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## FOREST EYRE JUSTICES IN THE REIGN OF HENRY III (1216–1272)

Ryan Rowberry\*

### 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.<sup>1</sup> 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.<sup>2</sup> On reaching his majority in 1225, Henry III reissued Magna

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\* 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.

<sup>1</sup> 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.

*1215 Magna Carta*, MAGNA CARTA PROJECT, [http://magnacarta.cmp.uea.ac.uk/read/magna\\_carta\\_1215](http://magnacarta.cmp.uea.ac.uk/read/magna_carta_1215) [https://perma.cc/XTB3-NTJP].

<sup>2</sup> I ROTULI LITTERARUM CLAUSARUM IN TURRI LONDINENSI ASSERVATI 377–377b (Thomas Duffy Hardy ed., 1833) [hereinafter RLC]. This first instance of the Charter of Runnymede being called Magna Carta was brought to light over a century ago by Albert White. See A. B. White, *The Name Magna Carta*, 30 ENG. HIST. REV. 472, 472–75 (1915).

Carta and the Charter of the Forest as companion charters in exchange for “a tax of one-fifteenth of all movable goods.”<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> By the eighteenth century, the forest law was already regarded as an “unprofitable anachronism.”<sup>7</sup> Forest law’s demise centuries ago may

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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).

<sup>3</sup> See *A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334*, *supra* note 2, at 10. For the text of the 1225 reissuances of Magna Carta and the Forest Charter, see 4 *ENGLISH HISTORICAL DOCUMENTS 1189–1327*, no. 24, at 337–40 (Harry Rothwell ed., 1975).

<sup>4</sup> For the text of the Confirmation Charters, see *SELECT CHARTERS AND OTHER ILLUSTRATIONS OF ENGLISH CONSTITUTIONAL HISTORY FROM THE EARLIEST TIMES TO THE REIGN OF EDWARD THE FIRST 482–92* (William Stubbs ed., 9th ed. 1913). For context into the granting of the *Conformatio Cartarum*, see MICHAEL PRESTWICH, *EDWARD I*, at 427–30 (1997).

<sup>5</sup> 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](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).

<sup>6</sup> 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>].

<sup>7</sup> 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.<sup>8</sup> 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.<sup>9</sup> 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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(Nov. 18, 2015), <http://www.bbc.com/travel/story/20151110-the-ancient-protectors-of-englands-forests> [<https://perma.cc/23JT-5U2Q>].

<sup>8</sup> (i) For justices of the central royal courts (King's Bench, Common Bench, Exchequer) from 1176 onward, see, e.g., PAUL BRAND, *Edward I and the Judges: The 'State Trials' of 1289–1293*, in *THE MAKING OF THE COMMON LAW* 103–12 (1992); 1 *THE EARLIEST ENGLISH LAW REPORTS: COMMON BENCH REPORTS TO 1284* (Paul Brand ed., 1995); C.A.F. MEEKINGS & DAVID CROOK, *KING'S BENCH AND COMMON BENCH IN THE REIGN OF HENRY III* (Selden Society 2010) [hereinafter *KING'S BENCH*]; HENRY GERALD RICHARDSON & GEORGE OSBORNE SAYLES, *THE ADMINISTRATION OF IRELAND 1172–1377* (1963); JOHN CHRISTOPHER SAINTY, *THE JUDGES OF ENGLAND, 1272–1990: A LIST OF JUDGES OF THE SUPERIOR COURTS* (1993); RALPH V. TURNER, *THE ENGLISH JUDICIARY IN THE AGE OF GLANVILL AND BRACON*, c. 1176–1239 (2008); RALPH TURNER, *JUDGES, ADMINISTRATORS AND THE COMMON LAW IN ANGEVIN ENGLAND* (1994).

(ii) For justices in the general eyre see, e.g., 31 *THE 1235 SURREY EYRE* (C.A.F. Meekings & David Crook eds., 1979); DAVID CROOK, *RECORDS OF THE GENERAL EYRE* (1982); *CROWN PLEAS OF THE WILTSHIRE EYRE, 1249* (C.A.F. Meekings ed., 1961); 3 *THE EARLIEST ENGLISH LAW REPORTS: EYRE REPORTS TO 1285* (Paul Brand ed., Selden Society vol. 122, 2005); *THE LONDON EYRE OF 1276* (Martin Weinbaum ed., 1976); *ROLLS OF THE JUSTICES BEING THE ROLLS OF PLEAS AND ASSIZES FOR YORKSHIRE IN HENRY III, 1218–1219* (D.M. Stenton ed., 1937).

(iii) For sergeants, lawyers, clerks and other court personnel, see, e.g., JOHN HAMILTON BAKER, *THE ORDER OF SERJEANTS AT LAW: A CHRONICLE OF CREATIONS WITH RELATED TEXTS AND A HISTORICAL INTRODUCTION* (1984); PAUL BRAND, *Medieval Legal Bureaucracy: The Clerks of the Courts in the Reign of Edward I*, in *THE MAKING OF THE COMMON LAW* 169–202 (1992); PAUL BRAND, *OBSERVING AND RECORDING THE MEDIEVAL BAR AND BENCH AT WORK: THE ORIGINS OF LAW REPORTING IN ENGLAND* (1999); PAUL BRAND, *THE ORIGINS OF THE ENGLISH LEGAL PROFESSION* (1992); 112 *THE EARLIEST ENGLISH LAW REPORTS* (Paul Brand ed., 1996); E.W. IVES, *THE COMMON LAWYERS OF PRE-REFORMATION ENGLAND* (1983); *THE MEN OF THE COURT—1440–1550: A PROSOPOGRAPHY OF THE INNS OF COURT AND CHANCERY AND THE COURTS OF LAW* (Sir John Baker ed., 2012).

<sup>9</sup> See G. J. Turner, *The Justices of the Forest South of the Trent*, 18 *ENG. HIST. REV.* 112, 112–16 (1903).

of the nascent common law and its courts in the thirteenth century. From a more granular, 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.<sup>10</sup> 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*.<sup>11</sup>

As Fitz-Nigel alludes to, ‘forest’ in medieval England denoted a defined area of unenclosed 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.<sup>12</sup> Medieval forests, however, could include “not only woodland, but also heath, pasture, meadow, and arable land, and even hamlets, villages, and townships.”<sup>13</sup> Importantly, forest

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<sup>10</sup> W.H. Liddell, *Some Royal Forests North of Trent* (June 1961) (unpublished 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.”).

<sup>11</sup> 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, *OFFICERS AND ACCOUNTABILITY IN MEDIEVAL ENGLAND 1170–1300*, at 91–98 (2014).

<sup>12</sup> See Dolly Jorgensen, *The Roots of the English Royal Forest*, in 23 *ANGLO-NORMAN STUDIES* 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).

