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INTRODUCTION

Without the Charter of the Forest there would literally be no Magna Carta. The charter acceded to by King John in 1215 was simply known as the Charter of Runnymede.1 It was not until February 1218—one year after the clauses related to forest law in the Charter of Runnymede (articles 44, 47, 53) were excised, added to and reissued as a separate, smaller charter in 1217 named the Carta de Foresta—that we have evidence for contemporaries calling the 1217 reissuance of the Charter of Runnymede 'Magna Carta' (large charter) to distinguish it from its smaller companion charter.2 On reaching his majority in 1225, Henry III reissued Magna

* Associate Professor, Georgia State University College of Law. I was privileged to present an early draft of this Article at the William & Mary Bill of Rights Journal conference, “After Runnymede: Revising, Reissuing, and Reinterpreting Magna Carta in the Middle Ages” in March 2016. I am grateful to the participants of the conference for helpful comments on this Article, without which it would be much poorer. In particular, I would like to thank Paul Brand, Charlie Donahue, Richard Helmholz, David Seipp, Karl Shoemaker, Anthony Musson, Tom McSweeney, Janet Loengard, and Sarah Harlan-Haughey for their incisive questions, ideas, and corrections. Any remaining infelicities are mine alone.

1 Magna Carta was engrossed, sealed and issued by King John at Runnymede, between Staines and Windsor, on 15 June 1215, following five days of intensive discussion and negotiation, during which many of the Articles of the Barons (which King John had accepted in principle) were extended, or re-arranged, or had their contents broken up and redistributed, while gaps in their coverage were filled . . . . The fact that the Great Charter was composed in Latin, the language of religious liturgy, of scholarship, and of secular and ecclesiastical government, emphasised its importance, something also apparent in its length—no fewer than sixty chapters. Even so, the name under which it has become famous was not the one under which it was originally known—when it was first issued and disseminated it was known as “the Charter of Runnymede”, and only came to be called Magna Carta from 1217, when it was re-issued in the name of John’s young son, King Henry III, in an amended form, alongside a new Charter of the Forest.

Carta and the Charter of the Forest as companion charters in exchange for “a tax of one-fifteenth of all movable goods.” Later, in 1297, Edward I also confirmed both charters (Conformatio Cartarum) in order to access monies from his subjects to support military campaigns in Scotland and on the continent. And from the end of the thirteenth century, the Magna Carta and the Charter of the Forest can be found as the first two statutes in the royal statute rolls and in many of the lawyer’s statute books that remain from around that time.

But compared to Magna Carta, its more diminutive sibling, the Charter of the Forest, has languished in relative obscurity. This is largely due to the fact that unlike the common law, which continued to survive and adapt, forest law became largely extinct in England around the same time as the flightless Dodo bird in the second half of the seventeenth century. By the eighteenth century, the forest law was already regarded as an “unprofitable anachronism.” Forest law’s demise centuries ago may

David Crook, one of the foremost authorities on the Forest Law, notes that the Forest Charter had four primary themes: (1) reducing the extent of royal forests in the counties and settling their boundaries; (2) enhancing the rights of those that had private woods within the forests; (3) limiting the power of the foresters and other forest officials; and (4) providing amnesty for forest infractions committed during the reigns of Henry II, Richard I, and John. See David Crook, The Forest Eyre in the Reign of King John, in MAGNA CARTA AND THE ENGLAND OF KING JOHN 63, 81 (Janet S. Loengard ed., 2010); see also 3 A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, at 5, 9 (D. J. Stagg ed., 1979).


The Ames Foundation and the Harvard Law School Special Collections have identified, catalogued, and digitized several early fourteenth-century statute books that are contained in the Harvard Law School Special Collections. All of these statute books begin with Magna Carta as the first statute and the Charter of the Forest as the second. See Harvard Law School Manuscript no. 184 (ca. 1310?) pp. 9r–13r [hereinafter HLS MS]; HLS MS no. 173 (ca. 1320?) pp. 12r–18r; HLS MS no. 12 (ca. 1325?) pp. 2r–5r; HLS MS no. 28 (ca. 1325?) pp. 1r–4v. Each of these manuscripts may be viewed online at The Harvard Law School’s Collection of Medieval English Statute Books and Registers of Writs, AMES FOUND., http://amesfoundation.law.harvard.edu /digital/StatsAndRegWrits/Contents_statsregs.php [https://perma.cc/6TST-WUTZ]. See also H. G. Richardson & G. O. Sayles, The Early Statutes, 50 L.Q. REV. 201–17 (1934); Don C. Skemer, Reading the Law: Statute Books and the Transmission of Legal Knowledge in Late Medieval England, in LEARNING THE LAW: TEACHING AND THE TRANSMISSION OF LAW IN ENGLAND 1150–1900, at 113–31 (Jonathan A. Bush & Alain Wijffels eds., 1999).

For the Dodo skeleton at Oxford University and a brief history of this flightless bird, see The Oxford Dodo, OXFORD U. MUSEUM NAT. HIS., http://www.oum.ox.ac.uk/learning /htmls/dodo.htm [https://perma.cc/4GFP-7T35].

RAYMOND GRANT, THE ROYAL FORESTs OF ENGLAND 205 (1991). One minor example that the forest law is not completely obsolete is the continuing activity of the verderers in the Forest of Dean. See David Stock, The Ancient Protectors of England’s Forests, BBC
explain why itinerant royal forest eyre justices have received almost no prosopographical attention compared to justices, sergeants, and clerks of the central royal courts, as well as the itinerant royal justices in general eyre, the majority of whom have been identified and examined in numerous monographs, articles, lists, and potted biographies. In fact, there is only one published article that attempts to identify and catalogue some portion of forest eyre justices, but it is over a century old and woefully incomplete. This Article will begin to reclaim some of these forest eyre justices from the oblivion of obscurity by taking the initial step of identifying, listing, and analyzing all forest eyre justices during the reign of Henry III (1216–1272).

Some may contend that there is minimal merit in learning about justices from a largely obsolete, archaic legal system. This Article will reveal, however, that forest eyre justices were closely related to, and in many cases indivisible from, common law justices, thus providing us another lens through which to view the development

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of the nascent common law and its courts in the thirteenth century. From a more granu-
lar, human perspective, despite the eventual decline of forest law, it is arguable whether
Magna Carta or the Charter of the Forest had a more significant impact on the day-
to-day lives of thirteenth-century contemporaries, particularly poor forest dwellers.10
Before proceeding to an examination of the forest eyre justices, it is necessary to
offer a brief description of what forest law is, its jurisdictional and geographic extent, and the structure of the courts administering it, including the forest eyre.

I. FOREST LAW IN GENERAL

Medieval English forest law is only loosely tethered to modern connotations of
the word ‘forest’ meaning simply a wooded area. Richard Fitz-Nigel, a long-time
Exchequer official in the reign of Henry II, provided the first known definition of
the English royal forest in the late 1170s, complete with a delightful, if inaccurate,
etymological observation on the word ‘forest’:

The King’s forest is a safe abode for wild animals, not all of
them but only the woodland ones, and not everywhere, but in
particular places suitable for the purpose. That is why it is called
‘forest’ (foresta), as though the e of feresta (i.e. a haunt of wild
animals, ferarum statio) were changed into o.11

As Fitz-Nigel alludes to, ‘forest’ in medieval England denoted a defined area of un-
enclosed land within which wild game, principally deer, along with wide swathes
of its habitat were protected by forest laws for the benefit of the king.12 Medieval
forests, however, could include “not only woodland, but also heath, pasture, meadow,
and arable land, and even hamlets, villages, and townships.”13 Importantly, forest

10 W.H. Liddell, Some Royal Forests North of Trent (June 1961) (unpub lished M.A.
thesis, University of Nottingham) (on file with author) (“[T]he people who were affected,
whose lives were influenced by this ‘forest’ system have been forgotten.”).
11 RICHARD FITZ-NIGEL, DIALOGUS DE SCACCARIO (THE COURSE OF THE EXCHEQUER) AND
CONSTITUTIO DOMUS REGIS (THE ESTABLISHMENT OF THE ROYAL HOUSEHOLD) 60 (Charles
Johnson ed. & trans., 1983). For an excellent summary of the work of the English Exchequer as
well as some contemporary criticisms of Fitz-Nigel’s description of it, see JOHN SABAPATHY,
12 See Dolly Jorgensen, The Roots of the English Royal Forest, in 23 ANGLO-NORMAN STUD-
IES 114 (C. P. Lewis ed., 2009) (“[W]e must remember from the outset that forest as a medieval
term is not synonymous with the modern usage of the word to mean woodland: forest could include
many kinds of land, including pasturage, heath, and even farmed land.”). For a discussion
of forests under William I, William II, and Henry I, see CHARLES PETIT-DUTAILLIS, 2 STUDIES
AND NOTES SUPPLEMENTARY TO STUBBS’ CONSTITUTIONAL HISTORY 167–78 (W. T. Waugh
trans., 1915); and H. A. Cronne, The Royal Forest in the Reign of Henry I, in ESSAYS IN BRITISH
AND IRISH HISTORY IN HONOUR OF JAMES EADIE TODD 1–23 (H. A. Cronne et al. eds, 1949).
13 A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, supra note 2, at xi.
jurisdictions in England unlike those in Normandy could, and often did, extend outside the king’s own demesne land (the crown’s landed estate) onto privately held lands, acting as a type of economically restrictive land-use overlay on areas that remained subject to the common law as well.\textsuperscript{14} Thus, tenants on the king’s demesne forest lands, private landowners, and tenants who dwelled within areas designated as ‘forest’ were subject to two intertwined layers of law: the common law and the additional restrictions of the forest law.\textsuperscript{15}

Forest law was originally designed to protect the hunting rights of the king through preserving the “the vert and venison”—the woodland cover that provided habitat for deer as well as the deer themselves.\textsuperscript{16} To protect deer, forest law forbade hunting, carrying of bows and arrows, and keeping unexpeditated dogs (hunting dogs that have not had three claws or the ball of their forefoot removed) within royal forests and levied increased restrictions “during the fence month, the breeding season of the deer.”\textsuperscript{17} To protect the “vert,” the “woods, herbage, and undergrowth which provided cover and food for the deer,”\textsuperscript{18} forest laws prohibited assarts (“clearing of new land for agricultural use”) and purprestures, encroachments on the forest often containing illegal enclosures and buildings.\textsuperscript{19} Forest law also restricted felling trees, cutting peat and turf, and pasturing livestock.\textsuperscript{20} Residents within forest areas, however, did enjoy ‘estovers,’ a right that allowed them to “take what they needed for

\textsuperscript{14} Judith A. Green, Forest Laws in England and Normandy in the Twelfth Century, 86 HIST. RES. 416, 422 (2013). “[I]t was the application of forest law outside the king’s own demesne land that is one of the most striking differences from the situation in Normandy, where the duke’s hunting rights were, as far as we can tell, confined to his demesne forests.” Id. at 422. For an excellent overview into the changing extent of the king’s demesne lands in medieval England, see B. P. Wolfe, The Royal Demesne in English History: The Crown Estate in the Governance of the Realm from the Conquest to 1509 (1971).

