

## **“Seeking Information on Who was Responsible”: Policing the Woodlands of Old Regime France**

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In a sense Pierre Robert was simply unlucky. Robert was a forest guard from Saint-Macaire, a small town on the right bank of the Garonne about twelve leagues (or nearly fifty kilometers) upstream from the regional capital of Bordeaux. In 1780 he was convicted of corruption and dismissed from the royal forest service, the Eaux et Forêts. According to lengthy testimonies compiled by his superiors, Robert had identified breaches by local landowners of the regulations about woodland exploitation set down in the 1669 *Ordonnance des Eaux et Forêts*. He then demanded payment directly from the offenders. The forestry officials took a dim view of these charges, and the full force of the law was brought to bear: Robert’s case went as far as the “sovereign court” of the Parlement in Bordeaux.<sup>1</sup>

Michel Marchier was also an eighteenth-century forest guard in south-western France whose actions could be considered corrupt: like Robert, Marchier was accused of soliciting a bribe from a known forest offender. Unlike Robert, however, Marchier was not subjected to judicial proceedings, and he was certainly not dismissed. His case was not even reported to the regional headquarters of the Eaux et Forêts in Bordeaux. Instead Marchier’s punishment was extra-judicial: he was publicly denounced in a local market-place, and then beaten up by his target’s son.<sup>2</sup>

There are several possible ways we could explain the different ways in which these two matters were handled, perhaps by focusing on issues of individual personality or the seriousness of the men’s offenses. But in this article I want to suggest that two key factors were distance and time. The differential treatment of these two forest guards highlighted Robert’s bad luck: Marchier operated in a much smaller and more remote center, the Périgord village of

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<sup>1</sup> Bordeaux, Archives Départementales de la Gironde (hereafter ADG): Eaux et Forêts de Guienne. Personnel, 8B 596 (Apr. 4, 1780).

<sup>2</sup> Périgueux, Archives Départementales de la Dordogne (hereafter ADD): Cours et Juridictions, Juridictions Secondaires, Thenon. Jugements, [etc], 2B 743 (Mar. 1740) and 2B 745 (n. d.). For further details about this case see Graham, “Exercice d’équilibre,” esp. 222-24.

Thenon, and his case arose some forty years earlier. The two guards’ actions may have been similar, but the intervening decades had seen a noticeable development in the ability and willingness of the Eaux et Forêts to bring the policing of woodlands under its centralized authority.

Recent studies of justice in Old Regime France have emphasized the integration of courts at different levels, both royal and seigneurial, as illustrated by their collaborative efforts to apply the king’s laws and regulations, and by their shared personnel of judges and lawyers.<sup>3</sup> These views contribute to a historiographical trend that stresses the growing authority and effectiveness of royal governance and law enforcement during the eighteenth century.<sup>4</sup> Yet consideration of the court system and its staff tends to overlook many of the “auxiliary” officials whose operations were crucial to the administration of justice, prime among whom were policing agents, the “hommes de force.”<sup>5</sup> In relation to modern forms of policing, scholars regard these officers’ “coercive capacity” as a defining characteristic of their professional role, while medieval historians like Robert Jacob have demonstrated that the legitimate use of force has been an integral but changing feature of legal and judicial systems for many centuries.<sup>6</sup>

This article thus proposes to examine the work of eighteenth-century forest guards as a means to highlight some themes in the history of rural policing, and thereby contribute to existing discussions about the consolidation of the justice system in Old Regime France. My argument proceeds in three steps: first, an outline of historians’ work on the forest service of the Old Regime monarchy, the Eaux et Forêts; second, some remarks on histories of police and policing, and how they might fruitfully be extended to encompass the Eaux et Forêts; and third, a sample of documented interactions between forest guards and other officials who were involved in policing the woodlands. These first-hand accounts illustrate the shifting relationship between the Crown’s agents and the representatives of local authorities (whether seigneurial, communal, or municipal). Most of the evidence for this discussion comes from the south-western provinces of Guyenne and Gascogne, which included significant forest resources that were of great interest to the central government and its agents.<sup>7</sup> In this way I suggest that developments in the policing of woodlands made some useful contributions to the growing integration of law enforcement in eighteenth-century France. However there remained several crucial areas of tension and opposition, which raise doubts about the overall cohesiveness and consistency of criminal justice under the Old Regime monarchy.

