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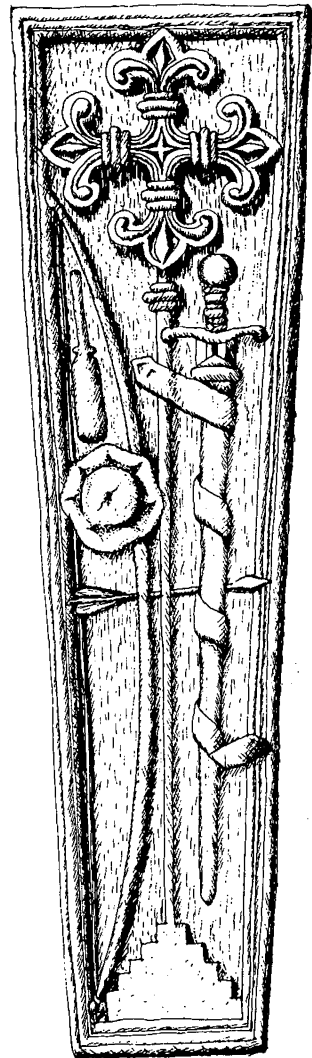
### DURHAM PALATINATE FOREST LAW AND ADMINISTRATION, SPECIALLY IN WEARDALE UP TO 1440

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THE PURPOSE of this paper is to outline the way in which Forest Law, that royal prerogative in the rest of England, was administered separately by the Prince Bishops in their Palatinate of Durham. Very few rolls of the Durham Forest Courts survive at local or any other level. Although other documentation is relatively plentiful, the evidence is so formal and fragmented that many points can be discussed only tentatively and may never admit any final solution.

In order to appreciate the activities of the Forest Courts within the Palatine of Durham, one needs to glance briefly at the practice of Forest Courts outside it. Legally a forest was simply an area under Forest Law. It might be populated, or not, and whether it was tree covered, or not, was immaterial. At its most extensive in the thirteenth century, before the perambulations of 1297-1300 reduced and fixed the previously-expanding boundaries, Forest Law applied to about one quarter of the area in England,<sup>1</sup> in which its provisions affected the daily lives of the inhabitants in a manner hard to imagine today. On these areas its provisions literally left their mark, as settlement, land clearance and tillage were artificially delayed to the chagrin of those who wished to extend cultivation. The object of Forest Law was to protect the vert and venison, that is the grass, trees and other cover and the game living and feeding therein, for the benefit of the sovereign or of his grantee. Besides hunting

Grave cover of an unknown forester, now preserved in the Chapel of the Nine Altars, Durham Cathedral. It dates from about 1300 and is possibly that of Gilbert de Scaresbeck, Chief Forester of Bishops Bek and Kellaw. Drawing by Rosanna Tooley, B.A.(Int.Des.).



for sport, forests yielded valuable meat, timber and fuel supplies and cash from fines for exemptions and from punishments.

Hunting was a passion with the Norman and Angevin kings (and aristocracy) and under them Forest Law was administered with vigour. The death of Rufus while hunting in the New Forest was seen by contemporaries as a judgement of God. Forest Law was a *leet* jurisdiction, a royal and arbitrary law, hardships under which could find no redress at common law.<sup>2</sup> It was set out principally in the Assize of Woodstock, 1184 and the Charter of the Forest of 1217, although Henry I already had a highly organised forest system.<sup>3</sup> The Charter, among other things, sought to mitigate restrictions on forest clearance for cultivation and grazing and to discontinue death and mutilation as punishments. Fines, exactions in kind or imprisonment, remained as retribution. Whatever the rolls of the royal Forest Courts show as to the oppressive, or otherwise, application of Forest Law, on offenders who actually came to trial, its reputation was bad. It was resented, according to chroniclers, such as Henry Knighton and Roger of Howden, as much as later were transportation and the metal man-traps used to encourage obedience to the game laws of the eighteenth and nineteenth centuries.<sup>4</sup>

Forest Courts in the rest of England were courts of attachment almost entirely, for fines theoretically up to only 4d could be levied there. (4d represented one year's rent for an acre of land in various parts of County Durham in the twelfth to fifteenth centuries.) The *verderers* or *foresters* met every six weeks, forty days or three months, according to the area, to investigate, usually through local juries, reports of offences. They dealt with minor cases and took security from, or imprisoned perhaps for years, those bound to attend trial when the next Justice Seat, or *Eyre* of the Forest Justices, took place. In some areas *Swainmote* Courts were held separately to regulate the grazing in forests, but usually it was found more practical to deal with all the lesser forest business together.

Cattle were debarred from forests for part of the year, lest pressure on grazing drive off deer. This annual closed season was known as the winter haining and it lasted from about 11 November until 23 April. Other creatures limited were geese, sheep and goats. The type of grazing which featured in Forest Law was usually *agistment*, that is grazing regulated and paid for according to the number and types of animals. It was permitted, in common, in areas in forests not enclosed by the lord (such as parks, reservations for the lord's own stock, plantations and other *improvements*). *Agistment* might take place between the feast of St. Edmund (9 June) and 15 days before Holy Rood Day (that feast being 14 September). Thereafter pannage of pigs was allowed until Martinmas (11 November). Due to shortage of beech and oak trees, pannage payment was rare in Weardale. During the short period of June to November, the *agisters* (not a separate office from the foresters in Weardale) were to meet 3 times, at *swainmotes*, to regulate the intake of animals, particularly in the fence month, fawning time, taken as 2 weeks on either side of midsummer day (24 June).<sup>5</sup> In Weardale extra keepers were brought in then, as *watchers*, to ensure the deer were undisturbed.<sup>6</sup> In royal forests the *agisters'* arrangements were to be supervised by Forest Justices, but in Weardale the Chief Forester

and his four under-foresters probably regulated the grazing unsupervised, as this function is not mentioned in any commissions of Durham Forest Justices.

The Royal Forest Eyres were much disliked as having a reputation for meting out harsh punishments on individuals and communities, often on flimsy evidence. Local verderers had much discretion, as Forest Law was open to wide interpretation and opportunities for corruption and local vengeance were rife.<sup>7</sup> After 1283, for ease of administration, the Royal Forest Justices were divided into two groups, for north and south of the River Trent. In theory they made a circuit every three years, but in practice those awaiting the circuit in gaol often waited longer. It was all too easy to misunderstand the local verderers' view of Forest Law anywhere in England, as to exact boundaries, or in the collection of fuel or building timber, or in the clearance of land for improved grazing or ploughing, the type of animals allowed to graze, their numbers, the exact dates of permitted grazing and other activities, the location and height of fences, the types of working dogs allowed, all irksome restrictions, let alone in the catching of any game for the pot. Even up to the seventeenth century in Weardale Forest, dogs had to be small enough to pass through a stirrup and fences might be high enough to contain sheep but not deer.

The progress of Forest Law in the Palatinate of Durham followed over the centuries, a slightly different path from the rest of the country. The Royal Forest Justices did not operate in the Palatinate except in times of a confiscation or of a vacancy in the See. For the supervising of his local Forest Courts, the Bishop of Durham might appoint his own groups of special Forest Justices, which he did until about 1385, to determine cases brought forward by the Chief Forester from local Forest Courts, or from other local courts which handled forest presentments. Otherwise the Bishop could refer such cases to his other Justices appointed for general purposes. Another course could be to appoint a Chief or Master Forester with full power to hear and determine all forest cases. This latter course he did not take until 1436, the very end of the period in question. The Bishop usually had need to copy the practice of the Royal Forest Courts neither with regard to frequency of meetings, nor restrictions as to monetary value and severity of cases handled, nor in supervisory procedure, but as most Bishops had been royal administrators, parallels were not surprising. Nor need the Bishop of Durham necessarily fear the jealousy of another franchise holder, should he ever choose to use his Chief or Master Forester and his Forest Courts, as agencies for the exercise of the Bishop's other privileges, or for purposes beyond Forest Law. The Bishop's Chief Forester came to be given extra responsibilities not given to royal foresters, such as charge of iron, lead, or coal mines, claypits, quarries of slates or grindstones in forest areas, if not let out separately, together with valuable discretion in granting tenements or grazing rights beyond what was normally allowed under Forest Law, useful patronage in building up the Chief Forester's own following. He might hold office for years on end. The powers and independence of the Chief or Master Foresters eventually caused the practice of Weardale Forest Courts to develop differently from such courts beyond the Palatinate. This adaptability, or bastardization, aided their long survival beyond the period now under consideration.

