

The hays of medieval England: a reappraisal*

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Abstract

A reappraisal of the evidence for hays in medieval England questions current explanations of their nature and function and concludes that they were not always associated with hunting. At the time of the Domesday survey some were used to hold or capture deer, but in earlier centuries others were associated with livestock. Traditional rights of common pasture in some manorial hays in the twelfth and subsequent centuries suggest that these hays originated in the early medieval period as enclosures for livestock and were not necessarily wooded. It is likely that changes in the nature and purpose of hays took place in the context of agricultural, demographic, economic, social and political developments. The many smaller hays that appear in late medieval records, notably in the north west and south west of England, were also associated with livestock, and some were arguably created during the expansion of settlement and agriculture during that period.

This article revisits the standard explanations of the nature and functions of hays in the medieval English countryside and offers new thoughts about their uses over time. Hays have been of interest to a number of scholars over the decades, often, but not always, because of their appearance in Domesday Book, whose records of *haiæ* occur mainly in the counties of Cheshire and Shropshire on the Welsh Border. Domesday Book states in a few cases that the *haiæ* were for taking or capturing roe deer and in another instance that the *haia* was for capturing wild beasts.¹ As a consequence of these records and of some early medieval records of the Old English *haga*, most of the discussion about the nature and function of hays has concentrated on the hunting of deer. This article seeks to shift the discussion to a wider debate about the uses of hays during the medieval period, going as far back into the early medieval period as Anglo-Saxon charters and place-names allow and extending the history of hays beyond the Domesday survey into the late medieval period. It draws on published research and partly on documentary evidence covering various regions of England.

* Most of the research for this article is from printed sources. The author is indebted not only to those scholars who have written about the medieval countryside but also to those who, over many decades, have edited medieval manuscripts for publication and made them available for easy reference in print, or, as in the volumes published by the English Place-Name Society, have collected information from a great variety of manuscript sources for edited gazetteers. The author is also very grateful to Dr Steven Bassett and Professor Christopher Dyer, who encouraged the research for this article and made helpful comments on earlier drafts of it. The comments of anonymous referees on an earlier draft were also helpful. Any errors remain the responsibility of the author.

¹ Philip Morgan (ed.), *Domesday Book, 26, Cheshire* (1978), fos 263c, 267d and *passim*; Frank and Caroline Thorn (eds), *Domesday Book, 25, Shropshire* (1986), fos 256c, 260b and *passim*; John S. Moore (ed.), *Domesday Book, 15, Gloucestershire* (1982), fo. 165c; Frank and Caroline Thorn (eds), *Domesday Book, 16, Worcestershire* (1982), fo. 167c.

Having noted the records of parks in Domesday Book, Evelyn Shirley remarked on the number of hays in the Domesday survey and stated in his *Account of English Deer Parks* nearly 150 years ago that hays ‘appear to differ from parks as being not intended for the permanent preservation of deer, but as a means to entrap them from the forests or woods’.² This view was shared over a century later by Oliver Rackham, who also set his comments in the context of parks, and interpreted the Domesday comments as indicating that hays ‘were not parks but corrals or other devices for catching wild deer’.³ In their great study of the geography of Domesday Book – carried out, region by region, in the middle decades of the twentieth century – H. C. Darby and his colleagues described hays as ‘enclosures in the wood’, observed that mention of them was ‘usually made in conjunction with that of the wood’ and noted the references to catching roe deer.⁴ Charles Young’s account of royal forests also described hays simply as ‘enclosures in the woods’.⁵

Studies of Anglo-Saxon charters led to greater awareness of the presence of hays in the English countryside in the early medieval period. Della Hooke’s detailed research, expanding on G. B. Grundy’s studies of Anglo-Saxon charter boundaries in which he translated the Old English *haga* or *(ge)hæg* as ‘game enclosure’, has considered these terms alongside other Anglo-Saxon texts and the Domesday survey. From the outset she found ‘a consistent association with woodland areas and the capture of game’.⁶ More recently she has suggested that smaller hays may have been ‘little more than hedged enclosures constructed to control the driving and capture of game’ whilst the larger hays ‘were more akin to deer parks’. She describes these rural features as ‘closely related’ to the *haiæ* of Domesday Book and concludes that, ‘Although it would be presumptuous to assume that either of these terms (*haga* and *haia*) always referred to the equivalent of the fully fledged medieval deer park, they certainly seem to have been associated with what may loosely be termed “game reserves”’.⁷

In his influential article on the deer parks of Domesday Book, Robert Liddiard expressed no doubt about the similarity of *haga* and *haia* and went further, to claim that in Domesday Book ‘the terms *parcus* and *haia* were used interchangeably’ and suggesting that *haiæ* ‘were pre-Conquest parks in all but name’. This article has been cited in a number of other studies, particularly about medieval parks. Despite reservations expressed in some of these studies, for example about the different habits of roe and fallow deer, the article seems to have reinforced the association between hays and hunting.⁸

² E. P. Shirley, *Some account of English deer parks* (1867), p. 10.

³ Oliver Rackham, *Ancient woodland: its history, distribution and uses in England* (1980), p. 191.

⁴ H. C. Darby and I. B. Terrett (eds), *The Domesday geography of Midland England* (first edn, 1954), pp. 138–40.

⁵ Charles R. Young, *The royal forests of medieval England* (1979), p. 10.

⁶ Della Hooke, *Anglo-Saxon landscapes of the West Midlands: the charter evidence* (British Archaeological Reports, British Ser., 95, 1981), p. 236.

⁷ Della Hooke, ‘The woodland landscape of early medieval England’, in Nicholas J. Higham and Martin

J. Ryan (eds), *Place-Names, language and the Anglo-Saxon landscape* (2011), pp. 143–74, at p. 167.

⁸ Robert Liddiard, ‘The deer parks of Domesday Book’, *Landscapes* 1 (2003), pp. 4–23, at p. 18. Studies referring to this article include Rosemary Hoppitt, ‘Hunting Suffolk’s parks: towards a reliable chronology of imparkment’, in Robert Liddiard (ed.), *The medieval park: new perspectives* (2007), pp. 146–64, at p. 163; Naomi Sykes, ‘Animal bones and animal parks’, in Liddiard (ed.), *Medieval park*, pp. 49–62, at pp. 58–61; Angus J. L. Winchester, ‘Baronial and manorial parks in medieval Cumbria’, in Liddiard (ed.), *Medieval park*, pp. 165–84, at pp. 171–3; Ann Williams, *The world before*

A recent exception to this apparent consensus has come from research into landscapes in parts of northern England, particularly the South Pennines and Derbyshire, where hays have been associated with rough pasture between settlement and moorland. In the absence of any records of hays in these regions in Domesday Book or earlier, that research has necessarily concentrated on late medieval records.⁹

Doubts about the claim that all hays, in the early medieval period as well as in the latter part of the eleventh century, were associated with deer or the hunting of other wild beasts arise from a number of sources. There is evidence within Anglo-Saxon charters and Old English place-names, as well as in some late medieval records, of association with animals other than beasts of the chase. The different nomenclature of hays and parks is apparent not only in Domesday Book but throughout the late medieval period. Some hays were not located in or near woodland, the preferred habitat of most species of deer.¹⁰ The value of research into an apparently minor feature of the medieval English countryside might be questioned, but the sheer number of hays recorded and the information available about them suggests that, instead of being adjuncts to hunting, some hays had an important, and hitherto largely unrecognized, function in medieval livestock farming.

This review starts by examining the etymology of the word 'hay'. This is not just by way of background. It explains why there is still room for debate about exactly what is meant in Old English texts, and why scholars have been unable to reach a definitive conclusion about the nature and function of medieval hays. It is followed by the detailed discussion of the evidence necessary to substantiate the suggestions made in this paper.

I

There are two different words spelt as 'hay' in modern English which have similar pronunciation. Setting aside the word that means grass mown and dried for use as fodder, which has a separate etymology (coming from the Old English *hæg*, *hīg*, *hég*), the hay that is the subject of this article is described as either an archaic term or one confined to a dialect. It has been defined as 'a hedge, a fence', and, secondly, as 'an enclosed space; an enclosure; a park'. The etymology has been given as 'Old English *hege* ... a derivative of the same root as *haga*', with cognates in modern haw, hag and hedge, and in Old German and Middle Dutch. Old English *hege* was also found in the forms *heige*, *heage*; several Middle English variants included *heie*, *haie*, *hey*, *heye*, *haye* and *hay*.¹¹ Some scholars regard Old English (*ge*)*hæg* as a variant of *hege*.¹²

Note 8 continued

Domesday: the English aristocracy, 900–1066 (2008), pp. 124–6; N. J. Higham, *A frontier landscape: the North West in the Middle Ages* (2004), p. 106; Gerry Barnes and Tom Williamson, *Rethinking ancient woodland: the archaeology and history of woods in Norfolk* (2015), p. 98.

⁹ Nigel Smith, *Patterns in the landscape: evaluating characterisation of the historic landscape in the south Pennines* (British Archaeological Reports, British Ser. 604, 2014), p. 110; Mary Wiltshire and Sue Woore, 'Hays,

possible early enclosures, in Derbyshire', *Derbyshire Archaeological J.* 131 (2011), pp. 195–225.

¹⁰ Sarah J. Wager, *Woods, wolds and groves: the woodland of medieval Warwickshire* (British Archaeological Reports, British Ser. 269, 1998), p. 142.

¹¹ Oxford English Dictionary [hereafter OED].

¹² N. P. Brooks and S. E. Kelly (eds), *Charters of Christ Church, Canterbury* (2 vols, Anglo-Saxon Charters 17 and 18, 2013), II, pp. 707, 710.

