

Introduction

The documents

The documents in this volume are to be found within the Public Record Office and British Library. They were chosen largely to illustrate the management of the New Forest, in particular the woods. This collection of documents spans the period from the reign of King Charles I to 1700. The latter being the year in which the first statutory inclosures for the production of timber were made in the New Forest. It was a period of changing direction for silviculture and a period of intense exploitation of the woods.

Two documents form the core of this work; these are the commissions undertaken in 1673 and 1677 to enquire into the waste and spoil of woods committed in the New Forest (the relevant warrants being shown in bold in the table below). Many similar commissions were ordered during this period, however the returns and depositions for only two appear to have survived to the present day with the exception of the evidence taken by the House of Lords in 1698 (see table below).

Date	Description	Reference
1667 (5 Sept)	Commission ordered for a view of wastes in the Forest.	C.T.B. Vol.II, p.76
1669 (12 Oct)	Commission as to places to enclose for timber plantations.	C.T.B. Vol.III, p.145
1672 (11 Mar)	Warrant for a commission of inquiry [Superseded].	C.T.B. Vol.III, p.1204
1673 (28 Apr)	Warrant for a commission of inquiry to replace that of 11th March 1672.	C.T.B. Vol.IV, p.124
1676 (17 Aug)	Warrant for a commission of inquiry [Superseded].	C.T.B. Vol.V, p.303
1676 (20 Dec)	Warrant for a commission of inquiry, replacing that of 17th August 1676.	C.T.B. Vol.V, p.333 C.T.B. Vol.V, p.410
1679 (2 Sept)	Warrant for a commission of Inquiry, from 1672, as to wastes and spoils certified in the late commission.	C.T.B. Vol.VI, p.199

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1686 (9 Nov)	Warrant for a perambulation of the New Forest.	C.T.B. Vol.VIII, p.994
1691 (17 Feb)	Order for a commission for general inquiry into abuses in the New Forest.	C.T.P. Vol.I, p.221
1691 (27 Apr)	Warrant for a commission to inquire into encroachments.	C.T.B. Vol.IX, p.1123
1692 (16 Mar)	Warrant for a commission of inquiry [Superseded].	C.T.B. Vol.IX, p.1550
1692 (14 Oct)	Warrant for a commission of inquiry, to replace that of 16 th March 1692.	C.T.B. Vol.IX, p.1866
1693 (1 Apr)	Warrant for a commission of inquiry [Superseded].	C.T.B. Vol.X, pp.140 & 187.
1693 (1 June)	Warrant for a commission of inquiry.	C.T.B. Vol.X, p.227
1694 (11 July)	Warrant for a commission of inquiry.	C.T.B. Vol.X, p.700
1694 (11 Sept)	Warrant for a commission of inquiry.	C.T.B. Vol.X, p.759
1698 (4 July)	Report from a House of Lords committee as to abuses in the New Forest.	House of Lords Mss. No.1255
1698 (23 Sept)	Commission to make inclosures.	C.T.B. Vol.XIV, p.129

Many of these commissions were abandoned before any inquiry took place, while others were superseded, by new commissions, such as those for 1673 and 1677 included in this volume. However, they provided an important basis from which the Treasury officers could argue their case to usurp the powers of other Forest officers (see below).

These commissions are largely concerned with the exploitation of woodland resources, both legally and illegally, and the conduct of the Forest officers and the local inhabitants. The depositions well demonstrate the illegal side of woodland exploitation and the way in which Forest officers and the local

populace alike took advantages of the slightest loophole in arrangements.

If the depositions taken by commission demonstrate the illegal nature of woodland exploitation, the Woodward's accounts are biased towards the legitimate exploitation of the woods. They record all timber and wood felled for supplying the Navy and repairing the Forest lodges, as well as that root and branch wood sold to local chapmen to raise money for the payment of Forest officers and other purposes.

