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University of Southampton

Faculty of Arts and Humanities

School of Humanities

**Public good or private gain? The politics of 'inclosure' in
the New Forest during the long eighteenth century.**

by

Gale Pettifer

Thesis for the degree of Doctor of Philosophy

December 2020

University of Southampton

Abstract

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This thesis examines the politics of inclosure in the New Forest during the long eighteenth century and offers new perspectives on the physical and cultural transformation of its ancient landscape, from royal deer forest into a state tree forest. The study is situated within the branches of political, social, and environmental historiography and examines human impacts on the landscape of the New Forest, the political events and ideas that preceded those impacts, and the protagonists who advanced them. The thesis offers an original contribution to knowledge in the historiography of the New Forest by exploring the connection between the tenets of improvement and rational thought, the rise in political dominance of a landed elite, and the narrative of a timber scarcity that was believed to be affecting the Royal Navy’s ability to build, maintain and repair its fleet of wooden warships. Together these factors would subject the open landscape of the New Forest to the scrutiny of members of establishment institutions, such as The Royal Society of London for Improving Natural Knowledge, the Houses of Parliament, and the Royal Navy; and to the use of scientific or rational methods proposed for its ‘improvement’, which were characterised by the large-scale use of inclosures.

The thesis explores how the belief in the efficacy of inclosure was not just intellectual but ideological. While the intensification of Britain's forests bore some resemblance to the strategies adopted for agricultural improvement, particularly in the adoption of 'scientific' methods, the importance of timber to national and economic security meant that its production would ultimately become a political objective. Much of the historiographical argument regarding enclosure, and the Agricultural Revolution of which it was an important symbol, focuses on the social and economic spheres of the open field system, which consisted of strips of land within different fields, crop rotation and common grazing. As a royal forest, the New Forest had never been configured in this way but was based on ancient rights exercised over its commons and open wastes. While enclosures generally happened piece-meal and were seen in a local and not a national context, recent environmental historiography has asserted that the development of state-run forests were synonymous with the advent of bureaucratic and rational techniques forming the foundations of the British government's modernisation, as demonstrated in existing scholarship looking at state formation and understanding of landscape. This thesis explores the proposals to enclose the New Forest in this broader political context and looks at how, under the control of a narrow collection of landed interests, using enlightened, rational methods to justify their policies, the New Forest would become subject to the tenets of private ownership while remaining a state-controlled property.

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Research Thesis: Declaration of Authorship

Gale Pettifer

Public good or private gain? The politics of ‘inclosure’ in the New Forest during the long eighteenth century.

I declare that this thesis and the work presented in it are my own and has been generated by me as the result of my own original research.

I confirm that:

1. This work was done wholly or mainly while in candidature for a research degree at this University;
2. Where any part of this thesis has previously been submitted for a degree or any other qualification at this University or any other institution, this has been clearly stated;
3. Where I have consulted the published work of others, this is always clearly attributed;
4. Where I have quoted from the work of others, the source is always given. With the exception of such quotations, this thesis is entirely my own work;
5. I have acknowledged all main sources of help;
6. Where the thesis is based on work done by myself jointly with others, I have made clear exactly what was done by others and what I have contributed myself;
7. None of this work has been published before submission

Signature: Gale Pettifer

Date: 23rd December 2020

Acknowledgements

To try and remember everyone who has helped me on this journey is to risk forgetting someone, and there are many people to whom I owe a debt of sincere gratitude. In order to avoid so catastrophic an error I will simply express my genuine heartfelt thanks to those who have believed in me and given me their encouragement and support. There are two exceptions to this rule, however.

I must thank my supervisors who have been with me every step of the way. I am immensely grateful to Dr Julie Gammon whose support from the very beginning has been invaluable and much appreciated. She opened up the eighteenth century to me and it has been revelatory. Julie is a hugely inspirational historian and I feel incredibly fortunate to have shared this process with her. Likewise, I am enormously indebted to Professor David Brown. I have found his remarkable insight, humour, honest feedback and genuine interest in the New Forest to be stimulating and encouraging. Together they have helped to make my academic dream a reality.

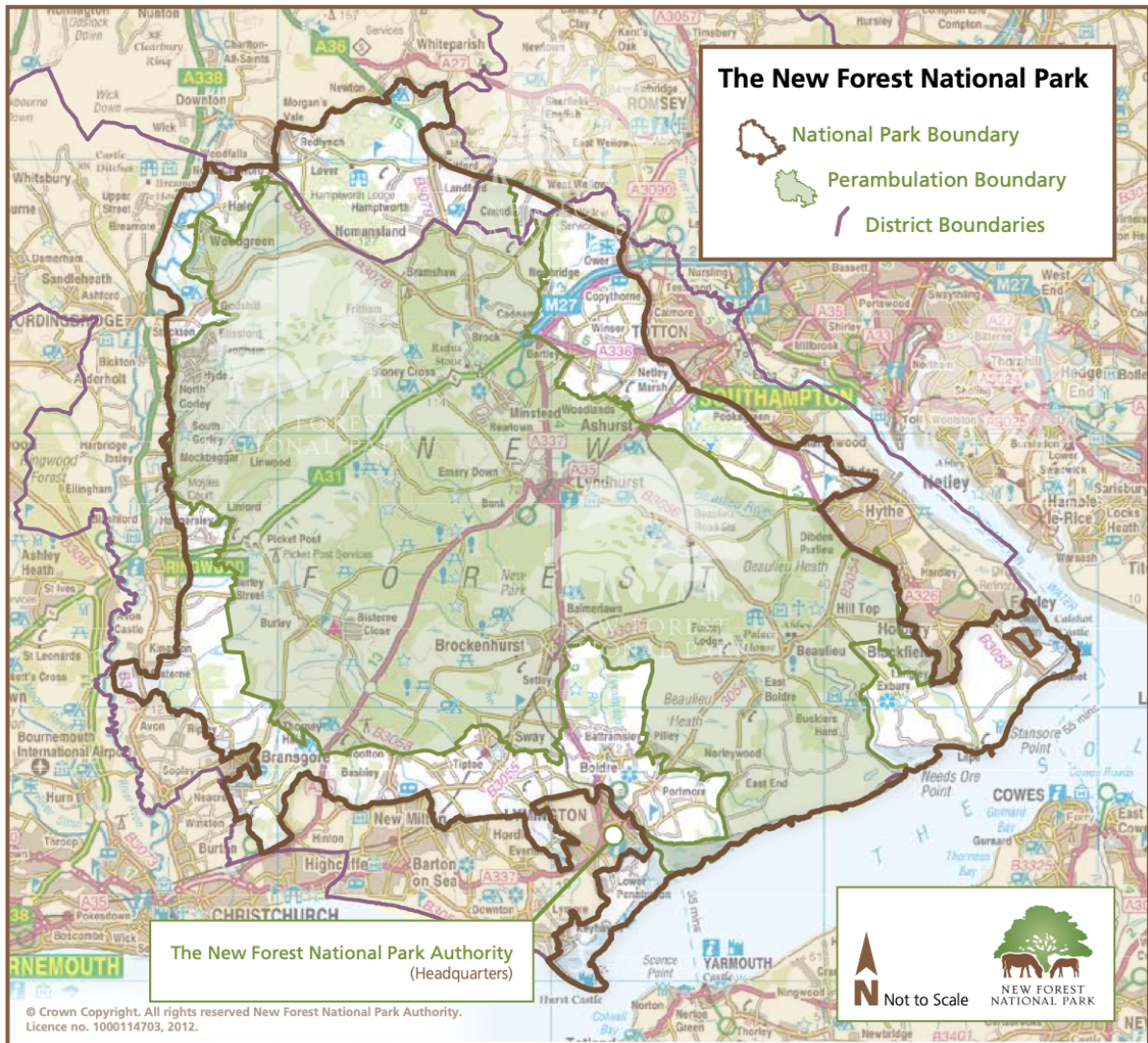
This work is dedicated to those who share.

Map 1. Britain's National Parks



Source: <https://www.newforestnpa.gov.uk/documents/discover/uk-national-parks-map/>

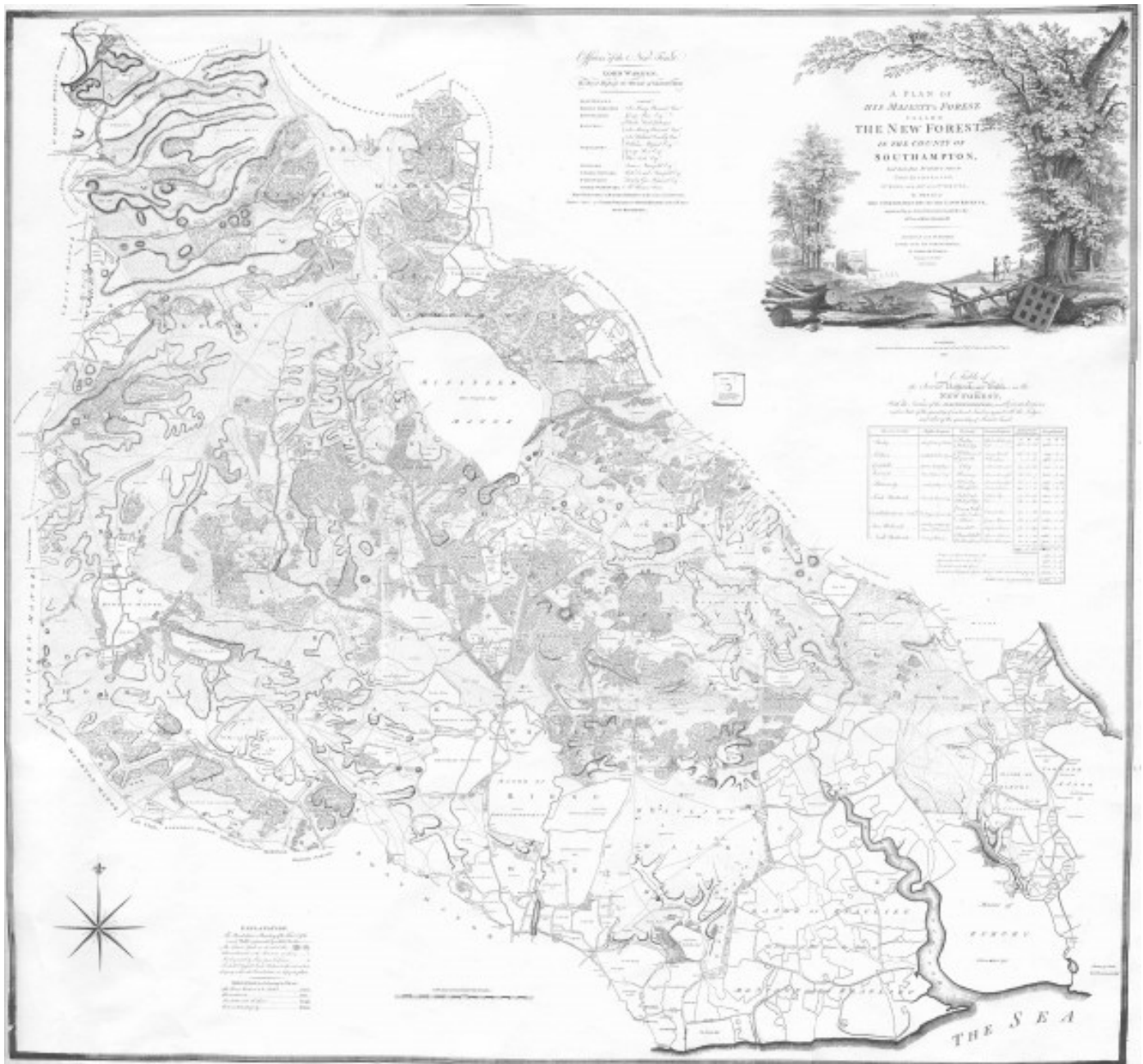
Map 2. The New Forest National Park



Source: <https://www.newforestnpa.gov.uk/documents/discover/maps/>

Map 3. Drivers' Map - Second Edition, 1814

‘A Plan of His Majesty's Forest, called the New Forest, in the County of Southampton. Laid down from surveys undertaken by Thos. Richardson, Wm. King and ABm. and Wm. Driver. By order of the Commissioners of the Land Revenue, appointed by Act of Parliament passed in the 26th year of King George III. Engraved and published by order of the said Commissioners, by William Faden, Geographer to the King, MDCCLXXXIX.’



Source: <http://www.newforesthistorvandarchaeology.org.uk/historic-maps.html>
 Reproduced by kind permission of Anthony Passmore and Graham Cooper.

Introduction

Located in the county of Hampshire, in southern England, the New Forest is one of the UK's smallest National Parks, measuring almost 570 square kilometres (220 square miles).¹ It is an area that has been described as an ecological system that is constantly developing under the influence of large, free-ranging herbivores - mainly deer, domestic cattle, and ponies.² For all its appearance of wilderness, this is a landscape that has been managed by human activity for thousands of years. Its natural resources and wild spaces have been controlled, contested, and exploited since at least the Mesolithic period, when man's impact on the landscape was first detected.³ Its perambulation (boundary), the area within which modern forest byelaws apply, encompasses some 37, 907 hectares (94,000 acres) of land.⁴

The unenclosed part of the New Forest is the largest area of wild, or 'unsown' vegetation in lowland Britain and includes large tracts of three formerly common habitats that are now fragmented and rare in western Europe – heathland, valley mires and ancient pasture woodland.⁵ This is the landscape that we are perhaps familiar with today and is a survivor of a topography that was once far more widespread in Britain. Indeed, the New Forest is often described as a remnant of medieval England.⁶ This is because many of the features that existed when William the Conqueror designated the area as a royal hunting forest, in about 1079, are still very much in evidence today; these are primarily its deer, its pastoral economy, its open

¹ New Forest National Park Authority, *Local Development Framework: Monitoring Report*, (Lymington, December 2013), p. 7. NB: The New Forest became a National Park in 2005.

² C. R. Tubbs, *The New Forest: History, Ecology, Conservation*, (Lyndhurst, 2001), pp. 17-18.

³ Nicola Smith, 'The Earthwork Remains of Enclosure in the New Forest', *Proceedings of the Hampshire Field Club & Archaeological Society*, (1999), 43.

⁴ Adrian C. Newton (ed.), *Biodiversity in the New Forest*, (2010), p. vii.

⁵ C. R. Tubbs, *The New Forest* (2001), p. 18.

⁶ Clive Chatters, 'The New Forest - National Park Status for a Medieval Survivor', *British Wildlife*, 18 (December 2006), 110.; Stephen Trotter and Ian Barker, 'Biodiversity in the New Forest: A National Park Perspective', in *Biodiversity in the New Forest*, ed. by Adrian C. Newton (ed.) (Newbury: Centre for Conservation Ecology and Environmental Change, 2010), (p. 202).; Brian Short, 'Forests and Wood-Pasture in Lowland England', in *Rural England: An Illustrated History of Landscape*, ed. by Joan Thirsk (Oxford, 2002), (p. 145).

heaths and ancient pasture woodlands, and an administration directly descended from medieval times.⁷

Local people would harvest resources in the forest, such as grazing, (pasturage or herbage), fuel wood (estovers), clay (marl) and peat (turbary), to sustain their livelihood. These routine practices (exercised before the Norman Conquest) became tradition, tradition became accepted rights (under the legal system established by William the Conqueror and expanded by his successors), and accepted rights became customary law. Consequently, the exercise of shared access to the Forest's resources, known as commoning, became an integral part of the New Forest's rural economy and cultural identity. Significantly, common rights were not available to all who lived there but rather to a legally entitled section of the community. They were the owners or lessees of lands and estates abutting on or within the precincts of the New Forest, to which the common rights applied. These commoners had (and continue to have) a legally defined right to exercise their traditional agrarian practices over another person's land, which in the New Forest is generally Crown land.

The arc of this thesis initially began with a deliberation of how this ancient unenclosed landscape, along with elements of its medieval cultural practices, has managed to survive into the twenty-first century. Initial research led to the early modern period, from the mid-seventeenth century through to the reign of George III, which was the point where the traditional medieval practices and landscape features of the New Forest came under increasing pressure to radically change. The character of this change was from a royal deer forest (the private domain of the monarch that had been organised around elite hunting since the eleventh century), into a state-run tree forest (controlled by government and administered and managed for large-scale timber production), to supply the Royal Navy. The device to elicit this change was inclosure.

⁷ C. R. Tubbs, *The New Forest* (2001), p. 10.

The social and political historiography of enclosure has focused upon debates about class conflict, the expansion of agricultural capitalism, and the development of private property. In these areas historians have attempted to make statements about the immiseration or proletarianisation of those with rights of common (commoners); the economic growth made possible by agricultural improvements; and a rise in the culture of materialism.⁸ Their scholarship, however, has concentrated on the political, economic, and social spheres of the open field (or strip farming) system, while the commensurate changes in management and tenure that occurred within the royal forests have been largely overlooked. This thesis attempts to redress this imbalance and offers an original contribution to knowledge in the historiography of the New Forest by examining the beliefs and procedures that facilitated the use of enclosure as a method for fundamentally converting it from a royal forest into a state forest. The thesis argues that inclosures were not only physical manifestations in the landscape but demonstrated an ideological and intellectual shift in the management of the New Forest.

Barriers, such as toils, hedges, walls, pales, wattle and hurdles had been used in the forests of England, as a method of facilitating hunting and in the management and preservation of deer. Indeed, as Langton demonstrates, the ‘pre-enclosure’ landscape of forests was threaded with fences of many kinds, some permanent, some temporary, and some intermittent. However, these structures generally differed from fences where enclosure allowed the management of land for private profit by individual owners with sole rights over its use.⁹ The change in emphasis, from deer forest to tree forest, from royal recreation to economic commoditisation,

⁸ William W. Hagen, 'European Yeomanries: A Non-Immiseration Model of Agrarian Social History, 1350–1800', *Agricultural History Review*, 59 (2011).; Leigh Shaw-Taylor, 'Proletarianisation, Parliamentary Enclosure and the Household Economy of the Labouring Poor: 1750-1850', *The Journal of Economic History*, 60 (June, 2000).; Michael Turner, 'Agricultural Productivity in Eighteenth-Century England: Further Strains of Speculation', *The Economic History Review*, 37 (May, 1984).; Daniel M. Stout, 'Uncommon Lands: Public Property and the Rise of the Individual', *Victorian Studies*, 60 (Winter, 2018).

⁹ John Langton, 'Forest fences: enclosures in a pre-enclosure landscape', *Landscape History*, 35:1, 5-30.

also saw a commensurate accent placed on the use of inclosure. Thus, as Langton further argues, the economic structural developments that represented changes in commodities and factors of production required intellectual change, from which emerged both abstract and instrumental knowledge that could be written and mapped into incommensurable forms.¹⁰

The thesis expands this notion and maintains that the impetus for changing the New Forest was founded upon three significant factors. The first factor was the impact of the philosophy of enlightenment thinking and its influence on the institutions of government. For the New Forest, this was exhibited in the development of silviculture and the ‘scientific forest’, which gained attention with the publication, in 1664, of John Evelyn’s *Sylva*.¹¹ This was not only a practical handbook on tree planting but also a manual on public service, aimed at the nobility and gentry.¹² Enlightenment was a Europe-wide movement founded upon reason, science and empiricism that rejected customary norms and even questioned religious doctrine. The term ‘enlightenment’, however, was not used until the mid-Victorian period, rather, advocates for the application of rational thought over superstition and custom saw themselves as ‘improvers’.¹³ They were not just improvers either, they were counters at a time when ‘enumerating national assets was the chief obsession of the “political arithmeticians” of the Treasury and the Admiralty’.¹⁴ Therefore, enlightenment knowledge was not just

¹⁰ John Langton, ‘Forests in early-modern England and Wales: History and Historiography’ in John Langton and Graham Jones (eds.) *Forests and Chases of England and Wales, C.1500 - C. 1850: Towards a Survey and Analysis* (Oxford, 2008), p.2.

¹¹ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, (London: Royal Society, 1664).

¹² The development of the British landscape has been generally assumed to be ‘a man’s world’ because of the laws of primogeniture. J. V. Beckett, ‘Elizabeth Montagu: Bluestocking Turned Landlady’, *Huntington Library Quarterly*, Vol. 49, No. 2 (Spring, 1986), p. 149. Though not a focus of this study, recent historiography has begun to examine the role of elite women in agricultural improvement and estate management. McDonagh, for example, has demonstrated that the role of women in the eighteenth century involved the political and public world and also ‘paralleled their husband’s work on the wider estate’. Briony McDonagh, *Elite Women and the Agricultural Landscape, 1700-1830* (London, 2018), p. 2.

¹³ Roy Porter, *Enlightenment: Britain and the Creation of the Modern World*, (London, 2000), p. 5.

¹⁴ Simon Schama, *Landscape and Memory*, (London, 1995), p. 163.

communicated or presented in words but by numbers. Indeed, Hoppit observes that the ‘art of reasoning by figures’, upon things relating to government, increased after 1750.¹⁵

The second factor was the change to the British constitution that occurred when, in 1760, on his accession to the throne, George III surrendered to the Parliament his interests in the Crown lands in return for a fixed Civil List payment. Henceforth, rather than being subject to the royal prerogative and the arbitrary decisions of the King, the Crown lands, and the New Forest among them, would be controlled and administered by a bicameral legislature recruited from aristocratic and gentry families who were significant landowners in their own right. This privileged social group saw the state’s responsibility as being primarily concerned with national defence and the protection of private property, which, according to St. John, writing in 1787, was regarded as ‘still so sacred’.¹⁶ The ideology of private property as ‘absolute dominion’, according to Gordon, is a central trope in eighteenth century public discourse.¹⁷ Indeed, this was a recurrent theme in the political debates, economic theory, legislative output, and cultural ambitions of the ruling elite during the period of this study.

The expansion of agriculture (and silviculture) became established upon cultural norms that emphasised the position of the landed elite, with their predisposition towards private property, as the natural leaders of improvement. Their philosophical and political opinions would increasingly view the unenclosed landscape of the New Forest, and the people who lived a subsistence existence upon it, through the prism of their own social ethics and economic self-interest. The landed elite were not reticent about using their dominance of the intellectual sphere and political province to enforce their views or protect their interests. Thus, by the end of George III’s reign, knowledge had ‘acquired the trick of becoming wealth and rank too’ and

¹⁵ Julian Hoppit, 'Political Arithmetic in Eighteenth-Century England', *The Economic History Review*, XLIX (1996), 519.

¹⁶ John St. John, *Observations on the Land Revenue of the Crown*, (London, 1787), p. 45.

¹⁷ Robert W. Gordon, 'Paradoxical Property', in *Early Modern Conceptions of Property*, ed. by J. Brewer and S. Staves (London, 2014), (p. 95).

was present in the cabinets of State, where ‘it learns to stand up before the treasury bench and sit upon the woolsack’.¹⁸

Just as large-scale agriculture was ‘increasingly run on industrial lines’, with sophisticated estate-management, division of labour and cost-reduction, so too those responsible for administering the state’s silvicultural resources began to propose similar methods of operation and a bureaucratic system that would be able to manage the New Forest effectively.¹⁹ While some traditional forest practices and customs exercised by local people, such as gathering dry wood and catching game, became censured, other activities favoured by landowners, such as the unprecedented use of inclosures, became legal. As Neeson has demonstrated, shared-use rights and the collective regulation of agriculture were replaced by more differentiated and specialised practices. Consequently, there was also a diminution of the social bonds and custom of mutual aid that had tied communities together.²⁰ This caused the enclosure movement to be seen by some as ‘a revolution of the rich against the poor’.²¹

The third factor was the fear of a ‘Scarcity of Timber’ and more particularly of ‘that Sort of which our Ships are constructed’.²² Ever since Britain had begun developing worldwide interests the supply and demand of timber for naval shipbuilding had been a cause for anxiety.²³ The global dominance of Britain was indivisible from the might of her navy, and there was a genuine belief that a lack of commitment to the planting and protection of oak trees would be detrimental to the security and economic interests of the nation. According to Miles, although

¹⁸ W Bowring, 'The Objects, Advantages, and Pleasures of Science', *Westminster Review*, VII (April 1827), 274.