Having sketched the background to the organization of Forest Law outside and inside the Palatinate of Durham, its development from Norman times onward, inside the Palatinate, will now be treated.

*Norman beginnings to the death of Bishop Bek in 1311*

The men appointed to the Bishopric of Durham, a restive border diocese, were warriors and statesmen, proud of power and its symbols of privilege. One of these was indulgence in the sport of hunting, sport of kings, dignified in the law of the land and in minstrelsy. Mention of hunting and of forests often occurred in their charters and inquisitions, among services to be rendered and episcopal rights to be safeguarded.<sup>8</sup> Very little is known about the treatment of offences against Forest Law between Tyne and Tees before the end of the thirteenth century, neither the seriousness of cases dealt with in the local Forest Courts, nor the amount of supervision from above. Henry I was sending out royal justices on circuit from 1130 onwards and Henry II began the Eyres of the Forest. Bishop Geoffrey Rufus of Durham had been Henry I's Chancellor. His servant, the poet Lawrence of Durham, described the hawking and splendid hunts then held in the forests of the See.<sup>9</sup> Royal interference in Durham through Justice Eyres in general was resisted in several ways, with various degrees of success, by different Bishops of Durham. Lapsley, Scammel and Fraser have dwelt upon the Bishops' claims to judicial independence and the persistent realities of royal power to intervene.<sup>10</sup>

In 1107 or shortly before, Henry I issued a charter which prohibited anyone from hunting in the forest of Rannulf Flambard, Bishop of Durham, either in Northumberland or in Durham, without the licence of the Bishop. In the same charter he warned by name, Guy de Balliol, Lord of Bywell, whose lands adjoined upper Wear-dale, that this prohibition included him also. Henry continued to say that "if anyone shall presume so to hunt, he shall pay me as large a fine as if he had been hunting in my New Forest".<sup>11</sup> This makes it clear that at this stage there were demesne forests in Northumberland and Durham in the hands of the Bishop of Durham, subject only to the King's overriding jurisdiction. A little later, in 1109, Henry granted Flambard a charter in which Henry reserved to him and his successors, Bishops of Durham, the forests between Tyne and Tees.<sup>12</sup> In view of the 1107 grant this one strongly suggests that the Bishops of Durham now had full powers over all the Durham forests, but not the Northumberland ones. On Richard I's first Pipe Roll, the fines for forest offences came from counties skirting round the Tyne - Tees area.<sup>13</sup> They came from Northumberland, Cumberland and Yorkshire. When, about 1198, King John confirmed to Philip de Poitiers, Bishop of Durham, the woods of Cliffe and Crayke in Yorkshire, it was with exemption from the jurisdiction of the royal forest officers.<sup>14</sup> It was perhaps an odd exemption standing alone, unless it meant simply that these woods were to be held on the same terms as the Bishop's others between Tyne and Tees. Certainly the reservations expressed in episcopal charters and the evidence in "Le Conventit", the agreement between the Bishop and Prior of Durham which includes descriptions of the behaviour of the Bishop's foresters

about 1228, all join in suggesting that their effective power went far beyond the mere 4d fine or attachment to await a royal eyre.<sup>15</sup>

The wording of the Commissions of the Royal Justices of the Forests throughout the thirteenth century supports the view that the Bishop of Durham was exercising final jurisdiction in Forest Law. Robert de Ros was from 1236, Chief Justice of the Forests in Nottinghamshire, Derby, Yorkshire, Lancashire, Northumberland and Cumberland.<sup>16</sup> Certainly he came north and acted in Northumberland.<sup>17</sup> Other commissions which do not list the counties (and none include Durham) specify Justice of the *King's* Forests north of the Trent.<sup>18</sup> The Tyne-Tees forests were the Bishop's. The name of the Bishop of Durham does not apparently figure on any lists of those sent word to co-operate with the King's Forest Justices. Arguing from silence is dangerous, but in this case the omission from the printed Calendars of Patent Rolls is consistent. For the year 1302 there survives a Durham Assize Roll which shows clearly that Bishop Bek's Justices had been determining Forest cases.<sup>19</sup>

Bek's reputation for high-handedness in matters including Forest Law, is illustrated in the tale of his haunting by the ghost of his rascally Chief Forester, Black Hugh of Pountchardon, when hunting red deer in Galtres, Yorkshire. Bek's conduct led to a petition from certain men of the Palatinate to Edward I for redress. The liberty of Durham was taken briefly into royal custody and the grievances were heard before the King's Justices.<sup>20</sup> The petition showed among many other matters, that Bek's ministers had been imprisoning and imposing fines for forest offences, of amounts more than 4d (the limit of a court of attachment), judging by the objection taken. But what the petitioners objected to was not the Bishop's action in punishing fully for forest offences, but that he had extended the stricter procedures of Forest Law as applied in forests, to cases from the areas of the free chase, where it was easier to escape punishment for poaching. He had also been extending the boundaries of the free chase, of which more will be said later. Thus in effect Bek had been enlarging the boundaries of areas subject to Forest Law. The Bishop of Durham's right to full forest jurisdiction was not challenged. The objection was only to his mode of applying it.

Having considered the extent of the Bishop of Durham's rights to exercise Forest Law, its operation on the ground will now be considered over the same period.

The Boldon Book, originally compiled about 1180 at the behest of Bishop Hugh de Puiset, gives in rents and services, an idea of the elaborate scale of the hunts in the Bishop's principal forest of Weardale and reflects the care in regulating hunting areas. Briefly the temporary buildings to be provided during the great hunts comprised a hall 60 ft by 16 ft, a chapel 40 ft by 15 ft, a kitchen, larder, buttery for drink storage, hound kennel, chamber and privy.<sup>21</sup> Other services included provision of litter for ground cover indoors, carriage of goods and venison, ropes, hounds and attendance at hunts and during the fawning and rutting seasons. Interestingly the hounds specified were not liams nor brachetts but "*leporarii*", greyhounds<sup>22</sup> which were dogs which hunted by sight rather than by scent and were used in areas where cover was sparse. The deer hunted then were roe.

Bishop Hugh is well known to have gloried in hunting and his charters bristle

with safeguards to his forest rights and the competence of his forest administration brought clashes with Durham Priory.<sup>23</sup> Pannage payments and fines in the Bishopric Forest Courts for three parts of 1197, when the Bishopric was in the King's hand, produced only £47.18.2. For comparison in Hampshire in 1176 the Royal Eyre produced £2093.10s from about 100 forest offenders, stored up over some years. The Chief Justice of the Royal Forests accounted for profits of justice of £444 in 1204 and £1245 in 1209.<sup>24</sup> Obviously there could be a rich source of income from fines and licences, on the judicial side of the administration. Puiset's charter to Gateshead implied a frequency of presentments in Durham regional Forest Courts around 1169.<sup>25</sup>

In Weardale, Puiset acquired Wolsingham in exchange for Chopwell and exchanged part of Muggleswick, but saving his forest rights, for Hardwick. He confirmed to the Hospital of St. Giles, near Durham, in about 1180, grazing at Rookhope in Weardale Forest and an iron mine there.<sup>26</sup> On account of the wolves, the brothers were granted the privilege of exemption from the forest regulation of hambling or lawing of dogs, that is the cutting off of three claws on the forefoot, which prevented dogs from harrying deer. This privilege they were to enjoy at Rookhope (near which occurs the place name Wolf Cleugh) as well as in their vaccary, or cattle farm, which they already held in Weardale. This mysterious vaccary, perhaps at West Blackdean (a prime spot which the Lumley Master Foresters later succeeded in annexing to their office), is probably the earliest grant of long-term, year-round grazing in the Forest of Weardale. This solitary exemption in Weardale suggests that wolf hunting with dogs was then necessary. Increase in stock keeping within the Forest would encourage systematic destruction of wolves. It is not known when the Bishops themselves had begun to keep stock in Weardale Forest. Although keen hunters, the Norman Bishops were often away and would not leave an asset lying idle.

