

# NEWSLETTER 153

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## The early history of Epping Forest – II

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### **The Forest of Essex**

There was certainly a Royal Forest in Essex by 1104. To administer the hunting laws in the royal forests, a series of officials was appointed. The chief officer was the Steward or Lord Warden, a royal appointment. It was a position of great status. The first Lord Warden for the Forest of Essex was probably Richard Munfitchet, who was related to Robert Gernon's family, and was appointed by Henry II. Later the Earls of Oxford held the office. Below the Lord Warden came the Lieutenant of the Forest.

These largely ceremonial officers were assisted in the day to day running of the Forest by the Deputy Warden. Under him were the Master Keepers – often the lords of the manor – Under Keepers, Regarders, Woodwardes and Reeves.

### **The Forest courts**

Parallel with this administrative structure there was a judiciary led by the Verderers. The Verderers were elected by the freeholders of the county and the office was held for life. We have a nominal list of the names of all the Verderers in the Forest of Essex going back to 1250. There were three levels of Forest court:

The Court of Attachments, which in today's common law would be the equivalent to the local magistrates' court. This court met every 40 days to hear 'presentments' from the Under Keepers concerning offences under the Forest laws. The Verderers who presided at this court could only deal summarily with offences of vert, and impose fines of up to 4d, any offences concerning deer or of a more serious nature had to be referred to the second court.

This was the Swainmote and it only met three times a year. The Verderers acted as judges but this time together with a jury of 12 free men of the county.

Although the offenders could be convicted of serious offences, sentence had to be confirmed by the Court of the Justice Seat, presided over by the Chief Justice of the Forests. However, this court met once in every three years in each of the royal forests. Justice could therefore take a long time to be handed down. For this reason many offenders of the more serious type were often released on bail by the lower courts pending the next Court of the Justice Seat. Incidentally the Forest prison was at Stratford.

The administrative and judicial systems for the royal forests were intended to protect the King's exclusive right to hunt deer and to ensure that the deer were able to find adequate food in the Forest. However, to the local forest dweller the Forest laws were extremely oppressive. He saw the Forest as a source of food for

his family and cattle, a source of building materials for his house and firewood for his heating. Access to all of these was limited and in many cases required licences. To the arable farmer, who had to keep the hedges and fences of his land to within a height which the deer could jump, this meant that his crops were often being ravaged by the deer, but he had no redress.

The King also saw the Forest courts as a source of revenue from the fines imposed, which he could use to help finance his foreign adventures. The extent and jurisdiction of the royal forests thus became a contentious issue from the twelfth century, with the Crown seeking to extend them and the landowners and villagers seeking to restrict them.

Records still exist of early Justice Seats with the court sitting at Chelmsford in 1277 and 1292. The Justice Seat of 1323–24 was held at Stratford Bow. The last Justice Seat was held at Stratford in September 1670.

There are even earlier records of four Inquisitions concerning the venison of the Forest of Essex. On 29 December 1239 Gilbert Dun the Forester and Robert his servant were riding through Hainault Forest when they saw eight men with bows and arrows and greyhounds. They were reported and the next day the Keepers visited the particular wood and saw the men again but they escaped. However, it was subsequently found out that the men were harboured at the house of Richard the son of Peter of London at Woodford. There were various witnesses as to who the men were. John le Blund of Edmonton is named and there is even the suggestion that the parson of Stapleford is involved, but it is not clear whether the offenders appeared before the Forest courts. There is a hint that the witnesses were threatened!

The earliest surviving record of a Swainmote is for 1495 when the Court was held at Buckhurst Hill. They continued until 1670 but some may have been held after that date. A record of a Swainmote held at Chingford on 22 February 1498 includes reference to the number of casualties occurring in the deer herds. Verderers John Broke and Edward Aleyn were present together with William Johnson the Regarder and two Foresters. The Woodwards from the various parishes attended together with 8 free tenants from Ongar Hundred and 14 from Waltham Hundred. The Foresters and Woodwards reported the number of deer killed in each wood. A stag was found in Chigwell Hall choked with a 'crabbe' (apple). There is also a report of tree felling without a licence.

There are no early records existing of the Court of Attachments for Waltham Forest, the earliest being for 1588. But, in 1630, in answer to the Justices' enquiries, it is noted: 'for the most part the Court of Attachments has been kept'. Fortunately there is a complete record of all the courts held between 1713 and 1848.

### **The extent of the Forest**

As far as the Forest of Essex is concerned, the royal Forest started in the south west of the county, and then was spread over the county by Henry I, decayed under Stephen as men ignored the laws, was revived and definitely included the whole of the county under Henry II, only to be partially disafforested by King John, and finally in 1301 it was restricted to the south west of the county.