The Eaux et Forêts were empowered by the 1669 Ordinance to take responsibility for the kingdom’s waterways, forests and hunting reserves. Like many other officials under the Old Regime monarchy, their senior ranks enjoyed both administrative and judicial powers.<sup>8</sup> In relation to their forest responsibilities this meant in the first place that they were required to visit woodlands for the purpose of surveying them, marking boundaries and drawing up management plans. Organizing and protecting the royal forests was their first priority, but these officers’ regulatory powers extended to Church woodlands and the properties that belonged collectively to rural communities. The Ordinance also obliged the owners of private woodlands to notify the Eaux et Forêts at least six months before any mature trees were felled, and the forestry officials could legally enter private property to inspect and document the exploitation

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<sup>3</sup> For a counter-argument that focuses instead on the attitudes and actions of litigants see Graham, “Humble Petitioners?”

<sup>4</sup> e.g. Soleil, “Maintien des justices seigneuriales”; Follain, “Justice seigneuriale, justice royale” 20; Garnot, “Une réhabilitation? Les justices seigneuriales”; Mauclair, *La Justice au village*; Schneider, *The King’s Bench*.

<sup>5</sup> Dolan, “Regards croisés sur les auxiliaires de justice”, 16.

<sup>6</sup> Newburn, “Policing”, 219; Jacob, “Licteurs, sergents et gendarmes”.

<sup>7</sup> On the eve of the French Revolution an officer of the royal foresters in Bordeaux highlighted the “immense resources” that were still held by rural communities around the rivers Adour, Ladouze and Luys in the region known as the Lannes (or Landes): [Dufort], *Discours du procureur du Roi*, 37.

<sup>8</sup> Roche, *France in the Enlightenment*, 222.

of timber. Assessing these administrative activities has provided a focus for some of my previous research on south-western France, which argued that the Eaux et Forêts enjoyed a good deal of success during the second half of the eighteenth century. Despite occasionally tense relations with representatives of the navy, the intendancies and city governments, the king's forest administration was able to identify and monitor the mature hardwoods that were so sought-after for use in public works and the well-documented expansion of naval construction. For their part, woodland proprietors seemed increasingly amenable to accepting at least some of the demands that the forestry officials placed on them and their property.<sup>9</sup> In these ways the administrative work of the Eaux et Forêts contributed to the more widespread expansion of the royal government's authority, and the eighteenth century's growing emphasis on bureaucratic efficiency.

The other dimension of the foresters' work involved their judicial powers, which included the ability to sit in judgement on disputes over forest resources. Many of the posts available to the leading forestry officials required successful candidates to have a law degree. And each regional division of the Eaux et Forêts—known as a *maîtrise*—had its own Crown prosecutor (*procureur du Roi*), who ruled on the juridical nature of offenses that were reported, and made formal recommendations on judicial proceedings.<sup>10</sup>

It was the judicial roles of the royal forest service that first attracted the attention of scholars, especially those who drew on the “social science” methodologies that were associated by Benoît Garnot with what he called the “first generation” of criminal justice historians.<sup>11</sup> Their studies sampled the surviving records of specific jurisdictions, and used quantitative methods to classify, count and tabulate the changing “realities” of past criminality by examining the distribution of various forms of offenses and offenders.

Some of these approaches were apparent in historians' initial studies of the Eaux et Forêts. Starting in the 1970s Anne-Marie Cocula and her students at the University of Bordeaux Montaigne began the detailed examination of forest “crimes” in south-western France, focusing on samples from the judicial (*procédure*) files of the royal forest administration.<sup>12</sup> These are among the most numerous and richly detailed of the foresters' surviving records from this region. They include various documents arising from prosecutions over the loss or damage to woodlands and timber: plaintiffs' petitions (*plaintes* and *suppliques*); *procès-verbaux* of alleged crime scenes; witnesses' testimony (*information*); and—sometimes—the transcript of an offender's interrogation (*audition*).<sup>13</sup> Mme Cocula and her students ably demonstrated that woodland offenses were always the largest part of the foresters' judicial workload, and indeed that both hunting and waterways offenses declined in importance by the 1780s.<sup>14</sup> However it was also noticeable that the overall case-load of the Eaux et Forêts declined as well. By way of explanation Cocula concluded that the forestry officials in the South-West were increasingly acting in their judicial capacity as a jurisdiction of “second resort”: the offenses were reported first in a regional court, which was then authorized by the Bordeaux foresters to conduct appropriate investigations of the alleged crime scene, and record the sworn testimonies of

<sup>9</sup> e.g. Graham, “Fleurs-de-lis in the Forest”; Graham, “The Crown and the Community”; Graham, “A Time for Every Purpose?”.

