DELAMERE FOREST IN LATER MEDIAEVAL TIMES

BY B. M. C. HUSAIN, B.Com., M.A.

Read 18 September 1952

I. EXTENT AND DISTRIBUTION OF DELAMERE FOREST

THERE seems to be little reliable evidence concerning the extent and distribution of the forests of Cheshire prior to the Norman Conquest. There were in existence in the time of the Norman earls the three forests of Wirral, Macclesfield and Delamere, but few records of their limits and jurisdiction have been discovered. Some authorities believe that Wirral was afforested at a later date, possibly in the twelfth century.

During Norman times Cheshire became a county palatine under the earl of Chester who is believed to have created several forests for his diversion. It is not possible to ascertain the position of these forests from *Domesday Book*. However, several places like Conewardsley, Aldredelie, Done and Kingsley are stated to be "in the earl's forest".[1] This forest is not mentioned by name but is generally assumed to be that of Delamere. It was originally divided into two forests. The district from the Mersey to the southern end of what is now called Delamere appears to have constituted the forest of Mara or La Mara, and the more southerly area towards Nantwich Mondrem. The word *Mondrem* is retained to-day only in the name of the village Aston juxta Mondrem, which lies about three miles to the north of Nantwich.

Even the evidence respecting the bounds of the forest in later mediaeval times is not very satisfactory. There are however two documents contained in the Harleian collection of manuscripts which do provide some positive information. Harl. MS. 2115[2] contains a long list of towns or villages which are stated to be in the forest. The list supports the evidence acquired from other sources, but it is undated and its origin and purpose are not apparent. A reference to the "liberty of the abbot of Vale Royal" indicates that

[1] The references are as follows:
Aldredelie (263b) *Wasta fuit et est modo in foresta comitis.*
Conewardsley (263b) *Tota est in foresta.*
Kingsley (267*b*) *Ibi silva una leuva longa et una lata.*
Hanc posuit in sua foresta. Et ibi aira
accipitris et iii haiae capreolorum.
Weaverham (263b) *De hac terra iiii hidas misit comes in foresta.*
Done (263b) *Wasta fuit, et est modo in foresta comitis.*
See Chet. Soc., Vol. 75, *The Domesday Survey of Cheshire*, ed. J. Tait, pp. 103, 107.

[2] Harl. MS.2115, fol. 79.

it must have been compiled between 1277, when the abbey was built, and 1536, when the monasteries were dissolved. The towns are listed in this order:

VILLAE INFRA FORESTAM DE MARA ET MONDREM

1. Brugetroghford.
2. Wymbaldetroghford.
3. Thorneton.
4. Ines.
5. Elton.
6. Happesford.
7. Stony Dunham.
8. Alvandelegh.
9. Manleygh.
10. Hellesby.
11. Newton.
12. Kyngeslegh.
13. Norlegh.
14. Crouton.
15. Codynton.
16. Onston.
17. Acton.
18. Weynynton.
19. Castel Northwyc.
20. Hertford and Horton.
21. Weever.
22. Wetenhale.
23. Olton and Lowe.
24. Budworth.
25. Rusheton.
26. Ayton.
27. Torpylegh.
28. Church Minshull.
29. Aston.
30. Worleston.
31. Whytpoole.
32. Barrellespull.
33. Cholmundeston.
34. Stoke.
35. Bedalehethe.
36. Wardhull.
37. Calvylegh.
38. Alpraham.
39. Tydelston.
40. Teverton.
41. Utkynton.
42. Weylaton.
43. Clotton.
44. Duddon.
45. Ashton.
46. Mykel Moldesworth.
47. Lyttel Moldesworth.
48. Horton with Asseton.
49. Mykel Baree.
50. Lytel Baree.

VILLAE INFRA LIBERTATES EPISCOPI COVENT ET LICH.

Manerium suum de Tervyn.

51. Tervyn. 52. Kelshale. 53. Hockenhull.

VILLAE INFRA LIBERTATES ABBATIS DE VALLE REGALI

Manerium suum de Weverham

54. Weverham. 55. Merton 56. Overe.

VILLAE INFRA LIBERTATES DOMINI COMITIS CESTRIAE

Infra metas forestae p'dtae.

57. Burgus de Frdesham.
58. Overton.
59. Netherton.
60. Bradelegh.
61. Mukesdale.
62. Woodhowses.

The other Harleian document deals with the claim in eyre of Richard Done when his title to the master-forestership of Mara and Mondrem was disputed by Richard de Grosvenor[3]. It gives information about forest administration in the middle of the fourteenth century. The chief foresters had a staff of eight underforesters and and two garcons who were responsible for certain districts and

[3] Harl. MS.2115, fol. 232, *Richard Done's Claim in Eyre*, 31 Edw. III, 1358.

villages. The latter are named and give an indication of the main centres of forest activity. The distribution of the officials was as follows:

"two foresters, and one garcon, in the villages of Bridge Trafford, Wimbalds Trafford, Dunham, Hapsford, Manley, Molesworth, and Newton; two underforesters with one garcon in the villages of Kelsal, Dudden, Norley, Codington, Hertford, Winnington, Horton near Hartford, Castell Northwic, and Horton near Aston; and one underforester in the villages of Minshull, Aston, Whitepoole, Barretspoole, Cholmundeston, Calvely. Whettenhall and Lawe".