During the 13th and early 14th centuries a number of perambulations of the boundaries of the Forest were ordered. Even before the first perambulation of 1225, the men of Essex had, in 1204, purchased the disafforestation of the area

north of Stane Street – Bishops Stortford to Colchester – for the sum of 500 marks and 2 palfreys.

Arguments about the extent of the Forest continued, and a further perambulation in 1301 showed the limits of the Forest, which then became known as Waltham Forest, as having its western boundary along the River Lea northwards from Bow Bridge to Roydon. The southern limit followed the road from Stratford to Romford to the Bourne Brook, which formed the eastern boundary as far as Navestock and then in a somewhat tortuous route linking up with the River Roding for a few miles before heading north at Abridge, through Theydon Bois to Epping and thence northwestwards to Thornwood Common and Broadley Common near Nazeing.

During the next 200 years royal interest in the Forest waxed and waned. The Forest courts continued to deal with offenders against the Forest laws and were also often asked to give licences to allow small plots of the 'waste' to be enclosed. This was normally only granted if the Verderers, thought it would not be prejudicial to the hunting of the deer by the King.

### **The Forest in Tudor and Stuart times**

The Forester or Keeper of the King's wild beasts was sworn to execute his office in his 'walk' in the Forest. A Forest charter of 1224 had declared how many of these Foresters were to be appointed in each forest. In Waltham Forest there were originally six bailiwicks but before the end of the 16th century they had been divided into 9 or 10 'walks'. These 10 walks were maintained until 1831.

We have a map or plan dated about 1640 which shows the 10 walks and gives the names of the Forester and under keeper in each at that time. The 'walks' and the areas covered were:

Epping Walk: From Broadley Common south to Waltham Abbey and east to Epping.

New Lodge Walk (so named after the lodge built there in 1367): from Waltham Abbey east to Hillwood and Coopersale.

Chingford Walk: from Chingford Hatch in the south to Woodford in the East.

Leyton Walk: Whipps Cross to Stratford, Bow and Ilford.

Loughton Walk: from New Lodge and Chingford east to Theydon Bois.

Lambourne Walk: from Chigwell east to Curtis Mill Green.

Woodford Walk: south of Loughton to Walthamstow and east to Claybury.

Walthamstow Walk: from Chingford Hatch to Whipps Cross.

West and East Hainault Walks: bounded on the south by Ilford, east along the Romford Road to Collier Row and Havering.

Part of the duties of the Under Keeper was to count the deer in each year, including a record of the numbers killed. Epping Forest is famous for its 'black' fallow deer. The deer population varied enormously over the years, but 300–400 would have been a good year. This compares favourably with today. The Under Keepers were responsible for gathering the information on offenders against the Forest laws and bringing the cases before the Verderers at the Court of Attachments.

## **Forest buildings**

There have at various times been three, if not four, royal residences, palaces or lodges in the Forest. Langfords at Buckhurst Hill, the Palace of Havering, Pimp Hall below Friday Hill in Chingford, and Queen Elizabeth's Hunting Lodge also in Chingford.

Langfords was apparently as ancient as anything in the Forest, but every trace of it has long since been swept away. It was located at Kings Place between Palmerston Road and Queens Road at Buckhurst Hill. It originally belonged to the Duke of Clarence, brother of Edward IV. In 1512, Henry VIII granted the keeping of the palace to Sir John Risley and later to Sir William Compton. In 1596 Elizabeth granted the estate to Thomas Spencer.

Pimp Hall in Chingford, an ancient half-timbered building, which became known as Pimp Hall Farm, was once owned by Henry VIII.

The Palace at Havering, every trace of which has vanished, was a favourite resort of Queen Elizabeth whenever she visited Essex.

Queen Elizabeth's Hunting Lodge, built at the command of Henry VIII, remains as a fine example of a Tudor hunt Standing. It is not thought that any monarch stayed at the Lodge, but only observed the hunt from its upper floor. Tradition has it that Henry VIII was at the Lodge at the time of the execution of Anne Boleyn in the Tower of London, and awaited the sound of a canon at the Tower confirming that the execution had taken place, before he commenced the hunt. However, there is little factual evidence and other locations including Windsor also claim his presence on that occasion.

Elizabeth certainly visited the Great Standing, as it was called, to observe the hunt in Fairmead Park. There was also another hunt standing, known as Little Standing, which was probably used by the 'lesser' members of the royal entourage. This Standing was sited on Warren Hill, and its remains are embedded in the Warren House, which Humphry Repton restored and extended in the Georgian style, and which until 2001 was the residence of the Superintendent of Epping Forest.

No English king is known to have been so fond of the chase as Henry VIII. He was frequently at his palace at Greenwich and would often cross the Thames in the royal barge and proceed to Langfords at Buckhurst Hill. In a despatch dated 31 July 1527, from Sir William Fitzwilliam to Cardinal Wolsey, it advises that the King will be in Essex in August visiting Castle Hedingham and Beaulieu (New Hall) at Boreham and hunting in Waltham Forest in the last few days of the month.