<sup>10</sup> “Ordonnance sur le fait des Eaux et Forêts (août 1669),” Titre VI, “Procureur du Roi,” in Baudrillart, *Recueil chronologique*, 48-49.

<sup>11</sup> Garnot, “Evolution récente de l'histoire de la criminalité,” esp. 225. See also Garnot, “Une illusion historiographique”.

<sup>12</sup> Cocula, “Homme et la forêt en Aquitaine”; Cocula-Vaillières, *Un fleuve et des hommes*, esp. 436.

<sup>13</sup> Barennes, *Répertoire numérique*, 2-5. The related files of verdicts, sentences and fines are archived separately, and cannot easily be matched up with the records of prosecutions and investigations.

<sup>14</sup> Published results of these studies include Pédemay, “Forêt périgourdine au XVIIIe siècle”; Lerat, “Délits forestiers dans le département des Landes”; Andrieux, “Périgordins au bois au XVIIIe siècle”; Crémieu-Alcan, “Huissiers et gardes forestiers en Guyenne”.

witnesses. These files were then sent to Bordeaux, where the accused could be summoned for interrogation, face-to-face confrontation with the witnesses, and eventual judgement.<sup>15</sup> In the view of Philippe Crémieu-Alcan this trend suggested that the Eaux et Forêts were reasonably effective in extending their judicial authority over the south-western part of the kingdom, especially in regions like Périgord that were at some distance from the city of Bordeaux.<sup>16</sup>

Of course the studies undertaken by Cocula, Crémieu-Alcan and other scholars did not confine themselves to these approaches. In the tradition of the *Annales* school they were also keen to use the records of forest litigation to examine popular mentalities about the eighteenth-century criminal justice system as well as attitudes towards the wooded landscape and its resources.<sup>17</sup> Nonetheless the limitations of quantitative approaches have been comprehensively discussed and acknowledged by criminal justice historians: Garnot wondered how “social science” methodologies could fruitfully be applied to the records of pre-modern criminal justice systems, whose documentation is invariably partial—both in the sense of being incomplete and fragmentary, and also in the sense of being one-sided or (in popular usage) “biased”.<sup>18</sup>

In effect the judicial role of the Eaux et Forêts that is highlighted in the files sampled by these scholars was to hear and rule on what we would call civil litigation. Plaintiffs found themselves in dispute, often with a neighbor or family member, and brought their grievance to the attention of judicial officers. A good deal of this litigation involved wrangles over property access, ownership and boundaries, but there was also a healthy proportion of inheritance disputes. The plaintiffs’ statements frequently linked woodland degradation with more personal affronts, especially verbal violence (threats and/or insults), and occasionally assault. But only rarely did these files provide details about serious forest crimes like arson.<sup>19</sup>

In looking back at the work by Cocula and others, however, it seemed anomalous to me that the forestry officials themselves apparently initiated very few judicial proceedings.<sup>20</sup> So I have recently turned to investigating the work of the royal foresters in relation to policing and prosecution. This involved examining the reports of offenses that were compiled by forest guards and other officers of the Eaux et Forêts—sources that previous scholars had not looked into.<sup>21</sup> I began by creating a four-years-per-decade sample of the surviving files of forest guards’ reports from the South-West between the 1720s and 1790.<sup>22</sup> Regulating the woodlands occupied most of these officers’ attention (74 per cent of all reports), although the documents also show them acting in procedural roles, usually as process servers, but occasionally as property assessors (in a case where trees had been badly damaged by an accidental fire), and even as auctioneers (selling off a mare that had been seized while grazing in a coppiced woodland).<sup>23</sup>

The overall total from my samples is roughly comparable to Crémieu-Alcan’s sample from the *procédure* files. But the reports of offenses that were documented by woodland guards and other forestry officials seemed to be distributed in a rather different fashion from the cases

<sup>15</sup> Cocula, “Homme et la forêt en Aquitaine,” 128.

<sup>16</sup> Crémieu-Alcan, “Limites du pouvoir royal au XVIIIe siècle”. I am very grateful to M. Crémieu-Alcan for allowing me to cite this research.

