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The Wyre Forest under the Tudors and Stuarts

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Introduction

Popular perceptions about the Royal Forests of England are largely shaped by Hollywood and television – purveyors of the adventures of Robin Hood. The forests were full of outlaws hiding up trees and mostly ‘on the run’ because they had ‘taken the King’s deer’ and were to lose a limb or be hanged for it if captured. There might be some truth in this but it might also all be very exaggerated; the stories of Robin Hood the Yorkshire rogue made good bedtime reading in fifteenth century England but even by then the heyday of the Royal hunting forests was in the distant past.

This paper sketches in the medieval background to the Royal Forests but then focuses on documented incidents in the early sixteenth and early seventeenth centuries which provide an insight into what was going on in the Wyre Forest at that time.

The Medieval Forest

The Medieval ‘Forest’ was not a topographical description of woodlands. It was a tract of land which was subject to the Forest Law, introduced by William the Conqueror. The forest might consist of ‘woody grounds and fruitful pastures privileged for wild beasts and fowls of the forest, chase and warren, to rest and abide in, in the safe protection of the King for his princely delight and pleasure...’¹, but it could also include open ground and settlements. The important thing was that it was subject to Forest Law, and that law was part of the King’s prerogative.

As Richard fitz Nigel explained in the late 12th century:

*The whole organisation of the forests, the punishment, pecuniary and corporal, of forest offences, is outside the jurisdiction of the other courts, and solely dependent upon the decision of the King, or of some other officer specially appointed by him. The forest has its own laws, based, it is said, not on the Common Law of the realm, but on the arbitrary legislation of the King.....*²

¹ Manwood, A Treatise and Discourse on the Laws of the Forest, 1598.

² Richard fitz Nigel, Dialogue of the Exchequer, 1179.

It was the arbitrary nature of Forest Law that created its notoriety and its position as a bone of political contention from the 12th to the 14th centuries, as the principles of parliamentary democracy emerged very slowly in a feudal environment where the monarch claimed absolute power.

In the 14th century there were nine separate pieces of legislation about the Royal Forests, most of them concerning civil liberties and trying to define (or constrain) the King’s prerogative. The last was in 1383, ordering that none shall be taken or imprisoned by an official of the forest without proper indictment under Common Law.

Then there is legislative silence for a century, until in 1482, when Parliament passed An Act for inclosing of woods in forests, chases and purlieus. During the fifteenth century the focus had swung away from issues of Forest Law to one of the preservation of woods and timber. Under the Tudors and Stuarts the two became entwined as different interests sought to exploit the forests for their own ends.

The Wyre Forest was technically not a forest in the main part of the Middle Ages. It was in private ownership (that of the Mortimer family) and therefore a chase. However, the Mortimer lands were absorbed into the rest of the Crown lands in the 1460s and much of Wyre Forest remained as Crown Lands until the sale of 1870.

In the time of King Henry VIII

We do not have a complete series of records relating to the history of Wyre Forest. Scraps of evidence survive. They are not enough to provide us with a full history of what went on in the forest. But they are enough to piece together a picture of many of the commonest features of life in and around the forest in the sixteenth and seventeenth centuries, the times of the Tudors and Stuarts.³

In 1526, for example, we know, from the chance survival of court proceedings from that year, something of daily life and happenings in the

³ The information in this article is drawn from a selection of Exchequer records relating to the Wyre Forest, held in The National Archives.



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forest. Between the 21st and 24th of November that year ("...the xvij year of our Lord King Henry VIII") four sessions of court hearings were held before Sir John Blount, " ...rider of the Forest of Weer", and Lord of the Manor of Kinlet, on the Shropshire side of the forest. The Rider of the Forest was appointed by the Crown to look after the crown's interests in the forest and particularly to maintain Forest Law.

The court rolls (the proceedings were recorded on rolls of parchment or vellum) record the fines levied on individuals for offences committed. These reveal how some local people were engaged in activities which were contrary to Forest Law. These laws were still sporadically enforced, in part to maintain some order within the forest and in part to collect fines for the Exchequer.