Other information which is of value in any attempt to delimit the forest is concerned with the tax called frithmote and with the payment of custom pigs.[4] Twenty-six townships within the forest of Delamere were required to pay a fixed sum annually for frithmote. In addition nine townships within the forest, of which five were included in the twenty-six, paid seventeen pigs regularly. The list of townships is given as follows:

PARTICULARS OF THE FRITHMOTE FOR THE 30TH YEAR OF THE REIGN OF KING EDWARD, ENDING

Township of	Great Moldeworth.	Township of	Horton.
,,	,, Dunham.	,,	,, Little Moldeworth.
,,	,, Hapesford.	,,	,, Munshull.
,,	,, Wymbaldestrofford.	,,	,, Wetenhale.
,,	,, Wynyngton.	,,	,, Alperham.
,,	,, Hertford.	,,	,, Calvylegh.
,,	,, Castle Northwich.	,,	,, Wordhull.
,,	,, Torperlegh.	,,	,, Chelmondeston.
,,	,, Utkynton	,,	,, Aston.
,,	,, Clotton.	,,	,, Hales and Worleston.
,,	,, Duddon.	,,	,, Alba Pulle.
,,	,, Kelshale.	,,	,, Baretes Pulle.
,,	,, Asshton.	,,	,, Teverton for Moscote.

RENT OF CUSTOM PIGS, 31ST YEAR ENDING

Township of	Hellesby.	Township of	Wetenhale.
,,	,, Manlegh.	,,	,, Torporlegh.
,,	,, Moldeworth.	,,	,, Munschull.
,,	,, Buddeworth.	,,	,, Lowe.
,,	,, Utkyngton.		

If the townships mentioned in the mediaeval documents are mapped it is possible to get a picture of the broad extent of the forests during the period. For example, the list of townships stated to be in the

[4] Lancs. and Ches. Rec. Sec., Vol. 59: *Accounts of the Chamberlains and other Officers of the County of Cheshire, 1301–1360*, ed. R. Stewart Brown, p. 35.
The receipts of the County of Chester included:
"Of divers townships of Cheshire which owe every year to the Earl of Chester 17 pigs by custom, whether there be acorns in Delamere (Mara) forest or not. Whereof there were received in the present 30th year two pigs, delivered to the Lord the Prince's larder, of the worth of 6s. 8d. and for 15 pigs 3s. 4d. were received for each pig. 56*s.* 8*d.*
Of divers townships within the Forest of Delamere paying to the Earl yearly £17 12s. 4d. for Frithmote for the 29th year of the Reign of King Edward".
£17 12*s.* 4*d.*

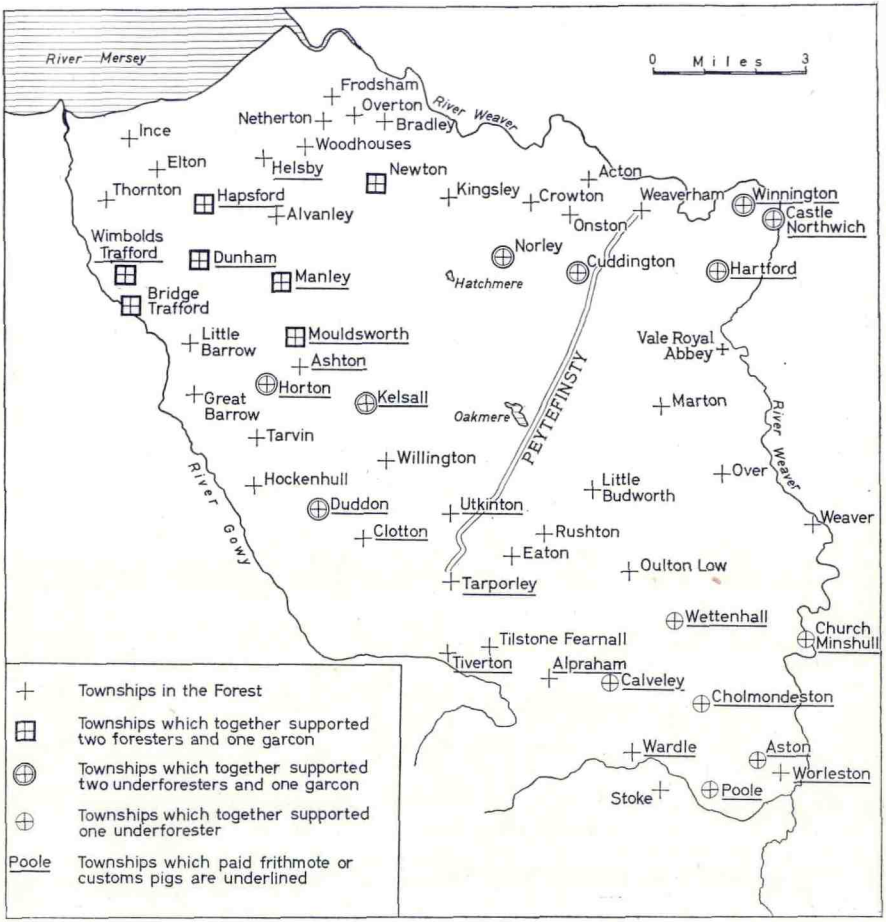

FIGURE 1. THE BOUNDS OF DELAMERE FOREST

forests of Mara and Mondrem have a fairly even distribution, whilst those which paid frithmote or a rent of custom pigs form an almost complete circle around the main core of the forest. All the evidence indicates that the forest covered an area extending from the river Gowy on the west to the Weaver on the east, and from the Mersey in the north to within a few miles of Nantwich in the south. On the southern side the boundary lay along an unnamed tributary[5] of the Weaver, and thence in a westerly direction through Wardle and the Beeston gap to the Gowy.

