

‘Forced Against Our Will to Make a Report’: The Nature of Woodland Property and the Problems of Policing Forests in Eighteenth-Century France

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In the southwestern province of the Périgord – which in 1762 (as now) was among the most heavily timbered parts of France – it was hardly surprising that a would-be versifier from Paris should describe his noble hosts’ estate near Montpon in glowing terms: on a slight, south-facing slope, and overlooking “superb” meadows leading down to the River Isle, it occupied “the loveliest position in the world [...] with woods on all sides.”¹ Our delighted visitor could not be expected to know that (as now) the woodlands in this area were overwhelmingly in private hands, most of them fragmented in micro-properties that complemented the needs of small-scale agriculture.²

The prevailing rights of ownership and access were usually the least visible features of a wooded landscape. A trained forester might be able to tell from a glance what species of trees covered a nearby hillside, their ages, and how they were being managed.³ Perhaps she could even suggest the most likely uses for their timber. But only a long-term local inhabitant could hope to locate the boundaries of a woodland property, or identify the people legally entitled to occupy it and exploit its many resources.

This article argues that the contention and conflicts over French forests that were such a prominent feature of the Revolution and its aftermath are best understood in the context of ownership and access. At the time and subsequently these woodland struggles had economic and environmental consequences that were often characterized as disastrous by regional officials and commentators on forest policy, who commonly attributed them to the breakdown of political and social authority that attended the Revolution. Historians have

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¹ [Courtois], *Voyage de M. Courtois*, 37. First published anonymously in 1762 as *Le voyage de M. *** en Périgord*. Paris (60 pp. in-12°).

² Pijassou, “Aspects géographiques de l’occupation du sol,” 173–74; Buffault, *Bois et forêts du Périgord*, 20–21; Lévêque, “Bois paysans en Dordogne”; Pinaud, “Forêt du Périgord”. Communal woodland property was extremely scarce in this region, and customary access rights were almost unknown: Badré, *Histoire de la forêt*, 313.

³ Dargavel, “Constructing Australia’s Forests,” 80.

often amplified these themes.⁴ In 1817 Rougier de la Bergerie drew on reports by departmental administrators and Napoleonic prefects who notified Paris about the damage caused by usurpations of woodlands in their areas during the 1790s.⁵ Towards the end of the twentieth century scholars like Simon Schama reiterated the assumptions behind these arguments: “Most” of the forestry officials who served the ancien régime monarchy – the Eaux et Forêts – “quietly slipped off their uniforms and melted into the citizenry,” claimed Schama. “Liberated from the custody of the [...] Eaux et Forêts, the forests were virtually open to all comers.”⁶

What attracted less attention in accounts like Schama’s (although it was clear to Rougier) was the fact that the Revolution caused thousands of hectares of woodland to change hands. Property rights over forests were transformed by the Revolution in many parts of France: the lands of the Church, parts of the royal domain, and *émigré* estates were seized, and much of it was sold off including large expanses of woodland.⁷ Elsewhere people who were hungry, cold and landless took advantage of these changes to find the material means of survival.⁸ Other parts of the country saw encroachments and appropriations of formerly privileged woodlands by relatively well-to-do landowners from nearby properties, and some enterprising proprietors took the opportunity to clear their land of tree cover, and convert it to more immediately profitable production, especially arable or vines.

Issues of these kinds were documented at the local level by forest guards and other officials who were responsible for enforcing the laws on woodland management and access, and it is manuscript sources of this kind from the southwestern provinces of Guyenne and Gascogne that provide much of the evidence for this article. One example is the widespread appropriation of fuelwood reported in the forest of Clérans, which was allegedly ransacked by as many as 300 people over a period of several weeks during the severe winter of 1794–95. This woodland near Bergerac had been part of the vast portfolio of rural and urban real estate owned by Jean-Charles Daugeard, an elderly noble *président* in the Parlement of Bordeaux and one of the richest men in the Southwest.⁹ By 1790 Daugeard himself was living in Paris, but various of his properties were subsequently confiscated by the Revolution because his son was considered an *émigré*.¹⁰ After the so-called “devastation” of Clérans search warrants were executed on people’s homes in the surrounding communities during Ventôse, Year III (February 1795), and some of the stolen timber was recovered. But only a total of twenty-nine offenders could be identified and charged. Several defendants admitted their guilt, among them Marguerite Parsat aged sixty-nine, who told the court she believed she was entitled to take firewood from Clérans, not least because many other local folk were involved.¹¹ Further south, on the banks of the River Adour, Jean Momas was employed in the

⁴ McPhee, “Misguided Greed of Peasants?”, esp. 247–51.

⁵ Rougier de la Bergerie, *Forêts de la France*, esp. 96–108, 137–74.

⁶ Schama, *Landscape and Memory*, 180.

⁷ Jones, *Peasantry in the French Revolution*, 154–61; McPhee, *Living the French Revolution*, 72–73.

