

ART. II.—*Inglewood Forest*. By F. H. M. PARKER, M.A.

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IT is a curious feature in the history of Cumberland that so little attention has been given to a subject so important as that of the Forest of Inglewood; possessing, moreover, interest from many antiquarian points of view. It is somewhat hard to realise in these days that Inglewood once enjoyed a high celebrity, but this was certainly the case. It was famed as a hunting ground that contained every manner of beast that the hunter could desire, it had a wide repute for its timber, and its area was so great that, if we judge by the extent of land which came within the bounds of the forest in Henry the Second's day, it may reasonably be doubted whether any other forest in England approached it in size. Such an institution deserves a distinguished place in the history of the county because of its ancient fame, and the contents of its records would enrich it in other ways by reason of the amount of details of local, personal, and family history bound up with it.

Nor does its interest end when it has been viewed from the standpoint of the Cumberland antiquary, though this is naturally the first way to look at it. The records of any great forest are of value to the study of the Forest Law, a branch of legal antiquities to which much attention has recently been drawn; and the same may be said of constitutional history—for in this the forests figure prominently, because of the disputes to which they gave rise between the Plantagenet kings and their subjects.

The importance of the forests came about in this way. The Norman kings were passionately fond of hunting, especially William the Conqueror, of whom it is said that he loved the high deer as though he had been their father.

He therefore established a number of forests, and caused them to be governed by the stringent system of rules known as the Forest Law. It was the fact of subjecting land to this law that constituted a forest, not its character; for a forest might include land not overgrown, while on the other hand wooded land did not form a forest unless afforested. Indeed, the word originally had nothing to do with trees. Had a forest connoted nothing more than it does now, there would have been little cause for complaint; unfortunately, the forest law and the officials who saw to its administration constituted a real hardship, though one which was probably exaggerated* by contemporary writers. However, they soon became a recognised grievance, and after the great encroachment of Henry the Second constant efforts were made to restrict the King's powers in respect to the forests. Concessions were from time to time obtained, but the King frequently contrived to reassert his former rights. The complaints arose out of the increased strictness of the forest law, and the enlarged area over which it was administered. For the forests were outside the ordinary law of the land, and subject to the absolute will of the Crown.

The most extraordinary care was exercised in protecting the forest, and was extended to the most minute particulars. It was, of course, illegal to kill a deer, and it follows reasonably that a man with venison in his possession would be punished; but Henry the Second forbade any person to have dogs or a bow and arrows within the forest, unless he had a warrant.

* Thus Walter Mapes wrote in the twelfth century:—"The Conqueror took away much land from God and men, and made a sacrifice of it to the wild beasts and hunting dogs; by which he demolished thirty-six mother churches, and drove away the poor inhabitants belonging to them." This charge, which seems to have gained a wide circulation, does not bear the light of modern criticism—e.g., the careful argument in *A General History of Hampshire*, by Messrs. Woodward, Wilks, and Lockhart, iii., 21. But Camden accepts it as true, and attributes to Divine vengeance for the sacrilege the fact that three of his family, his sons William Rufus and Richard and his grandson Henry, son of Robert, all came by violent deaths within the forest which their father had made at such a cost.

To cut a tree or bush that might afford food or shelter to the deer constituted an offence called *vert*, the word in its primary sense meaning the trees themselves. To fell trees was called *waste*, while to bring land into cultivation, which involved digging out the roots and so preventing any undergrowth springing up, was regarded as a very serious offence if done without licence. Such a clearing was called an *assart*.

Careful precautions were taken to prevent encroachments being made. These might take various forms, not only the obvious one of enclosing a plot of land, but also of erecting a mill, or even merely putting up a hut or shelter. Such encroachments were called *purprestures*. But when it appeared that the creation of an assart or purpresture would not do any harm to the forest, permission to make it would be generally given—of course, for a consideration—the owner being charged a composition and a small fixed rent. One other instance may be given to illustrate the policy adopted with regard to the forests—no tanner or leather bleacher might live within them.

Any innovation of any importance was submitted to a jury to decide whether it would be harmful or a nuisance to the forest, or loss to the King. A good instance of this occurs in the last year of Henry the Third,* when the Dacre of the period wanted to enclose land at Kirkthwaite, bounded by the Lyndbeck and Drybeck and the Roe into which they flow, and running up to the corner of Middleseugh. Apparently the whole of the forest staff were summoned to decide "Whether it would be a loss to the King, or a nuisance to his forest of Inglewood, if the lord G. de Nevill, justice of that forest, permitted the lord R. de Dacre to inclose the land of Kyrkthwaite with a small dyke and low hedge, in such a way that a doe with her fawn could freely go in and out," the extent

* Forest Proceedings, Exch. Q.R., Bundle 1, No. 13.

and value per acre of the land. This they do, and report favourably. It is hardly needful to say that these detailed statements, made on oath by responsible persons on matters of which they had private knowledge, are of the utmost value in reconstructing forest history.

These instances of the working of the forest law will serve to show that a forest existed as a definite institution, governed by its own laws, and could possess a history apart from the estates or families to be found within it.

The Cumbrian forest is referred to in our earliest records as the "Forest of Cumberland," and rather later as "Inglewood Forest." Both these terms are rather vague; and as facts about Inglewood are less open to dispute, it will be simpler to begin with it, and then revert to the older forest.

According to a list given by Spelman of the forests existing in England—sixty-eight in all—there were three in Cumberland, and their names were Copeland, Inglewood, and Westward, the latter being more generally known by the title of Allerdale Forest. Properly, Inglewood denoted the forest between Eden and Shawk, the beck forming the head of the Wampool; but it was afterwards used in a wider sense, the other forests being treated as bailiwicks within it. In this extended sense, the one in which the name is far the more often used, it probably conveyed exactly the same idea as the Forest of Cumberland did, neither meaning a specific tract of country, but the whole of the royal forest land in the county, whatever area that included at the time. Copeland Forest, separate from the rest above Calder Bridge, drops out of the story; but its former existence is important from the fact that in proceedings relating to Inglewood there were three times the number of officers usually found in a forest, showing that the three bailiwicks were still represented—at least in theory.

