting grounds: “The medieval English kings from the Normans on were conservationists in spite of themselves, even in the face of continuous demands from their own barons for dissafforestation.”<sup>47</sup> Chapter 2 will counter this claim of unintentional consequences and show the direct and active management employed by the Anglo-Normans in their forests and other woodland.

Several writers have examined this subject from a perspective of landscape or ecological history. I. G. Simmons focuses on the environmental effects of industrialization in *An Environmental History of Great Britain*, but he still manages to

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<sup>44</sup> Jean Gimpel, *The Medieval Machine* (New York: Holt, Rinehart & Winston, 1976), 78.

<sup>45</sup> Charles R. Bowlus, “Ecological Crisis in Fourteenth Century Europe,” in *Historical Ecology*, ed. Lester J. Bilsky (Port Washington, NY: Kennikat Press, 1980).

<sup>46</sup> J. Donald Hughes, *An Environmental History of the World* (New York: Routledge, 2001).

<sup>47</sup> Charles Young, “Conservation Policies in the Royal Forests of Medieval England,” *Albion* 10, no. 2 (1978), 95.

discuss the medieval uses of woodland briefly. He is specifically “concerned with the management of woods for organic produce” and thus mentions the uses of woodlands for firewood, fencing, grazing, and food.<sup>48</sup> Simmons states, “It was vital not to diminish the productivity of woodlands. In effect, almost all interests are best served by a renewable resource rather than one which is becoming depleted.”<sup>49</sup> Yet, he does not discuss any of the ways in which medieval consumers attempted to control the reduction in woodland. Oliver Rackham, another major scholar of British landscape history, has written extensively on woodland history. Unfortunately, he disregards the early Norman history of the forest in his works, except references to the *Domesday Book*, which he uses as evidence of Anglo-Saxon practices.<sup>50</sup> George Peterken does better, acknowledging the role of medieval forests in providing favorable circumstances for the survival of wood pasture and the significance of coppice management for ecological balance in *Woodland Conservation and Management*.<sup>51</sup> Yet even this discussion is cursory at best.

English political scholars have contributed to the available material on forest history. Two authors, Charles Young and Charles Cox, have published monographs on

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<sup>48</sup> I.G. Simmons, *An Environmental History of Great Britain From 10,000 Years Ago to the Present* (Edinburgh: Edinburgh University Press, 2001), 94.

<sup>49</sup> Simmons, 96.

<sup>50</sup> In *The History of the Countryside: The classic history of Britain's landscape, flora and fauna* (1986; repr. London: Phoenix Press, 2000), Rackham does discuss some of the surviving forests at length, but fails to analyze the contribution of early forest designation and legislation to their survival. He ignores all contribution by the Normans to the landscape history of Britain. See particularly Chapter 6. Also Rackham gives little discussion of royal forests in *Ancient Woodland: Its History, Vegetation and Uses in England* (London: Edward Arnold, 1980).

<sup>51</sup> George Peterken, *Woodland Conservation and Management*, 2<sup>nd</sup> ed. (London: Chapman & Hall, 1993), 15-18.

the English royal forests.<sup>52</sup> Both of them touch only briefly on the foundation of the royal forests by William the Conqueror and its expansion through the Anglo-Norman kings. Both of these works focus on the political and administrative nature of forests. No previous investigations of Norman forests have been located.

The history of medieval fisheries is more woefully underrepresented than forest and woodland history. Richard Hoffman has presented the most extensive treatment of medieval fisheries and their environmental impact in “Economic Development and Aquatic Ecosystems in Medieval Europe.” Hoffman argued for the “active and intentional manipulation of aquatic ecosystems” in the face of environmental and human pressures on natural aquatic systems.<sup>53</sup> This thesis builds on Hoffman’s argument, supplementing it with evidence from the Anglo-Norman period. In addition, an archeological collection of essays on English fisheries of the time period is available.<sup>54</sup> André Guillerme has written a general book on the use of waterpower and water pollution in the Middle Ages, though he focuses on northern France.<sup>55</sup> Because of the paucity of secondary sources on fisheries in the holdings of the Anglo-Normans, this thesis focuses on the analysis of primary source documents for insights into the practices.

In summary, a gap exists in the current historical literature. The contribution of the Anglo-Normans to the environmental history of both England and Normandy has not been adequately explored.

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<sup>52</sup> Cox, *The Royal Forests of England*; Charles R. Young, *The Royal Forests of Medieval England* (Philadelphia: University of Pennsylvania Press, 1979).

<sup>53</sup> Richard Hoffman, “Economic Development and Aquatic Ecosystems in Medieval Europe,” 658.

<sup>54</sup> M. Aston, ed., *Medieval Fish, Fisheries and Fishponds in England*, 2 vols., (Oxford: BAR, 1988).

<sup>55</sup> André Guillerme, *The Age of Water* (College Station, Texas: Texas A&M University Press, 1988)



## Legal Basis of Norman Environmental Management

The Normans did not invent restrictions on environmental resources. Laws controlling woodland and fishery resources are present in earlier European codes. To better understand the Norman methods of environmental management, these earlier laws will be explored.

The Germanic tribal peoples who settled in Western Europe established laws about wood resources. *The Visigothic Laws of the Judges (Forum judicum)* included penalties for cutting down large and small oaks, as well as other trees, and allowed for the seizure of the oxen and vehicle of anyone entering another's forest with a cart to carry away barrelhoops or any other kind of wood.<sup>56</sup> The *Burgundian Code* from the late fifth and early sixth century required that anyone felling a fruit, pine, or fir tree had to pay the tree owner one solidus. The law, however, was not one-sided. It recognized the need for wood even if one did not own wooded land: "If any Burgundian or Roman does not have forested land, let him have the right to cut wood for his own use from fallen trees or trees without fruit in anyone's forest, and let him not be driven away by the owner of the forest."<sup>57</sup> In the *Laws of the Salian Franks*, the laws against thefts included the provision that "He who steals or cuts down or burns wood or other material from another man's forest and it is proved against him shall be liable to pay six hundred denarii (i.e. fifteen

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<sup>56</sup> *The Visigothic Code (Forum Judicum)*, part 2, trans and ed. S.P. Scott (Boston, 1910), 274-278. These laws are Book VIII, Title III, Law I and VIII, respectively.

<sup>57</sup> *The Burgundian Code: Liber Constitutionem Sive Lex Gundobada*, trans. Katherine Fischer (Philadelphia: University of Pennsylvania Press, 1949), XXVIII, 1-2.

solidi).”<sup>58</sup> There was an additional restriction that “He who takes a tree after the year that it was marked for cutting shall bear no blame. If he cuts it down during that year, he shall be liable to pay three solidi.”<sup>59</sup> This particular law shows that the early Franks practiced conscious woodland management. They went through the forest designating trees of sufficient size for the needs each year. They did not indiscriminately cut down forested areas.

The Anglo-Saxons adopted laws that also protected the woodland. *The Laws of Ine*, issued in seventh-century Wessex, included fines for destruction of a tree by fire (60 shillings) and felling (30 shillings).<sup>60</sup> The fine for cutting down a tree increased to 60 shillings if the tree “can shelter 30 swine.”<sup>61</sup> In the code of King Alfred, dated to the late 9<sup>th</sup> century, the act of burning or felling trees carried a fine per tree based on size, 5 shillings for a big tree and 5 pence for a small one, plus a set 30-shilling fine.<sup>62</sup> The Danish king Canute supposedly issued a law code specific to the forests, *Constitutiones de Foresta*. The authenticity of the law code has been doubted, but it may show the

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<sup>58</sup> *Pactus Legis Salicae*, Title XXVII, No. 23 in *The Laws of the Salian Franks*, trans. Katherine Fisher Drew, (Philadelphia: University of Pennsylvania Press, 1991), 90. Number 25 lists the penalty for stealing wood from another man’s forest at only three solidi. The difference in penalty may have applied to different quantities of wood stolen.

<sup>59</sup> *Pactus Legis Salicae*, Title XXVII, No. 26, 91.

<sup>60</sup> *The Laws of Ine*, capitulary 43 in *The Laws of the Earliest English Kings*, ed. and trans. by F.L. Attenborough (New York: Russell & Russell, 1963). “Ðonne mon beam on wuda forbærne, & weorðe yppe on þone ðe hit dyde, gielde he fulwite: geselle LX scill., forþamþe fyr bið þeof. Gif mon afelle on wuda wel monega treowa, & wyrð eft undierne, forgielde III treowu ælc mid XXX scill....” Ine probably issued his laws between 688 and 694.

<sup>61</sup> *The Laws of Ine*, capitulary 44. “Gif mon þonne aceorfe an treow, þæt mæge XXX swina undergestandan, & wyrð undierne, geselle LX scill.”

<sup>62</sup> *The Laws of Alfred*, capitulary 12 in Attenborough. “Gif mon oðres wudu bærneð oððe heaweð unaliefedne, forgielde ælc great treow mid V scill., & siððan æghwylc, sie swa fela swa hiora sie, mid V pænigum; & XXX scill. to wite.”

general drift of Anglo-Danish forest law even though a Norman scribe altered it to agree with post-conquest practices.<sup>63</sup> Capitulary 28 states that no one may touch the wood or underwood without permission of the minister of the forest, otherwise he is considered to have violated the laws of royal chase.<sup>64</sup> This restriction does not seem out of place given the forester provisions in the other Germanic laws.

Early Germanic law codes included provisions pertaining to the control of streams and rivers. The *Visigothic Law Code* contained a specific restriction against obstructing a stream “in which salmon or other sea-fish enter,” although one could “build a fence as far as the middle of the channel, where the water is deepest, provided he leaves half of the body of the stream free for the use of others.”<sup>65</sup> The Visigothic law even addresses the possibility of owners on opposite sides of the stream claiming to obstruct only half, but the combination causes a full blockage. It permits the construction of fences or weirs on only one side of each stream. The Anglo-Saxon laws of Edward the Confessor have a similar prohibition against the construction of structures blocking fisheries, although this may be more reflective of Anglo-Norman conditions than Anglo-Saxon ones because of the date of the law’s composition.<sup>66</sup> The above laws show the understanding of the basic ecological necessity for fish to return to their spawning grounds for breeding.

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<sup>63</sup> Cox, 5.

<sup>64</sup> *Constitutiones de Foresta*, capitulary 28, 184. “Bosco nec subbosco nostro, since licentia primariorum foestæ, nemo manum apponat; quod si quis fecerit, reus sit fractionis regalis chaceæ.”

<sup>65</sup> *The Visigothic Code*, part 2, IV, XXIX

<sup>66</sup> *The Laws of Edward the Confessor*, 12.8 in Bruce O’Brien, *God’s Peace and King’s Peace* (Philadelphia: University of Pennsylvania Press, 1999).

Early Germanic laws also recognized the value of fisheries. The theft of fishing equipment and damage to fish ponds is included in several codes. The *Pactus Legis Salicae* established fines for the theft of eel nets, trammel nets, fish weirs, and fishery catches.<sup>67</sup> The *Visigothic Code* required anyone damaging a millpond to repair the damage within 20 days and pay a 20 solidi fine.<sup>68</sup>

The issuance of early Germanic laws to regulate environmental resources indicates the value of the resources to the community. These Germanic laws attempted to regulate resource consumption and conflict between two individual parties, showing the “communal” nature of these resources. The Anglo-Normans, however, would issue their laws with a focus on the relationship between the king and the resource user, indicating the growing feudal nature of eleventh and twelfth century society. The Anglo-Norman kings found the value of these resources attractive. In King Henry I’s law code, *Leges Henrici Primi*, the king established “things cast up by the sea” and “forests” as within the “jurisdictional rights which the King of England has in his land solely and over all men.”<sup>69</sup> This clear claim of jurisdiction reveals the great importance the Anglo-Normans placed on these resources. The remaining chapters will explore the specifics of how this

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<sup>67</sup> *Pactus Legis Salicae*, XXVII, 27; XXVII, 28; and XXXIII, 1

<sup>68</sup> *The Visigothic Code*, part 2, IV, XXX

<sup>69</sup> *Leges Henrici Primi*, 10,1

jurisdiction was put into action and the ways that the actions allowed the Anglo-Normans to manage their natural bounty.

## Chapter 2

### Multi-Use Management of the Medieval Anglo-Norman Forest

Historians of the English forest, including Charles Cox, Charles Young and H.A. Cronne, have tended to view medieval forestry as an attempt to conserve woodlands strictly to provide hunting grounds for noble diversions.<sup>1</sup> In “Conservation Policies in the Royal Forests of Medieval England,” Charles Young specifically argues that the Norman and later Angevin forest laws slowed destruction of the forest, “even if this result was no more than incidental to the love of hunting by various English kings.”<sup>2</sup> Any conservation was thus an unforeseen by-product of placing the human desire for sport slaughter above the environment.

Landscape and ecological historians have echoed this viewpoint to an extent. George Peterken, a modern woodland conservation specialist and woodland historian, recognized efforts to preserve medieval woodlands as sources of timber in England dating back to at least the Assize of the Forest in 1184, but characterized forest management as “exploitive felling and a prayer that natural regeneration would follow.”<sup>3</sup>

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<sup>1</sup> See Cox; Charles R. Young, *The Royal Forests of Medieval England*; H.A. Cronne, “The Royal Forest in the Reign of Henry I,” in *Essays in British and Irish History in Honor of James Eadie Todd*, ed. H.A. Cronne et al., (London: Fredrick Muller Ltd., 1949): 1-23.

<sup>2</sup> Charles Young, ‘Conservation Policies in the Royal Forests of Medieval England’, 97.

<sup>3</sup> Peterken, 15.

I. G. Simmons noted that the multi-faceted nature of wooded forests made it “vital not to diminish the productivity of woodlands,” yet he explains that position by saying only that royal forests were a “resource-laden asset” that could be sold or conferred on others.<sup>4</sup>

Oliver Rackham acknowledged that landowners and commoners often possessed rights in the king’s forests, but goes on to argue that these rights destabilized the forest landscape.<sup>5</sup> He specifically despises the Norman period, calling it “the evil years after the Conquest” and focuses on the loss of woodland from the recording of size in *Domesday Book* to the status of wood cover in 1250.<sup>6</sup> Rackham fails to see the differences in management and approach over the 150 years between the Norman Conquest and *Magna Carta*, which caused significant destabilization of the forestry system. In his evidence, Rackham ignores charters from the Norman period when the forests were newly established except for a few references to *Domesday Book*. He concentrates instead on the mid- and late-thirteenth century after forestry practices had been radically altered because of changing politics, which will be discussed in a later chapter of this work. No previous scholarship has delved into the multi-use nature of the forest in the Anglo-Norman kingdom, considering both the English and Norman Continental holdings as a management system. This chapter intends to fill this scholarly gap.

In this investigation, several questions will be answered. What woodland resources did the Anglo-Normans have at their disposal? In what ways did landholders control access to woodland resources? How “active” were their management practices?

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<sup>4</sup> Simmons, 96.

<sup>5</sup> Rackham, *The History of the Countryside*, 133-138.

Although royal hunting grounds existed in England prior to the conquest, William the Conqueror imported the term *forest* and its legal implications from the Continent. William the Conqueror invaded England from Normandy in 1066 to make his claim to the English throne. After defeating Harold Godwinson, William was crowned King of England at Westminster on Christmas Day 1066. To restructure the English nobility, William quickly set about redistributing property from Harold's supporters to loyal followers. The king enriched the Norman magnates to enhance his own authority and power, making the nobles both dependent on him for their good fortune and obligated to provide military service to the realm.<sup>7</sup>

It is not surprising that soon after the conquest, William began designating lands as *forest* to control resources in his domain. *Forest* most often designated a legal entity consisting of extensive land, including both woodland and pasture, within which the right of hunting was reserved for the king or his designees and subject to a special code of laws administered by local officials.<sup>8</sup> The first known forest was documented in a charter for the monasteries of Stablo and Malmédy in the Ardennes in 648.<sup>9</sup> From that humble beginning, forests were designed throughout the former Merovingian and Carolingian lands. In the charters of the Norman dukes prior to the Conquest, the word *foresta* does not appear often; however, this does not mean that the forestry concept was not in force

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<sup>6</sup> Oliver Rackham, *Trees and Woodland in the British Landscape*, revised edition (London: J.M. Dent & Sons Ltd., 1976), 55.

<sup>7</sup> David C. Douglas, *William the Conqueror* (Berkeley: University of California Press, 1967), 271.

<sup>8</sup> Cox, 2. See also Charles Watkins, 'Themes in the history of European woods and forests', in *European Woods and Forests: Studies in Cultural History*, ed. Charles Watkins (New York: CAB International, 1998).

<sup>9</sup> Kiess, 11.



in Normandy. Woodlands under the control of the duke or other noble were commonly referred to as *silva*, which may have had the same implication as *foresta* at that time. A charter of Duke William (later William the Conqueror) dated between 1055 and 1066, refers to his forests of Evreux and in one dated between 1063 and 1066, William included his forest of Cherbourg.<sup>10</sup> Hugh the Forester attested one charter dated 1062.<sup>11</sup>

The medieval forest did not imply continuous tree-cover,<sup>12</sup> yet many of the legal forests were wooded and these operated as multi-purpose areas, including wood collection, hunting and pasturage. After the conquest, William afforested both old Anglo-Saxon hunting grounds, such as the Forest of Galtres in the center of Yorkshire<sup>13</sup> and the Forest of Peak,<sup>14</sup> and new areas such as the New Forest. *Domesday Book*, written at the end of William's reign in 1086-7, recorded resources in twenty-five forests. The New Forest, which contained over a dozen settlements, was so extensive that it received its own folio within the Hampshire records.<sup>15</sup>

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<sup>10</sup> Marie Fauroux, *Recueil des Actes des Ducs de Normandie 911-1066* (Caen: Société des Antiquaires de Normandie, 1961), Nos. 208 and 224. No. 208: "...totius forestae de Ebroyis etaim decimam mellis ipsius forestae..." No. 224: "...in Cesarisburgo...foro et foresta..."

<sup>11</sup> Fauroux, No. 150: "Hugone foresterio" The implication of rarely using the word *foresta* is not known at this time and would be an area for future research. It could potentially be related to the status of the ruler of Normandy – primarily using *silva* when a duke and *foresta* after William had attained the title of King of England. It may be telling that only late charters of Duke William use *foresta*.

<sup>12</sup> Rackham, *The History of the Countryside*, 129-130. D.M. Palliser, *The Staffordshire Landscape*, 67. Palliser does note that all of the areas designated as forests in Staffordshire were indeed wooded.

<sup>13</sup> Cox, 125. This area stretched twenty miles northward from York and was in the royal demesne of the Saxon Kings.

<sup>14</sup> Cox, 150.

<sup>15</sup> The New Forest has its own folio (NF) in *Great Domesday Book*. In addition, almost all of the property listed in HAM 1 is within the New Forest and numerous other sections also list Hampshire land as "in the King's Forest."

Two charters King Henry I granted to the abbot and monks of Chertsey serve as examples of woodland's multi-use nature. In the first one, the king ordered, "...in all their woods they are to have the power of taking timber for the use of their church, without anyone's leave. They may have their own dogs to take hares and foxes and wild cats on their own land, both within and without the forest."<sup>16</sup> Later the king granted the right to take "from their own wood all that is necessary for their own use, without leave of the royal foresters or hindrance from them."<sup>17</sup> These two short passages tell us a few notable things. First, the king acknowledged the historical right of the abbey to use woodland, even though that woodland was within a designated royal forest. As in all medieval settlements, wood was required for heating, cooking, and building. No settlement could last long without wood. The king, as the ultimate church patron, knew as well as anyone that this grant was a necessity. Second, King Henry employed foresters, specific officers responsible for the control of timber collection in the area. Under such critical analysis these medieval documents can tell us significant details about resource distribution. The king may have controlled the ultimate right to the forest resources, but he distributed specific rights voluminously. As listed in Tables 1 and 2, the first three Anglo-Norman kings granted specific rights on forested land to no less than 18 religious houses in England and 12 in Normandy – and these are only the documents that have survived for 950 years.

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<sup>16</sup> *RRAN II*, No. 774.

<sup>17</sup> *RRAN II*, No. 1818. In an earlier charter (*RRAN II*, No. 774), Henry I affirmed that the abbot and monks of Chertsey were "to have the power of taking timber for the use of their church, without anyone's leave" in their woods.

Modern foresters operate under the same pressures of multiple woodland uses. The United Kingdom published its national forest programme in February 2003. The principal objective of the program is “sustainable forestry” which recognizes “the importance of linking the economic, environmental and social values of forests.”<sup>18</sup> A supplementary Forestry Commission paper “The Sustainable Management of Forests” enumerates the multiple purposes of forest that must be linked: timber and wood products, employment in managing and harvesting forests, leisure and recreation, and the value of woodlands as wildlife habitat.<sup>19</sup> In the United States, Congress passed the Multiple-Use Sustained-Yield Act in 1960 “to authorize and direct that the national forests be managed under principles of multiple use and to produce a sustained yield of products and services.”<sup>20</sup> The Act enumerated the uses of the national forest as “outdoor recreation, range, timber, watershed, and wildlife and fish purposes.”<sup>21</sup> These competing benefits were to be “utilized in the combination that will best meet the needs of the American people ... [with] harmonious and coordinated management of the various resources, each with the other, without impairment of the productivity of the land.”<sup>22</sup>

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<sup>18</sup> UK Forestry Commission, “Sustainability,” Forestry Commission Sustainability website, <http://www.forestry.gov.uk/forestry/edik-59fmzf>

<sup>19</sup> UK Forestry Commission, “The Sustainable Management of Forests,” 1998.

<sup>20</sup> U.S. Congress, *Multiple-Use Sustained-Yield Act of 1960 (MUSYA)*, Public Law 86-517

<sup>21</sup> *MUSYA*, Section 1.

<sup>22</sup> *MUSYA*, Section 4.

**Table 1. Religious Houses Granted Forest Concessions in England**

House	King	Forest	Concession			No.
			Wood	Pasturage	Hunting	
Abingdon	H	Land of the abbot in forest	I	I		391
Abingdon	H	Near Welford	I	I		615
Abingdon	H	Windsor			T	696
Canons of St. George	H	Hernicote	X	X		1469
Canons of St. Mary	H	Bounds of forest as king gave them	X	X		1617
Chertsey	H	All their land in king's forest	X		X	1818
Cluny	H	Bestwood	X			1282
Colchester	H	Forest in Essex	X		X	577
In Lincoln Bishopric	H	Peak	I	I		723
Luffield	H	Whittlewood	Easement			1844
Malmesbury	WII	Land in forest	I			347
Ramsey	H	Any land w/in	X		Excepted	583
Shrewsbury	H	Forest in Shropshire	X	X		698
St. Martin of Battle	H	Bocfalde & Betlesparrioc	X	X		1238
St. Martin of Battle	H	Rape of Hastings			X	859
St. Mary's Salisbury	H	Near Calne	I	I		1164
St. Mary's Salisbury	H	New Forest	X		T	1972
St. Mary's Salisbury	H	New Forest	X		T	1162
St. Mary's York	H	All their land in king's forest	I	I		836
St. Mary's York	H	Dean	I	I	Preserve for king	838
St. Mary's York	H	Forest in Yorkshire			T	935
St. Paul's London	H	Forest in Essex			T	1047
St. Peter's Gloucester	H	Dean			T	594
St. Peter's Hospital York	H	Forest in Yorkshire	X	X		1328
Tewkesbury	H	Malvern	I	I		1413
Thurstan Abp. Of York	H	All Abp's wood in king's forest	X			1989
Whitby	H	All their land in king's forest	X	X	Given to king	995
Whitby	H	All their land in king's forest		X		1335

**X = granted, I = implied, T = tithe**

**Table 2. Religious Houses Granted Forest Concessions in Normandy**

House	King	Forest	Concession			No.
			Wood	Pasturage	Hunting	
Abbey of Bec	WI	Brionne	I			166
Abbey of Bec	H	Aliermont	X	X		794
St. Etienne of Fontenay	WI	Cinglais	X			149
St. Evroult of Mortain	WI	Equilly and Laude-Pourrie	T, X	T, X	T	215
St. Florent of Saumur	WI	Forests of William de Briouze	I	I	I	266
La Trinité of Caen	WI	Avranches	T	T	T	62
La Trinité of Fécamp	WI	Abbey's forests (Les Canadas)	X			145
St. Martin of Marmoutier	WI	Wherever count takes wood	X	X		205
St. Martin of Marmoutier	H	Cotentin	X			1948
St. Martin of Troarn	WI	Brotonne	X	X		280
St. Mary of Lessay	WI	Baupte	T, X	T, X	T	175
St. Mary of Montebourg	H	Brix and Montebourg	X			1951
St.-Sauveur-le-Vicomte	WI	Salsoif	T, X	T, X	T	260
St. Wandrille	WI	Caudebec and Gauville	X	X		262
Any future church in the forest	H	Fécamp	I	I		1689

**X = granted, I = implied, T = tithe**

Since the law's promulgation, the US Forest Service has adopted and revised planning rules, including a recently proposed December 6, 2002 change, in order to adhere to the Act's requirements, always keeping in mind the multi-use nature of its mission.<sup>23</sup>

Forestry management in the modern era is a balancing act. Medieval landholders practiced this same type of multiple-use forestry management. In fact, the list of forest

<sup>23</sup> "National Forest System Land and Resource Management Planning, Proposed Rules," *Federal Register*, 36 CFR Part 219, (December 6, 2002).

uses is almost identical: timber, range, and recreation top the list. Each of these uses of the forest will be discussed in greater detail.

### **Collecting Timber and Firewood**

Wood was critical to any medieval settlement. Maintaining buildings, mending fences, firing baking ovens, and creating fires for warmth required wood. The construction of bridges, water mills, windmills, and ships compelled the use of large timbers.<sup>24</sup> Oaks were vital to construction and building maintenance as well as for firewood.<sup>25</sup> Early industries relied on wood for fuel. Charcoal, made by burning wood slowly with insufficient oxygen for complete combustion, fueled the early iron, salt, and glass industries. Iron furnaces were heavy consumers of charcoal, often depleting forest resources in the vicinity.<sup>26</sup> Glassworks relied on beech wood because its ash contained potash and lime, which is replaced today by the use of elemental aluminum oxide, lime, and potash in leaded glass.<sup>27</sup> Trees also provided edible fruits and household items. Key tree products included wood and nuts from chestnut trees, mats and cordage from the lime or linden tree's inner bark, wooden household items constructed of maple, ships built out of beech, and nuts gathered as food from the hazel tree.<sup>28</sup> As a result of these

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<sup>24</sup> According to Bechmann, the typical watermill needed timbers 18 to 24 feet long and windmills could require logs 36 feet long to span their wings. Considering the amount of building taking place in the Anglo-Norman period, the requirement for large trees must have had some impact on the old growth forests, but without a statistic analysis of the construction projects and locations, the impact can not be quantified.

<sup>25</sup> Rackham estimated that 97% of all timbers in medieval buildings were oak. Rackham, "Growing and Transport of Timber," 207.

<sup>26</sup> Russell, 119-120.

<sup>27</sup> Bechmann, 147. It is interesting to note that oak ash does not have this composition, so it was not as useful for glass-making.

<sup>28</sup> Cox, 72-73.

needs, every community depended on woodlands located close to the settlement. The ubiquitous nature of woodland is evident on Figure 1, which shows the locations with woodland recorded in *Great Domesday*.

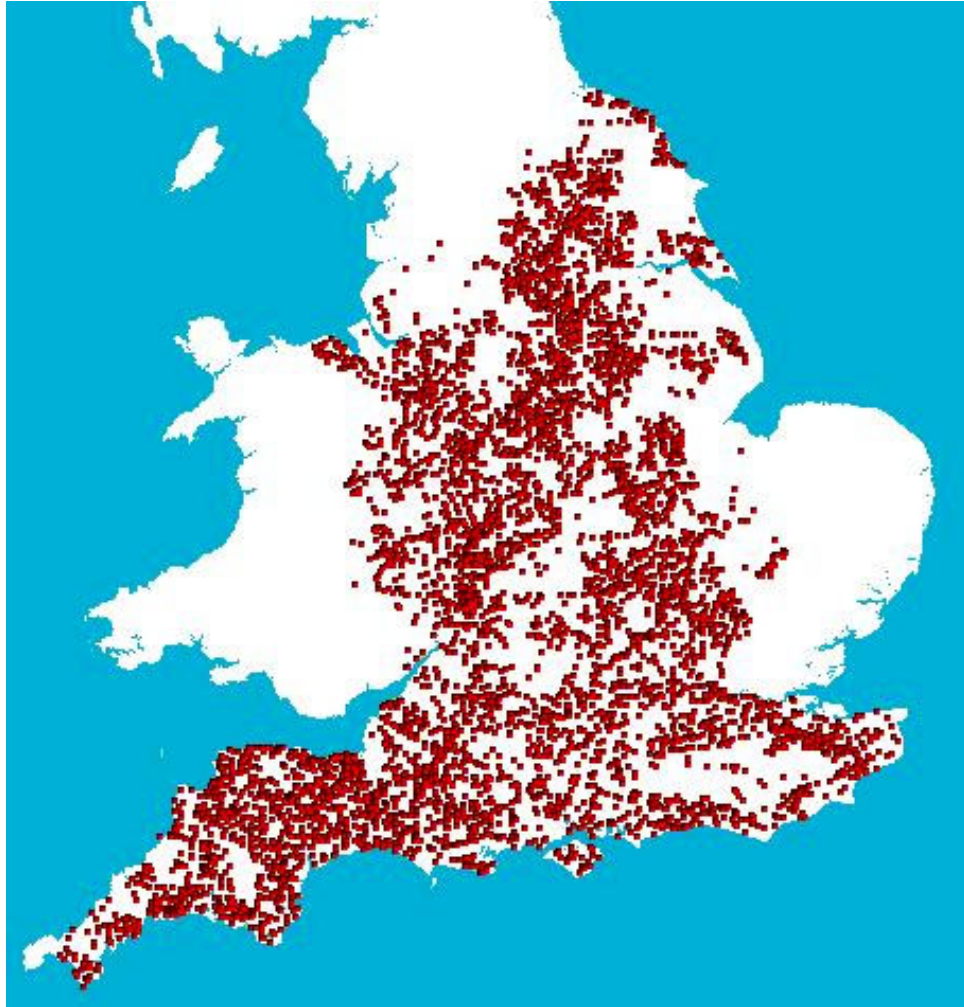


Figure 1. Woodlands listed in *Great Domesday*.  
(Reproduced by kind permission from *Domesday Explorer CD-Rom*, by John Palmer, Matthew Palmer and George Slater. Published in 2000 by Phillimore & Co Ltd, Shopwyke Manor Barn, Chichester, West Sussex, PO20 2BG, England)

Medieval communities relied on both timber and smaller wood for their needs. Timber consisted of trees large enough to make beams and planks for construction uses, typically 24 inches in girth, whereas wood included firewood and poles.<sup>29</sup> Wood collection relied on the practices of coppicing<sup>30</sup> and pollarding. Trees could be cut approximately three feet above ground level to create a sprouting stump (coppicing) or higher on the trunk so that young sprouts were out of the reach of grazing animals (pollarding). Ash (*Fraxinus excelsior*) and field maple (*Acer campestre*) were used for poles, hazel (*Corylus cornuta*) for fences, and others such as oak and birch for firewood and fodder.<sup>31</sup> Coppice stands usually consisted of one species growing from regularly spaced stumps with larger “standards” grown for construction timber scattered among them.<sup>32</sup>

Coppicing greatly increases the amount of wood produced by the tree. Thus a smaller area of coppiced trees is needed to fulfill needs that would have otherwise required extensive clearing.<sup>33</sup> Because these practices increase the amount of growth on the tree, they can cause a decrease in the amount of minerals available in the soil and can

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<sup>29</sup> Rackham, “Growing and Transport of Timber,” 203.