⁸ McPhee, *Living the French Revolution*, 64–66; Plack, “Agrarian Reform and Ecological Change”; Plack, “Environmental Issues During the French Revolution”; McPhee, *Revolution and Environment*.

⁹ On Daugeard’s fortune see Figeac, *Destins de la noblesse*, 1:441–42; Bordeaux. Archives départementales de la Gironde [hereafter ADG]: Archives publiques révolutionnaires. Actes des Administrations départementales. Directoire du département, Finances, Biens nationaux, Correspondance, [etc], “État des biens du Citoyen Daugeard,” 3L 257 [n.d.]

¹⁰ Boscheron des Portes, *Histoire du Parlement*, 2:409–11; Augeard, *Les Daugeard*, 91–93.

¹¹ Since Clérans had become “national” property this case was revisited in Floréal, Year VII (April–May 1799) by Faugère, a representative of the central government (*commissaire du pouvoir exécutif*). Faugère

1780s to police the forests belonging to the Benedictine abbey of Saint-Sever. By early 1790, when the abbey’s property had been effectively nationalized by the Revolution and Saint-Sever became an administrative center in the new department of the Landes, Momas felt compelled to record his frustrations with the many offenses he detected, as well as his fears of being pursued or even assaulted.¹² We are also indebted to Momas for preserving some of the responses he received from the offenders he encountered, like the two women apprehended in March 1790 while removing and stacking some branches from oak trees, who told him that that it may have been the Benedictines’ forest once, but now it belonged to the “public.”¹³

At first sight such cases of mid-winter wood theft could be regarded as rather trivial examples of what Peter Linebaugh labeled “scientific German criminology,” by which forest offenses could be correlated with the changing seasons, thereby demonstrating that stealing fuelwood was characteristically the work of cold and desperate people.¹⁴ Like arguments based on the Revolution’s erosion of social and political controls, this explanation of wood theft tends to view most of the countryside’s inhabitants as essentially impulsive. Either these peasants, poor widows, agricultural laborers, rural artisans and small traders responded reflexively to the onset of winter cold, or else the collapse of social authority unleashed their inherent urge to invade other people’s property.

The flimsiness of these assumptions was particularly exposed by the innovative studies undertaken by John Markoff and Gilbert Schapiro into French people’s attitudes and actions during the opening year of the Revolution. Among many insightful lines of enquiry Schapiro and Markoff included an examination of the regions that experienced popular uprisings in 1789, and drew comparisons with the incidence of rural *cahiers de doléances* that expressed antipathy towards the officials of the Eaux et Forêts. Outbursts of violent protest did not seem to correspond with a rejection of forest regulations.¹⁵ Clearly woodland “destruction” during the Revolution was regionally specific, rather than a nationwide phenomenon.¹⁶ Furthermore the nature of ownership and access were crucial determinants of where and when such forest usurpations were likely to occur. Tensions over timber appropriations and the enforcement of forest laws appeared to be most pronounced in regions characterized by communal woodland property and customary access rights, including frontier provinces like Béarn and Franche-Comté,¹⁷ or indeed the Pays de l’Adour (later divided between the Landes and Pyrénées-Atlantiques departments), which is where Momas worked. These were important findings, and ones that scholars like Schama should have been aware of. However Markoff and Schapiro focused primarily on the popular movements of 1789. Later examples, like those already cited from Saint-Sever in 1790 or the Bergeracois in

acknowledged not only that most of the perpetrators could never be identified, but also that no one at the time had calculated the monetary value of the damage caused. The *commissaire* himself estimated a figure of 400 francs, plus an equivalent amount in fines, which was apportioned among the remaining twenty-two defendants. Most ended up having to pay only thirty-six francs in fines and restitution, plus court costs. Périgueux. Archives Départementales de la Dordogne: Administrations et tribunaux de la période révolutionnaire. Tribunal correctionnel de Bergerac, Procédures, 25L 44 (an VII).

¹² For more detail see Graham, “‘Fearful of Being Pursued’.”

¹³ ADG: Eaux et Forêts de Guienne. Procès-verbaux des gardes, 8B 615 (Jean Momas, Bois de La Saligue, Mar. 29, 1790)

¹⁴ Linebaugh, “Karl Marx, Theft of Wood, and Working Class Composition,” 8.

¹⁵ Markoff, “Peasant Grievances”, esp. 447–49 and 463–69; Shapiro and Markoff, *Revolutionary Demands*, 410–34.

¹⁶ Woronoff, “‘Dévastation révolutionnaire’.”

¹⁷ Matteson, *Forests in Revolutionary France*, 6–7.

1794–95, not to mention the many outbursts of collective protest and popular violence that recurred well into the nineteenth century, suggest that a longer-term view is helpful.¹⁸ That realization applies equally to the period prior to the Revolution's outbreak.