<sup>17</sup> e.g. Crémieu-Alcan, “Forêt pour le plaignant”; Crémieu-Alcan, “Village et le bois”.

<sup>18</sup> Garnot, “Une illusion historiographique,” 368-73.

<sup>19</sup> Cocula, “Délits forestiers en Aquitaine”.

<sup>20</sup> Early histories of French forest guards tended to focus on the regulatory framework within which they operated. See for instance Blais, “Contribution à une histoire des gardes forestiers”.

<sup>21</sup> See however Crémieu-Alcan, “Du sang dans les règès”.

<sup>22</sup> Samples from ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 601 (1708-30) through 8B 615 (1788-93). This sampling technique aimed to replicate that used by Crémieu-Alcan in his work on the *procédure* files: Crémieu-Alcan, “Huissiers et gardes forestiers en Guyenne,” 255, n. 46.

<sup>23</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 604 (Dec. 23, 1743); 8B 603 (Apr. 23, 1738).

of civil litigation. For a start the forest guards' reports did not appear to tail off towards the 1780s: if anything the policing of woodlands and waterways in the South-West seemed to become even more active than it had been previously. Moreover my sample data represented only the number of reports that were filed. Raw totals of this kind conceal the growing propensity of forest guards to use a single report to document multiple offenders, and (sometimes) multiple offenses as well. On the face of it such data suggest an interesting divergence between the judicial activities of the Eaux et Forêts over civil litigation and their more active operations as policing agents.

At first glance it may seem a little anachronistic to equate eighteenth-century forestry officials with modern police officers. Yet the development of environmental history in recent decades has seen an upsurge of academic interest in the management of natural resources, much of it focused on colonial and post-colonial settings, and (especially) on the regulatory frameworks that have been applied. As North American scholars like Stephen L. Eliason have demonstrated, there are good grounds for examining the work of conservation officers and wildlife rangers in their roles as policing agents.<sup>24</sup> Even a cursory reading of the reports filed by forest guards in south-western France amply demonstrates their involvement in a variety of policing functions that are directly comparable to those of present-day game wardens like those interviewed by Eliason and others. French forest guards publicized the regulations that were in force; patrolled potential crime scenes; responded to complaints by victims; and ensured compliance with the law, through documenting offenses, gathering evidence and apprehending suspects. Taken together these actions suggest a reasonable fit with the overall attributes and responsibilities of "policing", as recently summarized by Tim Newburn: "organized order maintenance, peace keeping, rule of law enforcement, crime investigation or prevention, and other forms of investigation and associated information brokering, which may involve the conscious exercise of coercive power."<sup>25</sup>

Like several of his colleagues Newburn has urged scholars to move beyond consideration of "the police" to a broader view of "policing", arguing that this recognizes not only the recent proliferation of various "private" security agencies, but also the work of voluntary and community bodies.<sup>26</sup> Yet—with a few notable exceptions—that advice has not been widely adopted by histories of policing, which for the most part continue to be dominated by several major themes. First and foremost is the tendency to focus on the nineteenth and twentieth centuries.<sup>27</sup> Clive Emsley has developed an extremely useful typology of nineteenth-century "police", but its applicability to earlier periods is questionable.<sup>28</sup> Second, even within that time-frame, the key developments are usually associated with the urban environment; historical studies of rural policing are few and far between.<sup>29</sup> Yet before and throughout the nineteenth century the countryside was home to well over half of Europe's population. Prior to about 1900 it was rural "policing" agents that most Europeans were likely to encounter.<sup>30</sup> Third, policing histories continue to concentrate on the origins, organization and operations of "public" forces, authorized and funded by central governments. We still lack comprehensive investigations into the history of "private" policing, and in particular the relationship between "public" forces as they developed, and the disparate yet ubiquitous "private" police, such as

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<sup>24</sup> Eliason, "Throwing the Book versus Cutting Some Slack"; Carter, "Police Use of Discretion"; Eliason, "Patrolling the Peaks and the Plains"; Stretesky and McGarrell, eds. "Wildlife Crime and Enforcement".

<sup>25</sup> Newburn, "Policing," 217.

<sup>26</sup> Newburn, "Policing," 218. See also Wakefield, "Pluralization," 227.

<sup>27</sup> For an overview see Emsley, *Crime, Police and Penal Policy*, Part 1. Scholarship on the pre-1800 period is surveyed in Emsley, "Introduction".

<sup>28</sup> Emsley, "Typology of Nineteenth-Century Police".