<sup>30</sup> Coppicing was a long-standing practice in Britain. Wooden trackways laid across the marshes of Somerset Levels 6,000 years ago show evidence of coppicing. All of the ash and hazel pins used were straight, 1 to 1.5 meters long, and had a diameter of 40 to 55 millimeters. This wood would have been the product of coppice stools harvested on a 7-year cycle. Martin Ingrouille, *Historical Ecology of the British Flora* (London: Chapman & Hall, 1995), p.226.

<sup>31</sup> Russell, 117.

<sup>32</sup> Russell, 41.

<sup>33</sup> For example, Ingrouille estimates that the Roman iron works in the Weald would have required 15% of the total forest to be cut down to supply wood for their furnaces, but by using coppicing practices, the need would be reduced to 23,000 acres (241).



lead to soil exhaustion.<sup>34</sup> In addition, the practices of coppicing and pollarding increase the lifespan of trees. Trees normally age because they reach a maximum height and branch size, thus fixing the amount of leaves available to gather nutrients, but continue to grow in diameter. Eventually the tree cannot supply itself with enough water and nutrients to maintain the thick trunk, so the branches begin to die. Coppice stools, on the other hand, are capable of living indefinitely because each time they are cut, the ageing process restarts.<sup>35</sup> By practicing coppicing or pollarding, clearing was not required. This was active medieval timber management at work.

Religious houses often constructed their abbeys in woodland both for separation from society and for access to these woodland resources.<sup>36</sup> William son of Giroie encouraged his nephews Hugh and Robert, who had decided to build a monastery and join the monastic order, to move the monastery that they had begun constructing because there was “no water or wood within a reasonable distance. Monks cannot live without these two necessities.”<sup>37</sup> He told them to move to the forest of Ouche because they would find an “abundance of water there, and I have a wood nearby from which I will supply everything you need for the church.”<sup>38</sup> In another instance, Tessa, wife of Bernard the Blind, gave the monks of St.-Évroul fields and woods at Maule so that they “might build

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<sup>34</sup> Bechmann, 211.

<sup>35</sup> Rackham, *Trees and Woodland*, 24-25.

<sup>36</sup> Bechmann makes an interesting point that when nobles transferred land to a monastery, they likely gave forests that needed to be developed and cleared rather than already cultivated land, which would contribute to the location of monasteries in forested areas (see 83).

<sup>37</sup> Orderic Vitalis, *The Ecclesiastical History*, vol 2, ed. & trans. Marjorie Chibnall, (Oxford: Clarendon Press, 1969), 14. Hereafter cited as *OV II*.

<sup>38</sup> *OV II*, 16.

a house and establish settlers.”<sup>39</sup> In an 1131 notification to Robert abbot of Fécamp, Henry I granted to “any churches which may hereafter be built in the forest” the tithes and offerings from the huntsmen of the forest of Fécamp.<sup>40</sup> Abbeys located themselves in woodland for protection, but also for access to the prime resources available.

It should not be surprising then that abbeys are the beneficiaries of many grants of woodland rights in Anglo-Norman charters. Because of the necessity of woodland, it is easy to see why William I granted the wood of Elle to the church of St. Mary of Bayeux on its day of dedication.<sup>41</sup> The woodland products were vital to the survival of a new community. Many charters gave general permission to the monasteries to gather necessary wood. For example, Henry I permitted St. Mary of Salisbury to take timber in the New Forest.<sup>42</sup> William son of Giroie gave to the monks of St.-Évroul “all the wood they needed for their own use” in the land of Athelelm the priest.<sup>43</sup> In contrast to these general provisions, other charters listed specific rights to the wood resources.

Several charters specifically granted the right to cut down large trees. In most cases, larger trees were designated for building and repair for the church and other monastic buildings. Ralph Taisson gave the abbey of Fontenay the right to take wood in his part of the forest of Cinglais for the building of the first abbey. The charter included a unique provision that “the monks should customarily have two asses in the forest, and

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<sup>39</sup> *OV II*, 203. The gift is dated to approximately 1100.

<sup>40</sup> *RRAN II*, No. 1689.

<sup>41</sup> Bates, *RRAN I*, No. 52.

<sup>42</sup> *RRAN II*, No. 1972.

<sup>43</sup> *OV II*, 34.

that if the asses were not sufficient to deal with the increase in the monk's wood, then wagons should be sent there by the monks to meet their needs."<sup>44</sup> This charter shows that during large construction projects like the building of the first abbey, significant numbers of large timbers could be cut in addition to the daily wood requirements.

Other specific grants for construction and repair projects abound. Count Robert of Mortain granted the right to take wood in Lande-Pourrie for the construction and maintenance of the church of Saint-Evroult in 1082.<sup>45</sup> Henry I confirmed in 1107 that the monks of St. Mary of Montebourg could have "wood from the king's forest of Montebourg for their fuel, fences, and buildings.... And from the forest of Brix, for the fuel of their tenants as many trees annually as there are weeks in the year; and in the same forest, timber for their church and other buildings ... and so likewise in the other forests of the Cotentin."<sup>46</sup> King Henry also confirmed the gifts of his father to St. Martin's of Marmoutier that included wood for the building and repair of the church and other buildings, as well as wood for fuel.<sup>47</sup> In addition, he granted the church of St. Mary at Bayeux "wood from the forests of St. Mary for repairing their houses and for firing."<sup>48</sup> In all of these charters, permission was given to cut timbers, probably oak, for building purposes. One charter gave monks the right to cut trees for a different kind of

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<sup>44</sup> Bates *RRAN I*, No. 149.

<sup>45</sup> Bates *RRAN I*, No. 215.

<sup>46</sup> *RRAN II*, No. 825. This charter is reaffirmed in No. 1951, which is dated to 1121-35. In that charter, Henry I told the foresters of Brix to permit the monks of Montebourg to take "as many trees for their firewood as there are weeks in the year, and the timber for their buildings [...]. And the foresters are to be quit in the king's pleas for so many trees as the monks acknowledge in their tallies." This reaffirmation reveals the significant forest administration system already in place by the end of the first quarter of the twelfth century.

<sup>47</sup> *RRAN II*, No. 1948.

construction project: a boat. In that charter, Henry I required the monks at Durham to pay one penny for “as much firewood out of the woods as can be carried by one cart in one year, and of taking, for one penny, a large tree of their own choice from the same woods wherewith to build a ship.”<sup>49</sup>

Some of the charters specified the right to cut wood for firewood, which would have been from coppiced trees or fallen branches. In 1079, Gilbert, the son of Richard of Heugleville, granted that the monks of St.-Évroul “should receive daily from his wood called Hérichards two ass-loads of wood for kindling their fire.”<sup>50</sup> The right was sometimes specifically limited to gathering dead wood and cutting underbrush. Nigel vicomte of Sauveur gave to Saint-Sauveur-le-Vicomte one-third of the forest of La Colombe and the “standing dry wood and fallen green wood for their fires.”<sup>51</sup> Henry I conferred upon Pons, abbot of Cluny, and the monks of Cluny “two cart-loads of dead wood and the underwood in Bestwood [in Bulwell].”<sup>52</sup> Henry also gave to the church of St. Mary at Salisbury the underwood of the New Forest.<sup>53</sup> In all of these cases, the type or amount of firewood was specified. The landholder of the woodland placed these restrictions on the monks to limit damage to the woods and yet permit its use.

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<sup>48</sup> *RRAN II*, No. 1897. Tentatively dated to 1134.

<sup>49</sup> *RRAN II*, No. 918. “Et pro uno denario licere sibi habere ligna in silvis sancti predicti quantum uno curru vehi potest per annum. Calumpniabantur etiam pro i. nummo debere habere quam majorem eligerent abrorem in eisdem silvis ad navem faciendam.”

<sup>50</sup> *OV II*, 249.

<sup>51</sup> Bates *RRAN I*, No. 260. “Dedi etiam eis tertiam partem eiusdem foreste, et ad ignem suum stans nemus sicum et iacens in viride sicum.”

<sup>52</sup> *RRAN II*, No. 1282.

<sup>53</sup> *RRAN II*, No. 1162.

Grants of woodland resources did not give license to destroy the woodland. William the Conqueror gave the woods of Maupertuis, Torteval, Foulognes, and Quesnay-Gueson to the abbey of Saint-Etienne of Caen with the condition that the land would neither be cultivated nor habitable buildings constructed on it.<sup>54</sup> In a charter dated 1133, the Earl of Leicester gave permission to St. Mary of Garendon to cut “timber from the said woods [Sheepshead and Dishley] for their houses, firing, and fencing, provided that they do not waste the woods.”<sup>55</sup> In this charter, the Earl expressed his understanding that the monks of St. Mary’s needed wood for everyday life; however, he did not want the woods overused. Three charters from Henry I’s reign included a “no waste” clause. First, in 1105, King Henry allowed the Abbot of Shrewsbury and his men to take “wood necessary for making their houses, in the royal woods; saving essart<sup>56</sup> and immoderate waste.”<sup>57</sup> Then in 1122, St. Peter’s Hospital at York was given “wood for their houses and buildings and for fuel [...] and all easements in the forests which may be necessary to them, saving waste.”<sup>58</sup> Finally, Henry allowed Robert abbot of Tewkesbury and his monks to have what they needed from the forest of Malvern “provided that they commit no waste.”<sup>59</sup> By setting these restrictions, the king made it clear that abuse of the woodland resources would not be tolerated; yet he recognized the necessity of limited

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<sup>54</sup> Bates *RRAN I*, No. 45. In this case, the charter appears to restrict the cutting down of the woods specifically to preserve the animals under king’s hunting rights.

<sup>55</sup> *RRAN II*, No. 1790. Henry I confirms the gift in 1133.

<sup>56</sup> “Essart” or “assart” is the process of bringing forested lands under cultivation. See Charles R. Young, *The Royal Forests of Medieval England*, 16 and index to Rackham, *Trees and Woodland*, 193.

<sup>57</sup> *RRAN II*, No. 698.

<sup>58</sup> *RRAN II*, No. 1328.

<sup>59</sup> *RRAN II*, No. 1413.

woodcutting. This is not unlike the active resource management of the modern American forestry system, which requires use “without impairment of the productivity of the land.”<sup>60</sup>

The prohibition against taking wood without permission was reinforced in several Anglo-Norman charters. Henry I responded to encroachment into the woods of the Abbot of Ramsey in a charter dated 1121-33 by stating that “nobody is to take or waste [the woods] without the Abbot’s leave....”<sup>61</sup> In 1121, Henry I gave to the canons of St. Oswald of Nostell the wood around the church which Robert de Lacy had in his demesne. The declaration that “no man is to take anything thence without the leave of the canons” was added after the grant’s text.<sup>62</sup> Another charter forbade “anyone to take anything from the wood of the Abbot of Abingdon which belongs to his manor of Welford [Berkshire] save with his leave.”<sup>63</sup> Henry had placed the abbot of Abingdon and canons of St. Oswald in charge of conservation of these woodlands.

In the available charters for William I, William II, and Henry I, there was only one case of a specific allowance to completely clear woodland. This was in a confirmation by William I of a grant by Hugh III, count of Maine from 1006-15, to the church of Saint-Pierre of Solesmes that permitted the clearing of wood at Melleray.<sup>64</sup>

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<sup>60</sup> *MUSYA*, Section 4.

<sup>61</sup> *RRAN II*, No. 1860c.

<sup>62</sup> *RRAN II*, No. 1287.

<sup>63</sup> *RRAN II*, No. 984.

<sup>64</sup> Bates *RRAN I*, No. 274. “Donat etiam quendam alium vicum nomine Meleriacum et alodum Busce, cum omnibus inibi pertinentibus et cum licentia spaciandi in silva.” The key phrase in this charter is “cum licentia spaciandi in silva” which can be translated literally as “with permission to create spaces in the forest.”

Because of the early date of the original grant and the fact that it was granted in Maine, this charter may not reflect conscious Norman action in the time period covered by this study, however, since the right to clear the woodland was re-affirmed by William I, it must have been viewed as a valid claim. There are, however, several charters granting the right to clear a limited amount of woodland for cultivation. Henry I gave Earl Simon 60 acres in the forest of Agden to assart and house his man Geoffrey, which implies at least some clearing to make farmland, but the extent of the clearing is not specified.<sup>65</sup> In 1104, Henry confirmed two assarts in Chelworth granted by his brother, William II, to the monks of Gloucester<sup>66</sup> and later, in 1107, gave the monks of Tewkesbury permission to assart the woods Walesgrava and Broces in Gloucestershire.<sup>67</sup> In a 1121 confirmation, Henry gave the canons of St. Oswald of Nostell the “right to make essarts and to take thence all that is necessary for them and their men.”<sup>68</sup> The assarts in these cases could have been land cleared of underbrush to permit grazing versus complete destruction of the woodland, but the extent of the clearing cannot be determined from the documentary evidence.

Monks were certainly not the only people using the woodland resources. Manorial establishments may have been granted similar rights, but few of these charters survive. We know that lords did possess the rights to woodlands because they are often the grantors to the abbeys, as was evident in many of the documents cited previously. Few

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<sup>65</sup> *RRAN II*, No. 578.

<sup>66</sup> *RRAN II*, No. 673.

<sup>67</sup> *RRAN II*, No. 853. The most likely dates of the charter are 1107 or 1114 according to Johnson and Cronne.

<sup>68</sup> *RRAN II*, No. 1286.

charters granting woodland to laypeople survive, but as cited above, Henry granted to Earl Simon 60 acres in the king's forest of Agden in 1102.<sup>69</sup> A 1082 charter made a provision that the suburban dwellers associated with the abbey of Marmoutier could take wood and building material and have grazing rights wherever the men of Count Robert of Mortain took them.<sup>70</sup> In another grant by Count Robert he gave the right to take firewood in Lande-Pourrie to the abbey of Saint-Évroul wherever he himself took it.<sup>71</sup> As these two charters show, firewood was a daily necessity, with both monks and laymen collecting it.

Woodland rights were deliberately managed: the amount of wood that could be taken was specified, the grantees were not permitted to commit waste, and even the trees that could be cut down were designated. This type of management of a natural resource can be classified as sustainable development – the people could use the resource but not to the point that it could not regenerate itself.

### **Pasturing Livestock**

The Anglo-Normans harvested the fruits of the forest in multiple ways. Woodland provided a valuable resource in addition to wood itself: fodder for livestock. An inherent conflict existed between the two uses of the woodland because the shade of the trees reduced the amount of grass that would grow and the livestock ate the regrowth of the trees.<sup>72</sup> Nonetheless, many areas integrated both uses of woodland simultaneously. This

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<sup>69</sup> *RRAN II*, No. 578. This charter was addressed first to Robert Bishop of Lincoln then Henry's barons and lieges of Huntingdon, so one can assume that Robert controlled much of the forest in the area.

<sup>70</sup> Bates *RRAN I*, No. 205.

<sup>71</sup> Bates *RRAN I*, No. 215.

<sup>72</sup> Rackham, "Growing and Transport of Timber," p.205.



was done in two ways. First, the practice of pollarding the trees permitted livestock such as cattle to graze on grasses and yet not reach the trees' new growth.<sup>73</sup> Second, lords permitted swine in the woods during the time of pannage, or in medieval Latin *pasnagio*, when the pigs were allowed to gorge on the fallen acorns and beech mast, typically from mid-September through mid-November.<sup>74</sup> This period was followed by the slaughtering season in preparation for the winter months.

Naturally, because of this key economic use of the forest, *Domesday Book* often recorded the size of a wood by the number of swine that could feed in it, especially in the southern counties.<sup>75</sup> Some of the figures are quite large, such as Thorpe next Norwich with wood to support 1,200 swine and Mendlesham in Suffolk with wood for 800 swine.<sup>76</sup> One pig can typically feed in one hectare of woodland<sup>77</sup>, so these manors held over 800 hectares of woodland. Landholders assessed pannage, the fee for feeding pigs in the forest, from the swine owners. Sometimes *Domesday* records indicated that the pannage fee was paid in the form of swine.<sup>78</sup> This fee might be assessed in this manner:

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<sup>73</sup> Ingrouille, 252.

<sup>74</sup> Cox, 41. Cox gives the ending date as November 18, but it should be November 11 because the season of feeding pigs was based on church holy days: from the Triumph of the Holy Cross (September 14) to Martinmas (November 11). Martinmas also marks the beginning of winter and thus the slaughtering season, instead of the feeding season of the fall months.

<sup>75</sup> Neilson, 55. Fumagalli noted that although measuring land by swine was common in the eleventh century, it was gradually replaced by measurement by surface area so that by the twelfth century it was almost exclusively measured this way. He attributed the shift to the growing use of the land for arable fields and orchards rather than grazing, which would explain the emphasis on surface area (146).

<sup>76</sup> Darby, *The Domesday Geography of Eastern England*, 127 and 181.

<sup>77</sup> Bechmann, 130. But acorns and beechmast are extremely variable crops so it is unrealistic to assume that the number of pigs listed in the *Domesday Book* actually fed in the woodland each and every year. Rackham, *Trees and Woodland*, 60.

<sup>78</sup> Neilson, 55.

an owner fed 10 pigs in the forest during the fall and at the end of the feeding time gave the landholder one of the pigs as the compensation for letting the pigs feed there. This indicates that the actual number of pigs feeding in the forest may have been even greater than the *Domesday* record showed.<sup>79</sup> Similarly, pigs listed as pannage payments may have been compensation for feeding cattle in a wooded grazing area.<sup>80</sup>

To date, scholars have disagreed about the importance of pannage. In his foundational work on social and agrarian conditions in rural England, R. Lennard argues that “Extensive pig-farming was a normal feature of districts in which there was much gladiferous woodland, and in some of these must have played a really important part in the economy. Especially notable is the region between the escarpment of the Chilterns and the London area....twenty places were credited in 1086 with wood for a thousand swine or more.”<sup>81</sup> He based this conclusion mainly on evidence found in *Domesday Book*, the financial census taken during the reign of William the Conqueror. In *Domesday Book*, the normal formula employed to give the size of woodland is ‘wood for x swine’ – *silva ad x porcos* or *silva de x porcis* –although in Shropshire the entries are more specific: ‘wood for fattening (*incrassandis*) x swine’. H.C. Darby has compiled the most extensive study of *Domesday* geography, including its evidence of swine farming, and he drew the same conclusion as Lennard, “Wood formed an important item in the economy

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<sup>79</sup> According to the *Visigothic Code*, it was customary to give one tenth of one’s pigs as compensation for pasturage in a forest. Although no such law for the Anglo-Norman kingdom has been found, this tradition may have been in place there as well. If the recorded herd size was only the pigs paid in as pannage, the total number of pigs would have been 10 times greater. This custom is recorded in the *Laws of the Judges* Book VIII, Title V, I and IV.

<sup>80</sup> Neilson, 55.

<sup>81</sup> R. Lennard, *Rural England 1086-1135. A Study of Social and Agrarian Conditions* (Oxford University Press: Oxford, 1959), 256

of the eleventh century because its acorns and beech-mast provided food for swine.”<sup>82</sup>

Both of these authors agree with *Domesday Book* references in hand that pannage played a crucial role in the medieval landscape. The locations of *Great Domesday* entries where pigs are listed along with woodland are shown in Figure 2. The distribution of the entries is effected by two factors: only some counties measured woodland in terms of the number of pigs, and woodland suitable for pannage are generally located in more southern areas due to climates more suitable for oak and beech trees. Although only some counties recorded the numbers of pigs, in areas where pigs were recorded almost all woodlands include pig foraging. This probably indicates that available woodland throughout England, and Normandy for that matter, was used for pig fattening on acorns.

In his study of mast feeding, Earl B. Shaw found that the practice of feeding pigs in wooded land continued from earliest recorded history to the time of his writing (1940).<sup>83</sup> He does note that in Celtic days and during the Roman rule of Britain, documents indicate that swine were fed in the woods from the feast of St. John (August 29) to the New Year, and that by the time of the Normans the duration of feeding had been reduced. He attributes this to both woodland reduction and the increased amount of fodder in the form of cereal crops available. This conclusion appears reasonable in light of the evidence available.

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<sup>82</sup> H.C. Darby, “*Domesday Woodland*,” *The Economic History Review* 3, no. 1 (1950): 21-43.

<sup>83</sup> Earl B. Shaw, “The Geography of Mast Feeding,” *Economic Geography* 16, no.3 (July 1940): 233-249.

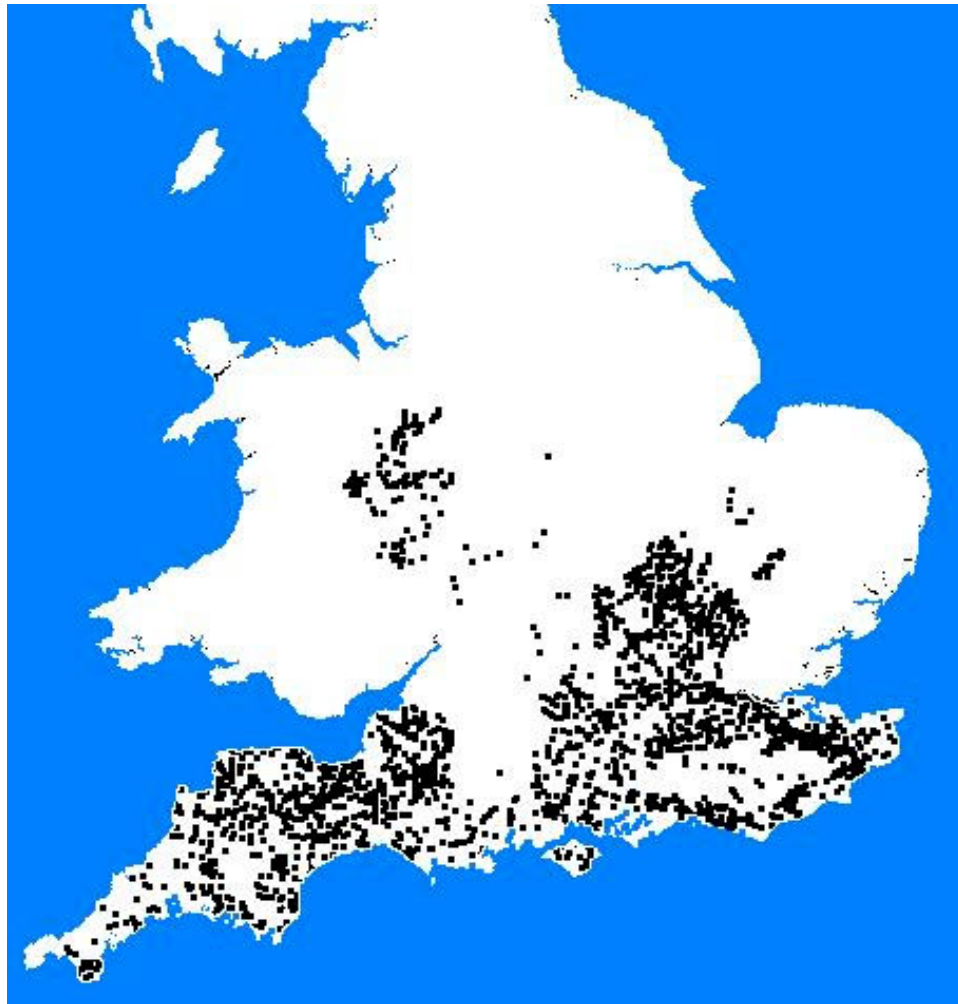


Figure 2. Woodlands listed with pigs in *Great Domesday*.  
(Reproduced by kind permission from *Domesday Explorer CD-Rom*, by John Palmer, Matthew Palmer and George Slater. Published in 2000 by Phillimore & Co Ltd, Shopwyke Manor Barn, Chichester, West Sussex, PO20 2BG, England)

But the geographical basis of swine-farming has not gone unchallenged. The noted landscape historian Oliver Rackham has argued that the *Domesday* records cannot be accurate because of the unpredictability of acorn crops.

“Acorns and beechmast are notoriously variable crops, which often fail. Medieval records, and a few Anglo-Saxon wills, make it clear that they were equally

unreliable then. It is unrealistic to expect an objective equation between pigs and acres. By 1086 the wood-swine had become the swine of the imagination; real pigs were counted separately and fed in other ways.”<sup>84</sup>

According to Rackham, pigs and woodlands cannot be equated in Britain, unlike on the Continent where acorns abound in most years. He goes so far as to say that pannage was “only an occasional bonus to the pig-keeper and brought in an erratic and usually trivial rent to his lord.”<sup>85</sup>

Which assessment is accurate? It is true that oaks and beech are inconsistent crop producers. Two comprehensive studies of oak silviculture published in 2002 both demonstrate that acorn production shows considerable variability from year to year, even exceeding two times the order of magnitude. The crops can range from being very poor, in which only a small proportion of the trees have acorns, to very good, in which nearly all the trees have a heavy crop.<sup>86</sup> However, the data sets for acorn crop size do not indicate bimodality, i.e. dearth and plenty years. Despite the large year-to-year fluctuations, several studies have found that moderate crop sizes are just as common as extreme years.<sup>87</sup> Although these data sets were collected for oaks in the United States, the

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<sup>84</sup> Rackham, *Trees & Woodland*, 48-49

<sup>85</sup> Rackham, *History of the Countryside*, 122. In *Ancient Woodland*, Rackham characterizes pannage as a minor use of woodland.

<sup>86</sup> See P.S. Johnson, S.R. Shifley, and R. Rogers, *The Ecology and Silviculture of Oaks* (Oxon UK: CABI Publishing, 2002) and W.J. McShea and W.M. Healy, eds., *Oak Forest Ecosystems* (Baltimore: Johns Hopkins University Press, 2002).

<sup>87</sup> W.B. Koenig and J.M.H. Knops, “The Behavioral Ecology of Masting in Oaks,” in *The Ecology and Silviculture of Oaks*, eds. P.S. Johnson, S.R. Shifley, and R. Rogers, (Oxon UK: CABI Publishing, 2002) and C.H. Greenberg and B.R. Parresol, “Dynamics of Acorn Productivity by Five Species of Southern Appalachian Oak,” in *Oak Forest Ecosystems*, eds. W.J. McShea and W.M. Healy, (Baltimore: Johns Hopkins University Press, 2002).

conclusions likely apply to northern European oaks. In France, pedunculate oak (*Quercus pedunculata*) produces a plentiful seed crop only every 3 to 4 years, but as a study of French forestry practices points out “An absolute failure of acorns, such as happens with beech between crops, is rare; some few are always to be found on isolated or border trees.”<sup>88</sup> Although there are limited “mast” years, i.e. years of excellent crop production, acorns were typically available in oak woods in England and Normandy.

The same conclusion is reached when considering the frequent inclusion of pannage in Anglo-Norman charters. King Henry I gave to the abbey of St. Martin at Battle in England the “feeding in the woods of ‘Bocfalde’ and ‘Betlesparrioc’ one pig for every three that the King has there”.<sup>89</sup> The king also allowed the monks of St. Mary of Montebourg to have free pasture for their swine in the forest of Montebourg<sup>90</sup> and conferred on St. Mary’s in York the king’s forest of Carlisle “for their swine.”<sup>91</sup> Orderic Vitalis recorded two gifts that acquitted the monks of Saint-Évroul from paying pannage on their pigs feeding in woods.<sup>92</sup> Both the king and the abbey took advantage of the woods for fattening their swine, as evidenced in these documents.

The kings were certainly not the only granters of pannage. Robert count of Mortain made two such surviving grants. To the abbey of Marmoutier, he permitted “wherever the count’s pigs go into the forest, the monks’ pigs shall do likewise without

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<sup>88</sup> Theodore S. Woolsey, Jr., *Studies in French Forestry* (New York: John Wiley & Sons, 1920), 387

<sup>89</sup> *RRAN II*, No. 1238.

<sup>90</sup> *RRAN II*, No. 825, 67-68.