Some light is thrown on the composition of the forest by two entries in the Pipe Rolls for the third and fourth

years of the reign of Richard the First, in which Gilbert Pipard, accounting for an annual rent of ten marks paid by the Warden of the Forest, pays seven, and also three separately for the Forest of Allerdale. This would seem to indicate the proportionate values of Inglewood and Allerdale; and, what is more noteworthy, suggests that the Forest of Copeland was left out of the calculation. However this may be, the idea that Inglewood had a threefold character existed long afterwards. Thus, in an inquisition already referred to, twelve verderers were present—four being the usual number in a forest—and thirty-six regarders. In the Pleas of the Forest, held in the thirteenth year of Edward the First, twelve regarders account for the Forest of Inglewood between Eden and Caldew,* and twelve for Allerdale between Alne (Ellen) and Shawk. There is no account for Copeland, and the fact that twelve more regarders are required to make up the thirty-six represents nearly the whole evidence we have that Copeland did exist as a forest.

The case of Inglewood and Allerdale is very different. Numerous records relating to them are to be found, one of which is of special use for introducing the history of these two forests, and it consists of a survey of the boundaries of both of them.

This perambulation was made in the twenty-eighth year of Edward the First.† These two definite statements may be taken as a starting point for our forest history.

Beginning at the Bridge over Caldew outside the City of Carlisle along the great metalled way to Thuresby the forest is on the south; and from Thuresby by (the same way through) the middle of the town of Thuresby to Waspatrik wath over the water of Wathenpole, and so from Waspatrik wath up stream along the water of Wathenpole to the place where Schauk falls into Wathenpole; and so from

* Forest Proceedings, Exch. T.R., 5. A great roll of some forty sheets written on both sides, referred to elsewhere. No return is made of the land between Shawk and Caldew, generally styled the Barony of Dalston, as it had been previously granted to the Bishopric of Carlisle in 1228.

† Forest Proceedings, Ancient; Chancery, 30.

that place up stream to the head of Schauk, (and so) from the head of Schauk rising straight to the head of Boulandbeck, and so descending from that place to the water of Caldebeck; (and so by the water) to the place where Caldebeck falls into Caldewe, and so up stream to the place where Briggwat . . . (several words follow too faded for accurate transcription) . . . to Stainwath below the Castle of Soureby; and so by the metalled way to Mabilcross; and so ascending to the hill of Kenwatlan and Dikenwatlan, descending by the said road through of the town of Alaynby . . . by the same way to Palet; and so descending to the Bridge of Amod; . . . to Edene, and so down stream by the water of Edene to the place where Caldewe (falls into Edene), and so to the aforesaid bridge over Caldewe outside the gate of the City.

As might be expected, during the six hundred years since this survey was made, many of the landmarks have altered their names in such a manner as to render it rather puzzling to the reader of the present day. The following modernised version will no doubt be more intelligible:—

The northern boundary from Caldew Bridge was the road through Thursby till it reached the Wampool, whence it runs up that river and the Shawk Beck, which forms its head. From the source of the Shawk, about a mile and a half north of Caldbeck, the boundary runs east to the head of Bouland (now Bowten) Beck. This stream, which is not always to be found on small maps, runs down to Caldbeck, and joins the river there. Thence down the Caldbeck till it joins the Caldew, and up the Caldew to "Briggwat." Stainwath is the crossing of the Gilcambon Beck at Castle Sowerby; Mabel Cross is a point at the north of Greystoke Park. It is given in the six-inch Ordnance Maps. Alaynby is Ellanby; Palet, Pallet Hill on the Greystoke Road; hence to Eamont Bridge. So down the Eamont, passing below the red sandstone cliffs of Bramwra facing St. Ninian's Church to the Eden, and down the river to the place where the Caldew joins it, and so up to Caldew Bridge.

A rough idea of the shape and size of Inglewood may be obtained marking Crofton, Brougham, Edenhall, and

Warwick Hall on the map, and drawing straight lines from one to the other. As for Warwick Hall, the wonderful trees in the grounds there are locally reputed to be relics of the forest in its best days. It is said that here, too, Geltsdale Forest, Nichol Forest, and Inglewood met at the well-known rock in the Eden just below the bridge.

Whellan prints a version of this on page 586 of his *Cumberland and Westmorland*, but gives Rowland for Bouland, and Gyrgwath for Briggwat. Both of these variants seem to be slips. If it is obtained from the manuscript here given, such a mistake may be easily accounted for by the fading of the ink.

The boundaries of Allerdale are given in the same record. The forest abuts on Inglewood on the east, thus:—

From Waspatrik wath to the place where Schauk falls into Wathenpol, and so from that place to the head of Schauk, and from that place to Boulandbecheued, and from that place to Randasset; thence to the head of Thornewaytbeck, and from that place to the place where Thornthweytbeck falls into the Wavre; and from that place down to the highway between the land of the King and the land of Wavreton, and so between the King's land and the land of Wygeton; and so from the land of Wygeton to Truttebeck, and from Truttebeck into Wathenpol, and so along the Wathenpol up stream to Waspatrik wath.

Allerdale Forest, therefore, followed the Wampool from the Wigton Road, and so up to the source of the Shawk, and then to the head of Bowten Beck. Randasset or Randulvesat does not appear to be identified, unless it is Seat, an eminence at the head of Thornthwaite Beck. We are elsewhere told that it was reached by an ascent from the source of Bowten Beck. Then to Thornthwaite Beck, down past Thornthwaite to the Waver, leaving it at Waverton and following the road towards Wigton.

The only difficulty is, what is the Troutbeck? It must have been a river of some importance in olden days, for it

is mentioned in the Gospatric charter. Here there is something by which we can localise it. It is reached on approaching Wigton; it joins the Wampool below Waspatrick Wath.

The only stream that fulfils these conditions is the Wisa, and we shall probably be right in identifying it with the Troutbeck. This theory makes Wigton lie within the bounds of the forest, and this it is known to have done; for on one occasion Robert de Mulcastre and Thomas de Newton got into trouble for chasing a hind while on their way to it from Oulton.