<sup>29</sup> See however Cameron, *Crime and Repression*; Munsche, *Gentlemen and Poachers*.

<sup>30</sup> e.g. Ferrières, dir. "Police champêtre et justice de proximité".

watchmen or doormen on warehouses, docks, and (in the nineteenth century) department stores or railroads.<sup>31</sup>

In the eighteenth-century countryside many of those “policing” responsibilities fell to gamekeepers and forest guards: men who patrolled the hunting reserves and woodlands, whether on behalf of the central government—in France these were the officials of the Eaux et Forêts—or of other authorities. For present purposes I have put to one side a couple of key questions about the operations of French forest guards in this period, such as: what did guards at the lowest levels of the hierarchy contribute to the work of the Eaux et Forêts? Or: what was noticeable—perhaps even specific—about policing a woodland environment? Instead I will draw on some evidence from my sample of forest guards’ reports to consider the relationship between the policing activities undertaken in the French countryside by government officials and the representatives of more localized authorities.

Forest guards in eighteenth-century France were not all equivalent. Some were what we would now consider to be “private” agents: estate guards and gamekeepers employed by large landowners, especially aristocrats. Several seem to have been ex-soldiers. Others were community appointments, usually peasant landholders, artisans or small traders who were empowered by village assemblies to safeguard their communal properties that often included woodlands and trees, but could also extend to other shared-access resources: pasture and rough grazing, ponds and lakes, moors (*landes*), or wetlands. These local guards were often poor, ill-educated men whose main livelihood was earned in other work, and many seemed to patrol the woodlands only periodically, especially during winter when agricultural employment was scarce.<sup>32</sup>

However some forest guards were agents of the central state: office-holders in the royal forest service, the Eaux et Forêts, whose terms and conditions of employment were set out in section 10 of the 1669 Ordinance.<sup>33</sup> Yet even forest guards who had been commissioned by the Eaux et Forêts were not necessarily full-time or well-off custodians of the woodlands. One guard in the South-West who resigned in 1751 had also been working as a wool carder, and one of the men responsible for the royal forest near Blaye (on the right bank of the Gironde estuary) complained to the provincial intendant in 1747 that his tax burden had forced him to divide his time between patrolling the king’s domain and running a coffee shop.<sup>34</sup>

Despite these differences forestry officials in the South-West seem to have been involved in a good deal of rural policing. In a number of cases documented in the forest guards’ reports we see office-holders of the Eaux et Forêts soliciting the assistance of other criminal justice agents. In 1760 for instance a forestry official named Jean t’Kint was called upon to investigate the widespread destruction in a woodland belonging to a local aristocrat in the Landes. He reported that, “seeking information on who was responsible for these thefts, we were told it was the inhabitants of Mauco and Sainte-Eulalie who stole it daily, and carried it daily for sale in Saint-Sever.”<sup>35</sup> After a whole day devoted to surveying and documenting the damaged trees, t’Kint—who was originally from the Austrian Netherlands—planned to catch the offenders when they came to sell their ill-gotten gains at the market-place in Saint-Sever. As back-up for this operation he arranged to be accompanied by four of the town’s constables.

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<sup>31</sup> Johnston, *Rebirth of Private Policing*.

<sup>32</sup> Cameron, “Policing of Forests in Eighteenth-Century France”; Cameron, “Forests and the End of the Ancien Régime”.

<sup>33</sup> “Ordonnance des Eaux et Forêts (1669),” Titre X, “Des huissiers audienciers, gardes généraux, sergens et gardes des forêts,” in Baudrillart, *Recueil chronologique*, 51-52.

<sup>34</sup> ADG: Eaux et Forêts de Guienne. Personnel. Décharges d’Office, Révocations de Gardes, 8B 595 (Mar. 13, 1751); ADG: Administration Provinciale, Intendance de Bordeaux. Rapports de l’Intendance avec les Eaux et Forêts, C 3632 (n. d.) [1747].

<sup>35</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 606 (Feb. 17-18, 1760).

