

THE DEVELOPMENT OF PRIVATE HUNTING RIGHTS IN DERBYSHIRE, 1189–1258

By DAVID CROOK

(Public Record Office, Kew, Richmond, Surrey TW9 4DU)

At the beginning of the thirteenth century Derbyshire, like many other counties in England, contained areas of royal forest, game reserves subject to forest laws involving strict control of the hunting of deer and rules to preserve the natural vegetation which served as their habitat. The forest of the Peak occupied the north-western portion of the county as it probably had since soon after the Norman Conquest. The forest law also applied over the whole area eastwards from the Derwent to the Erewash, and then north from near the latter river's source along the county boundary with Nottinghamshire, as it had since sometime between 1154 and 1167.¹ Across the boundary in Nottinghamshire the forest continued to the east as far as the river Trent, so there was a great area of forest between the Derwent and the Trent stretching for nearly thirty miles both from west to east and from north to south. Duffield Frith was a private forest of the Ferrers earls of Derby, referred to by them as a forest in their twelfth and thirteenth century charters, controlled from their castle at Duffield, and akin to their Staffordshire forest of Needwood, controlled from Tutbury castle just outside the Derbyshire boundary. It was sometimes in the thirteenth century referred to even officially as Duffield forest,² but the part of it to the east of the Derwent near Belper lay within the royal forest between the Derwent and the Erewash during the period of its existence.

During the years just before and just after 1200, some county communities purchased the disafforestation of all or some of the forest in their counties, removing the effect of the restrictions on hunting the venison and regulations to preserve the vegetation which the forest laws imposed, and which were burdensome to both lords and peasants alike.³ These initiatives usually took place through concerted action in the county court, in which the most important men of the county took a leading role. Probably alone among English counties in 1200, Derbyshire lacked a county court of its own. Until 1256 it shared one with Nottinghamshire, which was held by the joint sheriff of the two counties at Nottingham.⁴ The men of the joint county court did not try to purchase freedom from the forest laws for their counties as a whole, but a small number of lords in the forest area between the Derwent and the Erewash in the east of Derbyshire did individually seek to relieve their lands from the restrictions.⁵ Significantly, they did at the same time seek to secure for themselves hunting rights over their own lands, a process which as we shall see was to be repeated by a great many more of them about half a century later when the conditions for doing so had become much more favourable than they were around 1200.

In the spring of 1200, during his first year as ruler, King John passed rapidly through Derbyshire. He was at Bolsover on 30 March, and then at Derby and Burton on Trent on the following day. While at Burton, for a charge of 30 marks (£20) he issued a charter of liberties to Hubert fitz Ralph, lord of Crich, and his heirs. By it, his manor of Crich

and its wood were to be removed from the interference of the royal foresters, effectively excluding it from the forest between the Erewash and the Derwent. Also, the royal control of hunting which had existed there was in future to be vested in Hubert himself. He was to be allowed his dogs and his hunt and hunter, and no-one else was to hunt or have common there without his permission, as if it was not in the forest.⁶ By 3 April the king had moved on to Lichfield, where he made a different kind of hunting grant to William fitz Walkelin, lord of Stainsby, and his heirs: the right to hunt beasts of the warren, wolves, wild cats, hares and otters in Nottinghamshire and Derbyshire. For this, and the confirmation of Henry II's original grant to him of the manor of Stainsby, and the confirmation of the disafforestation of Stainsby wood made by Richard I, which were all made by separate charters on the same day, William paid John a combined fine of 60 marks (£40).⁷ By 7 April the king had reached Worcester, and there made a series of grants to his physician Master Alan of Bolsover, including a life-grant dated 10 April to be allowed to have dogs and to hunt and take hares, foxes, cats and wolves in all the king's lands and forests except his own warrens.⁸ Then, on 11 April, also at Worcester, John granted Ivo de Heriz and his heirs, for 10 marks (£6 13s. 4d.), rights of hunting over his land and wood at Wingfield.⁹ On the same day Wenonwen, the new Welsh lord of the Derbyshire manor of Ashford, was given permission, whenever he travelled to or from the king's court, to have four greyhounds and one bow in the king's forests to take by view of the foresters whatever beasts in season he came across.¹⁰ Finally, at Fulham on 21 April, the king granted to Roger de Sumerville, for 15 marks (£10), the right to hunt foxes and hares in Nottinghamshire and Derbyshire.¹¹

It is unlikely that any of this remarkable series of Derbyshire grants of forest and warren privileges was completely new in 1200, since those to Hubert fitz Ralph, Ivo de Heriz and Master Alan of Bolsover all refer to earlier charters granted by John when, as count of Mortain in the reign of his brother King Richard I, he held Nottinghamshire and Derbyshire between 1189 and 1194 during Richard's absence from England on crusade and then in captivity. The grant to Sumerville was said to have been originally made by letters patent of John as count. The entries in the pipe roll for 1200 recording the fines offered for several of these grants, under the heading 'Fines made before the king', including that to Sumerville, also mention that they were made for confirmations of grants made in the time of Count John.¹² It seems that when he had held the two shires as count of Mortain, John had been generous with grants of forest exemptions and hunting privileges involving beasts of the warren; and that in the first year of his reign the named grantees were simply seeking to renew and strengthen privileges granted to them earlier, in his previous tenure of those shires. This was John's first visit to Derbyshire since taking the throne in 1199, and thus the first convenient opportunity for them to seek new charters from him. It looks as if they heard of his arrival in the county and travelled to catch up with him as he continued on his progress south and west. For the new king himself the accumulated fines clearly represented good business for his Exchequer.