¹⁹ 'A Report from the Committee Appointed (Upon the 11th Day of March, 1771) to Consider How His Majesty's Navy May Be Better Supplied with Timber' (HMSO, London, 1771) p. 13.

²⁰ J. M. Neeson, *Commoners: Common Right, Enclosure and Social Change in England, 1700-1820* (Cambridge, 1996), p.255.

²¹ K. Polanyi, *The Great Transformation*, (Boston, 1957), p. 35.

²² Yeoman Lott (A Man of Kent), *Important Hints, Towards an Amendment of the Royal Dock-Yards*, (London, 1767), p. Preface.

²³ John Mortimer, *The Whole Art of Husbandry; or the Way of Managing and Improving of Land*, IV edn (London, 1716), p. 1.

experienced on and off since Tudor times, the belief in a shortage of timber, which could be used to build, maintain and repair the Royal Navy fleet, was characterised by ‘feverish’ periods of planting in times of crisis, alternating with long phases of neglect in times of peace.²⁴ Albion asserted that the years between 1652 and 1862 were most typical for the naval timber problem, and was the period that also represented the two centuries in which were fought most of the great naval wars in the era of sailing ships.²⁵ This period also correlates with the greater part of this study, starting with the publication in 1664 of *Sylva*, through to the restructuring, in 1810, of the government departments responsible for woods, forests and Crown lands.

The timber scarcity had several dimensions for the New Forest. The narrative was predicated on a conviction that large swathes of the New Forest’s landscape had been deforested (particularly during the English Civil Wars) and needed to be re-established; that the unproductive wastes of the Forest could be turned into productive timber plantations using ‘rational’ techniques, as proposed by advocates such as Evelyn; and, that it was necessary to address the inefficiency, abuses and corruption that caused the timber destined for the Royal Navy to be ‘much wasted and impaired’, and of which supplies were considered to be ‘in danger of being destroyed if some speedy course be not taken to preserve the growth thereof in the said Forest’.²⁶ The narrative of a scarcity was at times contradicted, though not effectively. In 1771 a committee, appointed to consider how His Majesties navy may be better supplied with timber, reported having ‘had Supplies from several Forests, but in no considerable Quantity from any but the Forest of Dean and New Forest’.²⁷ Similarly, a report from the Purveyor of the navy, in 1783, recorded that timber could be harvested ‘without being

²⁴ Roger Miles, *Forestry in the English Landscape*, (London, 1967), p. 27.

²⁵ Robert Greenhalgh Albion, *Forests and Sea Power: The Timber Problem of the Royal Navy 1652-1862*, (Cambridge, 1926), p. vii.

²⁶ HRO/149M89/R4/6125, 'The Memorial of Vincent Hawkins to the Lords of the Treasury Concerning Naval Timber in the New Forest, February 1759', (Hampshire Record Office, Winchester).

²⁷ 'A Report from the Committee Appointed (Upon the 11th Day of March, 1771) to Consider How His Majesty's Navy May Be Better Supplied with Timber' (HMSO, London, 1771) p. 8.

prejudicial or injurious to the [New] Forest' and would take more than fifty years to exhaust, by which time 'with any tolerable Degree of Care and Attention' there would be 'a Succession of an equal if not a greater Quantity of Naval Timber than at present arising from the young growing Timber'.²⁸ The belief in the shortage of timber persisted, however.

If the scarcity was not in the forests, then it must have been occasioned elsewhere. The timber problem has, therefore, been a much-debated topic by historians who offer alternative reasons, such as navy supply-chain and operational inefficiency, poor timber seasoning and wood rot in storage, administrative conservatism in the Admiralty, and ineptitude and corruption in the dockyards, as more significant causes, rather than the shortage of trees on which it was blamed.²⁹ Indeed, Albion asserts that the only genuine aspect of the whole timber crisis was the fear that it provoked.³⁰ This thesis does not seek to answer whether or not there was a scarcity of naval timber, but rather to examine the consequences for the New Forest arising from the belief in such a scarcity. This belief was maintained by narratives that were published in newspapers, pamphlets, and books, were repeated in private correspondence and conversation, declared in Parliamentary speeches, and written into legislation. Certainly, such was its power that the belief in the scarcity of timber was generally without doubt. There were divergent opinions, however, as to the solution of the timber problem in the New Forest, which

²⁸ Appendix 34, Account of the Number of Oak Trees, of Fifty Feet and upwards, growing in the New Forest, from a Survey taken under the Inspection of Thomas Nichols, Purveyor, and Henry Tombes, Deputy to the Surveyor General, in pursuance of an Order of the House of Commons to John Pitt Esquire, Surveyor General of His Majesty's Woods, finished 25th May, 1783, in Charles Middleton, John Call, and John Fordyce, 'The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents', ed. by Land Revenue Office (London: House of Commons, 22nd July 1789), (p. 105).

²⁹ Albion, *Forests and Sea Power* (1926), pp. 39-94.; N. D. G. James, *A History of English Forestry* (Oxford, 1990), pp. 154-59.; G. J. Marcus, *Heart of Oak: A Survey of British Sea Power in the Georgian Era* (Oxford University Press, 1975), pp. 16-17.; James M. Haas, 'The Royal Dockyards: The Earliest Visitations and Reform, 1749-1778', *Historical Journal*, 13 (June, 1970), 196.; P. Warde, 'Fear of Wood Shortage and the Reality of the Woodland in Europe, C.1450-1850', *History Workshop Journal*, 62 (2006).

³⁰ Albion, *Forests and Sea Power* (1926), p. ix.

included the restructuring of its ancient institutions, a reduction in the exercise of common rights, and its disafforestation and outright sale. Whether it was as a public, state-run asset or a separated and divided collection of private farms and smallholding, the inclosure of the New Forest was seen as fundamental to its future improvement.

Inclosure or enclosure?

In the New Forest there are two different types of tree plantations, referred to either as ‘inclosures’ or ‘enclosures’.³¹ The difference between ‘inclosure’ and ‘enclosure’ is generally explained as merely the result of indifferent spelling, or the former being an archaic term that was superseded by the latter, and the two are often used interchangeably. Forest law had its own legal terms and definitions that were often confused or were transposed.³² All commentators agree, however, that the concept of enclosure involves the removal of common rights and the reorganisation and partition of land, to some degree or other, into private property using physical barriers.³³ For the purposes of this study the use of the word ‘inclosure’ is deliberate and refers to an important legal distinction that signifies the *temporary* presence of barriers, such as fences or ditches.³⁴ Although this distinction may not have been apparent to those living in the Forest, the use such provisional inclosures was a regular feature of

³¹ Where primary sources indicate, the use of ‘inclosure’ or ‘enclosure’ follows the original text. (However, it must be noted that, in some publications, the author, commentator or historian has elected to use one term in preference to the another.)

³² Assarts, for example, (land converted from forest to arable) related only to grain crops, whereas enclosures for hay and pasture were purprestures (illegal clearances in waste and woodland), however, the two terms seem to have also been used interchangeably in forest court proceedings. G. J. Turner, *Select Pleas of the Forest* (London, 1901) in John Langton, ‘Forest fences: enclosures in a pre-enclosure landscape’, *Landscape History*, 35:1, 5-30.

³³ Gilbert Slater, *The English Peasantry and the Enclosure of Common Fields* (London, 1907).; G. E. Mingay, *Parliamentary Enclosure in England: An Introduction to its Causes, Incidence and Impact 1750-1850* (London, 1997), p.7.; Brett Christophers, *The New Enclosure: The Appropriation of Public Land in Neoliberal Britain* (London, 2018), p. 81.

³⁴ Langton and Jones define *enclosure* as ‘the act and process of enclosing areas of land previously part of the open woods or fields, including forests and commons’; while *inclosure* is defined as ‘two modes of inclosure ... were allowed in forests: of felled woods by large temporary hedges and ditches to protect regrowth against grazing deer and cattle, and of licensed assarts by permanent hedges and ditches small enough to allow the passage of deer’. John Langton and Graham Jones, *Forests and Chases of England and Wales c. 1000 to c. 1850* <http://info.sjc.ox.ac.uk/forests/glossary.htm>

commoning practice.³⁵ Thus, in Henry VIII's Act for the Preservation of Woods (35 Hen 8 c.17.), for instance, both spellings are used in different sections of its clauses. For the most part the word 'enclosure' is used, but in the section that deals with 'Certayne places and former bergaynes be excepted' inclosure is used.³⁶ This suggests that 'enclosure' and 'inclosure' were regarded as distinct legal terms according to certain authorised exemptions.³⁷

In the context of the New Forest, inclosures are areas where statute enables common rights to be *suspended* in order to facilitate timber growing; whereas, enclosures are areas where common rights are *abolished* entirely, by statute, agreement or default.³⁸ The temporary status of inclosures in the New Forest were established by the New Forest Act 1698 (9 & 10 Will. III. c. 36), which were 'Freed and Discharged of and from all manner of Common Herbage and Pannage, or other Rights, for so long time as the same shall remain and continue inclosed'.³⁹ This meant that as soon as the trees within the inclosures had grown sufficiently to be out of danger from the actions of commonable livestock they were to be thrown open, and the common rights were reinstated. The Verderers Inclosures, established in the New Forest Act 1949, were likewise enclosed with only a limited lifespan.⁴⁰ This demonstrates the legal importance and political significance of the ancient common rights within the New Forest, though as Griffin points out, the biophysical transformation from open heath, pasture or ancient woodland to timber plantation, which was caused by the existence of such structures, would

³⁵ E. C. K. Gonner, *Common land and inclosure* (London, 1921), p. 6 and p.26.

³⁶ HL/PO/PU/1/1543/35H8n17, 'Public Act, 35 Henry VIII, C. 17 (an Act of the Preservation of Woods)', ed. by Main Papers (Parchment Collection) (Parliamentary Archives, Westminster, 1543).

³⁷ The distinction may have been perfectly obvious to contemporary observers, and therefore needed no definition or explanation, but was too nuanced for subsequent users and consequently the terms became amalgamated.

³⁸ Clive Chatters and Catherine McGuire, 'Habitat Fragmentation and the New Forest', *British Wildlife*, 30 (2019), 327.

³⁹ HL/PO/PU/1/1697/9&10W3n76, 'Gulielmi III. Regis, an Act for the Increase and Preservation of Timber in the New Forest in the County of Southampton', in *Acts. Guliel III, Regis, Parl. 3. Ses.* (Parliamentary Archives, Westminster, 1698), (pp. 600-01).

⁴⁰ C. R. Tubbs, *The New Forest* (Lyndhurst, 2001), p. 20.

nevertheless have reduced the commonable value by changing the topography of the landscape permanently.⁴¹

Why the New Forest?

This thesis is a study of the environmental and political history of the New Forest. Since the time of Manwood, in the sixteenth century, forests were viewed as having ‘certain particular Lawes differing from the Common Lawes of this Realme’. They were political, as well as environmental, landscapes. Thus, the significant proposals that attempted to alter the purpose and practices of the New Forest, during the long eighteenth century, are reflective of Langton’s grand narrative of landscape ‘development’ and ‘improvement’, in which the forests were viewed as having ‘retarded’ not ‘normal’ landscapes. While all the royal forests came under Parliamentary scrutiny and review in the period of this study, the New Forest had always been treated separately from its contemporaries.⁴² This signifies, historically, its distinct political, economic, and social character and the reason why it merits particular study. Indeed, the outstanding features of the New Forest today, unlike other royal forests, are that its topography, ecology and traditional practices have survived as vestiges of its medieval past. Its significance is material, as well as symbolic.⁴³

The New Forest is the only royal forest to be given its own section in the Domesday Book, within the Hampshire folios under the heading *In Nova Foresta et circa eam*.⁴⁴ Its creation after the Norman Conquest signified a fundamental land reform that was part of a

⁴¹ Griffin, Carl J., 'More-Than-Human Histories and the Failure of Grand State Schemes: Silviculture in the New Forest, England', *Cultural Geographies* 17(4) (2010), p. 462.

⁴² While giving evidence to the Select Committee in 1875, Lord Henry Scott was asked if it had been generally recommended that the New Forest should be ‘dealt with specially’ and answered that, ‘In 1789 the Commissioners of that time directly recommended that the New Forest should not be inclosed. It is expressly excepted from the General Commons Inclosure Act; and the Committee of 1849, in their draft Report, recommended that it should not be dealt with in the same way as other forests, and again in 1854. I know of no instance in which it has not been held to be a very special case’. *Reports from the Select Committee on New Forest; Together with the Proceedings of the Committee, Minutes of Evidence and Appendix*, (London: House of Commons, 16 July 1875), p. 131.

⁴³ Sylvie Nail, *Forest Policies and Social Change*, (New York, 2008), p. 18.

⁴⁴ H.C. Darby, *Domesday England*, (Cambridge, 1986), p. 198.

reconstruction of royal power and a restructure in the pattern of Lordship.⁴⁵ Indeed, the eleventh century creation of the royal forest system enabled a monopoly of land to become established for the King, over ownership, rights, management, control and the distribution of resources.⁴⁶ William I (and future monarchs) became the proprietor of all land by granting himself the right of the universal soil.

The establishment of the royal forest system did not mean that its administration was a homogeneous development, however. Each forest evolved its own particular customs and practices, tiers of officials, codes and culture. For the New Forest, it also enabled the elaboration of its system of grants, fees, reservations, perquisites and claims that were 'so numerous' and the Rights of the Crown exercised over the different private estates within the perambulation 'so various' that it had to be administered and managed in its own uniquely complex arrangement.⁴⁷ As well as having its own system of administration, each royal forest was also subject to separate legislation. The legislative measures for the New Forest, which were proposed or passed, particularly during the reign of George III, would endeavour to deconstruct the medieval legacy of the royal forests, reduce the claims asserted upon its landscape, and attempt to correct the abuses that were believed to be attendant within the milieu of the royal forest.

The New Forest was the biggest of all the royal forests and had the potential for improvement on a scale that the smaller royal forests did not. In particular, its advantages were due to it being 'of great Extent, and thinly inhabited'.⁴⁸ This, Lewis believed, was because of

⁴⁵ Karin Mew, 'The Dynamics of Lordship and Landscape as Revealing in a Domesday Study of the Nova Foresta', in *Anglo-Norman Studies Xxiii: Proceedings of the Battle Conference 2000*, ed. by J. Gillingham (Woodbridge, 2001), (p. 166).

⁴⁶ *Ibid.* p. 161.

⁴⁷ Charles Middleton, John Call, and John Fordyce, 'The Sixth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents', ed. by Land Revenue Office (London: House of Commons, 8th February 1780), (p. 24).

⁴⁸ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 30.

its poor-quality soil, which would not suit agriculture but would support game animals.⁴⁹ From the seventeenth century, while its topography was not considered suitable for the growth of crops the New Forest was believed to be adequate for the production of timber for shipbuilding. It was regarded as being strategically ‘superior’ to every other Forest, ‘having in its Neighbourhood several Ports and Places for shipping Timber’, which included Lymington, Bucklers Hard in Beaulieu, Redbridge near Southampton, and Portsmouth.⁵⁰ Thus, as Griffin has shown, that while during Cromwell’s protectorate it was proposed that most royal forests should be sold off to fund arrears in army pay, the New Forest was to be saved.⁵¹

The New Forest’s location was also considered to be exceptional as a supplier of naval timber having the ‘Southampton River’ (River Itchen/Southampton Water) to the east and the ‘British Channel’ to the south; thus it possessed ‘Advantages of Situation, with respect to the Convenience of Water Carriage, and Convenience of Nearness to the Dock Yards’.⁵² Unlike other royal forests, the New Forest’s accessibility meant that the conveyance of timber to the shipbuilders could be accomplished ‘conveniently’ and relatively cheaply.⁵³ This expediency was important, particularly during the reign of George III, when the nation was in a state of almost constant warfare and relied on the navy to repel invaders and protect British overseas interests.⁵⁴ Indeed, the New Forest was considered to be an essential component in the supply line for the navy’s fundamental raw material.

Another factor that justifies the New Forest for particular study is the personal influence that John Russell, the fourth Duke of Bedford (1710-1771), and George Rose Esq (1744-1818)

⁴⁹ Percival Lewis, *Historical Inquiries, Concerning Forests and Forest Laws*, (London, 1811), p. 47.

⁵⁰ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 3.

⁵¹ Griffin, Carl J., ‘Enclosures from below? The politics of squatting and encroachment in the post-Restoration New Forest.’, *Historical Research*, 91 (2018). 274-295.

⁵² *Ibid.*

⁵³ T Nichols, *Observations on the Propagation and Management of Oak Trees in General; but More Immediately Applying to His Majesty’s New Forest, in Hampshire*, (Southampton, 1791), p. 4.

⁵⁴ The wars were: The Seven Years' War (1756–1763), The American Revolutionary War (1775-1783), also known as the American War of Independence; and the French Revolutionary and Napoleonic Wars starting in 1789 and ending in 1815.

exerted upon its transformation and silvicultural development. Bedford and Rose were both intimately connected to the affairs of State, committed to the Royal Navy, and were influential in the strategic development of the New Forest. Bedford was Lord Warden of the New Forest (1745-1771), and served in several government posts, including First Lord of the Admiralty, Secretary of State for the Southern Department (the forerunner to the Home Office), and Lord Lieutenant of Ireland. In contrast, Rose, a former navy midshipman, held various offices, including MP for Christchurch, Verderer of the New Forest, Secretary to the Treasury and, in later life, Deputy Lord Warden of the New Forest. He was also one of the largest landowners of property in the New Forest and, as Secretary to the Treasury, was instrumental in drafting the legislation proposed for the New Forest during the reign of George III.

The involvement of Bedford and Rose provides a direct link between national politics and local interests; the dominance of rank and status in matters of state; and the intellectual influence of improvement tactics (such as inclosure) and philosophy on the strategic development of the New Forest. Their differing approaches are of interest here, however, and broadens the perspective of elite land management. The Duke of Bedford, in his position as Lord Warden of the New Forest, attempted to reform the Forest and solve the timber problem from within the existing legislative framework of the forest system, in order to return the Forest to 'its former glory'.⁵⁵ Rose, however, in his role as senior Secretary to the Treasury, aimed to introduce a radical and wholly innovative approach that not only had implications for the future landscape use of the New Forest but, according to opponents, would have consequences for the British constitution.⁵⁶

⁵⁵ John Russell (4th Duke of Bedford), 'Extract of a Letter from John Duke of Bedford, Late Lord Warden of the New Forest, to the Lords of the Treasury; Dated September 29th, 1768.', in *The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 22nd July 1789, ed. by Land Revenue Office (House of Commons, London), p.90.

⁵⁶ 'Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill', *Evening Mail*, (June 4, 1792 - June 6, 1792).

Politics of inclosure

George III's reign was significant to the transformation of the New Forest because, in taking a Civil List on his accession and surrendering his hereditary dues, the king ensured that a politically dominant landed elite became constitutionally responsible for its landscape and for the running of all the Crown lands as state property. Agriculture was the principal sector of the British economy which, coupled with the desire to protect their own property rights and maintain constitutional ascendancy, dominated the policies promoted by the land-owning ruling elite in Parliament during this period. Those who represented the state locally, such as resident elites, royal administrators, judges and members of the military, were also often driven to serve their own material interests.⁵⁷ This led to legislative self-interest that, Langford argues, was a characteristic of the age, and was manifest in the numerous bills that all multiplied vastly and affected English provincial life.⁵⁸ This would have implications for commoning strongholds, such as the New Forest, as by the eighteenth century, Harling asserts, the Georgian state's assault on customary rights facilitated the capitalist transformation of the British economy.⁵⁹

The revolution of the economy was accelerated by publications such as Adam Smith's *An Inquiry into the Nature and Causes of the Wealth of Nations*, in 1776; and in Edmund Burke's famous 'Economical Reform speech', given to Parliament in 1780. Both advocated commercialising and privatising the royal forests, and the New Forest among them, for the public good.⁶⁰ 'Improvement' was the watchword of the period.⁶¹ The enclosure of land and its conversion from commonable rights to that of private property controlled by an individual

⁵⁷ Edward Higgs, *The Information State in England*, (Basingstoke, 2004), p. 62.

⁵⁸ Paul Langford, 'Property and 'Virtual Representation' in Eighteenth-Century England', *Historical Journal*, 31 (March, 1988), 84.

⁵⁹ Philip Harling, *The Modern British State: An Historical Introduction*, (Cambridge, 2001), p. 60.

⁶⁰ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (London, 1776), p. 421.; *The Speech of Edmund Burke, Esq; in the House of Commons, on Friday, the 11th of February, 1780*, (London, 1780), p. 10.

⁶¹ Paul Langford, *Public Life and the Propertied Englishman, 1689-1798* (Oxford, 1990), p. 139.

meant that land could be owned, rented, sold, or inherited.⁶² Indeed, agricultural improvement regarded private ownership and the self-motivated farmer as being at the forefront of economic progress. The opportunities for improvement offered by the New Forest, as a state-run rather than monarch controlled landed resource, were largely seen in terms of public benefit, particularly through the establishment of large-scale timber plantations that could supply Royal Navy shipbuilding. However, there were also private advantages to be had, which included the creation of owner-occupied model farms and smallholdings and the potential for established landed estates within the New Forest to increase their own productive acres. While opinions differed between managing the New Forest as a public, state resource or as a series of private, personal enterprises, the use of enclosure was generally agreed to be the way forward.

Enclosures were a highly visible and powerful symbol of modernity over traditional methods of land management. Indeed, Langton asserts that landlords, townsmen, plebians, and the Crown tried, in their different ways, to project modernity into the forests, at the risk of their destruction.⁶³ Thus, the development of state silviculture, asserts Griffin, represented a critical moment in the English polity redefining itself and reconfiguring its internal workings and institutions and its own territoriality.⁶⁴ This is an important point. Not since the establishment of the royal forests in the eleventh century had such a radical programme of land reform been attempted. Furthermore, Griffin suggests that the management of the royal forests would have required some form of control at a distance, which would be reminiscent of the metropolitan-colonial relations in the British Empire; and would necessitate a combination of parliamentary statutes, local systems of law and control, and efficient means of measurement and

⁶² Nicholas Blomley, 'Making Private Property: Enclosure, Common Right and the Work of Hedges', *Rural History*, (2007) 18, 1, p. 2.

⁶³ John Langton, 'Forests in early-modern England and Wales: History and Historiography' in John Langton and Graham Jones (eds.) *Forests and Chases of England and Wales, C.1500 - C. 1850: Towards a Survey and Analysis* (Oxford, 2008), p.9.

⁶⁴ Carl J. Griffin, *More-than-human histories* (2010), p. 454.

communication.⁶⁵ Indeed, the proposals for the improvement of the New Forest required the implementation of a system of bureaucracy and management hitherto unknown. This novel management structure of natural resources in remote locations created the notion of a ‘scientific forest’.