After the death of Bishop Philip de Poitiers in 1208, King John, who had troubles on the Scottish borders, left the See vacant until his death in 1216 and its revenues in his own hands. The accounts for the years 1208–12 survive, including the forest revenues.<sup>27</sup> In these years John spent some time fighting around Norham on the Scottish border and brought to the Bishopric, his falcons and thirty-three greyhounds. It is impossible to believe that such a keen huntsman did not seize joyfully the chance to hunt in the Bishopric's principal forest of Weardale. One of the men involved with John's greyhounds was Adam de Merlai, a Weardale name, as well as that of the barons of Morpeth. The proceeds of the forests (including iron but not lead mined in Weardale Forest) were, in 1208 (June–November) £87 3s 5d, next full year £93 4s 9½d (annoyingly this includes Howden Ferry profits, 106s 8d next year) next full year £105 17s 11d, next £129 10s 2d, next £130 7s 3d. When figures are next available for one year about 1305, the sum was £180 for issues of the forest accounted for by Gilbert de Scaresbeck.

In the 1211–12 Pipe Roll and in no other of the surviving accounts 1208–12, appears the sum of £25 6s 8d for the "custom of Waisdie" which must mean Weardale, wrongly copied by a distant clerk. In later documents the Weardale customary tenants are the only ones mentioned separately in this way. This is the earliest reference yet

found to the custom of Weardale, which began as occasional and seasonal pasturing at the discretion of the agisters or foresters, depending on the numbers of deer in the area and the Bishop's other plans for the herbage. Pressure on feed would cause deer to move from Weardale to nearby Teesdale or Allendale. The forest boundaries were not physical, indeed even contemporaries were doubtful of their exact placing. Hay and grazing were required also for the Bishop's own farm stock in the dale. Perhaps King John, having enjoyed the hunting at the beginning of the vacancy and now called to troubles elsewhere, allowed his receiver, Philip de Ulecote, to let paying graziers into the forest, at the season set by Forest Law not to inconvenience the game. When the next figures survive for seasonal grazing in Weardale, in 1438-9, the payment was £35 4s 8d paid for the grazing of about 1500 animals, cattle, sheep and horses. Proportionally the 1211-12 amount represented 1070 animals, if agistment rates had remained the same.

In 1217 another royal Chancellor, Richard Marsh, became Bishop. He and his successor, Richard Poore had their differences with Durham Priory over Forest Law enforcement.<sup>28</sup> In the vacancy between Marsh and Poore, the episcopal venison was hunted and salted for the use of the King's Justices by a royal huntsman, Master Guy. One hundred marks worth of dead wood from Weardale Forest was granted to the Dean of St. Martin's, London, an amount it can scarcely have yielded.<sup>29</sup> Bishops Farnham, Kirkham, Stichill and Bek continued involvement with succeeding Priors over grants and reservations of privileges in forest areas.<sup>30</sup>

Under Bishop Anthony Bek, 1283-1311, the episcopal forest administration became more controversial than it had before or was again. Bek the magnificent delighted in horses, hounds and hunting. His chief contribution to Weardale was the founding of Stanhope Park (no reference to which appears before his time), which probably he had stocked with fallow deer. On Bek's death the royal receiver accounted for payment to two parkers of Stanhope Park at 1d each per day.<sup>31</sup> It was complained against Bek, in the petition which led to his sequestration, that all free men should be allowed to hunt all game including venison, outside the free chases and the Bishop's Parks. Bek agreed, provided that they followed no game which had just been flushed from the Bishop's chase. Complaint was expressed that the proper procedures in cases of poaching in the free chase (which were slightly different from forest procedures) had been abbreviated and imprisonment imposed on the word of a forester alone. Suitors of court had not been consulted in assessing damage done and fines had been disproportionate. Access to timber for repairs and fuel was also an issue. Bek was asked that the boundaries of the free chase should not be greater than in King John's time, but made no reply to this point. The main difference between a Royal Forest and a Chase was that the former had Forest Courts and the latter had not. In the Palatinate this distinction was blurred because the Bishop had forest jurisdiction between Tyne and Tees. The nearest to chases in Co. Durham were the Lanchester, Chester-le-Street and Gateshead areas, where forest business occasionally cropped up in other local courts and Forest Courts were hardly held before the fifteenth century, when the Master Forester's courts had power to attach, hear and determine. These complaints concerning Bek are about the only uses of the word

"chase" met in work on this paper. The Bishop preferred "forest" where he had wider powers.

An additional clause in the petition shows Bek to have been increasing the numbers of his foresters and to have had two Master Foresters. The former were criticized for having ridden about on horseback, a prerogative thought fitting for the Master Forester only—and for taking more than the usual corn dues. Bek insisted on his right to appoint as many foresters as he liked, on horse or on foot. There also appeared a complaint that Bek had made appropvements in the free chase, by appropriating land where people had hitherto exercised their common rights. Even after Bek's restoration he was accused in Parliament at Carlisle in 1307 of waste in the forests and chases of the Bishopric, but died before more action was taken. His stretching of his rights under Forest Law was due not only to his love of money and hunting, but also to his own stock raising. In 1304 or 1305 Roger Skra accounted for £50 profits from stock kept in the Bishop's Forest. Bek certainly kept a great many horses in Weardale, more than he needed for hunting. After Bek's death Edward II desired a hundred mares and a hundred three-year-old colts from the Weardale stud for his own use, to be exempt from those possessions of Bek destined to pay off Edward's debts to the Ballardis of Lucca.<sup>32</sup> Flambard had kept a large stud too, perhaps in Weardale Forest, once losing five hundred to wolves, if we are to believe Lawrence of Durham.

*From 1311 to the situation after Bishop Langley's death in 1437*

In December 1311 Bishop Richard Kellaw appointed, during pleasure, two chief custodians of forests such as Bek's tenants had resented. They were William de Brakenbury and John Baudre junior, custodians of all Kellaw's forests, accounting for payments and profits to Durham Exchequer. Their successor was Gilbert de Scaresbeck again, in 1314, as warden of all forests in the liberty of Durham.<sup>33</sup> Kellaw followed this up by a general sentence against poachers in his Parks.<sup>34</sup> It was lengthy and impressive, threatening excommunication of all poachers, saving only the King and Queen. This suggests that despite Bek's efforts to ensure punishments, conviction in the Palatinate Forest Courts was an insufficient deterrent.