The etymology of haw, a cognate of hay, is Old English *haga*, which corresponds to Middle Dutch *hage*, *haghe*, Dutch *haag*, Middle Low German *hage*, Old Norse *hagi* and is 'from the same root as Old High German *hag*, *hac*, enclosure, German *hag* hedge, bush, coppice, fenced place'. Its meanings include 'a hedge or encompassing fence (Old English); hence, a piece of ground enclosed or fenced in; a messuage (Old English); generally, a yard, close or enclosure, as in timber-haw'. The word often appears in Old English texts as *hagan*, the objective case of the noun. There is a second meaning of haw, the fruit of the hawthorn bush, a meaning not unrelated to the first in that hawthorn is commonly used as a hedging plant.¹³

It is apparent that the respective meanings of hay and haw overlap insofar as they denote a hedge, fence or enclosure. However, the work undertaken by members of the English Place-Name Society has influenced the interpretation of the terms *haga*, *hege* and *(ge)hæg*. Distinctions have been drawn between these closely related words. Not only are *haga* and *hege* treated separately, but so also is *(ge)hæg*. Acknowledging that it is often difficult to distinguish *(ge)hæg* from *hege*, especially given variations in spelling and also because the words often appear only in later copies of Old English texts, scholars following the definitions of the English Place-Name Society published in 1956 nonetheless confine the meaning 'enclosure' to *(ge)hæg* and regard *hege* as always meaning 'fence' or 'hedge'. *Haga* was defined as 'a hedge, an enclosure', later (in Old English only) also as 'a messuage, property'. *Hege* was defined as 'a hedge, a fence', and *(ge)hæg* as 'a hurdle, a fence', also 'a fenced-in piece of ground'. The definitions stated that this latter sense 'is not independently attested before the 17th century', apart from use 'in Middle English for the latinized *haia*, denoting a part of a forest fenced off for hunting'. These definitions were largely followed in succeeding county studies of place-names, for example in Berkshire, where *haga* is translated as 'hedge, enclosure', *hege* as 'hedge, fence' and *(ge)hæg* as 'fence, enclosure'.¹⁴

This distinction between *hege*, *haga* and *(ge)hæg* has been followed in the interpretation of individual place- and field-names. The assumption running through most of the county volumes of the English Place-Name Society is that the Middle or Modern English haw was derived ultimately from Old English *haga* and that the Middle or Modern English hay or hey was derived ultimately from *(ge)hæg*. This assumption omits *hege*, despite its appearance in the etymology of hay, and therefore presumably does not treat it, even implicitly, as a variant of *(ge)hæg*. The later stages of the Dorset place-name survey acknowledge the possibility or the likelihood that some names were formed directly from Middle English 'hay', rather than from Old English *(ge)hæg*.¹⁵

What is apparent from county studies of minor place-names is regional variation in the use of hay and haw. Whilst some examples of haw can be found in later medieval minor place-names across England, in places as far apart as Gloucestershire and East Anglia, also in Berkshire and Leicestershire, they are much more common in some more northerly counties, notably the West Riding of Yorkshire and north-west Derbyshire. There were variations in the

¹³ OED.

¹⁴ A. H. Smith, *English Place-Name elements* (2 vols, 1956), I, pp. 133, 221, 241–5; Hooke, *Anglo-Saxon landscapes*, pp. 248–50; Margaret Gelling, *The Place-Names*

of Berkshire (3 vols, 1973–76), III, pp. 778–80.

¹⁵ A. D. Mills, *The Place-Names of Dorset* (4 vols, 1977–2010), IV, *passim*, especially from p. 388.

spelling of haw, including *haigh*, *hague*, *haugh* and *hagh(e)*.¹⁶ Regional variation suggests that the difference between hay and haw may have been, at least in part, one of dialect, but there are many counties in which both hay and haw appear in medieval records.

Although there is room for debate and further research into the etymology of the modern words haw and hay, there has always been an assumption that they represent a gradual mutation, over centuries, from Old English nouns. It is easy to see how a word for a fence or hedge became attached to an enclosure surrounded by a fence or hedge, including the enclosure for a medieval dwelling and outbuildings called a messuage. There is no suggestion of any sudden change of meaning or any interruption in the etymology of hay and haw.¹⁷ In neither etymology is there any link with deer or hunting.

The statement that a link to woodland arose in Middle English from the latinized version of hay, *haia*, was made in relation to *(ge)hæg* rather than *haga*. However, some scholars have used a relationship between hays and woods which is apparent in the eleventh and subsequent centuries to argue that such a link existed in the early medieval period and applied to *haga* as well as to *(ge)hæg*. The available evidence for the meanings of *haga* and *(ge)hæg* during the early medieval period therefore needs to be examined in order to assess the validity of this argument.

Another important issue arising from the etymology of the word hay is the acceptance by most scholars of a divergence between *hege* and *haga*, despite the etymology which gives *hege* as the Old English word from which hay, with its dual meaning of hedge/fence and enclosure, originated. Discussion about the nature and function of early medieval hays should take into account the distinction which scholars have made and continue to make between the respective meanings of *haga* and *hege* when they are interpreting Old English texts.

II

Margaret Gelling in *Place-Names in the Landscape* celebrated the ‘vast and subtle topographical vocabulary’ of the speakers of Old English. She showed, for example, how the language had different words for the different shapes of valleys and hills in the English countryside. The underlying geology of such features has changed little over the centuries and it is possible, therefore, by comparing sites around the country, to identify the differences which were apparent to speakers of Old English, because they are still, unless quarried away, visible in the modern landscape. However, changing management of the land did not match the

¹⁶ A. H. Smith, *The Place-Names of Gloucestershire* (3 vols, 1964), III, pp. 133–6, 150; K. I. Sandred, *The Place-Names of Norfolk* (3 vols, 1989–2002), *passim*; Oliver Rackham, ‘The Abbey woods’, in Antonia Gransden (ed.), *Bury St Edmunds: Medieval art, architecture, archaeology and economy* (British Archaeological Association Conference Transactions 20, 1998), pp. 139–60; Oliver Rackham, *Woodlands* (2006), pp. 122–3; Barrie Cox, *The Place-Names of Leicestershire* (7 vols, 1998–2014), *passim*; Gelling, *Berkshire*, I, p. 35; A. H. Smith,

The Place-Names of the West Riding of Yorkshire (7 vols, 1961–2), VII, pp. 198–9; Wiltshire and Woore, ‘Hays’, p. 199.

¹⁷ The definitions of place-name elements published by the English Place-Name Society are being reviewed by the Institute for Name-Studies at the University of Nottingham, but there are no immediate plans to review those beginning with the letter h: see the Centre’s website at www.nottingham.ac.uk/research/groups/ins/index.aspx.

relative permanence of geological formation. Changes in management could lead to changes in meaning. This is exemplified in the words *feld*, originally meaning 'open country' but later having the specialized, agricultural meaning of a cultivated, demarcated area which we now call a field, and *wald*, originally meaning 'forest' in its botanical rather than legal sense and later, in the form of the Modern English 'wold', 'open downland'.¹⁸

In the same way, the Old English words *hege*, *hage* and *(ge)hæg* probably had very precise meanings when first applied to man-made features in the landscape, but developments in the creation and use of these features could have been accompanied by a change in meaning. To come as near as possible to their meanings, including any changes, involves searching the earliest available records for their use. Philologists with knowledge of Old English, experts in place-name studies and historians with an interest in the early medieval landscape have studied the texts of Old English documents in order to try to define more precisely the meanings of *hege*, *(ge)hæg* and *haga*, at least in the contexts in which they occur. They have been hampered in four ways: by the paucity of surviving early medieval documents, particularly documents in which a word in Latin is glossed with its Old English equivalent or *vice versa*; by an assumption in those who created documents in Old English that everyone knew the meaning of the words used in everyday speech; by the process by which a common noun describing a topographical feature often becomes a place-name and may also become attached to a different feature in the landscape, such as a nearby settlement; and, finally, by the possibility that the nature of the topographical feature itself changed over the centuries.

The uneven geographical distribution of surviving Old English documents in which *haga*, *hege* and *(ge)hæg* can be found – predominantly charters or wills dealing with grants of land or rights and privileges – hinders the extent to which the use of hay and haw in the later medieval and early modern periods, and any regional variation in that use, can be traced back to the early medieval period. *Haga* is more common in Anglo-Saxon charters generally, the great majority of which, surviving either in original documents, or, more frequently, in later copies, relate to places in south and central England. Transition from *haga* to haw is exemplified in the place-name Northaw in Hertfordshire, first recorded as a wood (*sylvam*) called *North Haga* in the late eleventh century. However, although it shared with *(ge)hæg* the various, related, meanings of 'hedge' or 'fence' or 'enclosure', *haga* was used for urban as well as rural enclosures.¹⁹

The appearance of *haga* in towns with the meaning 'messuage' can be traced at least as far back as the early ninth century. References are unambiguous and this meaning is easy to verify. A charter dated to 811 and preserved in its original manuscript conveyed, in addition to land, two and a half tenements in Canterbury. The tenements were described in Latin as *duas possesiunculas et tertiam dimidiam*, but with an additional explanatory clause for speakers of Old English – *id est in nostra loquella dridda half haga* – 'that is in our speech half a third *haga*'.

¹⁸ Margaret Gelling, *Place-Names in the landscape* (1984), pp. 7, 235–6, 223.

¹⁹ Hooke, *Anglo-Saxon landscapes*, pp. 238–48; ead., 'Pre-Conquest woodland: its distribution and usage', *AgHR* 37 (1989), pp. 113–29, at p. 123; ead., *Trees in*

Anglo-Saxon England: literature, lore and landscape (2010), p. 155; J. E. B. Gover, Allen Mawer and F. M. Stenton, *The Place-Names of Hertfordshire* (1938), p. 113.

References to *haga* in other towns and cities can be found in various other charters, including some other examples in which *haga* is specifically said to be the Old English name for a dwelling or urban property. For example, a grant to St Alban's Abbey in 996 included *nouem praefatae ciuitatis habitaculis, quae patria lingua hagan appellari solent* – 'nine dwellings of the aforesaid city, which in the native language are accustomed to be called *hagan*'. Other grants of urban *haga* were made in Rochester, Winchester, Southampton and London.²⁰ Examples of urban *haga* are not confined to the south and south east of England. They can be found in Worcester, Warwick, and Hereford.²¹

However, the references to rural *haga* are not straightforward. Most of these references are found in boundary clauses attached to charters conveying rural land units. Most charter boundaries date from the tenth and eleventh centuries, reflecting the larger number of Anglo-Saxon charters which have survived from that period, either as original manuscripts or in later copies, compared with charters from earlier centuries, and also the development of the practice of including boundaries. However, even when charters are regarded as spurious, as many from earlier centuries are, they are often seen as attempts to validate a rightful, usually historic, claim to the land in question, and the boundary clauses which are attached to them are usually treated as accurate records of the boundaries concerned at the time the charters were forged. Some boundary clauses seem to have been attached to copies of earlier, authentic charters and therefore refer to features from the date of the copy rather than the date of the original charter.

Modern commentaries on boundary clauses translate the nouns *haga* and *hege* or *(ge)hæg* variously, and sometimes inconsistently, as 'hedge' or 'enclosure'. For example, a charter for Bexley in Kent in 814, with a boundary clause dated to the second half of the tenth century at the earliest, included stretches of the boundary running along a *hagan*, but in a recent edition of this charter the translation 'hedge or hedged enclosure' is given for only one of these stretches, with the remaining instances being translated simply as 'hedge'. Boundaries being linear features, the distinction in charter bounds between hedges or fences and enclosures surrounded by hedges or fences, is blurred, especially when a *haga* seems to stretch for a distance of several kilometres along the boundary. In some places the location of the *haga* in a boundary clause is marked on the ground today by a substantial bank, presumably once topped by a hedge or fence. However, because in each case it forms only part of the boundary, the *haga* did not include the whole of the land unit whose bounds are being described, and therefore presumably denoted a feature, sometimes apparently of large extent, which either was confined to that section of the boundary or abutted on to that section of the boundary.²²

²⁰ For Canterbury, Brooks and Kelly (eds), *Charters*, I, pp. 512–22; for details of the charter cited, see the electronic version of P. H. Sawyer, *Anglo-Saxon Charters: an annotated list and bibliography* (1968), now updated and expanded at www.esawyer.org.uk/browse/index.html [hereafter eSawyer with the appropriate reference number] S168; for St Alban's eSawyer S888, Rochester eSawyer S315, Winchester eSawyer S889,

S874, S488, S1560, Southampton eSawyer S636, and London eSawyer S1497, S1142.