For Scott, ‘scientific forestry’ was a function of the centralised state, a sub discipline of cameral science, which attempted to ‘reduce the fiscal management of a kingdom to scientific principles that would allow systematic planning’.⁶⁶ Hölzl concurs and maintains, that by focusing on timber production and financial revenue for the state treasury, scientific forestry simplified the biological composition of forests, re-organized their internal structure along the lines of legibility and accountability, and restricted access for users other than scientifically trained personnel.⁶⁷ Lowood sees ‘scientific forestry’ as developing in Germany from 1765, where dozens of books and articles were published, which, he says, established the ‘principles and practices of sound forest management’.⁶⁸ He boldly claims that theories, practices, and institutional models from Germany provided the starting point for every other national effort in forestry science and management until the end of the nineteenth century. The English authorities, he asserts, ignored the concerns of John Evelyn in *Sylva*, and not until the founding of the Board of Agriculture in 1793 were all the forests inventoried.⁶⁹

Lowood’s assertion is challenged by this study. While Evelyn’s impact on the practical establishment of plantations may not have been initially successful, he was able to put his indelible stamp on the political ideology, systems of bureaucracy and national legislation

⁶⁵ *Ibid.* p. 453.

⁶⁶ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New York: Yale University, 1999), p. 14.

⁶⁷ Richard Hölzl, 'Historicizing Sustainability: German Scientific Forestry in the Eighteenth and Nineteenth Centuries', *Science as Culture*, 19 (2010), 431.

⁶⁸ Henry E. Lowood, ‘The Calculating Forester: Quantification, Cameral Science and the Emergence of Scientific Forestry Management in Germany’, in *The Quantifying Spirit in the Eighteenth Century* ed. by Tore Frangmyr, J. L. Heilbron, and Robin E. Rider, (California, 1991), p. 317.

⁶⁹ *Ibid.*, p. 323.

regarding English forest policy. Evelyn's methods were founded upon 'political arithmetick' and the 'production of real and useful Theories' in the 'Propagation of Natural Science', which synthesized contemporary ideas about planting and tending to trees.⁷⁰ Thus, *Sylva* is a seminal treatise that marks the embryonic development and inspiration for the scientific forest. Significantly, even with the adoption of scientific, rational methods the outcomes for the improvers were often more influenced by the irrational features of the New Forest. The vegetation, insects, commoners' livestock, and wildlife were not without the power to resist the pressures being exerted upon them. The topographical changes to the mosaic-landscape caused by the introduction of inclosures led to invasions of ferns, incursions by deer and cattle, swarms of mice, and an overpopulation of rabbits.

These natural elements were beyond human control (no matter what Evelyn had asserted) and, by transforming the biophysicality of the New Forest, human interference may even have encouraged such incursions.⁷¹ This meant that inclosures often failed and required repeated attempts to establish any trees. Thus, while radical proposals were made to alter the New Forest from a royal deer forest into a state tree forest using scientific, rational techniques, the traditional practices and presence of flora, wild animals, and domestic livestock would continue to exert a considerable and profound influence in maintaining the status quo.

Public good?

This thesis explores the politics of inclosures in the New Forest, and the transformation of its landscape from a royal deer forest into a state-run tree forest, which gathered momentum on

⁷⁰ William Petty, *Essays in political arithmetick* (London, 1690).; Evelyn. To the Reader. NB: Political arithmetics, a theory developed by William Petty (1623-1687), was the art of reasoning by figures in matters relating to government using such methods as statistics and demographics. Petty was a contemporary and friend to Evelyn, they were both members of the Royal Society and often 'supp'd' together. Evelyn said of Petty, 'If I were a Prince I should make him my second Counsellor at least'. William Bray (ed.), *Diary and Correspondence of John Evelyn, F.R.S.: To Which Is Subjoined the Private Correspondence between King Charles I. And Sir Edward Nicholas, and between Sir Edward Hyde, Afterwards Earl of Clarendon, and Sir Richard Browne*, (London, 1875), p. 131.

⁷¹ Carl J. Griffin, *More-than-human histories* (2010), p. 451.

the accession of George III, in 1760. The belief in a scarcity of timber, combined with the inadequate income derived from the Crown lands and the manner of their administration (or maladministration), the undue influence of the Crown, and increases in the national debt, became a matter of anxiety to the government and a cause of concern to the public, which created the impetus for the New Forest's improvement or disposal. But who were 'the public'? According to Habermas, 'the public' were a group of individuals who were intermediaries in the sphere between 'private' life and the 'state'.⁷² (John Evelyn's *Sylva* was specifically aimed at political elites and the 'gentry public', who were property owners and arbitrators for the state.)⁷³ Habermas suggests that the 'public' engaged in open discussions about important social issues and used their intellectual networks, pamphlets, and newspapers to communicate their opinions.⁷⁴ This 'public' also had a commercialised culture framed within a market society because, as Baker observes, they were a reading public who consumed within the coffee house, salons, museums and concert halls.⁷⁵

As well as being property-owners, literate and market-oriented, 'the public' referred to in this study were also male.⁷⁶ Indeed, these were men who were accustomed to receiving rents and profits from their own private properties and landed estates, and they expected the same commercial acuity from the Crown lands and royal forests. Traditional common practice, as exercised in the New Forest, contravened the philosophical and applied tenets of enlightenment. Common rights opposed the development of the individual or state through the power of private property making the continuance of such rights, according to some, a disadvantage to the public.

⁷² Jürgen Habermas, *The Structural Transformation of the Public Sphere*, (Cambridge, 1992), p. 177.

⁷³ John Bowle, *John Evelyn and His World: A Biography*, (London, 1981), p. 115.

⁷⁴ Jürgen Habermas, *The Structural Transformation of the Public Sphere* (Cambridge, 1992), p. 177.

⁷⁵ Keith Michael Baker, 'Defining the Public Sphere in Eighteenth-Century France: Variations on a Theme by Habermas', in *Habermas and the Public Sphere*, ed. by C.J. Calhoun (New York, 1992), (p. 184).

⁷⁶ There is evidence of women in the New Forest at this time, particularly in agricultural activity, as lessees and even as property holders but the extent of their agency in land management or influence in political matters is unknown and requires further study.

The ‘Common-wealth’, argued Edward Missledon, writing in the seventeenth century, was created by ‘private wealth’.⁷⁷ Thus, during the reign of George III, under the control of landed interests, the royal forests became subject to the tenets of private ownership while remaining a state-controlled property. Commonwealth was not the same as common ownership, however. As Anderson asserted, in his 1764 treatise on commerce, ‘Property is twofold, either Public or Private, for Property is not opposed to Public but to Common’.⁷⁸ Anderson was quite clear in his definitions and maintained that ‘Public Property excludes Communion amongst Nations; private Property, Communion amongst Persons’.⁷⁹ Private ownership did not necessarily conflict with state (or public) ownership provided that the communal interests, which contradicted their rationale, were absent.

Private gain?

In the discussions between those who were responsible for, or who commented upon, the strategic development of the New Forest, instances of political rivalry (and even personal animosity) were exhibited. Tensions were revealed, and accusations made, that certain individuals would gain private benefits from the plans to improve the New Forest. These factional rifts even risked overshadowing attempts to address the alleged timber problem, because the objective of each clique was to defeat their political opponents rather than solve any shortages of wood. More widely, the debates about the fate of the New Forest were conducted in the court of ‘public opinion’. Public opinion, suggests Habermas, was an arena where men without the authority to make law could still exert influence.⁸⁰ Thus, according to

⁷⁷ E. Misselden, *The Circle of Commerce, 1623*, (Theatrum Orbis Terrarum, Reprinted 1969), p. 17.

⁷⁸ A. Anderson, *An Historical and Chronological Deduction of the Origin of Commerce: From the Earliest Accounts to the Present Time. Containing, an History of the Great Commercial Interests of the British Empire. To Which Is Prefixed, an Introduction, Exhibiting a View of the Ancient and Modern State of Europe; of the Importance of Our Colonies, and of the Commerce, Shipping, Manufactures, Fisheries, &C of Great Britain and Ireland; and Their Influence on the Landed Interest. With an Appendix, Containing the Modern Politico-Commercial Geography of the Several Countries of Europe*, (London, 1764), p. 4.

⁷⁹ *Ibid.*

⁸⁰ Habermas, *Structural Transformation* (1992), p. 91.

Kwass, deferring rhetorically to ‘public opinion’ was a device used by ‘writers, lawyers, magistrates and royal officials’ who were attempting to legitimise their own political claims and, in consequence, encouraged the belief that the nation’s voice could influence government.⁸¹ In the same way, politicians claimed to be acting from ‘patriotic’ motives when pursuing policies of enclosure that, incidentally, also benefitted them personally. This also gave the added advantage of being able to accuse their opponents of being disloyal to King and country.

Misinformation and diversionary tactics were not unusual in the political world of George III. The debates in Parliament about the inclosures of the New Forest provide examples of this. Guesswork, exaggeration, and opinion were often the foundation of many of the schemes proposed by Parliament at this time, rather than indisputable facts or evidence. It was a feature of debates in the House of Commons at this time, according to Christie, that neither side of the argument produced much specific information in support of their claims and counterclaims.⁸² Not only did politicians appeal to ‘opinion’ or the ‘notoriety of the fact’, but when they did cite figures they generally indulged in ‘mere guesswork’.⁸³ This was nothing new, as Kemp in her study of the attempts to disenfranchise revenue officers, who were employed in the collection and management of His Majesty’s revenues, observed that ‘wild exaggerations’ were used in the figures of several politicians to argue their points during debates in the House of Commons.⁸⁴ Indeed, according to Rodger, eighteenth century statistics were ‘inaccurate to the point of fiction’.⁸⁵

⁸¹ M. Kwass, *Privilege and the Politics of Taxation in Eighteenth-Century France: Liberté, Egalité, Fiscalité*, (Cambridge, 2006), p. 8.

⁸² Christie, *Economical Reform* (1956), p. 144.

⁸³ Ian R. Christie, 'Economical Reform and the Influence of the Crown - 1780', *The Cambridge Historical Journal*, 12 (1956), 144.

⁸⁴ Betty Kemp, 'Crewe's Act, 1782', *The English Historical Review*, 68 (1953), 260.

⁸⁵ N.A.M. Rodger, *The Insatiable Earl: A Life of John Montagu, Fourth Earl of Sandwich, 1718-1792*, (Harper Collins, 1993), p. 148.

Although the development of an improved New Forest relied on collated, quantitative methods to establish large-scale timber plantations, this thesis maintains that the collection, interpretation, and communication of the data, which justified inclosure and the reduction of the Forest's ecology, was not an impartial or disinterested choice. There were private motives for promoting the inclosure of the New Forest. Personal correspondence, Parliamentary debates, and political pamphlets, for example, reveal that government officials, politicians, members of the royal family, and public figures (such as Arthur Young, Abraham and William Driver, the Reverend Gilpin, and Thomas Stone) allowed their own intellectual or ideological beliefs and property concerns to direct policy or influence opinion concerning the New Forest. Their biases, however, were presented in an authoritative format, such as articles, maps, monographs, reports and surveys. Jordanova points out that the statistical beliefs that fuelled certain perceptions of people in the eighteenth century (she mentions, as an instance, anxieties about population decline) were not borne out by subsequent evidence. The belief in a timber scarcity, for example, was simultaneously denied and confirmed by the calculations of those either responsible for providing oak or those procuring it.⁸⁶ Nevertheless, Jordanova suggests that it is the contemporary response to such perceptions that has more validity here than the actual calculations.⁸⁷

If we take Jordanova's view, the importance was not whether or not the timber crisis actually existed but crucially how contemporary statesmen, landowners, bureaucrats and commentators, among others, responded to the belief in its existence. Indeed, Knight asserts that the timber shortage of the Royal Navy before 1800 was 'largely illusory'.⁸⁸ Rackham, for his part, observes that although the navy complained about shortages the private contractors,

⁸⁶ Oliver Rackham, *Woodlands*, (London: Harper Collins, 2006), p. 238.

⁸⁷ Ludmilla Jordanova, *History in Practice*, (London, 2000), pp. 49-50.

⁸⁸ R. J. B. Knight, 'New England Forests and British Seapower: Albion revised', *American Neptune*, vol. xlvi (1986), pp. 221-9

who built far more shipping, never did.⁸⁹ If the premise of the narrative of a naval timber scarcity was wrong, then the solutions offered to correct it might also be wrong. This thesis contends, not only did the use of inclosures demonstrate a novel approach to land management in the New Forest but was motivated by a philosophical commitment to inclosure and the belief in the efficacy of private entrepreneurship. In the absence of a real timber crisis, the use of inclosure represents a fundamental land reform by a ruling elite that was reminiscent of the changes to the power structures that had created the New Forest in the first place.

The structure of the thesis

This thesis is divided into four chapters, which explore the alteration of the New Forest's purpose and practices in the context of improvement thinking, a politically dominant landed elite, constitutional change, and a narrative of a naval timber scarcity. The principles, processes, and opinions that attempted to elicit this alteration are examined using contemporary texts, pamphlets, newspaper articles, official reports, Parliamentary debates, and private correspondence. Chapter One explores the emergence, after the Restoration in 1660, of the 'scientific forest' and the development of 'man-made' timber plantations. This novel concept was established in response to the belief in a timber scarcity and, with the publication of John Evelyn's book, *Sylva*, in 1664, created a national and cultural association to forests as being places synonymous with trees that were imbued with the principles of 'patriotism' and 'public [sic] utility' among the establishment and landed elites of Great Britain.

Chapter Two explores the surrender of the Crown lands, including the royal forests, to Parliament on the accession of George III and the impact of this development on the New Forest. The chapter also examines the appointment of the Middleton Commission and their subsequent reports, which encapsulated the developments in improvement thinking and the adoption of scientific and rational methods when dealing with the royal forests. Chapter Three

⁸⁹ Rackham, *Woodlands* (2006), p. 239.

examines the introduction of the New Forest Timber Bill 1792, and the controversy that followed its progress through the House of Commons into the House of Lords. This proposed legislation represented significant (and rapid) changes to the New Forest's administration and management, with serious implications for its ancient commonable rights, local economy and ecology. Chapter Four follows the period shortly after the failure of the New Forest Timber Bill 1792 in Parliament and examines the attempts to resurrect it. The chapter shows how the prevalent political ideology, which favoured inclosure and improvement in the hands of private property owners, began to dominate the discourse on the future management of the New Forest.

Finally, the thesis examines the political developments that redefined the New Forest landscape through the adoption of rational techniques and constructs of bureaucratic administration, which were manifest by the use of inclosures in the reign of George III. By utilising the narrative of a timber scarcity, linking the development of timber plantations to notions of patriotism and public good, and accelerating the rate of economic progress through the use of scientific methods, the management of the land and its resources became the purview of a technically proficient and professionalised class of men. This was a shift that disconnected the running of the New Forest from the province of traditional practice and elevated it to the jurisdiction of professionals and bureaucrats. It was this process, the method of evaluation and interpretation, and by whom, that raised questions about whether these developments and the policies they inspired would be implemented for public good or private gain.

Chapter 1: Silviculture and *Sylva* – science in the forest

This chapter contends that *Sylva*, a publication commissioned by the Royal Navy, and written by John Evelyn, a founder member of the Royal Society of London for Improving Natural Knowledge, formed the basis for the future philosophical and practical attempts to increase and preserve timber in the New Forest.¹ *Sylva* was primarily intended to address the nationwide scarcity of timber that was believed to be affecting the Royal Navy's ability to build, maintain and repair its fleet of wooden ships. Furthermore, Evelyn used the publication as an opportunity to promote the adoption of scientific methods in the royal forests and in the orchards of members of the landowning aristocracy and gentry. Evelyn's intention was to ensure that the production of timber and the practice of silviculture would become ideologically inseparable from the personal characteristics of public service and patriotic motivation. Indeed, the publication of further editions of his treatise were intentionally aimed at influencing state-policy and inspiring future generations of agricultural improvers, politicians, and legislative policy makers.

The chapter argues that Evelyn was in some ways successful, though this achievement was of a more philosophical than practical significance. He was able to inspire some influential and high-ranking Forest officials into adopting his 'rational' methods for establishing tree plantations, though the results were not promising. This was due, in part, to the turbulent political environment of the New Forest that was characterised by a chaotic administrative system, descended from medieval times; and levels of institutional corruption that resisted the proposed changes, sometimes with extreme violence. The disturbance of the Forest's ecology, which was occasioned by following the advice contained within *Sylva*, regarding clearing land, sowing crops, and planting acorns, also opposed Evelyn's good intentions. The irrational and

¹ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, (London: Royal Society, 1664), Title page.

undesirable natural elements of the Forest, such as mice, were artificially stimulated and, alongside incursions by ferns, commonable livestock and deer, reacted against the establishment of timber enclosures. The economic success of *Sylva*, as a publication, meant that the central tenets of Evelyn's treatise were widely disseminated and consumed. Five editions were printed in his lifetime and two posthumously; with a further five issues, edited by Alexander Hunter, being published well into the early nineteenth century.² Thus, the belief in a scarcity of timber that Evelyn established with his work was still being asserted well over a century after his death.

While vast numbers of tree plantations may not have been founded as a result of the publication of *Sylva*, Evelyn's ideas and rational methods found fertile ground in the minds and political expression of the ruling elite. The assertions contained within *Sylva* were of immense influence, as was his methodology. His intermingling of 'factual' description and policy recommendations affected natural history, suggests Shapiro, who cites *Sylva* as introducing forestry as 'a kind of science', because policy became discussed in the context of accurate data.³ His use of 'political arithmetic' together with his ideas for improving the wastes of the royal forests became a tactical political tool that formed the basis of the earliest legislative measures for developing intensive silviculture in the New Forest.⁴ Indeed, some of

² Evelyn's first version of *Sylva* was presented as a paper to the Royal Society on 16th February 1662. His first published edition was in 1664, followed by editions in 1670, 1679 and an edition, renamed *Silva*, in 1706. The five editions of *Silva* edited by Alexander Hunter were published in 1776, 1786, 1801, 1812, and 1825. Hunter updated Evelyn's work at the request of the Royal Society, such as by incorporating the work of Carl Linnaeus and his ideas on taxonomy. Maggie Campbell-Culver, *A Passion for Trees: The Legacy of John Evelyn* (London, 2006), p. 256.

³ B. J. Shapiro, *A Culture of Fact: England, 1550-1720*, (New York, 2003), p. 81.

⁴ Political arithmetics, a theory developed by William Petty (1623-1687), was the art of reasoning by figures in matters relating to government using such methods as statistics and demographics. Petty was a contemporary and friend to Evelyn, they were both members of the Royal Society and often 'supp'd' together. William Bray (ed.), *Diary and Memoir of John Evelyn, Esq, F.R.S.* (London, 1879), p. 381.

Evelyn's contentions and calculations are repeated verbatim within the New Forest Act 1698 (9 & 10 Will. III. c. 36) and copied forward in the New Forest Timber Bill 1792.

In his writings, Evelyn would connect magisterial 'power' and the 'Wealth and Safety' of the nation to the propagation of trees and cultivation of woods that had become 'decayed'.⁵ This deterioration was as a result of the turbulent reign of Charles I, where the royal forests were said to be in 'a shameful condition'.⁶ Charles I policy of disafforestation alarmed John Coke, who had written to Buckingham, in 1623, and warned him that if forests were alienated 'the Crown will necessarily grow less in both honour and power as others grow greater'.⁷ Robson, in her study, shows that while 'lawfull' commoners were given legal voice during disafforestation, the landless poor used riot as 'a performative language' through which they collectively resisted the imposition of rationalized private property and added to the disorder.⁸ Some activities, such as squatting or encroachment, were considered 'abuses' while others, which also appropriated the landscape, such as inclosure, were not. This differentiation, as Griffin has demonstrated, was particularly evident in the post-Restoration period and attempts to make forests fiscally useful through preserving and planting timber trees.⁹

In the seven years leading up to his execution a 'great deal of spoil and waste' occurred in the royal estates as the grip of royal authority lessened and Parliament was too preoccupied to ensure that the lands which fell to it were sensibly administered.¹⁰ In the New Forest, the keepers were in arrears of wages and paid themselves out of the timber and, as a consequence,

⁵ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions* Evelyn. Title page.

⁶ John R. Wise, *The New Forest: Its History and Scenery*, (London, 1867), p. 44.

⁷ Philip A. J. Pettit, *The Royal Forests of Northamptonshire: a Study in their Economy 1558-1714*, Northamptonshire Record Society, 23 (1968) p. 66.

⁸ Elly Robson, 'Improvement And Epistemologies Of Landscape In Seventeenth-Century English Forest Enclosure', *The Historical Journal*, Volume 60, Issue 3, September 2017, pp. 597 – 632.

⁹ Carl J. Griffin, 'Enclosures from Below? The Politics of Squatting and Encroachment in the Post-Restoration New Forest', *Historical Research*, 91 (May 2018).

¹⁰ Ian Gentles, 'The Management of the Crown Lands, 1649-60', *Agricultural History Review*, 19 (1971), 28-29.

all that was left standing were ‘wind-shaken and decayed trees’, quite unfit for the building of ships.¹¹ The period of the English Civil Wars (1642-1651) that followed was one in which the venison and the vert of the royal forests was believed to have been plundered without check, and it was said that ‘nothing was left in the country save Roundheads and Rabbits’.¹²

The devastation at this time was believed to be widespread, where ‘the Trees in almost every one of the Royal Forests were, by the one Party or the other, disposed of or destroyed’.¹³ Thus, the general belief was that the vast destruction of naval timber which occurred in the ‘troubulous times of the seventeenth century’ was consequently regarded as a serious national loss.¹⁴ This was an alarming situation, as the trees in the royal forests were a vital source of naval timber and, for an island nation, integral to national defence and overseas trading. After the Restoration, in 1660, a strategy to replenish the forests was instigated with the publication of John Evelyn’s *Sylva: A Discourse of Forest Trees and the Propagation of Timber in His Majesties Dominions*. This book had been written in response to ‘Certain Quarries’ made to the Royal Society of London for Improving Natural Knowledge from the ‘Principal Officers and Commissioners of the Navy’, and its suggestions for arboricultural and silvicultural improvement were directed, through the king, at landowners.¹⁵ *Sylva* established a triumvirate of interest between the navy, science and the establishment in order to create forest plantations in the national interest throughout Britain, including the New Forest.

The Commissioners of the Navy were, by tradition, serving or retired captains who were responsible for the day-to-day running of the navy, particularly with the construction and

¹¹ Wise, *The New Forest* (1867), p. 44.

¹² Harold Frank Wallace, *Hunting & Stalking the Deer: The Pursuit of Red, Fallow and Roe Deer in England and Scotland*, (London, 1927), p. 4.

¹³ Charles Middleton, John Call, and John Fordyce, *The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 22nd July 1789, ed. by Land Revenue Office (House of Commons, London), Middleton, Call, and Fordyce, p. 24.

¹⁴ Henry T. J. Jenkinson, *The New Forest: The Preservation of the Old Timber, the Open Commons and Common Rights in the New Forest, as a Matter of National Interest*, (London, 1871), p. 8.

