

THE WOODS OF WHERWELL ABBEY

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ABSTRACT

This article traces the problems faced by the Abbess and convent of Wherwell in their woodlands during the middle ages through the evidence presented in the abbey's unedited cartulary BL Egerton 2104a (WC) together with evidence found in the forest & general Eyre rolls at the PRO and the Winchester Muniment collection as well as other published sources. In particular it is going to focus on two areas of dispute, 'vert' in the 13th century and 'venison' in the 14th century. The conflict culminated in two extreme claims. On the one hand the king's foresters were to assert that the Wherwell woods were demesne woods of the crown, on the other, successive abbesses insisted that Harewode was not in the royal forest at all. The king placed Harewode within the forest of Chute.

A second point of interest is what the material tells us about the cartulary itself. The 14th century climax to these struggles coincided with the compilation of the cartulary, for in the middle of the 14th century the Abbey of Wherwell decided to re-organize its muniment room and delegated to one man the task of copying all its scattered charters into one volume. It therefore seems probable that the task was undertaken in response to the desperate efforts of the abbess and her officials in the 1350s and 1360s to find the evidence to support their claims within the jumble of charters in their possession, and suggests how the cartulary of Wherwell Abbey itself came into being.

INTRODUCTION

One of the principal points in this paper is the deterioration in management of the royal forest in the 14th century. This point was noted by Turner at the beginning of the century, and more recently by Grant, Young and Stagg. The Wherwell evidence adds weight to these findings. Meanwhile

there has been a tendency to assume that the controversies over the forest were bitterest in the 13th century, and that over the next hundred years a degree of peace was established. There seems to be a consensus that Edward II's careless attitude to the forest was followed by a stable period during the reign of Edward III. McKisack, for instance, says that 'by the 14th century forest law is no longer a national grievance', and that 'the long struggle for disafforestation ended when Mortimer and Isabella said that Edward I's perambulations should be read as definitive' (McKisack 1959, 207). Ormrod barely mentions the forests in his biography of Edward III, though he notes that 'inevitable complaints' about forest officers continued (Ormrod 1990, 162). In Wherwell's case there is evidence both of on-going conflict over forestation and complaints against forest officers. This reflects the content of the parliamentary rolls which record numerous indignant petitions (Grant 1991, 159–168; RP II, 10, 239, 311, 313, 331, 335; III, 17, 18 etc). The possibility that conflict persisted, or even developed during the later middle ages is the particular focus of this paper and is of special interest in Hampshire which had more royal forests than any other county and remains one of the most wooded counties in England today.

THE ORIGIN AND LOCATION OF THE FOREST

Naturally it would be of great help if we knew the extent of the abbey's woodlands at the time of the foundation around AD 986. Unfortunately the account given in the cartulary is undated and recounts the legend of the foundation only, giving no details of the original bequest (WC 58, f.43).

The colourfully embroidered tale about the foundation told by William of Malmesbury is only marginally more informative (WC 356, f.154; MA II, 636; Liveing 1912, 16). We appear to get clarification in a petition in French which sets out the abbey's ancient claims to be excluded from the jurisdiction of the ministers of Chute Forest (WC 353, f.152). The powerful bias of the document, however, makes it an unreliable source and it belongs to the 14th century, by which time 450 years had passed since the abbey's foundation. In any event it is vague about the boundaries. It just specifies 'a wood that is called Harewode'.

Sounder historical evidence can be found in the charter made by Ethelred in 1002. This confirms the abbey's existing possessions but it does not mention any woods (WC 1, f.15; MA II, 637). It is clear that at this period there was no need to be precise about boundaries. That need only became necessary in the Norman and Angevin periods when the expansion and organisation of the royal forest put pressure on woods in private hands. Accordingly the Domesday Book is slightly more specific, acknowledging that the abbey held a wood in Wherwell worth 25 swine and 'woodland for fencing' in Tufton and Anne (DB 4, 15-17).

There are no charters in the cartulary to indicate that the abbey was granted new woodlands in the 11th, 12th, 13th or 14th centuries, suggesting that the boundaries remained fairly static. If anything they were diminished through assarting. After the dissolution of the monasteries the abbey held 'the whole wood in the county of Southampton which is called Harewode, containing 600 acres in addition to 'Upyn Copse' which it describes as containing 220 acres (MA II, 640). This copse is clearly marked on the map of today as part of Harewode. The map shows that the forest amounts to around 800 acres. This is predominantly oak woodland with hazel coppice, rising gently above the meadows which bound the River Test. Perhaps it was always so.

In addition to Harewode Forest, the abbey held Abboteswode whose location is obscure. Some records also name the woodlands of Stonehanger, Anne and Eastover, but almost all the evidence that is covered in this article concerns Harewode.

STATUS OF HAREWODE FOREST

In the 12th and 13th centuries the issue of forest boundaries was one of the bitterest causes of tension between the crown and its subjects, and this paper will demonstrate that the lack of detail about the forest boundaries already noted in the foundation documents created enormous difficulties for all parties anxious to defend their rights.