By focusing on southwestern France the present study benefits from documentation about a wide range of landforms, forest ecologies and property regimes, which allows us to identify key features of the contention over woodland resources. A starting point for many scholars of French forest policies has been the laws and regulations that applied to the kingdom's woodlands between the mid-seventeenth century and the Revolution: the 1669 Ordinance on Waterways and Forests, drawn up by Colbert for Louis XIV.¹⁹ This legislation established the authority of the Eaux et Forêts, and a host of subsequent reassertions, amendments and extensions enhanced the powers of these officers, and encompassed different types of woodland.²⁰ The law was also notable for deliberately treating various forms of woodland property in distinctive ways: forests of the royal domain took precedence for obvious reasons, but there were also sections concerned with ecclesiastical woodlands, the collective resources of rural communities, and the private property of individual landowners.²¹ To complement this prescriptive source of evidence, I have developed a sample of over 800 firsthand reports by forestry officials in the Southwest between the 1720s and the Revolution, fully three-quarters of which concerned trees and timber.²² These records demonstrate that the nature of woodland property was a matter of prime concern for the men who actually enforced the laws about the management and exploitation of trees and timber during the eighteenth century. In the course of documenting their work these men recorded details of the responses they provoked among the rural population, which helps us to appreciate why some parts of France witnessed sustained conflicts over forests during and after the revolutionary decade.

Officials of the Eaux et Forêts were acutely aware that different forms of woodland property provided them with distinctive problems as they attempted to enforce the 1669 Ordinance in various parts of eighteenth-century France. Yet among the reports that have survived from Guyenne and Gascogne the king's own forests hardly featured. Apart from some remnants of the monarchy's Albret inheritance, the royal domain included few significant woodlands in this part of the kingdom. In 1743 the foresters' regional Grand Master carried out his first formal inspection in fourteen years of the three royal forests around the city of Bordeaux: Créon in the Entre-Deux-Mers; Cypressat, on a bluff overlooking the right bank of Garonne opposite the city; and Blaye, close to the famous citadel on the eastern shore of the Gironde estuary. Two leading forest guards at Créon had

¹⁸ Among many important studies of nineteenth-century struggles to preserve customary access rights and common property in woodlands, see Baby, *Guerre des Demoiselles*; Sahlins, *Forest Rites*; Matteson, *Forests in Revolutionary France*; Whited, *Forests and Peasant Politics*.

¹⁹ "Ordonnance sur le fait des Eaux et Forêts (août 1669)," in Baudrillart, *Recueil chronologique*, 41–92.

²⁰ The first eleven of the thirty-two sections (*titres*) in the 1669 Ordinance detailed the roles and responsibilities of officials in the Eaux et Forêts: "Ordonnance sur le fait des Eaux et Forêts (août 1669)," in Baudrillart, *Recueil chronologique*, 41–55. Among many studies of French forest policy in this period, see Bamford, "French Forest Legislation"; Badré, *Histoire de la forêt*; Bourgenot, "Administration des Eaux et Forêts".

²¹ Only three of the Ordinance's thirty-two sections (Titres XXIV, XXV and XXVI) specifically concerned the regulation of woodlands in the hands of the Church, rural communities, or private landowners: "Ordonnance sur le fait des Eaux et Forêts (août 1669)," in Baudrillart, *Recueil chronologique*, 73–79.

²² Sampled from ADG: Eaux et Forêts de Guienne, Procès-verbaux des gardes, 8B 601 (1708–30) through 8B 615 (1788–93). About 8 percent of all sampled reports concerned hunting offenses, 11 percent focused on fishing and waterways offenses, and around 6 per cent were procedural records, most of which showed forest guards acting as process servers.

documented a number of offenses in parishes around the royal woodland, but reported that none had been committed in the forest itself. They assured the Grand Master that the king's property was in good shape. But it then became clear that parts of this forest's interior had not been inspected or visited for many years. In fact the vegetation was so dense that a close examination was impossible.²³ Thirteen years later in 1756 this Grand Master's successor documented identical problems of neglect and mismanagement in the overgrown forest of Cypressat.²⁴ Overall the royal forests in these two southwestern provinces did not fare very well, possibly because many of the guards found that policing nearby private woodlands was easier and more lucrative. In March 1789, when the French Revolution was gathering momentum in Bordeaux as elsewhere, the crown prosecutor (*procureur du roi*) of the Eaux et Forêts issued a printed pamphlet that was endorsed by his senior colleagues. Based on his firsthand knowledge of forest management and law enforcement across the Southwest, Monsieur Dufort acknowledged that guards in the region's royal forests had not been well supervised, their pay was often in arrears, offenders had gone unpunished, and the royal domain in this part of the kingdom had lost a good deal of its value.²⁵