¹⁵ John Evelyn, *Sylva* Evelyn. Title page.

maintenance of ships.¹⁶ Consequently, their certain queries were concerned to ‘preserve those young trees which were left standing [after the Civil Wars] but to plant others for a future supply’.¹⁷ Their focus was on ‘replanting the royal forests, chases and parks’ with oaks and other ship-timber and this was a strategy, they felt, that would benefit both the royal purse and the navy.¹⁸ The Royal Society had been founded in 1660 and was given a Royal Charter in 1662. It is the world’s oldest academic institution and was formed with the intention of extending the boundaries of ‘arts and sciences’ and to,

look with favour upon all forms of learning, but with particular grace we encourage philosophical studies, especially those which by actual experiments attempt either to shape out a new philosophy or to perfect the old.¹⁹

It was this academic club, made up initially of statesmen and those from the educated or landed sections of society, who ‘might be interested in or at least well-disposed towards new learning’, to whom the Commissioners of the Navy turned to for help.²⁰

John Evelyn, as a founder member of the Royal Society, was ‘at the heart of the unfurling scientific revolution’.²¹ He was also part of the great world of the court and diplomacy. This combination would ensure that his academic influence, and the suggestions contained within *Sylva*, would not only reach the highest echelons of social influence, including Charles II (to whom Evelyn dedicated his work), but the centre of political power. The publication of *Sylva* represented an ambitious attempt to generate a systematic approach

¹⁶ N.A.M. Rodger, *The Wooden World: An Anatomy of the Georgian Navy*, (London, 1986), p. 34.

¹⁷ Captain John Smith, *England’s Improvement Revivd: Digested into Six Books*, (Savoy, London, 1670), p. 3.

¹⁸ Beryl Hartley, 'Exploring and Communicating Knowledge of Trees in the Early Royal Society', *Notes and Records of the Royal Society of London*, 64 (20 September 2010), 229.

¹⁹ 'Translation of First Charter, Granted to the President Council, and Fellows of the Royal Society of London, by King Charles the Second, A.D. 1662', (London: Royal Society for Improving Natural Knowledge).

²⁰ Henry Lyons, *The Royal Society, 1660-1940 - a History of Its Administration under Its Charters*, (Cambridge, 1944), p. 52.

²¹ Gabriel Hemery and Sarah Simblet, *The New Sylva: A Discourse of Forest & Orchard Trees for the Twenty-First Century*, (London), p. 1.

towards improving Britain's forests that would be more deliberate, quantifiable, fiscally prudent and long-term. Within its pages Evelyn emphasised the importance of timber to national defence and economic security, meaning that the landowning elite could not risk the vulnerability of leaving the increase and preservation of so important a resource to the whim of nature. As new editions of *Sylva* appeared the terminology they used and material that they contained became consciously more scientific.²² Thus, *Sylva* is a seminal treatise that marks the embryonic development of the scientific forest in Britain, which Evelyn used to promote the 'production of real and useful Theories' in the 'Propagation of Natural Science', when planting and tending trees.²³

Scientific forestry is an interventionist and intensive approach to producing timber that is perhaps better described as a humanmade, 'professional' management system that relies on rational techniques, particularly enclosures, mapping and sequential felling. Previously forests regenerated naturally and were restocked by trees and shrubs germinating under process of seeds falling to the ground or after being buried by animals or birds, such as squirrels and jays.²⁴ This was a slow and random process. Medieval forms of silviculture, for instance, had mainly depended upon natural regeneration, although they also sometimes relied upon man-made enclosures, or coppices, from which deer and livestock were excluded.²⁵ Though Rackham observes that before the seventeenth century timber plantations were 'rare and

²² Lindsay Sharp, 'Timber, Science, and Economic Reform in the Seventeenth Century', *Forestry: An International Journal of Forest Research*, 48 (1975), 66.

²³ Evelyn, *Sylva* (1664), To the Reader.

²⁴ Chettleburgh, for example, in a study conducted in Hainault Forest, Essex, saw jays hiding acorns and concluded that they were an important agent of regeneration in the forest. He observed a jay flying down into a hawthorn bush and burying an acorn at the foot of the bush and calculated that in mid-October, at the height of the collection, 35–40 jays removed and buried 63,000 acorns in a period of 10 days. See: M. R. Chettleburgh, 'Observation on the Collection and Burial of Acorns by Jays in Hainault Forest.', *British Birds* 45, XLV (1952).

²⁵ C. R. Tubbs, *The New Forest* (2001), p. 84.

small'.²⁶ After the Restoration, the increase and preservation of timber became a focus for the state, particularly in the royal forests.

The philosophical acceptance of a scientific forestry approach to arboriculture and silviculture was aided by the proliferation of instructional text, which became more readily available in the seventeenth century; such text, and the belief in the scarcity of timber, formed the economic and political ideology upon which government based its approach to forest management. *Sylva* was radical in its general message because not only did Evelyn advocate raising seeds but he also presented techniques for tree cultivation, maintenance and harvesting, such as establishing tree nurseries, transplanting young oaks, coppicing, grafting, pruning and gave advice about valuing and selling the timber.²⁷ Through his work Evelyn attempted to engender a national cultural attachment to improvement. He demonstrated his own established interest in horticulture and tree planting by transforming the gardens of his home at Sayes Court, Deptford, to which many influential members of the establishment visited. He had also already been working on a 'vast treatise' on gardening when *Sylva* was published, though it would remain unpublished in his lifetime.²⁸

Although *Sylva* is generally credited to Evelyn alone, it is a work of collaboration. Dr Jonathan Goddard, Dr Christopher Merrer, and John Winthrop, who were fellows of the Royal Society, were also asked to submit their ideas about the growth of timber but it was Evelyn who was requested to make a digest of the whole.²⁹ He also integrated the ideas of other scholarly thinkers or professionals. Evelyn's sources are variously attributed to a 'curious person', 'a most worthy Friend of mine, a Learned and most industrious Person', 'an ingenious and excellent husband[man]', 'some worthy and experienced friends of mine; and others from

²⁶ Oliver Rackham, *The History of the Countryside*, (London, 1986), p. 153.

²⁷ Hartley, *Exploring and Communication Knowledge of Trees* (2010), p. 232.

²⁸ John Bowle, *John Evelyn and His World: A Biography* (London, 1981), pp. 113-14.

²⁹ Maggie Campbell-Culver, *A Passion for Trees: The Legacy of John Evelyn*, (London, 2006), p. 59.

‘the well-furnish’d Registers, and Cimelia of the Royal Society’, for example.³⁰ In summarising the conclusions of other writers he was, asserts Bowle, ‘elegantly serving them up for his own influential Court and gentry public’.³¹ Not only did Evelyn synthesise contemporary ideas on the practical methods of cultivating trees and the composition and structure of soil but began ‘with a lucid exposition of the proper social place for land management’.³² Evelyn regarded the pursuits of ‘Industry and worthy Labour, too much in our days neglected’ and believed they were activities not ‘too sordid and vulgar a nature for Noble Persons and Gentlemen to busie [sic] themselves withal’.³³ This was Evelyn’s attempt not only to place silviculture firmly within the cultural, intellectual, political and economic sphere of the ruling classes but in its moral and practical compass too.

Evelyn wanted to place gardening and tree cultivation into the sphere of refined, elite activities.³⁴ For Evelyn, the replanting of the royal forests was a ‘great and august Enterprise’, which he believed would ‘repair His [Majesty’s] ample Forests, and other Magazines of Timber, for the benefit of His Royal Navy, and the glory of His Kingdoms’.³⁵ This emphasis would position the practice of silviculture within the personal characteristics of public service, such as civic duty, moral integrity, and self-sacrifice. Directly addressing the Earl of Southampton, in his position as the Lord High Treasurer, Evelyn said that in his writings he meant ‘some farther service to the State than that of merely profit’ and, as well as providing ‘divertisement’, aimed to ‘provide for the Publick health’.³⁶ Thus crucially, by addressing the statesman who

³⁰ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, II edn (London: Royal Society, 1670). pp. 57, 73, 219, 294, Pomona (Appendix Concerning Fruit-Trees) The Preface

³¹ Bowle, *John Evelyn and His World* (1981), p. 115.

³² Simon Shaffer, 'Earth's Fertility and Early Modern England', in *Nature and Society in Historical Context*, ed. by Mikulás Teich, Roy Porter, and Bo Gustafsson (Cambridge, 1997), (p. 129).

³³ Evelyn, *Sylva*, (1664), To the Reader.

³⁴ Vittoria Di Palma, *Wasteland: A History* (London, 2014), p. 195.

³⁵ Evelyn, *Sylva*, (1664), To the Reader.

³⁶ *Ibid.* To the Right Honourable Thomas, Earl of Southampton, Lord High Treasurer of England. Epistole Dedicatory

held the country's purse-strings, rather than by writing a mere textbook on arboriculture or forest husbandry for private individuals, Evelyn's motives for producing *Sylva* also had a higher ideological and national intent that was aimed at the most powerful strata of society.

Not only does Evelyn refer to 'His Majesty's kingdoms' but also uses the concept of 'nation', within which are included the notions of 'State' and the 'publick'. Evelyn uses the term State in a method consistent with the description of a form of secular government and its attendant instruments of power. When discussing the royal forests and the development of silviculture Evelyn also talks of 'publick endeavours', 'publick Plantations', 'publick utility', 'publick uses and sale' (of woods), 'the care of so Publick and honourable an Enterprise as is this planting and improving of Woods'; and, 'publick-spirited Gentlemen'.³⁷ The 'public' was an emerging concept in the seventeenth century. Evelyn does not use the term 'publick' to describe an all-encompassing collective of individuals coming together in one citizenry. On the contrary, Evelyn is explicit in his terms and instead distinguishes between constituencies by identifying 'both the Publick and the Poor'.³⁸

Evelyn's use of the term 'publick' reflects Rhodes suggestion that the public sphere in the sixteenth century was seen principally in terms of 'office-holding'; where the public role of men extended from the highest to the lowest ranks of the social scale.³⁹ Evelyn published *Publick employment and an active life, with its appanages, such as fame, command, riches, conversation ,&c. preferr'd to solitude*, in 1667, in which he referred to 'publick administration', 'publick business', and 'publick affairs'. He stated that 'publick employment',

....renders us so nearly ally'd to Virtue, defines and maintains our Being, supports Societys, preserves Kingdoms in peace, protects them in War; has discovere'd new Worlds, planted the Gospel, increases Knowledge, cultivates Arts, relieves the

³⁷ *Ibid.* pp. To the Reader, 54, 213, 224, 225, Pomona (Appendix Concerning Fruit-Trees), p. 2

³⁸ *Ibid.* pp. Pomona (Appendix Concerning Fruit-Trees), p. 21.

³⁹ Neil Rhodes, *Common: The Development of Literary Culture in Sixteenth-Century England* (Oxford, 2018), p. 14.

afflicted; and in sum, without which the whole Universe it self
had been but a rude and indigested Caos.⁴⁰

The public, in Evelyn's view, represented a class of citizens who were engaged in civic and economic activity. These were men who were in the property owning class and had a tangible investment in the outcomes of political decision-making. They were also individuals who, as a group, mediated in the sphere between private life and the state by discussing important social issues and using intellectual networks, pamphlets, and newspapers to communicate their opinions.⁴¹

Evelyn aimed to include landowners and policymakers in his deliberations, when answering the Commissioners of the Navy's enquiries about methods of preserving existing stocks of naval timber and formulating strategies for their increase in the royal forests. Warde suggests that Evelyn was among those who linked the landed-estate owner to the fate of the nation, which was a sentiment reinforced by the language of improvement.⁴² In this way, not only did Evelyn combine the interests of Crown, Parliament, Royal Navy, intellectuals and landowners but ensured that the structures of power within the State were also predisposed to his recommendations. As well as appealing to hearts and minds Evelyn also had to appeal to men's pockets. The economic emphasis of *Sylva* was an important aspect of tree planting and he declared that the forests of England were 'undoubtedly the greatest Magazines of the Wealth, and Glory of this Nation'; though he commented that,

it has been strangely wonder'd at by some good Patriots how it comes to pass that many Gentlemen have frequently repair'd or gain'd a sudden Fortune, with Ploughing part of their Parks and setting out their fat grounds to Gardens, &c. . . . while the Royal portion lies folded up in a Napkin, uncultivated and neglected? Especially those great and ample Forests; where, though ploughing and sowing has been forbidden, a Royal Command and Design may well dispense with it and the breaking up of

⁴⁰ John Evelyn, *Publick employment and an active life, with its appanages, such as fame, command, riches, conversation, &c. preferr'd to solitude* (London, 1667), p. 115.

⁴¹ Habermas, *Structural Transformation* (1992), p. 246.

⁴² Paul P. Warde, *The Invention of Sustainability: Nature and Destiny, C.1500-1870*, (Cambridge, 2018), p. 96.

those Intervals advance the growth of the Trees to an incredible Improvement.⁴³

Evelyn's observations in *Sylva* reflect several important issues that concerned the royal forests after the late seventeenth century, which included a widespread acceptance that a shortage of timber was adversely affecting the ability of the Royal Navy to build and maintain its fleet of warships, and that the scarcity was consequently detrimental to Britain's wider global interests.

The increase and preservation of timber, especially oak, was considered an endeavour that would increase the security and wealth of the nation. The tendency, however, of the 'many Gentlemen' to put private gain above public benefit was also commented on by Evelyn, who identified the contradictory rise in the practice of landscape improvement, either through increased agricultural production or the design of pleasure grounds, which neglected tree planting. These 'improvements' were conducted by a landed social class who, particularly in the latter case, preferred to use their private property for the accumulation of personal wealth and the ostentatious show of it. Private landowners of large estates were considered vital to the national tree planting effort because they were the ones who could most afford to take fields out of agricultural production and devote hundreds of their acres to the planting of trees, which for naval timber purposes could take several generations or between 80-120 years to grow.

It was widely held that the royal forests, by contrast, though they could boast vast acreages and longevity of tenure, were not managed properly and were unable to benefit from the improvements that Evelyn felt would be necessary 'to repair His ample Forests, and other Magazines of Timber, for the benefit of His Royal Navy and the glory of His Kingdoms.'⁴⁴ With their untamed heaths, moorland and uncultivated wastes, unenclosed landscapes were often associated with uncivilised nations, and Enlightenment philosophy viewed communal

⁴³ Evelyn, *Sylva* (1670), p. 212.

⁴⁴ Evelyn, *Sylva* (1664), To the Reader.

land use as 'immoral'.⁴⁵ The dwellers of the forest, wasteland and common, possessed traits, according to Gay, that,

were representative of the obstinate, pugnacious English peasant, formed by centuries of feudal society, with a character that combined many sturdy, admirable qualities with a large admixture of suspicion, cunning and deceit.⁴⁶

Forest and commoning communities, observe Rogers and Hay, were not quiescent labour of the kind that farmers and gentlemen approved.⁴⁷ Indeed, Samuel Hartlib had complained in 1659 that 'it was not in the Possession but in the Practice and the Persons' that so many farmers lived 'poorly and beggarly'.⁴⁸ He observed, in 1659, 'that there are fewest poor, where there are fewest Commons'.⁴⁹ This was a view shared by Evelyn, who believed that the improvement of the royal forests would 'be the most likely expedient to civilise those wild and poor Borderers'.⁵⁰

Evelyn summarised his views on the improvement of the royal forests by recommending that the middle of the forest would be retained as a 'Royal portion', but that getting the borders of the forests 'well tenanted, by long terms and easy rents' would encourage 'Takers' and 'willing Adventurers'.⁵¹ This idea of creating smallholdings, or allotments out of the vast unenclosed acres of the New Forest to increase agricultural productivity, as well as revenue to the Crown in terms of rents and sales, would be revisited and much debated, like

⁴⁵ Rackham, *Woodlands* (2006), p. 57.

⁴⁶ Edwin F. Gay, 'The Inclosure Movement in England', *Publications of the American Economic Association, 3rd Series, Vol. 6, No. 2, Papers and Proceedings of the Seventeenth Annual Meeting, Part II* (May, 1905), 152.

⁴⁷ Douglas Hay and Nicholas Rogers, *Eighteenth-Century English Society*, (Oxford, 1997), p. 2.

⁴⁸ Samuel Hartlib, *Samuel Hartlib His Legacy of Husbandry: Wherein Are Bequeathed to the Common-Wealth of England, Not Onely Brabant, and Flanders, but Also Many More Outlandish and Domestick Experiments and Secrets (of Gabriel Plats and Others) Never Heretofore Divulged in Reference to Universal Husbandry. ; with a Table Shewing the General Contents or Sections of the Several Augmentations and Enriching Enlargements in This*, (London, 1655), pp. 264-65.

⁴⁹ Samuel Hartlib, *The Compleat Husband-Man*, (London, 1659), p. 42.

⁵⁰ Evelyn, *Sylva* (1670), p. 213. NB: Hartlib and Evelyn were contemporaries and communicated with each other. William Bray (ed.), *Diary and Memoir of John Evelyn, Esq, F.R.S.* (London, 1879), p. 245.

⁵¹ Evelyn, *Sylva* (1670), p. 213.

many of Evelyn's ideas, during the latter part of the eighteenth century; as will be examined in following chapters. Evelyn was advised 'by such as are every way judicious, and of long experiences in those parts' that enclosure would be 'an excellent way' for increasing the production of timber.⁵² Enclosure at its basic level involved an alteration of the landscape, which was created by physical barriers – fences, pales, hedges, walls and ditches – that were designed to keep the unauthorised out and the approved in. More widely, enclosure changed landholdings and was accomplished through a variety of methods, including the modification of farm layouts, which could involve the remodelling of whole villages into new farms, fields, and roads; the legal removal of common rights; and radical alterations in land use.

The boundaries of enclosed land were often flash points of local anger and frustration that were physically attacked or destroyed because they signified the dispossession of the commoner, to whom free access had been previously been a right. Thus, while enclosure was considered to be a marker of agricultural progress it was also regarded as an infringement on traditional rights and customs and was often resisted by those entitled to practice them.⁵³ Evelyn refers to those disadvantaged by enclosure as being 'a few clamorous and rude Commoners', and considers the laws towards them to be 'too indulgent' and to 'connive in favour of Custom'.⁵⁴ He believed that in order to produce timber for the national benefit, decisiveness and perseverance from the highest authority would be necessary because,

it is to be consider'd, that the People, viz. Foresters, and Borderers, are not generally so civil and reasonable, as might be wished; and therefore, to design a solid Improvement in such places, His Majesty must assert his Power, with a firm and high

⁵² *Ibid.*

⁵³ Briony McDonagh and Joshua Rodda, 'Landscape, Memory and Protest in the Midlands Uprising 1607', in Carl Griffin and Briony McDonagh (eds.) *Remembering Protest in Britain since 1500: Memory, Materiality and the Landscape* (London, 2018), (pp. 69-70).; J. M. Neeson, *Common Right, Enclosure and Social Change in England: 1700-1820*, (Cambridge, 1996), pp. 280-81.; Carl J. Griffin, *Protest, Politics and Work in Rural England, 1700-1850*, (Basingstoke, 2014), p. 68.; Elly Robson, 'Improvement And Epistemologies Of Landscape In Seventeenth-Century English Forest Enclosure', *The Historical Journal*, Volume 60, Issue 3, September 2017, pp. 597 - 632

⁵⁴ Evelyn, *Sylva* (1664), p. 208.

Resolution to reduce these men to their due Obedience, and to a necessity of submitting to their own, and the publick utility.⁵⁵

In this Evelyn contrasts the rational, public-minded improver with the low cunning and obstreperousness of the commoners; and concludes that ‘high Resolution’ is required to make the commoners submit to what is best for them and the public benefit.

Evelyn’s plea, for the King to ‘assert his power’ and take control of the royal forests would not be answered until the reign of George III; though significantly, due to changes to the British constitution, it would not be the monarch who responded but Parliament, as will be explored in the next chapter. The issues, suggestions and assertions raised by Evelyn in the seventeenth century for the increase and preservation of timber in the royal forests would be just as topical in the eighteenth century. *Sylva* formed the basis for the subsequent legislation proposed for the New Forest. Evelyn was able to influence the opinions of representatives of Government, the Royal Navy, the Crown, and landowning elites, with support from the Royal Society. The political and economic debates about silviculture were transformed into an academic and scientific format. This was a shift in emphasis that removed timber regeneration from the province of custom and ritual practice and elevated it to the authority of professionals and entrepreneurs.

Sylva and its impact on the New Forest

Evelyn was credited with having had some success in aiding the increase in the quantity of timber in the New Forest during the latter part of the seventeenth century, by drawing the attention of Government to the condition of the forests.⁵⁶ This period of political awareness in favour of silviculture also coincided with the ‘zealous Suggestions of Sir Charles Harbord’, Surveyor General of the Crown Lands, who, together with the assistance of his son, William

⁵⁵ *Ibid.*, p. 213.

⁵⁶ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 24. NB: In the second edition of *Sylva*, Evelyn boasted that ‘many Millions of Timber-Trees (beside infinite others) have been Propagated, and Planted throughout Your vast Dominion, at the Instigation, and by the sole Direction of this Work’. Evelyn, *Sylva* (1670), The Epistle Dedicatory. To The King.

Harbord, attempted to bring the landed property of the Crown ‘under prudent management during the greatest Part of the Remainder of that Century’.⁵⁷ As Surveyor General of the Crown Lands, Sir Charles was responsible for the overall management of the Crown lands and would have been answerable to the Treasury. John Wise relates how enclosures in the New Forest were attempted in the reign of Charles II, by remarking that the king,

in 1669, probably influenced by Evelyn’s *Silva*, which appeared four years before, and had given a great impulse, throughout England, to planting, enclosed three hundred acres as a nursery for young oaks.⁵⁸

Indeed, Sir Charles Harbord was himself aware of *Sylva* and was undoubtedly influenced by its contents, as he called at Evelyn’s home, on 4th June 1661. Evelyn mentions the visit in his diary saying, ‘Came Sir Charles Harbord, his Majesty’s Surveyor, to take account of what grounds I challenged at Sayes Court’.⁵⁹ The visit would have almost certainly included much discussion about the royal forests, perhaps even the New Forest, and the potential for improvement.

While there was an aspiration for more timber production in the royal forests generally, which may even have followed Evelyn’s scientific advice closely, the attempts made by Sir Charles to introduce enclosures within the New Forest were for the most part thwarted. An example of this occurred in February 1670, when a warrant was granted for,

Sir John Norton, woodward of New Forest, and to the regarders thereof to enclose 100 acres of ground for the sowing of acorns for a nursery, as by the Treasury warrant of Dec.17 last, but to do it at Hollydays (Hollidaies) Hill and not at Holme Hill, as the latter lies in the heart of the walk, and is a place very much delightful for the feeding and harbouring of His Majesty's deer.⁶⁰

⁵⁷ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 24.

⁵⁸ Wise, *The New Forest* (1867), p. 44.

⁵⁹ William Bray (ed.), *Diary and Memoir of John Evelyn, Esq, F.R.S.* (London, 1879), p. 277.

⁶⁰ William A. Shaw (ed.), 'Entry Book: February 1670', in *Calendar of Treasury Books* (H.M. Stationery Office, London, 1908), pp. 523-33.