The most frequent offence was simply going into the forest and illegally cutting down and carrying away oak trees, poles and other wood. One example was that Edward Pygot and John Sowthall, churchwardens of the parish of St John the Baptist of Kinlet felled fourteen oaks in the "le leez" (part of the Lords Yard) for use in the church. Ironically, just five years later Sir John Blount would be buried in the same church.

Pigs were evidently a source of problems in the forest. Local people were fined for letting their pigs roam unrestrained in the forest, causing damage to young trees. There were fines for people who allowed their pigs into the forest "at the time of fencing" – in other words when efforts were being specifically made to either protect young trees or the deer at the time of mating. Illegal pigsties were punished by fines and orders for their removal.

Some local people were allowed to pasture a certain number of beasts and pigs in the forest at specified times. Some of these exceeded the number allowed and were fined for doing so. John Butler had allowed other unwanted guests in – a swarm of bees. Others had illegally punched gates or stiles through the pale (fence) surrounding Bewdley Park, adjacent to the forest, presumably to illegally pasture cattle in the park or perhaps go poaching.

Three farmers from Bayton and Mamble had certainly been caught poaching. At Holvehill they had "hunted a buck called a Staghart and then and there killed took and carried away" the beast.

These survivals give us a snapshot of life in and

near the forest in the reign of Henry VIII. The forest was an important (and legal) resource for those whose rights (to pasture beasts for example) were recognised by the Crown. But the forest was also a great source of temptation for many others and inevitably part of the scene involved the Crown enforcing its interests through the office of the Rider of the Forest and the courts created for that purpose. One might, however, speculate that this was a fairly easy going enforcement and perhaps a blind eye was turned to a lot of what went on. After all, the forest was large and bountiful and the people living on its boundaries relatively few in number. The Crown just needed to exert its authority through the courts to remind everybody that the locals' 'customary rights' could not be casually exceeded.

Fast forward a hundred years and the situation – again one might speculate – was rather different. Now the infringements upon the forest were the cause of rancour and trouble. People were getting militant and people were getting hurt. The forest was starting to seem more like a battleground than some ecological heaven. Before looking at what we know was happening, let's just pause and ask – 'what had changed in those hundred years between the 1520s and the 1620s?'

One important development was the growth of industry. England was still a very long way off being an industrialised nation (that cannot really be said to be a major factor until the 'Industrial Revolution' of the late eighteenth century) but there was significant growth in both rural and urban industry. In our area, for example, iron works were established – by Robert Dudley, Earl of Leicester – at Mawley near Cleobury Mortimer, sometime after 1563. They needed wood to fuel them. A survey of 1584 refers to two furnaces at Cleobury and at least one forge was in operation throughout the seventeenth century. Also in the sixteenth century, the demand for wood fuel to sustain the furnaces of the Droitwich salt industry caused local shortages of fuel in Worcestershire.

The seventeenth century antiquarian Thomas Habington wrote of the "utter over throw" of Bewdley's "bosome frynde and nerest neithbour, the late renowned forest of once flourishinge Wyre..."⁴ The Mucklow family of

⁴ J Amphlett (ed), A Survey of Worcestershire by Thomas Habington, 1 (1895), p.531



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Areley Kings are said, in about 1617, to have been " very earnest and desirous that some trial should be made for getting of coals on their land by reason of the general decay and scarcity of wood in that county, and by reason of the situation of the same grounds lying near to the River Severn whereby the same coals might with small labour be conveyed into diverse countries to the general good of the kingdom." ⁵

A second development was a political one. Elizabeth, James I and Charles I all looked for sources of income which would make them independent of Parliament. The Crown lands and the Royal Forests were areas where they could make money by managing the woodlands profitably or (more easily) levying fines with ruthless efficiency upon local people who trespassed in the woods with their animals or stole timber and wood. Unfortunately their zeal – or that of their representatives – brought them into conflict at a local level with people who claimed to enjoy certain 'ancient rights' in the forest – those that permitted them to collect wood or pasture their animals. At a national level, Charles' revival of Forest Law (largely neglected for over two centuries) as an excuse to claim fines for encroachments and misdemeanours years old, was one of the factors which contributed to the conflict between King and Parliament, culminating in Civil War.