²¹ For Worcester and Warwick, Hooke, *Anglo-Saxon landscapes*, p. 247, citing charters eSawyer S1232, S1280, S1297, S1352, S1388, S898; for Hereford eSawyer S677.

²² Brooks and Kelly (eds), *Charters*, I, pp. 541–7 and eSawyer S175; Hooke, *Trees*, p. 153; ead., 'Woodland landscape' p. 166.

Haga is found more frequently in boundary clauses than *hege* and *(ge)hæg*, although the latter are found in charters originating in south-east England. One charter dealing with land in Sussex provides an example of Old English *(ge)hæg* mutating into later medieval *hey*, *hay* or *haie*. This charter, dating from 680 and with a later boundary clause added potentially as early as c.770–800, described the bounds of Tangmere in Sussex and included a place called *horsa (ge)hæg*. The authenticity of this charter is disputed, but even if it was a forgery the forgery is thought to have taken place in the tenth century; the bounds may therefore be regarded as authentic for that period at least, if not earlier. There are later medieval records of a field called *Horsehaie* in Hampnett c.1240 and *Horshey* in Tangmere in 1471.²³ Other examples of Old English *hege* or *(ge)hæg* in charters associated with Christ Church, Canterbury, include Durrington in Sussex whose boundary was described in 934 as including *Gehæg holt*, translated as ‘enclosure wood’ (a holt being a wood characterized by a single species of tree), although it could have been translated as a wood with a fence or hedge. In 845 a river meadow near Canterbury was described as north of the enclosure – *be norðan hege*, *hege* being equated with *(ge)hæg* by the editors, but *hege* in this case could also be translated as ‘hedge’. In the boundary of Reculver in Kent in 949 there was an *ealden hege*, translated as ‘old hedge’, and also a *Gata gehægge*, translated as ‘goats’ enclosure’. Apparently there was a fourteenth-century record of a *Gateheye* in Herne, which may mark the site of the tenth-century goat enclosure.²⁴

In addition to the *haga* in the bounds of Bexley cited above, *haga* is also found in certain places in Surrey, including Merstham, Chobham and Purbright; a *hege* is mentioned in several boundary points in a charter relating to Pyrford.²⁵ Charters with boundary clauses including *haga* have also survived for various places in Hampshire, including Alresford, Meon and Farnfield, Hinton Ampner and Tisted. The charter relating to Tisted also conveyed a *haga* in Winchester; in this document *haga* was used in both rural and urban contexts.²⁶

Haga seems to have been the predominant form in charters with boundary clauses for places in Dorset, although, especially where the charter survives only in a later copy, it can be difficult to distinguish *hege* and *haga* and similar words. Even where a charter with *hege* is regarded as authentic, as with the example from Hinton St Mary in Dorset dating from 944, some doubt over the exact text has remained, with a suggestion that *hegen* might have been written for *hægen*.²⁷ *Haga* can also be found as a boundary feature in other south-western counties, including Devon, Wiltshire and Somerset.²⁸

Most of the examples from southern England cited above do not refer explicitly to woodland, but an association with wooded areas has been identified in central England, for example in Berkshire. In that county *haga* was the main, if not the sole, form in boundaries attached to

²³ Brooks and Kelly (eds), *Charters*, I, pp. 271–82; eSawyer S230; A. Mawer and F. M. Stenton, with J. E. B. Gover, *The Place-Names of Sussex* (2 vols, 1929–30), I, pp. 63–4.

²⁴ Brooks and Kelly (eds), *Charters*, II, pp. 866–75, 707–10, 936–47; eSawyer S425, S296, S546.

²⁵ Brooks and Kelly (eds), *Charters*, II, pp. 916–20; J. E. B. Gover, Allen Mawer and F. M. Stenton, *The Place-Names of Surrey* (1934), pp. 114, 145, 132; eSawyer

S528, S1165, S621.

²⁶ eSawyer S589, S1557, S754, S942, S488.

²⁷ M. A. O'Donovan (ed.), *Charters of Sherbourne* (Anglo-Saxon Charters 3, 1988), pp. 28, 52, 69; S. E. Kelly (ed.), *Charters of Shaftesbury Abbey* (Anglo-Saxon Charters 5, 1996), pp. 15, 30–5, 65; eSawyer, S423, S933, S969, S419, S502.

²⁸ eSawyer S653, S891, S571.

charters. There were places in which the *haga* seemed to follow most of the boundary, apart from stretches along a river and other places in which the *haga* marked only part of the boundary.²⁹ Boundaries attached to surviving charters for places in Oxfordshire included *haga*, uncompounded, and an example of *hege* compounded with Old English *swin*, meaning swine or pigs.³⁰

A study of the boundary clauses attached to surviving Anglo-Saxon charters for the west Midlands found *(ge)hæg* in only one, that for Cotheridge in Worcestershire.³¹ The exceptionally well-preserved archives of the church of Worcester provide many, though not all, of the examples of *haga* in the region. There is a noticeable concentration of *haga* features in charter boundaries west of the Severn, although they were not restricted to that area; later records of place-names with *haga* and *(ge)hæg* show a wider distribution. *Haga* features in boundary clauses do not seem to have covered such long lengths as those in some of the Berkshire charter bounds, but they are associated with areas in which there is evidence of woodland in the early medieval period.³²

In seeking to determine the precise meaning of *haga*, *hege* or *(ge)hæg*, therefore, most references found in pre-Conquest charters are disappointing. However, when one of these words is combined with another noun, the resulting compound can give some indication of the function of the *haga*, *hege* or *(ge)hæg* at the time the compound was formed. The compounded forms, albeit few in number, suggest a meaning of enclosure, although any suggestion about the function of an enclosure has to consider whether the surrounding hedge or fence was designed to keep something in or to keep something out. A hedge or fence might have had a dual purpose, preventing escape by enclosure and protecting one kind of animal by excluding another. One analysis of charters across England found six compounds with swine, two with wolves and one with a hart, although it overlooked the examples with horses and goats in Kent cited above and also those with oxen cited below.³³ The *swinhaga* in the boundary of Pendock and the *ealdanswinhage* of Norton and Lenchwick in Worcestershire were presumably named after domestic pigs, although a translation of wild boar has been tentatively proposed. An enclosure named after pigs could have contained those animals or could have excluded them from an area reserved for other animals or for the production of wood and timber. The 'old' *swinhage* in Worcestershire may have gone out of use or may have been supplemented by a new *swinhage*. It has been suggested that the *wulfhaga* in the boundary of Longdon, Worcestershire, was intended to protect deer, but it could have been intended to exclude wolves from an enclosure for livestock. There are two pre-Conquest examples of *(ge)hæg* compounded with oxen. The place-name Oxhey in Hertfordshire was recorded as *Oxan gehæge* in 1007 and *Oxehai* in 1165. As this record was of a place-name it cannot be taken as evidence that oxen were kept in, or out, of the *gehæge* at the beginning of the eleventh century, because the place-name might have been much older, but the name presumably had its origins in an

²⁹ Gelling, *Berkshire*, III, pp. 615–792; eSawyer S620, S558, S760, S448, S607, S482, S578, S673, S559, S500.

³⁰ Margaret Gelling, *The Place-Names of Oxfordshire* (2 vols, 1953–54), II, pp. 483–90; eSawyer S843, S678, S738, S911.

³¹ Hooke, *Anglo-Saxon landscapes*, pp. 237–8;

eSawyer S1303.

³² Hooke, *Anglo-Saxon landscapes*, pp. 238–42; ead., *Trees*, p. 142.

³³ Oliver Rackham, *The History of the Countryside* (1986), p. 185.

enclosure for one or other of those purposes. A grant of land in West Cliffe, Kent, in 1042–44, referred to *Oxena gehæg*.³⁴

There is one compound which has attracted more attention than others and has been used to claim a strong link between *haga* and woodland and specifically to support the idea that a rural *haga* was an enclosure in woodland used for hunting – *deorhage*. In discussing the meaning and use of this word it is important to understand that Old English *deor* meant wild beasts generally, as well as having a secondary meaning of deer.³⁵ There is a related compound, *deorhege*, which has also been associated with the hunting of deer.

In his will dated to c.1043–45 Thurstan, son of Wine, made a large number of bequests, including the wood at Ongar, Essex, except for the *derhage*.³⁶ It has been assumed that the *derhage* was the enclosure which became the later medieval Ongar Park and this assumption has then been used as a starting point for a theory that deer parks were not a post-Conquest introduction.³⁷ However, the Great Park of Ongar may have been a late medieval creation, which might have taken in much, if not all, of the wood of Ongar, including the site of the pre-Conquest *derhage*. There is also a reference, towards the end of Thurstan's will, to the grant of a *litle hege* – 'little enclosure' – near an unidentified *Meredene*. Although it is generally accepted that Thurstan's *derhage* was for deer or wild beasts in general, the absence of the word *der/deor* in relation to the *litle hege* means that Thurstan's will cannot be used as evidence that a rural *haga* was always associated with deer.³⁸

The compound *deorhege* is found in the list of services (thought to have been composed in the tenth century and revised early in the eleventh century) called the *Rectitudines Singularum Personarum*, which states that the free tenant must *deorhege heawean and sæte healden*. This is a difficult phrase to translate. One translation reads 'cut timber for the deer-hedge and maintain the stall' and another 'cut the deer-hedge and maintain the stall'.³⁹ The first of these translations could easily be changed to cutting wood and timber for a fence, and the latter interpreted as keeping the hedge trimmed. The Latin version of the document does not help, because it also uses the word *deorhege*, instead of finding a Latin equivalent. Stalls were temporary structures used for trapping game; the association of *deorhege* and *sæte* (the latter having a Latin translation of *stabilitatem*) certainly links *deorhege* to hunting, and it has been suggested that it signifies a permanent rather than a temporary feature, without explaining what function that feature might perform. A Latin document dated to c.964 which includes the duty of the tenants of the bishops of Worcester to make a hedge for the bishop's hunting (*uenationis sepem domini episcopi ... ad edificandum*) reinforces the association with hunting, but also does not give an explanation.⁴⁰

³⁴ Hooke, *Anglo-Saxon landscapes*, pp. 237–8; eSawyer S786; ead., 'Woodland landscape', p. 166; for the suggested meaning of 'wild boar' see ead., 'Recent views on the Worcestershire landscape', *Trans. Worcestershire Archaeological Soc.*, third ser., 21 (2008), pp. 91–106, at p. 95; Gover *et al.*, *Hertfordshire*, p. 106; eSawyer S916, S1044.

³⁵ Williams, *World before Domesday*, p. 124; Hooke, *Trees*, p. 153; Sykes, 'Animal bones', p. 60.

³⁶ D. Whitelock (ed.), *Anglo-Saxon wills* (1930), pp. 80–5 and notes at pp. 192–7; eSawyer S1531.

³⁷ Liddiard, 'Deer parks', p. 6; Hooke, 'Woodland landscape', p. 166.

³⁸ OED.

³⁹ Both translations are given in Williams, *World before Domesday*, pp. 125 and 79.