In these southwestern provinces the Church was a significant landholder in many areas – as it was in much of eighteenth-century France – whereas the properties that were collectively owned and managed by rural communities were concentrated in just a few regions, especially the Pays de l'Adour and the Agenais. In both cases the records of the Eaux et Forêts suggest that as the eighteenth century unfolded state agencies sought closer control over their woodland resources, although they seemed to be more successful in imposing their authority on the communal properties of rural inhabitants than they were with the clergy's.²⁶

The recurrent difficulties that the forest administration faced in relation to the Church's woodlands were the independence of its religious houses and the isolation of their many rural properties, which often meant that inspections by the Eaux et Forêts were infrequent. Active compliance from the clergy was also hard to come by. Even as late as 1785, when forestry officers from Bordeaux carried out a two-day visit to the Benedictine abbey at Brantôme in the Périgord, the Prior admitted that his monks had long been in the habit of taking whatever fuel they needed from their old-growth oakwoods. But he claimed they had acted in good faith (“en bonne foi”) because they had had no contact with the Eaux et Forêts, and knew nothing of its regulatory requirements. Amid the abbey's badly degraded woodlands the foresters managed to find several “very fine” mature oaks, of good height and imposing circumference. Most bore an official imprint, which the Prior said must have been done at least twenty years earlier. But the passage of time made it impossible to say whether these marks had been made by the royal navy or by the forestry officials themselves. Significantly the Benedictines of Brantôme provided no assistance: if the abbey had any

²³ ADG: Eaux et Forêts de Guienne. Arrêts du Conseil, Ordonnances du Grand-Maître, et divers, 8B 22 (“Extrait des registres du Conseil d'État,” Apr. 12, 1726).

²⁴ Coincy, *Grande maîtrise de Guyenne*, 10.

²⁵ [Dufort], *Discours du procureur du roi*, 21–22.

²⁶ Graham, “‘For the Needs of the Royal Navy’”; Graham, “Crown and the Community”.

documentation of its own the Prior did not offer to share it.²⁷ For these infractions the Abbot was subsequently issued with a fine of 100 *livres*.²⁸

During the second half of the eighteenth century several of the Church's woodlands seemed to enjoy a charmed status in the Southwest, where many ecclesiastical institutions had only small and scattered holdings. According to a 1756 survey, for example, the Benedictine abbey of Faize near Lussac had woodlands amounting to about ninety-one hectares, the largest section of which – the Forêt de Faize – covered nearly fifty-six hectares. Their remaining woodland area was divided into eleven separate parcels, spread over five different parishes.²⁹ The Eaux et Forêts complained in 1758 that the insignificance of many ecclesiastical woodlands apparently made it easy for the clergy in Guyenne to gain official approval to cut timber, or even to clear trees completely.³⁰ The 1789 pamphlet by Dufort, the foresters' *procureur du roi*, lamented that churchmen seemed to go out of their way to circumvent the laws that applied to cutting or clearing woodlands, and their actions were too readily approved by the king's Conseil d'état. The consequence, as Dufort put it, was that officers of the Eaux et Forêts were often placed in a position either of failing in their duty or of compromising their integrity, because their professional responsibilities should oblige them to oppose the implementation of any such approvals.³¹

Even more of a hindrance to the implementation of consistent forest policy over Church property was the influential archbishopric of Bordeaux, which owned extensive rural estates to the east of the city and across parts of the Bergeracois.³² In 1747 officers of the Eaux et Forêts inspected an avenue of mature trees that the archbishopric had felled at Lormont, on the right bank of the Garonne, and duly drew up a *procès-verbal*. As a result this prince of the church delivered a formal complaint to the crown, and after a stern rebuke from the Controller-General, Machault d'Arnouville, the forestry officials from Bordeaux were required to parade before the powerful clergyman, and ask his forgiveness for their presumption.³³ Machault acknowledged that these trees had not been cut according to the letter of the law.³⁴ But he counseled the Eaux et Forêts about the need to have due regard for "certain persons."³⁵

²⁷ ADG: Eaux et Forêts de Guienne. Forêts et cours d'eau. Monastères. Abbaye de Brantôme, 8B 552 (Pierre-Thimotée [*sic*] Guyet de Laprade, "Procès-verbal de visite," Nov. 29–30, 1785).

²⁸ ADG: Eaux et Forêts de Guienne. Procès-verbaux des gardes, 8B 614 (Rudeau de Turlaine, Abbaye de Brantôme, Jan. 17, 1786); ADG: Eaux et Forêts de Guienne. Procédure. Suppliques et divers, 8B 50 (Abbaye de Brantôme, "Requête du syndic," Aug. 26, 1786).

²⁹ Buffault, "Notes sur quelques anciennes forêts," 151–53; ADG: Eaux et Forêts de Guienne. Forêts et cours d'eau. Monastères, Abbaye de Faize, 8B 555 (1734–65).

³⁰ Buffault, "Notes sur quelques anciennes forêts," 148 and 150; ADG: Eaux et Forêts de Guienne. Arrêts du Conseil, Ordonnances du Grand-Maître, et divers, 8B 22 (François-Dominique de Bastard, "Ordonnance du grand-maître," Feb. 16, 1758).