The royal forest was conceived and created by the Conqueror. His love of hunting and his categorising large areas of land, both wooded and un-wooded as 'forest' is well known and caused widespread resentment. The forests extended well beyond the demesne woods of the crown and embraced woods that private lords such as the Abbess of Wherwell claimed as their own (Bazeley 1921). The king and his sons imposed harsh laws to protect venison, penalizing owners for making clearances, cutting wood, running dogs, carrying weapons and doing anything which might disturb the hunting which they claimed as their prerogative (Petit-Dutaillis II, 173). It is not clear at what time Wherwell was brought into the royal forest but it was probably during the reign of Henry II. Henry had laid claim to even more areas of countryside during his reign than his father and grandfather. Thus the first reference to Wherwell and its forest in official records is in the pipe rolls for 1167-68 under the heading 'pleas of Alan de Neville', forester to the king. Geoffrey, the forester of Wherwell, had to pay 20s. into the exchequer as a forest fine, probably as payment for a concession granted to the abbess by the king, such as a licence to assart an area of woodland for cultivation (PR 13 Henry II, 184). This presumes that the abbess's woods were within the bounds of the royal forest and under royal jurisdiction.

Along with everyone else, this presumption would have been resented by the abbess, and all the more so as the century progressed, for Richard and John were to exploit Henry II's afforestations for all they were worth. Indeed the royal demands so alienated and frustrated private landlords that they forced through the Charter of the Forest in 1217 in the wake of the Magna Carta, and pressed tirelessly for what they saw as its fair and honest implementation in the following decade, forcing

the king's ministers to accede to their demands (Carpenter 1990, 62–3, 89–91, 168–9, 277–9).

It is against this background of growing tension that in 1199 we at last find a charter which refers to Harewode Forest by name. Once more it assumes the king's claim to jurisdiction over the abbey's lands. It is a grant made by Richard I to the abbey, and it sets out its right to '80 acres of land, of which 40 are in Harewode in the woods of Wherwell and 40 in the woods of Tufton for assarting and cultivating'. By this grant the abbess was free to cultivate the land without fear of the king's forester penalizing her and he was no longer entitled to inspect this land during one of his periodic 'regards' of the forest (WC 1, f.16; CChR 1257–1300, 30). She took four years to pay the required 40 marks (£20 13 4) into the exchequer (PR 3 John, 110; 4 John, 201; 5 John, 139).

Richard's charter does not address the problem of the abbey's original foundation. It is not a confirmation of what the abbey already claimed as its own. The charter is merely giving it permission to clear a part of its own woodland. In spite of this useful charter, as far as we know, the abbey could produce no written evidence that it had a right to control the forest of Harewode as a whole. On the contrary Richard's charter suggests that he considered Harewode to be a private forest within the royal forest and subject to his authority.

There is no evidence that the abbess contested this in the 12th and 13th centuries, but it is inconceivable that she did not share the resentment of the many who finally brought such pressure to bear on the crown that the young Henry III was forced to attempt to clarify the uncertainties regarding the boundaries of the royal forests by ordering extensive 'perambulations' throughout the counties. The owners of woods like the abbey of Wherwell hoped these would put the clock back to the time of the first coronation of Henry II (Carpenter 1990, 91, 168–9; Bazeley 1921, 149).

Though we know that perambulations took place in Hampshire, none survive from this time to record details about Harewode, but it gradually emerges that it was regarded as being within the metes and bounds of that part of Chute forest which was in Hampshire, as opposed to the part that was in Wiltshire. Chute Forest itself was not

clearly defined as an entity until 1215, but it seems to have boasted a forester since the 11th century (VCH Wilts IV, 424).

The records of the perambulations of Henry III's reign show very little about Wherwell. Perambulations were done in part, not in whole. The Wherwell cartulary has a record of one made around Andover at the end of the 13th century, but it makes no mention of Harewode (WC 355, f.153), nor does another of the middle of the century covering Whitchurch, Bullington, Stockbridge and Clatford (PRO C47/12/9). It is possible that only the boundaries were beaten and the individual woodlands were not traversed.

The most startling evidence we have is a rare early perambulation chart, probably of the 14th century. On the far right is an entry which reads: 'demesne of the abbess of Wherwell outside the forest' (WCM 2206), a bold and possibly mischievous claim. The bottom margin states that this was a perambulation made in the forest of Chute in the county of Southampton in the Andover district. The phrase 'extra forestam' in the context of Harewode, contradicts all the evidence we have uncovered so far which indicates that Harewode was subject to the general forest law. The king had only freed the abbess from interference on those specific areas of woodland that she had sought permission to assart. No-one could assart without permission from the king, even though some of the most powerful barons sought to do just that (DE in EHD II, 562,5). The Assize of the Forest of 1184 spelt out the demands of the king with uncompromising clarity (AF in EHD II, 452).

'The lord king has commanded that his foresters shall have care to the forest of the knights and others who have woods within the bounds of the royal forest, in order that the woods be not destroyed ... if in spite of this, the woods be destroyed ... reparation will be exacted'.

As far as the abbey was concerned, it would be liable to severe penalties if it cleared woodland without the king's permission. The calendar of Close Rolls demonstrate that the abbess did indeed have to go through a cumbersome procedure to get permission to make any substantial clear-

ance, and this applied to the clearance of underwood as well as to full assarts and 'purprestures'.

For instance in 1252 she was permitted by the warden of the forest of Chute to take wood from Harewode 'which is within the metes of the king's forest' in order to construct a causeway (CCR 1251-3, 69). Again in 1276 she received permission to take 20 acres of her underwood 'in her wood of Harewode' (CCR 1272-9, 267). Failure to gain permission would have been an offence of 'vert' and fineable. Either way she had to pay. In a similar way, in 1296 she was granted a licence to fell 60 acres of underwood in Harewode as long as she enclosed it afterwards (CPR 1292-1301, 183). The issuing of licences was clearly a useful source of revenue for the crown. The claim in the perambulation chart that Wherwell was outside the forest gave the abbey no protection from these regulations in the 13th century. The local knights who did the perambulation were clearly ever optimistic that they could reverse afforestations made way back in the time of Henry II, and their claims were ignored. Harewode was truly a private wood within the royal forest and subject to its laws.