<sup>13</sup> 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.<sup>14</sup> 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.<sup>15</sup>

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.<sup>16</sup> 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."<sup>17</sup> To protect the "vert," the "woods, herbage, and undergrowth which provided cover and food for the deer,"<sup>18</sup> forest laws prohibited assarts ("clearing of new land for agricultural use") and purprestures, encroachments on the forest often containing illegal enclosures and buildings.<sup>19</sup> Forest law also restricted felling trees, cutting peat and turf, and pasturing livestock.<sup>20</sup> Residents within forest areas, however, did enjoy 'estovers,' a right that allowed them to "take what they needed for

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<sup>14</sup> 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. WOLFFE, *THE ROYAL DEMESNE IN ENGLISH HISTORY: THE CROWN ESTATE IN THE GOVERNANCE OF THE REALM FROM THE CONQUEST TO 1509* (1971).

<sup>15</sup> 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.").

<sup>16</sup> See 18 COLLECTIONS FOR A HISTORY OF STAFFORDSHIRE: THE FORESTS OF CANNOCK AND KINVER: SELECT DOCUMENTS 1235–1372, at 1–3 (Jean Birrell ed., 1999) [hereinafter *FORESTS OF CANNOCK AND KINVER*].

<sup>17</sup> A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, *supra* note 2, at 15.

<sup>18</sup> *Id.*

<sup>19</sup> 21 RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, xv, xx (Jean Birrell ed., 2006).

<sup>20</sup> 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.”<sup>21</sup>

Forest laws were forcibly imported into England with William the Conqueror.<sup>22</sup> 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 . . . .<sup>23</sup>

By the thirteenth century, scholars have estimated that forest jurisdictions covered nearly one-quarter of England,<sup>24</sup> 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.<sup>25</sup>

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<sup>21</sup> RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, *supra* note 19, at xv.

<sup>22</sup> *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).

<sup>23</sup> 7 THE ANGLO-SAXON CHRONICLE: A COLLABORATIVE EDITION VII: MS. E, at 97 (Susan Irvine ed., 2004).

<sup>24</sup> *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.”).

<sup>25</sup> 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,<sup>26</sup> 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.<sup>27</sup> 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.<sup>28</sup> 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.<sup>29</sup> Following

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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>].

<sup>26</sup> 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.

<sup>5</sup> *THE ECCLESIASTICAL HISTORY OF ORDERICUS VITALIS* 283, 285 (Marjorie Chibnall ed. & trans., 1975).

<sup>27</sup> See GRANT, *supra* note 7, at 13–14.

<sup>28</sup> See generally John Hudson, *Forest Laws from Anglo-Saxon to the Early Thirteenth Century*, in 2 *THE OXFORD HISTORY OF THE LAWS OF ENGLAND* 467–74 (2012).

<sup>29</sup> 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.<sup>30</sup>

## 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."<sup>31</sup> 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.<sup>32</sup>

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2, at 80–82; J. R. Maddicott, *Magna Carta and the Local Community 1215–1259*, 102 PAST & PRESENT 25, 26–27 (1984):

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.*

<sup>30</sup> See D. A. CARPENTER, *THE MINORITY OF HENRY III* 2–3, 89–92 (1990); CROOK, *supra* note 2, at 81–82.

<sup>31</sup> 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).

<sup>32</sup> 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 CONSUEUDINIBUS ANGLIAE (BRACON 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.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> Later, we find a Justice of the Forest for each forest region: forests south of the Trent and forests north of the Trent.<sup>39</sup> The Justice of the Forest became the chief justice in every forest eyre under his purview.<sup>40</sup> 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.<sup>41</sup> 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

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of the Jews was also a thirteenth-century itinerant court that used articles "which bore a distant generic resemblance to the articles of the eyre used by the justices of the general eyre but which specifically enquired about the activities of local Jewish communities." Paul Brand, *Jews and the Law in England, 1275–90*, 115 *ENG. HIST. REV.* 1138, 1147 (2000).

<sup>33</sup> For the range of pleas heard by general eyre justices, see CROOK, *supra* note 8, at 1.

<sup>34</sup> See Charles R. Young, *The Forest Eyre in England During the Thirteenth Century*, 18 *AM. J. LEGAL HIST.* 321, 325 (1974) ("Nevertheless, even a cursory glance at an eyre roll gives the impression that levying the amercements was considered the most important work of the eyre.").

<sup>35</sup> See Jane Frances Winters, *The Forest Eyre, 1154–1368*, at 17–19 (1999) (unpublished Ph.D. thesis, King's College London) (on file with King's College, London).

<sup>36</sup> See *id.* at 18–20.

<sup>37</sup> The River Trent is England's third longest river, after the Severn and the Thames.

<sup>38</sup> Winters, *supra* note 35, at 19.

<sup>39</sup> FORESTS OF CANNOCK AND KINVER, *supra* note 16, at 3.

<sup>40</sup> *Id.*

<sup>41</sup> See Winters, *supra* note 35, at 153–286.

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.<sup>42</sup>

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 foresters.<sup>43</sup> The keeper held his office by hereditary right or by royal appointment and was the royal official in charge of each royal forest.<sup>44</sup> 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.<sup>45</sup> Keepers and foresters were responsible 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 crimes.<sup>46</sup> 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, servants, and peasants.<sup>47</sup> They also show that poaching was an activity that brought

<sup>42</sup> *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.

<sup>43</sup> RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, *supra* note 19, at xv–xvi.

<sup>44</sup> See FORESTS OF CANNOCK AND KINVER, *supra* note 16, at 3.

<sup>45</sup> RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, *supra* note 19, at xvi.

<sup>46</sup> 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.

<sup>47</sup> 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 was 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.<sup>48</sup>

Keepers and foresters also worked together with members of the local gentry who were elected as verderers, agisters, and regards to enforce forest law pertaining to the vert.<sup>49</sup> Officers called “verderers,” usually four but occasionally six per forest, were elected by the county court and held office for life.<sup>50</sup> 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.<sup>51</sup> More serious offences against the vert were referred to the forest eyre for deliberation.<sup>52</sup> Other elected members of the gentry served as “agisters,” supervising the pasturing of livestock in the forest for a fee.<sup>53</sup> 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.<sup>54</sup>

“Regards,” usually numbering twelve local men per forest and elected by the county, performed a very specific function.<sup>55</sup> 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

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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.

<sup>48</sup> 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).

<sup>49</sup> See RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, *supra* note 19, at xvi.

<sup>50</sup> *Id.* at xvi–xvii.

<sup>51</sup> See A CALENDAR OF NEW FOREST DOCUMENTS 1244–1334, *supra* note 2, at 22; FORESTS OF CANNOCK AND KINVER, *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.

<sup>52</sup> See RECORDS OF FECKENHAM FOREST, WORCESTERSHIRE, C. 1236–1377, *supra* note 19, at xvi.