⁴⁰ *Ibid.*, p. 125; for the Worcester document eSawyer S1368.

The Latin *sepes/sæpes* can mean hedge or fence, but that meaning is not extended to an enclosure.⁴¹

Taken with what has been said about the difficulty of confining wild deer within enclosures, the Worcester document suggests that a hedge or fence, rather than an enclosure, might have been the important feature for the hunt.⁴² It prompts the question as to whether a *deorhege* might have been the hedge used to create an early medieval version of a deer course, a long, narrow enclosure through which deer were driven towards the stall in which they would be trapped.⁴³ The Old English text glossed in Latin and commonly known as *Ælfric's Colloquy* describes methods of hunting including hunting with nets, chasing with swift hounds and stabbing deer when they have been chased by the dogs. It does not mention the use of hedges or fences to help drive deer towards the nets.⁴⁴ It has been claimed that the noun 'hay' could refer to these hunting nets.⁴⁵ However, the Old English text, dated to the late tenth century, uses the word *max(um)* for nets and that word is glossed in Latin as *retia*; the text does not include the Old English *haga*, *hege* or *(ge)hæg* or the Latin *haia* or *sepes*.

Other compounds with *hege*, such as the *burhhege* which the tenants of Tidenham (in Gloucestershire, west of the Severn) had to fence and ditch (*tyne and dicie*) and which surrounded the lord's hall and associated buildings, show that *hege* can only safely be linked to hunting or deer when compounded with *deor* or another relevant noun.⁴⁶ An example is the *rah hege*, translated as roe (deer) hedge, which occurs in some tenth-century boundary clauses.⁴⁷

The absence of the simplex nouns *haga* and *hege* from the lists of services owed to a lord and cited above requires some explanation. It should be seen in the context of the absence of description of other aspects of early medieval farming and land management in these documents. The duties of fencing arable crops and meadows and tenants' holdings are mentioned in a seventh-century law code, and appear in the duties of the Tidenham tenants and, indirectly, in the *Rectitudines Singularum Personarum*.⁴⁸ The construction and maintenance of banks and hedges around woods and land units do not. The construction of *hege* and *haga* not associated with hunting could have been amongst the agricultural work which was undertaken by servants or slaves under the direct control of the lord instead of being required of tenants as a customary due.

If it is accepted that the *derhage* of Thurstan's will was an enclosure for holding or hunting deer or other wild beasts, then it is also arguable that in early medieval records the occasional

⁴¹ Eileen A. Gooder, *Latin for local history* (sec. edn, 1978), p. 163; Hooke, 'Pre-Conquest woodland', p. 123.

⁴² Sykes, 'Animal Bones', pp. 60–1.

⁴³ Christopher Taylor, 'Ravensdale Park, Derbyshire, and medieval deer coursing', *Landscape Hist.* 26 (2004), pp. 37–57, argues for the use of deer courses in the late medieval period. More evidence of coursing is cited in Robert Liddiard, 'Introduction', in Liddiard (ed.), *Medieval park*, pp. 1–8, at p. 5. The suggestion about coursing in relation to the Worcester document is made in Hooke, 'Woodland landscape', p. 165.

⁴⁴ G. N. Garmonsway (ed.), *Ælfric's colloquy* (rev.

edn, 1991), pp. 22–5; Hooke, *Anglo-Saxon landscapes*, p. 236; ead., *Trees*, p. 155.

⁴⁵ Liddiard, 'Deer parks', p. 6; Alban Gautier, 'Game parks in Sussex and the Godwinesons', *Anglo-Norman Studies: Proc. of the Battle Conference* 29 (2007), pp. 51–64, at p. 57.

⁴⁶ Williams, *World before Domesday*, p. 90; Debbie Banham and Rosamund Faith, *Anglo-Saxon farms and farming* (2014), pp. 190, 194.

⁴⁷ Williams, *World before Domesday*, p. 125.

⁴⁸ Banham and Faith, *Anglo-Saxon farms*, pp. 67–9.

compounds of *haga*, *hege* or *(ge)hæg* with livestock such as horses, pigs, goats and oxen referred to features which contained rather than excluded these animals. If this is the case then at least some pre-Conquest enclosures were not used for deer or other wild animals, at least not at the time when they were named. Their use for livestock should come as no surprise. The importance of woodland for pasture for livestock in the early medieval period has been recognized by historians to a greater or lesser extent. There was evidence of competing uses of woodland long before the Domesday survey distinguished between woods for pasture and woods for wood and timber, and, in some areas of the country, assessed the amount of woodland by the number of swine which each area of woodland was expected to support or the dues rendered for those swine.⁴⁹ Enclosure of part of a wood to confine grazing or browsing animals, whether belonging to all the local inhabitants or exclusively to the lord, might well have been a response to pressure of demand on limited resources.

There is an acknowledged lack of evidence about the practicalities of early medieval farming. Conjecture, based on what is known and on later practices, has necessarily filled the gaps. The sources cited above associate enclosure with arable land rather than pasture, but it is suggested that there must have been an increasing need to enclose livestock as population increased and the management of land became more intensive. Documentary sources deal with the herding of livestock, including the folding of sheep, but do not specify other types of enclosure in which animals were kept.⁵⁰ Hays seem to have been one type of enclosure, perhaps associated more with woodland. They might have been used simply to protect animals, or to keep them from straying into fields or coppice woods, or for collecting them together for breeding or culling. There appear to have been separate enclosures for animals of different ages, sexes and uses, oxen being an example of one such category.

The association with animals might also help to explain the apparent imprecision in the translation of Old English *haga* and *hege* or *(ge)hæg*. A newly planted hedge, even of quick-growing hawthorn (often called 'quickset') or blackthorn, needs a few years' growth to become stock-proof; a dead-hedge or fence would have been needed to contain, or deter, animals and protect the young hedging plants until they had grown enough to become a permanent barrier. The use of *haga* to describe a boundary feature, where a substantial bank and ditch can sometimes be traced, may reflect a decision to site an enclosure against an existing boundary bank, and then to complete the enclosure with a new hedge and/or fence, thereby reducing the amount of time, effort and expense needed to create the enclosure.

With so few documentary records from the long period when Old English was widely spoken and with the assumption on the part of those who created those documents that everyone understood the vocabulary used in them, it is not possible to identify with certainty the nature and chronology of the original purposes of hays. However, there is enough evidence to argue that in the early medieval period, at least by the tenth century, hays were not exclusively, or possibly not even mainly, enclosures associated with hunting wild animals. Even with the sparse documentary sources for this period, there is enough evidence to suggest that enclosures surrounded by a hedge or a fence and called in Old English *haga* or *(ge)hæg* had a variety of

⁴⁹ H. C. Darby, *Domesday England* (1977), pp. 171–88.

⁵⁰ Banham and Faith, *Anglo-Saxon farms, passim* and at pp. 1–15, 66, 76, 123–9.

purposes and in the countryside were often associated with livestock. Woodland was only one source of pasture; a recent study of Anglo-Saxon farming has emphasized the importance of pastoral resources in all types of countryside – woodland, open country, meadow and marsh.⁵¹ Therefore, *haga*, *hege* or *(ge)hæg* should not necessarily be associated either with hunting or with woodland.

III

The use in Domesday Book of the Old English *haga* and the Latin *haia*, the assumed relationship between the two terms, and the explicit association of some of the latter with deer, has led to an assumption that all such features were used for hunting.

A recent claim that in the counties comprising the south-eastern circuit taken by the Domesday Book commissioners '*haga* is specifically used for an actual deer enclosure on the ground' has been repeated in some subsequent studies.⁵² It disregards the contrary evidence that almost every use of *haga*, and its latinized plural *hagæ*, in Domesday Book refers to the type of urban enclosure found in some pre-Conquest charters. The hundreds of *hagæ* recorded in Domesday Book across south-eastern England and as far north as Oxfordshire were urban enclosures, and even those recorded under rural manors were usually stated to be in named towns; where the link with a city or town was not explicit it can reasonably be inferred. The records for Canterbury in Domesday Book refer to the same kind of urban property as the *haga* in the charter of 811; other *hagæ* were recorded in the same county at Rochester. They were also recorded in some towns in Sussex, Surrey, Hampshire, Berkshire and Oxfordshire. With the exception of Oxfordshire all these counties seem to have been part of same circuit taken by the Domesday commissioners for the south east of England.⁵³

The *hagæ* around Chichester in Sussex were recorded both under the town itself – 97½ *hagæ* in the time of King Edward – and under 43 rural manors around Chichester with another 37½ *hagæ*. Thirteen of these 43 manorial entries do not specify that the *hagæ* were in Chichester, but as Aldingbourne had as many as 16 *hagæ* it seems unlikely that those 16 were rural properties; even for places where only one *haga* was recorded it is reasonable to assume that the *haga* was in Chichester. Therefore, when considered in the context of the evidence for other parts of south-east England, using the Domesday entries for just one part of Sussex, around Chichester, to support a case for equating *hagæ* with parks does look like wishful thinking.⁵⁴ The same pattern of rural manors with *hagæ* in towns occurs around another town in Sussex, Lewes, which had 197 *hagæ*. Twenty-nine rural manors in the area had *hagæ* and in all except two of these manors Domesday Book locates the *hagæ* in Lewes; the numbers of *hagæ* held by individual manors varied from one to 44.⁵⁵

⁵¹ Banham and Faith, *Anglo-Saxon farms*, *passim*.

⁵² Liddiard, 'Deer parks', pp. 14–5; Gautier, 'Game parks', p. 59; Smith, *Patterns in the landscape*, p. 110.

⁵³ H. C. Darby and Eila M. J. Campbell (eds), *The Domesday geography of south-east England* (1962), pp. 131, , 230–1, 273–9, 351–5, 398–401, 463–71, 548–53;

H. C. Darby, 'Domesday Book and the geographer', in J. C. Holt (ed.), *Domesday studies* (1987), pp. 101–19, at pp. 103–05.

⁵⁴ Liddiard, 'Deer parks', pp. 14–15.

⁵⁵ Darby and Campbell (eds), *South-east England*, pp. 466–8.

There were a couple of rural *hagæ* in Domesday Book, but as they were recorded in a different region of England and as part of two place-names they cannot be used as certain evidence of the presence of a *haga* at the time of Domesday Book's compilation. However, both of these entries were associated with woodland. Domesday Book stated that there was woodland in *brictices haga* in Cretingham in Suffolk and the entry for Hempnall in Norfolk stated that part of the woodland there was called *Schieteshaga*.⁵⁶ This entry introduces the notion that a *haga* was part, not the whole, of a wood.