THE RIGHTS OF THE ABBEY OF WHERWELL

The years around 1280 were critical ones for private lords because they were obliged to have their claims to lands and liberties tested in the courts following Edward I's initiation of the Quo Warranto proceedings. Thus in the general eyre of 1280/1 in Hampshire, the jury submitted that the abbess and convent of Wherwell held the manor of Wherwell 'with the wood of Harewode' along with all the other named 'vills' 'in chief of the king in free alms' (PRO JUST1/786, m.30; JUST1/784, m.12; JUST1/789, m.25). At this eyre she backed up her claim to control the 80 acres of land in Harewode and Abboteswode by producing an inspeximus of Henry III of the concessions granted by Richard, adding that the abbess should enjoy these 80 acres peacefully in perpetuity. Her rights were seemingly acknowledged at the eyre, but she still had to make her appearance and produce evidence of her claim.

It is of some interest whether the abbey also had

to send a representative to the special forest eyres. They were known to have taken place in Hampshire in 1229, 1244, 1256/7, 1261/2, 1269 and 1279/80 (Young 1974, 330; Stagg 1979, 15). The king had made a concession in the Charter of the Forest whereby those who had woods outside the forest were released from the obligation to attend courts held by the king's justices of the forest (CF in EHD III, 338,2). The first surviving forest eyre roll relating to Chute forest in Hampshire is the roll for the eyre of 1279/80 (PRO E32/161). It records that the abbess sent Adam de Entham as her representative. The number of recorded 'vert' offences covers several membranes and about ten of these offenders came from Wherwell, East Aston or Middleton. It does not say whether it was the abbess's officials who presented these cases to the eyre, nor does it specify that the offences took place in Harewode, so we do not know if the Chute foresters were monitoring the Wherwell woods. It does show that apparently men within her lands were liable to amercements by the king's forest court.

Have we any right to assume that the abbess enjoyed day to day management over Harewode Forest? The Assize of the Forest laid down that 'all who have woods within the bounds of the royal forest' should 'install foresters in their woods' (AF in EHD II, 452,4). In fact we know that she did have her own chief forester, and that this office was hereditary. In 1257, Thomas Wyke, son of Geoffrey the Forester, resigned his custodianship of the forest of Harewode to the Abbess Euphemia (WC 228, f.113; 417, f.176). He was probably a grandson of the Geoffrey cited in the pipe rolls of 1167. Roger Forester, another holder of the same office resigned in 1317 (WC 229, f.114). He was the third in his family line to hold the office. All would have been responsible for running the abbey's woodlands perhaps in a similar way to the foresters in the honour of Tutbury whose detailed records survive. They show that the forester was responsible primarily for distributing venison and timber. The day-to-day administration was delegated to receivers who were probably the owners of woods within the forest (Birrell 1962). Wherwell sources are not specific about the duties of their chief forester. Although the abbess's foresters were appointed privately, it seems that they were

answerable to the king's forester, which in the abbey's case was the warden of Chute. The abbess would have had to present cases to the warden through her forester. Foresters of a private wood within the bounds of the king's forest, with the help of some under foresters of their own appointing, were obliged to effect and record 'attachments' of 'vert' offenders. The forester submitted these to verderers, appointed by the sheriff in the county court, and they in turn would present these 'to the head forester when he arrived in those parts to hold forest pleas', in other words, at the next forest eyre (CF in EHD III, 340,8,16; Stagg 1979, 20-23; Turner 1901, xvii - xxv; Petit-Dutaillis 1914, II 158-60). There is no more evidence to show these practises in operation Wherwell.

What privileges did the Abbess enjoy as owner of a private forest within the royal forest? Henry II, in his Assize of the Forest, said 'the king graciously allows' anyone who has a wood within the royal forest 'to take from their woods what they need, but this is to be done without wasting and at the oversight of the king's forester' (AF in EHD II, 451,3). The abbess's forester was therefore ultimately accountable to the king. This did not prevent her from exploiting the woods financially. The only account roll for the abbey that has survived is for December and January 1297/8 and it shows how profitable the sale of underwood was (PRO SC6/983/34). Receipts from Harewode amounted to £5. This compares with £3 10s 0d taken for rents and £1 16s 0d for payment in lieu of works by the customary tenants over christmas. The income from the manor of Wherwell was augmented by some sales of produce, perquisites and fines to a figure of £8 2s 10d. The sale of underwood was therefore the most profitable item. The same pattern was repeated on the abbey's other manors, bringing in a total of £7 10s 8d. This was approximately 25% of the total revenue for those two months of just over £30 17s 7d. The underwood was sold at 2s an acre to the abbey's tenants who organised the gathering and marketing of the wood, certainly to the abbey and quite possibly to Winchester or further afield (Galoway 1996).

Meanwhile, the privilege of taking wood for housing and fencing was another valuable asset

enjoyed by the abbess, and it was a right that she could give to her tenants in patronage. They in turn could pass on these rights as part of their property. One charter, for instance, records a major grant of land at Toppemill (probably the upper mill at East Aston) and it refers amongst other pertinences such as a mill, dovecot and garden, to 'one tree trunk (lignum) in Harewode to be taken annually (WC 154 & 155, f.84). Eustace de Gavelacre was another beneficiary. He was allowed to take a tree-trunk each year for the repair of the mill at Forton (WC 38, f.34).