The hunting area of Weardale Forest was further reduced, in July 1313, by Kellaw's grant to Greatham Hospital of a vaccary at Swinhope, near the west gate of Stanhope Park, saving existing common rights on part of the area.<sup>35</sup> At this stage and a little later, the main human and animal encroachments on upper Weardale, as revealed in the Bishopric estate records, were as follows (although archaeologists and geographers may discover more). The Bishop had Parks at Wolsingham, Stanhope and Wascrop and various pasture grounds including Burnhope, where the Bishop's instaurer or stockman was based the following century. The Prior of Durham had vaccaries and a Park at Horsleyhope, Wascrop and Muggleswick. Kepier Hospital (St. Giles), Flambard's foundation of 1112, had had grazing at Rookhope and a vaccary elsewhere in Weardale by 1195. Soon Bishop Hatfield was to engage in further stock farming. All these grants were to permanent self-perpetuating institutions in the ecclesiastical circle. In 1444 the Almoner of Durham Priory was paying for a



hundred acres and Sherburn Hospital for forty acres at Rookhope, where St. Giles Hospital no longer seemed to hold anything.<sup>36</sup> Durham Priory held several other bits of land of the Bishop in or near Weardale Forest in 1338-44, also at East Blackdean and Burnhopesfield 1387-8 and Ayhope Shield by 1441.<sup>37</sup>

Interestingly, the first lay grant of a vaccary in Weardale Forest was to a woman, Dame Alice Neville in 1373. That year, John de Belgrave, Chief Forester of Weardale, granted to her three of the Bishop's existing vaccaries at Wearhead, East Blackdean and Middle Blackdean, for her life and one year more.<sup>38</sup> She died in 1374 and East Blackdean passed briefly to the Priory. With these grants, a permanent population besides the Bishop's demesne herdsman, was moving into an area once reserved for the beasts of the chase. Besides these year-round occupiers, the Chief Forester would be allowing the customary letting of summer grazing, usual under Forest Law and glimpsed in the 1211-12 account and which reappeared on a similar scale in the fifteenth century, as soon as the accounts of the Master Forester began to survive. The Greatham grant showed that certain other rights of common also existed in Weardale Forest. It is not known when St. John's Chapel was built. The Boldon Book describes the temporary chapel of the great hunts, but the first definite mention was in 1465, when the Prior's Steward, Robert Rodes, was permitted to make a chantry within the Chapel there.<sup>39</sup> This infiltration forced the Forest Courts in Weardale to take more cognizance of humans than of game, a gradual reversal of the most prominent feature of the application of early Forest Law. In 1314 a trespasser in Stanhope Park was simply pardoned.<sup>40</sup>

Kellaw showed much more care for his forest rights everywhere, at Crayke and Chopwell and by resisting Edward II's pressure to install his nominees as foresters at Lanchester and Howdenshire and in the saving clauses of his widespread grants of warren.<sup>41</sup>

In 1327 Weardale Forest suffered from the presence of the armies of the Scots and Edward III.<sup>42</sup> The Scots camped within Stanhope Park. On their final departure they left dead many of the Bishop's deer and many black cattle, probably also from episcopal stock.

Edward III's tutor, Richard de Bury, Bishop of Durham 1333-45, was not noted as a huntsman, but in 1336-7 he permitted his Vicar-general, John de Wytcherch and companions to hunt in Weardale and had bread sent up to them from Auckland.<sup>43</sup> Bury appointed or reappointed Richard de Whitparis as Chief Forester of the Bishopric for life in 1341, but Whitparis soon died before rendering account.<sup>44</sup> Weardale Forest was certainly understaffed in 1343 as William de Beliers alone was made Keeper of Stanhope Park, in place of the two previous keepers. He was to do the work of both and receive the pay of both, which had doubled to 2d each per day since Bek's time. Beliers was still there in 1372 and confirmed for life.<sup>45</sup> Like his predecessors, Bury used Weardale for cattle raising.<sup>46</sup> It is not known when the first under-foresters for Weardale were appointed. Very probably Flambard appointed them, to uphold the advantages granted to him in 1107 and 1109.

Bishop Hatfield in his first year in Durham, 1345, began by appointing four Justices to inquire into all breaches of Forest Law.<sup>47</sup> His next appointment of similar Justices

was twelve years later and not confined to forest offences. Merlin thieves in Weardale in 1378 were excommunicated.<sup>48</sup> Hatfield appointed foresters or parkers, most of whose names are known, for Chester Ward, Broadwood, Gateshead, Frankland, Evenwood, Bedburn, Wolsingham, Roughside, Wascrop, Auckland, Chester-le-Street, Stanhope and Weardale in County Durham and for Choppington and Fenwick in Northumberland. John de Belgrave, yeoman, became Hatfield's Chief Forester of the Bishopric. On 22 September 1366 in an inner room at Auckland manor, he swore his oath of office, to the Bishop in person, in Norman-French, in the presence of Roger de Fulthorp and others. He was empowered to bestow lengthy grants of forest grazing, subject to the Bishop's approval and had influence in the choosing of the under-foresters who received their patents from the Bishop.<sup>49</sup> Many of Hatfield's forest officials held for life, doubtless treating the positions as sources of income, like the keepership of Wolsingham Park, but Belgrave swore to perform the duties in person and to seek permission if wishing to sell his place, as the foresters in the Royal Forests north of the Trent had to swear in 1390.<sup>50</sup>

Hatfield's main interest in Weardale Forest was as a cattle raising area, on a scale virtually precluding hunting. He visited Wolsingham in 1370, but whether to inspect his herds or hunt is not known. In 1381 he had 936 cattle of all ages there and 258 horses.<sup>51</sup> On Hatfield's death, John de Popham, a sometime Chief Forester, had them herded temporarily into Stanhope Park, which must have had a profound effect on the deer there.

From Hatfield's time survive the earliest rolls of another of his courts, the copyhold or Halmote Court. These are of interest as they dealt with areas such as Wolsingham, Chester-le-Street and Lanchester which lay also under Forest Law, a situation also found outside Durham.<sup>52</sup> Men of the townships of these areas were, at least in later days, jurors in both courts. As the jurisdiction of Forest and Halmote Courts overlapped in some respects, such as the taking of timber, it would not be surprising to find areas of confusion and co-operation, as when Chester-le-Street Halmote, in 1359, fined a Whickham man 12d for impleading a man in a Forest Court and jurors at a Lanchester Halmote consulted a forester about fire damage to timber there in 1355.<sup>53</sup> Apart, however, from one doubtful example, no forester *ex officio* made a presentment in a Halmote of Bishop Hatfield; contrary to later practice, when Halmotes imposed fines on the presentment of a forester. In Weardale Forest, which included Stanhope Park and lay west of the present Eastgate village, the Bishop of Durham held only Forest Courts, no Halmotes or any other manorial court, meaning that the sole courts were faced with a task to which they had to adapt, that of regulating the activities of an increasingly human population. Hatfield made more grants in the Weardale area, both to women, of the herbage of Wascrop Park and some lead mining.<sup>54</sup>

The areas where Bishop Puiset had loved to hunt the roe were becoming full of activities liable to drive away game, except such as the fallow deer enclosed and tended in Stanhope Park, though even in the Park some smelting was done. The red deer, later documented at Burnhope, were not enclosed, but encouraged to resort there by winter feeding. The hunting season for the hart and buck (male of red and fallow

deer) was 24 June–14 September, for the females, hind and doe, 14 September–2 February.

After some fifteen years as Chief Forester, Belgrave had to resign his office to John de Popham, Hatfield's nephew and holder of at least seven wardships besides.<sup>55</sup> Specifically for his fidelity as Chief Forester of the Bishopric, Belgrave was released from court actions pending against him, suggesting that high appreciation of his zeal had not been universal.<sup>56</sup> His name had been omitted from three Forest Law Commissions.<sup>57</sup> Certainly Belgrave had not had the full support of his staff. Three years before he resigned, pardons were granted to 32 men for offences against Forest Law in Weardale.<sup>58</sup> They included John de Burdon, Keeper of Auckland Park, John Betonson, Keeper of Bedburn and later Evenwood Parks and one of the Weardale foresters, Adam Batmanson another Weardale forester, Richard de Whitchurche and Walter de Brantingham, successive Chester-le-Street foresters, William Forester, Keeper of Gateshead Park and William Marley, junior, later Keeper of Wolsingham and Wascrop Parks and forester of Roughside. (The Bishop's four main Parks were Stanhope, Wolsingham, Evenwood and Auckland, stocked in 1457 with 200, 140, 100 and 100 fallow deer respectively.) With irregularities committed by a large proportion of those supposed to enforce the law, forest administration had reached a low ebb.