But perhaps the most important factor was that between the early sixteenth century and the middle of the seventeenth century, the population of England probably doubled. What were the implications in a rural area like the vicinity of the Wyre Forest? There were more mouths to feed from the same amount of land and the price of everything went up alarmingly. Some people drifted to the towns, but not that many. Others carved new smallholdings out of 'waste' ground, including the edges of forests and commons. More houses and cottages were built or rebuilt as more homes were needed and the rich expressed their wealth through bigger, better and more impressive housing. And the numbers of poor increased. More turned to vagrancy and begging or looked to charities for support.

The growth of the number of poor cottagers eking out some sort of subsistence living had its impact upon the forest. The woodlands were a source of free fuel and food to people who were tenant farmers of the manors next to and within the forest, such as Abberley, Bayton and Rock. They claimed that they were entitled to take these from the forest and to keep their animals there as part of inherited rights handed down with the succession of their farms. But the newcomers – the poor cottagers – also tried to claim free food and fuel too. It was an essential means for them to stay alive.

Population growth, price inflation, industrial and urban development, shortage of fuel and political expediency all came together to create a cauldron of conflicting needs and demands.

Bewdley and the Forest

The proximity of Bewdley to the Wyre Forest inevitably impacted upon the Crown's interests and added to the pressures upon the woods.

Bewdley's impact was threefold. Firstly it was home to a number of timber merchants who supplied building materials to much of north Worcestershire and may have used the River Severn to supply places further afield. In 1632 Altons Woods were described as standing near the River Severn and as being " fitt for timber to be transported for Shippinge by Water to Bristoll and other places." Secondly, the town had a number of industrial users who needed fuel. And thirdly, the people living in the town required fuel.

The best information on the timber merchants relates to William Milton, junior. He was working in Bewdley from c.1610 until at least the late 1630s. In 1618 his activities were the subject of a Court of Exchequer investigation.

Milton was accused of encouraging certain individuals to steal timber, and of lending them " sawes, wedges, beetles, and such kind instruments for the fallinge, sawinge and clyvinge of such tymber stuff by night and by other sinister and undue meanes and practices at private and unseasonable tymes and houres..." He purchased laths, boards, panels, barrel staves and other timber stuff from many "poore extravagant persons that doe steale and purloine his Mats Tiber forth of the said woods from time to time..." These "idle and lewd persons" lived in the woods and it was

⁵ O.M Lloyd, Family Records from the Areley Hall Collections', Transactions of the Worcestershire Archaeological Society, NS xviii (1941), p.26 ; Birmingham Reference Library 413441.



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these he provided "sawes and other engines or tooles whereby they might the more privately cutt downe" the trees. He was said to have sold the timber and sent it down the River Severn. He paid his own workmen mainly in "Ale and drink", something which "th workmens' wyves found fault therewith..."

Milton certainly did well out of his business. It was said that he built his house "a newe from the ground" and it was claimed that he was unable to build such a house "before he firste entered into medlinge with his mats woods..." This "medlinge" was "the cheefeste and greateste meanes of his sudden enritchinge."