<sup>91</sup> *RRAN II*, No. 1753.

<sup>92</sup> Orderic Vitalis, *The Ecclesiastical History. Vol 3*, ed. & trans. Marjorie Chibnall, (Oxford, 1972), 140 and 153. Hereafter cited as *OV III*. Roger of Montgomery and Fulk of Chartres made these grants.

payment of pannage...”<sup>93</sup> To the church of Saint-Evrault, “he granted that the pigs belonging to the canons, the priests of the prebends and their rent-paying farmers should be free and quit of pannage.”<sup>94</sup> Nigel the vicomte granted to the church of Saint-Sauveur-le-Vicomte “pasture for animals in open country, woods, the enclosure, and the marshes, the right for pigs to graze in the forest and enclosure of Salsoif, without payment of pannage, and for them to wander wherever Nigel’s pigs go. Similarly he gives the tithes of rents and pannage and the right to graze pigs without paying pannage in the thicket of Henneville and in the forest of La Colombe.”<sup>95</sup> In England, Gilbert fitz Richard gave pannage rights near his castle of Penwedic to St. Peter’s abbey of Gloucester; Agnes de Bella Fago gave half of the pannage of her town’s woods to Holy Trinity Abbey in Norwich; and the Earl of Leicester exempted the monks of St. Mary of Garendon from pannage fees in his woods of Sheepshead and Dishley.<sup>96</sup> The care with which these grants were recorded and then saved shows that pannage was more than just “an occasional bonus;” it was a regular part of the Anglo-Norman economy.

Allowing pigs to forage in the woodlands would appear to come at a price. Swine eat mainly tubers and fallen seeds, so they do less damage than browsing herbivores, yet their rooting behavior can cause damage to vegetation.<sup>97</sup> The number of swine needed to be controlled to avoid damage, which is precisely what some of the Anglo-Norman

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<sup>93</sup> Bates *RRAN I*, No. 205.

<sup>94</sup> Bates *RRAN I*, No. 215.

<sup>95</sup> Bates *RRAN I*, No. 260.

<sup>96</sup> *RRAN II*, Nos. 1041, 1479, and 1790 respectively.

<sup>97</sup> Bechmann, 7-8.

charters do. King William I had limited St. Martin's at Marmoutier to 100 swine feeding without fee in the forest of Cotentin.<sup>98</sup> King Henry set the limit on the pigs owned by St. Martin of Battle feeding in two woods, Bocfalde and Betlesparrioc, as "one pig for every three that the king has there."<sup>99</sup> Two charters permitted the grazing of pigs owned by a monastery only in the same locations as the lord grazed his pigs in order to minimize damage. Robert count of Mortain allowed the monks of Marmoutier to graze their pigs in the forest without paying pannage wherever the count's pigs went in the forest.<sup>100</sup> Nigel, the vicomte, gave the right for the abbey he established, Saint-Sauveur-le-Vicomte, to graze their pigs in the forest and the park of Salsoif without payment of pannage wherever Nigel's pigs fed.<sup>101</sup>

By feeding the pigs in managed woodland areas, there was no need to avoid consumption of all fallen acorns. In areas managed by coppicing or pollarding, natural regeneration through seedlings was seldom required. The management did not, as G. Peterken has suggested, consist of "exploitive felling and a prayer that natural regeneration would follow." Conscious efforts were made to limit pig foraging to managed areas so that it would not be as damaging to the woodland structure and in fact, was better for the pigs. The acorn-producing potential of individual forest trees has been related to the associated exposure of the crown to light, so oaks growing in more open wood-

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<sup>98</sup> *RRAN II*, No. 1948. The charter is dated between 1130 and 1135. It refers back to an earlier, lost King William charter.

<sup>99</sup> *RRAN II*, No. 1238. This charter is dated to 1120.

<sup>100</sup> Bates *RRAN I*, No. 205. "Et ubi porci comitis ibunt in forestam, ibunt similiter porci monashorum sine pasnagio."

<sup>101</sup> Bates *RRAN I*, No. 260.



pasture settings actually produce more acorns than in closed-canopy forests. In addition, since 72 percent of all oak buds occur on current-year shoots, coppiced or pollarded trees would not have decreased acorn production.<sup>102</sup> In the wood-pasture setting, the pigs and oaks acted symbiotically. As I.G. Simmons (2001) stated the relationship:

“The pigs eat a lot of acorns and beech mast though they also loosen the soil and provide a seedbed in a minor act of compensation. Woods regularly grazed and used for swine-herding (‘pannage’) develop an open character, with extended grassy glades and swards. ... Grazing and browsing is inimical to the growth of young trees but favors spiny shrubs like holly. These may in turn protect saplings and allow some regeneration of oak and beech, for instance.”

Using managed areas also limited the impact on deer living in the forest. In the foundation charter of the abbey of Lessay, Richard known as Thurstan Haldup made it clear that different conditions applied inside and outside of his two deer parks:

“Outside the park, the monks are to have pasture for all their animals and for all their pigs, as well as pasture for the animals of the servants who take care of the monks’ herds; if the pigs are sent to graze inside the park, the monks shall have the right freely to graze one hundred pigs from Martinmas until Lent.”<sup>103</sup>

The use of designated groves apart from regular forest but still contained within them was also practiced for this reason. For example, King Henry granted free pasture for the swine

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<sup>102</sup> P.S. Johnson, S.R. Shifley, and R. Rogers, *The Ecology and Silviculture of Oaks*, 55.

<sup>103</sup> Bates *RRAN I*, No. 175.

of St. Mary of Bec in a grove within his forest of Aliermont.<sup>104</sup> Segregating the uses of the forest increased the overall efficiency of production of acorns, deer, and fattened pigs.

It only makes sense that the Anglo-Normans would have taken advantage of the woods to fatten their swine. Dietary records of medieval times indicate widespread consumption of pork. Ann Hagan has compiled information about Anglo-Saxon food and drink consumption. At Porchester, from the sixth through eleventh centuries, 13 to 16 percent of all animal bones in refuse were pig bones. At Cheddar, pig provided 30.1 percent of the meat consumed from 980 to the eleventh century.<sup>105</sup> Later information can also give us some indication of the Anglo-Norman diet. In a study of the diet of Westminster monks from c.1495-c.1525, pork, excluding bacon and dishes made with entrails, made up 14 percent of the total weight of meat consumed. Boiled pork was commonly served in the winter, mid-September through Easter.<sup>106</sup> The regularity of pork consumption is also attested by a 14<sup>th</sup> century Parisian householder who wrote detailed instructions on pork preservation, including blood for black pudding, chitterlings, sausage, and salting various cuts of pork.<sup>107</sup> Because of limited food supply in winter, the slaughtering season took place at the end of autumn. “There was a mass killing of pigs because their meat could be salted, one reason incidentally why this commodity was so

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<sup>104</sup> *RRAN II*, No. 794.

<sup>105</sup> Ann Hagan, *A Second Handbook of Anglo-Saxon Food & Drink: Production & Distribution* (Hockwold cum Wilton: Anglo-Saxon Books, 1995), 120. Hagan notes that pig bones have a higher rate of decay than other animals, perhaps because they are slaughtered younger when the bones are softer and/or because pig meat is often salted and salted pork produces no bones at the point of consumption (115).

<sup>106</sup> Barbara Harvey, *Living and Dying in England 1100-1540: The Monastic Experience* (Oxford: Clarendon Press, 1993), 51-53.

<sup>107</sup> Nicole Crossley-Holland, *Living and Dining in Medieval Paris: The Household of a Fourteenth-Century Knight* (Cardiff: University of Wales Press, 1996), 131.

important to the rural economy.”<sup>108</sup> By allowing the pigs to gorge on acorns and beechmast before the slaughter, the amount of meat and fat could be greatly increased.

Medieval illuminations affirm these pasturage practices. Appendix A provides a full discussion of the use of medieval illustrations of agricultural practice as evidence in this time period. Contemporary calendars depict the practice of allowing pigs to gorge on acorns in the fall months to fatten up before the winter slaughter. In the Anglo-Norman period, a calendar created c.1140 at St. Albans monastery depicts a swine-herder knocking down acorns for his pig on the October page followed by the slaughtering of the pig in November (Figures 3 and 4).<sup>109</sup> The *Hunterian Psalter* created in northern England, Lincoln or York, in the twelfth century also shows knocking down acorns for pigs in November.<sup>110</sup> A similar calendar illuminated in Normandy c. 1180 vividly depicts a swineherd knocking down acorns with a hooked staff for his four pigs as the November image, and killing and roasting the pig for December (Figures 5 and 6).<sup>111</sup> Other forms of art also included images of this forestry practice. A late twelfth century Norman lead font in St. Augustine’s Church at Brookland, Kent illustrates a swineherd beating oaks and a pig feeding on the fallen acorns below in November and killing the fattened pig in

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<sup>108</sup> Georges Duby, *Rural Economy and Country Life in the Medieval West*, trans. C. Postan, (Philadelphia: University of Pennsylvania Press, 1968), 149

<sup>109</sup> Oxford, Bodleian Library, MS Auct. D.2.6, fols. 6r and 6v. Two Anglo-Saxon manuscripts written in the early eleventh century (London, British Library, Cotton Julius A.vi and Cotton Tiberius B.v) would appear to provide almost identical depictions pigs feeding on acorns for the month of September, but this may be a misreading of the images. The images may in fact be a wild boar hunt at a time when the boars are feeding on acorns. The men in the image are shown holding spears, which is not the typical representation of later swineherds. In addition, one of the men is blowing a horn and has dogs at his heels.

<sup>110</sup> James C. Webster, *The Labors of the Months in Antique and Medieval Art to the End of the Twelfth Century*. Chicago: Northwestern University Press, 1938), 171-172 and Plate 60.

<sup>111</sup> The Hague, Koninklijke Bibliotheek, MS. 76 F 13, fols. 11v and 12v.

December (Figure 7).<sup>112</sup> A very similar lead font is located at Saint-Evrault-de-Montfort in Orne (Figure 8). George Zarnecki has argued that both fonts have a Continental Norman origin based on the similarities between the images portrayed in northern French calendar cycles and the Orne and Brookland fonts.<sup>113</sup> Although both fonts may have been constructed in Normandy, the imagery series is also strikingly similar to English illuminated calendars, particularly the Hunterian Psalter, which ties the practices to England as well.<sup>114</sup> A slightly earlier late eleventh-early twelfth century stone baptismal font at Burnham Deepdale shows the killing of a hog in November instead of in December.<sup>115</sup>

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<sup>112</sup> Francis Bond, *Fonts and Font Covers* (London: Oxford University Press, 1908), 80

<sup>113</sup> George Zarnecki, *English Romanesque Lead Sculpture* (London: Alec Tiranti, 1957), 17-18.

<sup>114</sup> Zarnecki's argument that the cycles in the lead fonts do not resemble the English cycles of the twelfth century is not true. The series is very close to the Hunterian Psalter with only April, June and September variants. He is right that the lead font cycles also resemble Continental cycles, but this is because the agricultural practices on the Continent and England were so similar.

<sup>115</sup> Webster, *The Labors of the Months*, 88-89; Francis Bond, *Fonts and Font Covers*, 189-191.

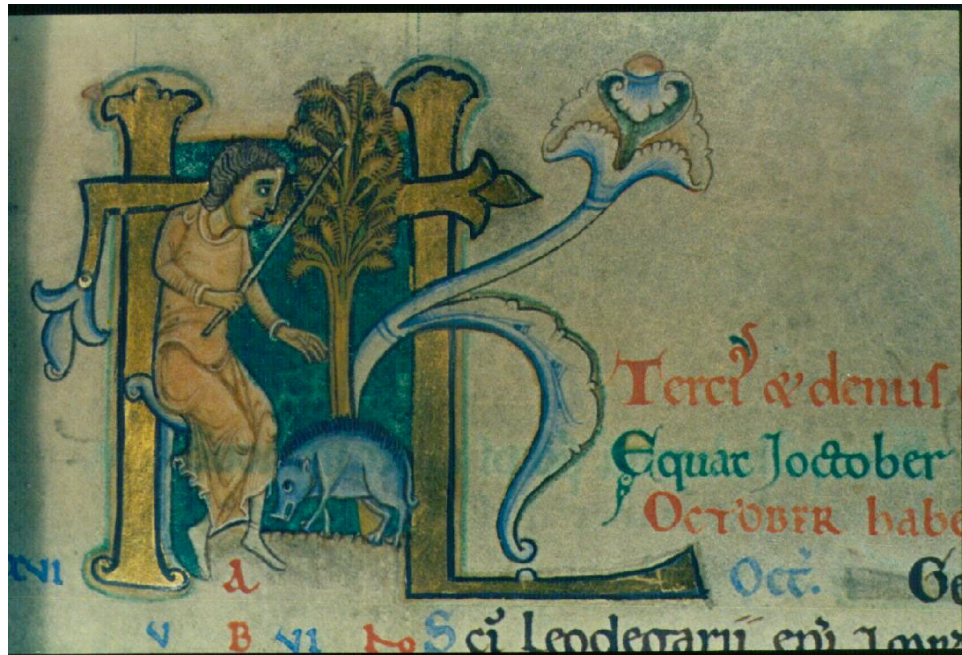


Figure 3. Historiated initial KL for the month of October in manuscript produced at St. Albans monastery c. 1140 showing a swineherd knocking down acorns for a pig below (Oxford, Bodleian Library, MS Auct. D.2.6, fol. 6r.)



Figure 4. Historiated initial KL for the month of November in manuscript produced at St. Albans monastery c. 1140 showing a man killing a pig with an axe (Oxford, Bodleian Library, MS Auct. D.2.6, fol. 6v.)





Figure 5. Calendar image facing November calendar in Norman manuscript c. 1180 showing a swineherd knocking down acorns for pigs below (The Hague, Koninklijke Bibliotheek, MS. 76 F 13, fol. 11v)



Figure 6. Calendar image facing December calendar in Norman manuscript c. 1180 showing the slaughter and cooking of a pig that was evidently fed in the woods (The Hague, Koninklijke Bibliotheek, MS. 76 F 13, fol. 12v)



Figure 7. Close-Up of Brookland Lead Font with Calendar Images. Knocking down acorns for a pig is shown for November in the center panel, lower left. The pig slaughter represents December in center panel, lower right. Francis Bond, *Fonts and Font Covers* (London: Oxford University Press, 1908), 80





Figure 8. Saint-Evrault-de-Montfort Lead Font with Calendar Images. November's image of knocking down acorns for two pigs is on the left. December's pig slaughter is on the right. Photograph courtesy of Kyle Wilson.

These Occupations of the Months became common in later fourteenth century manuscripts such as *The Hours of Jeanne d'Evreux* in which a swineherd knocks down acorns to feed his pigs and Jean de Berry's *Petites Heures* in which pigs forage in October and are slaughtered in December.<sup>116</sup> Because of the necessity of providing food in the winter, the December pig slaughter was common practice, making it only

<sup>116</sup> New York, Metropolitan Museum, Cloisters Collection, 1956 (54.1.2), fol.11v, available for viewing on-line through the Metropolitan Museum ([www.metmuseum.org/toah/hd/best/ho\\_54.1.2\\_folio\\_11v.htm](http://www.metmuseum.org/toah/hd/best/ho_54.1.2_folio_11v.htm)) and Paris, Bibliothèque nationale de France, Latin 18014, fols. 5v and 6v, available for viewing on-line through BNF at [http://www.bnf.fr/enluminures/manuscrits/aman9/i6\\_0010.htm](http://www.bnf.fr/enluminures/manuscrits/aman9/i6_0010.htm) and [http://www.bnf.fr/enluminures/manuscrits/aman9/i6\\_0012.htm](http://www.bnf.fr/enluminures/manuscrits/aman9/i6_0012.htm)

reasonable that Anglo-Normans would take advantage of the extra protein and fat found in acorns to increase the yield of a primary source of meat.

S. Bökönyi has noted, “Early medieval pigs, as shown in artistic representations, were small, long-legged, primitive animals. In most cases, the form of the skull is similar to that of a wild boar, probably because pigs were allowed to roam freely and often had the opportunity of crossbreeding with their wild forms.”<sup>117</sup> The evidence presented above does not point to pigs roaming free within the forest. In fact, it indicates that pig feeding was closely controlled. An important aspect of the artistic depictions is that in every case where the oak trees are shown, they are managed, particularly pollarded or shredded. This indicates swine were typically fed in managed wood pasture, not virgin forest. The practice of feeding in managed areas agrees with the written evidence discussed above limiting pigs to particular areas. This has potential broad implications for our interpretation of medieval documents recording woodland, particularly those that record woodland in terms of pig feeding like *Domesday Book*. It may indicate wider use of coppicing and pollarding and less virgin woodland in Normandy and England even by the beginning of the twelfth century than previously thought. The swine in these calendar pages may be “swine of the imagination,” but they reveal that more than that was feeding in the medieval woods. Both legal and visual documents attest to controlled and managed pig feeding in woodlands.

Men other than the religious orders also pastured livestock in the forest. Henry I declared that W. de Clinton had to permit Henry’s men in Stoneleigh, Warwickshire, to

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<sup>117</sup> Sándor Bökönyi, “Development of Stockbreeding and Herding in Medieval Europe,” in *Agriculture in the Middle Ages*, ed. D. Sweeney (Philadelphia: University of Pennsylvania Press, 1995), 48

have pasture in a park that the king had given to Geoffrey de Clinton.<sup>118</sup> Henry also issued an order to the keeper of the Northamptonshire forest to allow William Mauduit pasturage in the royal forest for his cattle.<sup>119</sup> Giving tithes from pannage collection to the holy orders also indicated forest grazing by commoners.<sup>120</sup> In one example, Count Robert of Mortain gave the tithes of pannage from the Forest of Equilly, the Forest of Lande-Pourrie, his lands in Condé-sur-Noireau, and the church of Tinchebray to the church of Saint-Evrout in Mortain in 1082.<sup>121</sup> On account of these statements of tithing pannage funds, we can conclude that the right to feed livestock in the forest was a common practice and that only those allowances involving religious houses were enumerated in charters. Because landholders collected pannage on the general public's pigs feeding in the woodland, it is likely that the landholders followed conservation practices with them similar to those discussed in the charters. This grazing use of the royal forest for both pigs and cattle was a critical component to its value, similar to the value of grazing on forested lands in the modern era.

The referenced charters indicate that feeding livestock in royal forests was granted on several occasions. Interestingly, the statement defining the pleas of the forest in the *Leges Henrici Primi* does not mention livestock at all.<sup>122</sup> This omission may be

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<sup>118</sup> *RRAN II*, No. 1933.

<sup>119</sup> *RRAN II*, No. 1847.

<sup>120</sup> Examples of tithing pannage are found in Bates *RRAN I*: No. 164 and No. 215 and *OV III*, 35 (gift by William son of Giroie to St. Évroul). Most of the time, the tithe is simply listed as the "tithe of the forest," which would have included pannage. For examples, see *I*, Nos. 723, 1162, 1972.

<sup>121</sup> Bates *RRAN I*, No. 215.

<sup>122</sup> *Leges Henrici Primi*, capitulary 17.2, 121. The compiler of these law codes showed much more concern and disgust with the restrictions on hunting in the forest, which is discussed in a separate section of this paper.

attributed to long-standing traditions of regulating pigs in the forest such that the compiler did not find it necessary to write down such common knowledge. In the Visigothic *Laws of the Judges*, however, an entire title is devoted to the pasturage of swine. One law allowed a wood owner to extract payment from a swine owner who allows his pigs to roam in the owner's wood without permission. Another law addressed a conflict between two owners of an oak woodland who each had different numbers of swine feeding in the woods. The law permitted the division of the woodland into two equal areas so that each owner could feed his own pigs on his own woods.<sup>123</sup> This allowance shows that the people understood the environmental impact that pigs could have on their forest if too many were grazed in a particular area and permitted the unfortunate owner of less pigs to conserve his portion of the woods. In the Anglo-Saxon *Laws of Ine*, a provision is made to fine a pig owner when his pigs are discovered in another's oak or beech woods. For the first infraction, the fine was one shilling, for the second, two shillings, etc. up to six shillings. If the pannage was paid in kind instead of with money, the number of pigs that the wood owner could claim depended on the size of the pigs.<sup>124</sup> No later Anglo-Saxon laws include pannage restrictions,<sup>125</sup> which may also indicate that pannage limitations and rights were common knowledge.

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<sup>123</sup> *The Visigothic Code (Forum Judicum)*, 298 - 299. These laws are Book VIII, Title V, Law I and II, respectively.

<sup>124</sup> *Laws of Ine*, capitulary 49 in Attenborough. The law begins: "Gif mon on his mæstenne unaliefed swin gemet, genime þonne VI scill. weorð wed...." and continues to enumerate the penalties by the number of times the swine have been caught in the woods previously and to specify how the penalty is paid in kind.

<sup>125</sup> The books reviewed for these laws were *The Laws of the Kings of England from Edmund to Henry I*, ed. and trans. by A.J. Robertson (Cambridge: Cambridge University Press, 1925); Patrick Wormald, *The Making of English Law: King Alfred to the Twelfth Century*, Vol 1, *Legislation and Its Limits* (Oxford: Blackwell Publishers, 1999); and Attenborough.

Swine management played an integral role in the overall woodland and forest management practices in the Anglo-Norman kingdom. As the charter evidence has proven, feeding pigs on fallen acorns in the fall was a common practice in spite of the variability of the crop. Even though every year did not produce a bumper crop, the intention of allowing pigs to forage for acorns was to make them plump before the slaughtering season, not to provide their only nutrition. These fattened pigs were not an unexpected bonus, but a necessity over the slim winter months, hence their common inclusion in the Occupation of the Months illustrations. Because of this integral role, woodland management as a whole was affected. Landholders set aside pasture areas within the forest to allow for pannage with maximized acorn production and minimized impact on the deer.

### **Hunting for Game**

While royal forests acted as sources of pasture, timber, and wood, their primary stated purpose was as hunting reserves.<sup>126</sup> This leisure aspect of woodland and forest would appear to be quite different from the use of woodland to provide wood and pannage, both items necessary for daily life. But because of multiple uses of the forest are often addressed within the same documents, indicating a linkage between them, hunting is treated alongside the more utilitarian aspects of the forest.

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<sup>126</sup> Della Hooke, "Medieval forests and parks in southern and central England," in *European Woods and Forests: Studies in Cultural History*, 21. Neilson argued that a secondary motive for establishment of royal forests was as military buffers.

The *Anglo Saxon Chronicle* was quick to point out the love the Conqueror had for the hunt. The 1087 entry recorded an epitaph to King William the Conqueror that included a section on the hunting and forestry restrictions imposed during his reign:

He made great protection for the game  
And imposed laws for the same,  
That who so slew hart or hind  
Should be made blind.  
He preserved the harts and boars  
And loved the stags as much  
As if he were their father.  
Moreover, for the hares did he decree that they should go free.  
Powerful men complained of it and poor men lamented it,  
But so fierce was he that he cared not for the rancour of them all,  
But they had to follow out the king's will entirely  
If they wished to live or hold their land,  
Property or estate, or his favour great.<sup>127</sup>

The chroniclers stressed the creation of royal forests as reserves for the privilege of hunting game for the king. This tradition in England dated back at least to the Saxon days when the right of the chase was reserved in areas close to royal residences.<sup>128</sup> Yet, the Normans imported a much more organized system of designating royal forests. Because of this difference, the chroniclers specifically connected the nobility's love of hunting with disasters involving members of William the Conqueror's family in the New Forest. First, William's second eldest son, Richard, was crushed between a hazel branch and the pommel of his saddle while galloping in pursuit of a wild game.<sup>129</sup> Then, William's son, William Rufus, was accidentally shot when a beast ran between him and

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<sup>127</sup> *The Peterborough Chronicle*, in *The Anglo-Saxon Chronicle: A Revised Translation*, trans. by Dorothy Whitelock, David Douglas, and Susie Tucker (London: Eyre and Spottiswoode, 1961), year 1087.

<sup>128</sup> Cox, 4. See also Hooke's works.

<sup>129</sup> *OV III*, 114.

Walter of Poix during a hunt.<sup>130</sup> Finally, William's grandson and Duke Robert's son, Richard, was accidentally killed by an arrow while hunting deer.<sup>131</sup> All of these incidents point out the popularity of the hunt among the noble classes.

King William, however, did not designate royal forests arbitrarily. He afforested both existing Anglo-Saxon hunting grounds and other unenclosed land.<sup>132</sup> The Anglo-Saxons designated areas of woodland or heath for hunting and enclosures for the retention and hunting of deer.<sup>133</sup> These hunting areas were not always densely wooded; many of them were open glades with some tree cover.<sup>134</sup> Examples of Anglo-Saxon hunting grounds afforested by William were the Forest of Galtres in the center of Yorkshire<sup>135</sup> and the Forest of Peak.<sup>136</sup> This change in legal status from private hunting ground (*haia*) to the king's forest reserved the hunting rights for the king.<sup>137</sup> In *Canute's Laws*, the king gave the right for an individual to hunt on his own property, "but

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<sup>130</sup> Orderic Vitalis, *The Ecclesiastical History, Vol 5*, ed. & trans. Marjorie Chibnall, (Oxford: Clarendon Press, 1975), 290. Hereafter cited as *OV V*. This event is attributed by both Orderic and Florence of Worcester to God's vengeance for William creating the New Forest and in the process expelling some tenants from the land. Numerous historians have debated this accusation. See F.H.M. Parker, "The Forest Laws and the Death of William Rufus," *The English Historical Review* 27 (1912): 26-38 and C. Warren Hollister, "The Strange Death of William Rufus," *Speculum* 48, no. 4 (Oct. 1973): 637-653 for two classic works on the subject.

<sup>131</sup> *OV V*, 282.

<sup>132</sup> Cox, p.5 and Hooke, "Medieval Forests," 19.

<sup>133</sup> Hooke provides an excellent study into *haia* (fence) features dating from Anglo-Saxon times that are found in Norman royal forests both in the 1998 article and in her book *The Anglo-Saxon Landscape: The Kingdom of Hwicce* (Manchester: Manchester University Press, 1985).

<sup>134</sup> Hooke, "Medieval Forests," 25.

<sup>135</sup> Cox, 125. This area stretched twenty miles northward from York and was in the royal demesne of the Saxon Kings.

<sup>136</sup> Cox, 150.

<sup>137</sup> Hooke, *The Anglo-Saxon Landscape*, 185.

everyone, under pain of incurring the full penalty, shall avoid hunting on my preserves wherever they may be.”<sup>138</sup>

“Beasts of the chase” were reserved for the king within hunting grounds. These specifically protected animals were the red deer, the fallow deer, the roe, and the wild boar.<sup>139</sup> The red deer (*cervus elaphas*) was the largest British deer and primary “beast of the chase.” As a species introduced from the Continent,<sup>140</sup> the fallow deer (*dama vulgaris*) was more commonly found within parks. The roe deer was the smallest deer species in England, measuring only 26 inches high at the shoulder. The wild boar was common throughout woodland areas. In some Anglo-Norman charters, the animals reserved for the king’s hunting are enumerated. King William I retained the right to red deer, roe deer, and boar within the woods of Maupertuis, Torteval, Foulognes, and Quesnay-Guessnon that he gave to the Caen abbey of Saint-Etienne.<sup>141</sup> The abbot and monks of St. Mary’s of York had dominion throughout the forest, except that they were required to preserve the hart, hind, boar, and hawk for the king’s use alone.<sup>142</sup> Abbot

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<sup>138</sup> *Canute II*, capitulary 80 in Robertson. “And ic wylle pæt ælc man sy his huntnoðes wyrðe on wuda & on felda on his agenan. §1. & forgá ælc man minne huntnoð lochwar ic hit gefriðod wille habban, be fullan wite.”

<sup>139</sup> The information about the specific beasts is derived heavily from Cox, 26-31.

<sup>140</sup> Cox, 26. He does not give a date for this introduction.

<sup>141</sup> Bates *RRAN I*, No. 54: “...retentis in meo dominio cervis, capreolis et apris silvestribus.” Bates does not provide a translation of the list of animals. According to Cox, *cervis* were red deer, specifically the harts, and *capreolis* were roe deer. *Apris* were wild boar (*Oxford Latin Dictionary*, ed. P.G.W. Glare (Oxford: Oxford University Press, 1982).

<sup>142</sup> *RRAN II*, No. 838. This charter is dated within the first seven years of Henry’s reign.



Aldwin of Ramsey likewise held all his woods except stags, hinds, and boars.<sup>143</sup> This does affirm that hunting was considered the privilege of the nobility alone.

Despite the designation of the forest as royal hunting ground, charters from the time provide evidence that the king distributed hunting rights to others. Archbishop Lanfranc must have held the right to hunt red deer stags and hinds and roe deer from William the Conqueror because in a precept all others are ordered not to hunt these beasts at his manor of Harrow without Lanfranc's permission.<sup>144</sup> William I permitted Abbot Vitalis of St. Peter's Westminster to hunt in a wood near Battersea.<sup>145</sup> In 1094(?), William Rufus notified Croc the huntsman and Ared the falconer that none of the king's foresters were to interfere with Abbot Godfrey of Malmesbury's own woods.<sup>146</sup> In addition, Croc was required to quitclaim the abbot and his men of a plea of 60s. which he had against them, presumably for hunting without authorization in the forest. Henry gave the liberty of hunting to the monastery of St. Cuthbert of Durham and Bishop Ranulf in the woods between the Tees and Tyne rivers.<sup>147</sup> The monks of St. Mary of Abingdon could take roebuck in the woods of Bagley and Cumnor,<sup>148</sup> and the monks of St. Martin

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<sup>143</sup> *RRAN II*, No. 583. The charter as calendared uses the word swine instead of boar. Although the Latin text has not been reviewed, it is unlikely that the charter lists swine along with stags and hinds, which are both beasts of the chase. The correct interpretation would be boar, which is a beast of the chase.