<sup>53</sup> *Id.* at xvii.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

than their customary share.<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup> 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.<sup>59</sup>

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.<sup>60</sup> We are also fortunate that Dr. Jane Winters, now of the Institute for Historical

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<sup>56</sup> See *id.* at xx–xxi:

But the main purpose of these lists was to establish and record the fines and 'rents' due from the assarters, 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.

<sup>57</sup> 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.

<sup>58</sup> See Turner, *supra* note 9, at 114.

<sup>59</sup> See 13 THE PUBLICATIONS OF THE SELDEN SOCIETY: SELECT PLEAS OF THE FOREST (G. J. Turner ed., 1901).

<sup>60</sup> 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.<sup>61</sup> 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.<sup>62</sup> 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.<sup>63</sup> 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.<sup>64</sup>

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HOUS., <http://aalt.law.uh.edu/henryIII.html> [<https://perma.cc/RPH6-FK99>]. British History Online also contains digitized, searchable databases to thousands of pages of printed primary records relevant to Anglo-American legal history. See BRIT. HIST. ONLINE, <http://www.british-history.ac.uk/> [<https://perma.cc/CQU3-7PJB>]. The Fine Rolls, copies of agreements to pay the king a sum of money for a specified concession, for the reign of Henry III (1216–1272) have also been digitized and are freely searchable. See HENRY III FINE ROLLS PROJECT, <http://www.finerollshenry3.org.uk/home.html> [<https://perma.cc/N4MM-Y7D4>].

<sup>61</sup> Winters, *supra* note 35, at 47–420.

<sup>62</sup> See *id.* at 25.

<sup>63</sup> 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.

<sup>64</sup> 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),<sup>65</sup> close rolls (closed letters),<sup>66</sup> fine rolls (payments to the crown for specific concessions),<sup>67</sup> liberate rolls (writs authorizing payments by the Exchequer),<sup>68</sup> and charter rolls (grants of liberties or land issued or confirmed under the great seal).<sup>69</sup> 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.<sup>70</sup> Some

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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.

<sup>65</sup> 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://sdrclib.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).

<sup>66</sup> 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].

<sup>67</sup> 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.

<sup>68</sup> 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].

<sup>69</sup> 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).

<sup>70</sup> Exchequer pipe rolls up to the year 1223 have been transcribed, translated, and published by the Pipe Roll Society. *See* PIPE ROLL SOCIETY, <http://www.piperollsociety.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.<sup>71</sup> 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.<sup>72</sup> With that, let us meet the justices!

<b>Forest Eyre Justices (1216–1272)</b>		
	<b>Name</b>	<b>Judicial Office/Years</b>
1	John Marshall	Chief Justice (1217–1218) <sup>73</sup>
2	Brian de Lisle (de Insula)	Chief Justice (1221–1225); Chief Justice North of the Trent (1229–1232) <sup>74</sup>
3	Walter Mauclerc	Justice (1221–1225) <sup>75</sup>
4	John de Birkin	Justice (1221–1225) <sup>76</sup>
5	Maurice de Audley	Justice (1221–1225) (1229–1232) <sup>77</sup>
6	Hugh de Neville	Justice (1221–1225); Chief Justice (1224–1228); Chief Justice South of the Trent (1229–1232) <sup>78</sup>

<sup>71</sup> Winters, *supra* note 35, at 32.

<sup>72</sup> 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.

<sup>73</sup> CPR, *supra* note 65, 1216–1225, at 123, 124, 139. No forest eyre pleas were held during his tenure in this position.

<sup>74</sup> (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; Northamptonshire 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.

<sup>75</sup> 1221–1225: Yorkshire, Essex, Northamptonshire, Huntingdonshire, RLC, *supra* note 2, at 475, 492, 516.

<sup>76</sup> 1221–1225: Yorkshire, RLC, *supra* note 2, at 516.

<sup>77</sup> (i) 1221–1225: Nottinghamshire and Derbyshire, RLC, *supra* note 2, at 507.

(ii) 1229–1232: Huntingdonshire, CCR, 1227–1231, *supra* note 66, at 382.

<sup>78</sup> (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



7	Robert Passelewe	Justice (1221–1225); Chief Justice South of the Trent (1244–1250) <sup>79</sup>
8	William de Lisle	Justice (1221–1225) <sup>80</sup>
9	John de Bayeux	Justice (1224–1228) <sup>81</sup>
10	Henry de Cerne	Justice (1224–1228); Justice South of the Trent (1229–1232) <sup>82</sup>
11	John de Monmouth	Justice South of the Trent (1229–1232) <sup>83</sup>
12	William Ruffus	Justice North of the Trent (1229–1232) <sup>84</sup>
13	Alexander de Bassingbourne	Justice North of the Trent (1229–1232) <sup>85</sup>
14	Ralph Musard	Justice South of the Trent (1229–1232) <sup>86</sup>

372/68, at Rot. 10 mm. 1d–2d; Dorset, Pipe Roll E 372/69, at Rot. 11 mm. 1–2; Somerset, Pipe Roll E 372/69, at Rot. 14 m. 2; Northamptonshire, Pipe Roll E 372/70, at Rot. 3m. 1d; Hampshire, Pipe Roll E 372/71, at Rot. 13m. 2d; Worcestershire, Pipe Roll E 372/70, at Rot. 11m. 1d; Essex, Pipe Roll E 372/72, at Rot. 8m. 2d.

(iii) 1229–1232: Northamptonshire, Pipe Roll E 372/73, at Rot. 10 m. 2d; Nottinghamshire, Pipe Roll E 372/73, at Rot. 5 mm. 1d–2d; Warwickshire and Leicestershire, Pipe Roll E 372/73, at Rot. 8 m. 2; Worcestershire, Pipe Roll E 372/73, at Rot. 4 m. 2d; Shropshire, Worcestershire, CCR, 1231–1234, *supra* note 66, at 145–47.

<sup>79</sup> (i) 1221–1225: Northamptonshire, RLC, *supra* note 2, at 516.

(ii) 1244–1252: Hampshire, Pipe Roll E 372/89, at Rot. 12 m. 2d; Northamptonshire, Pipe Roll E 372/89, at Rot. 8 m. 2d; Oxfordshire, Pipe Roll E 372/89, at Rot. 7 m. 2d; Buckinghamshire, Pipe Roll E 372/89, at Rot. 3 m. 2d; Berkshire, Pipe Roll E 372/90, at Rot. 2 m. 2d; Essex, Pipe Roll E 372/91, at Rot. 7 m. 2d; Surrey, Pipe Roll E 372/90, at Rot. 8 m. 2; Wiltshire, Pipe Roll E 372/90, at Rot. 5 m. 1d; Gloucestershire, at Pipe Roll E 372/91, at Rot. 12 m. 2d; Worcestershire, Pipe Roll E 372/92, at Rot. 18 m. 2d; Dorset and Somerset, Pipe Roll E 372/93, at Rot. 6 m. 2d; Staffordshire, Pipe Roll E 372/93, at Rot. 6 m. 1d.