The area can be delimited more precisely by the removal of certain townships which were stated to be outside forest jurisdiction. Tarvin, Kelsall and Hockenhull were within the liberty of the bishop of Coventry and Lichfield. Weaverham, Over and Marton had been granted to the abbot of Vale Royal, and Frodsham and the surrounding district were within the liberty of the earl of Chester. Moreover, Hewitt did not find Huxley or Iddinshall mentioned as being within the bounds of the forest, although they lie to the east of the Gowy.

Although contiguous with each other and often administered together the forests of Mara and Mondrem were usually considered separately. The whereabouts of the boundary between them is still a matter of controversy, but Hewitt believed it coincided with the public highway called Peytefynsty.[6] This was located by R. Stewart-Brown who was of the opinion that it was situated along the line of the main road from Tarporley through Cuddington to Weaverham.[7] Peytefynsty was of particular importance to the abbots of Vale Royal Abbey since it defined the north-western limit of the land in which they had common of pasture.

The territory originally occupied by Mara and Mondrem is geographically varied and can be divided into several landscape regions. It takes in the northern part of the central Cheshire ridge, the western half of the Weaver valley and the eastern half of the Gowy. The entire area is underlain by Triassic rocks which outcrop where Keuper sandstones and waterstones come to the surface. On the eastern side of the ridge the underlying deposits are Keuper marls and on the western side Bunter sandstones. The central ridge is the most striking topographical feature and extends from Helsby Hill (462 ft.) and Overton (479 ft.), southwards through Delamere and Eddisbury Hill to Higher Billinge (586 ft.), and then falls away to Tarporley and the Beeston gap. Near Higher Billinge the country is smooth and rolling, sloping gently eastward but presenting the steep scarp to the west. Away from the uplands the Triassic marls and sandstones are almost completely covered by thick deposits of boulder clays, and sands and gravels in both the Weaver and Gowy Valleys.

[5] H. J. Hewitt, *Mediaeval Cheshire*, p. 170, Chetham Soc., Vol. 88.

[6] H. J. Hewitt, *op. cit.*, p. 12. Hewitt points out that the proper name, Peytefynsty, is obscure. He spells it as "Peytevinnisti", and in *Vale Royal Ledger Book* it appears as "Paytefynsty".

[7] R. Stewart-Brown, *Cheshire Sheaf*, Vol. XXXIV (1939), No. 7538.