The Woodward's accounts are paralleled by the Preservators' returns (sometimes referred to, wrongly, as 'certificates of the Regarders', the confusion apparently arising from the fact that during this period at least it was the Regarders who carried out the duty of the Preservators). These returns became less detailed over time in terms of the information that they recorded, however they still provide a useful complement to the Woodward's accounts and have often survived from years where the latter have been lost.

The survival of the documents above seems in the main to be associated with commissions of enquiry which required sight of the accounts and returns for reference. This central group of documents is supplemented by a number of relevant documents from other locations, the majority of which are found in a collection of material which appears to have been used by William Samber, author of a manuscript account of the New Forest entitled 'The present state of the New Forest, *anno domini* 1765'.¹ The documents never found their way back into the collections from which they were taken and thereby survived to the present day, albeit out of context.

Of the remaining documents one is a Swainmote Court roll from 1672 and has been published here to complete the publication of surviving court rolls of the period undertaken by Stagg.² The other document is a Survey of New Park undertaken in 1650 as part of the Commonwealth survey of Crown lands, and provides a detailed record of the holding which was, in 1670, to receive the gift of Red Stags from King Louis XIV of France. This is the only document included which dates to the Commonwealth period.

No attempt has been made to include information from the documents covered by the *Calendars of Treasury Books*, *Calendars of Treasury Book and Papers*, *Calendars of Treasury Papers* or *Calendar of State Papers Domestic* as it is considered that this information has already been made

accessible. Certain other documents, relating to those published in this volume, have been excluded. These include those which are subsidiary to the Woodward's accounts, which largely consist of receipts of payment to Forest officers and workmen.³

Changing silvicultural methods

The period covered in this present volume provides much material for the change in silvicultural practice from the use of coppices to inclosures. The significant difference between a coppice and an inclosure is that the former is made for the production of wood products, while the latter is employed to encourage the growth of timber. The resurgence of interest in woodland matters seems to have been encouraged by the publication of *Sylva* by Evelyn, in 1664,⁴ paralleled by the requirement for Naval timber. The first physical impact appears to have been the creation of timber plantations in the Forest of Dean under an Act of 1668.⁵ The following year the New Forest came under consideration⁶ resulting in the creation of the three inclosures at Holm Hill, Holiday Hill and Aldridge Hill, though without the passing of an Act of Parliament. These inclosures were however unsuccessful as is recorded by a report to the House of Lords in 1698.⁷ As early as 1673 questions were being raised as to the effectiveness of the inclosures (see p.113). Following the completion of these first inclosures a number of commissions were ordered to report on matters largely relating to the management of the woods (see table above), while at the same time there appears to have been an increase in exploitation of timber for the Navy and Crown works. Together these factors provided the catalyst for the introduction of a Bill to Parliament in 1692.⁸ While this Bill was defeated, further commissions were undertaken and the exploitation of the timber resource continued, with the result that the preliminaries for a new Bill were begun in 1695, which Bill succeeded in entering the Statute Books in 1698.⁹ This change did not result in the immediate cessation of coppicing activity, as demonstrated by King's Coppice, near Exbury, where the practice continued to take place late in the 17th century (see pp.103, 196) and the century following.¹⁰ Other coppices such as North and South Bentley became inclosures by default, and were first legally recognised as such by an Inclosure Act of 1808,¹¹ which also provided for an inclosure to be made, in 1817, which incorporated King's Coppice.

Woodland management and exploitation

While the change in emphasis from wood to timber production had begun to emerge in its modern form, the exploitation of wood in general was reaching