There is a strong association with woodland in the *haiaæ* of Domesday Book. For some places in a few counties in England Domesday Book recorded either a single *haia* or two or more *haiaæ*. With one exception, Warwickshire, all the counties in which *haiaæ* were recorded in 1086 are thought to have been part of the same circuit.⁵⁷ There is another possible exception, the largely unnoticed *heia* (*sic*) in the manor of Blythburgh, Suffolk, where the fourth penny from the dues of the *heia* of an unidentified *Riseburc* belonging to the manor were to be divided between the king and the earl. Although it has been suggested that the *heia* was 'perhaps a fortified market-site within the manor of Blythburgh' or refers to a sea-weir, it has also been treated as an alternative spelling of the Latin *haia*. As well as making money from fishing (it paid some of its dues to the king in herrings) Blythburgh was an agricultural manor, with ploughs, woodland and meadow; the *heia* of *Riseburc* might have been a *haia* like those recorded elsewhere. The special feature of the *heia*, that the income from it was divided between the king and the unnamed earl, was presumably the reason for the record.⁵⁸

The *haiaæ* of Domesday Book were recorded in counties by the Welsh border and elsewhere in the west Midlands. In Shropshire they numbered over 80 and were recorded in 36 places, including Stretton where there had been five in the past. In Herefordshire there were 19 in 12 places, in Gloucestershire five in two places, in Worcestershire three, in Cheshire 104 in 49 places and in Warwickshire one.⁵⁹ Slightly different figures can be given for some of the counties, and figures vary according to whether a place is counted under its Domesday county or the county to which it was subsequently transferred.⁶⁰ For the region between the Ribble and the Mersey, which became south Lancashire and was included under Cheshire, *haiaæ* were recorded without numbers. The manor of Salford had *plures haiaæ*; *plures* has been variously translated as 'many' and 'several'. No *haia* was recorded as belonging to the manor of Leyland, but the men of that manor used to make one *haia* in the woodland. The men of West Derby used to build the dwellings – *domos* – of the king and whatever belonged to those dwellings, including fisheries and in the woodland *haiaæ* and stag-beats – *piscarias & in silua haiaes & stabilituras*. Another translation of *stabilituras* is 'buck-stalls, besetting

⁵⁶ A. Rumble (ed.), *Domesday Book*, 34, Suffolk (2 vols, 1986), I, fo. 433b; Philippa Brown (ed.), *Domesday Book*, 33, Norfolk (1984), fo. 248b.

⁵⁷ Wiltshire and Woore, 'Hays', p. 196; Darby, *Domesday Book*, pp. 103–8.

⁵⁸ Rumble (ed.), *Suffolk*, I, fo. 282a, II, note under 1.12; R.E. Latham, *Revised Medieval Latin word list* (1965), p. 220.

⁵⁹ Thorn and Thorn (eds), *Shropshire*, under notes for

Much Wenlock; *ibid.*, fo. 254a for the five *haiaæ* in Stretton; H. C. Darby and I. B. Terrett (eds), *The Domesday geography of Midland England* (sec. edn, 1971), pp. 140, 88, 31, 249, 295; Higham, *Frontier landscape*, p. 106; H. C. Darby and I. Maxwell (eds), *The Domesday geography of northern England* (1962), p. 357.

⁶⁰ Dolly Jørgensen, 'The roots of the English royal forest', *Anglo-Norman Studies* 32 (2009), pp. 114–28, at p. 125.

the woods (for game).⁶¹ The link between *haias* and *stabilituras* is reminiscent of the link between *deorhege* and *stabilitatem* in the early medieval *Rectitudines Singularum Personarum* cited before. In some entries for Cheshire *haiæ* are also said to be within woodland. In others they appear alongside woodland; & *ibi i haia* – ‘and there one *haia*’ – is a frequent phrase. In some entries a *haia* is followed in the list by a hawks’ eyrie. Some of the Shropshire entries are even more explicit, listing the woodland and then adding a phrase such as *in qua sunt* – ‘in which are’ – before giving the number of *haiæ*. The distribution of *haiæ* in Cheshire coincides with the more wooded parts of the county, and the lands in south Lancashire had very large quantities of woodland.⁶² Although *haiæ* were associated with woods, they were distinct from woods.

In the counties of Herefordshire and Shropshire some manors were described as waste, with no details of the taxable value of the manor or any of its resources apart from *haiæ*.⁶³ There must have been something special about *haiæ* which meant that they were recorded even though the manor’s lands lay uncultivated or otherwise unused and the inhabitants had fled, had died or were unable to work on the land. The entry for *Lege* (variously assumed to be Longnor, or Lee in Lebotwood) in Shropshire describes the manor’s three *haiæ* as *firmæ*, an adjective which has been translated as ‘fixed’, suggesting that other *haiæ* might have been temporary enclosures.⁶⁴ A wish to preserve customary dues might account for records of temporary enclosures, but the records of *haiæ* in manors which were waste implies a physical presence at the time of the survey, rather than a temporary structure created as and when required.

Some of the Domesday *haiæ* were used for capturing or holding wild animals, or, specifically, roe deer. A few entries in the folios for Cheshire, Shropshire, Gloucestershire and Worcestershire state this precisely. Weaverham in Cheshire had two *haiæ* of roebucks – *capreolorum* – and Kingsley in the same county four *haiæ* of roebucks – *haiæ capreolorum*. Corfton in Shropshire had a single *haia* for taking or capturing roebucks – *haia capreolis capiendis* – and Lingen in the same county (but later transferred to Herefordshire) had three *haiæ* used for the same purpose – *haiæ capreolis capiendis*. Under Churcham and Morton in Gloucestershire it was recorded that the church (of St Peter, Gloucester) had its hunting there through three *haias* in the time of King Edward and in the time of [King] William – *Ibi habuit æccl’a uenatione’ sua’ p’ iii haias T.R.E. & t’p’r’ W.* Kington in Worcestershire had one *haia* in which wild animals used to be captured or taken – *in qua capiebant’ feræ*.⁶⁵

The explicit references to capturing deer and other wild animals have led some to infer that every *haia* in Domesday Book had a distinct function and meaning associated with hunting. In her detailed research into the place-names of Shropshire Margaret Gelling went so far as to suggest that in Domesday Book *haia* was probably either a medieval Latin word or a

⁶¹ Higham, *Frontier landscape*, p. 106; Morgan (ed.), *Cheshire*, fos 270a, 269d; Latham, *Word list*, p. 449; Hooke, ‘Woodland landscape’, p. 166.

⁶² Darby and Maxwell (eds), *Northern England*, pp. 357–9; Morgan (ed.), *Cheshire*, fos 269c, 270a; Higham, *Frontier landscape*, p. 106.

⁶³ Darby and Terrett (eds), *Midland England*, p. 88;

Thorn and Thorn (eds), *Shropshire*, fo. 258b.

⁶⁴ Darby, *Domesday England*, p. 194.

⁶⁵ Morgan (ed.), *Cheshire*, fos 263c, 267d and *passim*; Thorn and Thorn (eds), *Shropshire*, fos 256c, 260b and *passim*; Moore (ed.), *Gloucestershire*, fo. 165c; Thorn and Thorn (eds), *Worcestershire*, fo. 167c; Darby and Terrett (eds), *Midland England*, p. 140.

Norman-French technical term, meaning 'part of a forest fenced off for hunting', rather than Old English (*ge*)*hæg* meaning 'enclosure'.⁶⁶

This suggestion, that the *haia* of Domesday Book might have represented a type of enclosure introduced, or at least categorized, by Norman lords after the Conquest, gains some support from eleventh-century charters dealing with lands in Normandy. Some of these make specific reference to a *haia*, for example a grant of the tithe of the *haia* of Le Theil-Nolent (*decimam Haie de Tilio*) to the Abbey of Notre Dame in Le Bec in 1077 and the right for pigs to graze acorns in the forest and *haia* of Salsoif without paying the due of pannage (*Dedi etiam porcis suis lapaissou in foresta mea et in haia de Selesoef sine pasnagio*) to the abbey of Saint-Sauveur-le-Vicomte c.1080–85. A grant to the abbey of Saint-Wandrille in 1074 made an exception for the *haia* and *defensio* of the count of Evreux (*excepta haya sua et defensionis*); the meaning of *defensio* is discussed later in this article. Between 1068 and 1076 William I also confirmed grants made by his father, Duke Robert, to the abbey of Notre-Dame at Montivilliers, of *la Haya de Teilleid*, rendered as *la Haia de Telloil* and *la Haya de Teilled* in various versions of Duke Robert's charter of 1035.⁶⁷ The inclusion of the French feminine definite article, *la*, suggests that the use of the Latin *haia* was a straightforward translation of the French noun *haie*, to which a dictionary of Old French attaches the dual meaning of hedge (as in modern French) and enclosure, and, separately, part of the forest reserved for hunting wild animals. These charters refer to forests and woods in such a way as to indicate that in Normandy in the eleventh century a *haia* was distinct from forests and woods, albeit often associated with them. This distinction and this association are also found in a slightly later grant, made by Richard de Redvers between 1100 and 1107 to a new foundation of Sainte Marie at *Néhou*. This included tithes from forests belonging to the old honour of *Néhou*, namely from *Mondrooldo* and the *haia* of *Néhou* and the *haia* of Moreville (*de forestis meis pertinentibus ad veterem honorem Nigellihulmi, scilicet de Mondrooldo et de haia Nigellihulmi et de haia Morevill*).⁶⁸

The distinction in the Normandy charters between *haia* and forests is also apparent in Domesday Book. Forests were recorded in Domesday Book, but usually only incidentally, in the form of statements that a manor, or a holding, or its wood had been placed *in foresta* or *in foresta regis*. Domesday Book contains no statement to the effect that a *haia* has been put into a forest. Two manors in Cheshire exemplify the point. Weaverham, first in the list of the holdings of Earl Hugh of Chester, paid tax on 13 hides. Its appurtenances included woodland two leagues in length and one in width and there were two *haia* of roebucks – *capreolorum*. The entry stated that Jocelyn held four hides of the land from the Earl, who had put three hides of that land into the forest, but there is no statement about the Earl's demesne woodland or *haia* being put into the forest, despite the explicit association of the *haia* with roe deer. In the

⁶⁶ Hooke, 'Pre-Conquest woodland', p. 126; ead., *Trees*, p. 142; ead., 'Woodland landscape', p. 166; Liddiard, 'Deer parks', p. 7; Rackham, *Ancient woodland*, p. 188; M. Gelling and H. D. G. Foxall, *The Place-Names of Shropshire* (6 vols, 1990–2012), II, pp. 11, 59, III, pp. 20, 24, 32, 66.

⁶⁷ D. Bates (ed.), *Regesta Regum Anglo-Normannorum: The acts of William I (1066–1087)* (1998), pp. 550–4,

784–5, 789–91, 654–7; Marie Fauroux, *Recueil des Acts des Ducs de Normandie de 911 à 1066* (1961), pp. 231–7.