In other cases it is clear that the ability of criminal justice officials to solve a crime depended on the local knowledge of seigneurial or communal forest guards. In January 1766 a noblewoman had obtained a warrant to find out who was stealing large amounts of wood from her two forests near Bergerac on the River Dordogne. After conducting a series of house-to-house searches that proved fruitless, the royal bailiff and his assistants found themselves with the uncomfortable task of trying to comb the woodlands in the middle of winter. Timber thieves could be heard cutting trees, but they proved elusive in the dense, dark and chilly depths of the forest—until the local guards offered useful information about likely sites, and even identified a few of the usual suspects, almost all of whom were women.<sup>36</sup>

In both these ways it was not uncommon for forest policing to be closely integrated into the more extensive criminal justice bureaucracy of Old Regime France. That trend towards integration was also apparent among forestry officials themselves. The Eaux et Forêts made strenuous efforts, especially during the second half of the eighteenth century, to bring seigneurial and communal guards under their authority. In an early study Dominique-Yves Courtois found that in the 1730s the guards employed by seigneurs and rural communities made up about 20 per cent of all forestry officials whose appointment was formally authorized by the region's Grand Master of the Eaux et Forêts; but in subsequent decades that proportion rose steadily to 50 per cent, and eventually far more.<sup>37</sup> The overall aim of this policy was to generate a closer working relationship between the royal forestry officials and other forest guards, but also to extend the enforcement of the king's laws and standardize their application.

These were efforts to deal with problems that were all-too apparent and far from easy to overcome in the countryside of eighteenth-century France, yet understandable given the fragmented and overlapping nature of Old Regime jurisdictions. One symptom was the propensity for protracted wrangles over competence. The small town of Tartas and its hinterland on the banks of the River Adour had been part of the Bourbon family's Albret inheritance, but Louis XIV handed it over to the Duc de Bouillon in exchange for territories on France's northern frontier with the Habsburg Netherlands. Not far from Tartas was the high-value oak forest of Saumage, which Tartas claimed as part of its domain, but which was much closer to the village of Bégaar. The struggles between Tartas and Bégaar for control of Saumage and its old-growth resources were documented throughout the eighteenth century at every level, from the local courts to the royal council.<sup>38</sup> As late as 1778 when the most senior foresters from Bordeaux were inspecting this woodland a forest guard authorized by the urban oligarchs of Tartas turned up to offer his assistance. The royal forestry officials were shocked at the man's effrontery, not merely that he should claim to exercise equivalent authority, but that—in breach of the 1669 Ordinance—he had a hunting dog in attendance and carried a gun.<sup>39</sup>

In general though the records of the Eaux et Forêts present many examples of royal foresters working cooperatively with seigneurial and communal guards. At the small river port of Peyrehorade on the Gaves Réunis a local guard, Dominique 'Bordes,' was assisting a *garde général* from the Eaux et Forêts in 1745. Ordered to check on stolen timber that was being sold on the black market, Bordes had found ninety-seven pieces of contraband wood. The senior officer was summoned to the scene, but at that moment "a crowd of men, women and girls gathered... [armed] with vine props, and iron spades and forks... [one of whom] said he'd kill us because we had come to impose a new tax."<sup>40</sup> A riot ensued in which both the Eaux et Forêts

<sup>36</sup> ADD: Cours et Juridictions, Sénéchaussée et Présidial de Bergerac, Verbaux Criminels, B 1968 (Jan. 15-16, 1766). For more discussion of this case see Graham, "Policing the Forests of Pre-Industrial France".

<sup>37</sup> Courtois, "Maîtrise des Eaux et Forêts de Bordeaux," esp. 335.

<sup>38</sup> Aspects of this dispute were summarized in Bourras, *Querelle des vacants*, esp. 137-41 and 175-79.

<sup>39</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 607 (Dec. 30-31, 1778). [Note: This report was misfiled as 1770.]

<sup>40</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 604 (May 12, 1745).

officer and the local guard were driven to spend the entire day hiding out in a nearby house. It was Bordes however who was able to identify at least a few of their attackers, who were duly issued with arrest warrants.

In the course of the eighteenth century, then, there seemed to be significant changes in the policing of forests in the South-West. For one thing the administrative evidence shows the royal forestry officials doing far more to monitor woodland properties in the hands of the Church, rural communities and individual landowners. For present purposes, however, the weightiest changes were the concerted efforts to bring “private” forest guards under the authority of the Eaux et Forêts, especially by requiring them to meet the employment criteria announced in the 1669 Ordinance, and by ensuring that suitably detailed and verified copies of their on-the-spot reports were dispatched to the headquarters of the *maîtrise*. So what we see in these records is not the totality of woodland offenses that forest guards detected, nor even all those that they chose to document, but rather the ones that were duly notified to the Eaux et Forêts in Bordeaux. The files of forest guards’ reports therefore not only indicate their levels of compliance with the requirements of the Ordinance, but also suggest a trend towards what some criminal justice scholars call “state monopolization”.<sup>41</sup> Perhaps that is not altogether unexpected, given the nature of these archives.