<sup>80</sup> 1221–1225: Northamptonshire, RLC, *supra* note 2, at 516.

<sup>81</sup> 1224–1228: Berkshire, Wiltshire, Dorset, Somerset, RLC, *supra* note 2, at 633, 655.

(i) 1224–1228: Berkshire, Wiltshire, Dorset, Somerset, RLC, *supra* note 2, at 633, 655.

(ii) 1229–1232: Oxfordshire, Herefordshire, CCR, 1227–1231, *supra* note 66, at 382; CCR, 1231–1234, *supra* note 66, at 137–38.

<sup>83</sup> 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, *supra* note 66, at 382.

<sup>84</sup> 1229–1232: Oxfordshire, Buckinghamshire, Huntingdonshire, CCR, 1227–1231, *supra* note 66, at 382.

<sup>85</sup> *Id.*

<sup>86</sup> 1229–1232: Oxfordshire, Herefordshire, Gloucestershire, CCR, 1227–1231, *supra* note 66, at 382.

15	John Fitz Philip	Justice South of the Trent (1229–1232) <sup>87</sup>
16	Elias de Breton	Justice South of the Trent (1229–1232); Justice North of the Trent (1240) <sup>88</sup>
17	Thomas de Multon	Justice North of the Trent (1229–1232) <sup>89</sup>
18	Ralph de Sudeley	Justice South of the Trent (1229–1232) <sup>90</sup>
19	Godfrey de Craucumbe	Justice South of the Trent (1229–1232) <sup>91</sup>
20	Ralph de Wilton	Justice South of the Trent 1229–1232) <sup>92</sup>
21	Peter de Brus	Justice North of the Trent (1229–1232) <sup>93</sup>
22	John de Kirkby	Justice North of the Trent (1229–1232) <sup>94</sup>
23	Peter de Rivaux	Chief Justice (1232–1234) <sup>95</sup>
24	John de Neville	Chief Justice (1235–1236); Chief Justice South of the Trent (1236–1238) <sup>96</sup>
25	Richard de Munfichet	Chief Justice North of the Trent (1236–1237) <sup>97</sup>
26	John Biset	Chief Justice South of the Trent (1239–1244) <sup>98</sup>

<sup>87</sup> 1229–1232: Staffordshire, Shropshire, CCR, 1231–1234, *supra* note 66, at 145–47.

<sup>88</sup> (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.

<sup>89</sup> 1229–1232: Yorkshire, CCR, 1231–1234, *supra* note 66, at 137–38.

<sup>90</sup> 1229–1232: Worcestershire, CCR, 1231–1234, *supra* note 66, at 145–47.

<sup>91</sup> 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.

<sup>92</sup> 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.

<sup>93</sup> 1229–1232: Northumberland, CCR, 1227–1231, *supra* note 66, at 585.

<sup>94</sup> *Id.*

<sup>95</sup> 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.

<sup>96</sup> (i) Eyres as Chief Justice of the forests: 1235–1236: 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.

<sup>97</sup> 1236–1237: CPR, 1232–1247, *supra* note 65, at 167, 186, 187. No forest eyre pleas were held during his tenure in this position.

<sup>98</sup> 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;

27	Robert de Ros	Chief Justice North of the Trent (1239–1244) <sup>99</sup>
28	Gilbert de Umfraville	Chief Justice for Northumberland Eyre (1240) <sup>100</sup>
29	Roger Bertram	Justice North of the Trent (1240) <sup>101</sup>
30	Gilbert de Seagrave	Chief Justice South of the Trent (1243–1244) <sup>102</sup>
31	John Fitz Geoffrey	Justice South of the Trent (1244) <sup>103</sup>
32	Roger de Essex	Justice South of the Trent (1244) <sup>104</sup>
33	Richard de Harcourt	Justice South of the Trent (1244) <sup>105</sup>
34	Thurstan le Despenser	Justice South of the Trent (1244) <sup>106</sup>
35	Reginald de Mohun	Justice South of the Trent (1244); Chief Justice South of the Trent (1252–1253) <sup>107</sup>

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

<sup>99</sup> 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. 1d; Cumberland, Pipe Roll E 372/85, at Rot. 14 m. 1.

<sup>100</sup> 1240: Northumberland, Pipe Roll E 372/84, at Rot. 12 m. 2d.

<sup>101</sup> 1240: Northumberland, Estreat Roll E 101/534, at 4 m. 1.

<sup>102</sup> 1243–1244: Essex, Pipe Roll E 372/87, at Rot. 4 m. 2d; Gloucester, Pipe Roll E 372/88, at Rot. 5 m. 2.

<sup>103</sup> 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; Hampshire, CPR, 1232–1247, *supra* note 65, at 462; CLR, 1240–1245, *supra* note 68, at 278.

<sup>104</sup> 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.

<sup>105</sup> 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.

<sup>106</sup> 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.

<sup>107</sup> (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.

36	Geoffrey de Langley	Justice South of the Trent (1244–1252); Chief Justice North of the Trent (1244–1252); Chief Justice South of the Trent (1250–1252) <sup>108</sup>
37	John de Blossmenill	Justice South of the Trent (1245) <sup>109</sup>
38	William de Beauchamp	Justice South of the Trent (1245) <sup>110</sup>
39	Laurence de St. Albans	Justice South of the Trent (1244–1249) <sup>111</sup>
40	Roger de Somery	Justice North of the Trent (1249) <sup>112</sup>
41	William de Forz	Justice North of the Trent (1251) <sup>113</sup>
42	Hugh de Bolebec	Justice North of the Trent (1251–1252); Justice North of the Trent (1262) <sup>114</sup>

(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.

<sup>108</sup> (i) Eyres as Justice South of the Trent 1244–1252: 1244: Hampshire, CPR, 1232–1247, *supra* note 65, at 462; 1245: Northamptonshire, CCR, 1242–1247, *supra* note 66, at 350; CLR, 1240–1245, *supra* note 68, at 308, 311; Oxfordshire, CLR, 1245–1251, *supra* note 68, at 11, 19, 22, 33, 55, 61; 1246: Berkshire, CLR, 1245–1251, *supra* note 68, at 27, 33, 35; Wiltshire, CLR, 1245–1251, *supra* note 68, at 61–62, 65, 86–87, 94, 96, 99; 1247: Gloucestershire, CCR, 1242–1247, *supra* note 66, at 542; CLR, 1245–1251, *supra* note 68, at 105; 1247–1248: Dorset and Somerset, CLR, 1245–1251, *supra* note 68, at 124, 129, 133, 199; CCR, 1247–1251, *supra* note 66, at 285; 1248: Staffordshire, CCR, 1247–1251, *supra* note 66, at 285.

(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.

<sup>109</sup> 1245: Northamptonshire, CCR, 1242–1247, *supra* note 66, at 350.