\textsuperscript{15} See, e.g., John Langton, Medieval Forests and Chases: Another Realm?, in FORESTS AND CHASES OF MEDIEVAL ENGLAND AND WALES C. 1000 TO C. 1500, at 17 (John Langton & Graham Jones eds., 2010) (“In fact, Common law applied inside as well as outside forests for non-forest offences, though if there were no other local courts, forest courts dealt with common law matters.”); Elizabeth Cox Wright, Common Law in the Thirteenth-Century Royal Forest, 3 Speculum 166, 190 (1928) (“We thus see that common law and forest law, existing, as we have said, ‘side by side’ in afforested regions, did not each keep to its separate field of action, but occasionally became entangled.”); Charles R. Young, English Royal Forests Under the Angevin Kings, 12 J. Brit. Stud. 1, 7 (1972) (“There seems to have been some overlapping in terms of pleas being intermingled and in terms of judicial personnel hearing both forest pleas and those of the common law.”).


\textsuperscript{17} A Calendar of New Forest Documents 1244–1334, supra note 2, at 15.

\textsuperscript{18} Id.

\textsuperscript{19} 21 Records of Feckenham Forest, Worcestershire, C. 1236–1377, xv, xx (Jean Birrell ed., 2006).

\textsuperscript{20} A Calendar of New Forest Documents 1244–1334, supra note 2, at 15.
their own activities, that is, for fencing, fuel, building repairs, [pasturing livestock] and so on, but not for commercial purposes.21

Forest laws were forcibly imported into England with William the Conqueror.22 As the Anglo-Saxon Chronicle records,

He [William] set up a great deer frith and imposed laws concerning it. Whoever slew a hart or a hind was to be blinded. He forbade the killing of boars even as the killing of harts. He loved the harts as dearly as though he had been their father. Hares, also, he decreed should go free. The rich complained and the poor lamented, but he was too relentless to care that all might hate him . . . .23

By the thirteenth century, scholars have estimated that forest jurisdictions covered nearly one-quarter of England,24 although this fraction may rise following the pioneering work on locating, surveying, and mapping medieval forests and chases in England and Wales between c. 1000 to c. 1850 currently being undertaken by a research team at Oxford University.25

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21 RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236 –1377, supra note 19, at xv.
22 See, e.g., Green, supra note 14, at 416 (“William introduced into England the laws to which he had been accustomed in Normandy and had inherited from his Carolingian predecessors.”); Jorgensen, supra note 12, at 115, 123–28 (suggesting that the Norman forest laws imported by William the Conqueror had been modified by the end of the twelfth century into a largely royal prerogative).
24 See, e.g., Margaret Ley Bazeley, The Extent of the English Forest in the Thirteenth Century, 4 TRANSACTIONS ROYAL HIST. SOC’Y 140 (1921); J. Linda Drury, Durham Palatinate Forest Law and Administration, Specially in Weardale up to 1440, 6 ARCHAEOLOGIA AELIANA 87, 87 (1978). The extent of the royal forests seems to have been greater in the late twelfth century than during the reign of Henry III, as some disafforestation had occurred. See Green, supra note 14, at 417 (“By the later twelfth century the royal forests covered possibly as much as a third of the country.”).
25 In March 2002 . . . 152 English forests and chases were known. This compares with 68 English forests and 13 chases listed in “a kind of covenant between the King and some of his principal officers” in 1609, and given by Spelman [an antiquary] in 1626 . . . . The map drawn for the 2005 conference on early-modern forests and chases contains 199 in England and 96 in Wales . . . . the current state of our inventory, which has 649 entries for England and 334 for Wales . . . . Not only were forests very much more numerous than James I’s advisors claimed, but individually they might cover huge areas of land . . . . Whole counties such as Berkshire, Essex, and Surrey were afforested. Indeed, the forests might well be characterized as “half our historical geography.”
The afforestation of large tracts of land by early Norman kings—like William I’s creation of the New Forest in Hampshire, or Henry I’s creation of forests in Leicestershire, Bedfordshire, and Yorkshire—created tensions with private landholders within forest jurisdictions as their lands became subject to stringent forest law restrictions aimed at preserving the royal prerogative of hunting deer. However, during the reign of Henry II (1154–1189) the crown shifted its policy on forests, recognizing that in addition to protecting royal hunting rights, forests contained deep fiscal reservoirs of resources, licensing fees, and fines from forest offences that could be plumbed extensively to fill the royal coffers when necessary. Indeed, it was King John’s savage overexploitation of forest law revenues from 1205–1212 to bolster his war chest for failed military campaigns to retake Normandy from France that was a significant factor leading to Runnymede three years later. Following John Langton & Graham Jones, Deconstructing and Reconstructing the Forests: Some Preliminary Matters, in Forests and Chases of Medieval England and Wales c. 1000 to c. 1500, at 2–3 (John Langton & Graham Jones eds., 2010) (citations omitted). For more information about the Oxford project, see Forests and Chases in England and Wales to c. 1850: Towards a Multidisciplinary Survey, ST. JOHN’S C. OXFORD, http://info.sjc.ox.ac.uk/forests/Introduction.html [https://perma.cc/2LZF-6GY6].

Presumably because of its creation or considerable enlargement, the New Forest was accorded a separate section at the end of the Domesday account of Hampshire. See J. Horace Round, Introduction to the Hampshire Domesday, in THE VICTORIA HISTORY OF THE COUNTIES OF ENGLAND: A HISTORY OF HAMPSHIRE AND ISLE OF WRIGHT 399–447 (H. Arthur Doubleday ed., 1900). Writing in the early twelfth century, Ordericus Vitalis, a Benedictine chronicler from St. Evroult in Normandy, offers a colorful, and probably exaggerated account of the effects that William the Conqueror’s creation of the New Forest had on the Anglo-Saxon inhabitants and the landscape:

Now, reader, let me explain why the forest . . . 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.

See GRANT, supra note 7, at 13–14.


See Nicholas Barratt, The Revenue of King John, 111 ENG. HIST. REV. 835, 847 (1996). For the first two years of John’s reign, revenue raised from the king’s forests accounted for nearly 6% of the total royal revenue. Id. This percentage declined in 1201–1203 to 0.5%. Id. But after Normandy was lost to the French, the percentage of the total royal revenue from forest income rose dramatically to 5.6% in 1207, and then to 9.3% in 1208, dipping to 5.5% in 1209 and then 3.3% in 1210, finally reaching an all-time high of 11.4% in 1212, the last time that forest eyres were held in the reign of King John. Id.; see also CROOK, supra note
the issuance of the Charter of the Forest in 1217, deafening calls for perambulations and deforestation of substantial parts of royal forests sounded often during the minority of Henry III with some effect.30

II. FOREST COURTS

In the thirteenth century, a complicated array of royal officials, local officials, courts, and royal/local collaboration protected and enforced the crown’s rights in royal forests. The chief forest court was the forest eyre, a “comprehensive review of forest administration and offences since the previous eyre.”31 The forest eyre, like its sibling court the general eyre, was an itinerant court composed of justices commissioned to travel from county to county to hear pleas according to specific articles or questions.32


Two of those grievances, both of them arising from Angevin government, dominated local thinking in the first years of the thirteenth century and were to cause continuing disaffection under Henry III: the malpractices of the sheriff and the extent of the forest. Behind both lay the fiscal policies of the crown, which aimed to augment local profits from the forest eyre and the sheriff’s farm in order to meet military commitments abroad.

Id.


31 See David Crook, The Records of Forest Eyres in Public Record Office, 1179 to 1670, 17 J. SOC’Y ARCHIVISTS 183, 189 (1996). Forest eyres declined in the late thirteenth century and eventually ceased in the middle of the fourteenth century, after which all forest offences were handled in the common law courts. See John Langton, Royal and Non-Royal Forests and Chases in England and Wales, 88 HIST. RES. 381, 388 (2015). For an excellent chronology of forest eyres and original documents pertaining to them, see Crook, supra, at 183–93. For the decline of forest eyres and the jurisdiction of forest law in Sherwood forest in the early fourteenth century, see J. C. Holt, Robin Hood 81–82 (2d ed. 1989).

32 Speaking about the itinerant nature of the general eyre, the author(s) of a thirteenth-century legal treatise traditionally ascribed to Henry Bracton (Bratton) state: “There are other justices, traveling from place to place, as from county to county, sometimes for all pleas . . . .” 2 De Legibus et Consuetudinibus Angliae (Bracton on the Laws and Customs of England) 307 (Samuel E. Thorne trans., 1992). Crook notes that the Assize of 1198 for forest law offences “appears in some respects to have been the forest equivalent of the articles given to justices of the common pleas eyre to prompt the juries of presentment to report crown pleas that had arisen since the last eyre in the same county.” Crook, supra note 2, at 68; see also A Calendar of New Forest Documents 1244–1334, supra note 2, at 16 (“There are a number of similarities between the forest eyre and the general eyre which dealt with criminal and civil proceedings. They were both introduced in the year 1166 [Assize of Clarendon], they had the same sweeping powers of enquiry, the intervals between eyres and also their dates were approximately similar, and both eyres declined at about the same time.”). It is also noteworthy that Henry III revived the forest eyres along with the general eyres in 1218. See Carpenter, supra note 30, at 89–103. Paul Brand has also shown that the Exchequer
Whereas general eyre justices heard pleas related to the common law (e.g., debt, novel disseisin, inheritance) that had occurred since the last visitation, forest eyres justices heard offences against the forest law. Attempts by Henry III’s regents to revivify forest eyres as a stable source of royal revenue during his minority bore anemic fruit given the perilous state of the realm and the lingering memories of King John’s abuse of the forest eyres for his own fiscal ends. Forest eyres as a reliable royal fiscal tool only regained firmer footing in the decade after Henry III reached his majority in 1227. During the early reign of Henry III, forest eyres occurred at irregular intervals as the royal administration struggled to resurrect its authority and ability to hold forest pleas, but counties in which forests lay could usually expect to be visited by a group of forest eyre justices riding circuit once every four-to-ten years or so. Deviating from the traditional administrative structure of appointing a single judicial official to oversee all royal forests in England, Henry III and his council experimented with dividing the administration of royal forests in England into two administrative bailiwicks in the late 1220s and early 1230s. By 1239, royal forests were permanently divided for administrative and judicial purposes into two large geographic regions: forests located north of the river Trent and forests located south of the river Trent, which runs southward from the Humber, meandering just south of the city of Nottingham.