Not long before Hatfield's death in 1381, the survey of the Bishopric Estates, bearing his name, was begun. One is struck by the lack of change shown from the Boldon Book in treating of hunting and forest rights and dues. Of all Hatfield's later forest officials, only Burdon, Marley and Batmanson figure in the Survey. Apparently only these three were men who lived in the areas of their employment. Marley, for instance, rented the herbage of Wolsingham Park and he and his father had about a dozen other holdings around Wolsingham and Stanhope, including Wolsingham Mill.<sup>59</sup> On so few men and those supposed to render brief forest services, Hatfield had depended. They were influential locally and little checked by a Chief Forester with interests elsewhere.

This was the state of affairs when Bishop John Fordham arrived in 1381. One of his first actions was to confirm Popham's assignment of his office to Sir William Fulthorp.<sup>60</sup> Although Fulthorp had been a Justice, he was not, as Chief Forester, given full powers to hear and determine forest offences. The following year a commission of Justices headed by the Bishop's Steward was sent to inquire into forest offences committed in Weardale Forest and Stanhope and Wolsingham Parks.<sup>61</sup> Fordham made new forest appointments of substantial local men, such as Fetherstanhalgh and Emerson as Stanhope Parkers and one Weardale forestership for life to Richard Merley.<sup>62</sup> He made other appointments at Auckland, Frankland and Whickham. Fordham was probably the last Bishop of Durham to appoint separate Forest Justices.

His successor was Bishop Walter Skirlaw. He retained Fulthorp as Chief Forester, with power to devise the Weardale lead mines, but in the Bishop's later years Fulthorp required guarantors that he would settle his accounts and arrears.<sup>63</sup> Skirlaw's was an aging staff, five of his main forest officials had held office over 20 years, in person

or very likely by deputy. Perhaps having observed that new appointments did not lead to better observance of Forest Law, Skirlaw used on nearly a dozen occasions, a method new in Durham for this purpose, the recognizance in Durham Chancery, as opposed to in a local Forest Court. Substantial men bound themselves to forfeit cash if others failed to abstain from taking the Bishop's game in any of his forests or parks, or failed to behave in a civil and law-abiding fashion towards the Bishop's foresters and keepers. The inflicting of the punishment, for poaching and assault on keepers, was thus not left entirely to Forest Justices, nor was it inflicted on only the perhaps poverty-stricken offender. On just one occasion did a group of guarantors contain any forester or parker and then the suspects were similar officials.<sup>64</sup> These groups of guarantors could well have been formed from jurymen from Forest Courts. In the few Weardale Forest Court Rolls which survive (and these are Tudor-Stuart era) the jurymen made the presentments, although no doubt the foresters made them suggestions. These recognizances reflect the collective support desired by Bek's petitioners, some ninety years before. Good behaviour was guaranteed, in these recognizances, by sums larger than the fines obtained in the Forest Courts of Weardale, even in the sixteenth century. To have made the keepers responsible for the good behaviour of any poacher they might catch, would have been enough to prevent them from identifying any.

Skirlaw's successor in 1406, Bishop (Cardinal) Langley, was a conscientious administrator. On 11 June 1408, like Kellaw and Hatfield, he threatened excommunication for a forest offence, in the Churches of Stanhope, Wolsingham, Auckland and Middleton-in-Teesdale.<sup>65</sup> A fire had been raised in Weardale at the "Belledbanc subtus le Pykedstane", that is the sheltered bank under Pikestone, perhaps High Pike on Windiside Fell, within the jurisdiction of the Master Forester. Mainly heather had been destroyed, but also oaks and other tender trees "in numero excessivo", a rare mention of tree cover. (Stanhope Park never produced timber sufficiently well-grown for building as Wolsingham Park did.) On 9 and 10 August 1408 Langley was in Weardale, probably on a tour of inspection.<sup>66</sup> Significantly soon after, on 29 December 1408, Chief Forester Fulthorp was summoned to Langley's manor of Wheelhall in Yorkshire with his accounts and arrears and was soon replaced, although not disgraced.<sup>67</sup> Langley is not known to have hunted in Weardale Forest, although in 1438, those bound to provide the service of lodges in Weardale Forest, declared they were ready to do so if asked, suggesting the service was not quite obsolete. Langley did hunt round Auckland and Wolsingham, where he invited the Prior to join him in 1418-19. The Prior's expenses were a modest 14s 5d.<sup>68</sup>

The new Chief Forester of Weardale and supervisor of Evenwood and Auckland Parks was Robert Strangways, of a family Langley had known in the Manchester area, at a salary of 10 marks per annum. His patent of 1410 did not detail the responsibilities.<sup>69</sup> Perhaps for good service, he was granted on 20 April 1419, a most valuable first time grant of all the herbage of Stanhope Park (about 10 miles round), plus the rough grazing of the adjoining fells, Middlehope, Swinhope, and Westernhope. Among the many careful provisions of the grant, the "sauvage" or cover for the deer was to be fostered and maintained. No types of animal were to

be grazed there except those permitted under forest custom. The ten buildings in the Park, the names of which all ended in -shele, were not to be let. These were first built early in Langley's time, when only a little non-deer grazing had been allowed and were used by the two keepers for tending the deer and repairing the Park wall. (The bishop employed more keepers per head for his venison than he did for his beef.) By this period he employed four foresters in Weardale besides the two keepers and the Chief Forester. Strangways, as Chief Forester, held courts of attachment and imposed fines there for straying beasts. Those men attached for taking venison went before the Bishop's Justices in Durham, such as Robert Stobes of Weardale.<sup>70</sup> In his grant of Stanhope Park, the Bishop took occasion to remind Strangways that the fines incurred in the Forest Courts, for strays, accrued to the Bishop, even if the strays belonged to Strangways. Perhaps Strangways, who had no previous legal experience, had been a little irregular in his procedures. During his Chief Forestership the Wolsingham Halmote dealt with several matters which in other days the Chief Forester had, or would have, handled.<sup>71</sup> In November 1410 the Wolsingham court demised to John Newton, clerk, a shele in Weardale called Hertshened [?Harthopburn in Weardale Forest] which Thomas Hexham had in life, at the ancient rent. Later an iron miner was fined there, for failing to produce ore contracted to the Bishop. Strangways' patent had not given him power to demise year-round in the forest or to control mining there, but fining for illegal woodcutting was so basic a duty of any forester, that one is surprised to find the Wolsingham Halmote jury fining for the cutting of an ash tree within Stanhope Park, undoubtedly the Chief Forester's territory. There was business to be done in Weardale Forest by some court. Either the Wolsingham Halmote or the Forest Courts in Weardale would have to expand. It could well have been the former, which could and did impose fines up to 40s, far more than the latter could. E. Wright has shown that in the royal forests there were Manorial Courts dealing with offences between man and man while in the same area offences between man and vert and venison were dealt with in Forest Courts.<sup>72</sup> The difference in Weardale Forest was that the Bishop was Lord of the Manor as well as holder of the Forest franchise. Perhaps it was because of the standing of the virtually hereditary Master Foresters, the Lumleys, after 1437, that the two functions of Manorial and Forest Courts coalesced in the Forest Courts. This was aided by the enlarged powers of the Lumleys' patents, powers of demising and to hear and determine all forest cases.