<sup>110</sup> *Id.*

<sup>111</sup> 1244: Hampshire, CPR, 1232–1247, *supra* note 65, at 462; 1245: Northamptonshire, CCR, 1242–1247, *supra* note 66, at 350; Oxfordshire, CLR, 1245–1251, *supra* note 68, at 11, 19, 22, 33, 55, 61; 1246: Essex, CLR, 1245–1251, *supra* note 68, at 87, 92, 113; Wiltshire, CLR, 1245–1251, *supra* note 68, at 65, 86–87, 94, 96, 99.

<sup>112</sup> 1249: Shropshire, Estreat Roll: E 101/533/16.

<sup>113</sup> 1251: Cumberland, CPR, 1247–1258, *supra* note 65, at 107; Lancashire, CPR, 1247–1258, *supra* note 65, at 107.

<sup>114</sup> (i) Eyres at Justice North of the Trent 1251–1252: 1251: Cumberland, CPR, 1247–1258, *supra* note 65, at 107; Lancashire, CPR, 1247–1258, *supra* note 65, at 107; 1252: Northumberland, CPR, 1247–1258, *supra* note 65, at 78.

43	Baldwin de Panton	Justice North of the Trent (1251) <sup>115</sup>
44	Adam de Hilton	Justice North of the Trent (1252) <sup>116</sup>
45	Richard de Wrotham	Justice South of the Trent (1245–1246) <sup>117</sup>
46	William le Breton	Justice South of the Trent (1247–1248); Chief Justice South of the Trent (1255–1258) <sup>118</sup>
47	William Trussel	Justice North of the Trent (1251) <sup>119</sup>
48	Nicholas de Romsey	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) <sup>120</sup>

(ii) Eyres at Justice North of the Trent 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.

<sup>115</sup> 1251: Cumberland, CPR, 1247–1258, *supra* note 65, at 107; Lancashire, CPR, 1247–1258, *supra* note 65, at 107.

<sup>116</sup> 1252: Northumberland, CPR, 1247–1258, *supra* note 65, at 78.

<sup>117</sup> 1245–1246: 1245: Northamptonshire, CLR, 1240–1245, *supra* note 68, at 308, 311; CLR, 1245–1251, *supra* note 68, at 24; 1246: Berkshire, CLR, 1245–1251, *supra* note 68, at 27, 33, 35; Essex, CLR, 1245–1251, *supra* note 68, at 87, 92, 113; Wiltshire, CLR, 1245–1251, *supra* note 68, at 65, 86–87, 94, 96, 99.

<sup>118</sup> (i) Eyres as Justice South of the Trent 1247–1248: Dorset and Somerset, CLR, 1245–1251, *supra* note 68, at 124, 133.

(ii) Eyres as Chief Justice South of the Trent 1255–1258: 1255: Huntingdonshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Northamptonshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Buckinghamshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; 1256: Oxfordshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Rutland, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460; Essex, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460; Surrey, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460; 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 657; Wiltshire, CCR, 1256–1259, *supra* note 66, at 132, 170; Eyre Roll E 32/198; 1258: Gloucestershire, CPR, 1247–1258, *supra* note 65, at 607; Berkshire, CPR, 1247–1258, *supra* note 65, at 460.

<sup>119</sup> 1251: Cumberland, CLR, 1245–1251, *supra* note 68, at 381; Lancashire, CLR, 1245–1251, *supra* note 68, at 381.

<sup>120</sup> (i) Eyres as Justice North of the Trent 1251: Cumberland, CLR, 1247–1258, *supra* note 68, at 381; Lancashire, CLR, 1245–1251, *supra* note 68, at 381.

(ii) Eyres as Justice South of the Trent 1255–1258: 1255: Huntingdonshire, CPR, 1247–1258, *supra* note 65, at 412; Northamptonshire, CPR, 1247–1258, *supra* note 65, at 412; Buckinghamshire, CPR, 1247–1258, *supra* note 65, at 412; 1256: Oxfordshire, CPR, 1247–1258, *supra* note 65, at 412; Rutland, CCR, 1254–1256, *supra* note 66, at 388–89;

49	John de Lexington (Lessinton)	Chief Justice North of the Trent (1252–1255) <sup>121</sup>
50	William Heron	Chief Justice North of the Trent (1255–1257) <sup>122</sup>
51	Geoffrey de Lewknor	Justice South of the Trent (1255–1258) <sup>123</sup>

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.

(iii) Eyres as Justice South of the Trent 1262–1263: 1262: Staffordshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Shropshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Worcestershire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Buckinghamshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Herefordshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Huntingdonshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Northamptonshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Oxfordshire, Pipe Roll E 372/108, at Rot. 14 m. 1d; 1263: Wiltshire, CCR, 1261–1264, *supra* note 66, at 268; Essex, Estreat Roll E 146/1/20.

(iv) Eyres as Justice South of the Trent 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; 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; 1271: Staffordshire, 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; 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.

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

<sup>122</sup> 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].

<sup>123</sup> 1255–1258: 1255: Huntingdonshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Northamptonshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Buckinghamshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; 1256: Oxfordshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Rutland, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1257, *supra* note 65, at 460; Essex, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1257, *supra* note 65, at 460; Surrey, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1257, *supra* note 65, 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; Eyre Plea Roll E 32/198; 1258: Gloucestershire, CPR, 1247–1258, *supra* note 65, at 607; Eyre Plea Roll E 32/28; Berkshire, CPR, 1247–1258, *supra* note 65, at 460.

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

<sup>124</sup> 1255–1258: 1255: Huntingdonshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Northamptonshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Buckinghamshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; 1256: Oxfordshire, CCR, 1254–1256, *supra* note 66, at 193; CPR, 1247–1258, *supra* note 65, at 412; Rutland, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460; Essex, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460; Surrey, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460; 1258: Berkshire, CCR, 1254–1256, *supra* note 66, at 388–89; CPR, 1247–1258, *supra* note 65, at 460.

<sup>125</sup> (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.

<sup>126</sup> 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 657; 1258: Gloucestershire, CPR, 1247–1258, *supra* note 65, at 607.

<sup>127</sup> 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.

<sup>128</sup> 1259–1261: CPR, 1258–1266, *supra* note 65, at 43, 60, 65, 92, 204. No pleas were heard during his tenure at this position.

<sup>129</sup> 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.

<sup>130</sup> 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.

<sup>131</sup> 1262–1263: 1262: Cumberland, CPR, 1258–1266, *supra* note 65, at 205; Northumberland,

60	Alan le Zuche	Chief Justice South of the Trent (1262–1263) <sup>132</sup>
61	Master William de Powick	Justice South of the Trent (1262–1263) <sup>133</sup>
62	William de la Cornere	Justice North of the Trent (1262) <sup>134</sup>
63	Roger Leyburn	Chief Justice North of the Trent (1265–1268) <sup>135</sup>
64	Roger de Clifford	Chief Justice South of the Trent (1269–1272) <sup>136</sup>
65	Matthew de Columbers	Justice South of the Trent (1269–1272) <sup>137</sup>

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.