After 1200 no further grants of control over hunting rights in their own lands and woods, or general grants of hunting rights over the whole county, were made in Derbyshire during the remainder of John's reign, when very few were made anywhere else in England. Later in the reign major forest eyres were held, partly in an effort to raise money to finance the recovery of the duchy of Normandy, lost to Philip II of France in

1204. The one held in Nottinghamshire and Derbyshire, as well as elsewhere, in 1212 helped to bring about the crisis at the end of John's reign which led to the issue of Magna Carta in 1215 and the civil war which followed at the beginning of the reign of John's son Henry III. Magna Carta was reissued in revised terms in 1216 and 1217 on behalf of the young king, on the second occasion with a separate Charter of the Forest. The latter promised the carrying out of a process of disafforestation of areas only brought within the forest after 1154. Its implementation was slow and had many setbacks, but it eventually led to the disafforestation of the forest between the Derwent and the Erewash in 1225 and of most of the forest in Nottinghamshire two years later.¹³

The following third of a century saw the enforcement of the forest laws by the government of Henry III over the areas retained in the forest in the two counties. Forest eyres, visits to the county by royal justices commissioned to punish forest offences, were held by Brian de Lisle, probably in 1225; Hugh de Neville and Brian de Lisle in 1229; Robert de Ros in 1240; and Geoffrey de Langley in 1251. In the meantime opposition to some of the elements of the king's rule grew, and came to a head at the revolutionary Oxford parliament which assembled in June 1258. Many of the grievances were brought together in a document usually referred to as the 'Petition of the Barons', preserved in three versions of which two are different versions of the annals of Burton abbey, and which is one of the most enigmatic documents of the whole period of the baronial reform movement between 1258 and 1265.¹⁴ According to a letter quoted in the annals they were 'brought forward under oath' (*sub fidei prolati sunt*) at the parliament, but the chronicle says nothing about who drew them or what became of them, except that a letter giving an account of proceedings at the parliament says that they were 'expounded' (*expositis*) during it.¹⁵ The text represents a collection of petitions from a variety of sources, expressing the interests and grievances of a number of different groups, taken up by the earls and barons who are mentioned as the petitioners in many of the individual clauses, and is seen as emerging from a wider group, including lesser barons and knights as well as the earls and greater barons, assembled at Oxford.¹⁶

During the 30 years following the resumption of grants in perpetuity following Henry III's majority in 1227, 37 lords, 30 of them laymen, secured charters of free warren for at least 121 places in Derbyshire. Such charters had been granted from time to time by Henry I and his successors since the early twelfth century, and gave to the recipient exclusive control of hunting the beasts of the warren, mainly hares and foxes, over his demesne lands which lay outside the royal forest. Although remarkable, these are probably not complete figures, because some charter rolls are missing or have damaged entries (as in the one to William de Wessington in 1252), and, in a few cases, all after 1252, some lords secured such rights over all their (unspecified) manors in the county. John de Grey, Robert de Willoughby, and the heads of the Lincolnshire religious houses at Sempringham and Louth Park all received such charters in respect of their Derbyshire lands. Of those 121 places, about 42, over a third, were in the former forest area between the Erewash and the Derwent, which had been disafforested in 1225. The details of all these grants are given in Appendix I: the places in or, because unidentified, probably in, the former forest areas, are italicised, and all the places except those unidentified are marked on the map. In respect of the charters covering manors in the disafforested area, the implication of the 'Petition of the Barons' that control of hunting had passed from the crown to others in that area seems in Derbyshire at least to be clearly substantiated.