In addition to these forests there was a considerable amount of land subject to the forest law, technically described as being "within the metes of the forest" instead of forming part of the "covert." Thus Allerdale Forest reached to the Waver only, but the metes or bounds of the forest extended to the Ellen.

The amount of land subject to the forest laws varied from time to time, not only in Cumberland, but all over the country. Henry the First added to the forests he found existing at his accession. Stephen gave up some of them. Under Henry the Second the forest organisation was perfected, the Assize of Woodstock (otherwise called the Assize of the Forest) establishing vigorous rules for their management. He also, as will be seen presently, made vast additions in Cumberland. Under John the oppression was so great that several articles relating to forest reform had to be inserted in Magna Carta, one of them providing that all forests afforested by John himself should be given up.

These concessions were confirmed by the Forest Charter of Henry the Third in 1217, and it is probable that it was in connection with it that the following report* was drawn up. It may be taken as the foundation of our forest history.

* Forest Proceedings, Ancient; Clancery, 17.

This is the report of twenty-four Knights of Cumberland chosen and sworn before J. de Marshall, P. de Ulecotes, A. de Newmarket, Thomas de Multon and Helyas Brit, Clerk, the King's justices for making inquisition.

The said Knights say that no forest was afforested by King John, the King's father, nor was subjected to the regard of woods put in defense.* They say that the knights and free tenants who had woods within the bounds of the forest were accustomed to present their foresters before the King's chief forester, and afterwards to take all they needed in their own woods, to give or to sell it without restriction; and if there was any restriction afterwards in these woods, the forester of the wood would answer before the justices of the forest. But King John, the father of the King, put them in defense, and directed that no one should take anything in his own wood, except under supervision of the King's forester.

Also they say that R. de Vetripont, Sheriff of Cumberland, holds the entire forest of Cumberland. Also that the forest in fee (holds the post of subordinate to R.†) de Vetripont, by the hereditary right of his wife, and (so does) the serjeant of Hotun, whose duty is to keep the King's park at Plumton. But they answer to R. de Vetripont as warden of the forest.

Also the King, grandfather of the King, afforested at his will, through Alan de Nevill, then his forester, all the land between the water of Gelt and Bocblincarn in length, and from the water of Heden to Crosstirn . . .

. . . Henry the King, grandfather of the King, afforested through Alan de Nevill, then his forester, all the land between these places and boundaries written below, namely, from the place called Palet to the mill at to the bridge at Alteclo (Haltcliff Bridge), and so by the old King's road to the water of Alne by the Church at Ulvedale (Uldale); and from this road to these bounds, namely, from the place aforesaid called Palet to Bl(encow) through the middle of the town of Alaynby, and so by the road to Mabillecros near Saurebi and so below the old castle at Saurebi to Briggewat over the water at Caldeu; and so down the water of Caldeu (to the place where the Caldbec) falls into Caldeu, and so ascending by the

* Posita in Reguardo de boscis positus in defensum—a passage which defies translation into simple English. Defense usually means prohibition of hunting, or of the pasturing of cattle or sheep—cf. French *Bois en défens*. Here it appears only to mean "legal restriction," namely, that of the Regard, the jurisdiction which took cognizance of waste, &c. That was one branch of the forest law. The knights appear to mean that John did not subject wholly or partially to forest law any land not previously afforested.

† The words in brackets are a conjecture, based on other evidence, to fill a gap caused by a tear in the MS.

water of Caldbec to the place where the stream called Bounelandesike falls into the same water of Caldebec; and so up the stream called Bounelandesike to the moss above [? Whi]tewra, and so ascending to Randuluesat, and from that place to Greneset, and from that place to Grenesat, thence to Glassauneset, and thence to the old enclosure at Botheltun (Bolton), and so, descending by the same enclosure to the water of Alne.

Also they say that King Henry, the King's grandfather, enclosed at his will land within these bounds, namely, from the place called Waspatricwath over the water of Wathelpol, and so by the old road to Thoresby to the bridge over Calde before Carlisle gate; and so down stream to the water of Hedene, and so descending by the water of Hedene to the Sea, and so the place where the Wathelpol falls into the Sea. So ascending by the water of Wathelpol to the place called Waspatricwath.

King Henry, the King's grandfather, afforested these lands for this reason: his forester at that time, by name Ralph Engane, had them; he had that land in right of the daughter of Robert de Trivers whom he married; and all that land was outside the forest; and the said Ralph was forester, and his barony was within these limits. He directed that none of his men should take hart or hind within these limits. Then King Henry, the King's grandfather, came and found the land so kept, and afforested all that land at his will through A. de Nevill.

Moreover they say that the King has in the forest of Auredale hart and hind, the boar and the roe. It was never in regard before the time of the King, the King's grandfather. Also they say that he placed the Barony of Auredal in regard at his own will, by means of Alan de Nevill, then the king's forester, and he put it in escape* and amercement. And Alan de Nevill, then the King's forester, caused dogs to be lawed† throughout the whole forest of Cumberland, and prohibited the Knights and free tenants from having dogs or greyhounds on their lands as they used to have, to take hares and foxes, nor bows and arrows as they used to have.

Moreover in the time of King Henry, grandfather of the King, at his will and by means of Alan de Neville they appointed more foresters than they used to have at the earlier coronation of King Henry, grandfather of our King. For at the time of the earlier coronation of King Henry, grandfather of the King, there were but

* Escape was the technical name for a fine imposed when beasts escaped into forbidden enclosures. The barony was made liable to this and ameracements, fines for various offences.

† Lawing a dog (expeditatio) was to cut his claws, or otherwise his paw, so as to make him less able to poach.

six foresters throughout the whole forest, namely, two in fee, and four at the choice of him who had custody of the forest.

It is unnecessary to dwell at length on the importance of this information. The details of the vast additions made by Henry the Second throw quite a new light on the history of the Cumbrian forest; while the fact that he had the power to make them is a point of constitutional history worthy of notice, as an illustration of the enormous arbitrary power he wielded.