Supporting and preserving populations of deer continued to be functions of the management and administration of the New Forest, which remained actively maintained as a royal hunting venue at this time. While the production of timber was promoted as an ideologically worthy initiative that would benefit the Royal Navy and the kingdom, the recreational habits of the nobility continued to dominate the New Forest landscape both culturally and practically.⁶¹ Such was the impact of elite hunting that long after the ‘sport of kings’ had ceased to be its primary purpose the New Forest continued to be operated and characterised as a royal hunting forest.⁶²

The established cultural and pastoral practices of commoning, which were legally defined entitlements, had intrinsically developed alongside elite hunting. The prohibition on fences, palings and walls, which would have impeded the chase, meant that the Forest’s inhabitants had to turn their livestock out onto an unenclosed landscape. Common rights influenced the character and topography of the forest, and the laws designed to establish royal privilege also safeguarded the commoners’ interests.⁶³ In 1217, for example, the forest clauses of *Magna Carta* were expanded to become the *Carta Foresta*, which recorded the rights of the commoners subsisting in the forests, chases and heaths, and gave them legal protection from abuse by the king and his officials.⁶⁴ Therefore, the enclosures recommended by Evelyn and attempted by the Harbords, which were for the large-scale planting of timber trees, not only

⁶¹ Hunting could be a threat to agricultural and silvicultural improvement. John Evelyn complained of ‘wicked Hunters’, who would make gaps in fences, hedges and enclosures ‘for his dogs and horses’. Evelyn, *Sylva* (1664), p. 45.; In his 1791 report to the Admiralty, Thomas Nichols, Purveyor of the Navy, recommended that ‘wide openings or roads [should be] set out and left across and athwart the spots intended to be inclosed, not only for admitting carriages and sporting gentlemen to pass, but to admit fresh air to act on the woods’. Nichols, *Observations* (1791), p. 22.

⁶² After the civil wars, the New Forest had survived much of the disafforestation and the selling of forest rights that had occurred under Charles I and Oliver Cromwell. The nobility, wanting to catch up on the recreation that years of conflict and warfare had denied them, ‘turned their eyes in the direction of Hampshire’ and took advantage to hunt there. C. R. Acton, *Sport and Sportsmen of the New Forest*, (London, 1936), p. 18.

⁶³ G. Hammersley, ‘The Crown Woods and Their Exploitation in the Sixteenth and Seventeenth Centuries’, *Bulletin of the Institute of Historical Research*, 30 (November 1957).

⁶⁴ TNA/C71/1, ‘Charter of the Forest, 1225’, (Kew: The National Archives).

represented an interruption in the historical and conventional social and ecological arrangements of the Forest, but also had legal and constitutional implications.

In June 1671, a further royal warrant was issued to Sir John Norton, in his capacity as Woodward, to 'enclose 300 acres in New Forest for a nursery of timber'.⁶⁵ The enclosures were to be 100 acres at Prion's Acre in the north bailiwick, 100 acres at Dunslow Heath in the Inn bailiwick, and 100 acres in Holmehill in Fritham bailiwick; but once again these efforts were thwarted, as forest officers reported that the two former plots were 'inconvenient' and that the plots should instead be selected respectively at Aldridge Hill in Rymefeild [Rhinefield] Walk in Battramsly bailiwick, containing 120 acres, and at Holyday Hill in Bolderwood Walk in the bailiwick of Fritham, containing 80 acres.⁶⁶ Eventually, permission was granted to enclose 200 acres and the cost was to be defrayed out of the sale of dotard timber.⁶⁷ In 1690 it was reported that 'there is not at present any provision for raising nurseries of wood and timber in said forest'.⁶⁸ Further enclosures were approved but no action was taken to build them.⁶⁹ While the plantations established during this period represented the instigation of commercialised timber production in the New Forest, under the legislation existing at that time, the legality of these early enclosures was questionable.⁷⁰

In their attempts to establish enclosures and address the issues affecting their creation, Sir Charles and William Harbord also endeavoured to produce various reports and surveys, and

⁶⁵ William A. Shaw (ed.), 'Entry Book: June 1671, 12-20,' in *Calendar of Treasury Books 1669-1672*, (London: His Majesty's Stationery Office, 1908), pp. 867-77.

⁶⁶ *Ibid.*

⁶⁷ *Ibid.* (NB: Dotard timber refers to old or decaying trees.)

⁶⁸ William A. Shaw (ed.), 'Entry Book: July 1690, 21-31', in *Calendar of Treasury Books 1689-1692*, (London: His Majesty's Stationery Office, 1931), pp. 747-61.

⁶⁹ David Stagg, 'Silviculture Inclosure in the New Forest to 1780', *Proceedings of the Hampshire Field Club & Archaeological Society*, 45 (1989), 142.

⁷⁰ Forestry Commission (England), 'B2: History of the Crown Lands: Historic Legacy and Management', in *Crown Lands - Management Plan 2008-2013*, (2008), (p. 2).

instructed commissions to investigate, identify and settle problems within the New Forest.⁷¹ These documents were official records, addressed to the Treasury, of the attempts to produce timber, and the obstacles to their success.⁷² The surveys and documents generated by Sir Charles and William Harbord were of later interest to the Middleton Commission, which was appointed in 1786 to enquire into the state and condition of the woods, forest and land revenues of the Crown. This Commission found that during the period in which the Harbords had been working in the New Forest the abuses of the Forest had received some check; however,

as the greatest Part of the Trees had been felled, the Fences of the ancient Coppices destroyed, and the Deer and Cattle everywhere admitted, it was found impossible to restore the Forest to its former Condition without the Aid of Parliament.⁷³

The Harbords had needed the highest level of legislative support to address the abuses in the New Forest because the court system, governing its customs and practices, which had been first established by William I in the eleventh century, was failing.

On 19th September 1670, the Grand Jury of the Justice in Eyre's Seat for the New Forest, held at Winchester, was adjourned. Even though it was scheduled to reconvene in March 1671 it never reopened. This was a seminal moment in the history of the New Forest because it marked the 'collapse' of the forest law system that had, since the William I's rule in the eleventh century, determined the management and administration of the royal forest.⁷⁴ The Eyre Court was the superior forest court and examined the work of the lesser courts and the forest officers. At this court,

⁷¹ William A. Shaw (ed.), *Minute Book: September 1667, 3-13*, in *Calendar of Treasury Books* (H.M. Stationery Office, London, 1905).; TNA/CRES2/1673, 'Letter to Surveyor General of Crown Lands from Charles Berties, 15th December 1676', (The National Archives, Kew). ; TNA/E/178/6453, 'Commission of Inquiry, 1677 - Hampshire and the Isle of Wight: New Forest. Depositions as to Spoil of the Woods. 25 and 29 Chas II.' (The National Archives, Kew).

⁷² William A. Shaw, *Calendar of Treasury Books 1669-1672* (H.M. Stationery Office, London, 1908), p. 1036.

⁷³ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 24.

⁷⁴ David Stagg (ed.), *A Calendar of New Forest Documents: The Fifteenth to the Seventeenth Centuries*, (Hampshire County Council, 1983), p. xxxi.

All trespasses within the Forest, all claims of franchises, liberties, and privileges; and all pleas and causes whatever therein arising, are to be heard and determined.⁷⁵

Without the regular supervision of the Justice Seat, the lower courts (Swainmote and Attachment) became less able to fine or imprison offenders against the venison and the vert and were increasingly confined to regulating the privileges within the Forest and managing the exploitation of its natural resources.⁷⁶

There was a distinct legal vacuum that was identified by the 1677 Commission of Inquiry, ordered by Sir Charles Harbord, which had been convened to discover what wastes, spoils or abuses had been committed in His Majesty's woods or underwoods within the New Forest, when it reported that,

a great cause why there are so many abuses and spoils committed and done within the [New] Forest is because that justice is not speedily executed upon offenders by means whereof they think themselves secure and makes them presume to do greater mischief than otherwise they would.⁷⁷

As the legal administration of the New Forest had begun to disintegrate, the profits from the grant of licenses, judicial fines for acts such as poaching, purloining timber, cultivating waste (assarting), or making small encroachments (purprestures), and other fees due to the Crown would have become harder to extract.⁷⁸ Concerns regarding the efficiency and effectiveness of the Crown's interests in the New Forest had been raised by various commissions undertaken between 1667 and 1698, which were intended to investigate, among other things, wastes, spoils, and abuses by Forest officers and local people alike; the number of encroachments; finding

⁷⁵ Percival Lewis, *Historical Inquiries, Concerning Forests and Forest Laws* (London, 1811), p.39.

⁷⁶ James S. Hart Jr, *The Rule of Law, 1603-1660: Crowns, Courts and Judges* (London, 2014), p. 146.

⁷⁷ TNA/E/178/6453 (Commission of Inquiry, 1677).

⁷⁸ Hart Jr, *The Rule of Law* (2014), p. 146.

suitable places to enclose for timber plantations; and, for establishing the perambulation or boundary of the New Forest.⁷⁹

Although many of these commissions were abandoned before any inquiry could take place, and others were superseded by new commissions, they were all concerned with the exploitation of the New Forest's woodland resources both in terms of the legal supplies, such as the quantities of timber procured by the Royal Navy, and the illegal amounts that were taken by Forest officers and local people.⁸⁰ While the practice of commoning in the New Forest had, for centuries, been established in law, and access to the Forest's natural resources by local people had been documented in the court rolls, the problem for the Commissions was that there was no register of interests that recorded the individual rights of those entitled to claim common of pasturage, estovers, turbary, pannage and marl. Nor was there a legally defined perambulation or boundary that marked the area of the New Forest in which such claims were to be exercised. Even Evelyn had conceded that if there were problems establishing 'who knows, or acknowledges what are the Borders' then the information would be 'becoming of as serious an Inquisition, as the Legislative Power of the whole Nation can contrive.'⁸¹

In September 1670 a register of 308 claims was presented to the Eyre Court but were never adjudicated upon or recorded because the Eyre Court never met again.⁸² Nevertheless, the claims indicated three main classes of people practising common rights. First, the lords of the manors, with properties either in or adjacent to the New Forest, owning large landed estates; second, the numerous customary tenants and copyholders of the manors, mostly with cottages and small pieces of ground attached, or with holdings of a few acres; and, third, a class of

⁷⁹ Richard Reeves, *Use and Abuse of a Forest Resource: New Forest Documents 1632-1700*, (Lyndhurst: New Forest Ninth Centenary Trust, 2006), pp. xvii-xviii.

⁸⁰ *Ibid.* p. xviii.

⁸¹ Evelyn, *Sylva* (1670), p. 213.

⁸² Reports from the Select Committee on New Forest; Together with the Proceedings of the Committee, Minutes of Evidence and Appendix, p. 36. NB: By the New Forest Act 1698 (9 & 10 Will. III. c. 36) the rights were declared to be very much more limited, in many cases, than they claimed to be in the Justice Seat of 1670.

freeholder with holdings not usually exceeding 50 acres, and more often of less than 20 acres.⁸³ These claims illustrated a rural economy based on access to common land that supported stock keeping and the exercise of other rights, such as estovers, marl, turbary, collecting gorse for fodder and bracken for bedding, for example, which enabled the small farmer or cottager to maintain an independent or semi-independent lifestyle.⁸⁴ These were legally prescribed rights that were attached to the ownership of property. To impinge on those rights, even for the development of naval timber, would require an Act of Parliament.

On 11th January 1693, a Bill for the Increase and Preservation of Timber in the New Forest was presented to the House of Commons by Sir Edmund Seymour, one of the Lords of the Treasury.⁸⁵ John Smith, also one of the Lords of the Treasury, and friend of Charles Powlett, 1st Duke of Bolton, who was Warden of the New Forest, opposed the bill on the 8th February 1693 claiming that ‘it would prejudice and waste the timber instead of preserving it. . . and was designed only for private advantage’.⁸⁶ The bill was defeated at the second reading, less than a month after it had been proposed.⁸⁷ Only a few years later, on 28th March 1698, a similar bill was introduced into Parliament and presented to the House of Lord by the same John Smith who had opposed the former bill.⁸⁸ This time the latter, identically named bill, for the increase and preservation of timber in the New Forest, found success.

⁸³ An Abstract of All the Claims on the New Forest, in the County of Southampton, Entered at the Lord Chief Justice in Eyre’s Court, Adjourned from the Swainmote Court, Held at Lyndhurst, the 27th of June, in the Twenty-Second Year of the Reign of King Charles II and Held at Winton, the 29th Day of September, 1670 (Salisbury, 1773).

⁸⁴ C. R. Tubbs, *Development of Smallholding* (1965), p. 26.

⁸⁵ *Journals of the House of Commons: From December 26th, 1688 to October 26th, 1693*, (London: House of Commons, Reprinted 1803), p. 272.

⁸⁶ D. Hayton, *The House of Commons, 1690-1715*, (History of Parliament Trust, London, 2002), p. 496.; *ibid.* p. 186.

⁸⁷ Julian Hoppit (ed.), *Failed Legislation 1660-1800: Extracted from the Commons and Lords Journal*, (London, 1997), p. 192.

⁸⁸ Hayton, *The House of Commons* (2002), p. 499.

Sylva and the New Forest Act 1698 (9 & 10 Will. III. c. 36)

In 1698, during the reign of William III, An Act for the Increase and Preservation of Timber in the New Forest in the County of Southampton received royal assent. The provisions contained within the Act were identical to the suggestions for the improvement of the royal forests that Evelyn had promoted in *Sylva*. The opening declaration of the 1698 Act stated that two thousand acres, ‘part of the Waste Lands of the said New Forest’, would be inclosed and kept in ‘severalty for the Growth and Preservation of Timber for Supply of his Majesties said Navy Royal.’⁸⁹ This was the same acreage amount Evelyn had calculated in *Sylva* that ‘his Majesty might easily compasse, even for his own Proportion, and for Posterity’.⁹⁰ According to Evelyn,

2000 Acres thus Planted, at two foot diameter (and as may be presum’d thirty foot high, which in 150 years, they might well arrive to) they would be worth 1351660*l*, an immense and stupendous summe, and an everlasting supply for all the Uses of both Sea and Land.⁹¹

The Act also allowed for the inclosure of two hundred acres more of the waste in the New Forest each year, and every year for the term or space of twenty years, ‘from and after the time that several inclosures of the said two thousand acres above mentioned shall be made and completed’.⁹² This was clearly an attempt to connect the New Forest to the on-going production of naval timber, and to legitimise the use of the existing timber inclosures that had been established by the Harbords, which would be included in the total.

The Act also meant to address some of the issues concerning its management and administration, which had been neglected since the demise of the Eyre Court. Significantly, the Act had stipulated that the land was to be ‘inclosed’ rather than ‘enclosed’, which meant that

⁸⁹ HL/PO/PU/1/1697/9&10W3n76 (*New Forest Act 1698*).

⁹⁰ Evelyn, *Sylva* (1670), p. 222.

⁹¹ *Ibid.*

⁹² HL/PO/PU/1/1697/9&10W3n76, (*New Forest Act 1698*).

common rights were to be suspended, rather than abolished entirely, and that the commoners would eventually regain access. Thus, the inclosures established by the Act were,

Freed and Discharged of and from all manner of Common Herbage and Pannage, or other Rights, for so long time as the same shall remain and continue inclosed.⁹³

Even when the inclosures were thrown open, after the trees had grown large enough to be safe from the browsing of livestock, and the common rights were reinstated, as Griffin points out, the biophysical transformation from open heath, pasture or ancient woodland to timber plantation would have reduced the commonable value.⁹⁴

The New Forest Act 1698 began from a position, promulgated by Evelyn and the Principal Officers and Commissioners of the Navy, which asserted that the resources of the royal forests (and elsewhere) had been depleted and that the stocks of timber for the Royal Navy were in short supply as a result.⁹⁵ The Act meant to correct this situation and declared that,

Forasmuch as the Woods and Timber not only in the said New Forest but in this Kingdom in general hath of late Years been much wasted and impaired; and the said Forest that might be of great Use and Conveniency for Supply of His Majesties Royal Navy is in danger of being destroyed if some speedy Course be not taken to restore and preserve the Growth of Timber there.⁹⁶

These were the very sentiments expressed in the opening pages of *Sylva*, with regards to the royal forests. Thus, the Act was not just concerned with remedying the historical exploitation of the New Forest that was believed to have taken place during the period of the Commonwealth but also the current abuses that were besetting it. The Act placed restrictions on the perquisites of 'lop, top and browse' enjoyed by the forest officers; declared that charcoal was not to be made in the Forest within a thousand paces of any inclosure; censured forest

⁹³ Ibid.

⁹⁴ Carl J. Griffin, *More-than-human histories* (2010), p. 462.

⁹⁵ Evelyn, *Sylva* (1664), pp. 1-2.

⁹⁶ HL/PO/PU/1/1697/9&10W3n76, (New Forest Act 1698).

officers neglecting to make drifts of the Forest to round up uncommonable cattle; gave Verderers powers to impose fines of up to £5 for the breaking of inclosure fences, burning heather and fern, destroying covert and stealing wood; and forbade the receipt of fees or gratuities connected with the sale of timber.⁹⁷

The Act also prohibited inclosures from being ‘plowed or sowed with any corn, or fed with any cattel, or be at any time or times hereafter kept for underwood’; however, these activities were permitted ‘but in such manner only as shall be fit for the raising and preserving of timber for the use of the navy’.⁹⁸ Preparing the ground for timber in this way, by first planting with cereal crops, was a tactic that had been recommended by Evelyn, who declared that,

There is not a cheaper, easier, or more prompt expedient to advance *Ship timber*, than to solicit, that in all his Majesties Forests, Woods, and Parks, the spreading Oak, &c., (which we have formerly described) be cherished, by Plowing, and sowing Barley, Rye, &c., (with due supply of culture and soyl, between them) as far as may (without danger of the Plow-share) be broken up.⁹⁹

The general prohibition on sowing crops and feeding cattle within the inclosures of the royal forests was imposed to prevent their being turned into areas used for agricultural purposes by the keepers, rather than for the development of silviculture as intended by the Act.

The precedence of timber over underwood (coppice) resources had, according to Tubbs, been developing since the fifteenth century, when cash-cropping for underwood finally gave way to timber production for shipbuilding, as defined by the 1698 Act.¹⁰⁰ This was a clear indication that the New Forest was manifestly becoming a timber forest. While the Act estimated the lands of the New Forest, in their entirety, to be ‘eighty five thousand four hundred

⁹⁷ Ibid.

⁹⁸ Ibid.

⁹⁹ Evelyn, *Sylva* (1670), p. 212.

¹⁰⁰ C. R. Tubbs, *The New Forest* (2001), p. 84.

fifty four acres' it did not stipulate any boundary or perambulation within which the Act applied; though the Act was specific about the creation and administration of the proposed inclosures.¹⁰¹ The Commissioners mentioned in the Act, were to 'set out' the 'full Quantity of Two thousand Acres Statute Measure' and together with 'the assistance of one of the Purveyors of the Navy', were to identify decayed trees, which would not be fit for naval timber, 'as shall be necessary to make the said inclosure'.¹⁰² The Commissioners appointed to this task were to be,

six or more such Persons as His Majesty shall think fit (whereof Two which shall execute such Commission to be Justices of the Peace for the said County of Southampton (not being Officers of the said Forest) out of such Part & Places in the said Forest as shall be found or esteemed by the said Commissioners or any Three or more of them.¹⁰³

This was precisely the form of official hierarchy suggested by Evelyn, in *Sylva*, who had proposed establishing an additional office, which 'would have a more universal Inspection, and the charge of all the Woods and Forests in His Majesties Dominions.'¹⁰⁴

Under such a superior jurisdiction, Evelyn further suggested that the officials would 'take notice of the growth, and decay of Woods, and of their fitness for publick uses and sale'; thus the defects of 'the ill governing' by the forest officials would be 'speedily remedied'. According to Evelyn, this 'Superior Office, or Surveyor, should be accomptable [sic] to the Lord Treasurer, and the principal Officers of his Majesties Navy for the time being'.¹⁰⁵ This was a radical suggestion that would politically elevate the State's exploitation of the Forest's resources over the preservation of them. The administrative and legal culpability on the part of those responsible for the forests was an important part of the process for developing inclosures on a large scale, and Evelyn had been keen to assert that those in power should be able to deal with any deficiencies and that 'as their zeal [is] excited by worthy encouragements, so might

¹⁰¹ HL/PO/PU/1/1697/9&10W3n76 (New Forest Act 1698).

¹⁰² *Ibid.*

¹⁰³ *Ibid.*

¹⁰⁴ Evelyn, *Sylva* (1670), p. 224.

¹⁰⁵ *Ibid.*

neglects be encountered by a vigilant and industrious Cheque'.¹⁰⁶ Checks and balances were provided by the Act, just as Evelyn had recommended in his treatise, which stipulated that coordination in the felling of the timber trees was to be established between 'two or more of the Verderers, and four or more of the Regarders' and a 'Commissioner or Officer of His Majesties Navy'.¹⁰⁷

Increased bureaucracy was also introduced as, under the Act, the trees assigned for naval use were to be marked with 'a broad arrow and crown' and the Lord High Treasurer or Commissioners of the Treasury were to be informed of 'the names of the places, and the number of the trees so viewed and allowed to be felled, and so marked [and kept standing] to be preserved for the use of the navy'.¹⁰⁸ When the inclosures had been established long enough and the trees within them were deemed safe from the 'browsing of deer, cattel, or other prejudice' and the inclosure fences had been removed, the Act required that the Lords Commissioners of the Treasury, Lord Treasurer of England, or Chancellor of the Exchequer could 'cause the same so to be done', to the same amount of acreage, by inclosing so much as had been laid open.¹⁰⁹ This procedure introduced the concept of a 'rolling power', which meant that inclosures could be created *ad infinitum*, as long as no more than 6,000 acres were fenced in at any one time (2,000 acres, as mentioned in the Act, plus 200 acres each year for 20 years thereafter). This was an early indicator that the intention of the Treasury was to populate the New Forest with trees, to the exclusion of all else. Significantly, the administrative process that was established by the Act also instigated a procedural chain of bureaucracy stretching from the remotest part of the New Forest to the highest office of the English state.

¹⁰⁶ *Ibid.*

¹⁰⁷ HL/PO/PU/1/1697/9&10W3n76, (New Forest Act 1698).

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

Existing forest law was neither revoked nor amended by the New Forest Act 1698, indeed it stipulated that ‘every part thereof shall be subject to and under the Laws of the Forests as if this Act had never been made’.¹¹⁰ Even though the Act made provisions to ensure that the inclosures were sited where they ‘may be best spared from the Commoners and High-ways of the County’, it nevertheless impacted on established common rights.¹¹¹ The restrictions on depastured livestock during fence month (fifteen days before and fifteen days after the Feast of St. John the Baptist each year), and winter heyning (from 11th November until the 23rd April year), for example, were reinstated by the Act. The commoners had demonstrated to the last Eyre court, held in 1670, that these controls had not been observed ‘from time out of mind’ and, furthermore, had become subject to the payment of ‘Month Money’, which had been ‘received and accepted by his majesty and his predecessors’.¹¹²

Local inhabitants considered the contents of the Act to be the thin end of the wedge. In January 1697, when the Act was first presented to Parliament in the form of a bill, petitions were raised against it. The petitioners argued that they ‘severally hold, from the Crown, divers Lands lying in and near New Forest’ and that their ancestors had ‘enjoyed Common of Pasture, Turbary, and Panage [sic], in the said Forest’ and had paid to the Crown ‘divers Rents, and Services, for the same’.¹¹³ As Landry points out, the rural subsistence economy was vulnerable to disruption and destitution could result from any significant changes, such as those adversely affecting fuel rights, fertilizer and building materials.¹¹⁴ The petitioners, therefore, were concerned that in conceding ancient held rights and long-established practices their livelihoods would be at risk. It was felt that the proposals contained in the bill would ‘prejudice the

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² GA D3921/I/1, 'Exchequer (T.R.) Forest Proceedings - E.32/182', in *Exchequer accounts for Forests (General) South of Trent, 1670*, (Gloucestershire Archives).