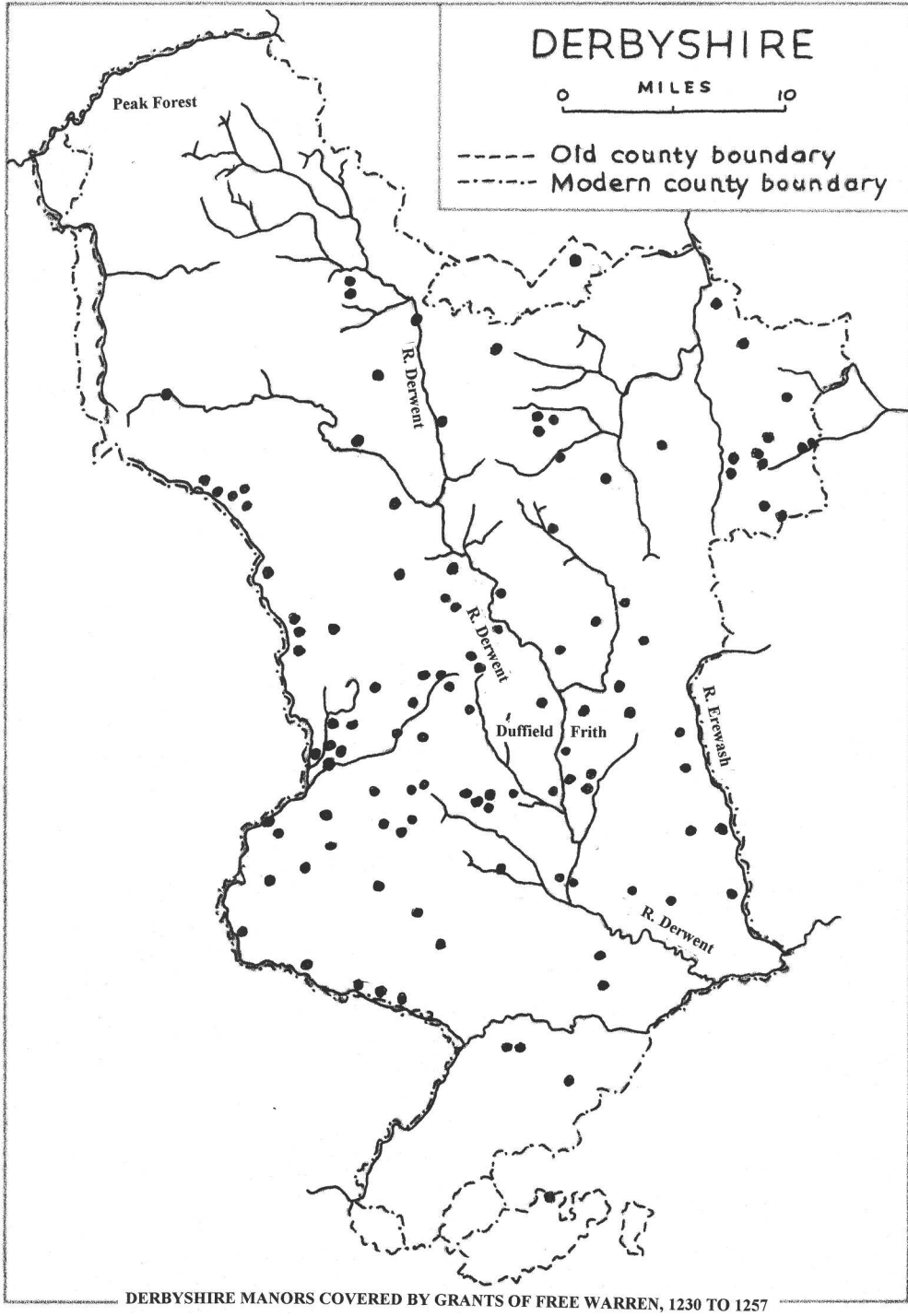


Fig. 1: Derbyshire Manors covered by grants of free warren, 1230-1257.

As in Nottinghamshire, where a similar pattern can be observed, the earlier charters of free warren that were issued were obtained by courtiers who were frequently at the king's side and in a good position to secure his favour. In 1230 Ralph fitz Nicholas, the royal household steward who was sheriff of Nottinghamshire and Derbyshire between 1224 and 1236 and had previously been steward of the earl of Derby, received a charter in respect of Thurvaston, Langley, 'Bruer' and Spondon, all apparently in the area to the west of the former forest between the Erewash and the Derwent.¹⁷ About half the subsequent Derbyshire charters related wholly or partly to manors in the former forest. In 1239 Reginald de Meaudre and Isolda his wife, the mother of Richard de Grey of Codnor, obtained a charter of free warren in respect of Codnor.¹⁸ The next, covering Shirland, was granted to John de Grey, at Bordeaux in Gascony during the king's second Gascon expedition, in 1243.¹⁹ In 1245, at Deganwy during the Welsh campaign of that year, Ralph Basset of Sapcote secured one in respect of Langwith, and another granted to Matthew of Hathersage in 1249 included Hathersage, Barlborough, Killamarsh and 'Hoborn'. The remaining 15 grants in forest areas all took place between 1251 and 1257, 9 of them in just over a year between November 1251 and December 1252.²⁰ Another 15 charters covering only manors outside the former forest area were issued between 1247 and 1257. The last four charters during that period were all granted at Chester in September 1257, when the king visited the military force assembled there in an attempt to overawe the Welsh prince Llewelyn, when four lords with Derbyshire lands, including the abbot of Chester, were among the 21 men who received charters in only four days. When the king was at Darley and then Nottingham at the end of November and in December 1251, the charters to Darley abbey and Robert of Ashbourne were secured with the support of Ralph fitz Nicholas, that for Thomas Tuschet with that of the senior royal clerk John Mansel, and that for Ralph de Frescheville by Peter de Rivaux, who had been the key member of the king's government between 1232 and 1234.²¹ Just after that, the patronage of the influential at court ceased to be important in securing the charters, because in 1252, according to the St Albans chronicler Matthew Paris, warrens were effectively put on sale to whoever wanted them.²² Paris might also have added that there was a big increase in grants of rights to hunt beasts of the warren which began at the same time. There were 72 between the beginning of 1252 and June 1258, whereas there had been only 13 during the whole period between 1229 and 1251. Only one, however, related to Derbyshire: on 5 November 1257 Master Gilbert de Millers, king's clerk, was given the right to hunt foxes, hares, badgers and cats with his own dogs in the forests of Derbyshire and two other counties.²³