The trend during the eighteenth century towards a more centralized and standardized policing of France’s woodlands is also suggested by considerations of themes as diverse as clothing and language. In 1751 the Eaux et Forêts Grand Master in the South-West, François Dominique de Bastard, ordered the adoption of a uniform, insisting that the work of forestry officials at all levels was disrupted by the inability of the region’s people to recognize their authority.<sup>42</sup> Of course this did not stop some woodland offenders from resisting and even assaulting forest guards in the course of their duties.<sup>43</sup> Furthermore those challenges to the guards’ authority often focused on their badges of office, especially the “bandolier” emblazoned with the fleurs-de-lis. When three guards from the royal forest of Créon sequestered a huge elm log that had been found on the banks of the Garonne, they were quickly confronted by two angry fishermen who claimed the timber belonged to them. In response to a barrage of personal insults (“fripons et connards”), the guards demanded that these men at least show some respect for their commission and their bandolier. To which the fishermen replied that “they didn’t give a damn for our commission and our bandolier... adding that we were nothing but f\_\_\_\_\_ scum (*canaille*)”.<sup>44</sup>

The forest guards’ reports nonetheless highlight these men’s pride in their uniform, and especially the bandolier, as markers of their status and authority. In some reports such attitudes can also be surmised from their use of language. For instance in 1763 Jean Martet was a guard in the parish of Léognan (just to the south of Bordeaux). As he wrote in one report:

[while] passing by the place named Pontaulie, I noticed that someone had cut and removed a number of oak trees.... [So] donning our bandolier [of the Eaux et Forêts] in order to carry out our duties, we entered the property where the trees had been cut ... and found ... thirty-three stumps of oaks ... [all] about forty-five years old.<sup>45</sup>

<sup>41</sup> Churchill, “Rethinking the State Monopolisation Thesis”.

<sup>42</sup> ADG: Eaux et Forêts de Guienne, Arrêts du Conseil, Ordonnances du Grand-Maître, [etc], 8B 22 (Dec. 21, 1751).

<sup>43</sup> e.g. ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 606 (Jan. 8, 1758); 8B 607 (Apr. 29, 1770); 8B 611 (Jan. 22, 1780).

<sup>44</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 606 (Oct. 26, 1755). [Note: The guards’ original report omitted spelling out the offensive adjective.]

<sup>45</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 606 (June 21, 1763).



Martet's switch from first-person singular to first-person plural as he assumed his official responsibilities suggests the forest guards' growing sense of professionalism and a bureaucratic *esprit de corps*.

So far the view of the Old Regime's forest service presented here stands in stark contrast to that outlined by our late colleague Iain Cameron when he addressed the 5th George Rudé Seminar held in Wellington (New Zealand) in 1986. In that paper Cameron catalogued the many negative features of woodland management in France towards the end of the eighteenth century: the sky-rocketing prices for fuel-wood; the disorderly exploitation of scarce forest resources; and the widespread antipathy towards officers of the Eaux et Forêts.<sup>46</sup> If the image I have presented sounds more positive, it is not simply the product of an optimistic outlook. Rather, the divergence of views comes down to our choice of sources. Cameron relied largely on documents that were critical of the Eaux et Forêts: memoirs and pamphlets, *cahiers de doléances*, and (above all) the prosecution records of forestry officials who operated beyond the law. The corrupt practices of men like Pierre Robert and Michel Marchier were obviously not isolated examples. Yet not all forest guards behaved like that, and many seemed to take their responsibilities seriously. What changed during the second half of the eighteenth century, to judge from the forest guards' own reports in the South-West, is that policing the woodlands became more effective, and the Eaux et Forêts were more committed to detecting and eliminating corruption. Perhaps there is some merit in the historiographical emphasis on the growing integration and efficiency of criminal justice in Old Regime France.

But the sample of the forest guards' reports offers recurrent examples where that argument seems to break down. The men in judicial and legal offices who staffed the court system may have started coalescing into a more integrated organization. And the men who policed the wooded countryside may have been developing a greater sense of operational consistency and bureaucratic cohesion. Yet relations between these two essential components were by no means trouble-free.