<sup>144</sup> Bates *RRAN I*, No. 78. "...cervos vel cervas ne capreolos capiatis." Also calendared in *RRAN I* as No.265, p.69.

<sup>145</sup> Bates *RRAN I*, No.307. Also calendared as No. 166 in *RRAN I*.

<sup>146</sup> *RRAN I*, No. 347.

<sup>147</sup> *RRAN II*, No. 918.

<sup>148</sup> *RRAN II*, No. 703.

of Battle exercised the right of the chase in the rape of Hastings.<sup>149</sup> Robert de Lacy held the right to hunt and allow others to hunt on his land in Yorkshire.<sup>150</sup> In the *London Charter* of Henry I, capitulary 15 explicitly gave the citizens of London full hunting rights in the Chilterns, Middlesex, and Surrey.<sup>151</sup> In all of these cases, the right to hunt these restricted animals was granted within a distinct geographic area, but no restriction on the number of deer was given. In one case, however, the number of beasts to be killed was specified. Count Robert of Mortain allowed Bishop Michael of Avranches to take one red deer stag per year in Laude-Pourrie.<sup>152</sup>

Although the king granted hunting rights, these instances were rare. Much more commonly, the tithe of venison from the king's hunts was granted to abbeys. William Rufus granted the Abbey of Burgh a tithe of his hunting in Northamptonshire.<sup>153</sup> Henry I gave St. Mary of Abingdon a tithe of venison from the forest of Windsor.<sup>154</sup> Henry ordered the sheriff of Yorkshire to enforce the tithe of the king's hunting in Yorkshire in the form of flesh and hides to St. Mary's at York.<sup>155</sup> St. Paul's of London received the tithe of venison for Henry's hunts in Essex.<sup>156</sup> Henry notified his foresters, hunters, and

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<sup>149</sup> *RRAN II*, No. 859. This charter reconfirms the right to the chase and hunt that had been given to the monks in the time of William the Conqueror.

<sup>150</sup> *RRAN II*, No. 799.

<sup>151</sup> *London Charter* in Robertson, 292. "Et cives habeant fugationes suas ad fugandum sicut melius et plenius habuerunt antecessores eorum, scilicet [Ch]iltre e Middelsexe e Sureie." The charter is dated between 1115 and 1133, with a date later in Henry's reign more likely.

<sup>152</sup> Bates *RRAN I*, No. 215.

<sup>153</sup> *RRAN I*, No. 446.

<sup>154</sup> *RRAN II*, No. 696.

<sup>155</sup> *RRAN II*, No. 935.

<sup>156</sup> *RRAN II*, No. 1047.

bowmen beyond the Severn and in Dean that the tithes of hunting in that region belonged to St. Peter's of Gloucester.<sup>157</sup> Conflicts sometimes arose between the religious houses and the king's huntsmen. Abbot Roger of Fécamp recovered the tithes of venison from the forest of Fécamp that King Henry's huntsmen had unjustly withheld.<sup>158</sup>

In addition to hunting within the forest or woodland, kings and lords converted land into parks specifically for deer hunting. Duke Robert of Normandy had a park near Rouen from which he gave the tithe of hay to the abbey of Bec.<sup>159</sup> In one interesting case, William de Briouze had constructed a park without permission on land belonging to the Fécamp abbey of La Trinité. King William ordered the park destroyed.<sup>160</sup> Clergy also participated in the creation of parks. The bishop of Salisbury, for example, took land from Richard de Vernon to augment the bishop's park at Thame.<sup>161</sup> Henry permitted the abbots of Chertsey to have their own enclosed parks of Ebbesham and Cobham and all the beasts they could take in the parks.<sup>162</sup> These parks conferred status on their holders because of the linkage of hunting with nobility.

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<sup>157</sup> *RRAN II*, No. 594.

<sup>158</sup> *RRAN II*, No. 1689.

<sup>159</sup> *RRAN I*, No. 327. Although the Latin text was unavailable in *RRAN I*, the term "hay" may be an incorrect translation for "haia," which were the nets or barriers used to capture deer. (see Hooke, "Medieval Forests," 20). Thus, this charter may be granting a tithe of deer captured in this way instead of the grass product hay. Without a review of the Latin text, this cannot be confirmed.

<sup>160</sup> Bates *RRAN I*, No. 146.

<sup>161</sup> *RRAN II*, No. 1701.

<sup>162</sup> *RRAN II*, No. 1818.

The right of warren permitted the hunting of small game, typically hares, as well as nuisance and pelt animals like foxes and wild cats.<sup>163</sup> A charter of warren effectively granted the sole right to kill these beasts of the warren to the charter recipient.<sup>164</sup> William Abbot of Chertsey and his successors held the right of warren and the right to have hounds within the forest of Surrey to take foxes, hares, wild cats, and pheasant.<sup>165</sup> King Henry granted Robert Bishop of Lincoln warren near Lincoln<sup>166</sup> and he gave the monks of Gloucestershire warren in their wood and open country beyond the Severn.<sup>167</sup> Other Henry I warren grants included Abbot Robert of St. Edmund's having warren in his demesnes in Norfolk and Suffolk<sup>168</sup> and Ralph, the bishop of Chichester, could exercise the right of warren at Aldingbourn, Amberley, and Houghton.<sup>169</sup> In two cases, Henry issued the right of warren to women: Avice abbess of Malling was granted warren in the woods and fields of their lands at Malling<sup>170</sup> and the abbess of Elstow was given warren in all her lands of Bedfordshire.<sup>171</sup> Warren grants in the early twelfth century often

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<sup>163</sup> Cox, 26 and 34–37. The wild cat is extinct in England; it is believed that Lord Ravensworth shot the last surviving example of the species in 1853. In 1575, the wild cat was described as a vermin regularly hunted in England (Cox, 36).

<sup>164</sup> Bailey, 2.

<sup>165</sup> *RRAN II*, No. 1818.

<sup>166</sup> *RRAN II*, No. 727.

<sup>167</sup> *RRAN II*, No. 629.

<sup>168</sup> *RRAN II*, No. 655.

<sup>169</sup> *RRAN II*, No. 1405. See also Nos. 1571, 1743, 1788, and 1867 for more cases of rights of warren granted to churchmen.

<sup>170</sup> *RRAN II*, No. 943. The charter included Roger Bishop of Rochester as another beneficiary.

<sup>171</sup> *RRAN II*, No. 1829. In this case, the abbess was the only grantee of the charter.

included a penalty clause that fined anyone else hunting on the lands £10.<sup>172</sup> This penalty clause is the only noticeable change in warren grants from William the Conqueror's reign to Henry I's.

Warren rights were not restricted to clergy. Henry restored Roland d'Oissel's right to hunt hare, fox, wild cat, and marten in the forest of Rouvray.<sup>173</sup> Henry also gave Robert Marmion the right of warren in his Warwickshire holdings.<sup>174</sup> Walter de Beauchamp held the right of warren in his land of Hold and in the land of his knight.<sup>175</sup> Additionally, he was permitted to take foxes in the royal forest of Feckenham<sup>176</sup> and to hunt wolves in the royal forest of Worcestershire, as well as to set traps around his park for capturing wolves.<sup>177</sup> Because of the great number of charters granting the right of warren, this right appears to have been a necessary part of medieval life. Warren rights appear to have been regularly granted, so it can be inferred that the Norman kings did not see any sense of urgency to protect the warren game in the same way that they were protecting the beasts of the chase. This can be attributed to both the desire to retain large animals for sport and the economic benefits of permitting the hunting of warrenable animals.

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<sup>172</sup> The list of charters including this penalty is long. In *RRAN II*, the charters calendared as Nos. 629, 1405, 1571, 1743, 1788, 1808, 1818, 1829, 1860d, 1899, 1929, and 1955 all include the £10 fine.

<sup>173</sup> *RRAN II*, No. 1087.

<sup>174</sup> *RRAN II*, No. 1845.

<sup>175</sup> *RRAN II*, No. 1808. *RRAN II*, No. 1024 also forbade anyone from taking pheasants that Walter had released at his manor of Elmley.

<sup>176</sup> *RRAN II*, No. 1035.

<sup>177</sup> *RRAN II*, No. 1025. The hunting of wolves was a special case. Robert Ferrers, Earl of Derby also held lands from King Henry for the service of driving wolves out of Duffield Chase (Cox, 33).

Because of restrictions on hunting, one could not have hounds in the forest unless given special permission. Huntsmen frequently used dogs to drive deer into hedges or nets placed to ensnare them,<sup>178</sup> which is why they were restricted. In *Leges Henrici Primi*, the plea of the forests includes “...the wretched practice of hambling dogs...the entering of anyone in the forest with dogs.”<sup>179</sup> The “practice of hambling” refers to the requirement specified in the *Constitutiones de Foresta* that owners cut the knees of their greyhounds if they live or travel within 10 miles of a forest.<sup>180</sup> In three cases, the king allowed warren holders to keep dogs specifically for hunting beasts of warren. William I allowed the monks of St. Peter’s abbey of Chertsey to keep dogs to catch hares and foxes.<sup>181</sup> King Henry licensed the abbot of Colchester to keep greyhounds to hunt hares.<sup>182</sup> Likewise, Thurstan the clerk could keep greyhounds (*leporarius*) and hounds that hunted by scent (*brachettus*) for chasing hares and foxes.<sup>183</sup> The restrictions on keeping dogs were intended to reduce the amount of game poaching.

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<sup>178</sup> Hooke, “Medieval Forests,” 20.

<sup>179</sup> *Leges Henrici Primi*, capitulary 17.

<sup>180</sup> *Constitutiones de Foresta*, capitulary 31. “Nullus mediocris habebit nec custodiet canes, quos Angli ‘greihounds’ appellant. Liberali vero, dum genuiscissione eorum facta fuerit coram primario forestæ, licebit; aut sine genuiscissione, dum remoti sunt a limitibus forestæ per decem milliaria; quando vero propius venerint, emendet quodlibet milliare uno solido. Si vero infra septa forestæ reperiatus, dominus canis forisfaciet et decem solidos regi.” By doing this, the dogs cannot run and therefore cannot catch game. Making sure that hunting dogs were properly kept was another responsibility of the forester.

<sup>181</sup> *RRAN I*, No.51. William II confirmed this charter in a subsequent notification (*RRAN I*, No. 439) and Henry reconfirmed the charter again between 1103 and 1006 (*RRAN II*, No. 774). In Henry’s version wild cats were listed along with hares and foxes.

<sup>182</sup> *RRAN II*, No. 577.

<sup>183</sup> *RRAN II*, No. 1873. Cox discussed in detail the types of hounds used in English medieval hunting. The types of hounds specified in the charter were interpreted using Cox’s Chapter 6.

Just as the Anglo-Norman kings restricted the cutting of wood and use of the woodland for fodder, they also restricted the right to kill wild beasts. Although in this case the limitations were largely politically driven, the environmental impact was still real. By controlling the number of animals hunted through the granting of only select hunting rights, the survival of the species for later hunting was ensured. *Domesday Book* even specifically lists the locations of hawk nests, or eyries, and gives their valuation, indicating the importance of hunting. The entertainment value of the forest was an important part of forestry management, but this was integrated into holistic management practices.

Through a combination of hunting restrictions and limitations on habitat destruction, active management of the wild game is evident. As Jean Birrell concluded:

“Deer were managed in the Middle Ages, skilfully [sic] and intelligently, using methods which showed considerable understanding of the animals’ habits and needs...These [the royal forests and chases] were institutions with an active deer management policy, and cannot be understood without this point of reference.”<sup>184</sup>

This active policy affirms the multi-use nature of the woodland within the Anglo-Norman realm.

Because of the value of the multiple uses of woodland, conflicts occurred. Count William of Evreux and the abbey of Saint-Wandrille clashed over the number of pigs that the abbey should be allowed to feed in the count’s forests of Caudebec and Gauville. The monks claimed the right to send all of their pigs into the forests, but the count wanted to allow only the “customary” two herds. The parties reached a settlement permitting the

monks to send four herds into the forests. The monk's pigs, however, were not allowed into the count's fenced enclosure (park) unless the count's herds were sent into there. In addition, the monks were allowed to graze other animals in the forest.<sup>185</sup> The environmental implications of this case are apparent. First, if too many pigs rooted in the forest, they could damage the forest ecosystem; therefore the Count voiced his desire to limit the number of pigs. Second, the use of the forest for fodder had to be balanced with hunting. Count William had created a fenced-off enclosure, perhaps a designated area for deer hunting. In this protected area, the vegetation could grow higher than in the surrounding wood-pasture areas to provide adequate shelter and fodder for the deer. Swine could feed within the enclosure, but the Count wished to limit this practice to avoid damage to the deer habitat. This evidence indicates that the parties involved understood the environmental implications of their medieval practices and acted in a manner congruent with balancing resource demands. Conflict resolution was a required part of active forest management in these early days of the forest, just as it is in modern forestry.

Many of the charters specifically named the locations or amounts of the resource, whether wood, feed, or game, which could be taken by the grant recipient. Anglo-Norman kings regulated the use of specific resources. There is no discernable difference

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<sup>184</sup> Jean Birrell, "Deer and Deer Farming in Medieval England," *Agricultural History Review* 40, no. 2, 113.

<sup>185</sup> Bates *RRANI*, No.262. "Monachi etiam omnes suas porcherias asserebant se posse per costumam in has duas forestes absque precio ad pascuam mittere, sed comes Ebroicensis noluit nisi duas per costumam recognoscere. Unde habita consilii deliberatione pro pace et Concordia consensit adhuc et alias duas, ut quatuor numero sint que absque precio per costumam in has forestas ad pascua intrent, excepta haya sua et defensione. Ac si comes in hayam suam et defensionem suas porcharias vel aliorum miserit, tunc et monachorum porcharie absque precio licenter et sine omni calumpnia intrabunt in hayam et defensionem. Pasturam vero pecorum et animalium, sine contradicione ubicumque monachi semper habebunt."



in the treatment of these resources over the course of the three reigns; the only real change is in the increased use of administrative servants, like foresters and huntsman, and administrative penalties, such as the £10 fine for violating warren rights, during Henry's reign. This increasing administrative nature of the forest mirrors the growing administrative nature of the kingdom under Henry I.<sup>186</sup> There is no tangible difference in the treatment of Continental and English woodland resources. Both were controlled and distributed under the scrutiny of the landholder.

Forests were multiple-use legal entities, which had value not only as noble hunting grounds but also as sources of timber and pastureland. They were actively managed units that required the cooperation of foresters, landowners, and end users. These management practices are not very different from our modern, scientific forestry. In reality, the Anglo-Norman forests were consciously managed to maximize the benefits of multiple land uses.

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<sup>186</sup> See C. Warren Hollister, *Henry I*, ed. and completed Amanda Frost (New Haven, CT: Yale University Press, 2001) for a full treatment of the growing administrative nature during Henry's rule.

## Chapter 3

### Control of Fishery Resources in Anglo-Norman Lands

The previous chapter demonstrated that Anglo-Normans acted with determination to control their woodland resources. This chapter will investigate whether or not they held the same level of concern for their fisheries and water resources. As Paul Benoit and Joséphine Rouillard observed, the focus on forests “should not make us forget that the mastery of water played an essential role in the development of new lands.”<sup>1</sup> Fish comprised a large proportion of the protein in the medieval diet. The church enforced dietary rules forbidding meat consumption on Fridays and Saturdays, during the six weeks of Lent, and on other holy days.<sup>2</sup> Approximately 150 days per year were limited to fish consumption because of these rules. Fish thus played a vital role in medieval life. Because of this prominence, it would seem likely that medieval men would attempt to control the use and abuse of fishing resources. Through an examination of the charters of the Anglo-Norman Kings and supporting evidence provided by *Domesday Book*, this chapter will investigate to what extent active controls were placed on water and fishery resources in the Norman period. What types of control devices and strategies were

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<sup>1</sup> Paul Benoit and Joséphine Rouillard, “Medieval Hydraulics in France,” in *Working with Water in Medieval Europe*, ed. Paulo Squatriti, (Leiden: Brill, 2000), 174.

<sup>2</sup> Christopher Dyer, “The Consumption of Fresh-water Fish in Medieval England” in *Medieval Fish, Fisheries and Fishponds in England*, vol. 1, 28.

employed? If the Anglo-Normans did actively manage their water resources, what types of conflicts developed as a consequence?

Medieval Europeans ate both freshwater fish and marine fish.<sup>3</sup> Most of the marine fishes consumed in northern Europe, like salmon, trout, whitefish, and the parasitic lamprey, are actually anadromous, meaning that they spawn in freshwater but live their adult lives at sea, and are generally caught while in freshwater. The most important fish for consumption in England and Normandy was the eel (*Anguilla anguilla*), which does the opposite, spawning in the saltwater and living through the young stage in rivers and streams.<sup>4</sup> The river fish like eels were easily caught in great numbers, and peasants likely consumed large quantities of them.<sup>5</sup> In the late twelfth century a French cleric, Guido of Bazoches, recorded catching pike, barbell, salmon, eels, perch, gudgeon, and herring in northern France.<sup>6</sup> This list of fish would have applied in the eleventh century as well. Freshwater fish, like pike and bream, were regarded primarily as part of the diet of the aristocracy and clergy, although archeological evidence of poor laborers eating freshwater fish does survive.<sup>7</sup>

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<sup>3</sup> Richard Hoffman claims that more freshwater fish were eaten in medieval Europe in Hoffman, "Economic Development and Aquatic Ecosystems in Medieval Europe," 647. Christopher Dyer claims that the eating of freshwater fish in England was actually a status symbol used by the aristocracy. According to Michael Aston in the introductory essay in *Medieval Fish, Fisheries and Fishponds in England*, sea fish, followed by river fish, were much more important in the diet of most Englishmen than freshwater fish.

<sup>4</sup> Hoffman, "Economic Development", 635.

<sup>5</sup> Richard Holt, "Medieval England's Water-Related Technologies," in *Working with Water in Medieval Europe*, ed. Paulo Squatriti, (Leiden: Brill, 2000), 83.

<sup>6</sup> Richard Hoffman, "Fishing for Sport in Medieval Europe: New Evidence," *Speculum* 60, no. 4 (Oct., 1985), 887.

<sup>7</sup> Christopher Dyer, 27 and Hoffman, "Economic Development", 646.

Fishing in the rivers and streams of medieval Europe provided for these basic needs. Fishermen employed various fishing equipment and strategies. J.M. Steane and M. Foreman found that fishing tackle and equipment varied regionally in central and southern England. The Severn fisheries specialized in river fishing of salmon, eel, and lamprey, lending itself to weir construction with fixed traps.<sup>8</sup> The weirs were often wooden stakes strapped together and placed permanently in the stream to direct the fish into the traps.<sup>9</sup> Care had to be taken not to completely block the waterway with the weir. A charter by Henry I giving Hugh abbot of St. Augustine's abbey in Canterbury and the monks there the land and the shore as far as the middle of the stream indicates this kind of construction.<sup>10</sup> William II gave the monks of St. Augustine's an estate in Stonor up to the middle of the water,<sup>11</sup> indicating again this concern about blocking the waterway. The rivers of Eastern England, which are slower moving, were exploited with nets and fish traps. In the swift flowing Thames, the English practiced non-weighted weirs and line fishing.<sup>12</sup> So how extensive were these operations?

The *Domesday Book* provides our most complete record of fisheries in England. H.C. Darby compiled the fishery information from the *Domesday Book* by county in his

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<sup>8</sup> J.M. Steane and M. Foreman, "Medieval Fishing Tackle," in *Medieval Fish, Fisheries and Fishponds in England*, vol. 1, 178.

<sup>9</sup> P.M. Losco-Bradley and C.R. Salisbury, "A Saxon and a Norman Fish Weir at Colwick, Nottinghamshire," in *Medieval Fish, Fisheries and Fishponds in England*, vol. 2, 344.

<sup>10</sup> *RRAN II*, No. 1664. In an interesting corollary, the *Visigothic Law Code* Title IV.XXIX specifically forbids the obstruction of any stream in which salmon or other sea-fish enter or into which fishing nets are cast or on which commercial vessels travel. The building of a weir as far as the middle of the channel was specifically permitted provided that half of the stream was left free for the use of others.

<sup>11</sup> *RRAN I*, No. 371.

<sup>12</sup> J.M. Steane and M. Foreman, 178-180.

*Domesday Geography* series. A brief summary of these findings will be laid out in order to understand the scope of fishing activities in England. Table 3 summarizes the number of fisheries and fishermen reported in the eastern, midland, and southeastern counties by *Domesday Book*. In total, 190 locations in the eastern counties, 231 in the southeastern counties, and 93 in the midland counties had river fisheries listed in the folios. Because of chronic underreporting in the *Domesday* record, Darby believes these numbers are under inflated. Even at the listed values, if the average fishery yielded 500 eels, which is a reasonably conservative estimate since they typically ranged from 300 to 1,000 eels when their value is stated in the *Domesday* folios, over 250,000 eels were caught each year in these areas of England. Another 18 locations along the northeastern coast of Suffolk recorded herring (*allecti*) catches. The yields of herring from these sea-fisheries were huge: Southwold returned 25,000; Beccles 60,000; and Dunwich 68,000 in one year (1086).<sup>13</sup> Two villis in Surrey, four in Sussex, and two in Kent also rendered herring.<sup>14</sup> As these numbers indicate, fisheries often yielded very large catches and must have been intended to feed more than just the immediate local population.

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<sup>13</sup> H.C. Darby, *The Domesday Geography of Eastern England* (Cambridge: Cambridge University Press, 1971), 185-6.

<sup>14</sup> H.C. Darby, *The Domesday Geography of South-east England* (Cambridge: Cambridge University Press, 1962), 394, 455, and 538.

Table 3. Summary of *Domesday* Fisheries<sup>15</sup>

Area	Folio	Number of Places with Fisheries	Number of Fishermen Listed
East	Lincolnshire	42	--
	Norfolk	61	24 fishermen among rural population, plus additional 24 lived in Yarmouth.
	Suffolk	19	--
	Essex	28 <sup>a</sup>	1
	Cambridge	34 <sup>b</sup>	28
	Huntingdonshire	6 plus activity on Whittlesey Mere	5
Southeast	Bedfordshire	17 <sup>c</sup>	1
	Hertfordshire	8	--
	Middlesex	12	--
	Buckinghamshire	21	--
	Oxfordshire	32	4
	Berkshire	34	--
	Hampshire	23	--
	Surrey	9	--
	Sussex	28	--
	Kent	47	--
Midland	Gloucestershire	16	--
	Herefordshire	18	--
	Shropshire	18	--
	Staffordshire	2	--
	Worcestershire	21	--
	Warwickshire	11	--
	Leicestershire	--	--
	Rutland	--	--
	Northamptonshire	7	--

<sup>a</sup> Although the fishery type is not listed, because of their location, most of these were likely saltwater according to Darby.

<sup>b</sup> The renders of eels from the Cambridge fisheries are described as being either from the fisheries (*de piscariis*) or from the marsh (*de marescho*). Occasionally, they are rendered from a weir (*de gurgite*), as at Trumpington.

<sup>c</sup> Fisheries are actually not listed in Bedfordshire folios, but 17 communities with mills rendered eels, so it is assumed that the eels came from the millponds.

<sup>15</sup> Information in the table is summarized from H.C. Darby, *The Domesday Geography of Eastern England* (Cambridge: Cambridge University Press, 1971), *The Domesday Geography of South-east England* (Cambridge: Cambridge University Press, 1962), and *The Domesday Geography of Midland England* (Cambridge: Cambridge University Press, 1971).

As these numbers indicate, by the eleventh century, fisheries operated on commercial as well as local scales. An example from pre-conquest England illustrates clearly this type of commercial exchange. In 1055, Ælfwine abbot of Ramsey and Leofric abbot of Peterborough struck a deal in which Ramsey would give Peterborough 4,000 eels annually during Lent in exchange for Peterborough giving Ramsey as much stone from the Peterborough quarries as it needed.<sup>16</sup> In another example bridging the Norman Conquest, the Archbishop of Canterbury acquired Sandwich for the annual price of £40 and 40,000 herring to feed the monks before the conquest. By the year of the *Domesday* survey, Sandwich was paying £50 in farm and the same number of herring.<sup>17</sup> Renders of eel and herring were both common ways of assessing value in the *Domesday* evaluations. An additional charter also points to commercial fishing operations. King Henry I confirmed in 1110 the claim by the monks of Abingdon to collect customs, in herrings or in the right to buy goods, from ships passing on the river as they had in the time of Edward the Confessor, indicating a regular trade route of herring.<sup>18</sup> These examples demonstrate both the need for fish and the developing commercial nature of fishing in the period.

Tithes of fish to monastic houses were common. Three pancartes of William I demonstrate this common practice in Normandy. William du Homment pledged the tithes of his mills on the river Vire and his fisheries to the abbey of Cerisy;<sup>19</sup> Walter Giffard

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<sup>16</sup> C.R. Hart, *The Early Charters of Eastern England* (Leicester: Leicester University Press, 1966), No. 167.

<sup>17</sup> *Domesday Book*, KEN 2,2.

<sup>18</sup> *RRAN II*, No. 937.

<sup>19</sup> Bates *RRAN I*, No. 92.

granted a fisherman with all he possessed and the tithe of all Walter's fish and cheeses to the abbey of Cerisy;<sup>20</sup> and, Robert of Mortain gave a tithe of eels at Cérences to the church of Saint Evroult in Mortain.<sup>21</sup> Tithes of fish were given in England as well. In the early twelfth century, Gilbert fitz Richard gave the tithes of fish and mills as well as half of a fishery to St. Peter's of Gloucester; Baldwin de Redvers earl of Devon gave the tithes of his fishery at Buckland to Tavistock Abbey.<sup>22</sup> These tithes were the result of numerous fishing operations and reiterate the importance of fish in the medieval diet and the immense value of fishery resources.

The year-round requirement for fish coupled with a rising human population in the Middle Ages increased the demand for fish as food. This demand, which could not be satiated with natural fish production rates in rivers and streams, stimulated the development of fishponds and fish husbandry in the period.<sup>23</sup>

Fishponds varied greatly in scale, from a single pond to a large complex network of ponds and sluices. The more complicated systems could accommodate a greater variety of fish and more closely regulate their breeding and storage. The simplest small ponds were used primarily as holding tanks. Larger operations usually link multiple ponds together, fed by a diverted stream or river. These flights of ponds allowed different

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<sup>20</sup> Bates *RRAN I*, No. 94. "...unum piscatorem cum hoc quod possidet, et decimam omnium piscium qui ad me pertinent et caseorum meorum."

<sup>21</sup> Bates *RRAN I*, No. 215. The document is dated to 1082.

<sup>22</sup> Respectively *RRAN II*, No. 1041 and *Charters of the Redvers Family and the Earldom of Devon, 1090-1217*, ed. Robert Bearman (Exeter: Devon and Cornwall Record Society, 1994), No.12.

<sup>23</sup> R.A. Chambers, "The Excavation of Fishponds," in *Medieval Fish, Fisheries and Fishponds in England*, vol.1, ed. Michael Aston, 113. Richard Holt has argued that the building of ponds for freshwater fish was an entirely aristocratic activity, mainly as a way of showing status (Richard Holt, "Medieval England's Water-Related Technologies," 83-84). However, the necessity of increasing the fish supply and managing that supply through fish ponds seems apparent in the evidence.



types and sizes of fish to be kept separate and to allow for the complete emptying of one pond to clean it. Castle moats may also have served fishpond functions, although archeological evidence indicates that fishponds were typically separate structures from moats, even if fed by the same water supply.<sup>24</sup> Pike and bream were probably the most common inhabitants of domestic fishponds. According to Bond, the earliest known artificial fishpond under monastic control was listed in *Domesday Book* as a holding of Bury St. Edmund's.<sup>25</sup> Artificial fishponds were also found at lay sites, like the royal hunting lodge at Brigstock, Northamptonshire, where the fishpond required repairs totaling over 100s. from 1129-1130.<sup>26</sup> Fishponds could also occur in more natural settings found in the fens and marshes, where little maintenance or construction was required. Whittlesey Mere was a major focus of fishing interests and most of the monastic houses had some claim to fishing rights in these areas dating back before the Norman conquest.<sup>27</sup>

Fishpond development was also stimulated by the expansion of water mill usage. The basic hydrologic conditions of streams and rivers changed as arable agriculture intensified and water-powered grain mills sprang up throughout Europe in the Middle Ages. To process new grain supplies, watermills spread rapidly in England increasing in number from an estimated 200 in King Alfred's day to over 5,600 recorded in the

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<sup>24</sup> See for example M. Aston and C.J. Bond, "Warwickshire Fishponds," in *Medieval Fish, Fisheries and Fishponds in England*, vol. 2, ed. Michael Aston, 426-7.

<sup>25</sup> C.J. Bond, "Monastic Fisheries," in *Medieval Fish, Fisheries and Fishponds in England*, vol. 2, ed. Michael Aston, 93-101.

<sup>26</sup> J.M. Steane, "The Royal Fishponds of Medieval England" in *Medieval Fish, Fisheries and Fishponds in England*, vol. 2, ed. Michael Aston, 52. The repairs are recorded in the Pipe Roll of Henry I.

<sup>27</sup> Bond, 79-80.