³¹ [Dufort], *Discours du procureur du roi*, 22–24.

³² Buffault, "Domaines boisés de l'Archévêché," 52 and 53–58.

³³ Buffault, "Domaines boisés de l'Archévêché," 49.

³⁴ ADG: Eaux et Forêts de Guienne. Correspondances diverses, 8B 566 (Letter from [J-B.] Machault [d'Arnouville] to "Messieurs les officiers de la Maîtrise des Eaux et Forêts de Bordeaux," dated Paris, Apr. 22, 1747).

³⁵ ADG: Eaux et Forêts de Guienne. Correspondances diverses, 8B 566 (Letter from [J-B.] Machault [d'Arnouville] to "Messieurs les officiers de la Maîtrise des Eaux et Forêts de Bordeaux," dated Paris, May 12, 1747).

Forest guards faced similar problems when similarly powerful and privileged landowners had contravened the provisions of the 1669 Ordinance that applied to private property. Guards who documented an offense against a local aristocrat or government official could find it difficult to have their sworn reports accepted by a nearby judge, which was a legal requirement.³⁶ In April 1765 two *gardes généraux* from the royal forest of Créon traveled to the Bergeracois to carry out an inspection of the “large” and “small” forests belonging to Catherine de Belrieu, widow of a *président* in the Parlement of Bordeaux, and mother of Jean-Charles Daugeard. Her seigneurial judge refused to register the guards’ *procès-verbal* that detailed widespread breaches of the 1669 Ordinance, and the foresters had to go to Préssignac to complete the formalities.³⁷ A similar situation confronted Jean-Joseph Aubry in 1783, when the non-compliant landowner in question turned out to be Sieur Lacroze, the royal government’s regional subdelegate at Montpon (Périgord). After three court officers in Montpon claimed they were unable to accept his report, Aubry had to travel to Mussidan and did not manage to get his *procès-verbal* verified until two days later.³⁸ The forest guards’ surviving documentation does not make it clear how often this form of judicial obstruction occurred, but Philippe Crémieu-Alcan, a Bordeaux-based historian with extensive knowledge of the Eaux et Forêts archives, reports that he has not found any recorded instances of this practice during the first half of the eighteenth century.³⁹

We might nonetheless conclude from cases like this that private woodland property posed a major problem for the forest guards and other officials who enforced the provisions of the 1669 Ordinance. Even if they were not wealthy and well-connected, people who possessed their own forest resources were more likely to be focused on the profits that their land was capable of delivering, rather than the priorities of the central state and its agencies. This is a conclusion that Karl Appuhn endorsed in his long-term study of forest management by the Republic of Venice between the fourteenth and eighteenth centuries. State-owned forests and communal woodlands proved relatively accessible to agents of the Venetian Arsenal and the city’s fuelwood administration, but “institutional” (primarily ecclesiastical) and private properties posed a consistent problem.⁴⁰ Similar views of private woodlands were highlighted in March 1789 by the *procureur du roi*, Dufort, who insisted that the 1669 law left landowners with “reasonable freedom” to meet their own needs, while still satisfying the demands of “public utility.” Yet too many proprietors were driven (in Dufort’s opinion) by “egoism”, which meant not only that significant stands of old-growth timber were being cut down in the Southwest, as much for barrel-making as for public works, but trees were not replanted and large areas of woodland were being cleared for other uses.⁴¹

In France the ancien régime monarchy certainly placed significant demands on the owners of private woodlands, large and small: not only did proprietors have to lodge a

³⁶ “Ordonnance sur le fait des Eaux et Forêts (août 1669),” Titre X, “Des huissiers audienciers, gardes généraux, sergens, et gardes des forêts et des bois,” Art. 9; Titre XXV, “Des bois, prés, marais, landes, pastis, pêcheries et autres biens appartenans aux communautés et habitans des paroisses,” Art. 15, in Baudrillart, *Recueil chronologique*, 52 and 75.

³⁷ ADG: Eaux et Forêts de Guienne. Procès-verbaux des gardes, 8B 606 (Sicairie Gautieron and Jacques Demon, Liorac and St-Sauveur, Apr. 11-13, 1765).

³⁸ ADG: Eaux et Forêts de Guienne. Procès-verbaux des gardes, 8B 612 (Jean-Joseph Aubry, St Martial [d’Artenset], Apr. 1, 1783).

³⁹ Philippe Crémieu-Alcan, email message to author, Jan. 5, 2019. See also Crémieu-Alcan, “Du sang dans les règes.”

⁴⁰ Appuhn, *Forest on the Sea*, esp. 216–20.