Many trades used timber and wood for construction work or as fuel, but it was the tanners' desire for bark that may have been the most harmful to the woods. Andrew Yarranton pointed out in 1677 that the Bewdley tanners need for bark encouraged the felling of trees in the Wyre Forest:

"...and in all these Woods the Tanner buyes the bark either by the Acre, or else all the bark that shall be fell'd that present year...now the Tanner and the Workman are in private Combination, and either by night or by day down the Standals are cut...there is sufficient of Advantage in point of gains betwixt the Workman and the Tanner to stop the Gentlemans Bayliffs mouth...then there is a second way that hath destroyed infinite numers of standals...a private agreement and compact between the Gentleman's Bayliff that owns the Copices, and the Clarke of the Iron Worke...also the Collier that makes and converts the wood into coal with the Tanner...it is also in the interest of the Tanner to have as many standals cut down...so he may have the greater quantitiy of bark...they being all of good provable white oak..."

There are of course also plenty of references to charcoal burning, an important fuel for the iron works. These created quite a demand, but it has been argued that it was in the ironmasters' interest to manage the woodlands carefully in order to preserve a supply of fuel. So to single them out—as historians once did—as responsible for any fuel shortages in the seventeenth century may be unfair. It seems more likely that general population pressure and more people looking to the woods for their needs would be responsible for any problems. The complexity of conflicting interests is illustrated by what was going on in Alton Woods at this time.

Alton Woods

We know most about the conflict between the Crown and others, because, essentially, it is the records of the Crown that have survived. But glimpses of other issues do sometimes also creep in. The Crown's concern was to protect its assets in the forests in the face of all these pressures upon them.

In 1592, John Taverner, the Queen's Surveyor of Woods (her most senior forest official), added a note to Sir Christopher Blunt's lease of "Hanlies Bind" and the "Newe Lodge Bind" (amounting in all to 75 Acres) that "the saide woods have bin and are dayley spoyled by poore disordered people that inhabit about the same and will in very shorte time be utterley destroyed yf they be not fenced And prsarvd in better sorte than hertofore they have ben..." Taverner appreciated the need to protect young saplings, especially those that were likely to grow into full timber trees. He added that if the premises were granted to another in the future. "all timber trees and all saplings of oke like to prove to be timber" should be reserved to the Crown, that adequate numbers of timber trees should be maintained and "that the lessee be bounde to incopice and inclose every wood... and to mayntaine the inclosure thereof without sufferinge anye horse or other catell to pasture in the same hat may hurte springe during the time..." limited by Act of Parliament.

Alton Woods in the early seventeenth century illustrates the sort of conflict that could arise in the Forest when a number of different interests clashed.

Very little is known about Alton Woods before the end of the sixteenth century. The Elizabethan government appointed a Bailiff to manage the woods and organise the wood sales, either the annual sales or the occasional 'great sales'. The Bailiff was paid a small salary, but his main income came from the perquisites which went with the job. In the early seventeenth century the Bailiff in Alton Woods had for his fees all the windfall trees. When trees were delivered to tenants as estovers, the bark was first stripped and the proceeds from the sale equally divided between the Crown and the Bailiff. The Bailiff had responsibility for seeing that Crown timber, bark and charcoal were disposed of at the greatest price possible. He was also to see that no timber was taken illegally from the forest.



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This was a difficult task. In the first decade of the seventeenth century – when the Bailiff was Thomas Hayward, a Bewdley innkeeper – one observer commented that in Alton Woods alone he knew that one thousand trees had been felled without the Crown's consent, by which reason the "wood is much defaced and decayed" and that "his Matie [His Majesty King James I] is pruidiced by reason of the ffelling of the woods...to the value of a Thowsand mrkes att the leaste...". While this may be an exaggeration, it does illustrate how serious a problem illegal timber falling was thought to be. But it was not only illegal felling that was causing a problem.

The first 'greatsale' that we know about occurred in 1601, when between 1,500 and 2,000 trees were felled and sold for £703=19s=0d. The early seventeenth century seems to have been a period of heavy felling. Thomas Hayward, the Bailliff, felled 630 trees between February 1607 and May 1608. In 1609/10 there was another 'great sale' which was partly blamed for the decay in timber at this time.