King Henry, then, extended the forest on every side. On the south he afforested a strip of land reaching from Pallet Hill, near Penrith, through Haltcliff to the Ellen at Uldale; on the west he partially afforested the great barony of Allerdale, which reached from the Derwent to the Wampool, and from the sea to the Caldew and the Shawk. On the north he added the barony of Burgh, the area between the Eden and the Wampool; and east of the Eden a tract some twenty miles in length, from the Gelt to the border of Westmorland. It should be explained that in the early days Blencarn Beck (Bocblincarn) did not mean the stream to which the name is now applied; it meant the Crowdundale. So that in Henry the Second's day the forest law was in force from the spurs of Crossfell to the sea, and from Bowness-on-Solway to Crosthwaite—about forty miles east and west, and twenty-five north and south.

In early times the manors of Stanwix and Linstock are said to have been in the forest; while at the end of Edward the First's reign an inquisition was held in which Stapleton is described as "in the forest of Inglewood." How this can be so is difficult to say. These words may have been inserted in error; but, right or wrong, there it stands.

The beasts to which the King was entitled in the forest of Allerdale were the hart and hind, the roe and the wild boar. Generally the beasts of the forest to which the King had the exclusive right comprised the hart (*cervus*) and hind (*bissa* or *cerva*), the red deer; the buck and doe

(damus and dama), the fallow deer; the roe (capriolus or cheverillus, a re-latinised form of the French chevreuil), the wild boar (aper), and wild sow (laia). Some interest attaches to the mention of the roe, from the point of view of forest law, as doubts have arisen as to whether it should be included among the beasts so preserved. It seems, however, that the evidence on the subject, though scanty, is conclusive that it was specially preserved; while the paucity of information on the subject indicates that it was rarely met with, especially in the forests north of the Trent. The roe is again expressly mentioned in the inquisition as to the privileges of the Warden of the Forest, to be given presently; and in the Pleas of the Forest, held in 13 Edward I., there is more than one conviction for killing a roe.

It may be of service to readers who desire to learn something of forest law and antiquities, apart from the history of any particular forest, to draw attention to the valuable introduction by Mr. G. J. Turner, of Lincoln's Inn, to the *Select Pleas of the Forest*, which he edited for the Selden Society. It gives an exhaustive and at the same time clear account of this intricate and little-known subject, to which the present writer is indebted, not only for information, but for a number of useful suggestions of which it is not possible to give more than a general acknowledgment.*

The care and management of the forest was entrusted to a numerous body of officials of various grades, to whom a considerable amount of personal interest attaches. Among their ranks are to be found men of high local, sometimes even of national importance, and most of the old Cumberland names are enrolled among them. There were seven chief offices to be filled, as follows:—

The Justice of the Forest was the most important, but he has not the same interest as the others, as his province

* An interesting account of the forest laws, by our member Mr. H. G. Pearson, was published in vol. xvi. of the Barrow Naturalists' Field Club Report.

included all the forests north of the Trent, and he was therefore not necessarily a local man. It will be sufficient to say that he was usually a man of eminent political standing; that upon him fell the duty of releasing on bail persons arrested for offences in the forest—a considerable task, since only he or the King himself could release a prisoner taken for killing deer, or having venison in his possession. He also carried on the executive work relating to the forest, and also carried on the judicial work, though this seems to have been a less exacting duty.

The Warden of the Forest was the chief officer. In some forests a warden was appointed by letters patent, in others he held it as a hereditary post. The latter was the case in Cumberland, the office devolving along the same line as did the barony of Burgh; the families which held it being those of De Trivers, Engaine, Morvill, whose heiress married Richard de Lucy and afterwards Thomas de Multon, and was succeeded by her son Thomas de Multon, afterwards of Gilsland; the heiress of the Multons finally bringing it to the Dacres. Occasionally the office was given to outsiders, as for instance to William Stapleton of Edenhall, about 1362.

It may save misunderstandings to mention here that the warden is often referred to by misleading titles, such as "chief forester," which suggests a different post, or "forester in fee," an expression which is apt to be puzzling, as it is used specifically to denote another office, that of a hereditary forester, which is something quite different from a hereditary warden.

Where the warden did hold by inheritance, he possessed a number of privileges in the forest. What these were we shall see presently.

The Foresters.—These occupied a position somewhat similar to that of a modern gamekeeper. They were appointed by the warden, and depended on him for salary. Sometimes, however, the warden did not pay them at all, but exacted money from them for the privilege of holding

office, with a result that the number of foresters increased unduly. There was a judicial power, however, of limiting the number. Possibly this practice accounts for the addition to the foresters complained of in the inquisition. Towards the latter part of Henry the Third's reign Thomas de Multon, the then warden, appears to have a customary right to unlimited authority as to the appointment and removal of his foresters.

The Woodward.—These were private foresters. Within the forest there were a number of woods, the property of private owners, who were bound to do nothing which would prevent the woods affording shelter for the deer, as by making assarts. To secure that all should be done according to law, each owner was compelled to keep a woodward, who acted as forester to the owner of the wood, but also swore fealty to the King, his vert and venison.

If the woodward was guilty of any serious breach of duty, the wood over which he was supposed to keep guard was liable to be seized into the King's hands. Thus on one occasion Gilbert de Redesdale, the woodward of Sowerby, and Robert de Sebergham were convicted of poaching, and because Gilbert was woodward at the time when he committed the offence the wood was seized. The effect of such a confiscation seems to have been merely that the King had the opportunity of exacting a composition from the owner as the price of his reinstatement.

The conduct and associates of the woodwards of Sowerby certainly leave something to be desired. Gilbert's companion could not appear at the same time as himself, because he had been beheaded in the meantime; and another of them, John de Werdhall, was convicted of joining in a poaching affair and shooting a stag with two arrows, an offence in itself, as woodwards were expressly forbidden to carry bows and arrows. This happened on the first of November, and the other incident as recently as the twenty-first of September in the same year. And John de Werdhall did not appear, and evidence was given

that he was a fugitive because he had slain one John, the son of Hamund.