A single “Justice of the Forest” was appointed by the crown to preside over judicial matters relating to all royal forests in the early part of Henry III’s reign. Later, we find a Justice of the Forest for each forest region: forests south of the Trent and forests north of the Trent. The Justice of the Forest became the chief justice in every forest eyre under his purview. The crown also appointed other itinerant justices (usually two to four) to assist the Justice of the Forest in hearing forest eyre pleas in the different counties. The business of the forest eyres consisted primarily in dealing with three types of offenses, each listed separately in forest eyre rolls: (1) pleas of
venison; (2) pleas of the vert; and (3) the regard. Examining each of these briefly in
turn will allow us to glimpse how forest law functioned in the reign of Henry III. 42

Pleas of venison—poaching offenses—were presented to the forest eyre justices
by the keeper (sometimes called a warden or a steward) of each forest and his forest-
ers. 43 The keeper held his office by hereditary right or by royal appointment and was
the royal official in charge of each royal forest. 44 Underneath the keeper served several
walking and riding foresters, each responsible for the day-to-day implementation of
forest law within a defined area inside each forest. 45 Keepers and foresters were respon-
sible for apprehending poachers and ensuring their attendance at the forest eyre, where
malefactors would be amerced according to the severity of the offence and their ability
to pay—the Charter of the Forest having abolished corporal punishment for forest
infractions. 46 Significantly, extant forest eyre rolls show that poaching was not limited to
men of any particular social class. Rather, these rolls reveal that poachers included:
bishops, local lay and ecclesiastical barons, gentry, monks, parish priests, artisans, ser-
vants, and peasants. 47 They also show that poaching was an activity that brought

42 Id. at 36. Forest eyre plea rolls also contain some administrative items as well, such
as records of the sales of timber, pannage dues, numbers of pig houses, grants of deer, and
charters regarding grants of lands or privileges within the forest. For these, see 21 RECORDS
OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra note 19, at xxiii; Winters,
supra note 35, at 36.
43 RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra
note 19, at xv–xvi.
44 See FORESTS OF CANNOCK AND KINVER, supra note 16, at 3.
45 RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra
note 19, at xvi.
46 Clause ten of the 1217 Charter of the Forest states:
No one shall henceforth lose life or limb because of our venison, but if
anyone has been arrested and convicted of taking venison he shall be
fined heavily if he has the means; and if he has not the means, he shall lie
in our prison for a year and a day; and if after a year and a day he can find
pledges he may leave prison; but if not, he shall abjure the realm . . .
See ENGLISH HISTORICAL DOCUMENTS 1189–1327, supra note 3, at 339.
47 See Jean Birrell, Families and Friendships: Hunting in the Medieval English Forest,
in FORESTS AND CHASES OF MEDIEVAL ENGLAND AND WALES C. 1000 TO C. 1500, at 82 (John
Langton & Graham Jones eds., 2010):
[Forest court rolls show that poachers] were of many types and had many
motives. At one end of the spectrum were solitary peasants setting traps
or snares, men who no doubt took pride in their skills but who were
primarily interested in procuring venison, booty that as likely to be
sold as consumed by the poacher. At the other end of the spectrum were
large parties led by members of the local aristocracy, whose expeditions
seems very far from furtive, and for whom it was probably the activity
itself, and the sport, that mattered most. In between were many men
who poached more or less regularly, for the sport, for the venison and
for the rewards that came from supplying the latter to a ready market.
See also RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra note 19,
at xviii:
families and social groups together, suggesting that the thrill-of-the-chase and the social cohesion instilled through communal hunting was more important than potential pecuniary penalties.48

Keepers and foresters also worked together with members of the local gentry who were elected as verderers, agisters, and regarders to enforce forest law pertaining to the vert.49 Officers called “verderers,” usually four but occasionally six per forest, were elected by the county court and held office for life.50 Along with the keeper, the verderers presided over the attachment court (sometimes called swanimotes), where minor vert offences, typically those meriting a maximum fine of 4d., were handled.51 More serious offences against the vert were referred to the forest eyre for deliberation.52 Other elected members of the gentry served as “agisters,” supervising the pasturing of livestock in the forest for a fee.53 Agisters were responsible for sending their pannage receipts to the forest eyre for inspection who in turn sent these receipts to the county sheriff for collection.54

“Regarders,” usually numbering twelve local men per forest and elected by the county, performed a very specific function.55 These twelve men, along with the relevant foresters, would conduct the regard, a triennial ambulatory inspection of the forest to record the “fines and rents” due from assarters, from those who established purprestures, and from those who committed waste to the woods by taking more

The poachers included men of every social class. At one end of the scale we find local lay and ecclesiastical barons such as the early of Warwick and the bishop of Worcester; at the other, men of humble status from forest villages, sometimes poor enough to escape amercement. In between we find a cross-section of the male population of the county: members of the Worcestershire gentry, monks from local monasteries, parish priests and chaplains, servants, peasants and artisans.

48 See, e.g., Birrell, supra note 47, at 82:
Whatever the mix of circumstances and motives, the poachers’ choice of companions is informative, and these records tell us a lot about the role of hunting in the life of the clergy and laity of forest areas. Hunting is revealed as an activity that brought certain groups of men together, thus acting like a sort of social cement.

See also Jean R. Birrell, The Medieval English Forest, 24 J. FOREST HIST. 78, 84–85 (1980).

49 See RECORDS OF F ECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra note 19, at xvi.

50 Id. at xvi–xvii.

51 See A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, supra note 2, at 22; FORESTS OF C ANNOCK AND K INVER, supra note 16, at 5–6; RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra note 19, at xvi, xvii, xxii. The Forest of Dean still has four verderers to this day. See Stock, supra note 7.

52 See RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra note 19, at xvi.

53 Id. at xvii.

54 Id.

55 Id.
than their customary share. The list of fines and rents from the regards, which could be quite substantial, was then sent to the forest eyre justices for review and later forwarded to the county sheriff for collection. From the regard, the crown had a relatively accurate accounting of the shrinking nature of its forests and an understanding of what types of crops or structures had taken its place.

III. FOREST EYRE JUSTICES (1216–1272)

Identifying justices who served on forest eyres during the reign of Henry III is no easy task, particularly for the early part of his reign as the regency government struggled to reestablish the forest eyre as a legitimate and respected use of royal power during the king’s minority. To date, there has been only one published study attempting to identify forest eyre justices from the reign of Henry III, and it is over one hundred years old and largely incomplete. Using unpublished patent and fine rolls, G. J. Turner in his 1903 article, The Justices of the Forest South of the Trent, listed twenty men as having served as forest eyre justices during the reign of Henry III along with the dates of their appointment and succession. However, this is less than one-third of the actual number of men to have served as forest eyre justices. Nevertheless Turner’s inability to accurately identify all of the forest eyre justices in the reign of Henry III should not demean his efforts, as he was severely hampered by the limited number of manuscript sources available to him and the labyrinthine difficulties of conducting wide-ranging archival searches in the early twentieth century. Viewed in context, Turner was a pioneer: he reestablished the field of forest law as an area of serious study using primary source material. It is a testament to his erudition that his 1901 Selden Society volume, Select Pleas of the Forest, remains, even after a century, one of the standard reference texts for forest law.

We are simply more fortunate in having more sources to comb for information, and, in many cases, digital manuscript sources that can be scrutinized easily via computers. We are also fortunate that Dr. Jane Winters, now of the Institute for Historical

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56 See id. at xx–xxi:
   But the main purpose of these lists was to establish and record the fines and ‘rents’ due from the assaters, and significant sums of money were raised for the king by this method. Generally there was a one-off amercement for making the assart, coupled with what are sometimes called ‘crop rents’; the rate was fairly consistent: 1s. per acre for winter sown corn and 6d. per acre for spring corn.

See also A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, supra note 2, at 22.

57 See RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, supra note 19, at xvii, xx–xxii. See also A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, supra note 2, at 22.

58 See Turner, supra note 9, at 114.


60 Digital pictures of original manuscripts and legal records related to medieval and early modern England may be accessed freely at ANGLO-AMERICAN LEGAL TRADITION, UNIV.
Research in London, carefully catalogued all primary source manuscripts for forest eyres between 1154 and 1368 as part of her unpublished Ph.D. thesis in 1999. Dr. Winters’s thesis contains a wealth of information, and I am heavily indebted to her meticulous research in compiling this list of forest eyre justices in the reign of Henry III.

Before examining the list of forest eyre justices, a few comments on methodology are necessary. The chart below lists in tabular form the names of all forest eyre justices during the reign of Henry III, their positions as chief justice and/or justice, and their dates of service in chronological order. (The counties in which individual forest eyre justices served are listed in the footnotes following each justice.) For completeness I have included the names of men who were appointed forest eyre justices but never ended up actually adjudicating on any matters because their forest eyres were cancelled or because no Forest Eyres were held during their tenure. Moreover, the date range(s) during which each forest eyre justice served generally follows Dr. Winters’s schema of nine general forest eyre visitations for Henry III’s reign: (1) 1221–1225; (2) 1224–1228; (3) 1229–1232; (4) 1236–1238; (5) 1239–1244; (6) 1244–1252; (7) 1255–1258; (8) 1262–1263; (9) 1269–1272. For years that fall outside of these visitations, I have used the Chancery rolls—enrolled copies of letters or writs distributed by the royal Chancery—to identify the chief justices of the forest north and south of the Trent, where possible, and have indicated in the footnotes situations in which a forest eyre justice was appointed but heard no pleas. Indeed, it is impossible to be a precisian with dates of service for forest eyre justices during the reign of Henry III, for, as Dr. Winters notes, it is incredibly difficult to ascertain exactly when forest eyres began or finished as they were often delayed, suspended, or cut short for various reasons, particularly during the early part of the reign.


61 Winters, supra note 35, at 47–420.
62 See id. at 25.
63 Brand reminds us that the English Chancery clerks were not always assiduous in recording the appointments of justices in the thirteenth century. So it is possible that there are gaps in the chart that further research will fill. See Paul Brand, The Birth and Early Development of a Colonial Judiciary: The Judges of the Lordship of Ireland, 1210–1377, in Explorations in Law and History: Irish Legal History Society Discourses, 1988–1994, at 15–16 (W.N. Osborough ed., 1995). However, David Crook’s research into the general eyre shows that judicial appointments for itinerant judicial sessions were enrolled on a much more regular basis. Presumably, then, we can surmise that judicial appointments for Forest Eyres were made with the same regularity. See Crook, supra note 8, at 5–7; The 1235 Surrey Eyre, supra note 8, at 17–24.
64 For example, the Yorkshire Forest Eyre was originally commissioned to be held on 24 May 1221, but three subsequent
Record evidence supporting this list of forest eyre justices has been culled from a wide range of contemporary primary sources. I have examined various rolls kept by the king’s writing office, the royal Chancery, that contain enrolled copies of writs, letters, appointments, and orders relating to forest eyre justices: patent rolls (open letters),65 close rolls (closed letters);66 fine rolls (payments to the crown for specific concessions);67 liberate rolls (writs authorizing payments by the Exchequer);68 and charter rolls (grants of liberties or land issued or confirmed under the great seal).69 I have also researched the Exchequer pipe rolls and estreat rolls, two types of rolls that record the revenue generated from each forest eyre that typically include the name of the presiding justice, and more occasionally his judicial associates.70 Some dates were put forward, the last of which, 30 May 1222, was almost exactly a year later. There is no guarantee that pleas were heard even on this last occasion, but revenue derived from the forest in Yorkshire does appear on the 1223 pipe roll. See Winters, supra note 35, at 18.

65 Chancery patent rolls from 1216–1509 have been calendared, translated into English, and published in numerous volumes by the Record Commission in the early twentieth century. These volumes, which include the entirety of Henry III’s reign, have been digitized and are keyword-searchable at the following site: CALENDAR PATENT ROLLS, http://sdrc.lib.uiowa.edu/patentrolls/search.html [https://perma.cc/7JA7-FP63] [hereinafter CPR]. For patent rolls during the reign of King John, see 1 ROTULIA LITTERARUM PATENTIUM IN TURRI LONDINENSI ASSERVATI (Thomas Duffus Hardy ed., 1835).

66 Latin transcripts of the Chancery close rolls from 1204–1227 have been published in the RLC (1833–1844), supra note 2. Latin transcripts for Chancery close rolls from 1227–1272 may be found in CLOSE ROLLS OF THE REIGN OF HENRY III (1902–1938) [hereinafter CCR].

67 Excerpts of Chancery fine rolls in Latin from 1216–1272 may be found in 2 EXCERPTA E ROTULIS FINIUM IN TURRI LONDINENSI ASSERVATIS HENRICO TERTIA REGE 1216–1272 (Charles Roberts ed., 1835–1836). The recently completed “Henry III Fine Roll Project” has calendared, translated, and digitized all fine roll manuscripts from the reign of Henry III. See HENRY III FINE ROLLS PROJECT, supra note 60. These rolls are now keyword-searchable.