It seems that the destruction of timber occurring in these years was considered unprecedented. In an Inquiry held in 1618 into the 'waste and spoil' of Alton Woods, the Crown's Commissioners looked back enviously at the situation thirty years before. In 1589 the premises were said to have "a greate store of tymber trees and other trees". George Weaver, a Bewdley timberman, said that "within the time aforesaid there were growing within Alton Wood to the number of fflower and twenty thousand tyber trees of oake. And this he knoweth to be true for that he was within the time aforesaid appointed with others to number, tell and prise the said trees wch...did amounte to the sune of aboute ffourteene thowsand pounds". By 1618 this situation had changed dramatically. Richard Nott, a Kinlet yeoman, claimed that "...the greatest parte of Altons Wood...is cutt downe and carryed away...".

The Crown certainly felt that something needed to be done to put a stop to this problem, but its only positive step had apparently, in the short term at least, only aggravated the situation. Alton Woods were reserved from the Crown grant of the manor of Abberley to Sir William Walsh in 1609, but a lease of the woods was granted to him on his petition in the following year. Presumably, the thinking was that a lease

to a strong local landowner might prove a more effective way of preserving the woods than simply leaving it up to the Bailiff.

Walsh's petition outlines the sad state of affairs that the woods had got into: "That whereas the soile of Altons Woods...are reputed to be in quantitie 2000 acres of barenland or thereabouts, wch soile hat ben wthin theis 20 or 30 yeres past, very well stored with exceeding good Tymber, but by reason of great sales of tymber, made in the late Queenes tyme, and likewise in his Mats tyme, the said 2000 acres of wood soile lyeth waste, the tymber being in manner all gone."

Walsh offered a solution. He was prepared to "inclose a fourthe part of the said wast ground, for the maintenance an increase of woods, according to an act of Parliament made the 35.H.8...". Furthermore, he pointed out that, as Lord of the Manor of Abberley (which included Alton), he was the best man to deal with all offences committed in the woods and to settle any "Controversies" which might arise concerning commoners' alleged rights.

Robert Treswell, Surveyor General of the Crown Woods, agreed that to lease the woods "to one that may be sufficient both to defend the same from spoiles as alsoe to be answerable for all damage" was a good idea. He had surveyed the "greate wst wood" and found it to contain 1,700 acres "wherein there is lytle or noe underwood but only trees", although these numbered 12,000. He felt that "Sithence the last fall these made there is much ground soe wasted as yf some provision be not made for restoringe thereof the contry wilbe much hindred." He agreed with Walsh that it would be "good husbandry" to enclose part of the woods and considered that there were sufficient trees to spare for the actual process of enclosing. The petition was therefore heeded and a lease made for a term of 60 years and at a rent of £24.

Walsh immediately ordered the felling of 1,730 "greate Tymer Trees" for the impaling of his 'New Park'. This was technically contrary to the terms of his lease but there were 7,000 trees within the area of planned enclosure, sufficient to support the felling needed to create a pale around his New Park. The completed pale was about 3.5 miles in circumference and was said to consist of 40,150 pales (worth £140), 4,842 posts and rails (worth £60) and 4,842 "shories" (worth 20 marks).



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Impaling was reckoned to have improved the value of the land by about £20 per annum. Walsh stocked the park with fallow and red deer. But he also kept sheep and 'beasts' in the park and some claimed that "the springe and underwoods were destroyed by depasturinge of the said beasts". Sir William also built a residence for himself which became known as the 'Lodge House', in the 'New Park'. In addition he also apparently allowed at least eight cottages to be built, the tenants paying rent to him.

Robert Treswell's observations on Walsh's petition had included that "In the said wood the Tenants of Abberley claime to have Comon of Estovers and lately have had the same allowed by Commission out of Exchequer in some yeares two hundred trees and sometymes more." This, he felt, was one of the reasons why the woods were wasted and he recommended that when a lease was drawn up provision was to be made that "noe estovers be allowed but upon good and urgent necessity and not without yor Lops [ie Sir William Walshe's] especiall order and warrant."