a peak. This is well illustrated by the report from Charles Strode, Surveyor General of Woods, Trent South, that the 'Forest is rather like a wood yard than a wood' (see page p.121). Wood was available from a number of sources, the most important of which at this time were browsewood, cut by the Keepers to provide feed for the deer, rootwood, the lops and tops that remained from trees taken for other purposes, and windblown branches and trees. This wood supported trades such as making charcoal and cooper boards, which appear to have been quite commonplace activities, through to more specialised trades such as bucket and saddle-tree making. While these tradesmen certainly accounted for a large proportion of the wood available, it is also clear, from the accounts, how much the Forest officers were themselves involved. The increase in the official exploitation of timber from the reign of Charles I onwards identified by Nicholas Flower¹² is confirmed by the information provided by the discovery of additional surviving Preservators' returns and the Woodward's accounts. Much other wood was acquired illegally, either directly from the Forest or through the use of fuel wood allocations. While the illegal use of the woodland resource was carried on clandestinely, the documents also demonstrate the role played by the Forest officers either in assisting or by turning a blind eye, for example cutting browsewood near charcoal hearths (see p.157). Certain colliers were accused of taking as much wood illegally as they had by legitimate means (see p.137). The Forest officers would not wish to draw attention to their own clandestine activities, some resented the intrusion of the commissions of inquiry and refused to be sworn (see pp. 153, 154).

The light shed on the right of estovers is interesting in two respects. Firstly, evidence was put forward that suggests claims were being entered at the Justice Seats that were not legal, and as a result of the claims not being tested more claims came into being by default (see evidence of Richard Elcombe, pp.150-3). How widespread this was in the case of claims for other rights is not clear, however the claims made in 1670 were confirmed by section 9 of the 1698 statute. The second point of interest relates to the type of wood being taken. It seems that dry and deadwood was being replaced by decaying wood, which suggests that the deadwood resource of the Forest had been largely used up by this time. This may well have been due to the additional exploitation of the resource to pay for works such as building the King's Stables. That the authorities were concerned as to the availability of deadwood is clear from the way in which the right was controlled by assignment. Discussion as to the assignment of fuel wood, apparently a new measure, took place as to whether it prevented the taking

of excessive wood or encouraged the forest officers to exploit their position. Undoubtedly, the reduction in deadwood availability would have had an impact on forest ecology, as together with the exploitation of other potential deadwood habitats such as root wood, deadwood invertebrates were probably deprived of their habitat over a wide area for the first time. This may have led to the loss of certain specialist species which might otherwise have been expected in the ancient woodlands of the New Forest.

Useful detail is sometimes given of certain forest practices which are poorly understood today. Pollarding or the lopping of tops from trees to provide feed for the deer is one such practice described in detail. The cutting of this wood, by the Keepers, commenced at St. Andrew's tide around the 30th November with the time of the year dictating the species cut. Cutting began with oak and holly, followed in the spring by thorns, and in the summer by ash. This practice was restricted in 1686 to allow for cutting of oak and beech in 'extreme hard weather' only. This restriction was in reality only a reiteration of a decree passed in the reign of James I,¹³ while the Inclosure Act of 1698 made the cutting of oak and beech illegal altogether.¹⁴

The Forest officers

There are a wide range of officers directly relevant to the New Forest during the 17th century. These fall within five main groups which, since their inception, became to some extent confused in their roles.

1) The Lord Warden's department

The medieval Forest administration came under the control of a Warden who was appointed by the Crown. He oversaw a wide range of officials concerned with protecting the deer and the Forest habitat in which they lived. The Master Keepers were officers who controlled the major subdivisions of the Forest called Bailiwicks, they would appoint Under Keepers to operate on the ground and by the 15th century the office of Master Keeper was largely a sinecure. In the early 17th century the Bailiwicks were subdivided into Walks, each provided with a Lodge occupied by an Under Keeper. The 17th century saw the peak in development of this system, with some of the larger Bailiwicks divided into three Walks (see p.101). However, against a background of extensive exploitation of the woodland resource by the Keepers and the changing role of the Forest from deer management towards timber production, such a large staff of Under Keepers could not be justified and certain of the later lodges were abandoned by the end of the century. These included those of Berry, in the Burley Bailiwick and Hursthill, in the Battramsley Bailiwick.¹⁵ However the claim that there