Foresters in Fee.—This phrase, says Mr. Turner, connotes nothing more than a hereditary forester. The term was usually applied to such a forester holding hereditarily, but subordinate to a warden; and instances the case of the Forest of Dean, where there were eight or nine, all having separate bailiwicks, and all subordinate to the Warden of St. Briavels, who was Warden of the Forest.

An exact analogy is found in Cumberland, there being, as already mentioned, two foresters in fee, the offices being usually attached to the Huttons of Hutton, and a branch of the Boyvill family. Guido (Guy) Boyvill, a member of the baronial house of Levington, is said to have acquired the post by right of his wife, the heiress of the Thursby family. What appears to be a correct account of their connection with the forest is given by John Denton, who says:—

This Guido has issue William and he John. They two were both Knights and all foresters in Allerdale from Shawk to Eln, which was the Westward of the Forest of Englewood which office descended unto them from Herbert de Thuresby first Lord of Thuresby, by the gift of Alan first Lord of Allerdale the son of Waldeof.

The Huttons were in charge of the great enclosure known as Plumpton Hay, which was subject to regulations somewhat different from those applying to the surrounding portions of the forest. The holder of the post in the inquisition on the Forest of Cumberland already given is referred to as Serviens de Hotun, and there is some reason to suppose that the duties performed were more in the nature of the incidents of tenure by serjeanty than those of a forester in fee; but the latter title is constantly applied to the holder of the post.

Shortly after the accession of Henry the Third, Thomas de Hoton, son and heir of Adam, conveyed certain lands in Hutton to Alan de Capella. The land was then seized

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by the King, on the ground that the land was serjeanty of the King's forest, and that his licence should have been obtained before the transfer. However, Alan was presently established in his new acquisition, and on the death of Thomas de Hoton it is reported that he and Alexander de Capella held land in Hutton by the service of keeping watch over Plumpton Hay.

The Verderers.—The principal duty of these officers was that of attending the County Courts, and they were in direct relation with the Crown. There were four to a forest, selected from the knights or considerable landowners—"esquires or at least gentlemen of good fame, and learning in the forest law." Such men as John de Crokedayk, who married the heiress of the barony of Wigton, filled the office, and members of the Warwick, Boyvill, and Hutton families.

The Regarders took their name from their duty of making the Regard, a survey made every three years by twelve knights. They were then to report on a number of matters, principally assarts, purprestures, and waste; and if necessary, as to the herbage, eyries of falcons and hawks, harbours from which timber could be exported, honey found in the forest, and the persons who possessed greyhounds in the forest.

Certain land was held at Raughton by a family who bore the then local name of Racton by the service of keeping the eyries of hawks in the forest of Inglewood. This practically constituted the De Ractons hereditary regarders, but their ténure seems to have been that of serjeanty, and the office of hereditary regarder does not appear to have been recognised in forest law.

It has already been mentioned that a hereditary warden possessed certain privileges in the forest. As regards Inglewood we are particularly fortunate, as we have the finding of a jury summoned for the special purpose of ascertaining what these rights were. The importance attached to the matter may be judged from the fact that

the inquisition was presided over by the Sheriffs of Cumberland and Lancashire, as well as William de Dacre. The date is not given, but it was probably held in the thirty-sixth year of Henry the Third's reign, as in the Pipe Rolls for that year Thomas de Multon paid a composition for trespasses of the forest and to have, among other things, the same privileges as his ancestors had, except plea of vert. Internal evidence also supports this date, as the members of the jury had disappeared when other important inquisitions were held at the close of this reign.

The record is as follows :—*

An inquisition before the Sheriff of Cumberland, the Sheriff of Lancashire, and William de Dacre, in the presence of the Verderers and Foresters of the Forest of Carlisle, to ascertain what privileges Thomas de Multon and his predecessors in the office of Forester in Fee of that forest made use of during their terms of office, and with what liberties and laws they have hitherto been in seisin by reason of their custody of that bailiwick, made by the following: John de Mora, William de Wardwyk, Robert de Wyterig, John de Furmerie, Ivo de Racton, Rayner de Racton, Alexander de Ribeton, Alan de Thorisby, Henry de Trellekeld, Robert de Waverton, John de Huat-radsat, Alexander de Neuton, Geoffry de Seburgham, Patrick de Ulvisby, Hugh de Langrig, Adam de Plumland, Bricius de Penred, and Simon de Wyrihal.

Who say on their oath that Thomas de Multon is forester in fee of the whole of the King's forest of Inglewood, and should pay for his bailiwick ten marks of silver; and they say that he is entitled to payment for all escaped animals except swine; that he is entitled to payment for escaped swine taken at any period of the year in Plumpton Hay; and to payment for escaped swine in the forest during the close season, that is, a fortnight before and a fortnight after the feast of St. John Baptist.

And they say that he ought to have all dead wood throughout the forest, standing or fallen; dry wood, and all timber not producing fruit; the stump, loppings, and bark of timber, and the following wood:—alder, birch, willow, and all windfallen trees, branches, and all the remainder of oaks granted by the King's mandate, except in Plumpton Hay, because he will receive nothing there.

* Inquis. Post Mortem, Henry III., bundle of uncertain date, No. 235.

And they say that if anyone unlawfully fells an oak, the said Thomas is to attach his person according to the forest law, in order that he may come before the Justices of the Forest, and the King will have the attachment and amercement, but Thomas the felled oak.

And they say that the said Thomas has the right to hunt in the forest the hare, the fox, the wild cat, the wolf, the badger, the otter, the marten, and the squirrel, and all other woodland beasts except hart and hind, buck and doe, the roe, the wild boar and wild sow, and hawks, which are the King's. Also they say that the said Thomas has a right to falcons, sparrow hawks, muskets, and all other eyries except hawks, which are reserved for the King.

And they say that the said Thomas ought to have all honey with its wax throughout the whole of the King's demesne wood.

And they say that the predecessors of the said Thomas held the forest road, so that no one should go outside the King's highway except by licence of the forester, but that Thomas has not done so during his term of office.

And they say that he is entitled to the old pannage of swine in the King's demesne wood from St. Martin's day in winter to the feast of St. Andrew in the same year.