*Domesday Book* of 1085.<sup>28</sup> According to André Guillerme, six times as many mills were built during the period 950-1082 than ever before. In the eleventh century, most of these mills were held by nobles, who subsequently bequeathed them to the church, often to monastic houses. These religious institutions owned over half of the mills in the twelfth century.<sup>29</sup>

Medieval watermills operated only with running water. To increase the force of the water, watermills commonly used dams to supply water to overshot-design wheels. Dams blocked the watercourse, thereby slowing down the water into larger pools, causing sediment to drop out and more solar energy absorption. This had several impacts, including the increase in vegetation within the water and the blocking of migratory routes for fish. Impassable dams kept fish from reaching their spawning habitats and could thus affect their population.<sup>30</sup> The laws of Edward the Confessor written during the Anglo-Norman period recognized this concern with a prohibition against the construction of structures blocking fisheries.<sup>31</sup>

But mills also created instant fishponds because of the dammed up water. In Anglo-Norman charters, mills and fisheries are almost always linked. Several examples date to King William I's reign: The tithes of a mill and fishery were treated together in six cases in the abbey of Fontenay charter,<sup>32</sup> Ralph de Boulleville gave a mill at the

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<sup>28</sup> Richard Hoffman, "Economic Development", 640.

<sup>29</sup> Guillerme, 87-94. Guillerme's research focuses on northern France, including Normandy.

<sup>30</sup> Richard Hoffman, "Economic Development", 640-2.

<sup>31</sup> *The Laws of Edward the Confessor*, 12.8.

<sup>32</sup> Bates *RRANI*, No. 149. The standard language for the gift is "decimas molendinorum et piscationum" in this 1070s charter.

fishpond of Tricqueville to the abbey of Grestain,<sup>33</sup> and the fisheries of mills below Pont-de-l'Arche are mentioned in a third document.<sup>34</sup> In a later 1131/2 charter, King Henry confirmed to St. Mary's of York the sluice, fishing, and millpond of Wetheral in the land of Corby.<sup>35</sup> These charters show a close connection between mills and fisheries.

The link between mills and fisheries is supplemented by evidence from the *Domesday Book*. Several examples from the eastern counties will suffice. In Lincolnshire, a render of 500 eels is mentioned in connection with half a mill at Ulceby.<sup>36</sup> Three mills in Exning, Suffolk yielded 7,000 eels, another mill at Horningsea returned 1,000, and in Cambridgeshire, three mills at Swaffham provided 300 eels.<sup>37</sup> This close linkage between mills and fishing must be understood when discussing the use of water resources in medieval England and Normandy.

Other human activities affected water quality in the local rivers and streams. Water diversion to monasteries and castles reduced the flow of the water in the main watercourse. Between 1066 and 1083, the monastery of Saint-Etienne in Caen diverted a local river into its own canal to move goods and people and run mills.<sup>38</sup> The canal allowed boats coming in from the estuary and bringing goods from England to travel all

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<sup>33</sup> Bates *RRAN I*, No. 158.

<sup>34</sup> Bates *RRAN I*, No. 164. "piscariis omnium sub ipso Ponte molendinorum"

<sup>35</sup> *RRAN II*, No. 1753.

<sup>36</sup> Darby, *The Domesday Geography of Eastern England*, 72. Darby makes note that this is the only render of eels by a mill in Lincolnshire.

<sup>37</sup> Darby, *The Domesday Geography of Eastern England*, 185, 306, and 307.

<sup>38</sup> Priscilla D. Watkins, *Caen and the Expansion of Ducal Power in Eleventh- and Twelfth-Century Normandy: The Formation of an Urban Community* (PhD Dissertation, University of Houston, 2000). Watkins discusses charters used by the Abbey of Saint-Etienne to gain control of the land between two rivers near the abbey and to divert the river closer to their establishment (see pages 100 – 106).

the way up to the monastery compound, and was supplemented by continued hydraulic improvements over the next twenty years to power numerous mills.<sup>39</sup> William de Briouze had constructed a ditch to carry water to his castle on land owned by the abbey of Fécamp. Because William had no legal right to the land on which the ditch was dug, King William I subsequently ordered that the ditch should be filled in and the land remain in the abbot's possession.<sup>40</sup> Nutrient and contaminant levels rose in the local water bodies due to waste and by-products.<sup>41</sup>

The cumulative effects of watermills, damming, water diversion, and increasing by-product runoff most heavily impacted small water bodies like streams and brooks that had limited water flow in the first place. Richard Hoffman provides a telling summary of these changing medieval conditions: "As these effects accumulated in each region, freshwater fisheries visibly came under stress."<sup>42</sup> It is in times of stress that men resort to limitations on natural resource use and an examination of the evidence from England and Normandy after the conquest shows this to be true.

Doling out fishing rights was certainly not a post-conquest invention in the same way that the legal concept of *forests* had been imported from the Continent. Both the Anglo-Saxon kings and Norman dukes handed out fishing privileges. The practice dates back to the earliest Anglo-Saxon charters. King Baldred granted a fishery in the river

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<sup>39</sup> Guillerme, 54-56.

<sup>40</sup> Bates *RRANI*, No. 146.

<sup>41</sup> Hoffman, "Economic Development", 638. Guillerme argues that industrial contaminants were insignificant (96-98), but fails to explain his case.

<sup>42</sup> Hoffman, "Economic Development", 638.

Parret to the abbot of Glastonbury in the late 670s.<sup>43</sup> Several charters from Mercia and Kent allowed fishing in rivers: Æthelberht king of Kent granted fishing rights in the river Lympe to the church of St. Mary, Lyminge in 741;<sup>44</sup> Offa, King of Mercia, permitted Ealdbeorht and his sister, who was an abbess, to fish at two locations in Kent in 786,<sup>45</sup> and Cenwulf king of Mercia and Cuthred king of Kent issued a joint grant to Swithhun of Saint Andrew's Rochester that included a fishery in the Thames called Fiscnœs.<sup>46</sup> All of these grants were for rights to fish in the river. None of them indicate that fish ponds linked with mills were involved.

Anglo-Saxon kings offered fish as well as the fishing rights. In the foundation charter for the monastery at Ely, King Edgar promised a gift of 10,000 eels yearly for the monks.<sup>47</sup> King Cnut confirmed Edgar's gift in 1022/23 and added the queen's annual donation of 4,000 eels, which had been rendered to her from the village of Lakenheath.<sup>48</sup> In these confirmations, fish were treated as a quasi-commercial good, exchanged for military service then passed on to local monks.

The situation in Normandy was similar. On September 15, 1011, Duke Richard II confirmed the donations of Ralph count of Ivry to Saint-Ouen, which included a

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<sup>43</sup> P.H. Sawyer, *Anglo-Saxon Charters: An Annotated List and Bibliography* (London: Royal Historical Society, 1968), No. 1665. This may have been the same fishery called Swynwere given by Bealdhum to abbot Froda in 708. (No. 1176).

<sup>44</sup> Sawyer, No. 24. In charter 1611, Eadberht gave fishing rights in the same river to Christ Church, Canterbury in 741.

<sup>45</sup> Sawyer, No. 125.

<sup>46</sup> A. Campbell, *Charters of Rochester* (London: Oxford University Press, 1973), 16.

<sup>47</sup> Hart, 55. The king had the 10,000 eels because the people on the Isle of Ely and the inhabitants of Outwell and Upwell substituted eels for military service to the king.

<sup>48</sup> Hart, 86

waterway “full of various fish.”<sup>49</sup> Richard II himself gave to Saint Peter’s of Chartres a fishery in the river Tolca.<sup>50</sup> He also confirmed that the monastery of Fécamp had fishing rights in the Sequane River within a set area and in four different fishponds off of that river.<sup>51</sup> In Orderic Vitalis’ list of gifts to Saint-Évroul in the time of Robert II duke of Normandy, he wrote that Walter of Auffay, son of Gilbert, son of Richard of Heugleville, gave to Saint-Évroul “fishing rights everywhere in his waters, so that the monks might fish where they pleased.”<sup>52</sup> In addition, William son of William Giroire gave two fishermen at Ternant to Saint-Évroul and another son of Giroire, Robert, gave fisheries in the Sarthe.<sup>53</sup> William the Bastard confirmed (c. 1040-1050) a gift of a fishery in Terciaco and a tithe of their other fisheries by Guidmundus and Emma to Saint Mary of Plancis.<sup>54</sup> Again, the fishing rights in the pre-conquest Norman charters deal with river fisheries not specifically linked to mills.

With a history of distributing fishing rights in both England and Normandy, we should not be surprised that the Norman conquerors issued similar donations of river fishing rights. William I confirmed several donations dealing with holdings in Normandy. Robert count of Eu gave to the abbey of Jumièges two fishing boats and the right to sell

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<sup>49</sup> Fauroux, No. 13. “...cum aqua variis piscibus admodum plena”

<sup>50</sup> Fauroux, No. 32. “...in comitatu Lesvin, piscatoriam in fluvio Tolca, per sabbati vesperum et diem dominicum integrum.”

<sup>51</sup> Fauroux, No. 34. “...in fluvio Sequane piscatoriam que dicitur venna Sancti Leutfredi, et in eodem fluvio tractus piscatorios a loco qui dicitur Barfaldus usque ad eum locum qui dicitur Josephsartum, cum fossatis piscatoriis tribus; et in loco qui dicitur Estindrap tractum piscatorium unum cum fossatis.”

<sup>52</sup> OV III, 251.

<sup>53</sup> OV III, 37.

fish without any demand for a toll.<sup>55</sup> Gilbert Crispin gave the abbey of Bec a fishery and the right to fish in all of the waters of Tillières and Count Simon gave the abbey one-third of a stream at Wellebuht which was as much as belonged to the fishery.<sup>56</sup> William de Briouze gave the right to fish in all his waters to the church of Saint-Gervase and Saint-Prothaise of Briouze.<sup>57</sup> Rainald Burgevin gave a fisherman with his land at Lion-sur-Mer to the abbey of Saint Martin of Troarn.<sup>58</sup> The monks of St. Peter of Gloucester could have the whole of every sturgeon caught in their fisheries.<sup>59</sup> All of these cases are straightforward issuance of rights, similar to any other gift of land, woodland use, or collection of tolls. Watercourses, as well as the fish within them, were capable of being “owned” by lords and thus could be granted to others.<sup>60</sup>

But in William’s England, we get a picture of the kind of conflict that could arise about fishing rights. *Domesday Book* provides a source of information about these disputes. First, limitations on river fishing were imposed. In one case, Ralph de Tosny held six hides in Dinedor, Herefordshire where “No one fishes in the river without permission.”<sup>61</sup> In the Nottinghamshire folio, a dispute about fishing rights is discussed:

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<sup>54</sup> Fauroux, No. 117. William excluded from the tithe the portion of the catch that belonged to him. “et unam piscatoriam in Terciaco, et decimam ex aliis piscatoriis et de exclusis quae ibi sunt pertinentes ad me.”

<sup>55</sup> Bates *RRANI*, No. 164.

<sup>56</sup> Bates *RRANI*, No. 166. “...licentiam piscandi per totam aquam...”

<sup>57</sup> Bates *RRANI*, No. 266, version II. “...per omnes aquas piscandi licentiam...”

<sup>58</sup> Bates *RRANI*, No. 280.

<sup>59</sup> *RRANI*, No. 445.

<sup>60</sup> Anthony Scott and Georgina Coustalin, “The Evolution of Water Rights,” *Natural Resources Journal* 35.4 (Fall 1995), 840-841.

<sup>61</sup> *Domesday Book*, HEF 8,7.

“They [the burgesses of Nottingham] were accustomed to fish in the river Trent, and now they make a complaint because they are forbidden to fish.”<sup>62</sup> In these cases, the medieval concept of water rights is evident: holders of the physical water body had the right to its fish as well as its water.<sup>63</sup> Also in the *Domesday* record we learn about conflicts over fishponds. Earl Harold had constructed a fishery by force on the land in Mortlake belonging to St. Paul’s. In the time of King William, Archbishop Stigand had taken control of the fishery for a while and at the time of the survey, the ownership of the fishery was still disputed.<sup>64</sup> In Twyford Hundred in Gloucestershire, Willaim d’Eu claimed four fisheries on the Wye, but the fisheries were being held as follows: the king held two fisheries in demesne, Roger de Lacy had one, and the Abbot of Malmesbury had one.<sup>65</sup> In a third case, Earl William had seized the land of Archbishop Stigand in Tidenham. He gave Walter de Lacy two fisheries on the Severn and half of a fishery on the Wye and gave Ralph de Limesy two fisheries on the Wye.<sup>66</sup> The holders of these fisheries took action against others who had claimed the same rights. These conflicts may be attributed to the new environmental pressures on fish, which were likely adversely affecting the fish population, and thus men attempted to control their resources at hand.

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<sup>62</sup> *Domesday Book*, NTT, B6.

<sup>63</sup> Scott and Coustalin, 849. See pages 837-850 for a full discussion of the medieval concept of water rights.

<sup>64</sup> *Domesday Book*, SUR 2,3. “Hanc piscariam habuit comes Heraldus in Mortelaga TRE et Stigandus archiepiscopus habuit diu TRW et tamen dicunt quod Heraldus vi construxit eam TRE in terra de Chingestune et in terra Sancti Pauli.” (Robin Fleming, *The Domesday Book and the Law: Society and Legal Custom in Early Medieval England* (Cambridge: Cambridge University Press, 1998), no. 1489).

<sup>65</sup> *Domesday Book*, GLS 1,64.

<sup>66</sup> *Domesday Book*, GLS 1,56.



This type of control was also evident in the early twelfth century. Because of the “common” nature of rivers, when fish were harvested upstream, the downstream fishers are left with no fish at their location. To handle this type of situation on the Thames, King Henry issued a precept acknowledging “That fisherman are not to fish in the Rochester fishery on Thames, before the fishery of Niuuera which belongs to the church of Rochester.”<sup>67</sup> This precept re-affirmed the rights of the church of Rochester to have fish, regardless of the common nature of the water body itself. Henry faced a similar situation with the Shrewsbury Abbey. In 1121, he notified the bishops of Coventry and London that no one was permitted to build a mill or fishery at either bridge in Bridgnorth except the Shrewsbury monks or their grantees.<sup>68</sup> The monks were to be sole benefactors of this seemingly common resource. These cases indicate that holders of rights to water bodies could bring complaint against those interfering with the utilization of that right.<sup>69</sup>

As the above examples demonstrate, conflicts arose because of water-related construction. As the number of mills increased, their link with fisheries and effects on downstream inhabitants could be felt. One of the laws of Edward the Confessor, which probably also reflects Anglo-Norman practice, specifically addressed damage from water resource structures: “And if mills, fisheries, or any other structures are set up to block them, those structures shall be destroyed [and] the roads and waterways shall be restored,

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<sup>67</sup> *RRAN II*, No. 776.

<sup>68</sup> *RRAN II*, No. 1296.

<sup>69</sup> Scott and Coustalin claim that the action of “trespass” was first introduced to the King’s Court in the middle of the thirteenth century. This action included cases in which an upstream neighbor interfered with water use and those in which property was flooded by downstream use (844). As this evidence presented here shows, this type of action was being taken over 100 years earlier through king’s charters.

and the monetary penalty is the king's.”<sup>70</sup> Issues of this type are recorded in the *Domesday Book* and alluded to in charters.

Mills could affect three primary activities: waterway transportation, agricultural production on nearby land, and the operation of other mills. The recent proliferation of mills affected boat traffic on the waterways. A *Domesday* entry for Dover notes that a mill in the entrance of Dover's port had been built in the time of King William and caused significant damage to ships entering the port because of its wake.<sup>71</sup> In another case, William I confirmed to the abbey of Saint-Etienne of Caen the right to build two mills on the river Eure at Lèry on the basis that enough water remained for boats and fish to pass going upstream or downstream.<sup>72</sup> Of particular interest in this charter is the concern not only for the boat traffic, but also the migrating fish. D.J. Pannett has noted the use of “barge gutters” to route traffic around fishing weirs in the Severn River. These gutters were often specially dug through the adjacent floodplain to create navigable side streams. These streams could be navigated by boats, as well as by migrating fish like salmon and eel, avoiding certain destruction of the entire population if even one weir blocked the whole waterway.<sup>73</sup>

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<sup>70</sup> *The Laws of Edward the Confessor*, 12.8: “Et si molendina, piscaria uel alia quelibet opera ad disturbance eorum preparantur, ipsa opera destruantur, chemini et aque reparentur; et foris factura regis.” This is also evidence of the idea of “trespass.”

<sup>71</sup> *Domesday Book*, KEN D10.

<sup>72</sup> *RRANI*, No. 45. Dated 1066 to 1077. “...intra idem territorium [Lireti], in Audura fluvio, concedo fieri molendia duo, [ita] ut tantum spatium de aqua remaneat liberum, quatinus quoquomodo aqua se habeat, convenienter possint per illud spatium ascendere et descendere tam naves quam pisces.”

<sup>73</sup> D.J. Pannett, “Fish Weirs of the River Severn with Particular Reference to Shropshire” in *Medieval Fish, Fisheries and Fishponds in England*, vol. 2, 371. Pannett calls this an “incidental” benefit, but based on the other findings of this paper, I would argue that allowing migratory fish to reach their spawning grounds was a conscious part of weir design.

In three cases, mills affected agricultural production. The Abbot of Thorney constructed a dam at Botolph Bridge, Huntingdonshire, that drowned 300 acres of meadow; Picot the Sheriff made three mills in Cambridge that flooded pastureland and destroyed many houses;<sup>74</sup> and William Blunt had a garden in Croxby, Lincolnshire, but was impeded on account of a mill built in King William's time.<sup>74</sup> These examples all show that the installation of mills could dramatically alter the landscape and adversely affect agricultural pursuits.

In two other cases, the operation of one mill damaged another or led to the inability of the owners to use it. William I ordered the mill made by Picot at Cambridge to be destroyed if it damaged another mill.<sup>75</sup> William I attested an agreement reached by the abbey of Fécamp and Roger de Montgomery about Roger's mill. Roger had built a pond and mill near the mills of Fécamp that subsequently resulted in so much flooding that the abbey had lost use of their mills. The abbey agreed to pay for the construction of a stone road near the sunken road to ensure access to their mills.<sup>76</sup> These conflicts illustrate the growing use of water to drive mills and that building one mill often had effects on the holdings of others nearby. These cases also show that action could be taken to get compensation for the loss of access to resources.

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<sup>74</sup> *Domesday Book*, HUN 1,2; CAM B12; and LC CN20.

<sup>75</sup> *RRANI*, No. 126. The order was issued between 1081 and 1087. "Molendinum de Grantebrugge quod Picotus fecit destruat si altera disturbat."

<sup>76</sup> *RRANI*, No. 142. This seems like an odd settlement since it was Roger's mill that had affected the abbey of Fécamp. Therefore, one would think that Roger should have been paying for the road. Because the original document is lost and it survives only as a copy, it is possible that the scribe reversed the cases so that the giver became the givee. It could also have been because the Fécamp road actually trespassed onto Roger's land and thus the abbey paid a one-time fee to have the road constructed and are given right-of-way on the road.

These issues continued into the reign of King Henry I. Because we lack a document like the *Domesday Book*, we are not able to ascertain as much about the conflict over water rights, but we do get a few glimpses in three charters. In the first example, the interaction of fisheries and mills is again evident. In 1122, Roger bishop of Salisbury gave Nicholas sacrist of Sherborne rights of fishing on certain occasions in the stewponds and also gave him the mill adjoining St. Andrew's church as compensation for two mills swamped by the stewponds.<sup>77</sup> The second case reiterates the impact of mills on local transportation. Henry permitted Alexander bishop of Lincoln to divert the royal highway at Newark in order to construct a causeway for his fishpond in 1130.<sup>78</sup> The third case likely deals with some outraged downstream fishermen. The men of Stanton Harcourt broke the sluice of the Abbot of Abington. Henry charged Nigel d'Oilli and William the sheriff of Oxford to fix it or pay a £10 penalty.<sup>79</sup> These men probably broke the sluice so that the abbot's dam would not hold back the water in the stream, allowing the fish to come downstream to their holdings. This kind of challenge to authority is also visible in a forged William I charter actually written in the 1140s, which attributed several water-related gifts to the abbey of St. Peter's, Gloucester. The charter was obviously written in response to challenges of the abbey's claims. The concessions in the document included the right of the abbot to fish on his land in the river Severn and the right to have the whole sturgeon for any that he caught. A penalty of £10 was also declared for anyone interfering with the water of Fulbrook, which passed through the

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<sup>77</sup> *RRAN II*, No. 1324.

<sup>78</sup> *RRAN II*, Nos. 1660 and 1661.

<sup>79</sup> *RRAN II*, No. 814. Probably datable to 1107.

abbey.<sup>80</sup> This last clause hints that the abbey was responding to upstream effects to their water supply.

Marine mammals are another fishing resource mentioned in the Anglo-Norman charters. Vicki Ellen Szabo found that Old Norse law and Old English law clearly indicated that status and rank played a role in the claiming of stranded whales.<sup>81</sup> The Welsh Law applicable to the Celtic west of Britain in the late Anglo-Saxon period assigned the rights to anything “the sea casts ashore” to the king until three days had passed when it could be claimed by another.<sup>82</sup> A precept of Henry I supports the right of the king to beached whales. The order in favor of the abbot of Battle said that “If a great fish is stranded, the abbot is to have the whole, unless it is between Horsmede and Witheburne, belonging to the soke of Wye, in which case the abbot is to have two-thirds and the tongue.”<sup>83</sup> Another precept was issued later against a specific instance in which the abbot’s claim had been denied. A whale had been stranded in the soke of Wye and the abbot had not been allowed to claim his share. Henry’s writ reiterates their claim to the tongue and share of the body, making note that this right had been granted by King William I, and gives the monks the right to a £10 penalty for anyone who had taken portions of the whale without their permission.<sup>84</sup>

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<sup>80</sup> *RRAN I*, No. 155. The £10 penalty is a give-away that the charter was written no earlier than Henry I. This penalty clause is standard for violations of natural resource rights, like rights of warren, in Henry I documents.

<sup>81</sup> Vicki Ellen Szabo, “The Use of Whales in Early Medieval Britain,” *Haskins Society Journal* 9 (1997), 148.

<sup>82</sup> Hagen, 167-168.

<sup>83</sup> *RRAN II*, No. 1135.

<sup>84</sup> *RRAN II*, No. 1803. Bates lists the earlier document with dates 1100 to 1116 and the latter one between 1107 and 1133. In reality, the date of the first one is the limiting factor for the second.

From a survey of archeological evidence of whale hunting, Szabo concluded that whale use was a largely local phenomenon but there is a possibility that active whale hunting existed in the early medieval European economy.<sup>85</sup> A grant confirmed by William I supports the existence of active whale hunting in Normandy. William de Montfiquet granted to the abbey of Cerisy two ships to catch whale and the right-hand fin of a whale and pieces of blubber and lean meat.<sup>86</sup> In addition, William I granted to the abbey of La Trinité the tithe of whales from what the abbey of Saint-Etienne held at Barentin and on the Diveta.<sup>87</sup> In England, one charter may also indicate active whale hunting. Henry I granted to Bishop Richard of London the whole of any whale caught on their land, except the tongue, which the king reserved for himself.<sup>88</sup> In the *Domesday* folios, two places on the coasts of Kent and Sussex mention porpoises as well.<sup>89</sup> This written evidence would need support from archeological finds, as suggested by Szabo, but it does suggest that whales were an important enough part of the Anglo-Norman economy that the king heard claims for them. The king, in fact, claimed jurisdiction over beached whales according to *Leges Henrici Primi*, which includes *maris laganum* (things

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<sup>85</sup> Szabo, 150-157.

<sup>86</sup> *RRAN I*, No. 95. "...et duas naves ad crassum piscem...et dextram alam de crasso pisce et frustrum unum de crasso eiusdem piscis et aliud de maco..." A law of King Æthelred also suggests some kind of commercial whaling. Æthelred IV, capitulary 2, paragraph 5 refers to men of Rouen coming to Billingsgate with whales (*craspisce*) and being required to pay a toll. *The Laws of the Kings of England from Edmund to Henry I*. The 13<sup>th</sup> century Icelandic law *Codex Regnis of Grágás* permitted the movement and securing of a drifting or stranded whale even on holidays. *Grágás, Laws of Early Iceland*, trans. Andrew Dennis, Peter Foote, and Richard Perkins (Winnipeg, Canada: University of Manitoba Press, 1980), K14.

<sup>87</sup> *RRAN I*, No. 62. "...de Barentin quoque et Diveta decimam de nummis et balenis, de eo scilicet quod Sanctus Stephanus ibi habet..."

<sup>88</sup> *RRAN II*, No. 1530.

<sup>89</sup> Darby, *The Domesday Geography of South-east England*, 607.

cast up by the sea) in the list of jurisdictional items.<sup>90</sup> It is also interesting to note that the concern about whales is found in charters issued in Normandy as well as in England. Whaling traditions may have transferred to Normandy as part of the early settlers' Scandinavian heritage.

Through this analysis of the charters of the Anglo-Norman kings and supporting evidence in *Domesday Book*, we see that fisheries played a vital role in the medieval economy of England and Normandy. Human fish consumption led to the development of river fisheries, artificial fishponds, and sea-fishery exploitation. Because of the pressures of growing population, the damming of rivers and streams for watermills, and the effects of human and industrial by-products, fisheries were under pressure in the eleventh and twelfth centuries. Due to this pressure, conflicts arose dealing with fishing and water rights. Mills created much needed fish habitats and capturing grounds, but they also could adversely affect fish populations, agricultural production, and other nearby mills. Because of the great importance of fish in the medieval diet, these issues were not taken lightly. Anglo-Normans exhibited concern for this key natural resource and made attempts to control its consumption: they specified locations of fishing rights, enumerated the rights to collect tolls of fish and portions of whales, ensured that fish migrations were not unduly hindered by weirs and mills, and took advantage of fishponds created along with mill dams to supplement their river catches.

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<sup>90</sup> *Leges Henrici Primi*, 10,1.

## **Chapter 4**

### **Agents of Medieval Resource Conservation**

As the previous two chapters have shown, Anglo-Normans acted with care and concern to manage the environmental resources at their disposal to preserve their future economic and political value. But who were these agents of medieval resource conservation? As the previous discussions indicate, the king was intimately connected to parceling out resource usufruct rights. The king was not alone in this relationship; in many cases, the grantor was an earl, duke, or other noble. Although many writers like Charles Young and Charles Cox have discussed the royal forests in detail, few have discussed the implications of the nobility holding general woodland rights. No scholarship has approached the implication of holding fishing rights. This chapter will investigate how active the Anglo-Norman nobility, both lay and ecclesiastic, were in resource conservation. How typical was noble concern over resources? Who was employed to carry out these conservation policies?

#### **Noble Control of Resources**

William the Conqueror invaded England from Normandy in 1066 to make his claim to the English throne. After defeating Harold Godwinson, William was crowned King of England at Westminster on Christmas Day 1066. To restructure the English



nobility, William quickly set about redistributing property from Harold's supporters to loyal followers. The king enriched the Norman magnates to enhance his own authority and power, making the nobles both dependent on him for their good fortune and obligated to provide military service to the realm.<sup>1</sup> William granted about fifty percent of England to approximately 180 lay tenants-in-chief, with over a third reserved for the elite top-ten magnates.<sup>2</sup> Such grants were of tenure rather than ownership, thus the grants were revocable by the king.<sup>3</sup>

The Anglo-Norman nobles regulated the use of their woodland to preserve the trees and "beasts of the chase" as well as controlling the fisheries within these granted parcels. This applied to land held on both sides of the channel. Nobles commonly gave usufruct rights in foundation charters to their own churches and monasteries. The donor could transfer to the donee as much control over possessions as he had,<sup>4</sup> but they seldom gave complete control of environmental resources to the beneficiary. In most cases, locations or amounts of the resource allowed were carefully specified. This does not imply that the gifts were "conditional," i.e. that the monastery owed something in return for the gift, but that the gift contained only certain aspects of the resource use.<sup>5</sup>

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<sup>1</sup> Douglas, p271.

<sup>2</sup> C. Warren Hollister, "Magnates and 'Curiales' in Early Norman England," in *Monarchy, Magnates and Institutions in the Anglo-Norman World* (London: Hambledon Press, 1986), 97.

<sup>3</sup> See the detailed discussion of the legal terms of ownership versus tenure according to Norman law in Emily Tabuteau, *Transfers of Property in Eleventh Century Norman Law* (Chapel Hill, NC: University of North Carolina Press, 1988), 95-112.

<sup>4</sup> Tabuteau, 14.

<sup>5</sup> Tabuteau, 44.

Count Robert of Mortain made two usufruct grants with considerable detail about environmental resource control. Robert of Mortain was the half brother of William the Conqueror and second only to Odo of Bayeux earl of Kent in holdings in the newly conquered England.<sup>6</sup> Both of Robert's charters with which we are concerned, however, come from his extensive Continental holdings. Previous examinations of Robert's religious patronage have established "that Normandy was the center of Robert's world."<sup>7</sup> It seems logical then that Robert would have been most concerned about regulating the use of his Continental land.

The first one allocated rights in 1082 to the church of Saint-Evrout.<sup>8</sup> Robert and his wife Mathilda founded this new church within the town of Mortain and needed to endow it with appropriate resources.<sup>9</sup> The grant included various tithes (eels, fisheries, chestnut trees, pig runs, hunting, and forest) from multiple locations. He specified that the church held the right to take wood in Lande-Pourrie for the construction and maintenance of the church, as well as the right to take firewood wherever he himself took it. This last phrase indicates that Robert did not permit the whole-scale use of the woodland, but rather, controlled harvesting to specific areas. In addition, "He granted that the pigs belonging to the canons, the priests of the prebends and their rent-paying farmers should be free and quit of pannage." Robert obviously held the right of the hunt in Lande-Pourrie

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<sup>6</sup> Hollister, "Magnates and 'Curiales' in Early Norman England," 99-100.

<sup>7</sup> Emma Cownie, *Religious Patronage in Anglo-Norman England 1066-1135* (Rochester NY: Boydell Press, 1998), 198-199.

<sup>8</sup> Bates *RRANI*, No. 215.

<sup>9</sup> Bates, *RRANI*, No. 215. "Robertus comes Mortennensis cum Matildi comitissa uxore eius, divina gratia inspirante, ecclesiam novam in castro Moretonii in honore Dei et Sancti Ebrulfi confessoris construxit...In

since he gives permission to the canons and bishop Michael of Avranches to each take one red deer stag per year there.