⁴¹ [Dufort], *Discours du procureur du roi*, 15 and 35–36.

declaration six months before cutting any mature trees, but they had to pay the Eaux et Forêts for each declaration (initially 10 *sols*, later 15), and after 1744 such declarations were held to be valid for only twelve months.⁴² Detailed examination of several hundred declarations from parts of the Southwest shows that landowners complied with this regulatory system in ever-greater numbers, and from ever-more distant regions.⁴³ Yet at the same time the owners of private woodlands often provided the Eaux et Forêts with incomplete or misleading information, and the timing of their declarations suggests that many proprietors simply ignored the laws' requirements about when to cut timber.⁴⁴

Even without declarations data of this kind, historians of French forest administration have tended to agree that the policies of the ancien régime monarchy were least influential in areas where private woodlands predominated – even though these forms of ownership were estimated to occupy about sixty percent of all French forests by the late eighteenth century.⁴⁵ To complicate matters the Revolution's legislation in 1791 freed private forests in France from all forms of government regulation, so diachronic comparisons pre- and post-1789 are often difficult.⁴⁶

However private woodland property often seemed in some respects to be the least difficult to police. On occasion a guard noticed a woodland offense during a routine patrol, a fact that was recorded in the opening lines of their firsthand reports. More often, however, an infringement was documented when the guard or guards inspected a woodland after receiving a complaint or denunciation, although it was very rare for the informant(s) to be identified. Neighbors, tenants and sometimes even family members were commonly available to provide the forest guard with detailed information about who owned or leased the property in question, or who had purchased the timber that was cut.

This kind of local knowledge was essential for effective law enforcement in the French countryside. Documenting the offense was a first priority for forest guards, but as a second step it was important for them to find out who had legal authority over the woodland in question, not least because that could help to identify a suspect. In April 1773, for example, the guard from Laroque-Timbaut found thirty-seven large oaks and elms that had been cut for fuel in a rural parish near Agen. He made enquiries in the neighborhood, and discovered that the owner was Demoiselle Veuve Ballade, who was duly issued with a writ to answer for a “double contravention” of the Ordinance, since she had not lodged a declaration to cut old-growth trees, and because the stumps had been uprooted and the land cleared.⁴⁷

By contrast the reports by forest guards and other officials suggest that some of the greatest difficulties faced by the men who enforced the forest laws arose in communal properties. In *The Politics of Rural Life* (1992) Peter McPhee insisted that rural communities of these kinds are best analyzed using a series of “leading questions”. A first set of questions concerns the land itself, the uses to which it was put, and the differential levels of access that were available. A second set of questions focuses on the nature and consequence of the

⁴² On the fee: Chailland, *Dictionnaire raisonné*, 1: 184. On the twelve-month limit: “Lettre de M. de Baudry” (Nov. 24, 1744). In Chailland, *Dictionnaire raisonné*, 2: 285–86; Baudrillart, *Recueil chronologique*, 315.

⁴³ Graham, “Fleurs-de-Lys in the Forest”.

⁴⁴ Graham, “Greedy or Needy?”; Graham, “Time for Every Purpose?”.

⁴⁵ Badré, *Histoire de la forêt*, 99; Bamford, “French Forest Legislation,” p. 103. For assessments of different forest types in France in 1789: Devèze, “Forêts françaises à la veille de la Révolution.”

⁴⁶ “Loi sur l'Administration forestière (29 septembre 1791),” in Baudrillart, *Recueil chronologique*, 1:506; Badré *Histoire de la forêt*, 107, 117–19.

⁴⁷ ADG: Eaux et Forêts de Guienne. Procès-verbaux des gardes, 8B 608 (Pierre Taillarda, Prayssas, Apr. 18, 1773, avant midi)

internal stratification that characterized all rural societies – not merely the clear disparities among different kinds of “peasants”, but also between peasants and the many non-peasants who lived among them (artisans, traders, government officials, priests, seigneurial agents). A third set of questions explores the asymmetrical power relations between rural inhabitants and the various institutions that represented the wider economic, political and cultural contexts.⁴⁸ In all three of these analytical approaches the issues of property ownership and access are of fundamental importance.

At first glance a forest guard who was a fulltime, uniformed official of the Eaux et Forêts (and thus an obvious and authoritative outsider) would seem like someone who could impose his views on the local population. On the other hand, some forest guards – the community insiders appointed seasonally or short-term – would be likely to face similar dilemmas as those encountered by the English village constables of a roughly comparable period, who routinely avoided confronting neighbors, family members or employers, and directed much of their attention to policing outsiders, especially “vagrants.”⁴⁹