And they say that he has the right of fishing throughout the whole of the King's forest in all waters and woods in the said forest, and so did his predecessors.

Further they say that Thomas will not allow the Sheriff, or others as deputies, to come into the King's forest with bows and arrows, except only for distraining the King's pence, and this under supervision of the foresters.

And they say that the said Thomas is entitled to the lawing of dogs, and where he finds a dog not lawed in the forest he will have for each dog three shillings and no more. Also that the predecessors of Thomas and Thomas himself made a practice of appointing whomsoever they wished as foresters, and removing them at their will, and appointing whom they pleased, in order that they might be assiduous in service to Thomas and the steward of the forest.

And they say that the said Thomas ought to hold the King's pleas of attachment for the said forest, and petty pleas which concern him; and that this should take place on the day after the Court at Carlisle, and so from Court to Court. Also that the foresters in fee ought to answer to Thomas or his steward as to all the aforesaid matters which concern them, and that no woodward is to carry bow and arrows in the said forest; but that the woodwards, as a forester in fee, are to swear an oath of fealty.

Also they say that Thomas and his predecessors have been accustomed to make charcoal of the loppings and other timber which belong to him by reason of this bailiwick, wherever they wished in the said forest. Also they say that he is entitled to free right of way for carrying all this wherever he wishes in the forest.

It may be mentioned in passing that this list of privileges is an unusually long one. The useful right to burn charcoal is an exceptional one; perhaps it was granted owing to the great wealth of timber to be found in the Cumbrian forest.

The names of the jury deserve a passing notice. All but two, John de More and John de Furmery, bear the names of places. The former figures rather prominently in local records, and was probably more important as a politician than a landowner. As for the rest, John de Furmery lived at High Crosby, De Wardwyk at Warwick; and if we may depend on the names they bear, one man came from Thursby (Thorisby), Waverton, Langrigg, Newton, Oughterside (Huatradsat), Ribton, Threlkeld, Penrith, Ousby (Ulvisby), the places lying in a rough circle; and in a forked line across it, from Plumbland, Weary Hall (Wyrihal), Sebergham, Raughton, and Whitrigg, the latter probably in Plumpton.

It would not be safe to conjecture from these names how far the forest extended at the time, though it is noticeable that some of these places lie far out near the coast. A more trustworthy theory would be that the choice fell on these families because of special standing or respectability, for the families of Oughterside,* Langrigg, Ribton, and Plumbland are represented in the Pleas of the Forest held about thirty-three years later.

The reason for imposing a fine when swine had escaped into the forest during the fortnights before and after St.

* Whellan, in describing Oughterside, mentions the finding at Aspatria Church of a stone coffin of which the slab bore the legend "Hic Jacet Bartholomeus de Uchtersat." Now this was the name of one of the Regarders in these Pleas (13 Edward I.). The supposed date makes it probable that he was the forgotten occupant of the old tomb.

John Baptist day was to protect the deer during fawning time. The right of pannage consisted of turning in swine to feed; the sums of money derived from this source amounted to a considerable sum.

In case of timber being cut, it will be observed that the bark, stump, small branches, &c., became the perquisite of the warden. The same was the case where the King gave oaks from the forest by his writ; the gift only conferred the timber they contained (mayremium) not the whole tree.

Such grants are frequently met with in the history of the forests, especially that of Inglewood, for it appears to have been famous all over the kingdom for its inexhaustible wealth of oak timber. On one occasion Inglewood timber was sent as far afield as Ely, as a gift to the bishop for building the tower of his church. These gifts seem to have been generally made with a view of assisting religious institutions, as in the case of Hugh de Bello Loco, Bishop of Carlisle, who was granted fifty oaks for rebuilding his houses, the writ carefully adding that the trees were to be selected at considerable distances apart, so as to do the less harm to the forest.

Certain rights of cutting timber for building and fencing were enjoyed by the inhabitants of the manors of Penrith, Salkeld, and Langwathby; the Close Rolls of 1226 contain a mandate to Thomas de Multon to permit them to do so, as they were accustomed to do in the reign of King John.

It is certain that as the result of the proceedings at the beginning of the Henry the Third's reign the area of the forest was considerably reduced; and although we are not told distinctly to what extent this was the case, it is probable that all the additions made by Henry the Second were given up.

In the latter half of the reign of Edward the First two rather exceptional instances occur of the use of the royal authority for the protection of Allerdale Forest. In both

of these steps are taken to deal with land at some distance beyond the natural limits of Allerdale, but the King's object seems to have been to avoid a serious prospect of injury to his interests, and not that of further annexation. In the one case a number of buildings and settlements had come into existence, and were causing great and increasing harm to the forest; in the other, the abbot and monks of the abbey of Holme Cultram had petitioned that the island of Holme Cultram, on which their abbey was founded, should be disafforested. In each case an inquisition was held, and the position of affairs carefully gone into. The following is the return by the jury :—*

An inquisition held at Rose (apud La Rose) in the County of Cumberland the 4th of May in the thirty-third year of the reign of King Edward, before Robert de Clifford, the King's justice of the forests beyond Trent, by the oaths of Richard le Brun, William de Mulcastre, Alexander de Bastenthwait, Knights; Thomas de Hoton, John de Berewys, Richard de Quinfeld, Henry de Hoton, Roger Bare, Foresters; Robert de Quinberg, Henry de Hoton, Richard de Boyvill, Thomas de Louthre, Adam de Agliounby, and Adam de Carleton.

Who say on their oath that the King can enclose between the waters of Caldeu and Allne, that is, of the land of Welleton, which contains 180 acres, of which 50 are worth two shillings and six pence a year, and 130 worth 8d. a year; of Warnhill 142 acres, of which 76 are worth 2s., and 66, 8d. a year; of Rethwaites with the side of Heselspring, 107 acres, each worth 12d.; of Bastanthwaite 80 acres, each worth 18d.; of Quynnythwaite, 40 acres, each worth, 4d., of Palmcastre, 150, and of Morton, 54, each worth 2s.; of Crossethwait, 18 acres, each worth 12d.; and of Overthwaite, 72 acres, of which thirty-six are worth 2s., and thirty-six 12d.; and nine acres within the land of Blakehaethwait, each worth 2s. a year.