68 The Chancery liberate rolls from 1226–1272 have been calendared and translated into English. See CALENDAR OF THE LIBERATE ROLLS PRESERVED IN THE PUBLIC RECORD OFFICE: HENRY III (1916–1964) [hereinafter CLR].

69 Chancery charter rolls from 1226–1517 have been calendared, translated into English, and published. See CALENDAR OF CHARTER ROLLS PRESERVED IN THE PUBLIC RECORD OFFICE: HENRY III (1903–1927).

70 Exchequer pipe rolls up to the year 1223 have been transcribed, translated, and published by the Pipe Roll Society. See PIPE ROLL SOC’Y, http://www.piperrollsociety.co.uk/page2.htm [https://perma.cc/76HZ-2TM9]. Unpublished Exchequer pipe roll manuscripts after 1223 can be found in the E 372 record series at the National Archives in the United Kingdom or via digital copies on the ANGLO-AMERICAN LEGAL TRADITION, supra note 60. Manuscript references for estreat roll manuscripts for all thirteenth-century forest eyres (all of which remain unpublished) can be found on pages 33–35 of Dr. Winters’s thesis. Winters, supra note 35, at 33–35.
contemporary chronicles and forest eyre plea rolls, that is, “the roll[s] prepared at the
time of the eyre by the judges to record their pleas and related business” have
also been analyzed. Unfortunately, forest eyre plea rolls for the period under
examination here are only extant from 1250, leaving us with a much more pixelated
image of forest eyres from the latter half of Henry III’s reign compared to earlier
periods. With that, let us meet the justices!

Forest Eyre Justices (1216–1272)

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Judicial Office/Years</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>John Marshall</td>
<td>Chief Justice (1217–1218)</td>
</tr>
<tr>
<td>2</td>
<td>Brian de Lisle (de Insula)</td>
<td>Chief Justice (1221–1225); Chief Justice North of the Trent (1229–1232)</td>
</tr>
<tr>
<td>3</td>
<td>Walter Mauclerc</td>
<td>Justice (1221–1225)</td>
</tr>
<tr>
<td>4</td>
<td>John de Birkin</td>
<td>Justice (1221–1225)</td>
</tr>
<tr>
<td>5</td>
<td>Maurice de Audley</td>
<td>Justice (1221–1225) (1229–1232)</td>
</tr>
<tr>
<td>6</td>
<td>Hugh de Neville</td>
<td>Justice (1221–1225); Chief Justice (1224–1228); Chief Justice South of the Trent (1229–1232)</td>
</tr>
</tbody>
</table>

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71 Winters, supra note 35, at 32.
72 The earliest surviving forest eyre plea roll dates from 1209, and there is a fragment of
a forest eyre plea roll from probably 1246. Id. Forest eyre plea rolls can be found in the E 32
record series and the DL 39 records series at the National Archives in the United Kingdom.
73 CPR, supra note 65, 1216–1225, at 123, 124, 139. No forest eyre pleas were held
during his tenure in this position.
74 (i) 1221–1225: Yorkshire, Pipe Roll E 372/67, at Rot. 11 m. 2d; Essex, Pipe Roll E 372/67,
at Rot. 3 m. 2d; Nottingham and Derbyshire, Pipe Roll E 372/66, at Rot. 3 m. 2d; Northampton-
shire and Huntingdonshire, Pipe Roll E 372/66, at Rot. 2m. 2d; Gloucestershire, Berkshire,
Hampshire, Oxfordshire, Warwickshire and Leicestershire, Rutland, Staffordshire, Dorset,
Somerset, RLC, supra note 2, at 475, 492, 516.
(ii) 1229–1232: Warwickshire and Leicestershire, Worcestershire, Buckinghamshire,
Pipe Roll E 372/75, at Rot. 13 mm. 2-1d; Huntingdonshire, Northamptonshire, Pipe Roll 1230,
at 321; Nottinghamshire, Oxfordshire, Shropshire, Northumberland, Pipe Roll E 372/77, at
Rot. 12 m. 2d; Cumberland, Yorkshire, CCR, 1227–1231, supra note 66, at 382.
75 1221–1225: Yorkshire, Essex, Northamptonshire, Huntingdonshire, RLC, supra note 2,
at 475, 492, 516.
76 1221–1225: Yorkshire, RLC, supra note 2, at 516.
77 (i) 1221–1225: Nottinghamshire and Derbyshire, RLC, supra note 2, at 507.
(ii) 1229–1232: Huntingdonshire, CCR, 1227–1231, supra note 66, at 382.
78 (i) 1221–1225: Northamptonshire; RLC, supra note 2, at 516.
(ii) 1224–1228: Berkshire, Pipe Roll E 372/68, at Rot. 14 m. 2; Wiltshire, Pipe Roll E
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Positions and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>Robert Passelewe</td>
<td>Justice (1221–1225); Chief Justice South of the Trent (1244–1250)(^{79})</td>
</tr>
<tr>
<td>8</td>
<td>William de Lisle</td>
<td>Justice (1221–1225)(^{80})</td>
</tr>
<tr>
<td>9</td>
<td>John de Bayeux</td>
<td>Justice (1224–1228)(^{81})</td>
</tr>
<tr>
<td>10</td>
<td>Henry de Cerne</td>
<td>Justice (1224–1228); Justice South of the Trent (1229–1232)(^{82})</td>
</tr>
<tr>
<td>11</td>
<td>John de Monmouth</td>
<td>Justice South of the Trent (1229–1232)(^{83})</td>
</tr>
<tr>
<td>12</td>
<td>William Ruffus</td>
<td>Justice North of the Trent (1229–1232)(^{84})</td>
</tr>
<tr>
<td>13</td>
<td>Alexander de Bassingbourne</td>
<td>Justice North of the Trent (1229–1232)(^{85})</td>
</tr>
<tr>
<td>14</td>
<td>Ralph Musard</td>
<td>Justice South of the Trent (1229–1232)(^{86})</td>
</tr>
</tbody>
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\(^{79}\) (i) 1221–1225: Northamptonshire, RLC, \textit{supra} note 2, at 516.

\(^{80}\) 1221–1225: Berkshire, Wiltsire, Dorset, Somerset, RLC, \textit{supra} note 2, at 633, 655.

\(^{81}\) (i) 1224–1228: Berkshire, Wiltsire, Dorset, Somerset, RLC, \textit{supra} note 2, at 633, 655.


\(^{83}\) 1229–1232: Oxfordshire, Herefordshire, Pipe Roll E 1230, at 219; Shropshire, Gloucestershire, Pipe Roll E 372/75, at Rot. 15 m. 1d; Staffordshire, Pipe Roll E 372/75, at Rot. 9 m. 2d; Worcestershire, CCR, 1227–1231, \textit{supra} note 66, at 382.

\(^{84}\) 1229–1232: Oxfordshire, Buckinghamshire, Huntingdonshire, CCR, 1227–1231, \textit{supra} note 66, at 382.

\(^{85}\) \textit{Id}.

\(^{86}\) 1229–1232: Oxfordshire, Herefordshire, Gloucestershire, CCR, 1227–1231, \textit{supra} note 66, at 382.
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<tr>
<th></th>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>15</td>
<td>John Fitz Philip</td>
<td>Justice South of the Trent (1229–1232)</td>
</tr>
<tr>
<td>16</td>
<td>Elias de Breton</td>
<td>Justice South of the Trent (1229–1232);</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Justice North of the Trent (1240)</td>
</tr>
<tr>
<td>17</td>
<td>Thomas de Multon</td>
<td>Justice North of the Trent (1229–1232)</td>
</tr>
<tr>
<td>18</td>
<td>Ralph de Sudeley</td>
<td>Justice South of the Trent (1229–1232)</td>
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<tr>
<td>19</td>
<td>Godfrey de Craucumbe</td>
<td>Justice South of the Trent (1229–1232)</td>
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<tr>
<td>20</td>
<td>Ralph de Wiliton</td>
<td>Justice South of the Trent (1229–1232)</td>
</tr>
<tr>
<td>21</td>
<td>Peter de Brus</td>
<td>Justice North of the Trent (1229–1232)</td>
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<tr>
<td>22</td>
<td>John de Kirkby</td>
<td>Justice North of the Trent (1229–1232)</td>
</tr>
<tr>
<td>23</td>
<td>Peter de Rivaux</td>
<td>Chief Justice (1232–1234)</td>
</tr>
<tr>
<td>24</td>
<td>John de Neville</td>
<td>Chief Justice (1235–1236); Chief Justice</td>
</tr>
<tr>
<td></td>
<td></td>
<td>South of the Trent (1236–1238)</td>
</tr>
<tr>
<td>25</td>
<td>Richard de Munfichet</td>
<td>Chief Justice North of the Trent (1236–1237)</td>
</tr>
<tr>
<td>26</td>
<td>John Biset</td>
<td>Chief Justice South of the Trent</td>
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<tr>
<td></td>
<td></td>
<td>(1239–1244)</td>
</tr>
</tbody>
</table>

87 1229–1232: Staffordshire, Shropshire, CCR, 1231–1234, supra note 66, at 145–47.
88 (i) 1229–1232: Staffordshire, Worcestershire, Shropshire, Gloucestershire, CCR, 1231–1234, supra note 66, at 145–47. It is unclear whether the forest pleas for Shropshire or Gloucester ever occurred. See Winters, supra note 35, at 169.
(ii) 1240: Northumberland, Estreat Roll E 101/534, at 4 m. 1.
90 1229–1232: Worcestershire, CCR, 1231–1234, supra note 66, at 145–47.
91 1229–1232: Gloucestershire, CCR, 1231–1234, supra note 66, at 142–47. Adjudication of pleas for this forest eyre may not have occurred. See Winters, supra note 35, at 169.
92 1229–1232: Gloucestershire, CCR 1231–1234, supra note 66, at 143–47. Adjudication of pleas for this forest eyre may not have occurred. See Winters, supra note 35, at 169.
93 1229–1232: Northumberland, CCR, 1227–1231, supra note 66, at 585.
94 Id.
95 1232–1234: CPR, 1225–1232, supra note 65, at 273. Peter de Rivaux heard no pleas of the forest during his time as Chief Justice.
96 (i) Eyres as Chief Justice of the forests: 1235–1236: Buckinghamshire, Pipe Roll E 372/80, at Rot. 8 m. 2d; Northamptonshire, Pipe Roll E 372/80, at Rot. 11 m. 1d; Oxfordshire, Pipe Roll E 372/80, at Rot. 14 m. 1d.
(ii) Eyres as Chief Justice of forests South of the Trent 1236–1238: Essex, Pipe Roll E 372/81, at Rot. 3 m. 1; Huntingdonshire, Pipe Roll E 372/82, at Rot. 7 m. 1d.
97 1236–1237: CPR, 1232–1247, supra note 65, at 167, 186, 187. No forest eyre pleas were held during his tenure in this position.
98 1239–1244: Hampshire, Pipe Roll E 372/83, at Rot. 1 m. 1d; Dorset and Somerset, Pipe Roll E 372/84, at Rot. 5 m. 2d; Northamptonshire, Pipe Roll E 372/84, at Rot. 9 m. 2d;
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>27</td>
<td>Robert de Ros</td>
<td>Chief Justice North of the Trent (1239–1244)</td>
</tr>
<tr>
<td>28</td>
<td>Gilbert de Umfraville</td>
<td>Chief Justice for Northumberland Eyre (1240)</td>
</tr>
<tr>
<td>29</td>
<td>Roger Bertram</td>
<td>Justice North of the Trent (1240)</td>
</tr>
<tr>
<td>30</td>
<td>Gilbert de Seagrave</td>
<td>Chief Justice South of the Trent (1243–1244)</td>
</tr>
<tr>
<td>31</td>
<td>John Fitz Geoffrey</td>
<td>Justice South of the Trent (1244)</td>
</tr>
<tr>
<td>32</td>
<td>Roger de Essex</td>
<td>Justice South of the Trent (1244)</td>
</tr>
<tr>
<td>33</td>
<td>Richard de Harcourt</td>
<td>Justice South of the Trent (1244)</td>
</tr>
<tr>
<td>34</td>
<td>Thurstan le Despenser</td>
<td>Justice South of the Trent (1244)</td>
</tr>
<tr>
<td>35</td>
<td>Reginald de Mohun</td>
<td>Justice South of the Trent (1244); Chief Justice South of the Trent (1252–1253)</td>
</tr>
</tbody>
</table>

Shropshire, Pipe Roll E 372/84, at Rot. 7 m. 1 d; Staffordshire, Pipe Roll E 372/84, at Rot. 7 m. 2 d; Surrey, Pipe Roll E 372/84, at Rot. 9 m. 1 d; Wiltshire, Pipe Roll E 372/84, at Rot. 7 m. 2 d; Worcestershire, Pipe Roll E 372/84, at Rot. 7 m. 2 d; Oxfordshire, Pipe Roll E 372/85, at Rot. 7 m. 2 d; Berkshire, Pipe Roll E 372/88, at Rot. 9 m. 1 d; Buckinghamshire, Pipe Roll E 372/87, at Rot., 14 m. 2 d; Huntingdonshire, Pipe Roll E 372/87, at Rot. 11 m. 2 d.