¹¹³ 'House of Commons Journal Volume 12: 14 January 1698', in *Journal of the House of Commons: Volume 12, 1697-1699* (London: House of Commons, 1803), pp. 43-45.

¹¹⁴ D. Landry, *The Invention of the Countryside: Hunting, Walking and Ecology in English Literature, 1671–1831* (Basingstoke, 2001), p. 79.

petitioners, and many thousand others, who have the same Rights and Privileges'.¹¹⁵ Such was the strength of feeling that it was reported 'then there is another and then another petition, in fact there are six petitions against the Bill'.¹¹⁶ This was inaccurate, as nine petitions were eventually received in April 1698, signed by nearly 800 people who opposed the Act.¹¹⁷

Petitions were presented from the 'several Towns or Parishes of Ringwood, Breamer [sic], Fordingbridge, Ashley, Eling, Christ-church, Sopley, Holmhurst, Downton, and Limington', all protesting their rights of common and 'praying, that they may be heard, by their Counsel, against the Bill'.¹¹⁸ These were settlements that spanned the entire area of the New Forest, including many outside its bounds. The proposed bill also inspired the production of printed material that was indicative of the 'pamphlet warfare', as described by Raven; or a manifestation of the 'news-driven pamphlet culture' perceived by Mendle from the mid-seventeenth century.¹¹⁹ Pamphlets were not a genre, observes Manley, but a medium that varied in length, format, cost and subject matter.¹²⁰ Situated as they were between broadsides and expensive folio books, Zaret asserts that the pamphlet served readers from diverse backgrounds, which dispensed with the need for a university education or wealth, and superseded the norms of secrecy and privilege in political communication.¹²¹ The pamphlets, regarding the proposed New Forest bill, were in the form of single-sheet publications that were either in opposition to,

¹¹⁵ Journals of the House of Commons: from December 3rd 1697 to October 24th 1699, Vol XII (H.M. Stationery Office, London, Reprinted 1803), p. 89.

¹¹⁶ W. H. Smith, (chair), 'Reports from the Select Committee on New Forest; Together with the Proceedings of the [House of Commons] Committee, Minutes of Evidence and Appendix', Vol. XIII, 16 July 1875 (H.M. Stationery Office, London, 1875), p. 14.

¹¹⁷ HL/PO/JO/10/1/506/1255 'New Forest Bill, 1 April 1698' Main Papers (Parchment Collection).

¹¹⁸ 'House of Lords Journal Volume 16: 1 April 1698' in *Journal of the House of Lords, Volume 16: 1696-1701* (H.M. Stationery Office, London, 1767-1830), pp. 253-254.

¹¹⁹ J. Raven, *Publishing Business in Eighteenth-Century England*, (Woodbridge, 2014), p. 210.; Michael Mendle, 'News and the pamphlet culture of mid-seventeenth century England', in *The Politics of Information in Early Modern Europe*, ed. by Sabrina Alcorn Baron, Brendan Dooley (London, 2001), p.58.

¹²⁰ Lawrence Manley, 'Literature and London' in *The Cambridge History of Early Modern English Literature*, ed. by David Loewenstein, Janel Mueller (Cambridge, 2002), p. 413.

¹²¹ James Zaret, *Origins of Democratic Culture: Printing, Petitions, and the Public Sphere in Early Modern England* (Chichester, 2000), p. 155, p. 217.

or supporting of, its proposals. These were publications that were a method of informing a literate audience that was familiar with, and even potentially influential in the future use of, the New Forest.

The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest, in the County of Southampton, defended the cause of ‘the Inhabitants, Owners, and Tenants of Mannors [sic], Tenements, Lands or Estates, in several Market Towns and six and twenty large Parishes, in and near the New Forest’, but was unattributed to any named individual.¹²² In contrast, *The Case for the Bill for Inclosing a Part of the New Forest, with some Observations upon the Printed Case against the said Bill* supported the bill, and was written and presented by ‘N. Wrighte’ and ‘Edw. Northey’ to the House of Lords, on Tuesday 3rd May, 1698.¹²³ Two other publications, produced anonymously, were *Reasons Humbly Offered For the Encrease and Preservation of the Timber in the New Forest*, which was against the bill; and *Notes Upon the Printed Case of the New Forest* that was for it.¹²⁴

¹²² BLL01015321651, *The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest, in the County of Southampton*, General Reference Collection HS.74/1043(8), British Library, (London, 1720?). NB: Should be dated 1698, as the document is referred to by N. Wrighte and Edw. Northey writing on 3rd May 1698.

¹²³ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest, with Some Observations upon the Printed Case against the Said Bill*, Tuesday 3rd May in the House of Lords, (c.1696), British Library, London, 1696?). NB: This document should be dated 1698, which was the year that the 3rd May fell on a Tuesday.

¹²⁴ Both *Reasons Humbly Offered For the Encrease and Preservation of the Timber in the New Forest* and *Notes Upon the Printed Case of the New Forest* are listed in the British Library archives as being dated c.1670 but this study suggests that they should be dated 1698. The document *Reasons humbly offered for the encrease and preservation of the timber in the New Forest* was most likely written in response to the proposals contained in the New Forest Act 1698 (9 & 10 Will. III. c. 36) and repeats passages of the Act within its text. For example, the seventh paragraph of the pamphlet states, ‘That the inclosing 6000 Acres thereof, will deprive the Commoners of their Pasture, and most certainly occasion the many great Losses of which they complain’. The New Forest Act 1698 specifically refers to enclosures of 6,000 and, prior to its assent, was the subject of petition and protest from local people. Furthermore, arguments contained in *Notes upon the printed case of the New Forest*, were also written in response to the proposals contained in the New Forest Act 1698 (9 & 10 Will. III. c. 36). Indeed, in the seventh paragraph of the document the author refers to fuel-wood and mentions ‘For in the year 1696 the Browse taken up...’, and is obviously referring to a past event. The British Library archivists are currently reviewing this information with regard to revising the publication date of both documents.

Shapiro observes, the production of printed material and the range of its contents indicate that readers were informed of newsworthy events and political debate.¹²⁵ Like *The Case for the Bill for Inclosing a Part of the New Forest*, the pamphlets may also have been circulated within the political establishment and Parliamentary circles. Indeed, *The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest* was in all probability intended to outline the defence of those petitioning against the bill and would have been used to solicit support from MPs and peers. They were publications, to all intents and purposes, that characterised forms of public debate and public speech. Thus, according to Zaret, such pamphlets represent the first examples of public opinion.¹²⁶

The fact that most of these documents are unsigned, or unattributed, is not unusual for the period. Anonymous writing was ‘ubiquitous’ in the eighteenth century, according to Paku, and the motivations for being unidentified and the significance of it varied broadly.¹²⁷ For example, women writers were compared with prostitutes selling their wares; aristocratic writers, who preferred not to be named, were concerned about the ‘tawdry implications of trade’ and were anxious about the effect on their social status by having their work read beyond the circles of their peers.¹²⁸ Indeed, Raymond observes that anonymous authorship was highest when the subject was most controversial or contested.¹²⁹ Although *The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest* was unsigned it nevertheless synthesised the arguments of the petitioners against the bill. Rather than being assumed to be anonymous, it could rather be interpreted as a document that was collectively

¹²⁵ Barbara J. Shapiro, *Political Communication and Political Culture in England, 1558-1688* (Stanford, 2012), p.26.

¹²⁶ James Zaret, *Origins of Democratic Culture* (2000), p. 217.

¹²⁷ Gillian Paku, *Anonymity in the Eighteenth Century*, (Oxford, 2015), p. 2.

¹²⁸ Ibid. p. 3. NB: The cultural influence of women within elite society was also seen by some as ‘a feminizing force’ that was antithetical to the masculine and martial virtues upon which the nobility had rested. James Van Horn Melton, *The Rise of the Public in Enlightenment Europe* (Cambridge, 2001), p. 202.

¹²⁹ J. Raymond, *Pamphlets and Pamphleteering in Early Modern Britain* (Cambridge University Press, 2006), p.169.

endorsed, representing as it did the cause of ‘the many thousands of persons’ affected by its proposals; and, therefore, was indeed evidence of a developing public opinion.¹³⁰

Reasons for and against New Forest inclosure

When the New Forest Bill was debated in the House of Lords, on 3rd May 1698, a repudiation of the opposition to its contents was presented by Sir Nathan (or Nathaniel) Wrighte, Keeper of the Great Seal, and Edward Northey, Attorney General to the Duchy of Lancaster, in the form of *The Case for the Bill for Inclosing a Part of the New Forest, with some Observations Upon the Printed Case against the said Bill*.¹³¹ This publication was in favour of inclosure. Its observations were specifically aimed at countering *The Case of the Noblemen, Gentlemen, and Others, Having Right of common in the New Forest, in the County of Southampton*, which had been produced to dispute the introduction of the bill that would empower commissioners to inclose ‘the most apt and meet ground in the said Forest to produce timber’.¹³² *The Case of the Noblemen, Gentlemen, and Others*, was founded upon the notion that people had ‘time out of mind, as their absolute and undoubted right and property’ enjoyed common of pasture and pannage rights; while others also enjoyed turbary and fuelwood in the New Forest.

The claim to these rights had incurred rents that were paid to the Crown by the present owners, and ‘conveyed to them by their Deeds, Fines, Conveyances’, which had ‘descended in a long Inheritance of a quiet uninterrupted possession for many Ages’.¹³³ The bill, they argued, would take the best parts of the Forest for inclosures and deprive the commoners of the greater part of their pasture. In response, *The Case for the Bill for Inclosing a Part of the New Forest* accused the commoners of ‘Abuses of the Claims, and other ill Practices in New Forest’, that

¹³⁰ BLL01015321651, *The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest, in the County of Southampton* (British Library, London, 1720?).

¹³¹ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest, with Some Observations upon the Printed Case against the Said Bill* (British Library, London, c.1696).

¹³² BLL01015321651, *The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest, in the County of Southampton* (British Library, London, 1720?).

¹³³ *Ibid.*

were such ‘as without speedy Remedy, will be the destruction of it’; and that rather than being investigated and prevented the abuses (and common rights) were ‘Saved in the Bill’.¹³⁴ These comments reflected Evelyn’s observations regarding the exploitation of the royal forests, including ‘Imbezlement . . . made by pretences’, such as by unscrupulously taking timber for the alleged repair of palings and lodgings, browse for deer, and removing windfallen or rootfallen trees; and also, his criticism of commoners being indulged by Acts of Parliament conniving in favour of custom.¹³⁵

The Case for the Bill for Inclosing a Part of the New Forest also argued that the commoners rather paid ‘Acknowledgements, than Rents; and what the few of them do pay, is very inconsiderable’.¹³⁶ This argument added to the reputation of the royal forests as being not only subject to widespread abuse but a vastly uneconomic state resource. These were characterisations that would endure and, indeed, cause Edmund Burke to call for a fundamental reform of the royal forest system, in a speech to Parliament on 11th February 1780.¹³⁷ *The Case of the Noblemen, Gentlemen, and Others, Having Right of common in the New Forest* argued that 85,454 acres defined by the New Forest Bill 1698 were not all available to the commoners. There were inclosures in several of the parishes, villages, and townships within the bounds of the Forest; the Keepers Rails (at Burley) and New Park (Farm) were not in common with the rest of the Forest; there was a large presence of heath, furze, and boggy ground; and, there were also woods and covert ground. What was left available would be ‘not above 10454 Acres of Pasture ground, or fit for bearing Timber’.¹³⁸ Therefore, the inclosures would have a major impact on the pasturage and other claims.

¹³⁴ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest, with Some Observations upon the Printed Case against the Said Bill* (British Library, London, c.1696).

¹³⁵ Evelyn, *Sylva* (1664), p. 109.; *ibid.*

¹³⁶ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest* (British Library, London, c.1696).

¹³⁷ *Modern Orator: The Speeches of the Right Hon. Edmund Burke* (London, 1847), p. 579.

¹³⁸ BLL01015321651, *The Case of the Noblemen, Gentlemen, and others, having Right of Common in the New Forest, in the County of Southampton* (British Library, London, 1720?).

In answer, the author of *Notes Upon the Printed Case* (a truncated version of *The Case for the Bill for Inclosing a Part of the New Forest*), believed that it was a ‘mistake’ for the bill to say that the ‘Parishes, Manors &c.’ that had claims within the 85,454 acres, ‘are comprehended within that Measure’; and pointed out that the ‘Parishes and Towns of Downton, Fordingbrig [sic], Ringwood, Limington &c.’, which exercised rights of common within the New Forest were not included within the calculations for its area.¹³⁹ In other words, only commoners living inside the metes and bounds of the Forest should be entitled to any rights. These were settlements that had petitioned against the bill and to discount their rights, because they were outside the ‘metes and bounds’ of the Forest, would also have the effect of reducing the number of legitimate lobbyists against the bill. *Notes Upon the Printed Case* also insinuated that if the abuses of the adjacent inhabitants could be checked, a large portion of the New Forest – ‘at least one third of the whole Herbage’ - would be accessible to the commoners within the bounds of the Forest even with the introduction of inclosures. The author also pointed out that inclosures were not unprecedented, however, as ‘the Kings and Queens of England have in all times enclosed quantities of Waste in this Forest for raising Wood and Timber’.¹⁴⁰ While this was in essence correct, the inclosures in the New Forest that had initially been established for coppice woods had since been converted into paddocks and stock pounds rather than for timber.

According to *The Case for the Bill for Inclosing a Part of the New Forest*, which was echoed by *Notes Upon the Printed Case of the New Forest*, the proposals put forward by the New Forest Bill were not a threat to commoning and they argued that if the ‘Drifts of the Forest be made as directed by the Bill, the Commoners Rights will be preserved’.¹⁴¹ The drifts were used by the Keepers to round up the livestock depastured on the Forest and remove those

¹³⁹ *Notes Upon the Printed Case of the New Forest* (British Library, London, 1670(?)).

¹⁴⁰ *Ibid.*

¹⁴¹ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest* (British Library, London, c.1696).; *Notes Upon the Printed Case of the New Forest* (British Library, London, 1670(?)).

animals not belonging to the commoners. By this practice, it was implied that more grazing would be also preserved for the legitimately depastured livestock. *The Case for the Bill for Inclosing a Part of the New Forest* and the *Notes Upon the Printed Case of the New Forest* concluded that ‘neither the Rights of the Crown, the Services of the Navy, nor the Claims of the People, can be preserved without the Bill’.¹⁴² *The Case for the Bill for Inclosing a Part of the New Forest* additionally asserted that the bill ‘is really and truly for Increase and Preservation of Timber in the New Forest’, though its main thrust was to argue against commoning as the method of achieving its purpose.¹⁴³

Reasons Humbly Offered For the Encrease and Preservation of the Timber in the New Forest, took a different view and argued against the inclosures proposed in the New Forest Bill 1698, declaring that,

The best, cheapest, and most likely way of Raising Timber in the New Forest, is by transplanting young Trees all over the said Forest, to such particular spots and pieces of Ground, where the Soil is most proper for the same; and in preserving the same with, among the Bushes; and not by Inclosing, Plowing and Sowing the Forest.¹⁴⁴

This document addressed the practical process of developing a forest. Its observations were a repudiation of Evelyn’s advice, as contained in *Sylva*, which had recommended growing crops prior to planting acorns.¹⁴⁵ Furthermore, it suggests that the pamphlet’s author knew the topography of the New Forest and the facets of its ecological character very well.

¹⁴² N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest* (British Library, London, c.1696).; *Notes Upon the Printed Case of the New Forest* (British Library, London, 1670(?)).

¹⁴³ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest* (British Library, London, c.1696).

¹⁴⁴ General Reference Collection BL/816.m.16.(7.), *Reasons Humbly Offered for the Encrease and Preservation of the Timber in the New Forest, 1670(?)*, (British Library. Department of Manuscripts. The British Library, Guide to the Catalogues and Indexes of the Department of Manuscripts. London: British Library, Reference Division Publications, 1982/1978).

¹⁴⁵ Evelyn, *Sylva* (1670), p. 212.

Planting acorns among thorn bushes was a long-established method of encouraging the growth of trees. Indeed, Arthur Standish, writing in 1615, had observed,

for the planting of Timber-trees, or Fire-wood, in Forrests, Chases, Parkes, Commons, and common Pastures . . . that in all ages, bushes have been, are, and will be (if they are preserved) in all grounds, the mother and nurse of trees.¹⁴⁶

Standish had recommended that the mast, seeds, keys or roots of the species of tree to be grown, such as oak, chestnut, beech, ash or sycamore be placed ‘in the midst of any tuft of bushes, gorse, fures, or whins, as some terme them, or in hollinbushes’.¹⁴⁷ As the young trees and thorned bushes grew up together the vulnerable saplings were protected from the browsing deer and livestock.¹⁴⁸ From this practice comes the old saying in the New Forest – ‘the thorn is the Mother of the Oak’.¹⁴⁹ In using such a customary method, inclosures and the developing scientific techniques with which they were associated, as propounded by advocates such as Evelyn, would not have been necessary.

The author of *Reasons Humbly Offered* was also concerned that the acres inclosed by the New Forest Bill 1698 would deprive the commoners of their pasture ‘and most certainly occasion the many great Losses of which they complain’, without showing any success in the raising of timber. He conceded, however, that ‘a great cause of hindring [sic] the rising of the young Trees’ were the pigs that were to be found roaming in the Forest all year, which caused damage ‘by their digging up and eating the Acorns and young Shootes’ and he suggested that the Forest be cleared of pigs at all times, except during the permitted pannage season.¹⁵⁰ Other causes of hindrance, included ‘the burning and cutting down of Bushes and Fern’, the making

¹⁴⁶ Arthur Standish, *New Directions of Experience to the Commons Complaint by the Incouragement of the Kings Most Excellent Majesty, as May Appeare, for the Planning of Timber and Fire-Wood*, (London, 1613), p. 9.

¹⁴⁷ *Ibid.*

¹⁴⁸ F. W. M. Vera, *Grazing Ecology and Forest History*, (Wallingford, 2000), p. 149.

¹⁴⁹ M. J. Penistan, 'Growing Oak', in *The British Oak, Its History and Natural History*, ed. by M. G. Morris and F. H. Perring (Berkshire: The Botanical Society of the British Isles, 1974), pp. 98-112.

¹⁵⁰ *Reasons Humbly Offered for the Encrease and Preservation of the Timber in the New Forest*, 1670(?) (The British Library, London).

of unlawful coal-fires, and ‘the imprudent and wasteful cutting of Browse-wood and Lopping of Trees’ which, it was suggested, could be prevented in future by the Keepers and Officers who could exercise protection duties without the need for inclosure. The Keepers, it was suggested, could be paid ‘a reasonable salary’ and undertake to ‘raise yearly in the said Forest 5000 young Trees’ by planting them ‘in a convenient and proper Soil, and preserving them with Bushes, which will be far cheaper to the King, and no loss to the Commoners’.¹⁵¹

The author of *Reasons Humbly Offered* accepted the New Forest to be ‘85454 Acres’ and concurred with *The Case of the Noblemen, Gentlemen, and Others* that there were ‘four sorts of ground’ in the New Forest, which included the inclosed land in the parishes, villages and townships; the ‘Keepers Railes’ and the lands in New Park; heath, furze, and boggy ground; and, ‘Woods and Covert Ground’ and concluded that,

no part of this ground is fit for Plowing or Sowing, such therefore as is not inclosed, being part full of Roots of old Trees, and the rest barren and boggy Ground. That the Residue being 10454 Acres of Pasture, a great part thereof is under Water in the Winter time, and therefore unfit to bear Timber.¹⁵²

The soil structure and agricultural potential of the New Forest has been a long-debated subject between those who believed it to be of ‘good profitable come ground’ or, alternatively, that it ‘in general, is a hungry gravel, or a cold clay’.¹⁵³ This was why the author of *Reasons Humbly Offered* believed that the keepers, who would have had intimate knowledge of their bailiwicks, were key to the success of tree planting. The keepers’ knowledge of the topography of the area would have been invaluable because, as Standish recommended, planting should be done ‘according to the nature of the soil’.¹⁵⁴ This was a conclusion endorsed by Albion who asserted

¹⁵¹ *Ibid.*

¹⁵² *Ibid.*

¹⁵³ John Stow, *The Abridgement of the English Chronicle, First Collected by M. John Stow, and after Him Augmented with Very Many Memorable Antiquities, and Continued with Matters Forreine and Domesticall, Unto the Beginning of the Yeare, 1618. By E.H. Gentleman*, (London, 1618), p. 46.; William Gilpin, *Remarks on Forest Scenery and Other Woodland Views, Relative to Picturesque Beauty*, (London, 1791), p. 113.

¹⁵⁴ Arthur Standish, *The Commons Complaint*, (London, 1611), p. 2.

that soil was more important to the growth of oak trees than climate.¹⁵⁵ This view, however, was not in step with the emerging tenets of agricultural improvements, which would reject local knowledge in favour of a more ‘rational’ approach and professional opinion.

These documents display different approaches to the subject of raising timber in the New Forest and exemplify the prevalent attitudes towards the royal forests. *Reasons Humbly Offered For the Encrease and Preservation of the Timber in the New Forest* was an attempt to use sound, local knowledge of the area, its topography, administration and ancient pastoral practices to develop the growth of oak trees without the need for inclosure; and to encourage the practices, as recommended by Standish, that were allied with the existing topographical environment. *The Case for the Bill for Inclosing Part of the New Forest* and *Notes Upon the Printed Case of the New Forest* are much more in favour of the level of scientific intervention, as promoted by Evelyn and his supporters, and the regulation of customary practices. Indeed, as will be argued elsewhere in this thesis, the rationale for inclosing parts of the New Forest extended beyond the stated need to encourage the growth of naval timber and was, moreover, an expression of a particular type of political ideology that was intent on re-ordering and controlling aspects of the natural world, in order to be able to exploit it.

Significantly, while the authors of these pamphlets disagreed on the efficacy of inclosures in raising timber they presented statistical information to support their arguments. This indicates that the use of scientific and arithmetical data as a tool to support, or refute, arguments in political discourse was an established contemporary tactic, and that such data, though not necessarily accurate, was readily available in the first place. These units of measurement were the ‘basic givens’ of modern statecraft, according to Scott, who asserts that for the forests to be managed rationally they first had to be reduced to a mode that was more

¹⁵⁵ Albion, *Forests and Sea Power* (1926), pp. 17-18.

legible and easier to control or manipulate.¹⁵⁶ Commercial logic and bureaucratic logic, Scott maintains, became synonymous and, as well as reducing the forests to a single commodity (that is trees), became a system that was a centralised scheme of management.¹⁵⁷

After the New Forest Act 1698

While it did encounter opposition, the New Forest Bill 1698 was passed into law (becoming the New Forest Act 1698), though in the end only 3274 acres were ever enclosed.¹⁵⁸ There were several reasons, or a combination of the same, which could account for the lack of its full implementation. Initially, the most significant was the poor weather experienced at the time. On 15th May 1698 the woods were deep in snow. On some farms in the country the first wheat was not cut until the middle of September 1698, and much barley lay on the ground in December 1698.¹⁵⁹ Under these circumstances the priority would undoubtedly have been given to producing food and fuel, rather than planting future stocks of timber in ground that would have been potentially, by turns, too frozen or too waterlogged.