<sup>132</sup> 1262–1263: 1262: 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.

<sup>133</sup> 1262–1263: 1262: Staffordshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Shropshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Worcestershire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Buckinghamshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Herefordshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Huntingdonshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Northamptonshire, CPR, 1258–1266, *supra* note 65, at 193, 209–10; Oxfordshire, Pipe Roll E 372/108, at Rot. 14 m. 1d; 1263: Wiltshire, CCR, 1261–1264, *supra* note 66, at 268; Essex, Estreat Roll E 146/1/20.

<sup>134</sup> 1262: Nottinghamshire and Derbyshire, CPR, 1258–1266, *supra* note 65, at 205; CLR, 1260–1267, *supra* note 68, at 83.

<sup>135</sup> 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.

<sup>136</sup> 1269–1272: 1269: 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; 1270: 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; Eyre Roll E 32/229; 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.

<sup>137</sup> 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,



66	Reginald de Oakley	Justice South of the Trent (1269–1272) <sup>138</sup>
67	Henry de Burghull	Justice South of the Trent (1270) <sup>139</sup>
68	Thomas de Bolton	Justice South of the Trent (1272) <sup>140</sup>

#### 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.<sup>141</sup> 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.<sup>142</sup> The

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*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; 1271: Staffordshire, 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; 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.

<sup>138</sup> 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; 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; Worcestershire, CLR, 1267–1272, *supra* note 68, at no. 1293; Eyre Roll E 32/229; 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.

<sup>139</sup> 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.

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

<sup>141</sup> See Turner, *supra* note 9, at 114.

<sup>142</sup> The fifteen justices who never heard forest pleas were John Marshall, Peter de Rivaux, Richard de Munfichet, Godfrey de Craucumbe, Ralph de Wiliton, 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.<sup>143</sup> 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."<sup>144</sup> 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.<sup>145</sup> 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.<sup>146</sup> He was the chief justice of the forest "under Richard I and John, continuously from 1198 to 1216,"<sup>147</sup> served as a forest eyre justice from 1221 to 1225 and was reappointed as chief justice of the forest from 1224 to 1232.<sup>148</sup> Nicholas de Romsey served as a forest eyre justice for far less time, only eleven years.<sup>149</sup>

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.<sup>150</sup>

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

<sup>143</sup> See *supra* Part III.

<sup>144</sup> Paul Brand, *Inside the Courtroom: Lawyers, Litigants and Justices in England in the Later Middle Ages*, in *THE MORAL WORLD OF THE LAW* 98–99 (Peter Coss ed., 2000).

<sup>145</sup> See *supra* Part III.

<sup>146</sup> See *supra* note 78 and accompanying text.

<sup>147</sup> David Crook, *Neville, Hugh de* (d. 1234), *OXFORD DICTIONARY NAT'L BIOGRAPHY*, <http://www.oxforddnb.com/view/article/19942> [<https://perma.cc/P2TR-89MX>].

<sup>148</sup> See *supra* note 78 and accompanying text.

<sup>149</sup> 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.*

<sup>150</sup> See BRAND, *THE ORIGINS OF THE ENGLISH LEGAL PROFESSION*, *supra* note 8, at 27–28 (1992). The eight justices of the central royal courts who served between ten and twenty years are: Martin of Pattishall, Stephen of Segrave, William de Lisle, Thomas of Moulton, William of York, William of Raleigh, Alan de Wassand, and Master Simon of Walton. See *id.* at 171 n.78.

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,<sup>151</sup> a Justiciar (governor) of Ireland,<sup>152</sup> a justice of the Exchequer of the Jews,<sup>153</sup> and in rare instances justices in the Common Bench<sup>154</sup> and King's Bench.<sup>155</sup> 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.<sup>156</sup>

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%)<sup>157</sup> were clerks (Walter

<sup>151</sup> Walter Mauclerk was a forest eyre justice during the 1221–1225 visitation. He later become 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 become 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].

<sup>152</sup> John Fitz Geoffrey served as a forest eyre justice south of the Trent in the 1239–1244 visitation. See *supra* note 103 and accompanying text. He later served a long period as Justiciar of Ireland (1245–1256). See D. A. Carpenter, *John Fitz Geoffrey* (c. 1206–1258), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/38271> [https://perma.cc/MF6C-V9DP].

<sup>153</sup> Robert Passelewe served as a forest eyre justice in the 1221–1225 visitation. See *supra* note 79 and accompanying text. In 1233 and 1234, Passelewe was elevated to the position of Chief Justice of the Exchequer of the Jews. See Robert C. Stacey, *Passelewe, Robert* (d. 1252), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/21507> [https://perma.cc/UH3J-WY46]. For an excellent overview of the Jews and English law until their expulsion in 1290, see Brand, *supra* note 32.

<sup>154</sup> 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].

<sup>155</sup> 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 MEEKINGS & CROOK, *supra* note 8, at 102–06.

<sup>156</sup> 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.

<sup>157</sup> 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,<sup>158</sup> Robert Passelewe,<sup>159</sup> Henry de Cerne,<sup>160</sup> Alexander de Basingbourne,<sup>161</sup> Elias de Breton,<sup>162</sup> Peter de Rivaux,<sup>163</sup> Roger de Essex,<sup>164</sup> John de Blossmenill,<sup>165</sup> Laurence de St. Albans,<sup>166</sup> William le Breton,<sup>167</sup> William de Powicke,<sup>168</sup> William de la Cornere,<sup>169</sup> and John de Lexington<sup>170</sup>).<sup>171</sup> And at least five of these men (Henry de Cerne, William de Powick, Laurence de St. Albans, William de la Cornere, and John

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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 BRACON*, 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 *LAW, 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>].

<sup>158</sup> See Vincent, *supra* note 151.

<sup>159</sup> 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.

<sup>160</sup> CPR, 1216–1225, *supra* note 65, at 261, 363, 569.

<sup>161</sup> CPR, 1225–1232, *supra* note 65, at 444.

<sup>162</sup> CPR, 1232–1247, *supra* note 65, at 83.

<sup>163</sup> Nicholas Vincent, *Rivallis, Peter de* (d. 1262), *OXFORD DICTIONARY NAT'L BIOGRAPHY*, <http://www.oxforddnb.com/view/article/23688> [<https://perma.cc/99YK-3VWM>].

<sup>164</sup> CPR, 1232–1247, *supra* note 65, at 135.

<sup>165</sup> John de Blossmenill 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.

<sup>166</sup> 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.

<sup>167</sup> He was the clerk of John Mansell, the treasurer of York. See CPR, 1258–1266, *supra* note 65, at 251.