The grants of free warren which included places not in former forest areas were also concentrated in the later years of the period. Over half took place in 1252 or subsequently, after the date when the general sale began. All but four were later than 1250, and it is likely that whoever devised clause 9 of the 'Petition of the Barons' was thinking of the deluge of grants made during the 1250s rather the lesser flow during the earlier part of the period since 1227. One particularly important grant was that to William III de Ferrers, earl of Derby, in 1251, which was the first ever issued to any earl and covered no less than 80 places in three counties, 45 of them in Derbyshire, in all but a few cases outside the former forest area. The original charter survives among the records of the Duchy of Lancaster, the later holder of most of the Ferrers lands.²⁴ The grant made him the greatest lay holder of chartered warrens in England. Earlier his father, earl William

II, had held Peak Forest for six of the early years of Henry's reign, from 1217 to 1222, when his stewardship had been very remiss. In the 1251 Peak Forest eyre it was reported that he had treated it as if it were his own and disposed of it as he would.²⁵ In 1261–2 earl Robert III, earl William's son and heir, granted licences of his own to various individuals allowing them to hunt foxes and hares in Needwood and Duffield forests, similar to the licences issued earlier by the crown.²⁶ Nevertheless, the Ferrers family's interest in hunting was to play a part in their catastrophic downfall following the war between the king and the rebel barons in the following decade. In 1264, on dates in July, August and September, after the baronial triumph over the king at the battle of Lewes in May, Robert III led a great company of men from many counties in large-scale illegal hunting of deer in Peak Forest, which was eventually reported in detail long afterwards at the last Derbyshire forest eyre in 1285.²⁷ This calculated insult to the monarch may have contributed to crown's subsequent decision to destroy the Ferrers earldom and take possession of most of its lands, after a long process which began following the rebel earl's capture at the battle of Chesterfield in 1266.

In three other cases it is possible to set acquisitions of Derbyshire charters of free warren in their contexts in the histories of the estates to which they related and the careers of the lords who obtained them. Already in 1200 Hubert fitz Ralph, lord of Crich, had received a charter from King John freeing Crich from the forest laws and giving him control over hunting. In Crich Hubert himself could have his dogs and hunt there, but no-one else was to hunt except by his permission.²⁸ The grant in 1251 of a charter of free warren to his grandson and successor at Crich, Ralph de Frescheville, who succeeded him in 1225, in effect simply confirmed an existing situation.

The chief justice of the forest from 1250 to 1252, Geoffrey de Langley, received two charters of free warren. The second was in 1256 and in respect of the manor of Ashover, which he acquired in 1251 on a 23-year lease transferred from the original lessee, the clerk Walter de Bradley, after it had run for only a year. The lessor was the impoverished Robert de Willoughby, heavily in debt because of his father Ralph's dealings with the Jews earlier in the century; Langley subsequently purchased Ashover outright, probably in 1256 shortly before the charter was issued.²⁹ On this occasion Geoffrey was apparently consolidating his hold on a recent acquisition, acquiring a market and fair there at the same time.

Geoffrey de Childwick, a knight of the royal household and a leading military tenant of St Alban's abbey in Hertfordshire, was in the 1240s one of those involved in a bitter dispute with the abbey about its warren which resulted in several court cases.³⁰ One of them was settled in 1248 when the abbot obtained, for a handsome payment of 50 marks to the king, plus the usual Chancery fees, the first charter of free warren which covered all the recipient's demesne lands in England. As a riposte, in June 1249 Childwick sought and obtained two charters of free warren himself, with his wife Clarice Mansel, daughter of John Mansel the royal clerk, one in respect of his Hertfordshire manors in Childwick and Redbourn, held of the abbey, and another in respect of his Derbyshire ones in Hulland and Mugginton.³¹ The result was a legal triumph over the abbot concerning rights of warren in the two Hertfordshire villages, which the abbot thought were covered by his charter, but the issue of the Derbyshire charter seems to have been an accidental result of the dispute in the southern county.