While the Forest Courts were functioning rather ineffectively, Langley felt obliged to make a practice of taking recognizances in Durham Chancery for their good behaviour, of his forest officials on their appointment, as well as from non-office holding suspects. Thomas and Adam Robinson Emerson, the two Keepers of Stanhope Park and their sons Robert, John and Thomas obviously failed to keep the Park faithfully, to prevent damage to vert and venison and to report delinquents.<sup>73</sup> Even an awe-inspiring summons to Auckland Manor, to make an oath to Langley in person in presence of the Chief Forester Strangways, failed to work.<sup>74</sup>

The inadequacy of the Forest Courts and the Wolsingham Halmotes to keep order in this period, among those who had settled in the dale, is reflected in a feature of

Weardale life which Durham Chancery Rolls show was peculiarly characteristic of Weardale. It was the occurrence of serious disagreements or feuds between individuals or groups, to solve which, arbitrators, including the Chief Forester were appointed.<sup>75</sup> If arbitration failed the Bishop's Steward would decide and recognizances would be taken.

Year-round settlement was late in moving into Weardale Forest, because, apart from Pennine weather and terrain, there were the restrictions of Forest Law. Archaeological remains and place names show human settlement there before it became a Norman Forest. It is not known if Weardale Forest was then depopulated. If a pre-existing population in the Forest, or lower in the dale, had operated common grazing in the area, these arrangements would probably have been regulated by the Chief Forester. Roger Pychard's charter of 1310 contained common rights of pasture in Weardale Forest<sup>76</sup> and the Greatham grant of 1313 safeguarded common rights outside the west gate of Stanhope Park. In Weardale the Chief Forester, by the fifteenth century, was much more occupied with the care of the vert rather than of the venison; with grazing regulation for the majority of interested parties, than with game keeping and venison raising for the Bishop's table. Occasions of detected poaching were not common and episcopal hunts even rarer.

It was in connection with consultation over seasonal grazing that Manwood used the phrase "custom of the forest". The usual period in Weardale for this customary seasonal grazing, so long as the needs of the deer were respected, seems to have been from St. Helenstide (3 May) for the half year to about Michaelmas (29 September). At about these two dates "Foster alias Swainmote" courts were held. It is not known how frequently Forest Courts were actually held in Weardale. In 1438-9 seven were held,<sup>77</sup> but by the end of the century the Lumley Master Foresters, with their new regime, usually held two each year, at Easter and Michaelmas. As long as the overwintering restriction of Forest Law was enforced in Weardale Forest, all-year-round settlements were out of the question, except for the Bishop's own stockmen and those either affluent, or influential enough, to buy or be granted exemption. The religious houses, with virtually permanent grants from the Bishop, paid their rents to the Coroner, or free rent collector, of Darlington Ward. The seasonal, customary graziers paid their dues to the Master or Chief Forester. Although the earliest year round grants were made by the Bishop, some Chief Foresters from 1341, were permitted to make year-round grants for terms of years, of grazing by area of ground (in contrast to seasonal agistment, per head of animals). Long term grants were not to the Bishop's advantage as they impeded hunting, prejudiced payments for renewals and exemptions and restricted mining. Grazing granted each year to different graziers in different parts of the Forest enabled the Bishops to check settlement in the dale and keep options open. Year-round grants once begun in large numbers, would in practice be hard to eliminate, if that were desired.

The pattern of occupation, at the end of the period up to 1440, in Weardale Forest and in episcopal deer parks beyond, as revealed in detail in the earliest surviving Master Forester's account, 1438-9, is most interesting. There were then still about 28 holdings, "tenur", in Weardale Forest being let out on a year by year basis,

for the grazing of particular numbers of beasts, specified as cattle, sheep or horses. Most, if not all, of the grantees were already copyholders from the townships of Stanhope or Wolsingham, which lay outside the Forest, east of Eastgate. The payments for grazing are set out in the account in the way that the usual customary payment for pannage is set down, significantly without the use of the words "firma" or "per annum", which appear often elsewhere in the account. A typical entry is "and for 40s received from William Blackburn for a certain holding called East-blackdean with pasture for 60 cattle and 30 sheep, on these terms, to him, let out this year" (*sic sibi dimissa hoc anno*). Many of these holdings are named -shele, which usually means a summer grazing ground with buildings fit for temporary occupation. The reason for specifying animal breeds was because some animals graze closer than others, thereby putting different pressures on the herbage. The names of the 1438-9 seasonal grazing grounds were as follows:—Heatheryclough, Crookford, Burtrewellknöt, Burtreeford, Blackclough, Wearhead, Westerblackdean, Easterblackdean, Middleblackdean, Huntshieldford, Ireshopeburn Hole House, Ireshopeburn Poperd Hill, Ireshopeburnmouth, Erynwell (Earnwell or ?Greenwell), Westerharthopeburn, Easterhartopeburn alias Daddryshield, Harthopeburnpinfold, Dirtpotshield, West Ramshaw Well, East Ramshaw Well, Shallowford, Fallowhirst, Smailsburn, Great Hanging Wells, Little Hanging Wells and one illegible, possibly Rookhope. The names show that the boundary of Weardale Forest was not then the same as the later county boundary, as Dirtpot is now inside Northumberland. Ramshaw is about 3 miles north of Rookhope, Fallowhirst has not yet been identified, it was one of the largest, about 240 acres. The other largest were Great Hanging Well, Daddryshield and the three Blackdeans, each with grazing for 60 cattle and 30 sheep, paying 40s. Altogether about 1000 cattle, 500 sheep and a few horses were being grazed. On the unimproved pasture of 1438, but in these relatively sheltered spots, these holdings probably represent about 4000 acres of ground. The standard payment was 8d for grazing one cow and half a sheep.

The process of change from the summer grazing of counted animals as regulated by Forest Law, to allowing an occupant to run as many animals as he wished, all the year, was well under way by 1438. The grazing of the Bishop's Parks was almost completely let to farm, with no restriction being placed on animal numbers. The periods of letting of some Parks were, however, still controlled. Bedburn and Auckland were still being let for half year periods, these being the traditional summer period May-Michaelmas and the winter seven months. Stanhope Park, which Strangways had held from 1419 on a lease of fourteen years at a maximum, was still being renewed to him from year to year.<sup>78</sup> The pasture known as Burnhopshele had very recently been decontrolled as to numbers grazed. In the "tenur" section of the 1438-9 account, it is noted as having been let out in the past for 50 cattle and 30 sheep but as having been recently let to farm, together with the Scorehope of Burnhope, for a term of years and therefore to be looked for in another section of the account. (Farm is used in the strict sense—payment of a fixed sum of money.) This lease<sup>79</sup> of Burnhope and the Scorehope shows an interesting half way stage between the control of numbers and breeds and the allowing of an occupant complete

freedom. In it the numbers of animals are not limited, but the breeds are. Horses of all types were permitted and other animals (*i.e.* cattle) but not sheep, goats and pigs. Although the demise was for 20 years, the Bishop's Master Forester was to check to see that the vegetation (*sauvage*) was not unduly damaged.

The larger areas of pasture in Weardale Forest such as Kilhope, Welhope, Middlehope, Swinhope and Westerhope moors, which had earlier been agisted (controlled animal numbers) had by 1438 had this agistment let to farm to individuals, although this was done mainly for a year at a time, it meant in practice that direct control by the Master Forester of this grazing had passed away. This agistment was probably the origin of the stinting arrangements still practised in Weardale.

The Bishop was enjoying the rents of forest land, rather than enjoying the occasional hunt and the profits of Forest Law, or using it as demesne pasture for his extensive but fluctuating herds. The Chief Forester was becoming responsible mainly for rents, where once he had performed specialized work. Obviously the best grazing areas, such as Parks and sheltered places, would be most in demand for lengthy periods of letting. Even fifty years after 1438, when virtually all the properties, the controlled "tenur", had been let to farm and offered for year-round occupation with less limit on beasts, even then occupation was not permanent. The names of tenants still changed every year or few years, certainly more often than once in a lifetime. There were periods when holdings were empty because no-one wanted them. There were half-year lets, reduced rents to keep a tenant, or even instances of the Bishop's stockmen using up the vacant grazing. In 1438 there was little point in observing the winter haining for deer in some areas, when such preservation had been abandoned on neighbouring land.