The second document was a 1082 charter for the abbey of Marmoutier. Count Robert permitted the monks to take wood wherever the count took his wood and “wherever the count’s pigs go into the forest, the monks’ pigs shall do likewise without payment of pannage...”<sup>10</sup> It made a provision that the suburban dwellers associated with the abbey could take wood and building material and have grazing rights wherever the men of Count Robert of Mortain took them as well.<sup>11</sup> In both the Saint-Evrault and Marmoutier cases, the Count limited the rights granted to only those areas that the count himself (or his men) used. This shows a concerted effort on his part to control environmental resources. As one of the largest landholders of the Anglo-Norman realm, Robert’s environmental control should not appear out of place.

The greatest magnates, however, were not alone in these management strategies. Nigel vicomte of Sauveur controlled his gifts of woodland resources in a similar manner. Nigel was lord of Saint-Sauveur in the Cotentin, an area on the edge of Norman control. He had revolted against the Duke of Normandy during William’s minority and did not participate in the English conquest.<sup>12</sup> Nigel’s precarious political position may have motivated him to actively manage the resources he had at hand. When Nigel reformed the

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eadem igitur ecclesia decanatum preficiens, sicut institutio deprecatur canonica, ad decanatus honorem hec subscripta donavit:...”

<sup>10</sup> Bates *RRANI*, No. 205.

<sup>11</sup> Bates *RRANI*, No. 205.

<sup>12</sup> Judith Green, *The Aristocracy of Norman England* (Cambridge: Cambridge University Press, 1997), 33.

abbey of Saint-Sauveur-le-Vicomte by placing it under the authority of the abbey of Jumièges, he gave the abbey one-third of the forest of La Colombe and the “standing dry wood and fallen green wood for their fires.”<sup>13</sup> He also permitted “pasture for animals in open country, woods, the enclosure, and the marshes, the right for pigs to graze in the forest and enclosure of Salsoif, without payment of pannage, and for them to wander wherever Nigel’s pigs go. Similarly he gave the tithes of rents and pannage and the right to graze pigs without paying pannage in the thicket of Henneville and in the forest of La Colombe.”<sup>14</sup> In these grants, Nigel listed specific kinds of wood available for collection (dry and fallen green wood), as well as permissible locations for pannage. The level of detail in this charter indicates that even the moderately well-off nobility took a high interest in proper resource allocation.

Wood for daily use was a common grant by the nobility, even those of lesser status. William son of Giroie gave to the monks of St.-Évroul “all the wood they needed for their own use” in the land of Athelelm the priest.<sup>15</sup> Oftentimes, documents specify the intended use of the wood. Ralph Taisson gave the abbey of Fontenay the right to take wood in his part of the forest of Cinglais for the building of the first abbey.<sup>16</sup> In 1079, Gilbert, the son of Richard of Heugleville, granted that the monks of St.-Évroul “should receive daily from his wood called Hérichards two ass-loads of wood for kindling their

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<sup>13</sup> Bates *RRANI*, No. 260. “Dedi etiam eis tertiam partem eiusdem foreste, et ad ignem suum stans nemus sicum et iacens in viride sicum.”

<sup>14</sup> Bates *RRANI*, No. 260.

<sup>15</sup> *OV II*, 34.

<sup>16</sup> Bates *RRANI*, No. 149.

fire.”<sup>17</sup> The Earl of Leicester gave permission to the monks of St. Mary of Garendon to cut “timber from the said woods [Sheepshead and Dishley] for their houses, firing, and fencing, provided that they do not waste the woods.”<sup>18</sup> These grants show concern for the woodland in that the amounts of wood are specified and specific clauses forbidding waste are present.

Once rights to woodland had been granted, the usufruct holder controlled the resources. In 1121, King Henry I declared “no man is to take anything thence without the leave of the canons [of St. Oswald of Nostell]” in the wood given to them.<sup>19</sup> Another charter forbade “anyone to take anything from the wood of the Abbot of Abingdon which belongs to his manor of Welford [Berkshire] save with his leave.”<sup>20</sup> The forester employed to ensure that proper “leave” was granted is discussed later in this chapter.

Pannage rights in noble-controlled land were granted in many woodland cases. In addition to the detailed records of Count Robert of Mortain and Nigel the vicomte discussed above, there are other general grants of pannage. In England, Gilbert fitz Richard gave pannage rights near his Castle of Penwedic to St. Peter’s abbey of Gloucester; Agnes de Bella Fago gave half of the pannage of her town’s woods to Holy Trinity Abbey in Norwich; and the Earl of Leicester exempted the monks of St. Mary of

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<sup>17</sup> *OV II*, 249.

<sup>18</sup> *RRAN II*, No. 1790.

<sup>19</sup> *RRAN II*, No. 1287.

<sup>20</sup> *RRAN II*, No. 984.

Garendon from pannage fees in his woods of Sheepshead and Dishley.<sup>21</sup> The recording of these grants shows again the nobility's determination to control their resources.

High ranking individuals typically held general fishing rights in waterways running through or adjacent to their own lands. Ralph de Tosny, for example, held six hides in Dinedor, Herefordshire where "No one fishes in the river without permission."<sup>22</sup> Ranulf the Physician must have controlled fisheries in the Ebbw and the Usk that he subsequently gave to the monks of Montacute at Malpas.<sup>23</sup> In the town of Nottingham, it appears that the townsmen's right to fish had been taken away sometime prior to the *Domesday* survey and the burgesses complained about it: "They [the burgesses of Nottingham] were accustomed to fish in the river Trent, and now they make a complaint because they are forbidden to fish."<sup>24</sup> In this case, someone in power, the king or some other landholder, had forbidden fishing where it had been previously considered in the common domain.

Since the nobles controlled the right to fish on their lands, they sometimes granted that right to others. Gilbert, son of Richard of Heugleville, gave to Saint-Évroul "fishing rights everywhere in his waters, so that the monks might fish where they pleased."<sup>25</sup> William de Briouze gave the right to fish in all his waters to the church of Saint-Gervase and Saint-Prothaise of Briouze.<sup>26</sup> Robert son of Giroire gave fisheries in the Sarthe to

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<sup>21</sup> RRAN II, Nos. 1041, 1479, and 1790 respectively.

<sup>22</sup> *Domesday Book*, HEF 8,7.

<sup>23</sup> RRAN II, 1307. The original grant was c.1102.

<sup>24</sup> *Domesday Book*, NTT, B6.

<sup>25</sup> OV III, 251.

<sup>26</sup> RRAN I, No. 266, version II. "...per omnes aquas piscandi licentiam..."

Saint-Evroutl.<sup>27</sup> Gilbert Crispin gave the abbey of Bec a fishery and the right to fish in all of the waters of Tillières.<sup>28</sup> Two nobles gave abbeys fisherman: Rainald Burgevin gave a fisherman with his land at Lion-sur-Mer to the abbey of Saint Martin of Troarn,<sup>29</sup> and William son of William Giroire gave two fishermen at Ternant to Saint-Évroutl.<sup>30</sup> As would be expected, the nobility also held rights of fishing in their own fishponds and could distribute that right. In 1122, Roger bishop of Salisbury gave Nicholas sacrist of Sherborne rights of fishing on certain occasions in the fishponds and also gave him the mill adjoining St. Andrew's church as compensation for two mills swamped by the fishponds.<sup>31</sup> The fishing grants are more general in nature than the woodland grants, but they also show the deliberate granting of fishing privileges.

Many nobles controlled the rights to hunt game, originally granted by the king, as discussed in Chapter 2. In addition to holding the personal right to hunt, sometimes the noble could give others the same permission. Archbishop Lanfranc must have held the right to hunt red deer stags and hinds and roe deer from William the Conqueror because in a precept all others are ordered not to hunt these beasts at his manor of Harrow without Lanfranc's permission.<sup>32</sup> Robert de Lacy held the right to hunt and allow others to hunt on his land in Yorkshire.<sup>33</sup> This allowed the nobility to either use or pass out hunting

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<sup>27</sup> OV III, 37.

<sup>28</sup> *RRAN I*, No. 166. "...licentiam piscandi per totam aquam..."

<sup>29</sup> *RRAN I*, No. 280.

<sup>30</sup> OV III, 37.

<sup>31</sup> *RRAN II*, No. 1324.

<sup>32</sup> Bates *RRAN I*, No. 78.

<sup>33</sup> *RRAN II*, No. 799.

privileges. Associated with hunting rights, the nobility often created parks within their land as private hunting reserves. The bishop of Salisbury, for example, took land from Richard de Vernon to augment the bishop's park at Thames.<sup>34</sup> King Henry permitted the abbots of Chertsey to have their own enclosed parks of Ebbesham and Cobham and all the beasts they could take in the parks.<sup>35</sup> The nobles, both lay and ecclesiastic, sought permission to hunt from the king and once the right was granted, sometimes distributed it.

But not all nobles had the rights they tried to claim. Three examples are extant as notifications of King William I. In the first, the king ordered a park designated by William de Briouze destroyed since William had constructed it without permission on land belonging to the Fécamp abbey of La Trinité.<sup>36</sup> In the second, Count Robert of Eu had apparently hunted on land held by Battle Abbey and was subsequently reprimanded by King William.<sup>37</sup> In the third, William de Briouze had constructed a ditch to carry water to his castle on land owned by the abbey of Fécamp. Because William had no legal right to the land on which the ditch was dug, King William subsequently ordered that the ditch should be filled in and the land remain in the abbot's possession.<sup>38</sup>

Nobles also attempted to control fishery resources to which they did not have the rights. Before the Conquest, Earl Harold Godwinson had constructed a fishery by force on the land in Mortlake belonging to St. Paul's. At the time of the *Domesday* survey, the

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<sup>34</sup> *RRAN II*, No. 1701.

<sup>35</sup> *RRAN II*, No. 1818.

<sup>36</sup> Bates *RRAN I*, No. 146.

<sup>37</sup> Bates *RRAN I*, No. 18.

<sup>38</sup> *RRAN I*, No. 146.



ownership of the fishery was still disputed.<sup>39</sup> In Twyford Hundred in Gloucestershire, Willaim d'Eu claimed four fisheries on the Wye, but the fisheries were being held by the king, Roger de Lacy, and the Abbot of Malmesbury.<sup>40</sup> From this evidence, it appears that nobles seized opportunities to control environmental resources whenever possible.

The nobility actively promoted wise-use of the resources at their disposal: woodland, game, and fisheries. They set limits on the collection of wood, the allowable uses of wood, the amount of game hunted, and the location of fisheries given as gifts to monastic and church foundations. This obviously indicates a real concern for the resources and active attempts to balance the multiple uses of them, as discussed in Chapter 2. Once a resource was controlled, the owner or rights holder needed to manage the resource use and distribution in order to conserve its economic and political value. They thus employed personal servants as environmental stewards.

### **Foresters, Hunters, and Hawkers**

Both the king and other lords employed men to control access to environmental resources and manage distribution of the resources to competing groups. Because of these numerous demands on the woods and competing needs of the lords, monks, and peasants, foresters managed the claims on forest resources. The royal forestry system implemented by the Anglo-Norman kings required a management structure to make it work. Yet the employment of foresters had existed in England prior to the Conquest. *Domesday Book*

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<sup>39</sup> *Domesday Book*, SUR 2,3. "Hanc piscariam habuit comes Heraldus in Mortelaga TRE et Stigandus archiepiscopus habuit diu TRW et tamen dicunt quod Heraldus vi construxit eam TRE in terra de Chingestone et in terra Sancti Pauli."

<sup>40</sup> *Domesday Book*, GLS 1,64.

includes several foresters who were named as holding lands in the time of King Edward: Leofwine the Forester held a virgate of land in Neatham<sup>41</sup> and Bondi the Forester held a woodland in Bampton,<sup>42</sup> and an unnamed forester held 3 virgates of land with woodland in Surrey.<sup>43</sup>

These servants enforced the Anglo-Saxons laws protecting the woodland, such as *The Laws of Ine*, which included fines for destruction of a tree by fire and felling.<sup>44</sup> *Laws of Ine* also included a provision to fine a pig owner if his pigs are discovered in another's oak or beech woods.<sup>45</sup> Capitulary 28 of Canute's *Constitutiones de Foresta* states that no one may touch the wood or underwood without permission of the minister of the forest, otherwise he is considered to have violated the laws of royal chase.<sup>46</sup> This "minister of the forest" later became the Anglo-Norman forester.

The Normans continued, and increased, the foresters' role. Royal foresters acted as the king's servants to keep the peace in the forest and enforce forest law.<sup>47</sup> They protected the venison and woods in their wards against offenders and presented the violators at the forest courts.<sup>48</sup> The king usually appointed his foresters under letters

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<sup>41</sup> *Domesday*, HAM1,2.

<sup>42</sup> *Domesday*, OXF 1,6.

<sup>43</sup> *Domesday*, SUR1,2.

<sup>44</sup> *The Laws of Ine*, capitulary 43.

<sup>45</sup> *Laws of Ine*, capitulary 49.

<sup>46</sup> *Constitutiones de Foresta*, capitulary 28, 184. "Bosco nec subbosco nostro, since licentia primariorum foestæ, nemo manum apponat; quod si quis fecerit, reus sit fractionis regalis chaceæ."

<sup>47</sup> Young, *The Royal Forests of Medieval England*, 10.

<sup>48</sup> Cox, 19. Only one pipe roll survives from the period, the Pipe Roll of 1130, but it contains evidence that there had been a forest court proceeding held in the previous year to assess fines for forest law violations and the foresters were directly involved in the proceedings (Young, *The Royal Forests of Medieval*

patent, although the position was often passed down through generations.<sup>49</sup> In exchange for their service, the king's foresters were rewarded with land. In a charter of Henry I (1121-7), land that had belonged to Geoffrey the forester in Hatfield in return for his keepership of the forest was passed on to Eustace of Barenton.<sup>50</sup>

The laws recorded during the reign of Henry I in *Leges Henrici Primi* specified offences for the cutting of wood both inside and outside of the king's park or forest. Within the king's park or forest, the fine was twenty mancuses, whereas cutting other wood was fined at five.<sup>51</sup> The laws also specified that a man must be seized in the act of cutting to be charged with the offense.<sup>52</sup> Additionally, *Domesday Book* recorded a customary law in the Kent folios that "if anyone fells a tree that stood outside the road and has carried off a branch or foliage from it, for each of these forfeitures he shall pay 100 shillings to the King."<sup>53</sup> The men who served as foresters, as well as those designated as hunters and hawkers, helped enforce these restrictions.

The king, however, was not alone in employing foresters. Local lords and abbeys also retained forest ministers to manage their own woodland holdings. *Domesday Book* records that great landholders like Earl Hugh of Chester established their own "forests"

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*England*, 12-4). Forest courts and forester appointments became much more regularized under the Angevin kings (see Young chapters 2 and 3).

<sup>49</sup> Cox, 17.

<sup>50</sup> *RRAN II*, No. 1518. The charter also grants Eustace the "land of Adam who incurred forfeiture in the forest." This curious phrase may mean that Adam had originally been granted land of the forest but because of mismanagement, the grant was revoked.

<sup>51</sup> *Leges Henrici Primi*, 37,1 and 37,2.

<sup>52</sup> *Leges Henrici Primi*, 23,2. The law also adds an interesting caveat that if the man is accused of stealing wood from his own lord's forest, he can be charged without being caught in the act.

<sup>53</sup> *Exchequer Domesday*, Kent folio 1r, numbered as 881 in Fleming.

and parks<sup>54</sup> and some set up foresters to manage them. For example, *Domesday Book* records that Edward of Salisbury held a 40-acre meadow, woodland at 50 pigs and a forester valued at 10s. in Elmbridge Hundred<sup>55</sup> and the Earl of Hereford, William fitz Osbern “put 2 foresters, one from Hanley [Castle], the other from Bushley, outside his manors to guard the woodlands.”<sup>56</sup> William fitz Osbern’s holdings in Herefordshire were threatened by Welsh attacks from the marshes, so his foresters likely served not only to protect the forest, but his manors as well.<sup>57</sup> Earls Hugh, Roger, and William all had hunters in their personal service as well.<sup>58</sup> Forest-keepers employed by the nobility and by the king served the same basic functions.

Five responsibilities of forest-keepers are evident in the charters, precepts and notifications of the Anglo-Norman kings: (1) protection of the game, (2) protection of the trees, (3) regulation of grazing, (4) distribution of the hunting tithe, and (5) financial accounting for forest resources.

First, they protected the wild game against offenders and presented the violators at the forest courts.<sup>59</sup> By controlling the number of animals hunted through the granting

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<sup>54</sup> *Domesday*, CHS 26,6. “In EDDISBURY [ North ] Hundred Dunning holds KINGSLEY-from the Earl... woodland 1 league long and 1 wide, which the Earl put in his Forest; a hawk's eyrie; 4 deer parks.”

<sup>55</sup> *Domesday*, SUR 27,1.

<sup>56</sup> *Domesday*, HEF 1,44.

<sup>57</sup> See Judith Green’s discussion of William fitz Osbern in *The Aristocracy of Norman England*.

<sup>58</sup> *Domesday* lists the following hunters in the service of earls: Gilbert (man of Earl Hugh, DOR 27,1, CHS 18), Ralph (man of Earl Hugh, CHS 21, CHS FD8), Warmund (man of Earl Hugh, CHS FT3,3), Roger (man of Earl Roger, SHR 4,1,2, SHR 4,3,15, WOR 14,1, SHR 4,26), Norman (man of Earl Roger, SHR 4,25), and Jocelyn (man of Earl William, HEF 1,40).

<sup>59</sup> Cox, 19. Only one pipe roll survives from the period, the Pipe Roll of 1130, but it contains evidence that there had been a forest court proceeding held in the previous year to assess fines for forest law violations and the foresters were directly involved in the proceedings (Young, *The Royal Forests of Medieval*

of only select hunting rights, the species were reserved for particular hunters. For example, when King Henry assigned the abbot of St. Mary's of York keepership of their woods instead of his own royal foresters, the king specifically required the abbot to preserve the hart, hind, boar, and hawk within the woods.<sup>60</sup> It is probable that the royal or baronial foresters would normally have performed this service. Henry also had to notify the royal foresters of Worcestershire that Walter de Beauchamp had permission to hunt wolves in the Worcestershire royal forest, since the foresters presumably would not have permitted such actions without such a writ.<sup>61</sup> Even though the motivation of the foresters was to reserve large game for the king or nobility, the effect was that the forest-keepers ensured the survival of the species.

Second, they offered protection for the trees and underwood. Foresters had to be consulted to identify appropriate trees for felling. In this way, nobles could give "license" for the activity and tightly control it. In a Saint-Etienne charter dated c.1081/2, Eudo specified that if the monks wished to cut down green wood, they had to seek permission from his foresters, who would show them where best to cut. In the event that the foresters were unhelpful, then they could cut the wood where they wished.<sup>62</sup> In a similar charter of the abbey of La Trinité of Fécamp, the abbey granted Gilbert d'Auffay the right of

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*England*, 12-4). Forest courts and forester appointments became much more regularized under the Angevin kings (see Young chapters 2 and 3).

<sup>60</sup> *RRAN II*, No. 838.

<sup>61</sup> *RRAN II*, No. 1025. Henry also told the foresters of the forest of Feckenham that Walter had the right of taking foxes in the royal forest. (*RRAN II*, No. 1035).

<sup>62</sup> Bates *RRAN I*, No. 49. "Tamen si ligna viridia excidere oportuerit, monachi seu homines eorum petant licentiam a forestariis quantinus ipsi eant et ubi competenter [inci]di possent ostendant. Qui se forte [ire] renuerint seu dolo vel aliqua calliditate monstrare despexerint aut q[uod mali] ministri facere solent locum non aptum ad incidendum monstraverint, tunc liceat monachis et eorum hominibus neglectis eis in silvam ire et ubi voluerint ad prefatos usus ligna incidere."

pasture and firewood in the abbey's forests "providing that the abbot or the prior, if the abbot was absent, had been asked in advance and the wood measured by the abbey's forester so that the forest should not be too greatly damaged."<sup>63</sup> In the third case, the abbey of Saint-Wandrille and count William of Evreux reached an agreement in 1074 that the monks had the right to ask the count's foresters for wood in the forests for heating and building at the monastery and seven associated manors. If the foresters refused to cooperate, the monks could take the necessary wood freely.<sup>64</sup> In these three cases, it is clear that the intent of involving foresters was to regulate which trees would be cut down so that larger trees than actually needed would not be felled. This preserved the integrity of the woodlands and helped conserve the larger timber. Although there is not a surviving English charter specifying this forestry role, as mentioned earlier, Canute's *Constitutiones de Foresta* included a capitulary restricting the cutting of wood without permission of the forest minister; therefore, it is likely that such practices were customary in Norman England as well as Normandy. Thus, the Anglo-Normans restricted indiscriminate tree cutting in order to preserve woodland as deer habitat and fodder and to conserve large timbers for particularly large projects such as ship and church construction.

Third, just as they enforced restrictions on cutting wood, foresters and other local officials enforced the restrictions on the location and number of livestock grazing in the

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<sup>63</sup> Bates *RRANI*, No. 145. "ita quidem ut prius inde requireret abbatem, [v]el priorem si abbas deesset, et tunc ex concessu abbatis vel prioris, presente et tradente forestario abbacie mensurate ligna accipet ubi silva sante Trinitatis non ni mis peioraretur."

<sup>64</sup> Bates *RRANI*, No. 262. Unfortunately, the "customary" amount is not clearly defined within the charter. An Abbey of Fontenay charter (Bates *RRANI*, No. 149) and a St.Évroul grant from Richard of Heugleville (*OV II*, 249) both mention two ass-loads as a regular amount of firewood. This may have been the "customary" amount.

woodlands. Swine had to be particularly closely controlled. Allowing pigs to feed in the woods uncontrolled would deplete the woodland because the pigs eat the acorns and thus seedlings do not sprout. Because of the limited amount of acorns and beechnuts produced each year, these restrictions had to be placed on the herds to avoid irreparable forest damage. In a *Domesday Book* record for Oakhanger in Hampshire, the shire testified that the king's reeve could "have neither pasture nor pannage from the King's woodland as he claims, except through the sheriff."<sup>65</sup> King Henry I issued several notices permitting swine feeding in the woods and addressed these to his forest ministers. Henry's order allowing William Mauduit to pasture cattle in his forest was sent to the "keeper of Northamptonshire forest".<sup>66</sup> His 1106 charter allowing free pasture for the swine of St. Mary of Bec in his forest of Aliermont was addressed to "his officers of the comté and the forests of Arques and Aliermont"<sup>67</sup> and he notified his foresters that the brethren of St. Peter's Hospital in York were given wood and grazing rights throughout the Yorkshire royal forest.<sup>68</sup> These types of notifications would have been required by the forest guardians to permit such grazing. Thus grazing was closely controlled.

Fourth, foresters, hunters, and hawkers were responsible for distributing the tithe of hunting to the appropriate religious houses. King Henry notified his foresters, hunters, and bowmen beyond the Severn and in Dean that the tithes of hunting in that region

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<sup>65</sup> *Exchequer Domesday*, Hampshire folio 49v, numbered as 653 in Fleming.

<sup>66</sup> *RRAN II*, No. 1847.

<sup>67</sup> *RRAN II*, No. 794.

<sup>68</sup> *RRAN II*, No. 1328.

belonged to St. Peter's of Gloucester.<sup>69</sup> Henry also notified Croc the huntsman and all of his servants of the forest of Windsor that he granted the entire tithe of venison taken in the forest of Windsor to St. Mary of Abingdon.<sup>70</sup> Conflicts sometimes arose between the religious houses and the king's huntsmen, as in the case of Abbot Roger of Fécamp who issued an order to recover the tithes of venison from the forest of Fécamp that King Henry's huntsmen had unjustly withheld.<sup>71</sup> Thus the ministers of the forest regulated the fruits of hunting.

Finally, foresters and hunters, particularly those in the king's service, were fiscally responsible for the woodland resources. In a precept of King Henry, the role of foresters as financial record-keepers is explicit: "The foresters [of William de Brix] are to be quit in the king's pleas for so many trees as the monks [of Montebourg] acknowledge in their tallies."<sup>72</sup> The Pipe Roll of Henry I enumerated the violations and fines assessed by these ministers of the forest. Forest clearances, or assarts, are listed in detail, such as Geoffrey de Maisi owing 20 marks for his house and assart in Surrey.<sup>73</sup> Hunting offenses are also recorded, such as Suen, the archer, who owed twenty marks for a forest violation.<sup>74</sup> The forest ministers thus assumed a bureaucratic role.

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<sup>69</sup> *RRAN II*, No. 594.

<sup>70</sup> *RRAN II*, No. 696.

<sup>71</sup> *RRAN II*, No. 1689.

<sup>72</sup> *RRAN II*, No. 1951. The foresters were ordered to permit the monks of Montebourg to have 52 trees for firewood each year, building timber, and pannage in Brix.

<sup>73</sup> *Pipe Roll, 31 Hen. I*, facsimile of 1833 edition (London: Record Commission, 1833; London: H.M. Stationery Office, 1929), 50.

<sup>74</sup> *Pipe Roll, 31 Hen. I*, 75.



Some of the most interesting charters specifically addressed the royal foresters' interaction with the monasteries that had been granted access to woods. The Anglo-Norman kings often ordered their foresters not to interfere with the monasteries that had been granted privileges in the woods. For example, William Rufus issued a precept to his foresters that none of them should meddle with the wood of Aldwin abbot of Ramsey.<sup>75</sup> In 1094(?), William Rufus notified Croc the huntsman and Ared the falconer that none of the king's foresters were to interfere with Abbot Godfrey of Malmesbury's own woods.<sup>76</sup> In addition, Croc was required to quitclaim the abbot and his men of a plea of 60 shillings, which he had against them, presumably a fee for hunting or gathering wood without authorization in the forest.<sup>77</sup> In one example of many, King Henry granted to William abbot of Chertsey and his successors the right to take "from their own wood all that is necessary for their own use, without leave of the royal foresters or hindrance from them."<sup>78</sup> Even the nobility spoke out against meddling foresters. Roger bishop of

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<sup>75</sup> *RRAN I*, No. 332. The precept specifies that the foresters are not to meddle in concerns of hunting or wood cutting: "nisi de bestiis et de essartis." A similar precept was issued to Walter son of Oter, the king's forester in Berkshire, on behalf of Rainald abbot of Abingdon. *RRAN I*, No. 391.

<sup>76</sup> *RRAN I*, No. 347.

<sup>77</sup> Croc the Huntsman watched over lands in one royal forest. *RRAN II*, No. 616. Croc was ordered to allow the monks of Abingdon to improve their land within the king's forest. Number 615 is a similar order to Croc. Early in Henry's reign, he ordered that Ared the falconer allow the men of Abbot Faritus to transport the timber and brushwood that had been given or sold to them for building operations. *RRAN II*, No. 855. This charter is dated 1100-1107.

<sup>78</sup> *RRAN II*, No. 1818. In an earlier charter (*RRAN II*, No. 774), Henry I affirmed that "no forester or other official is to disturb or impede the monks" of Chertsey who were "to have the power of taking timber for the use of their church, without anyone's leave" in their woods. Other charters of Henry I forbidding foresters from interfering with monks in the king's forest are: *RRAN II*, No. 528a, which stated that no one was to interfere with the holdings of Abbot Aldwin of Ramsey in Huntingdonshire (see the similar precept by William Rufus in footnote above); *RRAN II*, No. 577, which benefited the abbot and monks of Colchester and stated that the foresters were not to hinder them taking anything in their own wood; *RRAN II*, No. 836, which notified Osbert the sheriff that Stephen Abbot of St. Mary's of York had been given custody of the king's forest within Stephen's land and forbade "foresters to interfere therein"; *RRAN II*, No. 1844, which commanded to all the king's foresters of Whittlewood in Northamptonshire "that the prior and

Salisbury issued an order to the king's foresters of Yorkshire to allow the men of the Archbishop of York to take all necessary items from the woods, including those woods "which the king has included in his forest."<sup>79</sup> These examples show the far-reaching nature of the forester's role and that they even acted outside of their legal bounds.

Foresters, hunters, and hawkers paid for the right to administer the forests and hold land. The Pipe Roll entries list fees paid for these official positions, such as Henry Esturmit who paid over £25 for the office in the forest of Marlborough and Henry, son of Herbert, the forester, who owed half a mark of gold for the land and office of his father.<sup>80</sup> *Domesday* entries list several foresters by name,<sup>81</sup> hinting at the important role they served. Richard the forester was the wealthiest landholder designated as a forester in *Domesday*. He held 18 hides in both Warwickshire and Staffordshire, worth over 200 shillings.<sup>82</sup> Most of his holdings included wooded land, as well as arable property.

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monks of Luffield be in the king's peace and have their easements in the king's forest."; *RRAN II*, No. 838, which ordered that the king's foresters were not to interfere with the abbot and monks of St. Mary's of York; and *RRAN II*, No. 1658, which commanded the forester of Malvern not to meddle with the wood of Woolridge and Corswell because the king had given it to the monks of Gloucester.

<sup>79</sup> *RRAN II*, No. 1989. The charter was issued sometime between 1114 and 1135.

<sup>80</sup> *Pipe Roll, 31 Hen. I*, 17 and 38 respectively as discussed in Cronne, "The Royal Forest in the Reign of Henry I." In a charter of Henry I (*RRAN II*, No. 1518), land that had belonged to Geoffrey the forester in Hatfield in return for his keepership of the forest was passed on to Eustace of Barenton. The charter also grants Eustace the "land of Adam who incurred forfeiture in the forest." This curious phrase may mean that Adam had originally been granted land of the forest but because of mismanagement, the grant was revoked.