⁶⁸ A. J. Greimas, *Dictionnaire de l'Ancien Français jusqu'au milieu du xiv siècle* (sec. edn, 1968), p. 327; R. Bearman (ed.), *Charters of the Redvers family and the earldom of Devon* (Devon and Cornwall Record Society, new ser., 37, 1994), pp. 55–6.

other manor in Cheshire in which *haiæ* are linked to roe deer, Kingsley, the woodland had been put into the Earl's forest, but the four *haiæ capreolorum* were recorded separately with no reference to the forest.⁶⁹

The distinction between hays and forests is also apparent in the entry in the Anglo-Saxon Chronicle stating that William I, known to have established the New Forest in Hampshire, set up great *deorfrið*; the word *deorfrið*, translated into modern English as 'game reserve' or 'sanctuary', contains the Old English word *fyrhth* or *fyrhthe*, not *haga* or *(ge)hæg*.⁷⁰

Domesday Book also distinguished between *haiæ* and parks. Parks appeared in their own right as the Latin *parcus*. Nonetheless, it has been claimed that the *haiæ* were the same as a pre-Conquest *haga* or *(ge)hæg* and were also related to post-Conquest parks, in which fallow deer were contained and bred as semi-domesticated livestock confined permanently to the park, often by a substantial bank and ditch as well as a hedge or park pale. A recent study has identified 37 Domesday parks, but regards the figure as a minimum. That study concluded that the terms *parcus* and *haia* or *haga* were used interchangeably in Domesday Book, with the different terminology being explained by variation according to the shire or circuit within which separate groups of Domesday commissioners collected information.⁷¹ The conclusion has been disputed or at least questioned. It has been explained that roe deer are 'notoriously unsuitable as park animals, the males in particular becoming dangerously territorial when confined', although it has also been suggested that this very habit added to the excitement of the hunt or that *haiæ* and *haga* 'were probably intermittent boundary structures rather than continuous enclosures – thus enabling animals to enter and leave the woodland'. This suggestion has also been used to explain why in some manors Domesday Book records several *haiæ*. In any event it has been concluded that pre-Conquest enclosures for capturing roe deer would have had a different function to those late medieval parks that were used to breed fallow deer in captivity.⁷²

This conclusion is supported by the rare translation of *parcus* into Old English in the decade before the Domesday survey, found in the Old English version of the declaration of his grant by Odo, Bishop of Bayeux and Earl of Kent. That version used the phrase *deor falde*, not the words *haga* or *(ge)hæg*.⁷³ Whilst some *haiæ* might have been converted into parks in later centuries this does not mean that this was their original function; they could have had different uses in the early medieval countryside.

Haiæ and parks are recorded shortly after the Domesday survey as separate items in some manors, providing more evidence that they were regarded as distinct from each other. In Warwickshire, for example, both are found in twelfth-century records of Kenilworth and Sutton Coldfield. The *haia* of Kenilworth, recorded in the foundation charter for Kenilworth Priory c.1124 as reserved to the grantor, Geoffrey de Clinton, remained separate from other woods and the park in Kenilworth.⁷⁴ In 1133–35 Henry I ordered that his men of Stoneleigh

⁶⁹ Darby, *Domesday England*, p. 195; Jørgensen, 'English royal forest', p. 125; Morgan (ed.), *Cheshire*, fos 263c, 267d.

⁷⁰ Darby, *Domesday Book*, p. 108 for the quotation; Jørgensen, 'English royal forest', p. 116; D. J. Stagg (ed.), *A calendar of New Forest documents, 1244–1344* (Hampshire Rec. Ser., 3, 1979), p. 5.

⁷¹ Liddiard, 'Deer parks', pp. 6, 12–21.

⁷² Sykes, 'Animal bones', pp. 60–1.

⁷³ Lewis C. Loyd and Doris Mary Stenton (eds), *Sir Christopher Hatton's Book of Seals* (Northamptonshire Rec. Soc., 15, 1950), p. 301.

⁷⁴ Wager, *Woods*, pp. 33–4.

should have their pasture in the hay (*haia*) which he had given to Geoffrey de Clinton, just as they had in Geoffrey's time, and also referred to the hay as a wood (*boscum*).⁷⁵ Domesday Book had recorded that Kenilworth was a member of the king's manor of Stoneleigh, and Henry I's order indicates that his tenants in Stoneleigh had a traditional and valued right to common pasture in the area of woodland called the Hay arising from an old manorial link between Kenilworth and Stoneleigh. Henry II regained control over Kenilworth Castle and its lands, and when the Close Rolls, where decisions over crown lands were recorded, begin in the following century, the hay of Kenilworth was still a distinct area. It seems to have remained wooded, at least in part, because the Close Rolls record various gifts of timber by the king in the first half of the thirteenth century. Kenilworth's hay seems to fit the model of hays which provided wood pasture. The site of the hay appears eventually to have been absorbed into the wood known in the sixteenth century as Thornton Wood; a survey in 1591 records a place called Great Haes next to or within Thornton Wood.⁷⁶ The hay of Sutton Coldfield, recorded in the middle of the twelfth century, was also distinct from the park and the outwood. That hay was described as *liberam haiam in defensione*, an unusual phrase. The Latin word *defensa* is recorded c.1113 as meaning an area of protection, and therefore could apply to places in which either hunting was prohibited or livestock excluded at least at certain times of the year – a kind of closed season – without the necessity of a physical barrier. Sutton Coldfield's hay, which was arguably situated in the east of the parish, by the medieval wood (there was a close called *Sidehaleheye* in 1316, later *Sydnall haye*, which presumably became the modern Signal Hayes in the Walmley area), and not in the area in the west of the parish which became the late medieval park, might have been free to local people either in the closed season, or with limits on that freedom in the closed season. The description of Sutton's hay implies that tenants had free, customary use of it and that its function was not associated with hunting.⁷⁷

There is information in Domesday Book itself that refutes the claim that the *haiæ* of Domesday Book were a post-Conquest introduction. As noted above, the entry relating to Churcham and Morton in Gloucestershire stated that the church of St Peter in Gloucester had its hunting through three *haias* in the time of King Edward the Confessor as well as in the time of William I. Given the close relationship between King Edward and the dukes of Normandy it could be argued that Norman-French hunting practices might have appeared in the English countryside before the Conquest. However, hunting was well recorded in England in the early medieval period, and the church of St Peter in Gloucester was an old foundation not linked to

⁷⁵ C. Johnson and H. A. Cronne (eds), *Regesta Regum Anglo-Normannorum, 1066–1154*, II, *Regesta Henrici Primi, 1100–1135* (1956), p. 386. The Latin text reads, 'Precipio quod homines mei de Stanley ita bene et plenarie et juste habeant pasturam suam in haia quam dedi G. de Glint' sicut habuerunt tempore G. de Glint', et sicut consideratum fuit quando illi boscum dedi, ne super hoc ulla eis [fiat] injuria vel contumelia, et ne audiam inde clamorem.' The text's G. de Glint' [sic] refers to Geoffrey de Clinton.

⁷⁶ Judy Plaister (ed.), *Domesday Book*, 23, *Warwickshire* (1976), fo. 238b; *VCH Warwickshire*, VI, p. 135;

Calendar of Close Rolls, 1234–1237, p. 303; 1237–1242, pp. 50, 78, 105, 442–3. The manor of Kenilworth was transferred to Simon de Montfort for his lifetime in 1253 (*VCH Warwickshire*, VI, p. 135), which presumably explains why the Close Roll references do not continue throughout the century; S. G. Wallsgrove, *Kenilworth 1086–1756: The development of medieval Kenilworth* (1991), Fig. 13.

⁷⁷ Wager, *Woods*, pp. 67–8; Latham, *Word list*, p. 135; G. J. Turner, *Select pleas of the forest* (Selden Society, 13, 1899), p. xciv.

any French church. (The account of its foundation c.679 as preserved by the abbey's monks is accepted as broadly accurate, the grant of Churcham and Morton to the church was made in 1022, and the first Norman abbot was not appointed until 1072.⁷⁸) Nor is the reference under Churcham and Morton an isolated example of the existence of Domesday *haia* before the Conquest. As work on the *haia* undertaken by thanes in the lands between the Ribble and the Mersey was described as a customary due in the reign of King Edward the Confessor, it cannot refer to features which were a post-Conquest, Norman-French introduction.

It is therefore reasonable to conclude that use of the latinized *haia* in Domesday Book reflected a similarity in nomenclature between Old English and Norman French arising from a common northern European stem and that the features named had developed independently in England and France. The evidence suggests that *haia* was used by the compilers of Domesday Book to translate into Latin the Old English words *hege* or *(ge)hæg*. The nature and purposes of these pre-Conquest features should therefore inform the debate about the nature and purposes of the *haia* of Domesday Book. The link already made between them, with a greater or lesser degree of confidence, is on the basis that both were associated with hunting.⁷⁹

Haia in Domesday Book have a strong association with woodland. When listed as one of the appurtenances of a manor, rather than as a duty owed to a lord, they are clearly more than a hedge or fence. The question is whether the Domesday commissioners confined their records to a particular type of *haia*, one used for keeping or hunting roe deer, or whether some of the *haia* had other functions also associated with woodland. The specific references to roe, rather than another species of deer, may be attributed to the dominance of roe deer in the consumption of venison, which is apparent from excavated sites of high status in the early medieval period. They should be considered in the light of earlier comments about the difficulty of confining these animals within enclosures.⁸⁰ It can be suggested that in these cases, as in the early medieval period, the *haia* might have been a narrow enclosure into which roe deer were driven and through which they were chased towards a group of huntsmen in a stall. This might explain why some manors, if they had extensive areas over which the lord could hunt, had two or more *haia*. However, the one case in which Domesday Book gives the size of a *haia*, for the unidentified manor of *Donnelie* in Warwickshire, does not support the case that all *haia* were for hunting roe deer. That *haia* measured half a league by half a league, far too wide for the kind of enclosure used in deer coursing, and yet probably not extensive enough for deer habitually wandering over miles of countryside. There was no mention of deer in relation to the *haia* of *Donnelie*.⁸¹ One also has to consider why the Domesday commissioners described the function of some *haia* but not others. If it was generally known that all *haia* were for capturing roe deer or other wild animals there would have been no need to make

⁷⁸ Hooke, 'Woodland landscape', pp. 162–9; H. P. R. Finberg, *The early charters of the west Midlands* (sec. edn, 1972), pp. 153–66; VCH Gloucestershire, I, p. 55, X, p. 53.

⁷⁹ Hooke, 'Views on the Worcestershire landscape', p. 95, equates *hagan* with *haia*; for more hesitant views, ead., *Trees*, p. 142 and ead., 'Woodland landscape', p. 167.

⁸⁰ Sykes, 'Animal bones', p. 60.

⁸¹ Plaister (ed.), *Warwickshire*, fo. 240a. For a discussion about the location of *Donnelie*, see Steven Bassett and Sarah Wager, 'Donnelie (Warwicks): identifying a lost Domesday manor and understanding the nature and function of its *haia*', *Midland Hist.* 42 (2017), pp. 1–17.

the statement. It could therefore be suggested that the commissioners limited their comments to those *haia* used for roe deer because they were exceptions to the norm. Other *haia* might have had functions related to wild animals generally or to livestock. The multiplicity of *haia* in some manors might reflect separate enclosures for different types of animal.