Forest administration in 1440 had reached an interesting point for new developments. The old institutions of Forest Law were already much modified. Assarting (forest clearance for cultivation) had not been a point of issue in Weardale Forest, as what woodland there was did little to impede grazing, nor did the altitude of the land make it suitable for much cultivation.<sup>80</sup> The Master Forester was still, in 1438, responsible for collecting, where he could, certain traditional payments. In North and West Auckland there were some small fixed dues, "assis' sub langege' of obscure origin. In the same area firepennies were due, probably for fuel gathering rights. The Bishop's tenants at Lanchester, Chester, Auckland, Wolsingham, Ryton and Whickham owed woodhens, a payment in lieu of 662 fowls (once woodcocks) due at Christmas. This was still being collected at West Auckland in 1667. There was also cockshots, probably a licence to net woodcocks, a privilege no-one had taken up in 1438-9. These dues belonged to a previous order and were becoming harder to collect. Although punishment for poaching remained an important responsibility of future Master Foresters, henceforth their duties lay in the regulation of people, domestic animals and rents, not with the wild birds and the beasts of the chase.

Thomas Lumley's patent as Chief Forester was dated 2 May 1436. Its terms were much wider than those of earlier Chief Foresters and Lumley was a man of greater standing in the Palatinate, than his predecessors had been. The duration of the patent was, wisely, during pleasure. The experiment worked and two days before his death,



Langley confirmed the appointment for life on 18 November 1437.<sup>81</sup> Sir Thomas Lumley became Chief Forester of Weardale, supervisor of all the Bishop's Parks, mines and forges. He was given power to determine forest cases, which meant he could enlarge the sphere of influence of the Weardale Forest Court and use it as an instrument in local government in a way it never had been before. He had power also to demise the herbage of Weardale Forest and of the Parks and the mines, by supervision of the Chief Steward. This power of admitting tenants to holdings in the Forest and Parks would be most valuable to the Chief Forester in building up his own following in Weardale, as it would be regulated in his own court. The Lumleys already had their own estates elsewhere and they came to treat the Weardale Forest Court as another manorial court for considering the offences of their tenants, against both Forest Law and their neighbours. The consequences of this, for Weardale, lie however, outside the period to which this survey has been confined.

### NOTES

<sup>1</sup> A. L. Poole, *From Doomesday Book to Magna Carta*, p. 28 and M. Bazeley, *The English Forest in the Thirteenth Century*, in Transactions of the English Historical Society, Series 4, 1921.

<sup>2</sup> M. Keen, *The Outlaws of Medieval England*, p. 26.

<sup>3</sup> Texts of 1184 and 1217, Stubbs, *Select Charters*. H. A. Cronne, *The Royal Forest in the Reign of Henry I*, in Essays in Honour of James Eadie Todd edited by H. A. Cronne and C. R. Young, *English Royal Forests under the Angevin Kings*, in Journal of British Studies, vol. XII no. 1, 1972.

<sup>4</sup> Knighton's and Roger of Howden's *Chronicles* are in the Rolls Series. For the effects of Forest Law in Cheshire and in the Forest of Dean see H. J. Hewitt, *Mediaeval Cheshire* in Chetham Society, vol. 88 and C. Hart, *The Verderers and the Forest Laws of Dean*.

<sup>5</sup> John Manwood, *Treatise on the Forest Laws* 1615 edition, p. 80 *et seq.* (section on agistment).

<sup>6</sup> Surtees Society (S.S.) vol. 25 *Boldon Book*, pp. 28–30, services include deer watching.

<sup>7</sup> Newcastle upon Tyne Records Series vol. II, *Northumberland Pleas*, pp. xv–xvi and 122–30. Holdsworth, *A History of English Law*, vol. I, 3rd edition, p. 103, complaints of malicious foresters in the 1306 *Ordinatio Forestae*. John de Crombwell who was King's Justice of Forests north of the Trent and many of his staff, were suspended for their trespasses in 1331, *Calendar of Patent Rolls* (C.P.R.) 1330–34, p. 200.

<sup>8</sup> S.S. vol. 179, *Durham Episcopal Charters*, pp. 131, 155 and 162. S.S. vol. 58, *Foedarium Prioratus Dunelmensis*, pp. 182n, 183n and 184n. Hutchinson, *History of Durham*, 1785 edition, vol. I, p. 190. There is a summary of the forest, hunting and other services due in the Boldon Book in the *Victoria County History of Durham*, (V.C.H.) vol. I, pp. 317–21.

<sup>9</sup> S.S. vol. 70, *Lawrence of Durham*, pp. 18–21.

<sup>10</sup> G. T. Lapsley, *The County Palatine of Durham*, 1900. J. Scammel, *The Origin and Limitations of the Liberty of Durham* in English Historical Review (E.H.R.) 1966 and C. Fraser *Prerogative and the Bishops of Durham 1267–1376*, E.H.R. 1959.

<sup>11</sup> AA<sup>4</sup>, 7, pp. 52–3, “si aliquis super hoc presumpserit graviter mihi emendebit sicut fugaret in nova foresta mea.”

<sup>12</sup> Surtees, *History of Durham*, vol. I, pp. cxxv–cxxvi.

<sup>13</sup> Young, *op. cit.*, p. 8.

<sup>14</sup> Hutchinson, *op. cit.*, vol I, 1784 edition, p. 189.

<sup>15</sup> S.S. vol. 58, pp. approx. 230–50.

<sup>16</sup> C.P.R. 1232–47, p. 169, 27 Nov. 1236.

<sup>17</sup> Newcastle upon Tyne Records Series vol. II, pp. xv–xvi and 122–30.

<sup>18</sup> C.P.R. 1247–58, p. 550, 20 April 1257.

<sup>19</sup> C. Fraser, E.H.R. 1959.

<sup>20</sup> For the ghost of Galtres see Surtees, *op. cit.*, vol. I, p. xxxivn, for the petition, *Registrum Palatinum Dunelmense* (R.P.D.) Rolls Series, vol III, p. 41, translation p. 550. The Close Roll version

is in the same vol., pp. 61 and 555 also C.P.R. 1301-7, pp. 71 and 149.

<sup>21</sup> S.S. vol. 25, *Boldon Book*. For a translation and analysis by G. T. Lapsley see V.C.H. vol. I, pp. 259-341. Richard I had a similar hunting lodge in Staffordshire see Poole *op. cit.*, p. 299. The Bishop of Durham's castle at the Westgate of Stanhope Park may have been built by Bek on the site of a previous temporary lodge. Westgate castle, two-floored in parts, contained nine rooms, only one more than the lodge of the Boldon Book. See also J. L. Drury, *Westgate Castle in Weardale*, Trans. Arch. and Arch. Soc. of Durham and Northumberland. New Series vol. IV. Another hunting lodge site in Weardale could be Lodgefield near Earnwell.

<sup>22</sup> S.S. vol. 25, p. xliii Puiset's charter to Bassett.

<sup>23</sup> G. V. Scammell, *Hugh de Puiset*, p. 216 and R.P.D. vol. II, pp. 1283-6.

<sup>24</sup> G. V. Scammell, *op. cit.*, p. 216-17 and S.S. vol. 25, p. iv. For Hampshire, Poole, *op. cit.*, p. 33-4, for 1204 and 1209, Young, *op. cit.*, p. 9.

<sup>25</sup> G. V. Scammell, *op. cit.*, p. 231 and S.S. vol. 25, p. xl. Germanus de Cowesby was Puiset's Chief Forester.