There are grounds for thinking that Harewode was divided up into forest wards and that these wards were in effect separately named woods. Each owner might therefore have been equivalent to Tutbury's 'receiver', who was obliged to administer his own wood under the supervision of the abbess's chief forester (Birrell 1962, 116). Walter Erkebande claimed part of the forest of Harewode. He made a grant of all his land in Forton plus 'my wood (boscum) in Harewode together with an allowance of wood (WC 26, f.30). It is not clear how many of the abbess's tenants could lay claim to part of the forest as Walter did.

Grazing rights were another valuable privilege, but they were monitored too: 'the king forbids anyone to graze cattle in his own woods, if they lie within the bounds of the forest, before the king's woods have been pastured' (AF in EHD II, 452,7). This was a seasonal restriction which was normally supervised by officers called 'agisters'. Can we be certain that this rule applied to the abbess and her wood of Wherwell which was within the bounds of the royal forest? Several charters in the Wherwell cartulary show the abbess granting rights of pannage and pasture to tenants, but ordinarily she could claim a pannage fee, such that charged to St.Swithun's Priory in the neighbouring manor of Chilbolton (MC 249 265 364).

The goings on in the woods of Wherwell Abbey touched the lives of all the local inhabitants including the common peasantry. The woods were their chief source of fuel and their place of labour, for instance, the carting of wood for the abbess was a condition of some tenure. It was also a place where they enjoyed common rights of pasture and pannage. These benefits would have been augmented by opportunist profits made by legitimate or

illegitimate sale of wood (Birrell 1988, 149, 151, 161). The woods were also places of danger. John, son of Robert of Wynton was found crushed beneath a fallen branch in 1280, presumably a tragic accident (PRO JUST1/784), but in the same year Adam de Langford and his wife Amicia were murdered in Wherwell woods by William Warthyl, who was exacted and outlawed for the crime (PRO JUST1/789). Henry Dikorn had met a similar fate eight years before (PRO JUST1/780). These cases are reminders of the human stories against which the battles for jurisdiction of the woods must be placed and which necessarily make up the main part of this study.

THE 14TH CENTURY

We have seen that in the 13th century the main preoccupations of the king's foresters were to protect the woods, grazing and cover by placing prohibitions on felling, clearing, enclosing land. These issues did not die down, but continued to be of concern in the 14th century.

The plea roll for the forest eyre of 1330 is an important one. It shows that the Abbess had to lay out in full her claims to exemption from charges for assarts, both old and new. Richard's charter had been confirmed in 1262 in an *inspeximus* by Henry III, and this and other charters relating to the abbey were all meticulously enrolled (PRO E32/164; CChR 1257-1300, 29-31). An assart made by Eustace de Gavelacre way back in the time of Abbess Euphemia eighty or so years before was also reported, and the 40 acres in Harewode were once again brought to the attention of the justices in the regard roll, just as they had been in 1280 (PRO E32/169; WCM 2219).

All this detail recorded in 1330 amounted to a complete overhaul of the state of Chute Forest. The thoroughness of the eyre is witness to the concern of Edward III to start his reign by paying particular attention to the state of the forests throughout his kingdom (Neilson, 1940, 411-15). Aggrieved lords had made it clear in Edward's first parliament that they sought remedy for the wrongdoings perpetrated by the king's ministers during the turbulent reign of his father. The 1325 parliament had complained:

'The ministers of the forest have again taken into the forest, lands and woods as entirely as they were at any time, contrary to the charter ... and cause ditches to be thrown down and interfere with their cultivation'.

Edward III was attempting to address these old grievances (Grant 1991, 164-5). However, the situation must have varied from region to region. In the first half of the century there were no complaints at Wherwell. The *regard* roll for the 1330 Hampshire eyre records that the abbess of Wherwell had the wood called Harewode '*bene custoditur*' suggesting that the abbey was left to look after it itself and that the interference was minimal. Apparently this peaceful custody was to be enjoyed for another decade. During this time the abbess was able to extend her influence beyond her private forest of Harewode, as Edward granted her free warren in all her demesne lands in Wherwell, Middleton and further afield on her manor in the Isle of Wight (CChR 1327-41, 234; WC 80, f.57). This entitled her to take small game freely without penalty.

In this time of reassessment at the beginning of the reign of Edward III, Abbess Isabella (1298-1333) was at pains to extract from the king an assurance that in times of voidance, the prioress and convent should have custody of all the abbey's temporalities and 'full and free administration of the same without interference from the escheator, sheriff, or bailiff of the king' (CPR 1330-4, 42; WC 78, f.55). This exemption included matters relating to 'waste and the destruction of woods'. The 1297/8 account roll survived because it was compiled by John of London, an official of the king called in to scrutinize the abbey's affairs on the death of Abbess Elena. His presence would have been unwelcome as it was in the abbey's interests to be economical with the truth on their returns for tax reasons. Isabella's concession insured that on the death of any subsequent abbess, the abbey would have to pay £230 p.a. for retaining the exclusive right to managing its own affairs, or a proportion of that sum according to how long the voidance lasted. As the voidances barely lasted more than a few weeks, the conditions were not as financially onerous as they seemed. The main danger to the abbey

during times of voidance was not financial loss, but loss of authority as the evidence of the following decades show.

From this time onwards the main cause of conflict with the king was not so much the old problem of safeguarding the 'vert', but in the management of the 'venison' and the right of the abbess and her men to hunt.