And they say that the parson of the Church at Caldebeck holds the close at Caldebeck, land formerly enclosed, and pays the King annually 6s. And that John de Crokedyk holds the land of Blackethwait, and pays annually 15s., and that John de Moubray holds the land of Clenyhow, and pays annually 13s. 4d., that John de Boyvill, John de Thoresby and Hugh de Crofton hold Troutebeckmire, and pay annually 20s., and that Thomas de Mulcastre and Thomas de

* Inquis. Post Mortem, 33 Edward I., No. 247.

Jouneby hold the close of Kirkthwait and Lynethwait, and pay annually 60s., that the Prior of Carlisle and John de Crokedik hold the close between the park of the Bishop of Carlisle, and the close of Langholme, and pay annually 2s., and that Alan de Kirkeby holds the close which is called le Gressegarth, and pays annually 15d., all being lands formerly enclosed.

And they say that all these lands and closes, anciently enclosed, and those named above to be newly enclosed, are and will be a nuisance to the King's forest in this respect, that they lose him his venison throughout a tract three leagues in length, and three leagues in breadth, within the limits of the forest, and all forfeiture of venison and agistment of herbage, which is worth 66s. 8d. a year by estimate, and pannage when it occurs, which is worth by estimate 40s. a year.

Further they say that by reason of the buildings and closes in these lands, already made, and to be made, the King's covert is and will be much wasted.

And they say that the said closes in these lands are a nuisance to the King's free chace and warren in this respect, that the King will lose his venison in a tract six leagues in length, and ten in breadth, and forfeiture of venison in these chases and warrens, and because the King will lose the herbage, which is worth £12 a year. And that the King will lose the pannage when it occurs, which is valued at 40s.

Also they say that by means of the buildings and closes made and to be made, the King's covert in the said warren and chace will be wasted. In witness whereof the said Jurors have set their seals to this inquisition.

The remaining inquisition gives a curious little picture of the state of the north-west of Cumberland in the thirteenth century. The island of Holme Cultram, which the monks wished to have disafforested, was the tract of land enclosed by the Crummock, Holme Dub, and Black Dub. It was two leagues from the forest itself, but the deer used to frequent it for the sake of browsing, making their way down along two thickly wooded marshes, evidently formed by the Crummock and the Waver, which joined at the island.

The case for the Crown was that on reaching the island the deer found themselves on a stretch of land many miles in extent, from which there was only one narrow exit, the

way they had come; and that, if the forest law was repealed as regards the island, the monks, or other occupants of the island, would have an easy task to cut them off and kill them at leisure.

This was all the more probable, as everybody on the island was in one way or another a dependent of the abbey; so the report strongly recommends that things remain as they are.

It is easy to make jokes about jolly friars and venison pasties, but here the position of the monks was a very hard one. The deer must have been continually making their way past the abbey to wander about the island, and probably did a good deal of harm. The more that went, the greater the nuisance; and it was simply because they did go in numbers that the island was afforested, and so the monks could not lawfully resort to measures of retaliation. The deer were trespassers at a considerable distance from their proper haunts, and may have been specially attracted to the abbey lands because they were carefully farmed; so that there is a good deal to be said for the monks' side of the case after the jury had recorded their opinions as to the loss the King would suffer if the request was granted.

The following appears to be the most important part of the document.* The jury consisted of John de Hodelston, Robert de Curwen, Robert de Haverington, John de la Ferte, Hugh de Milton de Leysingby, Thomas de Neuton, William de Boyvill, Hugh de Coulton de Hoff, John de Terriby, knights; William de Bampton, Adam de Hoton, John de Staffele, John de Croglyn, Robert de Quitryng, Richard de Boyvill, John de Cokedayk, Thomas de Ribeton, verderers; Alan de Kirkeby, Thomas de Hotone de Quiteburgh, John de Racton, Richard de Racton, foresters; Robert de Joneby, Robert de Karleton, Alan de Ireby, and Henry Dugedenell de Seburgham, who

* *Inquis. Post Mortem*, 20 Edward I., 123.

having first viewed the island were sworn and said on their oath that

If the island were disafforested it would be a loss to the King, and a nuisance to the forest of Inglewode, by causing destruction and damage to the deer in many ways. For there are two marshes thick with alders which join at the said island, namely, Brimselmire and Swalebymire, and these marshes extend from the island right up to the great covert of the forest, so that hinds and other of the King's deer can come and go under the covert and the main cover of the forest as far as the island, and back again; and there is another marsh there called Ellerby. So that the King's deer commonly frequent and go about in these marshes, especially about mowing-time, and all the deer which frequent those marshes go upon the island to the grass and wood contained within Holme Cultram, namely Leaholme, Bronewra, Aykesom, Kyngesetemire. And if the said island were deafforested, these deer would be hunted and taken with nets and hounds whenever they came upon the island; so that the King's venison which went about in those marshes would be destroyed, especially the great stags. And if those marshes were destroyed, the whole forest of Allerdale would be destroyed in consequence. Moreover, they say that the whole island is the separate land of the abbot and convent, so that no others come there except their men, farmers at their will. And they say that the island is eight leagues in length, and in breadth at its widest three leagues, in other places two and one league, and half a league at its narrowest. Also they say that the island is distant two leagues from the main covert And they say that two towns, namely Dundraye and Blencogou lie directly between the island and the great covert.

According to Denton's account, the forest land of Allerdale and the Holme Cultram were given by Alan, son of Waltheof, to Henry the Second. He also says that "the Holm Cultram was waste forest ground replenished with red deer, and a demesn of Allerdale at the Conquest."