A hay was not an essential adjunct to hunting. Domesday Book includes records of hunting in places which had no *haia*, even in those counties where *haia* were recorded. Leyland and Penwortham in Lancashire each had a hawk's eyrie without having a *haia*. Domesday Book for Herefordshire recorded a customary service for the king's hunting which had no reference to a *haia*. The dues from woodland in some of the manors held by the church of Worcester in Worcestershire included income from honey and hunting, but no *haia* was recorded in any of these woods.⁸²

Consideration should be given to the possibility that some of the *haia* recorded in Domesday Book were used to hold livestock rather than wild animals or that the Domesday survey omitted many hays which had this function at the time. With the importance of pastoral farming in mind, it is possible to interpret the entries for Churcham and Morton in Gloucestershire and Kington in Worcestershire as records of privileged access to the *haia* for hunting, implying that it was an exceptional arrangement, which might be to the disadvantage of local people who had traditionally used the *haia* for common pasture and who would challenge the use for hunting. The Domesday survey offered landholders the opportunity to assert their rights, in order to prevent future claims or disputes.

Suggestions about the nature and purpose of hays should be set in the context of changes in land use during the early medieval period – more intensive use of land, the influence of developing lordship, attempts to limit common rights, and direct exploitation on a lord's behalf of areas of land within a territory.⁸³ Such changes might have involved the creation of hays to provide exclusive access to resources for the lord, whether for pasture or timber, although some hays might have provided enclosed pasture for the whole local community, peasants as well as lords. A pastoral function does not necessarily imply woodland, although the importance of wood pasture would explain the frequent link between hays and woods. As kings and lords pursued hunting as a sport appropriate to their status, they could have sought the right to chase deer throughout their lands, including those enclosed for protecting livestock. Faced with opposition from those jealously guarding their rights of common pasture, some lords might have decided to try instead to create additional enclosures specifically to capture deer rather than compete with pastoral rights in existing hays. Such attempts would have been easier in parts of England in the second half of the eleventh century if the manor in question had become, in the words of Domesday Book, waste, or where there was a powerful Norman lord prepared to disregard traditional rights and customs.

⁸² Morgan (ed.), *Cheshire*, fo. 270a; Frank Thorn and Caroline Thorn (eds), *Domesday Book*, 17, *Herefordshire* (1983), fo. 179a; Thorn and Thorn (eds), *Worcestershire*,

fos 173a–173b.

⁸³ Rosamond Faith, *The English peasantry and the growth of lordship* (1997), *passim*.

IV

Evidence for the existence of *haia*, haws and hays in the centuries following Domesday Book is much more plentiful, because of the great increase in documentary records. A distinction is apparent between large hays belonging to the Crown, nobles and lords of manors, hays which might be called manorial and in which local inhabitants sometimes had common rights but whose origins and main function are not explained, and small hays in small landholdings. Although, as in earlier periods, there is no definitive explanation of the function of a hay, there are enough references to common pasture to suggest that hays for which there are records of this practice might have had this function since the early medieval period.

The dual meaning of the Latin *haia* or *haya*, and its plural form *haia*, sometimes apparent in the same document, reflected the variety of meanings attributed to their Old English antecedents. In the case of the Boldon Book, compiled for the bishopric of Durham not quite a century after the Domesday survey, when the duties of the villeins of Aucklandshire for the bishop's hunting included making their part of a *haya* around the lodges (*circa logias*), it is not clear which meaning applies. The Boldon Book does not state that the *haya* was used to capture, hold or hunt deer and, although it has been translated as 'enclosure', *haya* could be read as meaning a hedge or fence rather than the enclosure formed by the hedge or fence. The meaning 'hedge' frequently appears amongst the appurtenances in late medieval grants of land, hedges being valuable sources of wood and timber.⁸⁴

Both meanings were concurrent and can even be found in the same document, for example, the Great Charter of the Forest of Edward I for Shropshire. Although Shropshire's hays were within the forest they were distinct areas within it, that distinction being important enough for the boundaries of each hay, including hedges, to be recorded over two centuries after the compilation of Domesday Book; in the Great Charter *haia* covered both meanings.⁸⁵ Hays are often associated with woodland and with royal forests, an association which has perpetuated the association with hunting and a presumption that they were used to hold and hunt deer. Given the very large areas of the English countryside into which royal forest law had been extended by the thirteenth century and the many records created during the administration of that law, it is hardly surprising that hays appear in the records of the management of royal forests and of depredations in them. Forest law, including restrictions on access and use, and fines for transgressions and assarts, was applied alike to woods, parks and hays in forests, and yet each of these continued to be treated as a distinct type of feature in the countryside.⁸⁶

The distinction between royal hays and forests appears in early records of Crown revenues. In the earliest surviving Pipe Roll, for 1130, income from the hays (*Haiis*) of Hereford and the hays of Brampton was separate from income from forests. Nine manors described as waste in Domesday Book were part of the forest of Hereford by c.1160–70, but grants of timber

⁸⁴ David Austin (ed.), *Domesday Book*, 35, *Boldon Book, Northumberland and Durham* (1982), pp. 36–7; Gooder, *Latin for local history*, p. 140.

⁸⁵ Latham, *Word list*, p. 220; U. Rees (ed.), *The cartu-*

lary of Shrewsbury Abbey (2 vols, 1975), II, pp. 246–8.

⁸⁶ Young, *Royal forests, passim*; Helen E. Boulton (ed.), *The Sherwood Forest Book* (Thoroton Society Record Series, 23, 1965).

and roebuck were made from the *haia*, not the forest, of Hereford during the thirteenth century.⁸⁷ In Staffordshire royal hays were treated as sub-divisions of some of the forests, with foresters appointed specifically to manage individual hays. A similar arrangement seems to have been followed in the forest of Inglewood in Cumbria, where the office of keeper of the king's hay of Plumpton existed in the reign of Henry I. The hays in Sherwood Forest, Nottinghamshire were not used as administrative divisions, but an inquisition dated to 1251 stated that no one could exercise common rights in them, and a survey, probably from c.1334, lists each hay with its bounds, so that its size can be estimated. Royal hays often covered large areas, greater than that of the only *haia* in Domesday Book for which dimensions are given.⁸⁸ If hays were intended to be enclosures into which deer were driven and held before being killed they would have needed to be relatively small, not the large size of some of the later medieval hays. Records of exactly how deer were chased, captured and killed in the later medieval period, as distinct from the numerous occasions on which they were hunted illegally and which were recorded in proceedings held under forest law, are scant.⁸⁹ However, if hays had been essential to the hunting of deer they would have been found in any forest where that sport was practised, but there are no references to hays in the management of the New Forest in Hampshire, whose administrative districts were called bailiwicks. Whilst common rights were forbidden in the hays of Sherwood (and in some other hays such as the *haya de Ixhull* in Bernwood Forest, Buckinghamshire), there were some hays in which common rights were permitted; examples from Derbyshire and Worcestershire are given below.⁹⁰

Hays have also been associated with late medieval parks. It has been suggested that the physical proximity of some late medieval hays and parks in Cumbria arises from the creation of parks from parts of hays which might have been 'baronial hunting enclosures pre-dating the formal enclosure of parks', although it is acknowledged that, owing to the lack of early medieval records, the age of these hays cannot be known.⁹¹ However, although the physical proximity of some parks and hays cannot be denied, and it was possible to convert a hay into a park, there is a similar spatial relationship between some parks and woods.

Manorial hays recorded in the twelfth century were usually identified simply from the place to which they belonged, often using the Norman-French definite article *le* or *la*, a frequent practice in several types of field-name. A few compounded, descriptive names for hays, such as *farhaie* or *farheie* in Felsted in Essex which is thought to contain the Old English word *fearh*, meaning pig; *Oxeheie* in Chesterton in Oxfordshire in 1151–54; and *Horsehaie* in Pucklechurch in Gloucestershire recorded in 1189, relate to livestock rather than

⁸⁷ Judith A. Green (ed.), *The Great Roll of the Pipe, 31st year of the reign of King Henry I, Michaelmas 1130* (Pipe Roll Society, 95, new ser., 57, 2012), pp. 60, 37; V. H. Galbraith and J. Tait (eds), *Herefordshire Domesday circa 1160–1170* (Pipe Roll Society, new ser., 25, 1950); for gifts of timber and deer from the hay of Hereford see the volumes of the *Calendar of Close Rolls* for the reigns of Henry III and Edward I.

⁸⁸ *VCH Staffordshire*, II, pp. 336–49; Winchester, 'Parks in medieval Cumbria', p. 172; Boulton (ed.),

Sherwood Forest, pp. 45–6, 56–9.

⁸⁹ Taylor, 'Ravensdale Park', pp. 47–8; Jean Birrell, 'Deer and deer farming in medieval England', *AgHR* 40 (1992), pp. 112–26, at p. 115.

⁹⁰ Stagg (ed.), *New Forest*, pp. 141–5; H. E. Salter (ed.), *The Boarstall cartulary* (Oxford Historical Society, 88, 1930), pp. 176–7, 217; Wiltshire and Woore, 'Hays', pp. 210–3; TNA, E 315/49 no. 310, for common pasture in the hay of Hanbury (Worcs.).

⁹¹ Winchester, 'Parks in medieval Cumbria', pp. 171–2.

deer.⁹² It is possible that, although these names were first recorded in the twelfth century, they were much older.

Proper names for hays become more apparent from the thirteenth century. Although there are counties for which place-name surveys have not been completed or were undertaken before field-names were included, there are enough comprehensive county surveys to reveal the widespread occurrence of hays – and haws – across England in the fourteenth and fifteenth centuries. In some areas many of these hays and haws may have been created during the later medieval period and named from those Middle English words, with their variations in spelling, rather than from the Old English *hege* or *(ge)hæg* or *haga*. The difference between Middle English haw and hay may be one of regional distribution, of dialect rather than meaning.

Compound names often included the names of people, or described the site, size or age (old or new) of a hay or haw, or referred to animals. The records reveal many hays for cows, calves, oxen, sheep, lambs, rams, pigs, horses, mares, doves and, more rarely, goats and geese. There were also some hays named after mills and churches, presumably because they surrounded these buildings or were part of lands belonging to them, or after people, presumably their tenants.⁹³ There is at least one account to show that sheep hays were used to contain sheep; the *Shephey* in Stanton in Gloucestershire was the site of the village's fifteenth-century sheepcote. Arable crops do not feature in these compound names, at least in the medieval period, although one can find a few rye, oat or wheat hays in nineteenth-century tithe awards, or even a couple of centuries earlier. There was a *pirihey* in Gloucestershire in 1282, but this could have been named after pear trees in the surrounding hedge.⁹⁴ The names of hays found in late medieval records point to the segregation of different species, ages or sexes of animal into separate enclosures, which might have had a communal function. However, when personal names are used they point to a system of dispersed settlement and farming.

The frequent compound 'haywood', associated with manorial woods, is usually interpreted as a wood which was wholly enclosed, but might instead have referred to a wood characterized by the presence of a hay or hays, but with the hay(s) originally forming only part of the wood. The grant in Baddesley Clinton, Warwickshire c.1200, of free entry and exit in the *defensa* called Haywood for all the grantee's animals except goats, can be taken as implying that the whole wood was enclosed. However, as explained above in relation to the *haia* of Sutton Coldfield, the Latin word *defensa* is recorded c.1113 as meaning an area of protection, and therefore could apply to woods in which hunting had been prohibited or woods from which domestic animals were excluded (at least at certain times of the year – a kind of closed season) without the necessity of a physical barrier.⁹⁵

⁹² P. H. Reaney, *The Place-Names of Essex* (1935), p. 422; Gelling, *Oxfordshire*, I, p. 206; Smith, *Gloucestershire*, III, p. 67.