FRICITION BETWEEN THE ABBEY AND THE KING IN THE 14TH CENTURY

In 1343 the abbess wrote an impassioned plea to the king that she had been holding the forest of Harewode peacefully ever since the foundation of the abbey in 962, and now the king's officers were claiming that the wood was a demesne wood of the crown. She insisted that these officers were misinformed of the facts and had totally ignored the results of all previous ridings and perambulations, which had classified Harewode as being outside the authority of the forests ('hors de daunger de foresters') (WC 353, f.153). On receipt of this petition, the king ordered a fresh inquiry to investigate the abbess's claim, concerned that his ministers were 'preventing the abbess from hunting therein and taking divers profits as she and her predecessors from the time of the grant had been accustomed to' (CPR 1343-5, 386).

This enquiry was headed by William Shareshull, who became Chief Justice in 1350. He was considered successful because he succeeded in raising more revenue for the crown (Scott-Waugh 1991, 180). He achieved this by increasing the income from the king's bench fines, for increasing fees for writs and for tightening up on debtors and applying weights and measures regulations with vigour (Ormrod 1990, 79). No one, not even his biographer, has suggested that he was particularly ruthless about increasing the revenue from the forests (Putnam 1950), but could he have seen an opportunity at Wherwell? Shareshull may have noticed that the abbess had been guilty of transgressing forest laws for years and attempted to check this, for there can be no doubt that Shareshull found against the abbey. We know this because the Wherwell cartulary contains four other documents which set out the abbess's

complaints anew in the 1350s, a decade later (WC 68-71, f.52-3). Their language was uncompromising:

'The abbess and convent of Wherwell have held the wood of Harewode from time out of mind ... in free alms. In all ridings and perambulations ... the wood has been ridden as being outside the forest ... The king's ministers have recently afforded the wood and taken the game for the use of the Lord King contrary to the ordinance made in the first year of King Edward III ... The nuns have lost their right to free chase ... free warren..and the pasturing of sheep ... The fencing has not been maintained leading to the neglect of the land by tenants ... They, their tenants and their church face ruin (WC 68, f.52). We beg our sovereign lord the king to grant special redress and remedy regarding the disinheritation of the church ... by which the nuns are refused possession and use of their free chase in the wood called Harewode which has been outside the bounds of the forest since the foundation' (WC 71, f.53).

The petition was put before the parliament of June 1354 (WC 70, f.53) eleven years after the king had ordered Shareshull's commission of enquiry.

These documents bring the issue of 'venison' to the fore. They say that the king's ministers were hunting in Harewode without regard to the abbey and its tenants, and perhaps for the first time. The 13th-century evidence provided no clues as to who traditionally hunted in Harewode and with what authority. There is no documentary evidence that the abbess had the right to free chase within her forests other than the claims she herself makes in the cartulary. And what about unauthorised hunting? In the 1280 forest eyre only one venison offence was presented relating to the abbey's woods, though they were not identified as belonging to the abbey. This case concerned two knights of the household of the bishop of Winchester who took a doe in Upping wood and carried it off to Wherwell where the bishop was staying, claiming it was for their lodging (PRO E32/161, m.11). There is no record of any case of trespass in Harewode itself, though several men of Wherwell hundred are found guilty of venison offences, including the chaplain of Middleton, but

his offence was committed in elsewhere (PRO E32/161, m10v). This suggests that either people were remarkably law-abiding, or that ministers left the custodianship of the venison in Harewode to the abbess. Alternatively it reflected the laxity of the administration of the forests of Harewode and Chute over generations.

The first quarter of the 14th century saw no forest eyre in Hampshire. Fifty years of 'laissez faire' might have led the abbess to believe her freedom of chase had indeed been enjoyed by the abbey from time out of mind. The 1330 roll has a case which goes back to 1315 (PRO E32/169, m.2). There was one other 11 years later. These two cases represent all the surviving evidence of venison offences in Harewode over a period of around 50 years. A similar pattern of out of date returns, rehearsing of old offences, defunct juries and offenders was noted by Young in his comments on the New Forest section of the eyre (Young 1979, 154). Had the whole system collapsed?

We know that the system of trying forest offences changed early in the century with the introduction of special inquisitions, so the lack of eyre evidence cannot be taken as evidence that no venison cases were prosecuted at all, though why these few cases alone are included then becomes a mystery. In 1306 Edward I ordained that new inquisitions into the state of the forest should be set up. They were to be held before the foresters, verderers, agisters and other forest officials and a jury of free-tenants (Turner 1901, xlvii). They were in effect, newly constituted swanimote courts, and were meant to form the basis of more efficient local forest procedure. They assumed some of the responsibilities of the forest eyre. Presumably these inquisitions were held in Chute forest but they have not survived, not until after Shareshull's enquiry, when the evidence pours in, giving an impression of a sudden increase in venison offences.

These presentments bring to life the actions of many people in Wherwell and give us cause to question whether the cases were routine or exceptional. The surviving inquisition documents are dated 1362 and 1369. As in the eyre rolls, old cases are recorded, for instance in 1354 when the abbess was called to account for the behaviour of

her haywood, William Chaplayn, who had gone into Harewode forest behind Middleton and brought down a buck with two mastiffs (PRO E32/169).

The 1361 inquisition, taken before John Lisle and Ralph Escote, deputies of William Wykeham, keeper of the forest south of the Trent (PRO E32/310,1; E32/279) received evidence of cases committed during the previous year. It is a single document to which the seals of the verderers and free tenants who made the report are attached. No judgements are given. It is therefore a record of a presenting jury reporting a string of offences. They said that in 1359, Reginald Lawrence and the bailiff of Gavelacre, Adam de Knightsbridge, and others took two buck with nets from a croft called Gavelcroft. Two years later the same Adam went into Harewode with his greyhounds and took more venison. Richard Woodward of Wherwell and others took a buck with the greyhounds of the abbess between the field of Middleton and Harewode. The same Richard Woodward, together with Philip the vicar of Wherwell and John Tailour, servant of the vicar, hunted game, taking the dogs belonging to Roger of Clatford without him knowing. The jury pointed out that Richard Woodward had six nets, three belonging to Philip the vicar and three of his own 'for catching game of the lord king', and that he, with the help and assent Roger of Clatford and others, including the vicar, Peter, took twelve beasts of which eight were buck and made off with them.