Particularly in communal woodlands, forest guards of this kind were often men who lacked social authority. In November 1783 the regional Grand Master, François-Dominique de Bastard, was on an inspection tour of the forests belonging to the urban community of Le Mas d’Agenais (now in Lot-et-Garonne department). On the first day Bastard found that the reserve quarter was developing quite well, despite some “degradations” and a lack of surrounding ditches to prevent easy access. But on the second day a change in the weather kept the Grand Master indoors. Bastard summoned one of the forest guards, who told him a tale of woe about their inability to guarantee the well-being of this woodland because the community’s leaders (the *consuls* or *jurats* commonly elected for one- or two-year terms) chose not to take judicial action against offenders, preferring instead merely to seize and sell off the contraband timber.⁵⁰ This might look like simple buck-passing by an indolent guard except for two things. First, the Eaux et Forêts had previously documented precisely these kinds of offense committed by the municipal elite at Le Mas.⁵¹ And second, the forest guard identified a couple of premises where the Grand Master could inspect timber that had been acquired in this way, and question the householders about the circumstances of their purchase. Bastard duly did this, and was left in no doubt that much of the forest at Le Mas was in a poor state because the community’s guards had been actively prevented from fulfilling their duties by their own employers.

More frequently recorded, however, were occasions when the alleged offenders were the elected counselors (*jurats*) from a previous year’s communal administration. Étienne Maisonnabe was a guard from Peyrehorade on the Gaves Réunis who documented extensive damage that had been caused during the summer of 1733 in the communal oakwoods at Heugas, including the removal of trees up to 200 years old. Maisonnabe asked who the community’s *jurats* were and why the *syndic*, who was elected with responsibility for ensuring the community’s fiscal obligations, had not acted to safeguard their collective resources. His local informants listed the problems: one of the current *jurats* was in fact the local forest guard; the parish had no *syndic* because they could never agree on who to

⁴⁸ McPhee, *Politics of Rural Life*, 15–35.

⁴⁹ See for example Kent, *English Village Constable*; King, “Vagrancy and Local Law Enforcement”.

⁵⁰ ADG: Eaux et Forêts de Guienne. Procès-verbal du Grand-Maître, 8B 612 (François-Dominique de Bastard, Le Mas d’Agenais, Nov. 3–4, 1783). This was a communal woodland of substantial size – the reserve quarter covered an estimated 500 *arpents* (or 250 hectares) – and was situated close to the River Garonne, which account for the Grand Master’s special interest in it.

⁵¹ ADG: Eaux et Forêts de Guienne. Procès-verbal des gardes, 8B 609 (François Pebordes and Jean Dupin, Sainte-Gemme-Martailac, Mar. 24, 1773).

appoint; and since the *jurats* were appointed for only one year, they treated the community's woodlands as if they owned them.⁵² In a surprising number of cases the reports filed by officials of the Eaux et Forêts record them being invited by community leaders (*jurats* or *échevins*) to investigate woodland damage that had allegedly been caused by a previous year's *jurats*.

One of the most interesting of these encounters was detailed in a forest guard's report that provided the title for this paper. In the 1740s and '50s a *garde général*, Jean-Joseph de Larre, spent a great deal of time on horseback patrolling his jurisdiction in the area around Dax. When he was called in July 1750 to the parish of Léren, Larre no doubt foresaw a typical day's work. The first two offenses he documented were laid at the door of the community's *jurats* of the year before (1749), and since they involved a total of forty trees of reasonable size (about seven *pieds* in circumference, or seventy-five centimeters diameter), Larre apparently had no hesitation in recording these breaches of the Ordinance. Notes on his reports show that the offending community leaders were issued with fairly heavy fines (30 *livres* each, plus costs). Larre then documented three more offenses in Léren that concerned the private properties of local inhabitants.

But as he was about to finish for the day Larre was approached by Jean Tournier, one of the *ex-jurats* initially accused of offenses against the community's woodlands. Tournier demanded that Larre file a report about the cutting and removal of just one tree, a large oak (about thirteen *pieds* around), which he blamed on a named individual. Larre hesitated, since almost nothing of this solitary tree remained, and there was virtually no contraband timber to be seized. But his report recorded how Tournier pressured him to document the offense: "We found ourselves forced against our will to make a report [...] at the insistence of the said Tournier", who made it clear to Larre that "he would not fail to make a formal complaint to Monsieur the *procureur du roi* of the Eaux et Forêts de Guienne" if this *procès-verbal* was not completed. Larre did as instructed, and an attached note shows that the offender identified by Tournier was duly fined.⁵³

Interactions of this kind were rarely documented, although they may have been more frequent than we realize. Yet the forest officials' reports provide us with ample evidence of the dissensions and litigation that wracked many rural communities that were undergoing profound transformations of social composition and landholding during the eighteenth century. Some of these tensions were motivated by opposition to tax demands or seigneurial impositions, while others were evidence of internal divisions and power struggles, or intense competition between neighboring parishes. In areas like the Agenais and the Pays de l'Adour, where communal property and old-growth forest resources often predominated together, the records of the Eaux et Forêts show that they and other agents of the central state became willing participants in these conflicts.⁵⁴

Despite their vulnerability to being co-opted as influential players in local power-struggles, as Larre was in 1750, officials of the Eaux et Forêts were often able to exploit divisions within a community or between communities, with the result that they enjoyed some degree of success in enforcing the regulations set out in the 1669 Ordinance. Rural communities that had once managed their own resources in line with customary practices (often called *statuts* in the Pays de l'Adour), and without a great deal of interference from the central state and its agents, increasingly found themselves having to jump through

⁵² ADG: Eaux et Forêts de Guienne. Procès-verbal des gardes, 8B 602 (Étienne Maisonnabe, Heugas, Aug. 28, 1733).