99 1239–1244: Nottinghamshire and Derbyshire, Pipe Rolls E 372/84, at Rot. 1 mm. 2-1d; Yorkshire, Pipe Roll E 372/84, at Rot. 12 m. 1 d; Cumberland, Pipe Roll E 372/85, at Rot. 14 m. 1.

100 1240: Northumberland, Pipe Roll E 372/84, at Rot. 12 m. 2 d.
101 1240: Northumberland, Estreat Roll E 101/534, at 4 m. 1.
102 1243–1244: Essex, Pipe Roll E 372/87, at Rot. 4 m. 2 d; Gloucester, Pipe Roll E 372/88, at Rot. 5 m. 2.
104 1244: Gloucester, CPR, 1232–1247, *supra* note 65, at 291. This eyre was delayed and he may never have served as justice. *See* CCR, 1242–1247, *supra* note 66, at 71.
105 1244: Gloucester, CPR, 1232–1247, *supra* note 65, at 291. This eyre was delayed and he may never have served as justice. *See* CCR, 1242–1247, *supra* note 66, at 71.
106 1244: Gloucester, CPR, 1232–1247, *supra* note 65, at 291. This eyre was delayed and he may never have served as justice. *See* CCR, 1242–1247, *supra* note 66, at 71.
107 (i) Eyres as Justice South of the Trent 1244: Gloucester, CPR, 1232–1247, *supra* note 65, at 279. This eyre was delayed and he may never have served as justice. *See* CCR, 1242–1247, *supra* note 66, at 71. Mohun was earlier appointed as Chief Justice for South of the Trent on 1 April 1242, but seems to have never acted in this capacity. *See* CPR, 1232–1247, *supra* note 65, at 279.
<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>Geoffrey de Langley</td>
<td>Justice South of the Trent (1244–1252); Chief Justice North of the Trent (1244–1252); Chief Justice South of the Trent (1250–1252)(^{108})</td>
</tr>
<tr>
<td>37</td>
<td>John de Blosmenill</td>
<td>Justice South of the Trent (1245)(^{109})</td>
</tr>
<tr>
<td>38</td>
<td>William de Beauchamp</td>
<td>Justice South of the Trent (1245)(^{110})</td>
</tr>
<tr>
<td>39</td>
<td>Laurence de St. Albans</td>
<td>Justice South of the Trent (1244–1249)(^{111})</td>
</tr>
<tr>
<td>40</td>
<td>Roger de Somery</td>
<td>Justice North of the Trent (1249)(^{112})</td>
</tr>
<tr>
<td>41</td>
<td>William de Forz</td>
<td>Justice North of the Trent (1251)(^{113})</td>
</tr>
<tr>
<td>42</td>
<td>Hugh de Bolebec</td>
<td>Justice North of the Trent (1251–1252); Justice North of the Trent (1262)(^{114})</td>
</tr>
</tbody>
</table>

(ii) Eyres as Chief Justice South of the Trent 1252–1253: CPR, 1247–1258, supra note 65, at 154. He heard no pleas for forests south of the Trent during his tenure in this position.


(ii) Eyres as Chief Justice North of the Trent 1244–1252: 1249: Rutland, Pipe Roll E 372/93, at Rot. 2 m. 1d; Shropshire, Pipe Roll E 372/84, at Rot. 14 m. 1d; 1250: Herefordshire, Pipe Roll E 372/94, at Rot. 13 m. 2; Nottinghamshire and Derbyshire, Pipe Roll E 372/95, at Rot. 20 m. 2d, Rot. 21 m. 2d; Yorkshire, Pipe Roll E 372/94, at Rot. 3 m. 1; 1251—Cumberland, Pipe Roll E 372/96, at Rot. 12 m. 2d; Lancashire, Pipe Roll E 372/95, at Rot. 16 m. 2; 1252—Northumberland, Pipe Roll E 372/96, at Rot. 11 m. 1d.

(iii) Eyres as Chief Justice South of the Trent 1250–1252: he heard no pleas for forests south of the Trent during his tenure in this position.


110 Id.


113 1251: Cumberland, CPR, 1247–1258, supra note 65, at 107; Lancashire, CPR, 1247–1258, supra note 65, at 107.

<table>
<thead>
<tr>
<th></th>
<th>Name</th>
<th>Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>43</td>
<td>Baldwin de Panton</td>
<td>Justice North of the Trent (1251)(^{115})</td>
</tr>
<tr>
<td>44</td>
<td>Adam de Hilton</td>
<td>Justice North of the Trent (1252)(^{116})</td>
</tr>
<tr>
<td>45</td>
<td>Richard de Wrotham</td>
<td>Justice South of the Trent (1245–1246)(^{117})</td>
</tr>
<tr>
<td>46</td>
<td>William le Breton</td>
<td>Justice South of the Trent (1247–1248); Chief Justice South of the Trent (1255–1258)(^{118})</td>
</tr>
<tr>
<td>47</td>
<td>William Trussel</td>
<td>Justice North of the Trent (1251)(^{119})</td>
</tr>
<tr>
<td>48</td>
<td>Nicholas de Romsey</td>
<td>Justice North of the Trent (1251); Justice South of the Trent (1255–1258); Justice South of the Trent (1262–1263); Justice South of the Trent (1269–1272)(^{120})</td>
</tr>
</tbody>
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116 1252: Northumberland, CPR, 1247–1258, \textit{supra} note 65, at 78.


118 (i) Eyres as Justice South of the Trent 1247–1248: Dorset and Somerset, CLR, 1245–1251, \textit{supra} note 68, at 124, 133.


119 1251: Cumberland, CLR, 1245–1251, \textit{supra} note 68, at 381; Lancashire, CLR, 1245–1251, \textit{supra} note 68, at 381.

120 (i) Eyres as Justice North of the Trent 1251: Cumberland, CLR, 1247–1258, \textit{supra} note 68, at 381; Lancashire, CLR, 1245–1251, \textit{supra} note 68, at 381.


49 John de Lexington (Lessinton)
Chief Justice North of the Trent (1252–1255)\(^{121}\)

50 William Heron
Chief Justice North of the Trent (1255–1257)\(^{122}\)

51 Geoffrey de Lewknor
Justice South of the Trent (1255–1258)\(^{123}\)

CCR, 1254–1256, supra note 66, at 460; Essex, CCR, 1254–1256, supra note 66, at 388–89; CCR, 1254–1256, supra note 66, at 460; 1257: Dorset, CCR, 1256–1259, supra note 66, at 157; Somerset, CPR, 1247–1258, supra note 65, at 657; Wiltshire, CCR, 1256–1259, supra note 66, at 132, 170; 1258: Gloucestershire, CPR, 1247–1258, supra note 65, at 607; Berkshire, CPR, 1247–1258, supra note 65, at 460.


(iv) Eyres as Justice South of the Trent 1269–1272: Rutland, CPR, 1266–1272, supra note 65, at 347, 403, 405; Hampshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Dorset, CPR, 1266–1272, supra note 65, at 347, 403, 405; 1270: Wiltshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Somerset, CPR, 1266–1272, supra note 65, at 347, 403, 405; Shropshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Gloucestershire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Herefordshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Worcestershire, CLR, 1267–1272, supra note 68, at no. 1293; Eyre Roll E 32/229; Shropshire, CLR, 1267–1272, supra note 68, at no. 1727; Eye Plea Roll E 32/147; 1272: Oxfordshire, CLR, 1267–1272, supra note 68, at no. 1962; Eye Plea Roll E 32/137; Northamptonshire, CLR, 1267–1272, supra note 68, at no. 2057; Eye Plea Roll E 32/72.

121 CPR, 1247–1258, supra note 65, at 165, 436. Lexington heard no forest pleas during his tenure at this position.

122 CPR, 1247–1258, supra note 65, at 413, 416, 426, 473, 550. Heron heard no forest pleas during his tenure at this position. For William Heron’s life and career, see Richard Cassidy, Heron, William (d. 1257/8), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www .oxforddnb.com/view/article/105369 [https://perma.cc/Z7VS-HVZJ].

| 52 | Simon de Thrupp | Justice South of the Trent (1255–1258)\textsuperscript{124} |
| 53 | Robert Walerand | Justice South of the Trent (1257); Chief Justice South of the Trent (1258–1259)\textsuperscript{125} |
| 54 | Alexander de Montfort | Justice South of the Trent (1257–1258)\textsuperscript{126} |
| 55 | John de Eyvill | Chief Justice North of the Trent (1257–1262); (1263–1265)\textsuperscript{127} |
| 56 | Thomas Gresley | Chief Justice South of the Trent (1259–1261)\textsuperscript{128} |
| 57 | Robert de Neville | Chief Justice North of the Trent (1262–1263)\textsuperscript{129} |
| 58 | Robert Fitz Ralph | Justice North of the Trent (1262–1263)\textsuperscript{130} |
| 59 | William de Nottingham | Justice North of the Trent (1262–1263)\textsuperscript{131} |


\textsuperscript{125} (i) Eyres as Justice South of the Trent 1257: Wiltshire, CCR, 1256–1259, supra note 66, at 132, 170; Eyre Plea Roll E 32/198; Hampshire, CCR, 1256–1259, supra note 66, at 105.

(ii) Eyres as Chief Justice South of the Trent 1258–1259: no pleas were heard during his tenure at this position. See CPR, 1247–1258, supra note 65, at 501, 603; CPR, 1258–1266, supra note 65, at 43.

\textsuperscript{126} 1257–1258: 1257: Hampshire, CCR, 1256–1259, supra note 66, at 60; Dorset, CCR, 1256–1259, supra note 66, at 157; Somerset, CPR, 1247–1258, supra note 65, at 567; Gloucestershire, CPR, 1247–1258, supra note 65, at 607.

\textsuperscript{127} CPR, 1247–1258, supra note 65, at 550; CPR, 1258–1266, supra note 65, at 71, 272, 470. Eyvill heard no forest pleas during his tenure at this position.