The overall chronology of the issue of the charters throughout England gives the impression that from 1252 only minimal or even no precautions were taken to ensure that the issue of a charter would not interfere with royal rights. There is a little evidence that in earlier years more care was taken, at least on some occasions, because two inquisitions *ad quod damnum*, taken to ensure that the grant of a warren would not be to the damage of the royal forest, have survived. One is so badly damaged that little can be learned from it, except that it preceded the issue of a charter of free warren to William de Ireby in respect of his manors of Ireby and Glasonby in Cumberland on 13 November 1244.³² The other, taken by the sheriff of Derbyshire following the issue of a writ at Woodstock on 17 June 1250, is much more informative.³³ The jurors concluded that it would not be to the damage of the forest if William de Montgomery were allowed to have a warren in his manors of Marston Montgomery (*Mercinton*'), Cubley and Sudbury because it would be a sufficient distance from all the royal forests in the region, in Derbyshire, Nottinghamshire and Staffordshire. His lands were reported to lie over 16 leagues from the Peak forest, more than 20 leagues from Sherwood forest, and over 12 leagues from Cannock forest; moreover, it was stated, the non-royal forests of Duffield and Needwood lay between his lands and Sherwood and Cannock respectively. In another direction, there was no forest nearer than in Cheshire, more than 30 leagues away.

Montgomery had offered £10 for a charter covering the three manors.³⁴ Despite the fine and the inquisition, it is not certain that a charter was issued, although it has been included in Appendix I as if it had been. The charter roll is very badly damaged and incomplete, while in the Derbyshire eyre of 1281, although William de Montgomery was said to have had a warren in Marston and Sudbury, no charter was produced to support the claim.³⁵ The two inquisitions *ad quod damnum* appear to be chance survivals from a period from which relatively few inquisitions still exist.³⁶ It is unclear whether it was the normal practice for the issue of a charter to be preceded by an inquisition, because the writs ordering them to be held were not enrolled, but it seems unlikely that it was. The fine for the charter to William de Montgomery may have resulted directly from a case brought against him by his neighbour William fitz Herbert and recorded in Michaelmas term 1249 in the Bench at Westminster, after Montgomery had taken and detained two greyhounds of fitz Herbert's in Marston (*Mensington*) wood in 1247. Fitz Herbert asserted that the wood was common and a free chase (*qui communis est ad quemlibet ad chaciandum in eo*), and the sheriff had been ordered to assemble a jury of 12 knights to inquire into it. He had failed to do so, and was ordered to have them in court in January 1250;³⁷ the rolls for that term include no relevant entry and the outcome is unknown. The acquisition of a charter of free warren by William fitz Herbert of Norbury, king's serjeant, in 1252 may incidentally have arisen from this dispute; he did so only a few days after one was given to nearby Tutbury priory.³⁸

By the time the Oxford parliament met in 1258, the legal framework which was to underpin the game laws in England for four centuries, until two statutes of 1671 and 1692 made charters of free warren unnecessary, was firmly in place.³⁹ It had arisen from the political situation in the middle of the century, when the crown's need to raise money combined with the lordly aspirations of so many county knights in Derbyshire and elsewhere served to create the beginnings of a wide network of chartered warrens across England. Thus had begun a process which was to be extended and consolidated

throughout the country during the remainder of the thirteenth century and the first half of the fourteenth.

APPENDIX I: CHARTERS OF FREE WARREN FOR DERBYSHIRE MANORS, 1230 TO 1257

The grants are listed in chronological order, with the names of manors in areas disafforested in 1225 italicised. Where all the lands of a lord in the county were covered by a charter, places which have been identified as encompassed by these terms have been included. *The Place-names of Derbyshire* volumes have been very helpful with some of the more difficult identifications. The page references are to the *Calendar of Charter Rolls*, I, except where (P) appears in brackets after the number; those references are the *Calendar of Patent Rolls 1232–47* or the *Calendar of Patent Rolls 1247–58* as appropriate. There is one reference each to *Placita de Quo Warranto (PQW)* and the *Langley Cartulary (LC)*, and the fine for the Montgomery charter is also included with a reference to the original fine roll. Dates and places of issue given in square brackets are inferred from neighbouring entries in the rolls and may be slightly inaccurate.

Manor(s)	Lord	Date, place	Pages
Thurvaston, [Kirk] Langley, 'Bruer', Spondon	Ralph fitz Nicholas	21 April 1230, Portsmouth	122
<i>Codnor</i>	Isolda wife of Reginald de Meudre, mother of Richard de Grey	2 Feb 1239, Westminster	238,241
<i>Shirland</i>	John de Grey	3 April 1243, Bordeaux	371 (P)
<i>Langwith</i>	Ralph Basset of Sapcote	7 Sept 1245, Deganwy	287
Shirley	James de Shirley	8 Feb 1247, Westminster	312
Hulland, Mugginton	Geoffrey de Childwick and Clarice his wife	16 June 1249, Windsor	342
<i>Hathersage, Barlborough, Killamarsh, 'Hobern'</i>	Matthew de Hathersage	[26–27 October] 1249, ?	345
Marston [Montgomery], Cubley, Sudbury	William de Montgomery	[June 1250, ?]	C 60/47, m. 5
Repton, Ticknall	Clemence countess of Chester	4 Feb 1251, Woodstock	353
Ashford	Griffin son of Wenunwin	4 March 1251, Westminster	353
Yeaveley	Hospitallers	9 Sept 1251, Windsor	366
<i>Ripley, Pentrich, Wessington</i>	Darley abbey	25 Nov 1251, Darley	370
<i>Crich, Scarcliffe, Alvaston, Chellaston</i>	Ralph de Frescheville	1 Dec 1251, Nottingham	371
<i>Bradbourne, Calow</i>	Robert de Ashbourne	4 Dec 1251, Nottingham	371
Markeaton	Thomas son of Rob Tuschet	7 Dec 1251, Nottingham	371