Critically, there was a reticence detected in those tasked with making the inclosures that seems to be evident in a warrant issued on 7th February 1700, which directed the officers, ministers and keepers of New Forest to ‘apply themselves to the preservation of timber in the said forest’.¹⁶⁰ This was to be done ‘all on pain of the King's high displeasure’ as it had,

been represented to the King that great discouragement hath been given and coldness and indifference manifested by divers of the said officers and keepers towards the making of the inclosures and that divers persons have presumed to put their hogs to pannage and colliers have made coal hearths within the woods and covert of the said forest and the under keepers

¹⁵⁶ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New York: Yale University, 1998), p. 11.

¹⁵⁷ *Ibid.* p. 18.

¹⁵⁸ Micheal Seddon (Deputy Surveyor of the New Forest), 'B3 - the New Forest Inclosures', in *Crown Lands Management Plan - 2008-2013*, ed. by Forestry Commission - New Forest (2008), (p. 3).

¹⁵⁹ J. M. Stratton and Ralph Whitlock, *Agricultural Records: A.D. 220-1977*, (London, 1978), p. 63.

¹⁶⁰ William A. Shaw (ed), 'King's Warrant Book XX, 7 February 1700, Warrants Etc: February 1700', in *Calendar of Treasury Books, Volume 15, 1699-1700*, ed. by William A. Shaw (London, 1933), (pp. 264-86).

permitted the same and several other evil practices are continued contrary to the said Act of Parliament.¹⁶¹

The commoners had continued to practice their rights and they could be belligerent in the exertion of them. According to Tubbs, the eventual lack of success of the Act was not due to the petitioner's campaigning, but direct local resistance that was manifest in broken fences and the admission of livestock into the enclosures.¹⁶² Indeed, a warrant was issued on 17th March 1700 for the repair of '7 inclosures in New Forest which have been broken down by disorderly persons'.¹⁶³

Also, in 1703 a 'Great and Tremendous Storm' devastated the area. Daniel Defoe reported that in the New Forest 'above four thousand trees were blown down, some of prodigious bigness'.¹⁶⁴ In a letter to the Lord High Treasurer, Edward Wilcox, Surveyor General of Woods, South of Trent, reported that as well as 'great damage done' to the trees many of the lodges had been ruined.¹⁶⁵ He requested a warrant,

to deliver to the Purveyor of the Navy above 1,000 trees fit for the navy, and to sell the rest that they might not be stolen, for upon this occasion the country people were very busy.¹⁶⁶

This situation would have kept the keepers very busy and they may not have been able to erect the new inclosures permitted under the 1698 Act while dealing with the devastation of the storm. In 1707, a survey of timber was made in the New Forest the quantity of which was found to have reduced to 'not more than One Fifteenth Part' when compared to the quantity that had been surveyed 1608.¹⁶⁷

¹⁶¹ Ibid.

¹⁶² C. R. Tubbs, *The New Forest* (2001), p. 86.

¹⁶³ William A. Shaw, 'Treasury Warrants: March 1702, 16-31', in *Calendar of Treasury Books, Volume 17, 1702*, (London: His Majesty's Stationery Office, 1939), pp. 167-80.

¹⁶⁴ Daniel Defoe, *An Historical Narrative of the Great and Tremendous Storm Which Happened on Nov, 26th, 1703*, (London, 1769), p. 113.

¹⁶⁵ Joseph Redington (ed.), *Calendar of Treasury Papers, 1702-1707*, (London: Her Majesty's Stationery Office, 1874), p. 212.

¹⁶⁶ Ibid.

¹⁶⁷ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 26.

The Middleton Commission, in their report of 1789, found further fault with the implementation of the New Forest Act 1698, remarking that if the improvement of the Forest had been undertaken according to its clauses, and the full quantity of 6,000 acres had been inclosed, then '24,000 Acres of Land, formerly bare might now have been covered with Trees of all Ages.'¹⁶⁸ Not only were the inclosures and the timber lacking, but the Middleton Commission also commented on how, 'in a very few years' after the passing of the 1698 Act,

the care that had been formerly bestowed on the Forests was discontinued, the Superintendence or Co-operation of the Surveyor General of the Crown Lands in the Management of the Forests, ceased, and the Whole fell by Degrees under the sole Direction of a Surveyor General of the Woods, a single Officer under no effectual check or control.¹⁶⁹

This revelation painted a picture of a forest in serious disarray. The implementation of the New Forest Act 1698 had been a failure and the system of checks and balances that required coordination between the branches of the Treasury, in the offices of Surveyor General of Crown Lands, and the Surveyor General of Woods had also broken down. Henry VIII had first instituted these offices in 1541, when he created the Court of Surveyors and established a new tier of administration within the royal forests.¹⁷⁰ This development also had the undesirable effect of establishing a rivalry with the Lord Warden's office and 'conflict with the Woodward whose roll it sought to usurp'.¹⁷¹ It also made the Surveyor General answerable to the Treasury, rather than the King, and, as Griffin points out, challenged the precedence of the Lord Warden and repositioned the forests as fiscal resources.¹⁷²

¹⁶⁸ *Ibid.* p. 24.

¹⁶⁹ *Ibid.*

¹⁷⁰ HL/PO/PU/1/1541/33H8n37, 'Public Act, 33 Henry VIII, C. 39 (an Act Concerning the Erection of the Court of Surveyors), 1541', Main Papers (Parchment Collection), (Parliamentary Archives, Westminster).

¹⁷¹ Reeves, *Use and Abuse* (2006), p. xxv.

¹⁷² Carl J. Griffin, 'Squatting as Moral Ecology: Encroachment and 'Abuse' in the New Forest, England' in *Moral Ecologies: Histories of Conservation, Dispossession and Resistance*, ed. by Carl J. Griffin, Roy Jones, Iain J. M. Robertson (New York, 2019), p. 240.

This was an unfortunate outcome that was to have a major impact on the administration of the New Forest, creating as it did a *divisum imperium* or divided jurisdiction, because in effect one department became responsible for ‘the profit of the king, and the other his pleasure’.¹⁷³ Whereas the Lord Warden and the forest officers remained accountable for the preservation of the king’s game and the ‘vert or green hue’ on which the deer depended, the Exchequer, through the Surveyor General, was responsible for the sale of ‘seasonable woods within his forest, or timber for his majesties use’.¹⁷⁴ The Surveyor General of Crown Lands and the two Surveyors General of Woods, one in charge of business south of the River Trent and the other in the north, were answerable to the Treasury and were supposed to work harmoniously together.¹⁷⁵ By the eighteenth century, however, as the Middleton Commission discovered, only the Surveyor General of Woods was left to direct the course of forest policy. Furthermore, the two divisions, between the north and south of Trent, had been ‘united for many Years past’ and, ‘though while they were formerly held by different Officers’, the report revealed that ‘a separate Salary is still paid for each of them’.¹⁷⁶

There was also a lack of coordination between the incumbents of the one post left in charge of the royal forests. Each Surveyor General of Woods who ‘receiving no Official Book or Records of Proceedings from his Predecessors, nor obliged to leave any to those who succeed[ed] him’ was unable to institute any system of continuity in the administration or operation of the New Forest.¹⁷⁷ The Middleton Commission found that ‘each new Surveyor

¹⁷³ Edward Coke, *The Fourth Part of the Institutes of the Laws of England*, (London, 1654), p. 299.

¹⁷⁴ *Ibid.*

¹⁷⁵ F.S. Thomas, *Notes of Materials for the History of Public Departments* (London, Her Majesty’s Stationery Office, 1846), pp. 84-86. NB: This direct accountability was at the expense of other forest roles, particularly the Woodward, who did not hold the power of the Surveyor General’s department. Reeves, *Use and Abuse* (2006), p. xxv.

¹⁷⁶ Charles Middleton, John Call, and John Fordyce, ‘*The Seventeenth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*’, 28 March 1793, Land Revenue Office (House of Commons, London), (p. 4).

¹⁷⁷ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 24.

begins without Direction or Precedent, and adopts such new Plan as suits his Fancy or Convenience'.¹⁷⁸ The want of a defined, long-term national policy for the increase and preservation of timber; the uncoordinated and counterproductive administration of the New Forest by its highest ranking officials; the lack of a defined boundary or perambulation; the habitual abuse and exploitation of its resources; its commoning residents prepared to aggressively uphold their customary rights; and forest officers reluctant to do their duty, meant that the New Forest would need an intervention on a scale that would fundamentally address the problems besetting it. This would be no small undertaking and the improvement of the New Forest was almost abandoned. Indeed, after the passing of the New Forest Act 1698, nearly 50 years would pass before efforts to establish further timber enclosures in the New Forest were again attempted.¹⁷⁹

In those intervening 50 years, however, a new generation was born. This was the post-Glorious Revolution generation, which included George III himself, who entered a world that Colley asserts was much safer and politically grander than his forebears would have known, where he would have been exposed to new circumstances and ideas.¹⁸⁰ The reign of George III marked a turning point in attitudes towards, and the productive use of, the British landscape. George III was interested in all aspects of agricultural and its improvement. He was also said to have been diverted by the epithet of 'Farmer George', which was acquired due to his agricultural interests.¹⁸¹ He became Patron of the Royal Society, in 1760, and was greatly supportive of its work.¹⁸² George III read widely on a range of rural topics and it is tempting

¹⁷⁸ *Ibid.*

¹⁷⁹ *Ibid.* p. 25.

¹⁸⁰ Linda Colley, *Britons: Forging the Nation 1707-1837*, (London, 1992), p. 206.

¹⁸¹ Johan Horrins, *Memoirs of a Trait in the Character of George III*, (London, 1835), p. 72.

¹⁸² Henry Lyons, *The Royal Society, 1660-1940 - a History of Its Administration under Its Charters* (Cambridge, 1944), p. 183.

to imagine that he read the later versions of *Sylva* (renamed *Silva* after the 1706, fourth edition), as he held a copy, edited by Alexander Hunter, in his library.¹⁸³

Silva, which was enlarged by Hunter after 1776, continued to inspire and encourage the improvement of the royal forests, but now as a State resource. In the opening statement to *Sylva*, Evelyn had specifically connected the threats to ‘the strength of this famous and flourishing nation’ with the ‘decay of her Wooden walls’.¹⁸⁴ This vulnerability chimed with the governments of George III because there was a widely held belief that Britain was suffering a ‘Scarcity of Timber’ and, more particularly, of ‘that Sort of which our Ships are constructed’.¹⁸⁵ Thus, the later eighteenth century editions of *Silva* would urge that Chapter VII, ‘The Parenthesis and Conclusion, containing some Encouragement and Proposals for the Planting and Improvements of His Majesty’s Forests, and other Amenities for Shade and Ornament’, ‘should constitute part of the Political Catechism of all Statesmen’.¹⁸⁶

At the beginning of George III’s reign, in 1760, the New Forest, which was the largest remaining royal forest in England and Wales, was regarded as a dreary wasteland that was presided over by corrupt officials who exploited the resources under their care and was administered by sinecure posts that attracted rewards and perquisites but carried no duties. It was also an unlawful environment that was frequented by poachers, encroachers, tree stealers,

¹⁸³ A copy of John Evelyn’s fourth edition of *Silva*, 1776, is held by the Royal Collection Trust: RCIN 1057442. There was also a personal connection with George III, as John Evelyn’s great-grandson, Sir John Evelyn, was appointed clerk of the Green Cloth to George, Prince of Wales (1756-60) and remained in post when the prince was anointed as George III, where he continued until his decease in 1767.

¹⁸⁴ Evelyn, *Sylva* (1664), p. 1.

¹⁸⁵ Lott (A Man of Kent), *Important Hints* (1767), p. Preface.

¹⁸⁶ John Evelyn with notes by A. Hunter, *Silva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty’s Dominions*, (York, 1776), p. 573. NB: It is tempting to think that George Rose read the later editions of *Silva*, edited by Alexander Hunter, as he is listed in the list of subscribers, after the editor’s preface, in the front of this edition. Rose may also have been acquainted with John Evelyn’s great-grandson, Sir John Evelyn, who was appointed clerk of the Green Cloth, see *fn* 168.

deer stealers and ‘banditti’.¹⁸⁷ This general view of an inefficient and unproductive Crown property, administered by a fraudulent management, manipulated by political jobbery, and filled with criminal inhabitants made the New Forest ripe for the attention of enlightened improvers.

Silva and John Russell, Lord Warden of the New Forest

John Russell, the fourth Duke of Bedford, was appointed Lord Warden of the New Forest on 12th February 1745.¹⁸⁸ He initially undertook the reform of the management and administration of the New Forest. Later in his tenure, after the accession of George III in 1760, he also attempted to manage the Forest for benefit of naval timber by using the recommendations contained in *Silva*. This was done not by government instruction but by his own political conscience and the sheer force of his indomitable personality. According to one biography, Bedford had an unwavering sense of duty, though this did not always transform itself into a willingness to complete the more mundane tasks connected with the ministerial offices that he held. He was strong-willed and had a keen sense of his own importance, though his pride and arrogance frequently caused offence.¹⁸⁹

The role of Lord Warden was an ancient one, appointed by royal letters patent under the great seal, with the tenure generally lasting as long as the king’s pleasure.¹⁹⁰ The Lord Warden was responsible for the maintenance of the royal forest under his charge, which meant keeping the king’s peace within his bailiwick, and upholding royal authority.¹⁹¹ The more

¹⁸⁷ HRO/149M89/R4/6140, 'Letter from Richard Birt, Lymington, to Henry Fielding, Boswell Court, Carey Street near Lincoln’s Inn, London, 3rd February 1747' (Hampshire Record Office, Winchester).

¹⁸⁸ Jeremiah Holmes Wiffen, *Historical Memoirs of the House of Russell: From the Times of the Norman Conquest*, (London, 1833), p. 349.

¹⁸⁹ Martyn J. Powell, 'John Russell, Fourth Duke of Bedford (1710–1771)', in *Oxford Dictionary of National Biography*, (2008).

¹⁹⁰ While not paid a salary, the office of Lord Warden attracted considerable emoluments, such as a house and land, forest rents (excluding Burley Bailiwick), twelve fee bucks, fifty loads of fuel wood per year, and the right to appoint lesser offices. The role of Lord Warden was also referred to as ‘Warden’, ‘Steward’, ‘Bailiff’ or ‘Chief’.

¹⁹¹ Lewis, *Historical Inquiries* (1811), p. 26.

routine aspect of the role was varied but was predominantly focused upon maintaining the stocks of deer, by ensuring herbage was provided for them in times of scarcity and protecting them from unauthorised hunting. It was also the Lord Warden's responsibility to fulfil the king's demand for venison and to provide the perquisite gifts of deer to nobles. He also had to supply fee deer to those entitled to it in lieu of wages, and to collect fees, such as cheminage, a toll on carts and pack animals, grazing fees, and the fines given to the owners of livestock that strayed upon the prohibited parts of the forest.¹⁹²

The Lord Warden was required to preside at Forest inquests, into offences against the venison, and at the Attachment courts. In a presentment to the Grand Jury held in the New Forest, in 1746, at the beginning of Bedford's tenure there were complaints, among other things, about 'colts and hogs going all year' in the Forest; 'innumerable number of cottages and encroachments daily made'; livestock 'browsing on oak and beech' contrary to law; people stealing 'green timber or wood'; unauthorised turf cutting; 'every pound [stock pen] of the Forest quite out of repair'; the 'picking up of acorns' and the breaking of young tree shoots; and, 'people with guns etcetera' killing the deer 'contrary to forest law'.¹⁹³ Bedford's efforts to establish law and order and to address the issue of lazy and incompetent keepers seems to have had some effect, because in 1747 it was reported that a gang of deer-stealers 'that have for some years past much infested this Forest' had been 'pursued by many of the Keepers' that had resulted in the arrest of three of them.¹⁹⁴ Charles Stephens was committed to Winchester prison for a year, while Edward Kimber and John Collis were committed to Salisbury gaol 'to be tried as felons. . . this being the third time they have been convicted'.¹⁹⁵

¹⁹² Charles R. Young, *The Royal Forests of Medieval England*, (Pennsylvania, 1979), pp. 54-55.

¹⁹³ HRO/149M89/R4/6125, 'Copy of the Presentments Made by the Grand Jury at a Court Held for New Forest, 15th September, 1746' (Hampshire Record Office, Winchester).

¹⁹⁴ HRO/149M89/R4/6124, 'Petition of Groom Keepers to the Duke of Bedford Respecting Kimber, Collins and Stephens, 1747' (Hampshire Record Office, Winchester).

¹⁹⁵ *Ibid.*

In 1748 the Deputy High Steward, Richard Birt, remarked on the reluctance of Keepers to fulfil their oaths of office, in executing the Verderers' warrants of commitment of offenders convicted at the Forest Courts under the laws instituted by the New Forest Act 1698 Act. He reported that the increase and preservation of timber in the New Forest had 'been of late years too much neglected', and there had been 'a multiplication of offences', but that since the Wardenship of the Duke of Bedford the Verderers had been encouraged in the execution of their duties and, consequently, 'a hundred offenders or more have been indicted and convicted of sundry offences'.¹⁹⁶ Bedford's initial efforts in managing the New Forest were, therefore, focused on preventing 'new enclosures and encroachments' or new buildings from being made on the waste; ensuring that groom keepers drifted commonable cattle, impounded uncommonable cattle, and prevented pigs from roaming out of pannage season; preserving the deer; presenting offences against the vert and venison; ensuring browse collected for deer did not expose young timber trees to being eaten; and maintaining the proper harvesting of turbarry.¹⁹⁷

Bedford had not only tasked himself with improving law and order in the New Forest but had also begun to address its irregular financial matters, including the rents that had 'been very carelessly collected' with the result that it was 'impossible by fair means' to re-establish payments, as most had been without charge for so long that their payments were redundant.¹⁹⁸ Indeed, some of the tenants 'had not paid any there twenty years as they knew of' and because they had established 'after so long quiet enjoyment of the free liberty of the Forest' felt that it was now a 'free right'.¹⁹⁹ Bedford made it clear that he 'would not suffer any of the Forest

¹⁹⁶ HRO/149M89/R4/6141/63, 'Letter from Richard Birt, Lymington, to Robert Butcher, Great Russell Streer, Bloomsbury, London, 24th September, 1748', (Winchester: Hampshire Record Office).

¹⁹⁷ HRO/149M89/R4/6142, 'Copy of Directions Left by the Duke of Bedford, 11th August 1751' (Hampshire Record Office, Winchester).

¹⁹⁸ HRO/149M89/R4/6141/59, 'Letter from Charles Coleman, Lyndhurst, to Henry Fielding, 9th December 1748' (Hampshire Record Office, Winchester).

¹⁹⁹ HRO/149M89/R4/6140, 'Letter from Charles Coleman, Lyndhurst, to Robert Butcher, 4th December 1749' (Hampshire Record Office, Winchester).

rents to be withheld', though problems persisted due to the lack of a register of interests.²⁰⁰

This particular issue would continue to impede the financial regulation of the New Forest and it was observed that,

The bounds of the New Forest is said, anciently to be, from the River Avon, to the River Test, a good deal of lands, some miles from each river has been disafforested, but all the inhabitants of those lands claims common of pasture through the whole Forest and all pays, or at least should pay, a yearly quit rent to the Lord Warden for their common.²⁰¹

In order to resolve many of the issues affecting the New Forest, not only would it be necessary to devise a register of interests but draw up a definitive map of the area to which common rights could be claimed.

During much of his term as Lord Warden, the Duke of Bedford was also occupied with matters of state, being for a time the equivalent of Home Secretary, and Roberts draws parallels with Bedford's attempts to provide calm and order nationally with those of running the New Forest.²⁰² As well as taking on the reform of the New Forest's administration Bedford also had an interest in navy affairs. Indeed, when he was made Lord Warden of the New Forest, in February 1745, Bedford was also constituted the First Lord of the Admiralty.²⁰³ His Admiralty post was considered most suited to his talents, due to the 'knowledge he had displayed in several admirable speeches formerly delivered on trade and navigation'.²⁰⁴ This appointment was clearly one that was intended to both improve the administration of the New Forest and provide support in developing the area as a timber resource for the Royal Navy.

As First Lord of the Admiralty, Bedford was offered the services of John Phillipson as an Admiralty board member. Phillipson had been the manager of the Post Office service in

²⁰⁰ *Ibid.*

²⁰¹ HRO/149M89/R4/6140, 'Letter from Charles Coleman, Lyndhurst, to Robert Butcher, 22nd July 1747' (Hampshire Record Office, Winchester).

²⁰² Peter Roberts (ed.), *Ruin and Reform, New Forest Administration, 1739-1769*, (Lyndhurst, 2006), p. xxi.

²⁰³ Wiffen, *Historical Memoirs* (1833), p. 349.

²⁰⁴ *Ibid.*

Harwich where he had operated the packet boats, which were the medium sized boats designed to carry domestic mail, passenger and freight transportation.²⁰⁵ Phillipson had worked his way up the social rankings by a mixture of business interests and marital alliances. It was believed that with his commercial acumen Phillipson would be a worthy addition to the Admiralty board. Bedford, however, refused him on the grounds that Phillipson ‘who had been a clerk [w]as not of quality enough’.²⁰⁶ In compensation for his disappointment, on 11th April 1745, Phillipson was offered, and accepted, the post of Surveyor General of Woods and Forests.²⁰⁷ This put the already strained relationship between Bedford and Phillipson firmly on opposite sides of the *divisum imperium*, with very little chance that they would work constructively together. Indeed, there is every indication that the forest officials, keepers, and residents played one off against the other.

Upon his appointment, as well as turning his attention to improving the uneconomic operations of the Forest and curtailing the unlawful activities of the shadow economy, Bedford also began to root out systemic abuses and the widespread corruption of Forest officials. Charles Coleman, who as well as being the Deputy High Steward and collector of rents, was the Deputy Surveyor General and had a particular reputation for dishonesty. In a letter to Henry Fielding, the Duke of Bedford’s High Steward, Richard Birt, attorney at law and Fielding’s deputy, related how,

If it was in my province I could open such a scene of villany of C[oleman] as would astonish some people and such a scene as one day will be opened and I choose it should be done by gentlemen of weight and consequence within whose cognisance it is, therefore I say nothing – but this that if his Grace comes

²⁰⁵ R. Sedgwick, *The House of Commons, 1715-1754: Members E-Y*, (History of Parliament Trust, 1970).

²⁰⁶ 'Horace Walpole's Correspondance', in *To Mann 24th December 1744 OS*, (The Lewis Walpole Library, Yale), pp. 550, n.12.