were only three lodges in the Forest at the opening of the 17th century is untrue (see pp.137, 158); each of the nine bailiwicks had at least one lodge by this time. The exploitation by the Keepers was tackled by the Treasury, in 1671, by providing the staff of Keepers with £560 *per annum* in lieu of browsewood, breaknecks and other fee wood. The Treasury hoped to save in the region of £3,000 per annum with this move.¹⁶ Also, from 1677 the Keepers were assigned fuel wood by the Woodward rather than taking it for themselves, presumably to prevent them from taking excessive quantities. The commissions of inquiry make it clear that this did not prevent certain of the Keepers from continuing to exploit the woodland resources of the Forest. Not until the 19th century would the Treasury gain full control over the Keepers. That the Lord Warden did not see eye to eye with Philip Ryley, Surveyor General of Woods, is made clear by a letter from the Lord Warden to the Treasury, in 1693 as to the independence of the commissions of inquiry. For, if they were in the charge of “Mr. Ryley’s, the criminal’s hands, he will find some way to evade it, as he has done this two years.”¹⁷

A number of other officers also appear amongst the documents, but their posts of Ranger, Riding Forester, Bowbearer and Verminer had by this period become largely sinecures. The officers who still played a practical role included the Agisters and Riders, who in conjunction with the Keepers, administered the majority of Forest rights.

2) Verderers and Regarders

At a local level the administration of forest law was carried out by the Verderers. They were elected by the freeholders of the county and presided over the Courts of Swainmote and Attachment. The Attachment Court was to be held every 30 days to hear presentments and enrol cases for the Swainmote Court which was supposed to be held three times a year, although this varied.¹⁸ The Swainmote Court dealt with minor offences but more serious cases were placed before the Forest Eyre. However, while the Swainmote Court Roll of 1672, included in this volume, does indeed enrol cases for the next Forest Eyre, such an Eyre was never again to visit the Forest. The last was presided over by the Earl of Oxford in 1670. As such it is not known whether justice was ever served.

The Regarders were also elected by the freeholders of the county. They were originally charged with carrying out a three-yearly regard or view of the Forest, in which they answered several articles concerning the management of the Forest. By the 17th century the keeping of a regular regard had fallen

largely into abeyance, the last such regard was held for the Forest Eyre in 1670. However, they had become involved in overseeing wood sales, where their role had become confused somewhat with the role of Preservator (see below).

3) Woodward and Preservators

Woodwards were appointed by the King and often carried out the majority of their work by means of a deputy. They were the chief officer concerned with the management of timber in the Forest and were responsible for the sale of woods and execution of warrants for the felling of timber. The office came into being early in the 16th century. By the end of the 17th century, the Woodward's powers were being lost to the department of the Surveyor General of Woods (see below).

The office of Preservator did not officially exist in the Forest during the period covered by this book, although the role which they carried out continued. The office came into being during the reign of Elizabeth I as assistants and overseers of the Woodward. The central task consisted of undertaking monthly views of the Forest to certify all trees or branches which had fallen during the year, as well as answering a number of other articles relating to the woodland management in the Forest. Preservators were appointed from amongst the Regarders, however due to the size of the New Forest, the role carried out by the Preservators evolved into a separate office. This office was extinguished during the reign of James I, when the role was passed over, once again, to the Regarders.¹⁹ Despite this, the returns made by the Regarders continued under the name of the original office. The evidence of John Drew, in 1677, (see p.171), clearly demonstrates how the role had evolved by the Restoration. Three Regarders were appointed yearly to fill the role of the Preservators, for which undertaking they received £2, despite not being sworn into office. This rolling appointment appears to have broken down by 1673, when one of the articles of inquiry (No.17) was worded to specifically deal with the subject.

4) The Surveyor General of Woods and the *Divisium Imperium*

This department, which was answerable to the Treasury, had its origin in the early 16th century. During this early period, it was apparently largely involved in the survey of woods and prosecution of those damaging the woodland resource. Its creation heralded the change from hunting forest to timber production. As such it came into conflict with the Lord Warden's department, which owed its origin to the former use. It also came into

conflict with the Woodward whose roll it sought to usurp. This division of roles resulted in a power struggle that became known as the *Divisium Imperium*.