Ashbourne, Weston [Underwood], Bradley, Offcote, Bentley, Thorpe, Mapleton, Parwich, Alsop, Eaton, Hanson Grange, Wensley, Hognaston, Callow, Cromford, Middleton, Carsington, Hopton, Wirksworth, Bonsall, ?Upper Town [in Bonsall], ⁴⁰ 'Mulnefeld', <i>Matlock</i> , Willersley, Hartington, Crowdecote, Buxton, Needham, Wheeldon, [Earl] Sterndale, Hurdlow, Hatton, Duffield, Alderwasley, <i>Belper</i> , Makeney, Windley, <i>Holbrook</i> , Southwood, <i>Heage</i> , Corkley, Ravensdale, Hulland, (New) Biggin, Scropton <i>Ilkeston</i>	William de Ferrers, earl of Derby	14 Dec 1251, Hodsock	373
	Hugh fitz Ralph	10 April 1252, Westminster	384
Haddon, <i>Baslow</i> , [Stoney] Middleton <i>Elmton</i> , <i>Holmesfield</i>	Robert Basset	25 April 1252, Windsor	385
	John de Aincurt	28 April 1252, Westminster	389
Longford	Nigel de Longford	9 June 1252, Westminster	393
<i>Scarcliffe</i> , <i>Palterton</i> , <i>Rylah</i> , <i>Langwith</i> , [<i>Scarcliffe</i>] <i>Grange</i> Doveridge, Marston [upon Dove], Brough, Ednaston, Hollington, Osmaston, Edlaston	Henry de Lexington, dean of Lincoln Tutbury priory	19 June 1252, Sherbourne 25 August 1252, St Albans	393 403
Norbury, Roston, Ash	William fitz Herbert of Norbury, king's serjeant	4 Sept 1252, Bury St Edmunds	403
<i>Wessington</i> , ' <i>Chiltinton</i> ', <i>Heanor</i> , <i>Idridgehay</i> , and others (damaged)	William de Wessington	[15–27 Oct] 1252, Westminster	405
All places in Derbyshire belonging to John de Grey	John de Grey	16 Dec 1252, Clarendon	412
<i>Sandiacre</i>	William de Grey	16 Dec 1252, Clarendon	413
All places in Derbyshire belonging to Sempringham priory [probably <i>Walton</i> ⁴¹ , <i>Wingerworth</i>] ⁴²	Sempringham priory	4 March 1253, Westminster	421
Brough	Thomas Picot of Radcliffe	29 March 1253, Waltham	426
All places in Derbyshire belonging to Louth Park abbey [probably <i>Brampton</i> , <i>Barley</i> and <i>Birley</i>] ⁴³	Louth Park abbey	16 April 1253, Westminster	429
<i>Ockbrook</i> , Elton	William Bardolf	19 July 1254, St Macaire	313(P)

All lands in Derbyshire belonging to Robert de Willoughby [probably <i>Pleasley, Glapwell</i> ⁴⁴]	Robert de Willoughby	3 Oct 1255, Lincoln	450
Atlow	Hugh de Okeover	20 June 1256,?	<i>PQW</i> , 144
<i>Ashover</i>	Geoffrey de Langley	9 August 1256, Westminster	<i>LC</i> , 325
<i>Alfreton, Norton</i>	Thomas de Chaworth	13 Sept 1257, Chester	472
<i>Hallam [West]</i>	Ralph de Cromwell	13 Sept 1257, Chester	473
Repton	Robert de Tattershall	15 Sept 1257, Chester	473
[Little] Chester	St Werburgh's, Chester	15 Sept 1257, Chester	473