⁵³ ADG: Eaux et Forêts de Guienne. Procès-verbal des gardes, 8B 604 (Jean-Joseph de Larre, Léren, Jul. 11, 1750, après-midi).

⁵⁴ Graham, "For the Needs of the Royal Navy"; Graham, "Crown and the Community."

bureaucratic hoops. When two community members in Saugnac and Arzet (just southeast of Dax) decided they needed some timber to repair their houses in March 1788, they presented a request to their fellow inhabitants. A formal assembly of householders then gathered to discuss the matter, and once the proposal was accepted the community’s counselors (*jurats*) went into the communal woods to mark thirty-eight oak trees that were considered suitable for this purpose. This was not the end of the matter, however, because the *jurats* were now obliged to file a formal petition to have this decision authorized by the Eaux et Forêts in Bordeaux, for which they had to pay a fee. They took the opportunity to point out to the forestry officials that these thirty-eight trees were selected with great care: none met the standards required by the naval engineers of the royal shipyards.⁵⁵ The royal foresters would then send some officers to carry out an inspection, charging the community for the cost of their transport and time, between five and eighteen *livres* per day, depending on seniority, according to Dufort’s pamphlet.⁵⁶ And after all that, the documentation would be sent off to the capital to await a decision by the royal government.

Little wonder then that areas of communal property were particularly antagonistic towards the Eaux et Forêts and their regulatory regime. The forms of woodland management prescribed by the 1669 Ordinance and the practical effects of their implementation by the forestry officials and other agents of the central government were widely known and widely resented. The consequences – not only to the autonomy of rural communities, but even more to the region’s forest resources – were not lost on ordinary people in those parts of the Southwest where communities had retained some collective rights over their land. When he stood accused of illegally cutting and selling communal timber in the parishes of Hinx and Téthieu in 1764, a seventy-one-year-old merchant, Timothée Condom, defended himself before the Bordeaux foresters by defiantly informing his judicial interrogators about the harm that resulted from policies that they themselves were responsible for:

The inhabitants have always cut timber on their common lands with the permission of their community *syndic*, both for fuel or for repairs to their houses, because it’s the inhabitant who planted these trees, as they are required to do under their statutes [as] ratified by the Parlement [...] [O]nly in the last four or five years has it been forbidden for the inhabitants of Hinx to cut their mature trees, [ever] since Madame la Baronne de Hinx [their seigneur] obtained this prohibition from the officers of the Eaux et Forêts on the pretext that one third of the commons belongs to her. This is greatly prejudicial to the [general] public and the inhabitants of Hinx, because the moment they heard about this prohibition they planted no more trees on the commons.⁵⁷

Statements like this offer significant points of connection to our understanding of rural people’s experiences of the French Revolution, whose outbreak Condom did not live to see. The Pays de l’Adour was one of those regions where the *cahiers* of 1789 were forthright in their criticisms of the forest administration and their regulation of communal properties. In the parish of Onard the *cahier* demanded that use of their communal woodlands be regulated by the community’s *statuts*, as agreed among themselves and approved by the Parlement, rather than by officials of the Eaux et Forêts whose authorizations were “too expensive.” The people of nearby Gousse and Vicq called for the 1669 Ordinance to be reformed, given that

⁵⁵ ADG: Eaux et Forêts de Guienne. Procédure. Suppliques et divers, 8B 52 (Saugnat et Arzet, “Procès-verbal de délibération”, Mar. 14, 1788).

⁵⁶ [Dufort], *Discours du procureur du roi*, 32n1.

⁵⁷ ADG: Eaux et Forêts de Guienne. Procédure, Auditions, informations, et divers, 8B 169 (Thimotée [*sic*] Condom, “Audition,” Hinx, Jun. 20, 1764).

its effects on their communities' resources were "destructive" and likely to leave their forests in "total devastation."⁵⁸ These and similar complaints elsewhere in the Landes crystallized the frustrations of generations of rural inhabitants.

Like the widespread destruction of French woodlands that had been going on since at least the 1750s, under the official pretext of encouraging agriculture – and the near contemporaneous policies to facilitate transport on roads, rivers and canals by clear-felling trees alongside the highways and towpaths – the contestations over collective woodland resources that arose during the French Revolution had deep roots, and developed important ramifications well into the nineteenth century.

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⁵⁸ Chauton, "Cahiers de doléances des paroisses," no.1: 34, 36, 41 and 42.

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