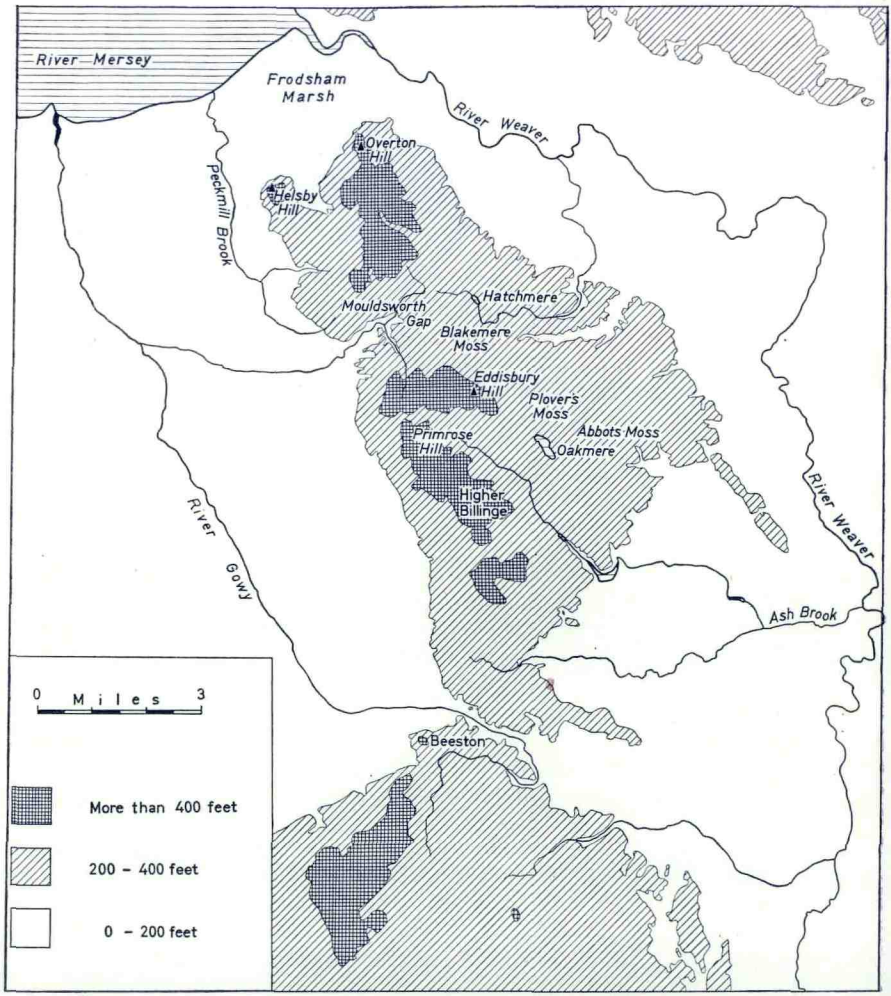

FIGURE 2. PHYSICAL FEATURES OF DELAMERE FOREST AREA

The distribution of the sands and gravels is particularly interesting. It is thought that they are glacial in origin and that they were laid down during the retreat of the ice-sheets when a glacial lake was formed in the basin of west Cheshire. This stood for a long time at about 300 feet above sea-level, and old shore lines can be seen at this height along the west side of the central ridge, especially around Alvanley and Mouldsworth. It is supposed that the meltwaters of this lake seeking a lower level found outlets eastwards across low points in the ridge. The most important of these overflow channels was the Mouldsworth Gap through which there was a great outpouring of meltwaters on to the eastern side of the ridge. They spread out fan-wise releasing the suspended sands over a wide area and forming an uneven surface of hills and hollows with an indeterminate drainage system. The outwash fan is roughly limited by the 250 foot contour and is the main site of the area of modern forest controlled by the Forestry Commission. The hollows often contain lakes like Hatchmere and Oakmere, and there are mosses like Plover's Moss and Blakemere Moss, many of which have been drained and planted with conifers during the last fifty years.

II. FOREST ADMINISTRATION

In Cheshire there was no *terra regis* in the county and the forests were administered by the earl in whose name the forest laws were enforced. The royal forests were not reserved entirely for hunting and when they were first created certainly contained villages and arable land. While the main purpose was always the provision of hunting, hundreds of people might dwell within the forest and carry on agriculture, but always subject to restrictions which made their work difficult. Moreover, once the forest had been created no further extension of arable land was permissible. The inhabitants might do nothing which would interfere with the food and shelter of the animals of the chase. Hunting was restricted to the earl and his nominees, and those who broke the forest code were cruelly punished and sometimes put to death. The law of the forest was extremely harsh and was intended to safeguard hunting.

But with the lapse of the Norman earldom in 1237 and its incorporation into the Crown there began a new phase in the history of the forest. Soon afterwards the eldest son of the king was made earl of Chester, but he no longer lived in the county and became an absentee landlord. He ceased to value the forest for its hunting facilities but considered it primarily as a storehouse for timber and as a source of revenue. This was particularly so during the "reign" of the Black Prince.[8] He was deeply involved in foreign

[8] *The Register of Edward the Black Prince*, Part III (Palatinate of Chester, *A.D.* 1351–65), H.M.S.O. 1932. This is a most important contribution to the history of Cheshire. It covers the whole field of forest administration and is an invaluable source of information about the lives of the people who lived in or near the forest.

wars and had heavy financial commitments at home. In an attempt to raise revenue he imposed fines on people for rights and privileges they had formerly held quite freely. This caused criticism and opposition which led to open revolt, but even so forest revenue was forced up well above the customary level. The change in the official attitude, however, had little effect on the organisation of the forest, though it did have important repercussions on the life of the inhabitants.

In Cheshire the highest forest official responsible to the earl was the justice at Chester. He was responsible for the actual administration of the forests and the legal enforcement of the forest laws. He had to see that the forest officials were carrying out their duties efficiently, and might often act as mediator between the commoners and the foresters, and present the claims of both sides before the earl. Periodically he would hold a regard of the forests, and a commission of inquiry would investigate any offences that had been committed. The most common were assarting, purpresture, and other encroachments on the forest preserve such as hunting and poaching. The guilty usually had to pay fines or remove the cause of the offence.

The chief of the forest officials proper was the surveyor who was responsible for the management of the forests and the game. In 1353 Sir John Chaundos was appointed keeper and surveyor of all the Black Prince's forests in Cheshire as a reward for his services abroad.[9]

In each of the forests of Cheshire there was a master forester who, except in the case of Macclesfield, held lands by sergeanty on the condition of serving as a forester. Kingsley was in the reign of Henry I conferred by Ranulf I, third earl of Chester, on Ralph de Kingsley, by service of the office of master forester of Mara and Mondrem. Under these circumstances the service was originally an obligation attaching to the estate and if not carried out the estate could be forfeited. But the forestership was not without its advantages, and as it was attached to the estates it became hereditary and so developed into a freehold office. The foresters thus became hereditary foresters or foresters in fee, who exercised during hundreds of years extensive powers within their respective jurisdictions and derived considerable benefits from their office.

The jurisdiction of the twin forests of Mara and Mondrem was originally vested in four families[10] They were the Kingsleys of Kingsley, the Grosvenors of Budworth, the Wevers of Wever, and the Mertons of Merton or Marton. The master forestership of the whole was bestowed on Ralph de Kingsley in 1123, to hold the same by tenure of a horn. The chief forestership of Mara and Mondrem was later passed by marriage to the Dones who resided at Utkinton, and their names then appear on all suits, precepts, and directives from the earl appertaining to the forest.

[9] *Black Prince's Register*, fol. 65, p. 122, 1353.
[10] G. O. Ormerod, *The History of Cheshire*, Vol. II, ed. Helsby, pp. 107–108.

