

SUMMARY: The document below is a plea dated 17 August 1489 before Lord Fitzwalter and Sir Reginald Bray, Justices of Eyre, concerning the claim of John, 13th Earl of Oxford, to rights in the Forest of Essex (also known as Waltham Forest). The statements made in the plea support the claim in Oxford's letter of 7 May 1603 to Sir Robert Cecil that his ancestors had 'possessed the same, almost sithence the time of William Conqueror' (see CP 99/161). Oxford's rights in the Forest were kept from him during Queen Elizabeth's reign, but were restored on 18 July 1603 by King James (see TNA C 66/1612, mm. 29-30).

Plea held at Waltham Holy Cross before John Radcliffe, knight, Lord Fitzwalter, & Reginald Bray, knight, justices in eyre of all the forests, parks, chases & warrens of the Lord the King on this side Trent, and masters of game of all the premises in his rabbit warrens, viz., held on the 17th day of August in the fourth year of the reign of King Henry Seventh [=17 August 1489]

At which day John, Earl of Oxenford, by William Ayloff, his attorney, comes & says that the foresaid forest is an ancient forest of the now Lord the King, & was a forest of his ancestors, of past time Kings of England, from the time of which the memory of men of the contrary does not exist;

& in the same forest from the whole time aforesaid there was had, & there still is had, the office of keeper & steward of the forest aforesaid;

And that for the whole time aforesaid any having the office of keeper aforesaid has had also the office of steward of the forest aforesaid, & for the whole time aforesaid there was had in the forest aforesaid one keeper, as it was said, and also a steward of the same forest;

In which certain forest there are, & from the whole time aforesaid, there were the ministers underwritten, viz., one lieutenant, one riding forester, & three foot foresters called yeomen foresters, being in three bailiwicks of the same forest for the safe-keeping of the same;

And that from the whole time aforesaid any being keeper and steward of the foresaid forest has had power & authority, viz., to substitute one lieutenant, one riding forester, [+&] three walking foresters called yeomen foresters, and that the keeper & steward, as often [+as] it might have pleased him, to remove from that office or those offices all such being the lieutenant & foresters or any of them in the form aforesaid holding at his pleasure, & other or others in the place of him or them removed (s. & pl.) to appoint anew, & depute to his place or their places, & to appoint to the foresaid office or offices for the safe-keeping of the foresaid forest;

And that any such keeper and steward of the forest aforesaid has had power and has been used from the whole time aforesaid to licence whatsoever person or persons it shall have pleased him, and to give authority to the same or to any of them to hunt in the same forest and to take farm in the same, & on that account to make and direct his commands or warrants to the foresaid lieutenant & foresters or to any of them at the pleasure of the same keeper & steward, which certain commands & warrants the said lieutenant, foresters & any of them from the whole time aforesaid they have been used to obey, & the same in all things to heed & fulfil;

And similarly he says that any keeper & steward of the forest aforesaid for the time being from the whole time aforesaid has had, & has been accustomed to have, the waifs & strays and the wood called deer-fall wood or browsing wood within the forest aforesaid, & the amerciaments of any swainmotes & other courts called wood courts within the same forest held & to be held coming according to the assize for the forest aforesaid, to be taken & to be retained & had to his proper use except for hunting & the cutting of oaks;

And also to have within the forest aforesaid of any covert & hedgerow sold or to be sold one penny of every shilling, & of every great wood within the forest aforesaid bearing the name of great wood sold or to be sold, to have in any such great wood sold the sale of the second best oak, & also from the seller & buyer one bow & one broad arrow and one penny similarly of any shilling coming from the sale of any such wood within the forest aforesaid sold or to be sold, to perceive & have the foresaid oak and the foresaid bow & broad arrow by the hand of the lieutenant for the time being, & the foresaid penny of every shilling coming by the hand of the forester for the time being in whose bailiwick such sale shall have happened to be made;

And further the same Earl by his attorney aforesaid says that the keeping of the manor of Havering at Bower with its appurtenances and the park of the manor aforesaid has appertained, and has been accustomed to appertain, to the keeper & steward of the forest aforesaid for the time being from the whole time aforesaid, and he says that the same Earl is & for a long time past has been keeper & steward of the forest aforesaid, & of such keeping of the manor & park aforesaid & the rest of the premises seised in his demesne as of fee as appertains to the office aforesaid;

And he, the Earl, & all his predecessors whose heir he is, have been keepers & stewards of the forest aforesaid, and of the keeping of the manor & park aforesaid & the rest of the premises, seised in their demesne as of fee from the time of which the memory of men of the contrary does not exist;

Which all & singular the foresaid Earl by his said attorney is ready to prove, whereof he asks judgment, and the office aforesaid and the rest of the premises in form aforesaid to have & enjoy & to be allowed to him.