APPENDIX II: INQUISITION AD QUOD DAMNUM, 1250

C 142/1, no. 12

m. 1, writ, 17 June 1250, Woodstock

H. dei gratia rex Anglie dominus Hybernie dux Normannie Aquitanie et comes Andegavie vicecomiti Derb' salutem. Precepimus tibi quod per sacramentum proborum et legalium hominum de comitatu tuo per quas rei veritas melius scire poterit diligenter inquiras utrum si concederemus Willelmo de Muntgomeri warennam in omnibus terris dominicis suis maneriorum suorum de Mercinton' Cubeleg' et Sudbir' in comitatu tuo esset ad nocumentum foreste nostre vel non et si esset ad nocumentum foreste nostre ad quod nocumentum esset eiusdem⁴⁵ et inquisitionem inde factam sub sigillo tuo et sigillis eorum per quos facta fuerint nobis sine dilatione mittas et hoc breve. Teste me ipso apud Wodestok' xvij die Jun' anno regni nostro xxxiiij

m. 2, inquisition

Excellentissimo domino suo H. dei gratia illustri regi Anglie domino Hybernie duci Normannie Aquitanie et comiti Andegavie Robertus le Vavasour vicecomes Derb' salutem et quicquid potest obsequi reverencie et honorifice. Noveritis me ad mandatum vestram diligenter fecisse inquisitionem per sacramentum proborum et legalium hominum per quos rei veritas melius scire potuit utrum si concederetis Willelmo de Montegomery warennam in omnibus dominicis terris suis maneriorum suorum de Mercinton' Cubbeleg' et Sudbir' in comitatu Derb' esset ad nocumentum foreste nostre vel non et si esset ad nocumentum foreste nostre ad quod nocumentum esset scilicet per sacramentum Willelmum de Langeford Walteri de Bosco Ricardi le Blunt Ricardi de Folkeshull' Radulfi Gamberun Willelmi de Bosco Thome de Mackeleg' Henrici de Chanbreys Willelmi filius Hugonis Ricardi filius Hormer Hugonis Lagheman et Thome Bussun qui dicunt super sacramentum suum quod si concederetis predicto Willelmo warennam in predictis terris suis non esset ad aliquod nocumentum foreste nostre de sicut foresta dictus comitatus Derb' est inter terras predicti Willelmi et forestam nostram de Pecco et foresta nostra distat de terris predicti Willelmi ex parte illa per sexdecim leucas et amplius et ex altera parte est foresta predicti comitatu que vocatur foresta de Duffeld inter forestam nostram de Schirewod' et terras predicti Willelmi et foresta nostra de Schirewod' distat de terris predicti Willelmi per viginti leucas et amplius et ex tercia parte est foresta predicti comitatu que vocatur foresta de Nedwod' inter forestam

nostram de Kanok' et terras predicti Willelmi et foresta nostra de Kanok' distat de terris predicti Willelmi per duodecim leucas et amplius et ex quarta parte non habetis aliquam forestam propinquiorem quam in comitatu Cestr' que distat de terris predicti Willelmi per tringinta leucas et amplius propter quod predicti juratores dicunt super sacramentum suum quod non est ad aliquod nocumentum aliquarum forestarum nostrarum si concedatis eidem Willelmo warennam ut predictum est. Bene valeat excellencia nostra in domino.

NOTES AND REFERENCES

- ¹ D. Crook, 'The forest between the Erewash and the Derwent, 1154 to 1225', *D[erbyshire] A[rchaeological] J[ournal]*, CX (1990), pp. 93–104
- ² See below, Appendix II
- ³ Summarised in J.C. Holt, *Magna Carta* (second edition, 1992), pp. 60–61
- ⁴ D. Crook, 'The establishment of the Derbyshire county court, 1256', *DAJ*, CIII (1983), pp. 98–106
- ⁵ Crook, 'The forest between the Erewash and the Derwent', pp. 96–97
- ⁶ *Rot[ulij] Chart[arum]*, ed. T.D. Hardy (Record Commission, 1837), p. 42b: et quod habeat canes suos et venatum et venatorem . . . et quod nullus habeat venatum vel venatorem nec aliqua aliam comunam in bosco predicti Huberti de Cruche nisi per ipsum set totam voluntatem suam faciat de predicto bosco suo sicut de illo qui non est inforestatus nec in foresta
- ⁷ *Rot. Chart.*, p. 43: quod . . . habeant canes suos ad capiendum wulpes lepores catos et lutros in predictis comitatibus Notingham et Derb' bene et in pace libere et quiete sine ulla vexatione aut impedimento. The pipe roll gives the sum of the fine as 55 marks, not 60.
- ⁸ *Rot. Chart.*, p. 48: canos suos ad venandum et capiendum lepores et wlpes et catos et lupos per totam terram nostram et forestas nostras nisi in propriis warennis nostris tota vita sua
- ⁹ *Rot. Chart.*, p. 44: quod habeant venatum et venatorem et omnes alias libertates et liberas consuetudines in bosco suo et in terra sua de Winefeld'
- ¹⁰ *Rot. Chart.*, pp. 44–45: quod possit in eundo et redeundo a curia nostra habere iiij leporarios et j arccum per forestas nostras et cape inde per visum forestariorum nostrorum per jorinetam suam cape poterit de bestiis insaysonatis
- ¹¹ *Rot. Chart.*, p. 54
- ¹² *Pipe Roll 2 John*, Pipe Roll Society N.S. XII (1934), pp. 18–19
- ¹³ Crook, 'The forest between the Erewash and the Derwent', pp. 97–101; D. Crook, 'The struggle over forest boundaries in Nottinghamshire, 1218–1227', *Transactions of the Thoroton Society*, LXXXIII (1979), pp. 35–45
- ¹⁴ *Ann[ales]. Mon[astici].*, ed. H.R. Luard (5 vols, RS, 1864–69), I, pp. 439–43; *Documents of the Baronial Movement of Reform and Rebellion, 1258–1267*, ed. R.F. Treharne and I.J. Sanders (1973), pp. 80–81; W. Stubbs, *Select Charters*, 9th edition, ed. H.W.C. Davis (1921), pp. 373–78. For the fullest treatment of the texts, including a detailed list of the variants between them, see P.A. Brand, 'The drafting of legislation in mid-thirteenth century England', *Parliamentary History*, IX (1990), pp. 244–51, 272–73, reprinted in his *The Making of the Common Law* (1992), pp. 326–33, 354–55
- ¹⁵ *Ann. Mon.*, I, p. 444
- ¹⁶ Brand, *The Making of the Common Law*, p. 332; J.R. Maddicott, *Simon de Montfort* (1994), 157
- ¹⁷ *C[alendar of] Ch[arter] R[olls]*, I, p. 122
- ¹⁸ *CChR*, I, pp. 238, 241