According to Ormerod a moiety of the vert and venison of the forest of Mara was granted by charter of Hugh II to Robert de Grosvenor together with the vill at Budworth between 1153 and 1160. This was later transferred to Sir John Talbot and thence by fine to John Done of Utkinton in 1533. The Wevers appear to have acquired their share sometime prior to 1270 (55 Henry III). There is an equal lack of exact information about the Mertons. Ranulf de Merton was probably father of Stephen de Merton, and certainly lived in the time of Henry II and Richard I. After their relinquishment of Marton to Vale Royal about 1277 and their subsequent settlement at Gayton, their name occurs no more in the records of the forest. The Wevers retained their rights longer, and they are referred to again in the dispute between the Grosvenors and the Dones which took place at the forest eyre in 1358. The claim of Henry de Wever to a moiety of the forests of Mara and Mondrem was confirmed in respect of Mondrem only. The claim of Richard de Grosvenor to a moiety of the forest of Mara seems to have been recognised and lingered on for two hundred years until 1534, when it was sold to the Dones.

The nature of the privileges claimed by a master forester were clearly set out in the dispute between Richard de Grosvenor and Richard Done in 1358 (see above, p. 24). Done claimed to have the forestership in fee of Mara and Mondrem together with eight underforesters and two garcons stationed in the villages of the forest. The foresters perambulated their districts in much the same way as the sergeants of the peace in the rest of the county, but their jurisdiction was exclusive of that of the county sergeants. For example, Urian St. Pierre, sergeant of the peace, released the tenants of the abbot of Whalley, in Willingdon in the forest of Mara, from providing puture for his subservients.[11] In the main, however, the foresters had to see that the forest laws were obeyed, and they were most ruthless in the performance of this duty. There is a record of a pardon of Richard Done and Hugh de Frodsham, dated 1353 (27 Edward III), for killing Robert Cosyn, taken in the act of slaying one of the deer and having refused to surrender.

One of the most exacting of the claims made upon the people of the forest was that of puture. This was an obligation on all the tenants of the forest who held "warelands", that is, land in excess of one acre in area. They were required to provide two underforesters and a garcon with supper, bed and breakfast, or in the words of Sir John Done's claim "one day to supp and tarry all night and to breake their fast the morrowe morning". They would then move on to the next house and having made a complete survey of their district would return to the first after a period of six weeks. The plea then goes on to describe the various rights and privileges Sir John claimed in his position as chief forester. He claimed the right to have fern in the forest except when hunting was taking place: he

[11] G. O. Ormerod, *op. cit.*, p. 109.

claimed pannage, all wind-fallen wood, and half the bark of the fallen oaks. The plea continues:—

"And claymeth to have of every beast, as oxen, kine, bulls, bullocks, and goats, taken, and strangers beasts, betwixt Mychellmas and Martlemas, a halph-penny.

And claymeth to have all sparhawkes, marlens and hobbys, founde within the said forest.

And claymeth to have all swarmes of bees.

And claymeth to have the right shoulder of everie deer taken; and claymeth if any stroken deer be found dead in the sayde forest, that he will cause the hornes and the taw sides of the said deer to be sent to the castell of Chester, and the foresters to have residue of the same.

He also claymeth to have weiffes found in the baily-wick, and claimeth to have all pelfe in his office, except that the lord earle of Chester ought to have, and claymeth to have, all hounds and greyhounds, to take foxes, heires, cattes weesel, and other vermyn in the forest."

Further claims were laid down in detail. Sir John claimed all the money for agistment of hogs in the forest between the feast of St. Martin and Christmas. Under the name of *pelf* he claimed that if the royal venison were found within a man's home, then he should take the best of the beasts and the household goods, the residue being forfeited to the earl.

The foresters had their lodges from which they administered the forest laws and safeguarded their own interests. Most important was the Chamber in the Forest, which appears to have been the residence of the master-forester himself. There are several references in the *Black Prince's Register*. In March 1351, "the justices *etc.* are to cause a lodge to be made in the said forest in a place previously agreed upon between them and Sir John de Wengfeld, for the better preservation of the said forest and game; the chamberlain paying the costs thereof by view and testimony of the justice."[12] Three years later the justice and chamberlain were directed to remove an unroofed chamber in the manor at Peckforton to Eddisbury hill for the use of the forester of Mara. In addition to the Chamber in the Forest, lodges were built for the use of the other foresters, and some of these such as Rutter's Lodge and Massey's Lodge were listed when the area was enclosed in the early nineteenth century.

III. FOREST RIGHTS AND PRIVILEGES

In the place of the Forest Charter of 1215 which applied elsewhere, earl Ranulf III granted his own charter to Cheshire. Under this his subjects received a more humane law, and their ancient rights and privileges were confirmed.[13] The charter was granted in

[12] *Black Prince's Register*, fol. 5, p. 9, 1351.

[13] J. Tait, *The Chartulary or Register of the Abbey of St. Werburgh, Chester*. Chet. Soc., Vol. 79 (1920), p. 60: "*Carta communis Cestrisirie*, being the grant by earl Ranulf III to his Cheshire barons of certain liberties for which they had petitioned".