<sup>81</sup> Herbert the forester held 1 virgate in Lyndhurst, Boldre Hundred, from the King himself. The remainder of the king's holdings in the area was in the Forest (*Domesday*, HAM 1,31). Peret the forester held ½ virgate in Battamsley from the King (*Domesday*, HAM NF9.24) and William the forester held ½ hide in Chilton from William son of Azor. (*Domesday*, HAM IoW7,20) Other entries mention only that a forester held land or was present. A forester held ½ virgate of land in Hanley Castle, Tewkesbury Hundred, Gloucestershire. (HEF 1,42)

<sup>82</sup> His holdings consisted of approximately 10 hides worth 137 shillings (*Domesday*, WAR 44) and another 8 hides worth 69 shillings (*Domesday*, STS 13).

Hunters and hawkers were also well-landed and respected. *Domesday Book* recorded the holdings of numerous hunters.<sup>83</sup> William de Pont de l'Arche, the royal chamberlain, paid a huge sum (100 pounds and three marks of gold) for custody of the land of Ulric the hunter, hinting at the vastness of Ulric's holdings.<sup>84</sup> More importantly, both Ared the falconer and Croc the huntsman were addressees and signatories of Henry's charters. All of this evidence re-affirms the important role that forest ministers served in the Anglo-Norman state.

As this chapter has shown, the nobility played a significant role in the management of resources in the Anglo-Norman kingdom. They actively sought out documents recording their rights to woodland and fisheries and subsequently granted those rights to favored monasteries and churches. Both the king and other nobility employed foresters, hunters, and hawkers to control access to woodland resources and manage distribution of the resources to competing groups. These ministers of the forest contributed a significant service to their Anglo-Norman lords in resource management through five responsibilities: protection of the game, protection of the trees, regulation of grazing, distribution of the hunting tithe, and financial accounting for forest resources.

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<sup>83</sup> *Domesday* lists the following hunters who held land from the king: Ketel (SUR 36,9), Wulfwy (SUR 36,10), Waleran (HAM 6,16, HAM 45, HAM NF9,14, WIL 37, DOR 40), Croc (HAM 60), Cola (son of Wulfgeat, HAM 69,32; HAM 69,52), Wulfgeat (HAM 69,36, HAM loW1,6, HAM loW1,9, WIL 67,77, DOR 56,16), Edwin (HAM 69,41, DOR 56,31-33), Wulfric (HAM 69,47, WIL 67,65-72, DOR 56,13, DOR 56,18, DOR 56,30), Aelfric (WIL 13,2 (?), DOR 56,6, DOR 56,12, DOR 56,52, DOR 56,57, DOR 56,59-60, DOR 56,65), Godric (WIL 67,45, DOR 56,4), Godwin (DOR 56,24, DOR 56,27), Edward (DOR 56,66), Siward (OXF 58,23), Robert (holds of Robert of Stafford, WAR 21,1, WAR 22,10), and Richard (WAR 44,7-8).

<sup>84</sup> *Pipe Roll, 31 Hen. I, 37*. The pipe roll also records that an archer in Northamptonshire paid over 16 shillings for the land of his predecessor (*Pipe Roll, 31 Hen. I, 128*).

These management agents all contributed to Anglo-Norman environmental resource control.

## **Chapter 5**

### **Contested Resources and Conflict Resolution**

The natural resources described in the previous chapters were of significant economic value to the landholders because of their vital roles in everyday medieval life. When landholders sought to limit the rights and privileges of others to these resources, conflict naturally arose. The conflicts over environmental resources within the Anglo-Norman kingdom reveal the extent of environmental awareness and active resource management at the time.

The king often issued precepts and notifications in favor of one party over contenders. Rights-holders petitioned for documents outlining their rights, whether to fish, divert water, harvest whales washed ashore, cut down trees, or pasture livestock. These documents served to counter claims against those usufruct privileges. Parties also petitioned the king to resolve specific conflicts.

There are only a few recorded conflicts over water resources in the Anglo-Norman documents. King William confirmed an agreement between the abbey of Fécamp and Roger of Montgomery to resolve a conflict about a road damaged by a nearby watermill. In Normandy, Durand Abbey, controlled by Roger, had constructed a pond and mill near the road called La Ramée, causing it to flood. The abbey of Fécamp was therefore unable to access its own mill. The abbey of Fécamp agreed to pay eighty

pounds toward the construction cost of a stone road and the abbey of Durand agreed to build it.<sup>1</sup> A similar conflict appears recorded between the Abbot of Ely and Picot the sheriff.<sup>2</sup> In a destructive incident in England, the men of Stanton Harcourt broke a sluice, which controls water flow, owned by the Abbot of Abingdon. The men were fined a penalty and ten pounds and Nigel d'Oilli and William the Sheriff of Oxford were ordered to “do full right” to abbot,<sup>3</sup> which probably meant that they needed to repair the sluice. These incidents all reveal underlying conflict about the use of water and the damage that technology could inflict on other’s rights.

In *Domesday Book*, a dispute about fishing rights is discussed: “They [the burgesses of Nottingham] were accustomed to fish in the river Trent, and now they make a complaint because they are forbidden to fish.”<sup>4</sup> Unfortunately, the person who forbade the fishing is not known. It could have been the king or another landholder. The abbot of Battle was denied his claim of a portion of a whale stranded in the soke of Wye. The abbot petitioned King Henry and received a writ affirming the abbey’s claim to the tongue and share of the body, making note that this right had been granted by King William I, and gave the monks the right to a £10 penalty for anyone who had taken portions of the whale without their permission.<sup>5</sup> In these two incidents, perceived rights,

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<sup>1</sup> Bates *RRAN I*, No. 142.

<sup>2</sup> Bates, *RRAN I*, No. 126.

<sup>3</sup> *RRAN II*, No. 814.

<sup>4</sup> *Domesday Book*, NTT, B6.

<sup>5</sup> *RRAN II*, No. 1803.

whether customary as in the first case or written as in the second, required kingly affirmation to resolve the conflicts.

The most significant environmental conflicts arose over woodland in the Anglo-Norman kingdom. As discussed in Chapter 2, William the Conqueror had introduced Continental-based forest law to England. The contemporary chronicle writers unanimously attributed afforestation to the hunting pastime of the new nobles and always viewed negatively the removal of lands from private landholders to the king. This is evidence that conflict between the king and his subjects had begun. The Anglo Saxon chronicler of Peterborough held a very negative view of the king's forest regulation, as evidenced in the epitaph of King William I discussed in Chapter 2, which condemned his designation of forest lands.<sup>6</sup> The chronicler not only pointed out the love of the hunt, but also the material consequences of opposing the king. The chroniclers also connected the nobility's love of hunting with disasters involving members of William the Conqueror's family in the New Forest. As told by Orderic Vitalis in the early 1100s, the descriptions of these tragedies expose the deep resentment locals and ecclesiastics held against the king for the establishment of forests:

Now reader, let me explain why the forest where this knight perished is called 'new.' That part of the country had been populous in earlier days, and was scattered with hamlets providing support for settlers. Indeed a dense population thoroughly tilled the county of Hampshire, so that the southern district provided the city of Winchester with all kinds of country produce. But after William I conquered the realm of England, so great was his love of woods that he laid waste more than sixty parishes, forced the peasants to move to other places, and replaced the men with beasts of the forest so that he might hunt to his heart's content. There he lost his two sons, Richard and William Rufus, and his grandson Richard as I have described; and visions appeared in many terrible forms to

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<sup>6</sup> *The Peterborough Chronicle*, year 1087.

various men, by which the Lord plainly showed his anger that consecrated buildings had been given over to be a habitation for wild beasts.<sup>7</sup>

Real bitterness toward the king's forest law is clear in this passage. Resentment of the forests had as much, if not more, to do with land seizure than the loss of hunting privileges.

The establishment of royal forests had implications beyond the question of hunting privileges. William could have restricted the hunting of all deer and wild boar without the establishment of designated forest areas, but that would have not accomplished another goal: the conservation of habitat. The word *forest* does not imply woodland; moorland, heath, and fenland habitats were all set aside as forests because of their role as deer habitat.<sup>8</sup> In order to conserve the habitat, the king set up forest areas where he could easily restrict the cutting of wood and pasturage of animals, which would have otherwise endangered the wildlife. These restrictions took away many of the privileges that land holders had enjoyed in Anglo-Saxon times. Although William the Conqueror had seized all land in England after 1066 and redistributed it to supporters, there does not appear to be a direct correlation between the resource conflicts and this new system until after the forest grows into a fully functional administrative body in England, which is discussed later in this chapter.

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<sup>7</sup> *OV V*, 283-5. Henry of Huntingdon, writing 1129-1154, agreed that the creation of the New Forest had created much dislocation: "He loved the beasts of the chase as if he were their father. On account of this, in the woodlands reserved for hunting, which are called the 'New Forest', he had villages rooted out and people removed, and made it a habitation for wild beasts." (Henry of Huntingdon, *Historia Anglorum*, ed. & trans. Diana Greenway (Oxford: Clarendon Press, 1996), vi. 39) The actual extent of relocation and desolation is debated (see for example Douglas' discussion in the Epilogue), however, the passage is still extremely valuable for the perception of the forest that it shows.

<sup>8</sup> Rackham, *The History of the Countryside*, 130. Rackham, however, argues that forests were not hunting preserves because the monarchs did not necessarily hunt at them, but rather professionals did the hunting.



One of the political benefits of the forest designation was the resulting ability of the king to pass out privileges to his supporters. Archbishop Lanfranc, for example, must have held the right to hunt red deer and roe deer from William the Conqueror because a written precept forbade all others from hunting these beasts at Lanfranc's manor of Harrow without Lanfranc's permission.<sup>9</sup> As seen in Chapter 4, gifts to nobles followed by subsequent gifts to monasteries were commonplace. When the land was reserved as *forest* or set aside as a fishery, it created conflict with the previous landholders and those who held privileges to it.

The documentation of the conflicts is threefold: records of quarrels appeared in legal notices and precepts issued by the king, *Domesday Book*, and financial rolls. The contested woodland resources include wood, pannage rights, and game. Conflicts were recorded in both England and Normandy, which was already operating under the forest system before the English Conquest. Conflicts in the early years appear in Normandy with the same about of vigor as they do in England.

A quarrel over two forests between the abbey of Saint-Wandrille and count William of Evreux was so intense that both sides threatened to demonstrate proof by battle. King William had to make peace between the two sides to avoid "the shedding of blood."<sup>10</sup> Both the monks and the count claimed the forests of Caudebec and Gauville. The agreement outlined the rights of the monks to take wood and feed their pigs in the forests. The two parties initially disagreed about the number of pigs that could be fed, the

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(133) This line of reasoning is questionable. Just because the forest was not used for leisure hunting does not mean that its primary purpose was deer supply.

<sup>9</sup> Bates, *RRANI*, No. 78.

abbey wanting to send all of their pigs and the count wishing to limit the number to two herds. The final compromise allowed four herds, but they were not permitted into the count's fenced-off enclosure unless the count's pigs or other livestock went in there. If any building occurred on the edge of the forest, Count William agreed to turn over the land to the abbey. With this agreement in place, the parties averted bloodshed. The intensity of this fight for resources stands out as a prime example of the importance of environmental control.

Most disputes were not as severe as the one cited above, but they still reveal an active interest in resource allocation and management. William I issued a notification to resolve a dispute between Battle Abbey and count Robert of Eu. Robert had evidently been hunting on land previously given to the abbey. He or his men had apparently cut wood as well. William notified the Count that he had no rights to do these activities and had to appear before the king to make amends.<sup>11</sup> Resource privileges or lack thereof often required restating. William notified all the citizens of London that they were not permitted to take stags, hinds, or roe-deer in the lands of archbishop Lanfranc's manor of Harrow in Middlesex. The archbishop's permission to hunt had to be expressly granted to any hunter.<sup>12</sup> This notification clearly indicates that the citizens of London *had* been hunting in this area, making it a contested resource.

Conflicts sometimes arose between the religious houses and the management agents. King Henry had to order his huntsmen to turn over tithes of venison to Abbot

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<sup>10</sup> Bates, *RRANI*, No. 262.

<sup>11</sup> Bates *RRANI*, No. 18.

Roger of Fécamp in Normandy because the tithes had been unjustly withheld.<sup>13</sup> Foresters had to be expressly forbidden to meddle in the affairs of churchmen with usufruct rights. For example, William Rufus issued precepts to his foresters and hunters forbidding interference with the woods of the abbots of Ramsey, Malmesbury, and Abingdon.<sup>14</sup> Henry I also affirmed that “no forester or other official is to disturb or impede the monks” of Chertsey who were “to have the power of taking timber for the use of their church, without anyone’s leave” in their woods.<sup>15</sup> These statements forbidding “meddling” show the underlying conflict present between the foresters and those who claimed rights to forest resources.

Illegal seizure was not uncommonly recorded. Hugh de Bocland of Berkshire was notified via precept that everyone was forbidden to take anything from the wood of the Abbot of Abingdon.<sup>16</sup> This likely indicates that people had been taking wood and/or game from the abbot’s woods, thus he needed to reconfirm his rights. *Domesday Book* records that Osmund de Vaubadon annexed woodland in Wain Wood, Hertfordshire, illegally out of the king’s forest.<sup>17</sup> Richard of Tonbridge had seized the woodland

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<sup>12</sup> Bates, *RRAN I*, No. 78. The text is in both Anglo-Saxon and Latin which may indicate the desire to publicize the ban as widely as possible.

<sup>13</sup> *RRAN II*, No. 1689.

<sup>14</sup> Bates, *RRAN I*, Nos. 332, 347, and 391.

<sup>15</sup> *RRAN II*, No. 774. Other examples of notifications and precepts issued on this subject by Henry include *RRAN II*, Nos. 528a, 577, 836, 838, 1658, 1818, and 1844. See the fuller discussion of this in Chapter 4.

<sup>16</sup> *RRAN II*, No. 984.

<sup>17</sup> *Domesday Book*, HRT 1,13.

attached to the Wallington manor from a peasant (*rusticum*) who lived there.<sup>18</sup> Seizure of property was not the only way that resource utilization could be hampered.

Illegal construction is evident in one recorded case. King William I heard the plea of William of Briouze claiming possessions of the abbey of Fécamp. The king ruled that a park constructed by William of Briouze on land held by the abbey had to be destroyed. In addition, the road and water canal leading to William of Briouze's castle were to be destroyed.<sup>19</sup> Those who claimed rights to resources contested both construction and destruction when their livelihood was at stake.

As the forest grew as an administrative entity, it became an even more potent source of conflict. William the Conqueror may have established the *forests*, but his son Henry I turned them into a forest system. As the forest system took shape in England, it created more and more resentment among the English nobility who had not previously been under such a system. Recent scholarship has revealed the administrative innovations developed under Henry, such as the accounting center of the realm called the exchequer.<sup>20</sup> The Pipe Roll of 1130, the one surviving example of the exchequer's annual fiscal records from Henry's reign, recorded the income from fines, fees, and taxes associated with forest law enforcement.

In addition, the important legal text *Leges Henrici Primi* compiled during Henry's reign summarized the legal aspects of the English forest system. Chapter 17 "Concerning the plea of the forest" listed the items that were handled within the forest courts and

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<sup>18</sup> *Domesday Book*, SUR 1,6.

<sup>19</sup> Bates, *RRAN I*, No. 146.

<sup>20</sup> C. Warren Hollister, *Henry I*, 356.

financial accounting. This following passage is vital to an understanding of forest administration in Henry's time:

17,1 The plea of the forests is embarrassed with too many inconveniences.  
17,2 It is concerned with the clearing of land; cutting wood; burning; hunting; the carrying of bow and spears in the forest; the wretched practice of hambling dogs; anyone who does not come to aid in the deer hunt; anyone who lets loose the livestock which he has kept confined; buildings in the forest; failure to obey summonses; the encountering of anyone in the forest with does; the finding of hide or flesh.<sup>21</sup>

This passage reveals a significant amount about the forest system c.1115. It was acknowledged, at least by the ecclesiastic who compiled the laws in the *Leges*, that the forest system was complex and not without fault. By this time, the forest law dealt with a wide variety of issues, both related to the land within the forest and the game on it. The order of the plea issues is consequential because it indicates that clearances of land and the cutting of wood were at least as important as hunting.

Evidence from the Pipe Roll of 1130 supports this emphasis on all aspects of the forest. The protection of the *vert*, forest vegetation, was much more frequently mentioned in the pipe roll than protection of venison. For example, the accounts of a number of Hampshire and Wiltshire foresters referred to the taking of timber from the Royal Forest.<sup>22</sup> Legal texts surviving from Henry's reign support this emphasis on *vert* conservation. These post-conquest practices are apparent in the law code *Constitutiones de Foresta* attributed to the Danish king Canute but actually written by a Norman

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<sup>21</sup> *Leges Henrici Primi*, 121.

<sup>22</sup> Cronne, "The Royal Forest in the Reign of Henry I," 22

scribe.<sup>23</sup> Capitulary 28 stated that no one could touch the wood or underwood without permission of the minister of the forest, otherwise he was considered to have violated the laws of royal chase.<sup>24</sup> *Leges Henrici Primi* Chapter 37 concerned the cutting of wood. The laws specified offences for the cutting of wood both inside and outside of the king's park or forest.<sup>25</sup> The laws also specified that a man must be seized in the act of cutting to be charged with the offense.<sup>26</sup> These regulations show that wood was protected both inside and outside of the king's forests, but unfounded charges of trespass would not be prosecuted. In order to protect game, the king understood that the woodland habitat required preservation. These legal practices limited access to key environmental resources and were therefore constantly challenged.

The forest administration constantly battled with *assarts*, clearances in the forest. In 1105, King Henry allowed the Abbot of Shrewsbury and his men to take "wood necessary for making their houses, in the royal woods; saving assart and immoderate waste."<sup>27</sup> The pipe roll records fines assessed for assarts. For example, Geoffrey de Maisi owed twenty marks for his house and assart in Surrey.<sup>28</sup> This means that although clearing land within a forest was prohibited, it was certainly done anyway. Assarting was

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<sup>23</sup> Cox, 5. See discussion of this law in Chapter 1. It may have been important to the Normans to establish this Danish precedent so that the longevity of the restrictions was established and the ties were made to a time before King Edward the Confessor.

<sup>24</sup> *Constitutiones de Foresta*, capitulary 28.

<sup>25</sup> *Leges Henrici Primi*, 144.

<sup>26</sup> *Leges Henrici Primi*, 126. The law also adds an interesting caveat that if the man is accused of stealing wood from his own lord's forest, he can be charged without being caught in the act.

<sup>27</sup> *RRAN II*, No. 698.

<sup>28</sup> Cronne, "The Royal Forest in the Reign of Henry I," 11

one way to claim traditional rights and privileges to the land in spite of the king's wishes.<sup>29</sup> The control that Henry's administration could exert found its form in financial penalties. The financial aspect of the forest became a critical part of the forest organization and important point of contention between the king and the nobles.

Since the forest was tied closely with hunting, this aspect of the forest was also further developed during Henry I's reign. Pseudo-Canute's law recorded the "practice of hambling," in which owners cut the knees of their greyhounds if they lived or traveled within 10 miles of a forest in order to make them unable to hunt large game.<sup>30</sup> The *Leges Henrici Primi* pleas of the forests included this limitation as well: "...the wretched practice of hambling dogs...the entering of anyone in the forest with dogs."<sup>31</sup>

In spite of these restrictions, Henry was fairly liberal with gifts of hunting rights. In the *London Charter* of Henry I, capitulary 15 explicitly gave the citizens of London full hunting rights in the Chilterns, Middlesex, and Surrey.<sup>32</sup> A significant number of charters of warren, the right to hunt small game like hares as well as nuisance and pelt

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<sup>29</sup> This does not, however, mean that the peasants were involved in a conscious struggle against the forest, as argued by Julia Serovayskay, "People's Struggle Against the Institution of Royal Forest Reserves in England in the 11<sup>th</sup> – 14<sup>th</sup> Centuries," in *Forest History: International Studies on Socio-Economic and Forest Ecosystem Change*, ed. M. Agnoletti and S. Anderson, 253-261 (Oxon, UK: CABI Publishing, 2000). Serovayskay sees a radical protest movement against the oppressive feudal structure. Her argument appears more like a commentary on the Russian revolution than medieval history.

<sup>30</sup> *Constitutiones de Foresta*, capitulary 31. "Nullus mediocris habebit nec custodiet canes, quos Angli 'greihounds' appellant. Liberali vero, dum genuiscissio eorum facta fuerit coram primario forestæ, licebit; aut sine genuiscissione, dum remoti sunt a limitibus forestæ per decem milliaria; quando vero propius venerint, emendet quodlibet milliare uno solido. Si vero infra septa forestæ reperiatus, dominus canis forisfaciet et decem solidos regi." By doing this, the dogs cannot run and therefore cannot catch game. Making sure that hunting dogs were properly kept was another responsibility of the forester.

<sup>31</sup> *Leges Henrici Primi*, capitulary 17.

<sup>32</sup> *London Charter* in Robertson, 292. "Et cives habeant fugationes suas ad fugandum sicut melius et plenius habuerunt antecessores eorum, scilicet [Ch]iltre e Middelsexe e Sureie." The charter is dated between 1115 and 1133, with a date later in Henry's reign more likely.

animals like foxes and wild cats, date from Henry's reign. A charter of warren effectively granted the sole right to kill these beasts of the warren to the charter recipient. For example, Henry gave William Abbot of Chertsey and his successors the right of warren and the right to have hounds within the forest of Surrey to take foxes, hares, wild cats, and pheasant.<sup>33</sup> Warren grants in the early twelfth century often included a penalty clause that fined anyone else hunting on the lands £10.<sup>34</sup> The penalty clause was an invention of King Henry I's administration and reveals the increasingly financial and bureaucratic nature of the forest. Grants of other privileges like the right to cut wood within the forest were also common, as discussed in Chapter 2. These reinforced the position of the king, specifically the dependence of the nobility on him for privileges and created sources of conflict.

Henry I more clearly defined the forest areas through issuance of charters granting rights and privileges within the areas and began the collection of forest-related income through the court and fee systems. He set aside many well-known forests, such as Epping and Sherwood, and increased the legal bounds of others.<sup>35</sup> The forest had become more than a hunting ground. It was truly a multi-purpose administrative unit, in many ways similar to modern forests that were set aside for multiple uses, including hunting, timber production, and grazing. As such, others who also claimed rights to this valuable natural resource constantly challenged it.

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<sup>33</sup> *RRAN II*, No. 1818.

<sup>34</sup> The list of charters including this penalty is long. In *RRAN II*, the charters calendared as Nos. 629, 1405, 1571, 1743, 1788, 1808, 1818, 1829, 1860d, 1899, 1929, and 1955 all include the £10 fine.

<sup>35</sup> Rackham, *Trees & Woodland*, 165.



The contested nature of woodland resources during King Henry's time is supported by a "charter of liberties" granted by the next king, Stephen. When Stephen (r. 1135-1154) claimed the throne, he faced pressure from the church leadership to free them from forest oppression. At his coronation, Stephen granted a "charter of liberties" that included a promise of returning woodland claimed as forest to the clergy:

He vowed not to keep in his own hand the woodlands of any clerk or layman, as King Henry had done, who year after year had prosecuted them if they took game in their own woodlands or uprooted or diminished them for their own requirements.<sup>36</sup>

This statement obviously implies that King Henry's administration of the forests had been considered harsh in the eyes of the nobility. They wanted the king to permit landholders to harvest the fruits of the woodlands, including both game and wood.

Conflict over woodland resources within forests continued to be a major area of contention between the nobility and the king throughout the Norman and Angevin reigns in England. Henry of Huntingdon recorded that despite Stephen's charter of liberties, Stephen almost immediately broke these promises by holding a forest court in 1136 in Brampton: Stephen "heard his nobles' pleas of the forest, that is of woodlands and hunting, and broke his vow and covenant with God and the people."<sup>37</sup> Based on Nicholas Vincent's review of newly discovered charters of Stephen, the king continued to issue forest charters granting royal permission for specific assarts to both religious institutions and nobility. Countering the view that all administrative functions broke down during Stephen's reign and the civil war, royal foresters continued to work in Somerset and

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<sup>36</sup> Henry of Huntingdon, x.3. Henry wrote during Stephen's reign from 1129 to 1154.

<sup>37</sup> Henry of Huntingdon, x.4.

implemented forest law in Essex throughout the 1130s and 1140s. The number of licenses for assarts in Essex forests suggests vigilance on behalf of the king and officials to enforce forest law. This enforcement would have been critical since the forests would have been particularly useful as a source of revenue during these crisis years.<sup>38</sup> The tension between the king and the nobles over forest administration and its role as a revenue source would continue to mount in these turbulent times.

During the rule of the Angevin kings, Henry II, Richard I, and John, the forest continued to be a source of conflict. Within a year of his coronation, Henry II ordered a forest regard, an investigation of forest boundaries and assarts. That Henry acted to carry out a nationwide inquiry so soon after his accession to the throne indicates clearly the importance he placed on his forest rights. The sum collected by the regard in 15 counties totaled almost 12 percent of the royal revenue for 1155.<sup>39</sup> The scale of these collections indicates that the 1155 regard provided much needed revenue for the new king, in light of the recent civil war, and asserted the king's dominion over the forest.

The forest organization boomed into a financial machine. Robert Fitz Nigel also points out the growing distinction between the forest and other courts:

The whole organization of the forests, the punishment, pecuniary, or corporal, of forest offenses, is outside the jurisdiction of the other courts, and solely dependent on the decision of the King, or of some officer specially appointed by him. The

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<sup>38</sup> Nicholas Vincent, "New Charters of King Stephen with Some Reflections upon the Royal Forests During the Anarchy," *English Historical Review* 458 (Sept. 1999): 899-928.

<sup>39</sup> Emilie M. Amt, "The Forest Regard of 1155," *Haskins Society Journal* 2 (1990), 189-195. Amt asserts that Stephen had lost control of these forests during his reign, but based on Vincent's newer evidence, this assumption appears incorrect. This does not, however, mean that Henry did not use the regard to lay claim to all of the previously forested lands.

forest has its own laws, based, it is said, not on the Common Law of the realm, but on the arbitrary legislation of the King.<sup>40</sup>

As the previous sections in this paper have shown, this supposedly arbitrary law was not a new development under Henry II. Complaints about the forest had been levied since William the Conqueror had introduced the forest idea to England. Henry II expanded the area of land under forest jurisdiction, but the laws were basically the same as the earliest Anglo-Norman tradition. Henry II articulated an expanded detailed forest law in the *Assize of the Forest* of 1184. The key points of the assize can be summarized as follows:

1. He forbade anyone to violate the laws of venison or forest.
2. He forbade bows, arrows, hounds, and harriers in the forest.
3. He forbade the wasting or destruction of woods within the forest, except that people could gather necessary wood like firewood.
4. He required those who have woods within the royal forest to place foresters in their woods to control the areas.
5. He ordered his foresters to not interfere with woods of others.
6. He appointed twelve knights in each county for guarding his vert and venison in the forest.
7. He declared that religious clerks, bishops, and archbishops were not exempt from forest law.
8. He required the hambling of mastiffs wherever his wild animals lived.
9. He forbade tanners or bleachers of hides to dwell within the forest.
10. He forbade the capture of wild animals at night.<sup>41</sup>

The issuance of these Assize statements, which in most ways restated laws known 50 years before, hints that forest violations were common; otherwise, their proclamation would not have been required. The statements fall into four basic categories: hunting, damage to woodlands, forester oversight, and the applicability of the law. Hunting equipment and dogs were banned from the forest, just as in *Constitutiones de Foresta*,

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<sup>40</sup> Richard fitz Nigel, *Dialogus de Scaccario*, as quoted in Young, *The Royal Forests of Medieval England*, 22.

<sup>41</sup> Summarized from *Assize of the Forest* in *Select Documents of English Constitutional History*, eds. George Burton Adams and H. Moore Stephens (New York: MacMillan Co., 1929).

although Henry II goes a step further in forbidding all night time hunting in a way to cut down on poaching. The destruction of the woodland was forbidden, although the assize permitted the gathering of firewood, just as charters had since William the Conqueror's reign. The assize forbade tanners, who used both deerskins and tree bark in the tanning process, to protect woodland and game. This was a new restriction not recorded in earlier charters or pleas. The assize reiterated the integrated nature of preserving both the venison and the vert in the forest. Vert had both commercial value as timber and as habitat, thus it was the subject of regulation. The king required that persons who had been given the rights to woods within the forest boundary employ foresters to protect the area. Foresters had actually been hired by nobles in the past to guard their own woodlands,<sup>42</sup> but there is no earlier evidence that it was mandatory. More revolutionary was the appointment of twelve knights, known as *verderers*, to administer the forest justice system. They inspected for evidence of forest offences and supervised the attachment by pledge or imprisonment until the case could be heard before the court.<sup>43</sup> Enforcement alienated both the commoners and the nobles from the king, continuing the trend seen since the Normans had set up the forests.

King Richard (1189-99) and King John (1199-1216) both saw resource opportunities in the forest. In addition to collecting forest fines, when money ran short, both kings turned to selling off forests, known as disafforestation, to raise revenue. Charles Young summarized the disafforestments of Richard and John from the Pipe Rolls and found that the forest of entire counties, like Cornwall in 1204 for 2200 marks, and

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<sup>42</sup> See Chapter 4 for a discussion of foresters and the nobility.

<sup>43</sup> Warren, 163.

individual forests, like the Forest of Hertfordlythe in Yorkshire for 100 marks and 2 palfreys, were sold off. In addition, Young found that individuals paid substantial sums for the disafforestation of their own woods or manors.<sup>44</sup> The trend was thus one of decreasing forest size from the high point under Henry II and an increasing use of the forest for monetary profit.