It is worth looking briefly at who these men were. Were they members of the lawless peasantry or men of standing in the community? Were they fearless youths of knightly rank? Adam de Knightsbridge was possibly one of the latter as he was the son of a well-to-do tenant in Middleton and was witness to several charters. His possession of greyhounds also mark him out as being socially superior (Birrel 1996, 76). The rest had positions of minor responsibility in the community as overseer of harvest, vicar and bailiff. Their operations with nets suggest the expeditions were planned, of quite large scale and possibly habitual (Birrel 1996, 75). If the abbess believed she had a right to free chase, then might it not be people like this who would be out in the

forest, taking game on her behalf or with her permission? It seems unlikely that the nuns themselves went hunting (Power 1922, 308). As we know there was a conflict between the abbess and the king on the right to hunt in the woods around Wherwell, for perhaps these men were hunting in deliberate defiance of recent rulings by the king's ministers with the knowledge of the abbess who persisted in believing she had the right to free chase.

If she had enjoyed this uninterrupted, without official authority, she was lucky. The king's claims to free chase had been reluctantly acknowledged for years (DE in EHD II, 564-5), and his ruthless determination to punish venison offenders was clearly spelt out in the Assize of the Forest (AF in EHD II, 451,1), albeit that a concession was later granted that no-one should lose life or limb for such offences (CF in EHD III, 339,10). Hunting by night was strictly forbidden, either within or without the forest (AF in EHD II, 453,16). There was no doubt that no person was permitted to hold forest pleas of either vert or venison, so the abbess would not have been able to try venison cases herself (CF in EHD III, 340,16).

Meanwhile, the pattern of offences continued. Another inquisition in Andover, in 1362, records Pater atte Wode's enquiry into the state of Chute forest and a case is submitted whereby Adam Cook of Middleton, Richard Saunders and John Nichole of Barton brought down a fawn in Eastwode with their dogs (PRO E32/283). A presentment of 1365 also survives, still bearing all the names and seals of the regarkers (PRO E32/310). Once again people of modest standing were cited as being offenders. These included William Colyns, bailiff of the prebendary church of Goodworth, William, servant of the steward of the abbess and Walter one of her own men. They make off with game 'against the assize of the forest because the Lord King has reserved the hunting there for himself'. These inquisitions suggest that the king and his ministers claimed both the right of chase and the jurisdiction over the venison in the woods of Wherwell Abbey, which is precisely what the abbess was disputing. It is clear that widespread disregard for this continued amongst members of the community.

FOREST ADMINISTRATION IN THE CRITICAL YEARS

We have seen that the abbess's original petition of 1343 was followed by Shareshull's enquiry, and that when this failed the abbess petitioned again in 1354. This coincided with the beginnings of a big increase in venison cases being submitted which continued into the 1360s. This view of on-going tension is reinforced by evidence relating to the abbess's chief forester. A memorandum included in the cartulary records that the abbess asked that John Farley, 'rangeour du boys de Harewode' should be removed from his office (WC 331, f.146). She claimed that he had been appointed not by her, but by officers of the king, and that following the death of Abbess Amicia in 1361, issues which should have 'remained in full' to the abbey were siezed by John Farley contrary to the tenor of his charter to Abbess Isabella which had promised that 'all things touching the abbey' should remain with her own officers in time of voidance. John Farley had been appointed by the king in 1351 (CPR 1355-4, 67), a suprising fact bearing in mind that his predecessors had been appointed by the abbess. The Farley memorandum ends with a note that Edward would honour his promise to Isabella, for he gave permission for the abbess to replace John Farley with someone of her own chosing. This represented an act of pragmatism by the king. He judged that John Farley's 14-year presence at Wherwell was deeply resented and decided feelings in Wherwell should be appeased.

That John Farley chose to exploit the abbey at the time of the death of Abbess Amicia in 1361 would have been particularly resented because 1361 was a year of crisis at Wherwell. The second coming of the plague had struck deeply in Hampshire and it was this that carried off Abbess Amicia, as well as her successor Constancia.

John Farley had crossed swords with the abbess and convent of Wherwell over his administrative behaviour and he had probably been responsible for the exploitation of the Harewode venison and disregard for the abbess's and tenants' properties which had provoked the petitions of 1354. It is less certain that he can be held responsible for the prosecution of venison cases.

The inquisitions on the state of the forest held at

Andover to which these cases were submitted were not initiated by private foresters but by the warden of Chute forest and his officers following Edward I's ruling of 1306. It is a temptation to think that the inquisitions were boosted during the years under study, but they more likely reflected the untypical efficiency of Ralph Escote, who preserved his returns. More commonly, the quality of record keeping by the warden of Chute was poor. The administration of Chute forest was in the hands of the de Lisle family, but in 1340, the current holder, Bartholemew, had granted the bailiwick for life to Edmund Archdeacon of Berkshire (CIPM VIII, 426). Edmund's role was important because Bartholemew died when John III was still underage, leaving Edmund in control.

John de Lisle II warden	1304-1331
Bartholemew de Lisle warden	1331-1345
Edmund de la Beche acting warden	1340-1356
John de Lisle III warden	1356-1370

From 1340-1356, the affairs of Chute forest were presided over by Edmund, and these are precisely the years in which the friction between Wherwell and the king's ministers was so severe.