<sup>168</sup> In 1246 he traveled to Rome with Henry de la Mare, who would later become a King's Bench justice, as *nuncii 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.

<sup>169</sup> See Kemp, *supra* note 151.

<sup>170</sup> See Robert C. Stacey, *Lexinton [Laxton], John of* (d. 1257), *OXFORD DICTIONARY NAT'L BIOGRAPHY*, <http://www.oxforddnb.com/view/article/16615> [<https://perma.cc/8GZ5-GHGB>].

<sup>171</sup> 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,<sup>172</sup> four of them bearing the title of *magister* (master).<sup>173</sup> 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.”<sup>174</sup> 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.<sup>175</sup> 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.”<sup>176</sup>

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.<sup>177</sup> 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.<sup>178</sup> Robert Walerand was sheriff of Gloucester from 1246 to 1250 before being appointed a forest eyre justice in the 1255 to 1258 visitation.<sup>179</sup> And Roger Leyburn was sheriff of Kent before serving as Chief Justice of Forests North of the Trent in 1265.<sup>180</sup>

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<sup>172</sup> 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).

<sup>173</sup> 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.

<sup>174</sup> See Vincent, *supra* note 151.

<sup>175</sup> See CPR, 1232–1247, *supra* note 65, at 135, 149, 291, 462; CLR, 1240–1245, *supra* note 68, at 278.

<sup>176</sup> Vincent, *supra* note 163.

<sup>177</sup> See CPR, 1216–1225, *supra* note 65, at 126; CCR 1231–1234, *supra* note 66, at 143–47.

<sup>178</sup> See CPR, 1232–1247, *supra* note 65, at 121; CCR 1242–1247, *supra* note 66, at 350.

<sup>179</sup> Alan Harding, *Walerand, Robert* (d. 1273), OXFORD DICTIONARY NAT’L BIOGRAPHY, <http://www.oxforddnb.com/view/article/28455> [<https://perma.cc/L6DC-SQ63>].

<sup>180</sup> 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.<sup>181</sup> 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.<sup>182</sup> 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.<sup>183</sup> 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.<sup>184</sup> 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.<sup>185</sup> 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.<sup>186</sup> (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.)<sup>187</sup> 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

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DICTIONARY NAT’L BIOGRAPHY, <http://www.oxforddnb.com/view/article/16624> [<https://perma.cc/LP4H-7HV8>].

<sup>181</sup> For the best account of the challenging office of sheriff during the period under examination, see ROBERT C. PALMER, *THE COUNTY COURTS OF MEDIEVAL ENGLAND 1150–1350*, at 28–55 (1982).

<sup>182</sup> *Id.* at 38–39.

<sup>183</sup> I owe the idea for this point to Dr. Paul Brand.

<sup>184</sup> See Crook, *supra* note 147. For Alan de Neville’s life and career, see David Crook, *Neville, Alan de* (d. c. 1176), OXFORD DICTIONARY NAT’L BIOGRAPHY, <http://www.oxforddnb.com/view/article/19921> [<https://perma.cc/YT7D-3UZQ>].

<sup>185</sup> See Crook, *supra* note 147.

<sup>186</sup> See *id.*; CPR, 1232–1247, *supra* note 65, at 167, 186, 187.

<sup>187</sup> See Helen M. Jewell, *Neville, Sir Robert de* (d. 1282), OXFORD DICTIONARY NAT’L BIOGRAPHY, <http://www.oxforddnb.com/view/article/19961> [<https://perma.cc/76H8-NX6J>].

and administrator, was Chief Justice of the King's Bench from 1239 to 1241.<sup>188</sup> Stephen was survived by his son, Gilbert of Seagrave, who also served as Chief Justice of the King's Bench from 1251 to 1253.<sup>189</sup> Following the Nevilles and Seagraves, there are to my knowledge no more hereditary judicial offices in common law or forest law courts in England.<sup>190</sup> But judgeships in the different English royal courts of Ireland, colonial courts that only developed as distinct institutions in the 1270s,<sup>191</sup> continued to have strong hereditary ties well into the fourteenth century.<sup>192</sup>

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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<sup>188</sup> See KING'S BENCH, *supra* note 8, at 51–54; William Hunt, *rev.* Paul Brand, *Seagrave, Sir Stephen of* (d. 1241), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/25041> [<https://perma.cc/3GFK-DC5B>].

<sup>189</sup> See KING'S BENCH, *supra* note 8, at 102–03; Todd, *supra* note 155.

<sup>190</sup> Brian de Lisle, Chief Justice of the forest from 1221–1225 and again from 1229–1232, does not seem to be a relation to William de Lisle, a forest eyre justice for Northamptonshire in the early 1220s. S. D. Church, *Lisle, Sir Brian de* (d. 1234), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/47250> [<https://perma.cc/L82C-ZLHU>]. Likewise Elias de Breton, a forest eyre justice south of the Trent in 1229–1232 and a forest eyre justice north of the Trent in 1240 seems to be only a distant relation to William le Breton who served as a forest eyre justice south of the Trent in 1247–1248 and later as Chief Justice of the forests south of the Trent from 1255–1258. See THE 1235 SURREY EYRE, *supra* note 8, at 212–13. For Elias and William le Breton, see CROWN PLEAS OF THE WILTSHIRE EYRE, 1249, at 129–30 (C.A.F. Meekings ed., 1961). The closest we come in the fourteenth century to family connections aiding appointment to judicial office, at least in the common law courts, is probably the appointment of the Scrope brothers (Henry and Geoffrey) as Chief Justice of the King's Bench at different periods. For Henry Scrope, see James Tait, *rev.* Nigel Ramsay, *Scrope, Sir Henry* (b. *in or before* 1268, d. 1336), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/24957> [<https://perma.cc/C2NH-WATK>]. For Geoffrey Scrope, see Brigette Vale, *Scrope, Sir Geoffrey* (d. 1340), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/24955> [<https://perma.cc/GCL6-DRAS>].

<sup>191</sup> See Brand, *supra* note 63, at 10–12.

<sup>192</sup> 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.

*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.<sup>193</sup> 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*.<sup>194</sup> 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.<sup>195</sup> 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,<sup>196</sup> 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,<sup>197</sup> Richard de Harcourt,<sup>198</sup> Geoffrey de Langley,<sup>199</sup> Robert Walerand,<sup>200</sup> Gilbert de

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<sup>193</sup> See C. H. McIlwain, *The Tenure of English Judges*, 7 AM. POL. SCI. REV. 217, 218–19 (1913).

<sup>194</sup> For general information about the decline of seigniorial justice in the face of expanding royal justice, see J. H. BAKER, AN INTRODUCTION TO ENGLISH LEGAL HISTORY 12–34 (4th ed. 2002); BRAND, THE ORIGINS OF THE ENGLISH LEGAL PROFESSION, *supra* note 8, at 29–32; J. E. A. JOLLIFFE, THE CONSTITUTIONAL HISTORY OF MEDIEVAL ENGLAND: FROM THE ENGLISH SETTLEMENT TO 1485, at 204–17 (1937); 2 SIR FREDERICK POLLOCK & FREDERIC WILLIAM MAITLAND, THE HISTORY OF ENGLISH LAW BEFORE THE TIME OF EDWARD I 136–73 (2d ed. 1898).