After the Restoration, the increased interest in timber production and the return of several inquiries into the waste and spoil of the woodland resources of the Forest, issued by the Exchequer, acted as a catalyst for change. That the Surveyor General's department gained power at the expense of other officers, the Woodward in particular, is not perhaps surprising given that the Surveyor General was the Treasury's own officer. The letter of Charles Strode to Lord Treasurer Danby, in 1674, with his proposals for reinvigorating the post of Surveyor General of Woods, demonstrates the arguments of that officer for more power (see pp.120-4). The first important move came in the summer of 1678, when it was ordered that for all great works warrants should be directed to the Surveyor General, with small works only being directed to the Woodward.²⁰ With the appointment of Philip Ryley, as Surveyor General of Woods, the situation descended into a bitter and open dispute. A hearing, taken in 1690, confirmed the order of 1678, whereby the Woodward lost much of his power to the Surveyor General's department.²¹ The position was sealed in 1698 when, following another hearing, Francis Dickens' patent as Woodward was revoked and the office granted to Edward Pyle with a salary of £150 per annum in lieu of all fees formerly claimed.²² This did not end the *Divisium Imperium*, which continued to cause friction in the Forest into the 19th century.²³

Of particular interest is the light shed upon the role of the Deputy Surveyor. Since the mid 19th century the Deputy Surveyor has been the chief officer in the Forest, although the post has not always enjoyed such high status. William Rooke, senior, of Godshill, who appears as Deputy Surveyor in 1677, is probably the same William Rooke who lived at Arniss Farm, Godshill.²⁴ He is shown to be seizing unlawfully cut timber on behalf of the Surveyor General and also trying to have offenders prosecuted at the Verderers' Court, apparently with little success. It seems clear that his position was resented by the other Forest officers.

5) Navy Purveyor

The Purveyor is by default a Naval rather than a Forest officer, but his role meant that he was closely involved in Forest affairs. His duty was to see to the selection of timber suitable for the Navy and oversee the Navy carpenters in the felling and conversion of the trees.

Deer

The importance of deer during this period is somewhat overlooked by these documents. Charles I and Charles II hunted in the Forest on several occasions, while 'Prince Richard' Cromwell broke his thigh while hunting in the Forest. Charles I spent much money on the King's House, at Lyndhurst, and his son, Charles II, made further additions and built the stables proposed by his father. James II was the last monarch recorded to visit the Forest for hunting.²⁵

Deer numbers were apparently hard hit during the Civil War and Commonwealth, as a warrant was directed to the Lord Warden in 1662 that no deer should be killed for three years 'in order to repair the decay of deer which took place during the late distractions'.²⁶ That this measure was successful is demonstrated by the surviving returns of deer numbers. Published elsewhere is a detailed return of numbers in 1670,²⁷ in which the total head was given as 7,273 in 1669 and 7,950 a year later. The return of deer numbers within the Forest is interesting in that it demonstrates the carrying capacity of the Forest in this period. A massive population of 10,045 being reached in 1673, before falling to 6,301, which was attributed to 'a great rot amongst the deer', as well as some having been transferred elsewhere (see pp.125-6). This transfer of deer is well illustrated by the gift of King Louis XIV of France of 60 Red Stags, which arrived in the 'Hope' of London. They were then transferred to New Park which had been made ready for their reception, as detailed in the Woodward's accounts. Furthermore some of these deer were then sent on to London, presumably to stock the royal lands in that area.