With the close attention to detail that characterised Henry in matters of state and business, he kept the affairs of Waltham Forest under his direct personal control. He appointed the Lord Warden of the Forest. No timber could be felled without a licence issued by the courts, and the deer were protected for the King's Sport under threat of severe penalties. Permission was only granted to privileged persons to kill one stag at a time for the requirements of a feast or a banquet. No fences within the Forest could be maintained high enough to keep out a doe with her fawn and the farmers were not allowed to drive the deer from their crops. These regulations had existed for a long time but were enforced with unflinching severity during Henry VIII's reign.

Epping Forest as part of Waltham Forest, comprised 19 manors, of which 13 were granted at various times by successive sovereigns to religious bodies. Six of

these were held by the Abbot of Waltham Holy Cross, three by the Abbey of Stratford Langthorne, and a small manor to each of the following: St Paul's Cathedral, the Priory of Bermondsey, the Abbey of Barking and the Priory of Christ Church, London. At the time of the dissolution of the religious houses, all the manors of the Forest in the possession of the spiritual bodies passed into the hands of the King. They were regranted to lay persons either by Henry VIII or his successors.

By the year 1543 a new 'Deer Park' had been constructed for Henry VIII at Fairmead. George Maxey, the landscape gardener, was paid £30 for his work on this.

Owing to Henry VIII's ill health in the closing years of his reign, royal surveillance of Waltham Forest appears to have been withdrawn, and during the reign of Edward VI, there were many depredations among the deer, in consequence of a rumour that the young King intended to disafforest the Forest. A royal proclamation was issued that Edward VI intended to maintain the Forest laws in the same way as his father had done with severe penalties for offenders.

Queen Mary had little interest in the Forest, however, she did of course know the area through the time that she spent at Copped Hall, Epping and Wanstead House.

Queen Elizabeth is known to have hunted in Waltham Forest while she was still a princess. As Queen she made several 'Progresses' throughout Essex in general and Waltham Forest in particular, but often these had nothing to do with the chase. In 1561 she stayed at Wanstead as the guest of the Earl of Leicester and later she was at Loughton Hall. In 1568 she was at Copped Hall as the guest of Sir Thomas Heneage. In 1578 she held a Council at the house of Sir William Fitzwilliam, at Gaynes Park, Theydon Garnon, and immediately afterwards visited Loughton Hall again.

If Queen Elizabeth did not hunt much in the Forest herself after she became Queen, she gave instructions that guests and ambassadors to her court could do so. In June 1577 the Council commanded that the Keeper of Waltham Forest advise in what manner he shall best permit the Portuguese Ambassador to hunt and kill deer in certain walks in that Forest. In 1589 Elizabeth initiated a thorough repair and renovation of the Great Standing.

During the later years of the reign of Queen Elizabeth, the Forest laws do not appear to have been enforced with much strictness, and depredations among the deer became of frequent occurrence. However, shortly after his accession to the throne of England, James I took vigorous steps to reassert the rights of the Crown. He often came across the River Lea from his palace at Theobalds, near Enfield, to hunt in Waltham Forest. A hunting lodge was built for him in Chapel Hainault. His relations with the neighbouring landowners and the commoners were not good, as his main object, so far as they were concerned, was to dispossess them of their lands and thus increase the Forest area, although in fairness it must be said that he always offered compensation. In 1618 he tried to claim possession of Buckhurst Hill Farm.

One more pleasant feature of James I's character in relation to the Forest concerned his care to protect the growth of the trees in Waltham Forest. In Henry VIII's reign, an Act of Parliament was passed in 1543, which provided that all coppices of or under 14 years' growth, should be enclosed for four years after cutting. In the course of time this law was little observed, and following

complaints, James enforced the law. The primary object of the Act had been to prevent the Forest from being entirely stripped of timber.

Illegal exactions of money from his subjects by Charles I are one of the well known facts of his reign. There is no evidence that he took any lively interest in the Forest from the point of view of sport and recreation. His energies were bent on making it a source of gain to the Crown. He first thought of disafforestation as a ready means to attain this end, and many landowners were encouraged to purchase the forestal rights of the manors. But the King suddenly changed his mind and determined to enlarge the borders of the Forest beyond the limits set in 1301. However, there was great opposition to this plan and, following a legal battle, a perambulation of the Forest in 1641 fixed the boundaries of the Forest as agreed in 1301.