Sir William, however, recognised that many of his manorial tenants were legally entitled to 'customary wood', including from that part of Alton Woods that he proposed to enclose. He therefore called a meeting of those who supposedly had a claim to have wood out of the park. At that meeting Sir William claimed that he received the assent of the tenants (or at least most of them) for him to enclose part of Alton Woods and "keepe the same inclosed and to use the same att his pleasure and for his best benefit."

Some of the tenants certainly did not put their names to this. Thomas Eynott, for example, said that some of the other tenants gave their assent because Walsh was their landlord and did so "...but whether the same were for love or feare (but one of them he verely beleeveth it was) he knoweth not...". He also pointed out that this was not just an issue of interest to Walsh's tenants. Other landowners and their tenants might have views too.

This was a delicate issue for Walsh. The tenants had secured confirmation of their customary rights in the woods as recently as 1604 in the Court of Exchequer and they were not in the mood to compromise. They complained that there was not enough wood left outside the

New Park to meet their customary rights. It seems, however, that Walsh kept a lid on the situation in the years between creating the New Park (1610) and his death in 1622.

The lease of Alton Woods passed through a number of hands very rapidly after Walsh's death but by 1625 it had come to Edward Broad, who was Lord of the Manor of Dunclent in Stone, near Kidderminster. There followed five tempestuous years down in the woods and in the courts.

It is clear that from the end of 1625 until the end of the decade Broad engaged in considerable felling of timber and woods. It was claimed that in 1625 the woods he leased had been worth over £4,000; but by 1630 Broad's destruction had reduced their value to £100. Others put the destruction at much less, but still substantial. George Blount, a Wribbenhall yeoman, said that between 1625 and 1630 Broad had cut down 6,600 trees (valued at £2,200), whilst only 1,400 (valued at £466=13s=4d) remained.

The destruction of woods outside of the New Park particularly concerned those tenants who claimed customary wood. Their principal complaint was that they were excluded from the New Park and that there was insufficient timber and underwoods left outside the park's boundaries for their needs. They claimed that this was a problem which had its roots in the way that Sir William Walsh had created the New Park in 1610. He had enclosed most of the woods and the best part of the woods – the tenants claimed. And now Broad had set about cutting down most of what was left.

If this were the tenants' (and others claiming customary wood) story then Broad had a different one. And he backed up his version by calling upon timbermen, workmen and sawyers as witnesses – workers with a good knowledge of the forest and no 'customary' claims upon it. They said that there were plenty of trees left outside the New Park when it was created. But there were many reasons for timber and wood disappearing.

David Carter, a Ribbesford sawyer, claimed that the decline of the timber outside the New Park had been due to tenants taking their 'customary wood', timber being "stollen away by idle persons" and a great many trees were "felled and disposed of by my Lord President". Others confirmed that the Lord President of



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the Court of the Marches, sometimes resident at Tickenhill Palace, had been helping himself to "ffive or sixe hundred trees", on behalf of the King "as hath beene given out".

Worse still, some of the tenants stole timber and wood as well as claiming what was customarily theirs. Some even sold their customary wood rather than put it to its proper purpose. Broad had also had trouble with unreliable local workmen. Some absconded owing him £50 and had to be arrested by his servants. The troubles around the New Park had got so bad that Broad had to employ men, night and day, for two years to patrol the woods. But even that did not prevent men

like Walter Blount getting into the New Park and taking away timber or "idle and lewd" persons from pulling down parts of the paling at various times.

The court records give us an insight into what was going on in the New Park and the rest of Alton Woods in the 1620s. One can see how Broad had a continuous battle on his hands to prevent theft and damage by "poore disordered" people either desperate for fuel and shelter or desperate for the money which they could make from selling timber and 'wood stuff'. It was – it seems fair to speculate - quite different from the relative peacefulness of a century earlier.



Ronnie Smith (Jock) and Tommy Clark preparing a large Ash tree for felling, 1940s.
Photo with kind permission of Harold and Hazel Drew