<sup>26</sup> S.S. vol. 95, *Memorials of Saint Giles*, p. 199.

<sup>27</sup> S.S. vol. 25, pp. xiii-xxiv and xxxiii, accounts 1208-12 and c. 1305. Canon Greenwell and the anonymous author of *A General View of the Tenures in the Palatinate of Durham*, p. 19, accepted that "Waisdie" means "Weardale".

<sup>28</sup> S.S. vol. 58, pp. 182-3n, 216-17 and approx. 237-47.

<sup>29</sup> V.C.H. vol. II, p. 377.

<sup>30</sup> Hutchinson, *op. cit.*, vol. I, p. 206 and S.S. vol. 58, S.S. vol. 162 *Records of Antony Bek*, p. 301 and R.P.D. vol. IV, p. 71.

<sup>31</sup> R.P.D. vol. IV, pp. 89-93.

<sup>32</sup> R.P.D. vol. IV, pp. 524 and C.P.R. 1307-13, p. 332.

<sup>33</sup> R.P.D. vol. I, pp. 114 and 551.

<sup>34</sup> *Ibid.*, pp. 161-5 Generalis Sententia Contra Ingredientes in Parcos.

<sup>35</sup> R.P.D. vol. II, pp. 1225-6, Greatham grant.

<sup>36</sup> Durham University of Palaeography and Diplomatic (Pal. and Dip.) Church Commission (C.C.) 190212, Account of the Coroner of Darlington Ward.

<sup>37</sup> *Durham Account Rolls* S.S. vol. 99, pp. 200, 202 and 206 and vol. 100, p. 314 and Pal. and Dip. C.C. 188785 Account of the Collector of Wolsingham.

<sup>38</sup> *Appendix to the Thirty-Second Report of the Deputy Keeper of the Public Records* (D.K. 32), Calendar of Chancery Rolls of Bishops Hatfield and Fordham, p. 266.

<sup>39</sup> Public Record Office, London (P.R.O.) Durh. 3/48 Bishop Booth's Chancery Roll m. 18 no. 95. Many Durham Chancery Rolls have been calendared in the appendices to the D.K. Reports.

<sup>40</sup> R.P.D. vol. I, p. 506.

<sup>41</sup> R.P.D. vol. I, p. 189, vol. II, pp. 1283-6, vol. IV, pp. 411, 491, 493, 497, 505, 508 and 526.

<sup>42</sup> *Chronicles in the Rolls Series*, Knighton, p. 445, Melsa vol. II, p. 356, Murimuth, p. 53, Walsingham vol. I, p. 191 also Froissart, Johnes edition 1806, vol. I, pp. 57-64.

<sup>43</sup> S.S. vol. 32, p. 208 Account of the Bailiff of Auckland.

<sup>44</sup> R.P.D. vol. III, pp. 343, 358, vol. IV, pp. 272-3, D.K. 33, p. 100 and royal confirmation C.P.R. 1343-5, p. 433.

<sup>45</sup> R.P.D. vol. III, p. 363 and Prior's Kitchen, Durham Dean and Chapter Muniments (P.K.), Bishop Hatfield's Register f. 50.

<sup>46</sup> S.S. vol. 33, p. 209 Instaurer's Account.

<sup>47</sup> D.K. 31, p. 147 Chancery Rolls of Bury and Hatfield.

<sup>48</sup> W. Fordyce, *History of Durham*, vol. I, p. 667.

<sup>49</sup> D.K. 31, p. 163, forestership subject to approval of Master Forester.

<sup>50</sup> P. K. Hatfield's Register f. 46v, Belgrave at Auckland. His royal confirmation for life, C.P.R. 1354-8, p. 533. Royal Foresters to act in person, C.P.R. 1388-92, p. 338. Wolsingham Park's two parkerships granted to Bury's household servant Mackay, C.P.R. 1343-5, p. 41.

<sup>51</sup> S.S. vol. 9, *Scriptores Tres*, p. cliii. Fordyce, *op. cit.*, vol. I, p. 632.

<sup>52</sup> E. Wright, *Common Law in the Thirteenth Century English Royal Forests* in *Speculum*, vol. 3, 1928.

<sup>53</sup> P.R.O. Durh. 3/12 Hatfield's Halmote Court Book f. 239v-240 and f. 106v.

<sup>54</sup> D.K. 32, pp. 366-7.

<sup>55</sup> *Ibid.*, pp. 267, 294 and 285.

<sup>56</sup> *Ibid.*, p. 268.

<sup>57</sup> *Ibid.*, pp. 285 and 279.

<sup>58</sup> *Ibid.*, p. 269.

<sup>59</sup> S.S. vol. 32, pp. 61, 66, 67, 68, 71 and 73. The grant to William de Merley jun., as keeper of Wolsingham and Wascrop Parks and Forester of Roughside, received royal confirmation, C.P.R. 1381-5, p. 30.

- <sup>60</sup> D.K. 32, p. 312.
- <sup>61</sup> *Ibid.*, p. 308.
- <sup>62</sup> *Ibid.*, pp. 312 and 321. For their holdings see S.S. vol. 32.
- <sup>63</sup> D.K. 33, pp. 85, 72 and 76.
- <sup>64</sup> *Ibid.*, p. 58 Merleys, other suspects, pp. 45, 49, 59 and 72.
- <sup>65</sup> S.S. vol. 164, section 80. *Bishop Langley's Register*.
- <sup>66</sup> R. L. Storey, *Thomas Langley and the Bishopric of Durham*, itinerary in the appendix also S.S. vol. 164, sections 92-4.
- <sup>67</sup> P.R.O. Durh. 3/34 Langley's Chancery Roll m.4d.
- <sup>68</sup> P.K. Bursar's Account 1418-19.
- <sup>69</sup> Strangways' patent P.R.O. Durh. 3/34 no. 23, his lease Durh. 3/35 no. 42, his arrears £98 Durh. 3/38m.2, his pedigree, Raine, *History of North Durham*, pp. 227-9.
- <sup>70</sup> D.K. 33, p. 195.
- <sup>71</sup> P.R.O. Durh. 3/14 Langley's Halmote Court Book, pp. 379, 545 and 711. At Chester-le-Street there was a dispute over an enclosure made in the forest by permission given in the Halmote Court about 1345. R.P.D. vol. IV, p. 337. In 1413 the problem there was solved by disafforestation.
- Anon. *A General View of the Tenures in the Palatinate of Durham*, 1887, pp. 38-9.
- <sup>72</sup> See footnote 52.
- <sup>73</sup> D.K. 33, pp. 91, 153, 154, 181 and 195.
- <sup>74</sup> S.S. vol. 169, pp. 74-5. *Bishop Langley's Register*.
- <sup>75</sup> D.K. 33, pp. 106, 151, 159, 177, 185, 195 and 209.
- <sup>76</sup> S.S. vol. 162, pp. 173-4.
- <sup>77</sup> Pal. and Dip. C.C. 190030 Master Forester's Account 1438-9, the earliest surviving.
- <sup>78</sup> *Ibid.* and *Early Settlement in Stanhope Park*, AA<sup>5</sup>, 4, p. 139.
- <sup>79</sup> P.R.O. Durh. 3/37 m.12 no. 13. 26 April 12 Henry VI.
- <sup>80</sup> For assarting in the Auckland and Evenwood areas temp. Bek, see C.P.R. 1313-17, p. 558.
- <sup>81</sup> P.R.O. Durh. 3/36 m.11 no. 54 and m.14 no. 68. I wish to thank for their advice and encouragement my colleagues Richard Britnell, John Fagg, Gillian Ivy and David Loades of Durham University, also W. N. Peart of Wearhead, Herbert Peart now of Darlington, William Morley of Warden Hill, Malcolm Metcalfe of Westgate and my late grandfather Walter Morley once of Eastgate.