1215 or 1216, and reaffirmed by Edward I in 1300. Under the original charter the earl gave his barons and freeholders the right to enclose land within the arable areas of the forest and to grow crops on lands formerly cultivated and free from wood. The exact conditions varied in different parts of the county and in Delamere the custom was to impose a fine when the land was brought into cultivation.[14]

The tenants in all places within the confines of the forest had many other rights and privileges. They were allowed to keep their dogs unlawed for chasing foxes and other vermin provided no harm was done to the venison. They could collect wood for fuel called estovers in their demesne soil at any time of the year. They could take housbote and haybote,[15] dig peat and turves, and cut furze and bracken without supervision by the foresters. In certain places they might dig sand and gravel and marl. They could also agist[16] their pigs in the forest on the payment of a rent called pannage and could pasture other animals, chiefly cattle and horses, on the common grassland.

In an attempt to increase the forest revenues the Black Prince introduced many oppressive measures in the middle of the fourteenth century. The foresters were given instructions which deprived the people of many of the rights to which they and their ancestors had been entitled by charter or custom. In 1351 a long list of their grievances is recorded in the *Black Prince's Register.*[17] Their claim that they had always been allowed to have their dogs unlawed for hunting the fox and other vermin was allowed to them. But they also complained that their customary right to dig turves, cut heath and gorse was now restricted to the edges of certain towns and must be done under the supervision of the foresters. Again they were not allowed to take estovers in the forest except under supervision between Easter and Whitsun. While the foresters might enter the coverts freely, of the other inhabitants only one herdsman from each town was allowed this right. It was now an offence to carry bows and arrows in the covert, though bows might be carried on the highways provided the strings had first been removed. This applied especially to the forests of Mara and Mondrem. No swine were allowed in the forest except in time of pannage, whereas the peasants had been accustomed to have swine everywhere on their demesne soil at any time of the year. The foresters were instructed to hold pleas of "swanmote" every three weeks and to present all trespasses done in the forests to the justice at Chester at the next county court, although this procedure was again without precedent. The people were not allowed to take housbote or haybote in their demesne woods, or give away or sell their deadwood. They were amerced for digging turves on their demesne soil even, although they and their ancestors had hitherto done this without making

[14] H. J. Hewitt, *op. cit.*, p. 11.
[15] *Black Prince's Register*, fol. 12d, 18 May, 1351, p. 26.
[16] Agist: the practice of pasturing pigs in the forest at the time of mast.
[17] Folio 13, 18 May 1351, p. 24.

payment to their lord. Others had been imprisoned or fined contrary to the law of the land for hunting hares and other vermin. Finally, although the people of the forest had from time immemorial had common of pasture on the earl's soil for all their cattle in the forest, from the feast of the Exaltation, 14 September, until the feast of the Invention of the Holy Cross, 3 May, for which they paid a rent called "Frithyeld", they were now denied this right yet still required to make this payment.

As the exactions of the Black Prince became heavier, so the discontent of the people who had interests in the forests increased. A rising followed the eyre held in Chester in 1353, and armies led by the Black Prince in person entered the county and crushed the revolt. The people of Mara and Mondrem agreed to pay a heavy fine over a period of years and the Chamberlain's Account of 1358/9 records the receipt of "£400 received of the Commonalty of Mara and Mondrem, in part payment of a certain fine of £2,000".[18] In return they were to receive a pardon for their trespasses and were to be exempted from the eyre.

In the course of time many exemptions and privileges were granted to organisations and individuals. The church was to the fore in this respect. The manor of Tarvin, which included the townships of Kelsall and Hockenhull, was within the liberty of the bishop of Coventry and Lichfield and was therefore outside the jurisdiction of the foresters. The authorities at the Abbey of St. Werburgh were granted a part of the venison from the forest, and later were allowed to take deer to a certain extent themselves. Under the foundation charter of Vale Royal Abbey the manors of Weaverham and Over, hitherto in the forest area, were disafforested and became part of the liberty of the abbot. The borough of Frodsham, with Overton, Netherton, Bradley, Mukesdale, and Woodhouses were also exempted from forest administration. In other cases there were examples of puture being released either entirely or in part, as at Rushton and Eton in Mara. During the reign of Edward II the right to enclose and cultivate was granted at Ashton in the forest of Mara. Another privilege was the grant of timber for building and repairs, and here again the church was well to the fore.

Heading the list of organisations claiming exemptions and privileges was the Cistercian Abbey of Vale Royal.[19] The first site for this house, founded in 1266 by Prince Edward, son of Henry III, was at Darnhall near Over. It proved unsatisfactory, and when Edward came to the throne he gave the community another building site, and on the 2 August 1277 laid the foundation stone of a more extensive monastery which he called the Abbey of Vale Royal, a few miles to the north of the first site at Darnhall. The building, completed in 1330, grew to large proportions, and drew its building materials of both stone and timber from the royal forests. The Vale

[18] *Cheshire Chamberlain's Account*, p. 247.

[19] The main source of information is the *Ledger Book or Green Book of the Abbey of Vale Royal*. See Lancs. and Ches. Record Society, Vol. 68.

Royal estates contained a good proportion of the surrounding countryside, including areas that had been under forest law. All this was now declared to be disafforested and outside the jurisdiction of the forest officials. In addition the abbots and their tenants had many other privileges. The grants included the mere and stew (*vivarium*) called Oakmere[20] with the appurtenances, the right to quarry stone for building the abbey, and to obtain materials for making glass.[21] The abbots and their tenants of the manors of Darnhall, Weaverham, and Conewardsley were allowed to have a bee-keeper in the forests and to have pasture for their beasts and reasonable estovers. These tenants were also free to assart their own woods and bring land under cultivation without interference or fine by the forest officials.