⁹³ Detailed information about the many hays with compound names can be found in J. E. B. Gover, Allen Mawer and F. M. Stenton, *The Place-Names of Devon* (2 vols, 1931–32); Mills, *Dorset*, *passim*; J. McN. Dodgson, *The Place-Names of Cheshire* (4 vols, 1970–72), *passim*; Smith, *Gloucestershire*, *passim*; Gelling and Foxall,

Shropshire, *passim*.

⁹⁴ Christopher Dyer, 'Sheepcotes: evidence for medieval sheep farming', *Medieval Archaeology*, 39 (1995), pp. 136–64, at pp. 147, 150; Dodgson, *Cheshire*, III, pp. 90, 201, 258, 266; Smith, *Gloucestershire*, III, p. 219.

⁹⁵ Shakespeare Birthplace Trust Record Office, DR3/1; Latham, *Word list*, p. 135; Turner, *Select pleas*, p. xciv; Wager, *Woods*, pp. 142, 258.

Devon, Dorset, Cheshire, Gloucestershire and Shropshire had large numbers of minor place- and field-names including hay and associated with a variety of agricultural purposes. In the nineteenth century the numbers recorded in tithe awards in Cheshire ran into many hundreds; individual parishes or townships might have a dozen or more. A similar picture emerges in Dorset. Some of these late medieval hays were named in the plural, as if each was a collection of small enclosures. The plural form occurs not only in Dorset but also in other counties, such as Devon, Shropshire and Cheshire. Over the years the plural form could replace or be interchangeable with the singular. In relation to Devon it has been suggested that the word 'hayes' came to mean a smallholding, and the multiplicity of these small hays, combined with what is known of agriculture and field systems in south-west England, suggests that they were part of individual landholdings rather than a communal system of agriculture.⁹⁶

Hays and haws were not confined to the western regions of England. Hays were relatively few in Warwickshire but more common in Leicestershire, where haw could also be found and occasionally used interchangeably with hay, and Rutland. The English Place-Name Society's volume for Worcestershire lacks field-names, but some research into original documents by the author of this article has found hays in many parishes. Hays and haws were rare in Lincolnshire, but both were found in that part of Norfolk for which a survey has been undertaken. Even though there has not been a detailed survey of field names in Essex, the published survey of place-names in that county includes dozens of minor place-names with hay. For Suffolk there is as yet no place-name survey, but examples taken from the records of St Edmund's Abbey suggest that hay predominated but with some use of haw. Hays and haws were found in varying densities in the West Riding of Yorkshire, including a detailed study of the landscape of the upper Calder Valley, where the evidence suggests that hays were rough pasture, often located at the highest limits of enclosure adjoining open moorland above. In Derbyshire dozens of hays have been identified in documents dating from before 1500 and here too an association has been made between hays and pastoral farming; haw was the predominant noun in the High Peak. Hays can be found in parts of Berkshire (although *haga* was used in all the surviving Old English charter bounds, both hay and haw are found in later medieval names) and Oxfordshire.⁹⁷

The proliferation of late medieval hays may be set in the context of what has been called the 'enclosure movement of the thirteenth century'. The growth of population, the expansion of settlement, and the conversion of woodland and moorland to cultivation were accompanied by the creation of enclosures for new tenancies, often held by prosperous peasants, exemplified in a common phrase in grants of land *ad claudendum, fossandum et hayandum* – 'to enclose, ditch and hedge'. This process has been seen as the context for the creation of hays in northern

⁹⁶ Gover *et al.*, *Devon, passim*, but particularly I, p. xxix, II, p. 677; Mills, *Dorset, passim*; Dodgson, *Cheshire, passim*; Smith, *Gloucestershire, passim*; Gelling and Foxall, *Shropshire, passim*.

⁹⁷ Wager, *Woods*, p. 258; Cox, *Leicestershire, passim*; Barrie Cox, *The Place-Names of Rutland* (1994), *passim*; Kenneth Cameron with John Field and John Insley,

The Place-Names of Lincolnshire (7 vols, 2010), *passim*; Sandred, *Norfolk, passim*; Reaney, *Essex, passim*; Rackham, *Abbey woods*, pp. 153–9; Rackham, *Woodlands*, pp. 122–3; Smith, *West Riding*, VII, pp. 198–9; Smith, *Patterns in the landscape*, pp. 108–14; Wiltshire and Woore, 'Hays', *passim*; Gelling, *Berkshire, passim*; Gelling, *Oxfordshire, passim*.

England. However, it could result in the subdivision and destruction of existing hays, which might have been considerably older. An attempt at such subdivision led to a dispute between the tenants of King's Norton and Alvechurch in Worcestershire over common rights in two pastures, one of which was called *Dodenhaleshey*. In 1287 the dispute ended with the men of King's Norton giving up their claim to common pasture in that hay, as a result of which enclosures made there were allowed to remain. Those enclosures were presumably named by their new tenants, which may explain the subsequent disappearance of the name *Dodenhaleshey* as well as of the hay itself.⁹⁸

It could be argued that late medieval hays had no links to the early medieval period apart from their nomenclature, and were distinct from the hays recorded in Domesday Book. This may be the case for small hays within new tenancies created in the late medieval period by converting woodland and waste to agriculture. In those parts of the country where systems of dispersed settlement and farming continued throughout the medieval period hays might have been much older in origin. Whatever their origins, late medieval hays are evidence of the importance of livestock farming to many peasant communities and of the use of enclosed pasture in that period.

Manorial hays may also have been in continuous use from the early medieval period into the twelfth century and beyond. Some records relating to manorial hays occur within a few decades of the compilation of Domesday Book, suggesting that the hays of Domesday Book were but one aspect of a longer history of hays. Although records of a tradition of common pasture within some manorial hays can be found throughout the late medieval period, those dating from the twelfth century may be particularly significant because of their early date. The examples of hays in Kenilworth and Sutton Coldfield in Warwickshire were cited above in the discussion about parks in Domesday Book. The dispute over *Dodenhaleshey* mentioned above suggests that the tradition of common pasture and the hay itself were older than the thirteenth century. Detailed research into hays in Derbyshire has produced at least four twelfth-century records of hays including a reference to the creation of the hay of Bradley for hunting. It is significant that the record specified the purpose of the new hay. It also stated that another, existing, hay was a demesne hay for the lord's grazing and a third was used for grazing by both the lord and the tenants of nearby Yeldersley.⁹⁹ The different functions of these three hays may reflect the chronology of their creation; the third, with its shared pasture, may have been the oldest and date from the early medieval period.

The use of hays for pastoral farming might be seen as a function secondary to that of capturing deer and therefore analogous to the use of parks for livestock as well as deer. However, there is a distinct difference between pasture in parks and pasture in manorial hays. Pasture in parks always belonged exclusively to the lord.¹⁰⁰ At a time when lords sought to restrict or remove common rights, the existence of common pasture in manorial hays suggests that these hays were much older than parks. The common right in hays seems to have been for

⁹⁸ Christopher Dyer, 'Conflict in the landscape: the enclosure movement in England, 1220–1349', *Landscape Hist.* 28 (2006), pp. 21–33. For the north of England, see the summary in Smith, *Patterns in the landscape*,

pp. 10–13, 109–10, and Winchester, 'Parks in medieval Cumbria', p. 171.

⁹⁹ Wiltshire and Woore, 'Hays', pp. 216–25, 210–11.

¹⁰⁰ Liddiard, 'Introduction', p. 1.

pasture only, and not to have included other common rights, such as the collection of wood for fuel, house building or hedging.

Hays for livestock do not necessarily have to be located in or near woodland. There is a record of a hay in Kingsbury, Warwickshire, dating from the early twelfth century, which describes its location as between the river Tame and a place called *lacum*. The tithe award for Kingsbury shows a place called Lakes not far from the river Tame. The site is nowhere near Kingsbury's medieval wood. In this case it seems that the hay was not, and could never have been, in a suitable place for capturing or holding deer, but low-lying riverine land would be suitable for livestock. Together with another early twelfth-century deed referring to *la haie* this record puts Kingsbury's hay in the category of manorial hay and shows that it existed within a few decades of the compilation of Domesday Book.¹⁰¹

Some manorial hays remained distinct features, but over the centuries seem to have lost their original purpose. Arguably created to manage aspects of common grazing, they would have lost that function as and when rights of common pasture were lost. Wooded hays then became indistinguishable from other enclosed woods. Thirteenth-century treatises on estate management referred to woods, pastures, meadows, marshes and wastes but not to hays, an omission which may indicate that the decline of manorial hays had already begun.¹⁰² In contrast, many smaller hays had no association with woodland and survived as enclosures into the early modern period, although how long they retained the specialist functions from which they took their names is not clear. Although some of these smaller hays may have been created during the late medieval period, their names may reflect a much older association between hays and livestock. The link between some hays and hunting which is so prominent in Domesday Book and some other sources may have obscured not only the function of hays in medieval livestock farming but also a continuity in that function between the early and late medieval periods.

V

The paucity of documentary records from the early medieval period and their character make the origins and initial purpose of hays obscure. It is likely that changes in the nature and purpose of hays took place in the context of agricultural, demographic, economic, social and political developments over the many centuries covered by this study, developments which are often hidden by the lack of documentary evidence. However, the practice of, and limitations on, common grazing and other uses of woodland which applied to some manorial hays in the late medieval period and which arguably reflect very old customary practices, suggest that wooded hays were parts of common woods set aside for purposes often related to livestock and had their origins in the early medieval period. The prevalence of wood pasture in medieval England accounts for the association between hays and woods, with hays being a method of separating areas of woodland used for pasture from those used for the production of wood and timber. A hay intended for livestock might also be enclosed from land which was not wooded.

¹⁰¹ Wager, *Woods*, pp. 64–5, 258. The two deeds are in the British Library, Cott. Ch. xxv, 25 and xxii, 2.

¹⁰² Dorothea Oschinsky, *Walter of Henley and other treatises on estate management and accounting* (1971).

Whether the noun, 'hay', denoted a large area attached to a manor or local community or a smaller enclosure attached to an individual landholding, a common theme across the best part of a thousand years is an association with livestock. It is indisputable that in the eleventh century, and probably earlier, some hays were used to capture, hold or hunt roe deer or other wild animals and that hunting was permitted in some others. However, it is questionable that this was the original or even the prime function of hays. The widespread assumption that hays were invariably associated with hunting, especially at the time Domesday Book was compiled, overlooks their contribution to livestock farming and medieval economy and society in both the uplands and lowlands of England. Asking why a record of a particular use or practice was made may give the answer that it was necessary or desirable to record the exception rather than the rule; people of high status attached importance to hunting. The long-standing association of hays with animals, livestock as well as wild animals, compels a reassessment of their history and functions. The available evidence suggests that hays were an important part of pastoral farming throughout the medieval period. More research, particularly into documents which have not been edited or calendared for publication, might produce evidence which is more definitive.