- ¹⁹ *Calendar of Patent Rolls 1232–47*, p. 371
- ²⁰ *CChR*, I, pp. 287, 345, 370, 371(2), 384, 389, 393, 405, 413, 450, 472, 473; *Calendar of Patent Rolls 1247–58*, p. 313; *The Langley Cartulary*, ed. P.R. Coss, Dugdale Society, XXXII (1980), no. 325
- ²¹ *CChR*, I, pp. 370–71: ‘at the instance of . . .’
- ²² Matthew Paris, *Chronica Majora*, ed. H R Luard, 7 vols, Rolls Series (1872–83), V, p. 356
- ²³ *Calendar of Patent Rolls 1247–58*, p. 604
- ²⁴ Public Record Office, DL 10/85. All references to unpublished documents are to records held at the Public Record Office.
- ²⁵ DL 39/1/3, especially rot. 12; P.E. Golob, ‘The Ferrers earls of Derby: a study of the honour of Tutbury’, unpublished University of Cambridge D. Phil. thesis (1984), pp.214–19
- ²⁶ Golob, thesis, Appendix I, nos. 244 (Andrew de Jarpunville), 249 (Walter Raley), 250 (Stephen Minors), note 20 (John Wauton)
- ²⁷ DL 39/1/5, p.6
- ²⁸ *Rot. Chart.*, p. 42b. A similar grant was made to Ivo de Heriz, lord of Wingfield, a few days later: *ibid.*, p. 44
- ²⁹ *Langley Cartulary*, p. xiii and nos. 325, 329, 336, 362, 367, 522; P.R. Coss, ‘Sir Geoffrey de Langley and the crisis of the knighly class in thirteenth century England’, *Past and Present*, no. 68 (1975), pp. 8–12
- ³⁰ D. Crook, ‘Charters of free warren and the petition of the barons, 1227 to 1258’, forthcoming in *Thirteenth Century England*, VIII.
- ³¹ *CChR*, I, 342
- ³² C 143/3, no. 36; *CChR*, I, p. 281
- ³³ C 143/1, no.12. The writ and inquisition are given in full in Appendix II
- ³⁴ C 60/47, m. 5
- ³⁵ *Placita de Quo Warranto*, ed. W. Illingworth (Record Commission, 1818), p. 141
- ³⁶ Only two more such inquisitions survive from among the much larger numbers that exist for the rest of the thirteenth century, both from early in the reign of Edward I: *List of Inquisitions Ad Quod Damnum*, I, Public Record Office Lists and Indexes XVII (reprint, 1963), pp. 7, 9. Only the first resulted in a charter: *CChR*, II, p. 198
- ³⁷ KB 26/135, rot. 9; *Curia Regis Rolls*, XIX, no. 314, forthcoming
- ³⁸ *CChR*, I, p. 403
- ³⁹ P.B. Munsche, *Gentlemen and Poachers: the English Game Laws 1671–1831* (1981), pp. 13–14
- ⁴⁰ K. Cameron, *The Place-names of Derbyshire*, English Place-name Society, XXVII–XXIX (3 vols, 1959), p. 246
- ⁴¹ *Victoria History of the County of Lincoln*, II, ed. W Page (1906), p. 186
- ⁴² Historical Manuscripts Commission, *Manuscripts of the Duke of Rutland*, IV (1905), p. 54
- ⁴³ *Chronicon Abbatie de Parco Lude*, ed. E. Venables and A.R. Maddison, Lincolnshire Record Society (1891), pp. xxix, 64–67
- ⁴⁴ *The Cartulary of Darley Abbey*, ed. R.R. Darlington (2 vols., 1945), pp. 368, 374, 411; *The Glapwell Charters*, ed. R.R. Darlington (1957–59), no. 109; *Langley Cartulary*, nos. 329, 336, 362, 367
- ⁴⁵ Interlined