It was inevitable that disputes should arise between the abbot and the foresters concerning the rights of his tenants in the forests. The boundaries were contiguous over a considerable distance and there were many sources of friction. During the years around 1350 the abbot addressed many petitions to the royal justices at Chester to safeguard his rights which were being threatened by the foresters. Usually his claims were allowed and the chief foresters were instructed not to hinder the abbot and his servants in the enjoyment of their rights. On one occasion the abbot complained that contrary to the charter several forest officials had trespassed on his estates and wrongfully taken the crops and chattels of his tenants. On another occasion the foresters were charged with having taken twigs and branches of trees which had been felled for timber for the abbey. Usually a decision was given in favour of the abbot.

Sometimes, however, the claims put forward by the abbot were not allowed. This happened at the forest eyre of 1357 when he claimed pasture and estovers on behalf of his tenants on the manors of Conewardsley, Darnhall and Weaverham. The charter had laid down that the tenants were to enjoy these privileges as they had done in the time of earl Ranulf. It was now argued that at that time they were allowed to exercise these rights within the limits of their own vills and not in the forest at large. Moreover, since the charter had been granted the tenants had increased in number and in the use of these privileges were doing considerable harm to the forest. The abbot denied these statements and an investigation was held. Officials were sent to the locality to settle the problem. On the express command of the prince an area was defined and set aside within which the abbot's tenants could have common of pasture without interference.[22] The boundary ran from the point where Peytefynsty reached the common at Cuddington southwards to the heap of stones on the Chester-Northwich road between Blakemere and Harebachecrosse. It continued to the belfry at Acton and as far as the bounds of Marton. It was laid down that in the area to

[20] *Cal. Pat. Rolls, 1272–81*, p. 247, 6 Ed. I.
[21] *Cal. Close Rolls, 5 May 1284*, 12 Ed. I.
[22] *Vale Royal Ledger Book*, p.142.

the north and east of these limits the abbot and his tenants should have rights of pasture and should be completely free from interference from the foresters.[23]

IV. ECONOMIC DEVELOPMENT

The clearing of the land for agriculture continued in most parts of England during the later Middle Ages. In Cheshire, however, this was a slow process owing to the geographical position of the county and its borderland character. In addition the forest laws quite often prevented the development of agriculture, and large areas of waste between the vills remained uncultivated for centuries. Sometimes economic progress clashed with chartered rights and ancient custom. In spite of these obstacles the attack on the forests continued. During the period there was an extension of arable and pasture at the expense of the wood. Timber was used for building and general domestic purposes, and wood from these forests must have been used as fuel for industrial purposes.

The enclosure of land for agriculture went on slowly and laboriously throughout these years. After the axe and the pick went the plough, providing arable land and crops for a growing population. The continual pressure on the food resources made assarting inevitable and there are plenty of records of new ploughings and enclosure. In Cheshire the conditions of enclosure were set down in the eighth clause of earl Ranulf's charter previously mentioned. In 1215 the earl gave his barons "the right to assart their lands within the arable area of the forest and to grow crops on land formerly cultivated and free from wood without payment". Under a later clause, these privileges granted to the barons were assured to their knights and freeholders. This right seems to have been allowed in the forest of Wirral, but elsewhere other conditions prevailed. In Macclesfield land could be cultivated on payment of a fixed sum annually, but in Delamere it was customary to pay a fee at the time of enclosure. In Delamere the barons and the freeholders were "always wont to assart in their own foreign woods where, by the oath of the foresters and twelve lawful men, it could be done without nuisance to the forest, and to pay for each acre between Peytevinnisti and Uuevere towards Nantwich, 5s., and for every acre on the other side of Peytevinnisti towards Frodsham, half a mark".[24]

From the records it is possible to build up a picture of the conditions under which the clearing of the woodland took place. The process was a difficult and laborious one in which the barons, freeholders, ecclesiastics and the peasants played their part. First would come the felling of the trees, often oaks, and the grubbing up of the roots, and then the clearing of the bushes and the bracken. But at

[23] For subsequent history of Vale Royal Abbey, see J. J. Phelps, "Vale Royal Abbey", Trans. Lancs. and Ches. Antiq. Soc., Vol. XVI (1898), pp. 75–82.
[24] *Cal. Inq. Misc.*, Vol. I, No. 975.

last after long months of toil the ground would be ready, the plough would be dragged through the virgin soil, a fence would be put around it and one more piece of land would have been won for agriculture. The monks at Vale Royal were continually adding new areas to these already under cultivation on their estates. The barons and freeholders were particularly active and there are many references to their work. Richard de Weaver was allowed to enclose a ley of sixteen acres on payment of six marks.[25] On another occasion the authorities at Vale Royal Abbey claimed that Warren le Grosvenor had enclosed a certain piece of land in the forest of Mara to the detriment of their interests there, but their claim was not allowed.[26] Sometimes the work of reclamation was obstructed by the policies of the Black Prince whose main interest was revenue. In 1357 he ordered that all purprestures made on the pasture of Mara in a place called "Actonbothum" should be thrown down and the ditches between them demolished.[27] Even the prince had difficulty in restraining the peasant living in the remote parts of the forest. This "gray-haired enemy of the wood" would break the law by enclosing an acre here, half an acre there, and pay the fine if discovered. In all these various ways, however, the plough was steadily gaining on the waste and the bounds of cultivation were being widened, an inevitable process if the land was to support the growing population.