The revival by Charles I of the Forest laws led to the holding of a Swainmote at Stratford Langthorne on 14 September 1630. There was a very full attendance of Forest officials: the Steward of the Forest was the Earl of Lindsey; the Chief Forester of Epping, New Lodge and Chingford Walks, Edward, Earl of Norwich; Sir Henry Edmonds, Chief Forester of Chapel Hainault Walk; Sir Robert Quarles, Chief Forester of Leyton and West Hainault Walks, and Sir Henry Rowe of Walthamstow Walk. The four Verderers, 12 Regarders, 27 Under Keepers, and 11 Woodwardes attended. The principal Ranger of the Forest, 60 free tenants of the half Hundred of Waltham, 29 from Ongar Hundred and 47 from Becontree Hundred also attended.

### **The Commonwealth**

The Forest of Waltham was in even greater danger of extinction during the Commonwealth. On 22 November 1653 the then Parliament passed an Act vesting all forests belonging to the late King to be sold for the benefit of the Commonwealth. But Cromwell in the following year took the matter out of the hands of Parliament. In 1654 Commissioners were appointed to survey the forests and to consider how they might be best improved and disposed for the benefit of the Commonwealth. The Commissioners recommended that the forest rights of the Lord Protector be restored and the courts re-established. However, nothing was done in pursuing this recommendation during the remaining years of the Commonwealth.

### **Charles II**

On the restoration of the monarchy, Waltham Forest became re-invested in the Crown and the Forest courts were reconstituted. During the early years of his reign, Charles II frequently hunted in the Forest. The laws with regard to the preservation of the deer for royal recreation were again strictly enforced.

Alehouses were under the jurisdiction of the Forest courts. At the Justice Seat of 1670 the Lord Chief Justice declared that the trade was a 'nuisance' to the Forests and that no person could be an alehouse keeper without a licence from the Chief Justice in Eyre. The records give the names of the alehouse keepers and victuallers in 16 villis of the Forest. Even at that time Epping had 5 innholders and 10 victuallers compared with 3 for Great Ilford. However, Waltham Holy Cross surpassed all the villages by having 21 alehouse keepers and 2 innholders.

At the beginning of the reign of Charles II, Samuel Pepys had been appointed Clerk to the Navy Board. One of Pepys' earliest official duties was to visit

Waltham Forest in order to become acquainted with the methods of supply of timber from the Forest for the construction and repair of ships for the Navy. Pepys' diary for 18 August 1662 records that at about 7 o'clock he rode to Bow (Stratford) whence he ate a breakfast of eggs, and then rode on to Waltham Forest where he saw many trees, and how they were cut and measured. He then rode to Ilford and while dinner was being prepared he practised the tables for measuring timber. Pepys and his colleagues then rode to Barking and saw the place where the timber was shipped to the dockyards at Deptford and Woolwich.

The timber for the Navy came principally from Hainault Forest, with little from Epping Forest. This was possibly due to the greater amount of pollarding in Epping Forest which made the trees unsuitable for shipbuilding. Hainault continued to be a source of supply for the Navy up to about 1725. It was in Pepys' time that we first see the use of the name Epping Forest as a part of Waltham Forest in official documents.

### **The Hanoverians**

The Hanoverians had little enthusiasm for hunting and considered it undignified. As always, royal indifference led to neglect of the Forest laws. However, the Court of Attachments continued to be held regularly during the 18th and early 19th centuries, meeting at the King's Head at Chigwell. All manner of 'presentments' were made including: applications for licences to enclose large and small areas of the waste; illegal enclosures of the waste already made without licence; applications for licences to remove gravel from the Forest; applications for licences to hunt in the Forest (except deer); applications for licences to cut wood; illegal cutting of wood without licence; illegal use of guns in the Forest (they were often confiscated); illegal taking of deer from the Forest; illegal buildings on the Forest; applications for licences to keep alehouses; reeves to mark the cattle on the Forest.

A few examples: in 1790 Martha Clay enclosed lands and ponds on Goldings Hill without permission. It was ordered that the fences be taken down. In 1793 Emmanuel Spencer made an illegal enclosure at the Hole in Loughton. An application was made in 1812 to enclose 3 acres for the Potato Ground allotments between Baldwins Hill and Arewater Green. Order in 1744 forbidding any hunting of deer due to number of deer killed by poachers. In 1747 William Simmons granted licence as alehouse keeper at the Reindeer Inn (Warren House).

The Court acquiesced to many of the enclosures in the latter part of the 18th century. In 1805 the Crown enclosed and sold the forestal rights of the Manor of West Ham. The Report of the Land Revenue Commissioners in 1793 had stated that Epping Forest then consisted of 9,000 acres of open land. The Report recommended that the forestal rights held by the Crown should be sold to the Lords of Manors and by 1850 this had reduced the unenclosed waste to 6,000 acres. Illegal enclosures had by 1871 further reduced the open Forest to 3,500 acres. Hainault Forest had been disafforested in 1851.

Thus began the life or death struggle for the survival of an ancient natural woodland, and how the Corporation of the City of London came to the rescue, but that is another story . . .

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