\textsuperscript{128} 1259–1261: CPR, 1258–1266, supra note 65, at 43, 60, 65, 92, 204. No pleas were heard during his tenure at this position.

\textsuperscript{129} 1262–1263: 1262: Cumberland, Pipe Roll E 372/111, at Rot. 2 m. 1d; Northumberland, Pipe Roll E 372/111, at Rot. 26 m. 2d; Nottinghamshire and Derbyshire, Pipe Roll E 372/108, at Rot. 12 mm. 1–2d; Yorkshire, Pipe Roll E 372/106, at Rot. 2 m. 2d; CPR, 1258–1266, supra note 65, at 205.

\textsuperscript{130} 1262–1263: 1262: Cumberland, CPR, 1258–1266, supra note 65, at 205; Northumberland, CPR, 1258–1266, supra note 65, at 205; Nottinghamshire, and Derbyshire, CPR, 1258–1266, supra note 65, at 205; Yorkshire, CPR, 1258–1266, supra note 65, at 205.

\textsuperscript{131} 1262–1263: 1262: Cumberland, CPR, 1258–1266, supra note 65, at 205; Northumberland,
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<td>60</td>
<td>Alan le Zuche</td>
<td>Chief Justice South of the Trent (1262–1263)</td>
<td>132</td>
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<td>61</td>
<td>Master William de Powick</td>
<td>Justice South of the Trent (1262–1263)</td>
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<td>62</td>
<td>William de la Cornere</td>
<td>Justice North of the Trent (1262)</td>
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<td>63</td>
<td>Roger Leyburn</td>
<td>Chief Justice North of the Trent (1265–1268)</td>
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<td>64</td>
<td>Roger de Clifford</td>
<td>Chief Justice South of the Trent (1269–1272)</td>
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<td>65</td>
<td>Matthew de Columbers</td>
<td>Justice South of the Trent (1269–1272)</td>
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CPR, 1258–1266, supra note 65, at 205; Nottinghamshire, and Derbyshire, CPR, 1258–1266, supra note 65, at 205; Yorkshire, CPR, 1258–1266, supra note 65, at 205.

132 1262–1263: Staffordshire, Pipe Roll E 372/111, at Rot. 3 m. 1; Shropshire, Pipe Roll E 372/111, at Rot. 6 m. 2d; Worcestershire, Pipe Roll E 372/106, at Rot. 9 m. 1d; Buckinghamshire, Pipe Roll E 372/107, at Rot. 1 m. 1; Herefordshire, Pipe Roll E 372/112, at Rot. 10 m. 2d; Huntingdonshire, Pipe Roll E 372/107, at Rot. 1 m. 2; Northamptonshire, Pipe Roll E 372/107, at Rot. 2 m. 2; CPR, 1258–1266, supra note 65, at 193, 209–10; Oxfordshire, Pipe Roll E 372/108, at Rot. 14 m. 1d; 1263: Wiltshire, Pipe Roll E 372/108, at Rot. 11 m. 2d; CCR, 1261–1264, supra note 66, at 268; Essex, Estreat Roll E 146/1/20.


134 CPR, 1258–1266, supra note 65, at 470, 471; CPR, 1266–1272, supra note 65, at 96, 211. Leyburn heard no forest pleas during his tenure at this position.

135 1269–1272: Rutland, Pipe Roll E 372/116, at Rot. 12 m. 1d; Hampshire, Pipe Roll E 372/114, at Rot. 5 m. 2; Dorset, Pipe Roll E 372/114, at Rot. 17 m. 2d; Wiltshire, Pipe Roll E 372/114, at Rot. 3 m. 1d; Surrey, Pipe Roll E 372/114, at Rot. 8 m. 1d; Gloucestershire, Pipe Roll E 372/115, at Rot. 2 mm. 1d–2d; 1271: Staffordshire, Pipe Roll E 372/124, at Rot. 1 m. 2d; Herefordshire, Pipe Roll E 372/116, at Rot. 23 m. 1; CPR, 1266–1272, supra note 65, at 347, 403, 405; Worcestershire, Pipe Roll E 372/115, at Rot. 10 m. 1d; CLR, 1267–1272, supra note 68, at no. 1293; Shropshire, Pipe Roll E 372/120, at Rot. 10 m. 2; CLR, 1267–1272, supra note 68, at no. 1727; Eyre Roll E 32/147; 1272: Oxfordshire, Pipe Roll E 372/116, at Rot. 4 m. 2d & Rot. 15 m. 2d; CLR, 1267–1272, supra note 68, at no. 1962; Eyre Roll E 32/137; Northamptonshire, Pipe Roll E 372/117, at Rot. 1 m. 2d & Rot. 13 m. 2d; CLR, 1267–1272, supra note 68, at no. 2057; Eyre Roll E 32/72.

136 1269–1272: Rutland, CPR, 1266–1272, supra note 65, at 347, 403, 405; Hampshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Dorset, CPR, 1266–1272,
IV. ANALYSIS OF FOREST EYRE JUSTICES (1216–1272)

The chart above with the accompanying notes for each forest eyre justice allows us to ask and analyze a variety of questions about forest law justices and forest law administration during the reign of Henry III. Let us start with some broad observations. The record evidence reveals that at least sixty-eight different men served (or were appointed to serve) as forest eyre justices during the reign of Henry III, a much more sizeable figure than the eighteen men named by Turner more than a century ago. Of these sixty-eight justices, fifty-three sat in judgment over forest eyre pleas, while fifteen never heard any forest eyre pleas because no eyres were called during their tenure or the eyres that were supposed to happen were cancelled. The

supra note 65, at 347, 403, 405; 1270: Wiltshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Somerset, CPR, 1266–1272, supra note 65, at 347, 403, 405; Surrey, CPR, 1266–1272, supra note 65, at 347, 403, 405; Gloucestershire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Herefordshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Worcestershire, CLR, 1267–1272, supra note 68, at no. 1293; Eyre Roll E 32/229; Shropshire, CLR, 1267–1272, supra note 68, at no. 1293; Eyre Roll E 32/229; 1272: Oxfordshire, CLR, 1267–1272, supra note 68, at 162; Eyre Roll E 32/137; Northamptonshire, CLR, 1267–1272, supra note 68, at no. 2057; Eyre Roll E 32/72.

138 1269–1272: 1269: Rutland, CPR, 1266–1272, supra note 65, at 347, 403, 405; Hampshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Dorset, CPR, 1266–1272, supra note 65, at 347, 403, 405; Wiltshire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Somerset, CPR, 1266–1272, supra note 65, at 347, 403, 405; Surrey, CPR, 1266–1272, supra note 65, at 347, 403, 405; Gloucestershire, CPR, 1266–1272, supra note 65, at 347, 403, 405; Worcestershire, CLR, 1267–1272, supra note 68, at no. 1293; Eyre Roll E 32/229; Shropshire, CLR, 1267–1272, supra note 68, at no. 1293; Eyre Roll E 32/147; 1272: Oxfordshire, CLR, 1267–1272, supra note 68, at no. 1962; Eyre Roll E 32/137; Northamptonshire, CLR, 1267–1272, supra note 68, at no. 2057; Eyre Roll E 32/72; Derbyshire, CPR, 1266–1272, supra note 65, at 712. The Derbyshire Eyre probably did not occur due to the death of Henry III.

139 1270: Somerset, CPR, 1266–1272, supra note 65, at 347, 405. Burghull acted in the place of Roger de Clifford who was away in Ireland on the king’s business. Id. at 405.

140 1272: Derbyshire, CPR, 1266–1272, supra note 65, at 712. This eyre probably did not occur due to the death of Henry III.

141 See Turner, supra note 9, at 114.

142 The fifteen justices who never heard forest pleas were John Marshall, Peter de Rivaux, Richard de Munfiche, Godfroy de Craucumbe, Ralph de Wilton, Roger de Essex, Richard de Harcourt, Thurstan le Despenser, Reginald de Mohun, Thomas Gresley, Thomas de Bolton, William Heron, John de Lexington, John de Eyvill, and Roger Leyburn. See supra Part III.
list and accompanying notes also show that it was typical for three to four justices to sit in session at forest eyre pleas; only in rare occasions do we find only two justices sitting. However, we must be cautious in assuming that the full complement of forest eyre justices for a particular session always sat together, as extant reports from general eyres show that by the end of the Henry III’s reign justices from general eyres tended to “divide the business of the court between themselves.” The same division of labor may have occurred during forest eyres in this period.

Examining the list reveals some intriguing information about the replacement rate for forest eyre justices. The turnover rate for forest eyre justices in the reign of Henry III was extremely high. Fifty-eight of the sixty-eight (85%) forest eyre justices in the reign of Henry III served as part of one particular forest eyre visitation that typically lasted three to four years. Of the remaining ten forest eyre justices who served in two or more general visitations, only two of them—Hugh de Neville and Nicholas de Romsey—might be what we would call ‘career’ forest justices. Hugh de Neville served a total of twenty-nine years as a justice or chief justice of the forest. He was the chief justice of the forest “under Richard I and John, continuously from 1198 to 1216,” served as a forest eyre justice from 1221 to 1225 and was reappointed as chief justice of the forest from 1224 to 1232. Nicholas de Romsey served as a forest eyre justice for far less time, only eleven years.

This extremely high replacement rate for forest eyre justices contrasts sharply with the amount of time served by many justices in the judicial corps of the King’s Bench and Common Bench during Henry III’s reign. There, we find Gilbert of Preston serving as a Justice of the Common Bench for over thirty years; Robert of Lexington, Roger of Thirkleby, and Henry of Bath each serving as justices for over twenty years; and a further eight other men serving as justices in the central royal courts between ten and twenty years.

Being a forest eyre justice during the reign of Henry III, therefore, was for almost all men a one-time, short-term affair. This judicial position, it appears, was

143 See supra Part III.
145 See supra Part III.
146 See supra note 78 and accompanying text.
147 David Crook, Neville, Hugh de (d. 1234), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/19942 [https://perma.cc/P2TR-89MX].
148 See supra note 78 and accompanying text.
149 See supra note 120 and accompanying text. Nicholas de Romsey served as a forest eyre justice in 1251, 1255–1258, 1262–1263, and 1269–1272. Id.
not viewed by contemporaries as the climax of a career but rather as a stepping-stone on which a capable man could prove his diligence, administrative skill, and loyalty and thereby receive greater favor. Indeed, erstwhile forest eyre justices later became bishops, a Justiciar (governor) of Ireland, a justice of the Exchequer of the Jews, and in rare instances justices in the Common Bench and King’s Bench. Such a high turnover rate of forest eyre justices also suggests that, aside from personal experience with forest law, forest eyre justices in the thirteenth century had little in the way of formal forest law training, if indeed there was any to be had.

This is not to suggest, however, that forest eyre justices lacked any legal education or the requisite administrative training. Indeed, contemporary evidence shows that at least thirteen of the sixty-eight forest eyre justices (19%) were clerks (Walter Mauclerk was a forest eyre justice during the 1221–1225 visitation. He later became bishop of Carlisle. See Nicholas Vincent, Mauclerk, Walter (d. 1248), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/18355 [https://perma.cc/D54R-E7JY]. William de la Cornere served as a forest eyre justice north of the Trent in 1262–1263. He later became bishop of Salisbury in 1289. See B. R. Kemp, Corner, William de la (d. 1291), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/95179 [https://perma.cc/GH38-PD6K].