Almost as important as clearing the wood was the use of marl to improve the surface soil. The value of marl was that it could be used to stiffen light or porous sandy soils, and to lighten heavy clay soils. In Cheshire the substance had a wide distribution and could be obtained from boulder clay, the Keuper marls, and from the loamy beds of the Keuper sandstones. The work was heavy and the marlpits were usually located near to the cleared pieces. The peasants would dig out the clay and spread it over the land where because of its friable nature it fell into small fragments and was washed into the soil by the rain. Wirral was particularly well supplied, and there are many references to marlpits in the second half of the thirteenth century. But it was also used on some scale in Delamere especially in later times. The digging of the marlpits has left its mark on the landscape, for the traveller cannot fail to be struck with the large number of small cavities in many fields which fill up with water and yet bear no relation to the lie of the land.

Side by side with clearing and marling, went the grazing of cattle and pigs in the forest itself. Cattle must have been quite numerous, and the lists of "escapes" indicate that every year scores of them would stray from the pastures and the village commons into the forest. They were caught and impounded by the foresters, and released only on payment of a fine. Each autumn the peasant in return for pannage could fatten his pigs on the acorns and the

[25] *Black Prince's Register*, fol. 70d, p. 133, 1353.
[26] *Vale Royal Ledger Book*, p. 43.
[27] *Black Prince's Register*, fol. 135d, p. 247, 1357.

beech mast. Pannage consisted of the following scale of payments: one penny for each pig up to six: one pig for any number of pigs from seven to ten: for eleven pigs, one pig and one penny and so up to sixteen: from seventeen to twenty a payment of two pigs: for twenty-one pigs, two pigs and one penny.[28]

In addition there were the nine townships near the forest which paid by custom seventeen pigs every year to the earl whether there were acorns in the forest or not. This probably entitled them to free agistment. In the year 1301–2, besides the penny rents, one hundred and fifty pigs were driven in from the forest and slaughtered for the benefit of the exchequer. It appears that the pig population of the forest was considerable during these years, and that pigs were an essential part of peasant economy.

In later mediaeval times the forests became more and more important as a source of timber for building and construction of different kinds. There are many references to grants of oaks for building manors and churches, for repairing bridges and dikes, and for erecting fences and making domestic implements. Most of the timber used in the building of Vale Royal Abbey came from the forests of Mara and Mondrem. Oaks were also despatched for the repair of the churches at Tarvin, Bunbury and Tarporley, and St. Mary's Church, Chester. In addition, there were grants of oaks for the repair of houses at Tarvin and to make good the damage done by flood to the mills at Northwich.[29] All the timber required for the repairs of the sluice called Holpalgate, near Frodsham, were also drawn from the same source. Moreover from time to time there were gifts of timber to men who had served the prince well in foreign wars, as for example the grant of oaks to William Spark, John de Overton and Randolph Brown for good service in Gascony.[30]

The enclosure of forest land for cultivation, the use of timber for divers purposes made heavy inroads on the timber resources, and during the administration of the Black Prince there is evidence of increasing anxiety about the state of the forest. In 1351 the prince stated that the "forests in Cheshire have been and still are daily destroyed", and he ordered that certain restrictions should be enforced.[31] The abbot of Vale Royal who had housbote in the forests was no longer allowed to take wood without the consent of the chamberlain. The latter was to have a special axe made, stamped with a special mark. All timber for delivery had to be marked with this mark and the stumps had to be marked in the same way. Every year timber delivered to the abbot had to be listed carefully and was to be used solely for building purposes. The abbot's right to take fuel from the forest was also rescinded, because of the destruction which was taking place. "The abbot knows well that the prince has no other timber for making castles, manors or mills,

[28] *Cheshire Chamberlain's Accounts*, pp. 3–4.
[29] *Black Prince's Register*, fol. 177d, p. 324, 1358.
[30] *Ibid.*, fol. 172d, p. 314, 1358.
[31] *Ibid.*, fol. 4d, p. 8, 1357.

or the abbot for making his own necessary repairs, except in the said forest."[32] Other people who had the right to take fuel were requested to take turves instead and to spare the forest whenever possible. Even the timber required for the repair of the prince's own work had to be carefully marked and accounted for by the justice and chamberlain.[33]

Wood was not the only building material obtained from Delamere. Stone quarried from the Triassic formations which underlay much of the forest and outcropped in places was also used for repairing churches and castles. The best-known quarries were located at Eddisbury, a little to the east of the Old Pale farm, and on the north side of Watling Street. Nearly all the stone used in the building of Vale Royal Abbey came from Eddisbury.[34] It was trimmed in the quarries and then transported in one-horse carts to the abbey, where it was shaped by the masons. Probably Eddisbury sandstone was used in the construction of other buildings. Certainly in 1290 the archdeacon of Chester was granted three hundred stones from the king's quarry in Mara for the fabric of the chancel of the church at Davenham.[35] But generally speaking wood remained the most popular building material, except in times of scarcity when the authorities fell back on stone or looked elsewhere for their timber supplies.

[32] *Ibid.*, fol. 7, p. 13, 1351.
[33] *Ibid.*, fol. 4d, p. 9, 1351.
[34] *Vale Royal Ledger Book*, p. 138. See also carriage of timber and stone accounts, pp. 198–201.
[35] *Calendar of Close Rolls, 25 December 1290*, 19. Ed. I, p. 156.