John became much more strict with forest law. In 1208, he ordered the removal of all buildings, fences, and ditches within the forest borders. This action appeared especially severe because many of them had been tolerated for generations and were considered legal. He went so far as to order his foresters to not allow pasturage to Cistercian livestock because the Cistercian order had refused to give money to John. In November 1200 at least twelve abbots threw themselves at the king's feet to beg for permission to graze their livestock in the forest, as they had been accustomed to do. John did not relent. John's forest eyre of 1212 still stands out as an exceptionally severe one based on the amount of revenue collected – £4,486 as compared with the 1166 pipe roll of Henry II that raised £502.<sup>45</sup>

The eyre of 1212 guaranteed that the forest would become included in the issues dividing the king and the barons.<sup>46</sup> When the earls of Pembroke and Langton presented a charter to King John before the meeting of the barons at Runnymede, it contained two forest-related statements, one that made non-forest dwellers exempt from forest court

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<sup>44</sup> Young, *The Royal Forests of Medieval England*, 20-21.

<sup>45</sup> Young, *The Royal Forests of Medieval England*, 39.

<sup>46</sup> Young, *The Royal Forests of Medieval England*, 61. Young titles his chapter on this era "The Forest Becomes a Political Issue". As the earlier sections of this paper show, I believe that this chapter is mislabeled. The forest since its inception was a political issue.

proceedings and a second that disafforested lands that John had added to the forest dominion.<sup>47</sup> John refused to approve this original version and this gave the nobles the opportunity to rethink their position. Simply attempting to reverse the errors in John's reign was not enough for them. The barons looked to the tradition and customs granted by Henry I as the foundation for their demands. They wanted to return to an "age when law, custom, and tenure depended on precedent and long usage."<sup>48</sup> This implication is most clearly seen in their reaction to the royal forests. These provisions were greatly expanded in the final version of *Magna Carta* as sealed by King John on June 15, 1215. This version included four forest provisions:

Chapter 44: "Men who dwell outside the forest shall not henceforth come before our justiciars of the forest, on common summons, unless they are in a plea of, or pledges for any person or persons who are arrested on account of the forest."

Chapter 47: "All forests which have been afforested in our time shall be disafforested immediately..."

Chapter 48: "All the bad customs concerning forests and warrens and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians shall be inquired into immediately in each country by twelve sworn knights of the same country, who shall be elected by the honest men of the same country, and within forty days after the inquisition has been made, they shall be entirely destroyed by them, never to be restored..."

Chapter 53: "We shall, moreover, have the same respite and in the same manner about showing justice in regard to the forests which are to be disafforested or to remain forests, which Henry our father or Richard our brother made into forests..."<sup>49</sup>

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<sup>47</sup> First draft of *Great Charter of Liberties*, May 1215 in Barrington, Boyd, ed., *Magna Carta and Other Great Charters of England* (Philadelphia: William Campbell, 1900). Cap. 39: "That they who dwell without the Forest shall not appear before the justiciars of the Forests upon a common summons, unless they are impleaded or are securities; and that irregular customs of Forests and of Foresters, and Warrenners, and Sheriffs, and Keepers of Rivers shall be amended by twelve Knights of the same shire who ought to be elected by true men of the same shire." Cap. 47: "And all Forests which have been afforested by the King in his time shall be disafforested, and the same shall be done with rivers which have been fenced by the King himself."

<sup>48</sup> Holt, 157.

<sup>49</sup> *Great Charter of Liberties*, June 15, 1215 in *Select Documents of English Constitutional History*.

The nobles demanded the restoration of the forest bounds to the extent at the end of the Anglo-Norman reign and the beginning of Henry II's kingship in 1154.<sup>50</sup>

Only four days after approving *Magna Carta*, John sent letters patent to his sheriffs and foresters informing them of the agreement with the nobles.<sup>51</sup> But this did not settle the forest issue. Some of the northern, more rebellious magnates quickly destroyed the royal forests, even slaughtering game. In response to these gross injustices, the archbishops of Canterbury and Dublin, with other bishops sent a letter of protest to the king.<sup>52</sup> This letter is translated in Appendix B. They believed that the generality of the provisions in chapter 48 of the charter might endanger the very being of all forests. Since the churches and monastic foundations depended heavily on forests for timber and grazing land, as discussed in Chapter 2, the church leaders had a vested interest in the maintenance of the forest systems. Their letter declared that it was not the intention of the parties that the general wording of the charter should abolish all of the customs of the forests, without which, existence of the woodland itself could not be preserved. The church leaders had objected to oppression under forest law, yet they also seem to have come to recognize the benefit of designated forest areas as entities of resource control. It is telling that the churchmen felt that woodlands could only be preserved by designation as forest. The forestry system served an active role in environmental management.

The clerical concerns voiced in the letter, as well as perhaps unwritten concerns, caused a substantial change in the next version of *Magna Carta*. The *First Great Charter*

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<sup>50</sup> Holt, 156.

<sup>51</sup> Young, *The Royal Forests of Medieval England*, 66.

*of Liberties of Henry III* included the same statements as the *Magna Carta* Chapters 44 and 47; however, it retracted Chapters 48 and 53, stating that “because in some chapters in the first Charter were contained that which seemed weighty and doubtful; namely...concerning of forests and foresters, warrens and warreners...” these provisions were revoked until a full council could be called.<sup>53</sup> In the issuance of the *Second Great Charter of Liberties* on November 6, 1217, all mention of the forest was removed because the forest clauses of Magna Carta were deemed to be so important that they deserved their own treatment.<sup>54</sup> The forest provisions were handled in a separate document, the *First Forest Charter*.

In addition to being a positive statement of right, the *Forest Charter* also reveals the abuses that had led to common objection to forest law. Several of the provisions deserve attention. First, the nobles clearly stated in chapters 1, 3, and 4 that wrongly reserved forestland had to be returned to the prior owners. They concentrated on land that had been set aside beginning in Henry II’s reign, seeing the Angevin house as the recent villains. Second, the specific use of privately held land was affirmed in Chapters 9, 11, 12, and 13, which enumerated rights understood to be granted to landholders. Third, the document challenged the system of courts and fines. Chapters 5, 6, 7, 8, 14, 15, and 16 all dealt with forest administration. They called for just practices in the conviction and trial of offenders, as well as reduced and appropriate levying of fines. These demands make perfect sense in light of the continued development of the forest system to the increasing

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<sup>52</sup> Clauf. 17 Joh. m.27.d. in William Blackstone, *The Great Charter and Charter of the Forest, with other Authentic Instruments* (Oxford: Oxford Clarendon Press, 1754).

<sup>53</sup> *First Great Charter of King Henry III*, November 6, 1216 in Barrington.



burden of those living in or near the forest. The nobles did not object in principle to William's forests as an administrative unit, but they wanted to reverse the system's corruption.

## **Conclusions**

From the beginning of the royal forest system, various players contested the right to utilize the resources found on the land. Game, timber, and livestock fodder all appear as coveted resources. It was only natural that when William the Conqueror imported the Continental tradition of designated forests, conflict would arise. In the beginning, we hear the complaints of churchmen loudest, yet they were also the ones who fervently took advantage of the documentation via charters to claim rights and privileges to forest resources. As the forest administration took shape, a court structure developed and with it, an elaborate scheme of fines for forest violations. As these fines became more widespread and heavier, the elite could not overlook the financial implications of the forest. Under Henry II, the nobles believed that the system had diverged too significantly from the original Anglo-Norman concept. The heavy fines and elaborate court system associated with the forest became one of the key issues within the nobility's struggle for recognition of their rights. The injustices within the forest system do not center on game, but rather on the ability to use the land and the payment of monetary penalties.

The active resource management strategies of the Anglo-Norman kings and nobility had several effects. The destruction of the environment related to agricultural clearance was slowed. Because of the value of woodland products, namely wood, fodder,

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<sup>54</sup> Poole, 29.

and game, the trees and other vegetation were actively managed and preserved. This was not, as Charles Young argued, a by-product of the desire to hunt. From the documentary evidence, we see deliberate resource control both in England and Normandy. The understanding of ecosystem damage was evident in controls placed on fisheries, specifically restrictions on blocking the passage of fish in the waterways, and the restrictions on vegetation removal because of its habitat value. This indicates a real environmental awareness in the medieval period. These conservation efforts were not aimed at preservation of the environment for any intrinsic value of the environment, but rather as a means of preserving needed resources.

Conflict often came along with control. Under regulation, the ownership of some of these resources changed, such as land that moved from the noble ownership to the king's forest. This reduced access to vital raw materials and thus they attempted to claim resources through other methods – land seizure, illegal hunting, and blocking streams to name a few. The response to these violations was often the royal issuance of notifications and precepts to restate the proper relationship between the land and the people. Legal texts from *Leges Henrici Primi* to the *Charter of the Forest* documented custom, as well as system corruption. These texts attempted to record the current state of affairs and in some ways rectify the errors of the times.

The Anglo-Normans attempted to manage woodland and fishery resources of England and Normandy in the late eleventh and early twelfth centuries. Although there was no centralized management program, Anglo-Norman documents reveal a general defacto management consensus. The medieval view toward nature alluded to in the Introduction, that humans and nature were seen as linked, is affirmed in these practices.

Humans were the stewards of nature, albeit for human-centric reasons. People of the Middle Ages were not the oft-implied environmental villains who consumed resources without regard for environmental damage. In lands under their purview, the Anglo-Norman kings and nobility actively promoted environmental stewardship in order to conserve resources for ongoing human use.

## **APPENDIX A: The 1140 Calendar of St. Albans – Images of Agricultural Practice or Imagination?**

Illuminated initials grace an Anglo-Norman Romanesque calendar created at St. Albans monastery c.1140 (Bodleian Library, MS. Auct. D.2.6). The KL (for *kalends*) at the beginning of each month is inhabited by a figure, typically performing an agricultural task. These tasks include shearing sheep in June, mowing hay in July, threshing wheat in August, knocking down acorns for pigs in October, and slaughtering a pig in November. In spite of the elegantly executed images, this particular calendar has not been studied at any length. How can these images be interpreted? Are they reflective of Anglo-Norman agricultural practice in the twelfth century or simply products of artistic imagination? In order to determine the relevance of the 1140 calendar images to contemporary agricultural practice, this paper will investigate three areas: the production setting for the manuscript and artistic achievement of St. Albans, the development of calendar images and their iconography in order to place the St. Albans calendar within the calendar tradition, and finally twelfth century agricultural practices to put the 1140 St. Albans calendar into historical context. Through this investigation, it will become apparent that the 1140 St. Albans calendar is a visual representation of twelfth century practice.

## St. Albans & Artistic Production

St. Albans' artistic achievement is most well known in the St. Albans Psalter (Hildesheim, St. Godehardkirche) dated to the late 1120s. The Psalter has been the object of two book-length studies: *The St. Albans Psalter* and *The St. Albans Psalter: An Anglo-Norman Song of Faith*. Based on calendar entries of family members, it is believed that the Psalter and its accompanying calendar were composed for the personal use of Christina prioress of Markyate.<sup>1</sup> The prioress was only one of a number of important Normans who patronized St. Albans. Archbishop Lanfranc, for example, took a personal interest in the abbey, appointing his kinsman Paul as abbot after the Norman Conquest.<sup>2</sup>

The most striking thing about the Psalter is its copious story-telling illustrations of the psalms. Psalter illumination was certainly not unique to the St. Albans Psalter. In general, people in the Middle Ages "reinterpreted the psalms in terms of contemporary experience and sought to communicate these ideas to others through pictures."<sup>3</sup> The pictures then served as glosses to the text to assist in their understanding. Kristine Haney argues that in the case of St. Albans, these literal pictures align themselves with the Norman educational reforms undertaken after the conquest and served as a focal point for reflection.<sup>4</sup> What made the St. Albans Psalter unique was the "quality of the artwork,

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<sup>1</sup> Otto Pächt, C.R. Dodwell, and Francis Wormald, *The St. Albans Psalter (Albani Psalter)* (London: The Warburg Institute and University of London, 1960), 100.

<sup>2</sup> Brian Golding, "Wealth and Artistic Patronage at Twelfth-Century St. Albans," in *Art and Patronage in the English Romanesque*, eds. Sarah Macready and F.H. Thompson (London: Burlington House, 1986), 108.

<sup>3</sup> Kristine Haney, *The St. Albans Psalter: An Anglo-Norman Song of Faith* (New York: Peter Lang, 2002), 172.

<sup>4</sup> Haney, 350.

both in terms of the ingenuity and sophistication in design and execution.”<sup>5</sup> The ingenuity Haney alludes to was a revival of “pictorial storytelling” in twelfth century England – a renaissance that contributed “no less historical importance than the rebirth of monumental sculpture in France.”<sup>6</sup> The artists at St. Albans revitalized age-old classical models but animated the figures to make a new art form.<sup>7</sup> Although the abbey ranked relatively low in total income (twelfth among Benedictine abbeys with income of £270 per year in 1086 according to Domesday Book), its wealth was not a predictor of its cultural impact.<sup>8</sup>

The Psalter’s pictorial storytelling was the work of the so-called Alexis Master and his pupils. Because of the flow of the compositions, scholars believe a single designer well acquainted with earlier Psalters is likely. Stylistically, the Alexis Master incorporated Norman, Flemish, and Byzantine styles into his work. The Norman influence is most apparent in the iteration of fine lines on the foliage and tiger-striped effect of parallel broad lines on draperies.<sup>9</sup> Meanwhile, the colorists appear to have taken their inspiration from Ottonian art.<sup>10</sup> The Alexis Master assimilated narrative patterns of contemporary epic art and drama into his psalm illuminations to create a new art form.<sup>11</sup>

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<sup>5</sup> Haney, p.1.

<sup>6</sup> Pächt, Dodwell, and Wormald, 171.

<sup>7</sup> Otto Pächt, *The Rise of Pictorial Narrative in Twelfth-Century England* (Oxford: Oxford University Press, 1962), 23.

<sup>8</sup> Golding, 111.

<sup>9</sup> Pächt, Dodwell, and Wormald, 202 ff.

<sup>10</sup> Haney, 34.

<sup>11</sup> Pächt, Dodwell, and Wormald, 171.

These narrative images appear in the Psalms as well as the calendar attached to the Psalter.

The Psalter's calendar images are placed with medallions for each month and illustrate primarily agricultural tasks. The iconography exhibited in the Psalter's calendar is similar to the 1140 calendar, but not identical. The choices of images are slightly different. For example, in June, the Psalter shows a man holding a scythe indicative of mowing instead of sheep shearing and in November a man holds an axe instead of feeding pigs. The image of the pig in December is an odd conglomeration of a pig body with an apparent cow head, whereas the 1140 calendar shows a much more normal looking pig for December. The overall scene, however, is the same. Before approaching the question of whether or not these 1140 calendar depictions reflect contemporary practice, we must analyze the development of calendar images in general.

### **Calendar Image Development**

Medieval calendars mark out the year in terms of spiritual celebration. These calendars preceded mass books, Psalters, and Books of Hours. At the beginning of each month, the name of the month and the number of days in the solar and lunar months are common. A sequence of days is listed after the month's introduction. The Golden Number (used to determine the date of moveable feasts like Easter) appears on the far left, followed by the dominical letter (used to designate the year), then the day of the month (in the traditional Roman form with kalends, ides, and nones).<sup>12</sup> The August image

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<sup>12</sup> For a highly instructive and straightforward explanation of medieval calendar dating see the "Appendix: The Calendar Page Decoded" in Bridget Ann Henisch, *The Medieval Calendar Year* (University Park, Pennsylvania: Pennsylvania State University Press, 1999).

of the 1140 calendar, for example, shows this dating system for the August 1, i.e. IIII Nones August. Next to each date, the appropriate saint's feast, family member obituary, or High Holy Day is indicated. Typically the most important feasts are colored, but this is not always the case. The calendar was then a cyclical marker to keep track of religious observation. The signs of the zodiac are also often found on the calendar page.

To assist in this purpose, calendars often began with an illumination representing the month. Christopher de Hamel points out rightly that medieval illustrations serve a two-fold purpose: "to convey meaning and to make the book easier to use."<sup>13</sup> Especially in the context of liturgical documents, the same images are viewed each year, decreasing their value of instruction and increasing their value as text markers and reminders about the month's activities. Late Roman calendars certainly employed illustrations for this purpose. In the Calendar of Filocalus of 354 AD (survives as two copies: Vienna, Staatsbibliothek, MS. 3416 and Vatican Library, Barb. xxxi), each month begins with a full-page allegory of the month composed of scenes referring to the most characteristic events of the month. These events included religious feasts and civil events, particularly rural activities.<sup>14</sup> The relevance of the events depicted is reinforced by poetic verses placed in the margins.<sup>15</sup> The allegorical representations of the months in the Roman calendars were transformed in the Middle Ages to focus almost exclusively on the rural occupations.

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<sup>13</sup> Christopher de Hamel, *The British Library Guide to Manuscript Illumination: History and Techniques* (Toronto: University of Toronto Press, 2001), 26.

<sup>14</sup> Doro Levi, "The Allegories of the Months in Classical Art," *The Art Bulletin* 23, no. 1 (March 1941), 276.

<sup>15</sup> Levi, 249. Levi translates each poetic inscription and relates it the month in which it appears.



To function within the cyclical year, medieval calendar scenes were concerned, as James Webster stated, “with things which happened and re-happened ‘now’.”<sup>16</sup> Twelve scenes representing the “annual, endlessly repeated, cycle of necessary basic tasks which put food on the table”<sup>17</sup> were visible everywhere – mosaic floors, doorways, stained glass, and manuscript illustrations. An early medieval example from ninth century Salzburg (Vienna, Staatsbibliothek, MS. 387) is typical of the early medieval monthly occupational themes:<sup>18</sup>

- January – warming by the fire
- February – falcon hunting
- March – a bird and a serpent
- April – carrying a bundle
- May – bearing flowers
- June – plowing with oxen
- July – mowing hay
- August – reaping wheat
- September – sowing seed
- October – harvesting the vintage
- November – hunting wild boar
- December – butchering a hog/boar

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<sup>16</sup> Webster, 1.

<sup>17</sup> Henisch, 2.

Although the choice of monthly subject in medieval manuscripts exhibits general consistency, subtle variations were acceptable with changes in circumstance. These departures would be expected as climate and agricultural custom changed. According to Webster, the choices were based on poetic verses and late antique drawing models.<sup>19</sup> However, the choices may also have been inspired by actual agricultural practice.

The twelfth century was a time of growing realistic observation. A revival of the classical Roman and Greek works and the growth of romance literature “fostered interest in secular life.”<sup>20</sup> An active interest in describing the geographical setting of cities is apparent in the late twelfth century writings of several Englishmen, including Richard of Devizes, William Fitz Stephen, and Gerald of Wales.<sup>21</sup> Antonia Gransden finds a concurrent development in the growth of more realistic art, such as the vivid scenes from Irish life and illustrations of animals and birds in the *Topographia Hibernica* by Gerald of Wales.<sup>22</sup> In the beginning of this movement toward realistic observation, the depictions in the 1140 calendar could be representative of agricultural practice in twelfth-century England.

### **Agricultural Practice and the 1140 Calendar**

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<sup>18</sup> Webster, 37-8.

<sup>19</sup> Webster, 39-40.

<sup>20</sup> Antonia Gransden, “Realistic Observation in Twelfth-Century England,” *Speculum* 47, no. 1 (Jan. 1972), 41.

<sup>21</sup> Gransden, 46-48.

<sup>22</sup> Gransden, 50-51.

The importance of agricultural activity in the medieval world cannot be underestimated. When an early eleventh century abbot, Aelfric of Eynsham, asked his students to name the most useful human activity, a pupil promptly answered: “Agriculture, because the Ploughman feeds us all.”<sup>23</sup> The most significant agricultural activities in the 1140 calendar are shown for the second half of the year, beginning in June with sheep shearing.

The sheep shearing shown for June is not typical of twelfth century calendars. Shepherds are hard to find in calendar illustrations with any regularity until the late fifteenth century according to Bridget Ann Henisch. Even when they do appear, the images depict only herding and shearing – no lambing, skinning for vellum, or milking although we know that these were important uses of sheep.<sup>24</sup> In the late Roman tradition, shepherding was associated with springtime. One of the tetrastych poetic verses on the March page in the Calendar of Filocalus reads: “It is easy to recognize the month wrapped in the wolf’s skin: Mars has given him the name and the spoils. The lascivious kid and the garrulous swallow, the pail of milk and the living verdure, show forth spring.”<sup>25</sup> A shepherd wearing a wolf’s skin and carrying a kid appears in the Roman calendar and is mirrored by other late antique mosaics for March. The association of shepherding with March also has ties to the zodiac sign for late March/April, Aries the Ram. The connection with Aries may have been the motivation for the scene of shepherds with their flock in the English Queen Mary’s Psalter of the early fourteenth

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<sup>23</sup> *Aelfric’s Colloquy*, ed. G.N. Garmonsway, 2<sup>nd</sup> ed. (London: Methuen’s Old English Library, 1947), line 219 quoted in Henisch, 52.

<sup>24</sup> Henisch, 87.

century.<sup>26</sup> Sheep and shepherding show up in late fifteenth and sixteenth century calendars for June with more regularity, like the Spinola Hours c.1515, a French Book of Hours in the Bodleian Library, and a Flemish calendar page by Simon Bening c.1540.<sup>27</sup>

The 1140 calendar illustrates sheep shearing in June. Would this have been a practice seen by the St. Albans artists? Domesday Book does not enumerate any sheep for St. Albans abbey, but in Hertford Hundred near the abbey, Humphrey of Anneville held land that included 68 cattle, 350 sheep, 150 pigs, 50 goats, and one mare.<sup>28</sup> In the Domesday records, most of the sheep in England were raised in far western England (see Figure 9). By the thirteenth century, sheep herding was found in areas with extensive marshy grazing land like Essex and the downlands of southern England.<sup>29</sup> The most valuable sheep product was wool, and some owners even introduced breeding programs to increase wool production. For example, in 1196 the manor of Sulby in Northamptonshire replaced 100 sheep bearing coarse wool with others bearing fine wool.<sup>30</sup> Considering the economic value of wool and thus sheep, an image of sheep shearing would appear quite appropriate.

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<sup>25</sup> Levi, 257.

<sup>26</sup> London, British Library, Queen Mary's Psalter, Royal MS 2B VII, fol. 75r in Henisch.

<sup>27</sup> Los Angeles, J. Paul Getty Museum, Spinola Hours, Ludwig MS IX.18, fol. 4r; Oxford, Bodleian Library, French Book of Hours, MS Douce 135, fol. 4v; and London, British Library, Calendar page by Simon Bening, Add. MS 18855, fol. 109 in Henisch.

<sup>28</sup> *Domesday*, HRT 31,8.

<sup>29</sup> Bruce M.S. Campbell, "Ecology Versus Economics in Late Thirteenth- and Early Fourteenth-Century English Agriculture," in *Agriculture in the Middle Ages*, ed. Del Sweeney (Philadelphia: University of Pennsylvania Press, 1995), p.86.

<sup>30</sup> Duby, 146.

The July and August images focus on harvesting. A man holding a scythe in July represents mowing hay, and threshing wheat appears for August. Haymaking is commonly depicted for June or July to open the harvest season. Horses and other livestock required hay as winter fodder, so it was a valuable crop.<sup>31</sup> Wheat, the crop of July or August, created bread, the staple of the medieval diet. Because of the economic vitality of these crops, English twelfth-century calendars almost always depict these activities.<sup>32</sup> The July and August images of the Hunterian Psalter, created in northern England and dated to before 1173, appear in Figure 10 to show the similarity. A St. Albans artist would have been very familiar with these summertime activities. St. Albans owned a significant amount of land near the abbey, much of which would have been dedicated to grain production. Land for 16 plows was available in the town of St. Albans alone.<sup>33</sup> By the thirteenth century, a three-course rotation of wheat, oats, and fallow ground was common in Hertfordshire, where St. Albans was located.<sup>34</sup> The depictions, then, likely show typical agricultural practice and implements.

The October and November images deal with pigs fattening on acorns and then their slaughter (Figures 3 and 4). This combination of images is not unique in English twelfth-century calendars. The Hunterian Psalter also shows knocking down acorns for pigs in November and the slaughter in December. In an alternate medium, Norman lead fonts in St. Augustine Church, Kent, and St-Evrault-de-Montfort also show feeding pigs

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<sup>31</sup> Henisch, 111.

<sup>32</sup> See the Cambridge, St. John's College, MS 42 and MS 233 images in Webster as well.

<sup>33</sup> *Domesday*, HRT 10,5.

<sup>34</sup> Campbell, 82.

in the forest in November (Figures 7 and 8). Because of the necessity of providing food in the winter, the December pig slaughter was common practice, making it only reasonable that Anglo-Normans would take advantage of the extra protein found in acorns in the late fall to increase the yield of a principle source of meat. St. Albans itself had numerous woodlands capable of feeding pigs. Among these areas were Hanstead, where the abbey owned woodland for 1,000 pigs, and Shenly, where it held another woodland for 400 pigs.<sup>35</sup> With such large swine production in the area, it would only make sense that the artists of the 1140 calendar would have been familiar with the practices of feeding pigs on acorns in the fall and the subsequent slaughter for the winter meat supply.

Based on the evidence before us, we must conclude that the artists at St. Albans were in touch with the agricultural life around them. With the growing concern for realism in twelfth-century England, it is no wonder that the artists chose to depict things they saw. Although Henisch warns the calendar viewer “against the temptation to regard the calendar cycle as the equivalent of a careful, even-handed documentary film about work on the medieval farm,”<sup>36</sup> the evidence reviewed here shows that the agricultural scenes in the 1140 calendar were grounded in common twelfth-century practice. The rustic scenes may be idealized as J. Alexander found in thirteenth and fourteenth century scenes of peasant labor,<sup>37</sup> but that does not negate their historical nature. The images are

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<sup>35</sup> *Domesday*, HRT10,1 and HRT 10,2. The remainder of HRT 10 contains other relevant entries including the town of St. Albans that held a woodland able to feed 1,000 pigs.

<sup>36</sup> Henisch, 25.

<sup>37</sup> J. Alexander, “Labeur and Paresse: Ideological Representations of Medieval Peasant Labor,” *Art Bulletin* 90, no. 3 (September 1990), 453.

not only validations of the historical documents, but also visual representations of contemporary practice that stand on their own as historical documents.

## APPENDIX B: Translation of a Letter to King John

### Latin Text

“Omnibus Christi fidelibus ad quos presentes litter pervenerint S. Dei gratia Cant’  
archiepiscopus tocius Anglie primas et sancta Romane ecclesie cardinalis et H. eadem  
gratia archiepiscopus Dublin’ W. quoque London’ P. Winton’ J. Bathon’ et Glaston’ H.  
Lincoln’ W. Wygorn’ et W. Coventr’ ejusdem gratie dono episcopi salutem in Domino  
Cum dominus rex concesserit et per cartam suam confirmaverit quod omnes male  
consuetudines de forestis et forestariis et eorum ministris statim inquirantur in quolibet  
comitatu per duodecim milites juratos de eodem comitatu qui debent eligi per probos  
homines ejusdem comitatus et infra xl dies post inquisitionem factam penitus ita quod  
numquam revocentur deleantur per eosdem dum tamen dominus rex hoc prius sciat  
Universitati vestre notum fieri volumus quod articulus iste ita intellectus fuit ex utraque  
parte quum de eo tractabatur et expressus quod omnes consuetudines ille remanere debent  
sine quibus foreste servari non possint et hoc presentibus litteris protestamur.”<sup>1</sup>

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<sup>1</sup> William Blackstone, *The Great Charter and Charter of the Forest, with other Authentic Instruments: To which is prefixed an Introductory Discourse, Containing the History of the Charters* (Oxford: Oxford Clarendon Press, 1754), footnote on pages xx-xxi. Text is of Clauf. 17 Joh. m.27.d. and Duplicat. ejusd. m.21.d.



## **Translation**

With all faith in Christ to whom this present letter shall have arrived, S. by the grace of God the Archbishop of Canterbury, primate of all England and cardinal of the Holy Roman Church and H. by the same grace archbishop of Dublin, W. the same of London, P. of Winchester, J. of Bath and Glastonbury, H. of Lincoln, W. of Worcester and W. of Coventry by gift of the same grace bishops, give salutations in the Lord.

Whereas [our] lord the king has conceded and confirmed by his charter that all evil practices concerning forests, foresters and their ministers shall forthwith be investigated in any court through a jury of twelve knights of the same court (who must be chosen by upstanding people of the same court) and that, within 40 days after an investigation has been made thoroughly so that the said practices can never be revived, [the said practices] shall be annulled by this same jury, provided that [our] lord the king still know this beforehand,

We wish to make known to Your Majesty that this article was understood by both parties when it was discussed and [was so] expressed that all those practices ought to remain [in force] without which the forests cannot be preserved, and we attest to this by means of the present letter.

## APPENDIX C: Glossary of Technical Terms

*Afforest*: To bring within the forest.

*Assart*: A clearing; to make a clearing. Also written as *essart*.

*Disafforest*: To separate from the forest.

*Forest*: A legal entity consisting of extensive land, including both woodland and pasture, within which the right of hunting was reserved for the king or his designees and subject to a special code of laws administered by local officials.

*Forest eyre*: Forest court proceedings held to assess fines and hear cases of breach of forest law.

*Forest regard*: A legal investigation of forest boundaries and assarts.

*Mill pond*: A pond created to provide a continuous inflow of water to a mill wheel.

*Pannage*: The privilege of feeding swine on acorns or beech mast within woods; payment for the same.

*Vert*: The wood and undergrowth of woodland. Used particularly in legal actions within the forest.

*Warren*: The right to hunt small game, such as hares and foxes.

*Weir*: A low profile structure or dam built partway into a waterbody for the purpose of diverting waterflow or backing up water for a mill; a fence built into a waterbody for the purpose of catching fish.

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