Perhaps he should be credited with trying to do a good job on behalf of the Lisles, tightening the procedures in a neglected area of Chute, even if it did annoy the abbess of Wherwell. Walter Lippe, the forester appointed by John Lisle II, who was now under the authority of Edmund, was found guilty of selling 8 oaks and other timber valued at 23s.6d to various men without warrant, to the detriment of his bailiwick (PRO E32/169, m.3), showing that Edmund was exerting discipline on those under him. However in the end the king found fault with Edmund's custodianship:

'Bartholemew de Lisle granted to Edmund de la Beche the bailiwick of the forestership of the king's forest of Chute ... but on account of defaults in the matter of keeping thereof while it was in the hands of the said Edmund, it has since been seized into the king's hands' (CPR 1345-58, 468)

This intervention suggests that the king had responded to local petitioning and this would have undermined the Lisles' influence in Chute.

In general terms there is evidence that the forest of Chute, already in decline, had become less lucrative during the 14th century and therefore less worthy of the Lisles' careful supervision. Forest officers themselves became slack. A roll for Chute forest survives which lists amercements made on a long list of regards and verderers who had failed to turn up to make their returns or failed to bring along offenders for judgement (PRO E32/280). More seriously, it is by no means certain that either the warden, his deputy or the verderers turned up at the eyres, even though they were supposed to be officiating at the hearings. What else is the meaning of the financial markings against the names of every single one of the officers heading the pleas of the Forest role of 1354? (PRO E32/169). This slackness can hardly have inspired respect for the system.

There was another factor which might have put pressure on Wherwell. Edward III's forest initiatives around 1330, had resulted in severe disafforestation in all the royal forests in Wiltshire (VCH Wilts IV, 425; Young 1979, 151). Not only would this have led to a decrease in revenue and increasingly complex problems of boundaries, but the royal hunting grounds would have been greatly reduced, too. Savernake, Clarendon, Selwood and others were all affected. This might be one of the reasons why the king suddenly sought to exploit Harewode as a new source of venison. It is notable that John Farley was appointed ranger 'in the king's forest of Chute and (specifically) for the keeping of his game of Harewode' (CPR 1350-4, 67), the issue of game being particularly stressed as well as the claim to royal ownership of the forest.

The problems presented by the evidence from Chute on both vert and venison suggest that the administration was very lax in the early part of the century and the disafforestations of 1330 formalized this lack of supervision. Possibly a mid-century effort was made to reassert authority in the forests that remained and this remedy hurt Wherwell. If Chute forest had been neglected for half a century, then anyone coming in and trying to instill more order would have been resented.

These initiatives might have come from Chute or from two able and efficient men who were

appointed as keepers of all the forests south of the Trent; William Wykeham and Peter atte Wode. The importance of these keepers should not be overlooked. Laxity earlier in the century had not been helped by the frequent changes keepers (Neilson 1940, 432–3). The local forest officers like John Farley meanwhile were the men perceived as being responsible for the unwelcome changes.

CONCLUSION

We have seen that the conflicts over vert and venison took different patterns. The 13th-century 'vert' evidence shows that the abbess's later claims to be outside the forest were legal fiction. In contrast the strongly worded petitions of the Abbess of Wherwell reveal that the key years of conflict between Wherwell Abbey and the king's ministers were 1343–1365. During this time the abbess presented three major petitions to the king and the king's ministers, untypically, initiated energetic prosecutions of venison cases.

The venison evidence is conflicting. The records of the 1280 and 1330 forest eyres record only three or four venison offences in Harewode, the 1354 eyre, one. Although we must allow for the patchy survival of evidence from the new forest inquisitions, this suggests that either the administration was slack or that the abbess had enjoyed customary right of chase and freedom from interference from officers of Chute during the course of both centuries. This would make her claims comprehensible. The king and his ministers changed this at will in the 1350s by laying claim to Harewode just as the king's forests in the west became reduced. Their actions provoked a crisis at Wherwell.

It is likely that Chute forest was poorly administered by the absentee Lisles and that inefficiencies and loss of records probably made this worse (CCR 1354–60, 306). Nor was the forest eyre any longer held in regard either in Chute or elsewhere. The 1330 Hampshire forest eyre was dismissed because 'the people of (the county of Southampton) must attend to their own affairs in the coming season for the common utility of the king's people' (CCR 1330–3, 241).

Elsewhere records show that forest administration was under great strain. For instance in 1373 the steward of Cannock forest was summoned to explain why no payment had been paid into the exchequer for custody of the forest since 1316 (VCH Staffs 2, 339), representing nearly 50 years of arrears.

Poor record keeping led to shortened memories and encouraged both sides to make opportunist claims. Not only did the king suddenly claim that Harewode was a demesne wood of the crown as we have seen, but in 1378 Abbess Cicily of Wherwell presented a charter to Richard II for inspection which was purported to be by Alfred the Great, sometime king of the English, prominently granting Harewode to the abbey (CPR 1377–81). This was clearly absurd as the abbey did not exist in Alfred's time. Richard II and his ministers were incapable or unwilling to check the authenticity of this charter, and confirmed the grant. Although it is possible that the nuns and their advisors had lost touch with their own history, failed to make good use of their new cartulary or perhaps misread folio 152v., it is more likely that they deliberately tried to outwit the king by presenting him with an opportunist and fraudulent charter. An insepimus of Henry VII, dated 1489, was sold at Sotheby's in December 1977 perpetuating the same fiction. The abbey's relationship with successive kings on the issue of their woods was, in the last analysis, marked by persistent and determined obstruction.