<sup>195</sup> 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).

<sup>196</sup> 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.

<sup>197</sup> John Hunt, *Musard Family* (per. c. 1070–c. 1330), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/54512> [<https://perma.cc/3H4D-N37M>].

<sup>198</sup> David Crouch, *de Harcourt Family* (per. c. 1050–1330), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/54506> [<https://perma.cc/Q5TE-QJL9>].

<sup>199</sup> Peter Coss, *Langley, Sir Geoffrey* (c. 1200–1274), OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/37651> [<https://perma.cc/J8PC-P7QN>].

<sup>200</sup> See Harding, *supra* note 179.



Seagrave,<sup>201</sup> and Thomas Moulton,<sup>202</sup> 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),<sup>203</sup> and a collection of at least twelve barons.<sup>204</sup> 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.<sup>205</sup> Why so many powerful noblemen would

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<sup>201</sup> See Todd, *supra* note 155.

<sup>202</sup> See Kingsford, *supra* note 154.

<sup>203</sup> See Barbara English, *Forz [Fortibus], William de, count of Aumale (b. before 1216, d. 1260)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/29480> [<https://perma.cc/X5AC-JXLT>].

<sup>204</sup> (1) For John de Bayeux, see Henry Summerson, *Bayeux, John de (c.1190–1249)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/1744> [<https://perma.cc/Z22J-QYE8>].

(2) For John de Monmouth, see A. F. Pollard, *rev. R. R. Davies, Monmouth, John of (c.1182–1248)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/18959> [<https://perma.cc/33NL-RQG9>].

(3) For Ralph de Sudeley, see Sudeley, *Sudeley family (per. c.1050–1336)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/54513> [<https://perma.cc/NGX3-AX65>].

(4) For Robert de Ros, see Nicholas Vincent, *Ros, Robert de (d. c.1270)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/24078> [<https://perma.cc/U76N-MASQ>].

(5) For Gilbert de Umfraville, see Henry Summerson, *Umfraville, de, family (per. c.1100–1245)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/54515> [<https://perma.cc/G2FB-5SDK>].

(6) For Roger Bertram, see Henry Summerson, *Bertram, Roger (c.1195–1242)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/2283> [<https://perma.cc/652Y-LU78>].

(7) For John Fitz Geoffrey, see Carpenter, *supra* note 152.

(8) For Reginald de Mohun, see William Hunt, *rev. H. M. Ridgeway, Mohun, Sir Reginald de (c.1206–1258)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/18886> [<https://perma.cc/8F2Z-UVHX>].

(9) For William de Beauchamp, see Kathryn Faulkner, *Beauchamp, de, family (per. c.1080–c.1265)*, OXFORD DICTIONARY NAT'L BIOGRAPHY, <http://www.oxforddnb.com/view/article/54497> [<https://perma.cc/8GD2-47AB>].

(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>].

<sup>205</sup> 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;<sup>206</sup> both courts were authorized to hear offences committed since the previous eyre;<sup>207</sup> both courts provided precious revenue to the crown,<sup>208</sup> and both courts were designed to increase royal control in the counties.<sup>209</sup> As noted above, offences against the common law that occurred within the boundaries of the forest would still be handled in the general eyre.<sup>210</sup>

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.<sup>211</sup> 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.<sup>212</sup> Most of these men, like Maurice de

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Umfraville served as Chief Justices in their respective eyres. *See supra* notes at 136, 99, 107, 129, and 100 respectively.

<sup>206</sup> For the development of the articles used in the general eyre, see THE 1235 SURREY EYRE, *supra* note 8, at 90–94; CROWN PLEAS OF THE WILTSHIRE EYRE, 1249, *supra* note 8, at 27–33; Helen M. Cam, *Studies in the Hundred Rolls: Some Aspects of Thirteenth Century Administration*, in 6 OXFORD STUDIES IN SOCIAL AND LEGAL HISTORY (Sir Paul Vinogradoff ed., 1921).

<sup>207</sup> *See supra* Parts I and II.

<sup>208</sup> *See supra* Parts I and II.

<sup>209</sup> *See supra* Parts I and II.

<sup>210</sup> *See supra* Parts I and II.

<sup>211</sup> *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.”).

<sup>212</sup> Forest eyre justices who also served in a judicial capacity in common law courts include: John Marshall, Brian de Lisle, Walter Mauclerk, John de Birkin, Maurice de Audley,

Audley, had significant experience as common law justices before being appointed to serve in forest eyres.<sup>213</sup> A far smaller minority, like Robert de Neville, appear as forest eyre justices first and later serve as common law justices<sup>214</sup> 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,<sup>215</sup> inspecting charters,<sup>216</sup> escheator north of the Trent.<sup>217</sup>

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

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Robert Passelewe, William de Lisle, Henry de Cerne, John de Monmouth, William Ruffus, Ralph Musard, Thomas de Multon, Ralph de Sudeley, Godfrey de Craucumbe, Ralph de Wilton, Peter de Brus, John de Kirkby, Richard de Munfichet, Robert de Ros, Roger Betram, Gilbert de Seagrave, John Fitz Geoffrey, Richard de Harcourt, Thurstan le Despenser, Reginald de Mohun, Geoffrey de Langley, John de Blossmenill, William de Beauchamp, Roger de Somery, Hugh de Bolebec, Baldwin de Panton, Adam de Hilton, Richard de Wrotham, William le Breton, William Trussel, Geoffrey de Lewknor, Simon de Thrupp, Robert Walerand, Robert de Neville, Alan le Zuche, Roger de Clifford, William Heron, John de Lexington, John de Eyvill, and Roger Leyburn. *See supra* Part III.

<sup>213</sup> 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.

<sup>214</sup> 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.

<sup>215</sup> 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.

<sup>216</sup> 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.

<sup>217</sup> 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.<sup>218</sup> 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 *Dialogue of the Exchequer* written in the late 1170s:

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 . . . .<sup>219</sup>

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.<sup>220</sup> 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.

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<sup>218</sup> See *supra* Part III.

<sup>219</sup> See FITZ-NIGEL, *supra* note 11, at 59–60.

<sup>220</sup> 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, *Rethinking the Leges Henrici Primi*, in *ENGLISH LAW BEFORE MAGNA CARTA: FELIX LIEBERMANN AND DIE GESETZE DER ANGELSACHSEN 211–12* (Stefan Jurasinski et al. eds., 2010).

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.<sup>221</sup>

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.

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<sup>221</sup> CROOK, *supra* note 2, at 63.