Placita tenta Apud Waltham Sancte Cruce coram Iohanne Radclyf Milite Domino ffitzwater & Reginaldo Bray Milite Iusticiarijs Itinerantibus omnium fforestarum parcorum Chacearum & Warannarum domini Regis citra Trentam ac Magistris deducto omnium premissorum in cuneris suis viz tenta xvijo die Augustij Anno regni Regis Henrici Septi quarto

1 Ad quem diem Iohannes Comes Oxonie per Willelmum Aylove Attornatum suum venit & dicit quod foresta predicta est antiqua foresta domini

2 Regis nunc & fuit foresta progenitorum suorum quondam Regum Anglie a tempore Cuius contrarij memoria hominum non existit & in

3 eadem foresta a toto tempore predicto habebatur & ad huc habetur officium custodis & senescalae foreste predicte quodque per totum

4 tempus predictum quilibet habens officium custodie predicte habuit eciam officium senescalae foreste predicte & per totum tempus predictum

5 habebatur in foresta predicta vnus Custos tam quam dicebatur eciam senescallus eiusdem foreste In qua quidem foresta sunt & a

6 toto tempore predicto fuerunt ministri subscripti videlicet vnus locumtenens vnus forestarius equitans & tres forestarij

7 pedestres vocati yomen foresters essendi in tribus balliuis eiusdem foreste super salua custodia eiusdem Et quod a toto tempore

8 predicto quilibet custos ac senescallus foreste predicte existens habuit potestatem & autoritatem videlicet substituendum vnum

9 locumtenentem vnum forestarium equitantem tres forestarios pedestres vocatos yomen forsters Et quod Custos & senescallus

10 omnes huiusmodos locumtenentem & forestarios aut eorum aliquem in forma predicta essentes ad libitum suum tenens

11 quociens sibi placuisset de officio illo aut officijs illis amouere & alium seu alios loco ipsius siue ipsorum remoti

12 seu remotorum de nouo ordinare & loco suo siue locis suis deputare & officio predicto siue officijs predictis instituere

13 pro salua custodia foreste predicte Et quod quilibet huiusmodus Custos ac senescallus foreste predicte habuit potestatem ac

14 vsus fuit a toto tempore predicto quamcumque persona siue quascumque personas sibi placuerit licenciare ac auctoritatem

15 eisdem aut eorum cuilibet dare Venandum in eadem foresta ac fermam in eadem capere & superinde precepta siue Waranta

16 sue predictis locumtenenti & forestarijs siue eorum alicui ad eiusdem Custodis & senescalli placitum facere ac dirigere

17 Quibus quidem preceptis & Warantis dicti locumtenens forestarij & eorum quilibet a toto tempore predicto vsi fuerit obedire

18 & ea in omnibus seruare & perimplere Et similiter dicit quod quilibet Custos & senescallus foreste predicte pro tempore existens

19 a toto tempore predicto habuit & habere consuevit Waifes & Straies ac boscum vocatum Derefallwode siue browsyngwode

20 infra forestam predictam & amerciamenta de quibuscumque Swaynmotis & alijs Curijs vocatis woddecourtis infra

21 eandem forestam tentis & tenendis proueniens secundum assisam foreste predicte capiendum & ad vsum suum proprium

22 retinendum & habendum preterquam pro venacione & coppibus quercum Et eciam habere infra forestam predictam de quolibet

23 cooperto & heggrowe vendito aut vendendo de quocibet [sic?] solido vnum denarium & de quolibet magno bosco

24 infra forestam predictam gerente nomen magni bosci vendito aut vendendo habere in quolibet tali magno bosco

25 vendicionem exposito secundum meliore quercum & eciam de venditore & emptore vnum arcum & vnam

26 catapultam ac vnum denarium similiter de quolibet solido proueniente de vendicione alicuius huiusmodi

27 bosci infra forestam predictam venditi seu vendendi percipiendum & habendum predictum quercum ac predictum arcum &

28 catapultam per manus locumtenentis pro tempore existentis & predicto denario de quolibet solido proueniente

29 per manus forestarij pro tempore existentis in Cuius balliua talis vendicio contigerit fieri Et vltorius Idem

30 Comes per attornatum suum predictum dicit quod custodia Manerij de haueryng at Bowre cum suis pertinentijs ac parcijs [sic?] Manerij

31 predicti custodi & Senescallo foreste predicte pro tempore existente A toto tempore predicte pertinuit & pertinere consuevit

32 Et dicit quod Idem Comes est & A diu fuit custos & Senescallus foreste predicte & de huiusmoda custodia Manerij &

33 parci predictorum & ceteris premissis seisitus in dominico suo vt de feodo tamquam pertinent ad officium predictum ipse que

34 Comes & omnes antecessores sui Cuius heres ipse est extiterunt Custodes & Senescalli foreste predicte

35 Ac de Custodia Manerij & parci predictorum & ceteris premissis seisiti in dominico suo vt de feodo A

36 tempore cuius contrarij memoria hominum non existit Que omnia & singula prefatus

37 Comes per dictum attornatum suum paratus est verificare Unde petit Iudicium Et officium

38 predictum ac cetera premissa in formam predictam habere & gaudere & sibi Allocari