ACKNOWLEDGEMENTS

This article is based on research being carried out on the cartulary of Wherwell abbey for a PhD at King's College, London. I am grateful to Edward Roberts for encouraging me to submit some preliminary findings to the Hampshire Field Club and Archaeological Society and particularly to Prof Michael Hicks for responding so positively to the idea of publishing the material relating to the abbey's woods, and for his many useful suggestions. Thanks are also due to Dr Jim Bolton for his insights into the abbey's economic data and for Dr Paul Brand for his help with the French documents. Above all, I am indebted to Dr David Carpenter for the consistently enthusiastic way in which he has supported and guided me throughout the project.

REFERENCES

Abbreviations

- AF Assize of the Forest
 CF Charter of the Forest
 DE Dialogue of the Exchequer
 PRO Public Record Office
 VCH Victoria County History
 WCM Winchester College Muniments

*Manuscript sources**British Library*

- WC The Wherwell Cartulary, BL Egerton 2104a

Public record office

- Special collections: ministers' and receivers' accounts:
 SC6/983/34

Records of the justices of the forest:

- E32/161; E32/164; E32/168; E32/169;
 E32/273B; E32/279; E32/280; E32/281;
 E32/283; E32/310

Plea rolls of the justices in eyre:

- JUST1/780; JUST1/784; JUST1/786;
 JUST 1/789.

Winchester college muniments collection

- 2206; 2219.

Published primary sources

- CChR *Calendar of Charter rolls 1257-1300*, London 1906;
 1327-41, London 1912.
 CCR *Calendar of Close rolls 1251-3*, London 1927;
 1272-9, London 1900.
 CFR *Calendar of Fine rolls 1337-1347*, London 1915.
 CIPM *Calendar of Inquisitions post mortem IV*, London
 1913; VIII, London 1913.
 CPR *Calendar of Patent Rolls, 1232-47* London 1906;
 1292-1301, London 1895; 1330-4, Lon-
 don 1893; 1343-5, London 1902; 1354-8,
 London 1909.
 EHD Douglas, D C 1953 (ed.) *English Historical Docu-
 ments Vol II, 1042-1189*, London.
 Douglas, D C, & Greenaway, G W 1965 (ed.) *English
 Historical Documents Vol III, 1189-1327*,
 London.
 M C Drew, J S 1954 (ed.) *The Manor of Chilbolton. Rental,
 custumal, compotus, and manor court rolls*

1284-1433 (2 vols unpublished type-
 scripts), IHR.

- MA Dugdale, W 1819 (ed.) *Monasticon Anglicanum*, Vol
 II,
 DB Munby, J 1982 (ed.) *Domesday book 4, Hampshire*
 PR *Pipe Rolls 13 Henry II* Vol XI, 1889; 14 Henry II Vol
 XII, 1890; 3 John Vol LII (New Series Vol
 XIV) 1936; 4 John Vol LIII (New Series
 Vol XV) 1937; 5 John Vol LIV (New
 Series Vol XVI) 1938.
 RP *Rotuli parliamentorum* Vols II & III (Strachey, J, &
 Pridden, J ed.), 1832, London
 Stagg, D J 1979 (ed.) *New Forest documents Hampshire
 Record Series, Vol III*
 Turner, G J 1901 (ed.) *Select pleas of the forest* Seldon
 Society Series, London.

Secondary sources

- Bazeley, M L 1921 The extent of the forest in the 13th
 century *Trans Roy Hist Soc* 4th ser, 4.
 Birrell, J 1962 The forest economy of the honour of
 Tutbury in the 14th & 15th centuries *Bir-
 mingham Hist J* 8.
 — 1988 Forest law in late 13th century England, in
 Coss, P R, & Lloyd, S D (ed.), *Thirteenth-
 century England II*, Bury St Edmunds.
 — 1996 Peasant deer poachers in the medieval forest, in
 Britnell, R, & Hatcher, J (ed.), *Progress and
 Problems in Medieval England*, Cambridge.
 Carpenter, D A 1990 *The Minority of Henry III*, Berkeley
 & Los Angeles.
 Galloway, J A, Keene, D, & Murphy, M 1996 Fuelling
 the city: production and distribution of
 firewood and fuel in London's region
 1290-1400, *Econ Hist Rev*, 2nd series, 12.
 Grant, R 1991 *The Royal Forests of England*, Stroud.
 Liveing, H G D 1912 *Records of Romsey Abbey*, Winches-
 ter.
 McKisack, M 1959 *The Fourteenth Century (1307-1399)*,
 Oxford.
 Neilson, N 1940 The Forests, in Willard, J F, & Morris,
 W A (ed.), *English Government at Work
 1327-1336*, Cambridge, Mass.
 Petit-Dutaillis, E 1914 *Studies & notes supplementary to
 Stubb's Constitutional History Vol 2*, Manches-
 ter.
 Power, E 1922 *Medieval English Nunneries*, Cambridge.
 Ormrod, W M 1990 *Edward III*, Yale.

- Putnam, B H 1950 *The Place in Legal History of Sir William Shareshull*, Cambridge.
- Scott L Waugh 1991 *England in the Reign of Edward III*, Cambridge.
- Victoria County History of the County of Staffordshire*, II, 1967.
- Victoria County History of the County of Wiltshire*, IV, 1959.
- Young, C R 1974 The Forest Eyre in England during the 13th century, *Am J Legal Hist* 18.
- 1979 *The Royal Forests of England*, Leicester.

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