It will be seen that we have no detailed statement of the bounds of the forest for the reign of Henry the Third as we have for the reign of his grandfather; but it is possible to map them out with something like accuracy. A few hints are given in the Pleas of the Forest already referred to, which notice offences dating back to the forty-

seventh year of Henry the Third. The principal points there given are that Langwathby was outside the forest, but that the opposite bank of the Eden was within; that the Ellen was the western boundary, and that Kirkland, just beyond it, was outside the "metes of the forest;" that Swalebymire, one of the marshes running down to Holme Cultram was within, and that the boundary went somewhere north of Wigton. Palmcastre was another place mentioned, but it does not seem to be identified. It cannot be Papcastle, for it was east of the Ellen. Its position might throw light on situation of the south-west corner of the forest.

The uncertainty is in connection to the westerly limits; probably a line from Caldbeck to Uldale, and so along the course of the Ellen and the Crummock, to enclose the island of Holme Cultram, reaching the road from Wigton to Carlisle where the Wampool crosses it, would be as nearly accurate as it is possible to get. The other boundaries appear to be those already mentioned in the perambulation of Inglewood.

As the inquisition about the privileges of the Warden of the Forest presents a certain amount of technical difficulty, it is thought that readers might like to have the Latin version. It is a good example of a forest record, and affords an interesting study of late Latin.

Inquisitio coram Vicecomite Cumberlandæ, Vicecomite Lancastriæ, et Willielmo de Dakre, in presencia Viridariorum et Forestariorum forestæ de Karleolo, quibus libertatibus Thomas de Multon et predecessores sui forestarii domini Regis de feodo ejusdem forestæ usi fuerint temporibus suis, et quibus libertatibus et juribus hucusque extiterint in sæsina ratione custodiæ predictæ balliæ, facta per subscriptos, scilicet Johannem de Mora, Willielmum de Wardwyk, Robertum de Wyterig, Johannem de furmerie, Ivonem de Racton, Raynerum de Racton, Alexandrum de Ribeton, Alanum de Thorisby, Henricum de Trellekeld, Robertum de Waverton, Johannem de Huatradsat, Alexandrum de Neuton, Galfridum de Seburgham, Patricium de Ulvisby, Hugonem de Langrig, Adam de Plumlund, Bricium de Penred, et Simonem de Wyrihal.

Qui dicunt super sacramentum suum quod dictus Thomas de Multon est forestarius de feodo de tota foresta domini Regis de Englewodo, et reddere debet pro sua ballia x. marcas argenti; dicunt et quod dicto Thomæ pertinere esscapium omnium animalium exceptis porcis. Dicunt et esscapium porcorum sibi pertinere per totum annum captorum in haya de Plumton. Item dicunt sibi pertinere escapium porcorum in foresta in tempore forestationis, scilicet per quindinam ante festum Sancti Johannis Baptistæ et per xv. post. Dicunt et quod debet habere totum boscum mortuum per totam forestam stando et jacendo, et boscum siccum et omnia ligna quæ fructum non proferunt, ceppagium, cooperones et cortices lignorum, et hæc ligna—alnea, bula,* salcea, et totos cablicos et branchia et totum residuum quercuum datarum per præceptum domini Regis, præter in haya de Plumton, quod nihil inde de bosco accipiet.

Et dicunt quod si aliquis furtive aliquam quercum prostrat, dictus Thomas debet corpus suum attachiare secundum legem forestæ, ut captus veniat coram Justiciariis forestæ, et dominus Rex habebit attachiamenta et amerciamenta, ita quod dictus Thomas habeat quercum prostratam. Dicunt et quod dictus Thomas habet potestatem fugandi in foresta ad leporem, vulpem, murilegum, lupum, tessonem, lutrum, martinum, et ad squirellum, et ad omnes alias feras silvestres præter ad cervum et cervam, damum et damam, cheverillum et cheverillam, ayrun et layam, ancipitrem, quæ sunt domini Regis. Dicunt et quod dictus Thomas debet habere falcones, espervarios, muskettos, et omnes ayerias præter ancipitres, quæ remanent domino Regi. Dicunt et quod dictus Thomas debet habere totum mel cum cera per totum dominicum boscum domini Regis. Dicunt et quod predecessores dicti Thomæ ceperunt foris viam in dominico bosco domini Regis, ita quod nullus iret extra viam regalem nisi per licentiam forestarii. Set dicunt quod dictus Thomas non usus est captionem foris viæ in tempore suo. Item dicunt quod idem debet habere vetus pannagium porcorum dominico bosco domini Regis a die Sancti Martini in hyeme usque ad festum Sancti Andree ejusdem anni. Item dicunt quod idem usus est piscariæ per totam forestam domini Regis in omnibus aquis et lays† in foresta predicta, et ita solebant predecessores predicti Thomæ. Item dicunt quod idem Thomas non permittet vicecomitem nec aliquos ballios intrare forestam domini Regis cum arcubus et sagittis nisi tantum pro districtione denariorum domini Regis, et hoc per

* Bula is birch, the word being a Latinised form of the French bouleau; salcea, willow.

† Lays, apparently a fanciful way of writing the ablative plural of laia, a wood.

visum forestariorum. Item dicunt quod dictus Thomas debet habere expeditionem canum, et ubi invenerit canem non expeditatum in dicta foresta habebit per canem iij. solidos tantum. Item dicunt quod predecessores dicti Thomæ et dictus Thomas in tempore usi sunt constituere quoscunque voluerint forestarios et eosdem deponere ad voluntatem eorum, et quos velint constituere, ita quod intendentes sint predicto Thomæ et senescallo predictæ forestæ. Item dicunt quod dictus Thomas debet tenere placita quæ sibi spectant, et hoc sit semper proximo die post comitatum Karleoli, et ita de comitatu in comitatum. Item dicunt quod forestarii de feodo debent respondere dicto domino Thomæ vel senescallo suo de omnibus supradictis quæ sibi spectent, et quod nullus wodewardus debet portare arcum cum sagittastis in dicta foresta, set tam forestarius de feodo quam wodewardi debebunt facere sacramentum de fidelitate eidem observanda. Dicunt et quod dictus Thomas et predecessores solebant et usi sunt facere carbones de copronibus et aliis lignis quæ ipsum contingunt ratione suæ balliæ, ubicunque voluerint in foresta predicta. Dicunt et sibi pertinere liberum chiminagium ad omnia supradicta carianda ubicunque voluerit in predicta foresta.