This period also sees evidence of the emergence of fox hunting amongst the gentry as well as the continuance of deer hunting by Forest officers. The 1677 inquiry (see p.165) records the Keeper of Eyeworth Walk keeping the Lord Warden's dogs. The minute books of the Court of Verderers (now lost) contain detail of a licence granted to Robert Smith on the 20th Dec 1686 to hunt fox and hare in the Forest, as well as licences to hawk and fowl. This is followed by further references to fox and hare hounds. While in 1696, mention is made of deer hounds and greyhounds belonging to the Duke of Bolton, Lord Warden. However, a letter amongst the Duke's archives noted that the stock of deer had been hard hit during the rebellion of the Duke of Monmouth.²⁸

Endnotes

- 1** Hants. R.O. 149M89/R4/6145. To be published in Volume 2 of this series.
- 2** Stagg, D.J. (ed.) (1983) *A Calendar of New Forest Documents: The Fifteenth to Seventeenth Centuries* Hampshire County Council.
- 3** TNA:PRO E 101/667/45; E 101/675/24; E 351/3459 (duplicate of AO 1/861/2); LR 9/15/638 (pt.); LR 9/17/899.
- 4** Evelyn, J. (1664) *Sylva or a Discourse on Forest Trees*.
- 5** 20 Chas II, c.3. *An Act for the Increase and Preservation of Timber within the Forest of Dean*, 1668.
- 6** *Cal. Treasury Books, Vol.III*, p.145. Stagg, D.J. (1977) The Divisium Imperium In: *Hants Field Club & Arch. Soc. New Forest Section Report No.15*, pp.10-11.
- 7** House of Lords Mss., no.1225.
- 8** *A Bill for the Increase and Preservation of Timber in the New Forest*, 1692.
- 9** 9 & 10 Wm & Mary, c.33. *An Act for the Increase and Preservation of Timber in the New Forest in the County of Southampton*.
- 10** *Cal. Treasury Papers, vol.V*, p.281; *Cal. Treasury Books, Vol.XXXI*, p.137.
- 11** 48 Geo. III, c.72. *An Act for the Increase and Preservation of Timber in the New Forest*.
- 12** Flower, N. (1980) The management history and structure of unenclosed woods in the New Forest, Hampshire In: *Journal of Biogeography, vol.7*, pp.311-28.
- 13** TNA:PRO LR 2/194, fos.260 & 490.
- 14** 9 & 10 Wm & Mary, c.33. *An Act for the Increase and Preservation of Timber in the New Forest in the County of Southampton*, s.5.
- 15** Reeves, R.P. (2004) Hursthill or Queen's Mead Lodge In: *Hants Field Club & Arch. Soc., New Forest Section Report No.41*, pp.xiv-xvi.; *Cal. Treasury Books, Vol.I*, p.491.
- 16** *Cal. Treasury Books, Vol.III*, pp.1120, 1124.
- 17** *Cal. Treasury Books, Vol.I*, p.379.
- 18** Stagg, D.J. (ed.) (1983) *A Calendar of New Forest Documents: The Fifteenth to Seventeenth Centuries* Hampshire County Council. See pp.xxvi-xxvii.
- 19** TNA:PRO LR 2/194, fo.261v.
- 20** *Cal. Treasury Books, Vol.V*, p.844.
- 21** *Cal. Treasury Books, Vol.IX*, pp.407-9.
- 22** *Cal. Treasury Books, Vol.XIV*, pp.3-6, 38 & 213.
- 23** Stagg, D.J. (1989) Silvicultural Inclosure in the New Forest to 1780 In: *Proc. Hants. Field Club and Arch. Soc., Vol.45*, pp.135-145; Stagg, D.J. (1991) Silvicultural Inclosure in the New Forest from 1780 to 1850 In: *Proc. Hants. Field Club and Arch. Soc., Vol.46*, pp.131-143.
- 24** HRO 1694AD181/1-2.
- 25** *Cal. State Papers Domestic, James II, Vol.II*, no.985.
- 26** *Cal. State Papers Domestic, 1661-1662*, p.353.
- 27** Lascelles, G.W. (1915) *Thirty-Five Years in the New Forest*. Methuen & Co., p.40.
- 28** HRO 11M49/F/05. See also Anderson, D. (2003) Early Foxhunting in the New Forest In: *Hants Field Club and Arch. Soc., New Forest Section Report No.40*, pp.xv-xvi.