Thomas de Multon served as a forest eyre justice north of the Trent during the 1229–1232 visitation. See supra note 89 and accompanying text. He later served as Senior Justice of the Common Bench. See C. L. Kingsford, rev. Ralph V. Turner, Moulton, Sir Thomas of (d. 1240), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/19521 [https://perma.cc/P6XF-FHSN].

Gilbert de Seagrave served as Chief Justice South of the Trent in the 1240s. See supra note 102. Later, following the fall of Henry of Bath, the Chief Justice of the King’s Bench, Seagrave held this position from 1251–1253. See John M. Todd, Seagrave [Segrave], Sir Gilbert of (d. 1254), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/25034 [https://perma.cc/RHB4-CHQN]; see also MEKINGS & CROOK, supra note 8, at 102–06.

Paul Brand has shown that evidence for the formal education of common law lawyers exists from the 1260s and 1270s. See PAUL BRAND, Courtroom and Schoolroom: The Education of Lawyers in England Prior to 1400, in THE MAKING OF THE COMMON LAW, supra note 8, at 61–64.

The common law courts of King’s Bench and Common Bench during the reign of Henry III probably had a higher ratio of clerical to lay justices with perhaps half of the justices being clerks and half laymen. It is during the reigns of Edward I and Edward II that
Mauclerk,158 Robert Passelewe,159 Henry de Cerne,160 Alexander de Bassingbourne,161 Elias de Breton,162 Peter de Rivaux,163 Roger de Essex,164 John de Blosumenill,165 Laurence de St. Albans,166 William le Breton,167 William de Powicke,168 William de la Cornere,169 and John de Lexington).170 And at least five of these men (Henry de Cerne, William de Powick, Laurence de St. Albans, William de la Cornere, and John we notice a precipitous decline in clerical justices in the central royal courts as lay serjeants began to gradually assert a monopoly over appointments to the Bench. The complete and perpetual laicization of the central royal courts would not occur until the reign of Edward III, Henry III’s great-grandson. See PAUL BRAND, Edward I and the Transformation of the English Judiciary, in THE MAKING OF THE COMMON LAW, supra note 8, at 135–68; TURNER, THE ENGLISH JUDICIARY IN THE AGE OF GLANVILL AND BRACTON, C. 1176–1239, supra note 8, at 291; Charles Donahue, Jr., The Legal Professions of Fourteenth-Century England: Serjeants of the Common Bench and Advocates of the Court of Arches, in LAWS, LAWYERS AND TEXTS: STUDIES IN MEDIEVAL LEGAL HISTORY IN HONOUR OF PAUL BRAND 227, 230–32 (Susanne Jenks et al. eds, 2012). John Bousser was the last clerical justice in the central royal courts of England, and he died in 1329/1330. For his life and career, see Jens Röhrkasten, Bousser [Bourchier], Sir John (d. 1329/30), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/2989 [https://perma.cc/7B3R-S3AM].

See Vincent, supra note 151.

See Stacey, supra note 153. For the attempt to make Passelewe the Bishop of Chichester in 1244, see CPR, 1232–1247, supra note 65, at 423.

CPR, 1216–1225, supra note 65, at 261, 363, 569.

CPR, 1225–1232, supra note 65, at 444.

CPR, 1232–1247, supra note 65, at 83.


CPR, 1232–1247, supra note 65, at 135.

John de Blosmenill was the Abbot of Abingdon during the 1240s. See CPR, 1232–1247, supra note 65, at 249; CCR, 1242–1247, supra note 66, at 350.

He served as clerk to Hubert de Burgh, the Justiciar early in the reign of Henry III. See 3 MATTHEW PARIS, CHRONICA MAJORA 233, 618–20 (Henry Richards Luard ed., 2008); 6 id. at 389. For chronicle evidence of Laurence de St. Albans serving as a forest eyre justice with Robert Passelewe, see 4 id. at 400. For Hubert de Burgh’s life and career, see F. J. West, Burgh, Hubert de, earl of Kent (c.1170–1243), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/3991 [https://perma.cc/2R65-2CRA]; see also BRAND, THE ORIGINS OF THE ENGLISH LEGAL PROFESSION, supra note 8, at 55.

He was the clerk of John Mansell, the treasurer of York. See CPR, 1258–1266, supra note 65, at 251.

In 1246 he traveled to Rome with Henry de la Mare, who would later become a King’s Bench justice, as nuncius universitatis Anglie. See CLR, 1245–1251, supra note 68, at 34, 38; 4 PARIS, supra note 166, at 551, 560. For Henry de la Mare’s career, see KING’S BENCH, supra note 8, at 80–82.

See Kemp, supra note 151.


I use the phrase “at least” advisedly here, as more detailed research on the prosopography of the forest eyre justices during the reign of Henry III may find that more of these men were clerks.
de Lexington) had received university training in Roman and canon law,172 four of them bearing the title of magister (master).173 Furthermore, clerical forest eyre justices lacking university training usually served in various positions of responsibility prior to serving as a forest eyre justice, which would have prepared them to be effective justices. For example, Walter Mauclerk, a forest eyre justice in the 1221–1225 visitation, had previously served “as a clerk of King John’s chamber involved in financial operations in Normandy” in 1202, and “he was appointed joint sheriff of Lincolnshire in 1204.”174 Roger de Essex had served as a steward for the royal manors of Clipston and Kingshaghe and as escheator for lands north of the Trent before being appointed as a forest eyre justice in 1244.175 And prior to being appointed Chief Justice of the forests in 1232, Peter de Rivaux acted as chamberlain of the king’s wardrobe between 1218 and 1223, a position “that was responsible for the payment of the king’s household expenses, [that] play[ed] a key role in royal financial administration.”176

Like their clerical counterparts, lay forest eyre justices had extensive administrative experience before being appointed to judicial office, often as sheriffs. Ralph de Wilton was sheriff of Devon, Dorset, and Somerset in 1217 and was later tapped to be a forest eyre justice in 1229.177 Similarly, William de Beauchamp (Bello Campo) held the office of sheriff of Buckinghamshire and Bedfordshire in 1235 and was selected as a forest eyre justice for Northamptonshire a decade later.178 Robert Walerand was sheriff of Gloucester from 1246 to 1250 before being appointed a forest eyre justice in the 1255 to 1258 visitation.179 And Roger Leyburn was sheriff of Kent before serving as Chief Justice of Forests North of the Trent in 1265.180

172 Students at university in the thirteenth century would have been immersed in the learned law (Roman law and canon law). Coursework for canonists as well as civilians at university included detailed readings and disputations using selections from the Code, the Digest, the Decretum, and the Decretals as primary texts. This blended legal curriculum had been standard at Oxford since at least the late twelfth century when the canonist Vacarius’s Liber Pauperum ‘rubbed shoulders’ with Gratian’s Decretum, and law at Oxford remained a school “of both laws (utriusque iuris)" for many centuries. See 1 L. E. Boyle, Canon Law Before 1380, in THE HISTORY OF THE UNIVERSITY OF OXFORD 531, 532–33, 563–64 (J. I. Catto ed., 1984); see also Frances De Zulueta & Peter Stein, The Teaching of Roman Law in England Around 1200, 8 SELDEN SOCIETY SUPPLEMENTARY SERIES (1990).

173 For Henry de Cerne, see CPR, 1216–1225, supra note 65, at 261, 363, 569. For William de Powick, see CLR, 1245–1251, supra note 68, at 34, 38; 3 PARIS, supra note 166, at 551, 560. For Laurence de St. Albans, see 3 PARIS, supra note 166, at 618–20. For William de la Corner, see Kemp, supra note 151.

174 See CPR, 1232–1247, supra note 65, at 135, 149, 291, 462; CLR, 1240–1245, supra note 68, at 278.

175 Vincent, supra note 163.

176 See CPR, 1216–1225, supra note 65, at 126; CCR 1231–1234, supra note 66, at 143–47.

177 See CPR, 1232–1247, supra note 65, at 121; CCR 1242–1247, supra note 66, at 350.


179 See Kathryn Faulkner, Leybourne [Leyburn], Sir Roger of (c. 1215–1271), OXFORD
Serving as a sheriff would have been excellent, pragmatic training for a later position as a forest eyre justice. Sheriffs had the difficult task of managing a complex, and at times, sizable bureaucracy of undersheriffs, clerks, bailiffs, sub-bailiffs, and hundred bailiffs, with staff located in various parts of the county. Sheriffs would have also had extensive experience in dealing with judicial and financial record keeping, as the county roll for any particular session (whose custodian was the sheriff) kept “track of the dozens of pleas and the process and pleading in each” as well as amercements. In sum, despite their probable lack of formal legal education, forest eyre justices, whether cleric or lay, were not brutish dolts. Rather, contemporary evidence shows that these justices tended to be seasoned, trustworthy men with a rich history of faithful, effective, and wide-ranging experience in the service of the crown. Such administrative experience was constantly in royal demand. And in many ways the practical lessons laymen learned through landholding and navigating the common law system probably served as a superior master in preparing them to ably serve as forest eyre justices than would have any school of the time.

Our list above also illuminates the final throes of a hereditary, family element to judicial offices in the forests, a characteristic that was likewise extinguished among common law justices around the same time. Hugh de Neville, who served as chief justice of the forests under Richard I, John, and Henry III, was the grandson of the “notoriously unpopular” chief justice of the forest under Henry II, Alan de Neville, who held that office from 1166–1176. Hugh’s son, John de Neville, “followed him as chief justice of the forest” from 1235–1236 before the decision was made to divide royal forest administration into two bailiwicks as it had been in 1229. Consequently, John de Neville was named Chief Justice of the forests south of the Trent, and Richard de Munfichet was named Chief Justice of the forests north of the Trent. (The Robert de Neville who served as Chief Justice of the forests north of the Trent in 1262–1263 does not appear to be a descendant or close relation to John de Neville.) For justices in common law courts, the last father and son to hold the same judicial office were the Seagraves. Stephen of Seagrave, a prominent justice

182 Id. at 38–39.
183 I owe the idea for this point to Dr. Paul Brand.
185 See Crook, supra note 147.
186 See id.; CPR, 1232–1247, supra note 65, at 167, 186, 187.
and administrator, was Chief Justice of the King’s Bench from 1239 to 1241.\(^{188}\) Stephen was survived by his son, Gilbert of Seagrave, who also served as Chief Justice of the King’s Bench from 1251 to 1253.\(^{189}\) Following the Nevilles and Seagraves, there are to my knowledge no more hereditary judicial offices in common law or forest law courts in England.\(^{190}\) But judgeships in the different English royal courts of Ireland, colonial courts that only developed as distinct institutions in the 1270s,\(^{191}\) continued to have strong hereditary ties well into the fourteenth century.\(^{192}\)

The precise reasons for the decline of hereditary judicial offices are complex. Part of the explanation, it would seem, is that during the eleventh and twelfth centuries,

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\(^{189}\) See King’s Bench, supra note 8, at 102–03; Todd, supra note 155.


\(^{191}\) See Brand, supra note 63, at 10–12.

\(^{192}\) From Edward I’s reign onwards a number of royal justices in Ireland were clearly related to royal justices of a previous generation and, in some instances at least, this is their only traceable qualification for appointment. It seems fairly clear that the two men named Walter Lenfaunt who served as justices were close relatives and likely that they were father and son. The Richard of Exeter who was a justice in Ireland between 1258 and 1286 was certainly the father of the Richard of Exeter who was chief justice of the Dublin Bench between 1303 and 1324; and the Robert Bagod who was chief justice of the Dublin Bench between 1276 and 1298 was likewise father of the Robert Bagod who sat as a justice of the Dublin Bench between 1308 and 1325. But family ties are not the only explanation for the appointment of Robert of Preston, chief justice of the Dublin Bench between 1358 and 1377 and son of Roger of Preston, and earlier Irish justice.