For instance some office-holders in the criminal justice system actively resisted the regulatory actions of the Eaux et Forêts. In 1780 Vital Barbié, *garde général*, discovered a coppice of oaks that had been cut for fuel-wood at less than the legal age, and without leaving the required number of reserve trees. He eventually identified the landowner as Sieur Durand of Créon (Entre-Deux-Mers), chief clerk in the court of summary justice (*prévôté royale*), who employed some choice threats and a large *bâton* to intimidate Barbié into dropping the matter.<sup>47</sup> In this case, of course, it could easily be argued that Durand was simply defending what he considered to be his property rights.

Of more consequence in challenging the view that the administration of criminal justice became more consistent, more coherent, and more cooperative by the late eighteenth century are the several examples of judges who refused to acknowledge forest guards' reports that clashed with the interests of local power-brokers.<sup>48</sup> Regulations subsequent to the 1669 Ordinance required a forest guard to present his report of an offense before a judge, and swear to the veracity of its contents. In the 1770s and 1780s several forest guards, even high-ranking *gardes généraux*, found themselves confronted by office-holders in the criminal justice system who pleaded that their close relationship to the alleged offenders prevented them from

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<sup>46</sup> Cameron, "Forests and the End of the Ancien Régime".

<sup>47</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 611 (Jan. 11, 1780).

<sup>48</sup> In 1783 Jean-Joseph Aubry, *garde général*, had trouble finding a court officer in Montpon (Périgord) who was willing to accept his report, and had to travel as far as Mussidan. The landowner identified by Aubry for breaching the forest laws was Sieur Lacroze, the regional subdelegate. ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 612 (Apr. 1, 1783).

receiving the guards' reports.<sup>49</sup> Such situations may have been understandable in an earlier period, when seigneurial judges were more beholden to their noble patrons than to the agents of a distant (and potentially troublesome) royal bureaucracy like the Eaux et Forêts.<sup>50</sup>

But if the administration of criminal justice had become more uniform and more consistent by the last decades of the Old Regime monarchy, it is not so easy to account for the documented examples of judges who refused to receive a guard's sworn report, and who additionally expressed their lack of commitment to enforcing the Ordinance's regulatory provisions. For instance in 1780 the royal judge at Blaye rejected a report that named a prominent local aristocrat, Roulin de Commarque, as a forest offender, telling the guard that no officer of the Eaux et Forêts was empowered to order him around.<sup>51</sup> And in Tartas the communal guard from Bégaar, Pierre Labat, not only had to contend with point-blank refusals from several court officers, but was also subjected to their dismissive and disdainful rejection of his authority, as well as the authority of the man he represented, the Grand Master of the Eaux et Forêts:

Sieur Duprat, judge [in the *sénéchaussée* court] at Tartas told me he couldn't care less about the orders I'd been given; that he would cut down oak trees on his property if he wished; and that if I brought a report to him to have it verified, he would arrange for someone to cut me down with a club (*barre*).... He insisted that if I sent the [present] report to Bordeaux it would count for nothing, and if I worked as a forest guard [in this area] I would find myself facing a charge and in a great deal of trouble unless my orders were registered by the *sénéchaussée* court at Tartas.... [He] also said ... Monseigneur de Bastard [the Grand Master] did not have the authority to establish forest guards to regulate the cutting of oak trees [in Tartas].<sup>52</sup>

The policing of woodlands in France became more consistent and effective during the eighteenth century, but the men who were responsible for enforcing the king's forest regulations still had to confront an entrenched elite of privileged nobles, powerful clergymen, urban oligarchs, and (it must be admitted) the holders of judicial and legal offices. While the administration of criminal justice may have developed some cohesion and uniformity, the fact that its venal officers were often rural landowners prevented some (or perhaps many) from seeing beyond their self-interest. Judges, lawyers and other court personnel also remained closely attached to pervasive networks of local and regional influence, and apparently did not consider that they shared very much with “auxiliaries” such as the men who policed the countryside and its resources.

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<sup>49</sup> For example, ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 610 (July 25-29, 1775).

<sup>50</sup> For example, ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 606 (Apr. 11-13, 1765).

<sup>51</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 611 (Dec. 5, 1780).

<sup>52</sup> ADG: Eaux et Forêts de Guienne, Procès-Verbaux des Gardes, 8B 609 (Nov. 2, 1773).

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