\textit{Id.} at 35–36 (footnotes omitted).
many of the offices in the king’s household, like steward or constable, were granted to noble magnates on terms that became hereditary, often rendering such offices minimally useful to the crown in actually administering the affairs of the realm. Consequently, as the expanding orbit of royal government and justice under Henry II, Richard I, and John steadily eroded older, seigniorial jurisdictions in the latter half of the twelfth and early thirteenth centuries, new offices emerged in the curia regis. These nascent offices, like ‘chancellor’ or ‘justice,’ were typically staffed by novi homines: men of humbler rank but of greater administrative and organizational capability than the old nobility. The survival of hereditary judicial offices in Ireland until the late fourteenth century probably reflects the later development of the king’s courts in Ireland and the pressing need of the crown to ensure multigenerational loyalty in its distant, and often turbulent, English colony.

While non-noble men tended to serve as justices in the central royal courts and the general eyre in the thirteenth century, analysis of the social status of forest eyre justices during the reign of Henry III reveals that to a great degree these men do not follow suit. Although there certainly are a fair number of men from the gentry class that served as forest eyre justices under Henry III—Ralph Musard, Richard de Harcourt, Geoffrey de Langley, Robert Walerand, Gilbert de

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195 McIlwain, supra note 193, at 218–19; Turner, supra note 9, at 112–16. A broad study of the social origins of the higher judiciary during the reigns of Edward I and Edward II concluded that justices of the King’s Bench and Common Bench from 1275–1327 largely stemmed from prosperous knightly families, while others started life “at, or not too far from, the bottom of gentle society.” See David John McMaster Higgins, Judges in Government and Society under Edward II, at 145 (1986) (unpublished Ph.D. Thesis) (on file with University of Oxford).
196 Justices from the King’s Bench and Common Bench during the reign of Henry III typically served as chief justices on different circuits of the general eyres. Junior general eyre justices for this period have not left much of a mark. See Crook, supra note 31.
200 See Harding, supra note 179.
Seagrave, and Thomas Moulton, to name several—we find a striking number of nobles. Among the sixty-eight forest eyre justices listed above, we find the count of Aumale, William de Forz (Fortibus), and a collection of at least twelve barons. One out of every five forest eyre justices during the reign of Henry III, therefore, was a nobleman. More often than not, these nobles served as junior justices in their respective forest eyres, not as its head. Why so many powerful noblemen would

201 See Todd, supra note 155.
202 See Kingsford, supra note 154.
(7) For John Fitz Geoffrey, see Carpenter, supra note 152.
(10) For Robert de Neville, see Jewell, supra note 187.
(11) For Roger de Clifford, see Kathryn Faulkner, Clifford, Sir Roger de (b. c.1221, d. in or before 1286), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/5659 [https://perma.cc/4AET-X7WJ].
(12) For William Heron, see Richard Cassidy, Heron, William (d. 1257/8), OXFORD DICTIONARY NAT’L BIOGRAPHY, http://www.oxforddnb.com/view/article/105369 [https://perma.cc/7TU9-3WUV].

205 Ralph de Sudeley, William de Beauchamp, Roger Bertram, John Fitz Geoffrey, John de Monmouth, John de Bayeux, and Earl William de Forz all served as junior forest eyre justices in their eyres. See supra notes at 90, 110, 101, 103, 83, 81, and 113 respectively. Roger de Clifford, Robert de Ros, Reginald de Mohun, Robert de Neville, and Gilbert de
agree to serve on forest eyres, many of them of junior capacities, is intriguing and mysterious. Part of the explanation may lie in discovering whether these nobles possessed substantial landed interests (including perhaps some of their own private forests) in the counties in which they were asked to serve as forest eyre justices. This topic would be a fruitful one for further research.

The extremely close relationship between the common law and forest law is another significant aspect highlighted by this chart. Scholars have long known that the forest eyre and its common law sibling, the general eyre, shared striking similarities: both courts were itinerant courts that emerged in the reign of Henry II; both courts operated under articles designed to specify their judicial competence;206 both courts were authorized to hear offences committed since the previous eyre;207 both courts provided precious revenue to the crown;208 and both courts were designed to increase royal control in the counties.209 As noted above, offences against the common law that occurred within the boundaries of the forest would still be handled in the general eyre.210

What has not been sufficiently appreciated is the significant overlap in judicial personnel between the common law and forest law courts. While a few scholars have noticed that there was occasional overlap in common law and forest law justices—for example, that William de Lisle, served as a forest justice, a general eyre justice, and a justice on the Common Bench in the 1220s—none have examined this relationship thoroughly.211 Cross-referencing the list of forest eyre justices above with the Calendar of Patent Rolls, with Meekings and Crook’s judicial research in King’s Bench and Common Bench in the Reign of Henry III, and with the lists of general eyre justices in Crook’s Records of the General Eyre revealed that at least 69% (47 of the 68) of the forest eyre justices who served during the reign of Henry III also served at some point as common law justices in county courts, various assizes, gaol delivery sessions, general eyre visitations, and during sessions of the Exchequer of the Jews, Common Bench, and King’s Bench.212 Most of these men, like Maurice de Umfraville served as Chief Justices in their respective eyres. See supra notes at 136, 99, 107, 129, and 100 respectively.


207 See supra Parts I and II.

208 See supra Parts I and II.

209 See supra Parts I and II.

210 See supra Parts I and II.

211 See, e.g., Young, supra note 34, at 329 (“In practice there was some intermingling of forest law and common law. Important officials were involved in the operations of both kinds of courts. Justices for forest pleas often served at other times as itinerant justices for the general eyre, but one limitation to the amount of interchange among justices applying the two kinds of law was that the chief justice of the forest usually served as one of the forest justices.”).

212 Forest eyre justices who also served in a judicial capacity in common law courts include: John Marshall, Brian de Lisle, Walter Maucler, John de Birkin, Maurice de Audley,
Audley, had significant experience as common law justices before being appointed to serve in forest eyres. A far smaller minority, like Robert de Neville, appear as forest eyre justices first and later serve as common law justices. And the majority of the twenty-one forest eyre justices that cannot be definitively linked to judgeships in common law courts served, prior to their forest law offices, in various offices related to common law administration: observing extents of land, inspecting charters, escheator north of the Trent.

Such large-scale, fluid sharing of judicial personnel between common law courts and forest law courts suggests that above all Henry III was a pragmatist. He was probably more concerned with appointing competent, able, loyal, administratively minded men to serve as forest eyre justices (or common law justices for that matter), than he was with any academic notions that the forest law and common law were somehow distinct and impermeable bodies of law that required separate cohorts of judicial personnel. And who better to serve as a forest law justice than someone who had ably served in a similar capacity before?

CONCLUSION

Forest law and forest eyre justices are fascinating but understudied subjects. This Article has aimed to hack away much of the underbrush that for too long has obscured our view of forest eyre justices during the reign of Henry III. It is time now


Maurice de Audley served as a general eyre justice in 1218–1219 before he was appointed to hear forest pleas in the 1221–1225 forest eyre visitation. See Crook, supra note 8, at 71–72, 80.

Robert de Neville served as Chief Justice north of the Trent in the 1262–1263 visitation and was later a senior justice of the Durham eyre session in 1279. See id. at 147–48.

Thomas de Gresley, for example, who served as Chief Justice south of the Trent from 1259–1261, was asked by the crown to help make extents of land in Yorkshire and Lincolnshire in 1259. See CPR, 1258–1266, supra note 65, at 49.

One example of this is Matthew de Columbers who served as a forest eyre justice south of the Trent in the 1269–1272 visitation. See supra note 137. In 1269 he was commissioned by the crown to inspect charters related to the manor of Kedelow as part of a judicial process. See CPR, 1266–1272, supra note 65, at 380–81.

Roger de Essex, who (probably) served as a forest eyre justice south of the Trent in 1244, was Escheator north of the Trent in 1236. See CPR, 1232–1247, supra note 65, at 135.
to see what we have uncovered. Record evidence shows that sixty-eight men, mostly laymen, were appointed as forest eyre justices during the reign of Henry III, with usually three to four justices present during a particular forest eyre session.\textsuperscript{218} Hereditary judicial positions in forest law, like those of the common law (excluding the Irish Bench), ceased during the reign of Henry III. However, unlike common law justices in the thirteenth century, many of whom had lengthy judicial careers, forest eyre justices under Henry III typically served for brief intervals of time (one to three years) before being appointed to a different administrative post. Although most forest eyre justices lacked any formal legal education, they typically possessed extensive administrative experience before being appointed to hear forest pleas. Indeed, a surprising number of forest eyre justices were noblemen who owned and administered vast landed estates in all their complexity, experience that would certainly have aided them in their judicial duties over forest pleas. Finally, the record evidence reveals that the boundaries between serving as a forest eyre justice and common law justice were extremely permeable, with more than two-thirds of the forest eyre justices under Henry III also serving as common law justices.

Whatever divisions exist in our minds that separate forest law from common law, therefore, may need to be dismantled. Indeed the contemporary evidence of the thirteenth century compels us to take a long, critical look at Richard Fitz-Nigel’s famous description of the binary relationship between forest law and the common law in his \textit{Dialogue of the Exchequer} written in the late 1170s:

\begin{quote}
The whole organization of the forests, the punishment, pecuniary or corporal, of forest offences, 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 forest has its own laws, based . . . not on the Common Law of the realm, but on the arbitrary legislation of the King . . . .\textsuperscript{219}
\end{quote}

Whether Fitz-Nigel’s tidy separation of forest law and common law was ever true in the twelfth century, which is doubtful, it is certainly not true in the thirteenth century.\textsuperscript{220} The Charter of the Forest, increased demands for deforestation, more carefully crafted forest eyre articles, and the fluid sharing of justices between forest law and common law courts probably curtailed to a great extent the arbitrary control the monarch may have previously exhibited over his forests and forest law in general.

\begin{footnotes}
\item[218] See supra Part III.
\item[219] See FITZ-NIGEL, supra note 11, at 59–60.
\item[220] Karn’s recent re-examination of the structure of the Leges Henrici Primi argues that its original twelfth-century compiler(s) viewed forest law as merely another form of crown pleas. See Nicholas Karn, \textit{Rethinking the Leges Henrici Primi, in ENGLISH LAW BEFORE MAGNA CARTA: FELIX LIEBERMANN AND D\textsc{ie} GESETZE DER ANGELSACHSEN} 211–12 (Stefan Jurasinski et al. eds., 2010).
\end{footnotes}
Rather, the relationship between the forest law and the common law in the thirteenth century should be viewed like that of the Magna Carta and the Charter of the Forest: as complementary and necessary companions of one great royal legal system. As Crook accurately suggests in his recent chapter on the forest eyre during the reign of King John, the forest eyre was an “extraordinary category of crown pleas” rather than a distinct and separate legal system.221

Forest eyre justices in the thirteenth century were closely related to, and in many cases indivisible from, common law justices. The more we know about forest eyre justices, the greater our understanding will be of the development of the burgeoning but complex common law system in the pivotal thirteenth century. At the very least, this list and the accompanying analysis should serve as a powerful notice that the lives and careers of numerous justices in the English legal system remain lost in the dark, inscrutable thicket of time but need not be.

221 CROOK, supra note 2, at 63.