²⁰⁷ William A. Shaw (ed.), 'Warrants for Minor Appointments: 1745', in *Calendar of Treasury Papers, 1742-1745*, (London: Her Majesty's Stationery Office, 1903), (pp. 837-38).

into the Forest I am mistaken if it will not be made manifest to him that there never was so great a vermin as C[oleman].²⁰⁸

Likewise, the Purveyor of the Navy, Vincent Hawkins, was believed to be an ally of Coleman's but in order 'to save his own sake would inform . . . of such a scene of villainy as you would be astonished to hear'.²⁰⁹ Hawkins was accused, among other things, of marking trees for felling 'under pretence of fuel' when the property in question, for which the fuel was intended, 'is said not to have any lawful or good right to any fuel'.²¹⁰ He was also accused of 'demolish[ing] and render[ing] unfit for His Majesty's Navy' good quality timber trees; intimidation of witnesses; and, selling timber to be 'worked up into truck wheels and rails for the collieries at Newcastle'.²¹¹

When these corrupt Forest officials became the subjects of affidavits swearing to their maladministration of the Forest, after the Duke of Bedford had initiated investigations, they became belligerent. In one letter, dated 1751, Samuel Miller, High Steward, wrote

Messrs Coleman, etc., are very close in these proceedings and carry it with a very high hand threatening all those who have given informations against them, and says that his master Mr Phillipson [Surveyor General] and others of their friends will take care that they receive no harm.²¹²

With confidence in the protection of higher powers, the threats turned into a concerted campaign of violence and intimidation that involved destruction of property, incendiarism, animal maiming, death threats and even attempted murder on Bedford's men.

When James Macey gave a deposition as to conspiracies in the New Forest in 1752, he stated that he had been in the company of several men who conspired to 'kill and destroy a

²⁰⁸ HRO/149M89/R4/6140, 'Letter from Richard Birt, Lymington, to Henry Fielding, Boswell Court, Carey Street near Lincoln's Inn, London, 3rd February 1747' (Hampshire Record Office, Winchester).

²⁰⁹ HRO/149M89/R4/6141/32, 'Letter from Samuel Miller, Lyndhurst, to Robert Butcher, 3rd June 1750' (Hampshire Record Office, Winchester).

²¹⁰ HRO/149M89/R4/6124, 'John Smith's Affidavit - May 1750, with Additions of April 1751' (Hampshire Record Office, Winchester).

²¹¹ *Ibid.*

²¹² HRO/149M89/R4/6142, 'Letter from Samuel Miller, Lyndhurst, to Robert Butcher, Bedford House, London, 22nd December, 1751' (Hampshire Record Office, Winchester).

horse or mare of, and belonging to, Mr Samuel Millar' [Miller], who was the High Steward and servant to the Duke of Bedford.²¹³ The men met with several other confederates and, with a gun, went to kill the horse, only to find that it had been removed from its field a day or two before. A week or a fortnight later, the men decided 'to make, cause and occasion a general conflagration and destruction of His Majesty's timber, wood and covert in, over and throughout the said Forest at one and the same time'.²¹⁴ Prolonged and excessive wet weather foiled their plans in this too, however. The men then 'expressed themselves to be offended and affronted' by the Under Keeper of Ironhill Walk 'for obeying and executing the orders and directions of the Lord Warden' who had directed that all hogs and pigs that were unlawfully put in the Forest should be impounded. It was decided that if the Under Keeper 'did not desist from impounding the hogs' that the gang would 'shoot and kill all His Majesty's deer' in Ironhill Walk.²¹⁵

John Throckmorton, an Underkeeper of Castle Malwood, experienced the most serious case of intimidation and violence meted out to the diligent staff of the Lord Warden. Throckmorton's servants signed an affidavit on 15th December 1753 regarding the threats and damage to his property, which also included 'posts, rails and pales' being pulled down and broken, and 'ten brace and upwards of His Majesty's deer in the said walk of Castle Mallo were maliciously hunted, coursed or driven away out of the said Walk'. Incidents of animal maiming upon livestock owned by Throckmorton were also recorded, which occurred over the course of three months. These episodes involved a cow that was 'privately and maliciously hurt, lamed and her shoulder slipped and dislocated'; two dogs 'were privately and maliciously

²¹³ HRO/149M89/R4/6138, 'Deposition of James Macey as to Conspiracies in the New Forest, 2nd March 1752' (Hampshire Record Office, Winchester).

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*

poisoned'; and a horse that was 'privately and maliciously hurt, lamed and its hurle [sic] bone slipped out and dislocated'.²¹⁶

In a newspaper article of December 1753, it was reported that John Throckmorton 'hath received two Incendiary Letters from Persons unknown, threatening to burn his House, and to murder him, and other Persons belonging to him' and, further to that 'a Gun was fired into one of the Windows of the said John Throckmorton's Lodge House.' In response, it was widely advertised that a pardon was promised to 'any one of them who shall discover his or her Accomplice or Accomplices (except the Person who actually fired into said Lodge House)'. The Duke of Bedford also promised a reward of 'Fifty Pounds, to be paid upon the Conviction of one or more of the Offenders'.²¹⁷ From the length in timescale of the incidents, the number and variety of confrontations, and the multiple numbers of perpetrators, it can only be concluded that this was an organised campaign.²¹⁸ The keepers lived in lodges within the Forest and regularly patrolled their areas; it could be an isolating experience and a vulnerable one. It is clear that Throckmorton's situation, which manifests all the actions and symbols of covert protest and punishment, though extreme, was not unique. It also demonstrates that the campaign was conducted by individuals, or a group of people (men and women), receiving sanction from within the community and even from people of rank, including Charles Coleman, the Deputy Surveyor.

The apparent lack of prosecutions in these cases may, indeed, reveal a significant degree of social support that harboured and protected the perpetrators. In a letter written to Robert Butcher, the Duke of Bedford's Agent, Samuel Miller had advised that,

²¹⁶ HRO/149M89/R4/6124, 'Affadavit of John Throckmorton, under Keeper, and His Servants Regarding Threats and Damage, 15th December 1753' (Hampshire Record Office, Winchester). NB: The hurle bone was 'about the midst of the buttock, and is very apt to go out of joint with a slip or a strain' according to J.H. Esquire et al, *The Gentleman's Jockey, and Approved Farrier* (London, 1674), p. 175.

²¹⁷ 'December 29th, 1753', *The London Gazette*.

²¹⁸ Women were represented in this cohort, including Catherine Hobbs and Ruth Cull who were both overheard making violent and threatening remarks towards Throckmorton. HRO/149M89/R4/6124.

I do believe if Colman can be removed and a stop put to his present proceedings, it will open a farther scene of villainy than has yet been appeared, but at present Coleman carries it very high, and pretends he is now in greater favour and powers than ever before; and most certainly does now countenance all manner of abuses in the Forest.²¹⁹

As the pressure on Coleman increased, he attempted to affect public opinion and lobbied the Forest's residents 'with a paper and petitioned for hands to it' in support of his character. Those siding with him were viewed as having already had, or expecting in the future to share, 'the kind influence of his hammer and office'.²²⁰ Social standing was of prime importance in such tight-knit communities and the greatest protection against acts of sabotage, according to Hay, was for the local population to believe in the benevolence and justice of their landlords and magistrates.²²¹ There is little evidence that many inhabitants of the New Forest found such generous qualities in the Duke of Bedford. Indeed, his reputation was deliberately damaged by disgruntled Forest officers, who were 'ready to say and do anything as might reflect upon your Grace's good measures and intentions to preserve the Forest' from those who abused its resources or practiced common rights to which they had no claim.²²²

In his role as Lord Warden, Bedford was in no way responsible for the production of timber or for the planting of inclosures, which was the purview of the Surveyor General of Woods. The inefficiency and corruption displayed by the office of the Surveyor General continued to vex him, however, and he began to encroach upon this aspect of the Forest's operation. A Commission to enclose 300 acres in the New Forest had been granted in 1751 but was unfulfilled, which Lord Glenbervie, a later Surveyor General, explained as being caused

²¹⁹ HRO/149M89/R4/6142, 'Letter from Samuel Miller, Lyndhurst, to Robert Butcher, Bedford House, London, 13th March 1752', (Hampshire Record Office, Winchester).

²²⁰ Ibid.

²²¹ Douglas Hay, 'Property, Authority and the Criminal Law', in *Albion's Fatal Tree*, ed. by Douglas Hay, et al. (1975), (p. 59).

²²² HRO/149M89/R4/6142, 'Letter from John Smith, Langley, near Redbridge, near Southampton, to the Duke of Bedford, 27th April 1752', (Hampshire Record Office, Winchester).

by a ‘great quarrel’ between Phillipson and Bedford.²²³ Bedford took it upon himself to prevent execution of the Commission, ‘on the grounds that there was a charge of delinquency made by him then depending against Mr Phillipson’ and others.²²⁴

In 1752, Phillipson was able to inclose and plant 252 of the intended 300 acres – these were the inclosures of Pignel, Etherice, and Black Bush.²²⁵ Bedford wrote to the Treasury ‘objecting to the entrusting the making of those Inclosures to the very Officers against whose conduct he had complained’.²²⁶ His objections were eventually upheld. The inclosures were thought to have been made in ‘improper places’ and caused Charles Coleman, the Deputy Surveyor, ‘to be fined at court by the Verderers’ for the sum of £40.²²⁷ After Phillipson’s death in 1756, Charles Coleman, the Deputy Surveyor General, and Vincent Hawkins, the Purveyor of the Navy, were dismissed from service.²²⁸ Having seen his foes vanquished, from the 1760s Bedford’s conceptual aspirations for growing naval timber in the New Forest became a practical undertaking. Although a further warrant was granted, in 1766, to Sir Edmund Thomas, Surveyor General of Woods, to enclose another 400 acres, in consequence of the ‘continued dissention between the Lord Warden and the Office of Woods . . . this Commission never seems to have been acted upon’.²²⁹ Bedford had his own vision for the management of the New Forest and, as well as trying to curb the abuses and exploitation that occurred there, meant to take on the practical responsibility for the development of timber.

²²³ Lord Glenbervie, ‘New Forest Manuscript (Unpublished)’, (New Forest Heritage Centre, c.1814), (pp. 4-5).

²²⁴ *Ibid.*

²²⁵ *Ibid.* p. 5.; Seddon (Deputy Surveyor of the New Forest), pp. B3-3.

²²⁶ Middleton, Call, and Fordyce, p. 25.

²²⁷ HRO/149M89/R4/6145, ‘Present State of the New Forest (Samber Mss) - 1765’, (Hampshire Record Office, Winchester).

²²⁸ R3/141/50, ‘Letter from J. West, Treasury Chambers: Notifies of Dismissal from Office of Coleman (Deputy to Phillipson, Surveyor-General) and Vincent Hawkins (Purveyor of the Navy), 24 March 1756’, (Bedfordshire Archives & Records Service).

²²⁹ Glenbervie, *New Forest Manuscript* (c.1814), p. 6.

On 29th September 1768, Bedford wrote to the Lords of the Treasury imploring that they address,

The radical Evil I have long complained of, and which, if not deracinated, must finally put an End to this great and noble Forest, the properest by the Aptness' of its Soil for the Growth of Timber, and by its Vicinity to Portsmouth, to supply the Royal Navy with fine and valuable Timber.²³⁰

He was given permission to execute his ideas, provoking John Pitt, who had been appointed Surveyor General in 1767, to complain that the Duke was interfering in the Business of his Department'.²³¹ This demonstrates that the inability of the two offices to be able to work together was not just based on clashes of personality but a fundamental disagreement on the roles and responsibilities within the Forest. Pitt's objections were overruled, and Bedford was allowed by the Lords of the Treasury to prevail.²³² Bedford declared that it was his intention to,

restore this forest for Ages to come, to its former flourishing state, & enable it to flourish perpetually a large quantity of the finest Timber for the Royal Navy and a beautiful forest for His Majesty's pleasure and Service.²³³

According to Gilpin, Bedford did attempt to create timber inclosure but 'merely inclosed and left it to chance to fill his inclosures'.²³⁴ Bedford's own records, however, do not support this assertion. Bedford attempted the use of rational techniques to establish timber plantations in the New Forest, which included preparing the ground by the sowing of cereal crops.

²³⁰ Russell (4th Duke of Bedford), 'Extract of a Letter', in *The Fifth Report* (1789), p.90.

²³¹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 25.

²³² *Ibid.*; NB: This outcome may be due to the forging of political alliances on matters unconcerned with the New Forest. In 1767, Grafton, the First Lord of the Treasury, wanted a pact with Bedford to strengthen his ministry. Richard Pares, *King George III and the Politicians*, (Oxford, 1959), p. 90.; Peter David Garner Thomas, *George III: King and Politicians, 1760-1770*, (Manchester, 2002), p. 172.

²³³ Duke of Bedford, 'Document XVI, Duke of Bedford with Proposals About New Forest – 29 September 1768', in *Eighteenth Century Documents Relating to the Royal Forests, the Sheriffs and Smuggling*, ed. by Arthur (Ed.) Lyon Cross (London, 1928), (p. 112).

²³⁴ Gilpin, *Remarks on Forest Scenery* (1791), p. 37.

The New Forest Act 1698 had expressly forbidden the inclosures to be ‘plowed or sowed with any Corn or fed with any Cattel or be at any time or times hereafter kept for Underwood’ unless it was as part of a measure for ‘the raising and preserving of Timber for the use of the Navy’.²³⁵ This was to prevent keepers from turning the intended timber inclosures into their own private arable fields. John Smith, a Regarder, reported in an affidavit that on 28th January 1750 he,

Went into several walks as under viz. in Whitley Ridge Walk, where there is a new enclosure of about 15 acres made and fenced with timber without proper authority and the best part of the old enclosure is ploughed up and sowed with wheat and fenced out from the deer and the Navy trees and young oaks therein are lopped and boughed and retts cut off at bottom to the great damage thereof.²³⁶

This demonstrates that attempts had been made to grow cereal crops and grain in the New Forest by keepers who were trying to profit from areas under their control. The illegal enclosures of Pignall, Etherice, and Black Bush, which had been made during the tenure of Surveyor General Phillipson, had not been removed and attempts were made by Bedford to utilise them for growing timber. Bedford wrote the Lords of the Treasury to explain that,

though the Inclosures have been perfectly well, and very expensively fenced off for above Thirteen Years past, there is not the least Appearance of Timber coming up.²³⁷

The enclosures had become ‘good Covert for Pheasants’, which was the intention he was convinced of those who had erected them, ‘and no other, except it might be for a Pretence of cutting a large Quantity of Timber for the fencing it.’²³⁸

Bedford proposed that the inclosures should be re-sown with acorns, but the ground would first be prepared by ‘taking off One Crop of Oats’.²³⁹ Evelyn had asserted that ‘most

²³⁵ HL/PO/PU/1/1697/9&10W3n76 (New Forest Act 1698).

²³⁶ HRO/149M89/R4/6124, 'John Smith's Affidavit - May 1750, with Additions of April 1751' (Hampshire Record Office, Winchester).

²³⁷ Russell (4th Duke of Bedford), 'Extract of a Letter', in *The Fifth Report* (1789), p. 90.

²³⁸ *Ibid.*

²³⁹ *Ibid.*

Timber-trees grow, and prosper well, in any tolerable Land which will produce Corn or Rye'.²⁴⁰ Evelyn had also recommended that, having chosen the spot and well-fenced it for the growing of timber the ground, especially if it were clay, ought to be prepared the winter before by breaking it up to 'mellow it'.²⁴¹ This was an idea that Moses Cook developed further and had suggested, in 1676, that,

If you have ground that is wet and barren, and that you are minded to plant, make Dreins two spade-deep, and a yard wide, and every two yards asunder cast up the Earth upon the two yards of ground you left, and sow it for the first year with Oats, to mellow the Ground.²⁴²

This idea of preparing the ground for timber plantations with an initial crop of cereals and grains would also have the benefit of producing a financial reward when they were at last harvested. According to Bedford's annual accounts, in April 1769,

Dennis Young and others paid for cutting heath, grubbing and cleaning a piece of ground in Pignal Inclosure in order to be ploughed and cultivated with oats and afterwards with acorns from April 15th to 29th.²⁴³

Ploughing took place again between 27th April and 30th May 1769. On 28th May 1769 Robert Yates, and others, were paid for 'labourers work at Pignall Inclosure holding the plough, stopping deer out, etc. 14 ½ days'.²⁴⁴

Over the summer of 1769 work continued to prepare the inclosure, which included the use of '10 horses 4 days at 2s per day; and, 6 horses 1 day at ditto; and also, payments to Joseph Hollis for 'iron work to the great plough'.²⁴⁵ On 3rd August 1769, the Bedford wrote instructions that,

²⁴⁰ Evelyn, *Sylva*, (1664), p. 6.

²⁴¹ Evelyn, *Sylva*, (1670), p. 9.

²⁴² Moses Cook, *The Manner of Raising, Ordering, and Improving Forrest-Trees*, (London, 1676), p. 79.

²⁴³ HRO/149M89/R5/6457A, 'New Forest: Local Steward's Accounts with the Duke of Bedford - Nov 1746-Jan 1773', (Hampshire Record Office, Winchester), folio 66.

²⁴⁴ *Ibid.*, folio 102.

²⁴⁵ *Ibid.*

That part of Pignall's which is now under oats should likewise be ploughed before November.....Those parts of Pignalls which cannot be ploughed should be filled up this winter with acorns and hawthorns by a labourer or two kept there for the purpose.²⁴⁶

On 24th September 1769, John Whitehorn & co., were paid for 'cutting and cooking oats in Pignall Inclosure' and on 14th October 1769 for '3 days of threshing oats'.²⁴⁷ Finally, in November 1769, John Titford and co., were paid for threshing oats and preserving acorns in land to plant in the inclosures; and, Robert Haskell was paid 3s 'for the hire of a wagon to carry the oats from Pignall Inclosure'.²⁴⁸ The following year the same activities commenced but with the addition, on 23rd June 1770, of 'topping fern', which presumably had been stimulated to growth by the disturbance of the topsoil; a payment of 7s to John Whitehorn & co., made on 11th and 12th June 1770, 'for stopping gaps at the new inclosure to keep out the deer'; on 8th to 13th October 1770 for labourers to work in Pignall Inclosure 'for carting oats and beans and stopping deer; payments of 7s were again paid on 20th October 1770 'for stopping out deer in Pignall Inclosure' between 15th to the 20th October 1770'; and, on 29th October 1770 William Wiltshire was paid 2s 'for mending rails round the Pignall Inclosure'.²⁴⁹

This pattern in the trespass of deer into Pignall Inclosure appears to have been a regular and troublesome occurrence but one, presumably, worth the expense of attempting to stop. Moses Cook had, after all, reasoned that the sale of oats would 'pay a good part of your Charge; if not all'.²⁵⁰ The physical barriers that established the boundaries, in which the enlightenment ideas of the landholder or farmer could be put into practice, were not impenetrable or untraversable. Indeed, the Rev. Philip Le Brocq observed that,

²⁴⁶ HRO/149M89/R4/6144, 'The Duke of Bedford's Instructions on Enclosures - 3rd August, 1769', (Hampshire Record Office, Winchester).

²⁴⁷ HRO/149M89/R5/6457A, Local Steward's Accounts, Nov 1746-Jan 1773', folio 102. NB: While the record does not mention specifically why the oats were cooked, it was the main staple for fox hounds and perhaps indicates the persistent character of the New Forest as a venue for elite hunting.

²⁴⁸ Ibid., folio 102.

²⁴⁹ Ibid., folio 104.

²⁵⁰ Cook, *Improving Forest Trees* (1676), p. 79.

There is a perverseness in some quadrupeds as well as in some bipeds. The deer and cattle – at first, shut out of these enclosures, - imagined, and with some show of reason, that the browse and grass must within be sweeter and more abundant than on any other parts of the Forest, although they all knew that, till then, those were spots which they had never wished to visit.²⁵¹

The unwelcomed deer were joined in March 1771 by mice; 5s 8d was put aside for the cost of ‘400 bricks taken to Pignall Inclosure to kill the mice that eat up the acorns’.²⁵² There is no indication of exactly what purpose the bricks served other than for pest control but the so-called ‘English brick deadfall’ trap is one possibility.²⁵³

In February 1771, John Barter was paid 1s for, once again, ‘fastening up the rails round Pignall Inclosure’.²⁵⁴ The natural elements of the New Forest, it seems, were asserting their influence from within as well as from without. Critically, in the 1789 Fifth Report of the Middleton Commission, Pignell Inclosure was described as,

The land of this Inclosure is a remarkable strong and deep Clay, very cold and wet: the Oaks thin and very scrubby, and several Acres together not a single Tree. As it is to be presumed the Whole was regularly planted with Acorns, these very wet Parts have entirely failed, no Attention having been paid to make any Drains or Outlets for the Water, which might easily have been done, as the Situation of the Wood lies favourable for it, there being sufficient Fall both towards the North and South.²⁵⁵

Etherice Inclosure fared no better. On 3rd August 1769, Bedford had written instructions that,

Etherice is the first of the new enclosures I mean to break up – all that part of it over which I rode today where there is no cover,

²⁵¹ Rev. Philip Le Brocq, *Outlines of a Plan for Making the Tract of Land Called the New Forest a Real Forest, and for Various Other Purposes of First National Importance*, (London, 1793), p. 16.

²⁵² HRO/149M89/R5/6457A, Local Steward's Accounts, Nov 1746-Jan 1773', folio 105.

²⁵³ James A. Bateman, *Trapping: A Practical Guide*, (Machynlleth, Powys, 1979), p. 148. NB: The was a contraption that was constructed of four bricks, three bricks were used to form three side of a horseshoe-shaped ‘cage’ and the fourth was carefully propped up between the two parallel sides. Bait was placed inside the ‘cage’ and when the bait was taken only a slight movement would cause the fourth brick to plunge downward in a deadfall action.

²⁵⁴ HRO/149M89/R5/6457A, Local Steward's Accounts, Nov 1746-Jan 1773', folio 105.

²⁵⁵ Appendix No. 35 - Survey of the New Forest by Thomas 'Appendix No. 35 - Survey of the New Forest by Thomas Richardson, William King, and Abraham and William Driver, in 1787' in *The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 22nd July 1789, ed. by Charles Middleton, John Call, and John Fordyce (House of Commons, London), p. 106.

should be pared and burnt, taking care first to cut a ring around it to prevent the fire spreading. Immediately after the first rains it should be broke up with the plough, excepting such parts where the covert now will not permit.²⁵⁶

Over the winter of 1769-1770, clearing, grubbing up, and burning roots prepared the ground in Etherice Inclosure. On August 18th, 1770, John Royall was paid 1s 4d 'for stopping deer out of Etherice Inclosure' and by September 1770 was cutting oats there. Labourers were 'carting oats and beans' from Etherice Inclosure in October 1770, and also 'stopping deer' from 8th to 13th October 1770'.²⁵⁷ In December 1770, Mary Barney and others were paid 1l 5s 10 ½d to plant acorns in Etherice Inclosure.²⁵⁸

Thomas Richardson, William King, and Abraham and William Driver, who conducted a survey of the area in 1787, described Etherice Inclosure as having been made for many years but that, notwithstanding, there was no timber in it to speak of but 'only a few young Oaks and Beech in the Corner adjoining Denny Wood and a few scrubby Oaks and Birch dispersed about'; they reported that;

in the middle there is not a single Tree (though supposed to have been planted) notwithstanding it is exceedingly fine Land for Timber. . . . This Inclosure is fenced with Posts and Five Rails, with the Addition of a Quicker Hedge; but a considerable part is down, and much out of Repair; a very little time ago, some mischievous Persons set Fire to the Hedge and Rails, and burnt a considerable Part.²⁵⁹

Thus, when Gilpin wrote his *Remarks on Forest Scenery*, in 1791, he observed that the three inclosures had been subject to incompetence or corruption, and that 'for want of being properly planned, or honestly managed, very little advantage hath accrued'.²⁶⁰ Indeed, the Driver brothers complained that it was 'in vain' to expect either the preservation of the timber growing in the forest, or an increase from new plantations, while the present system remained because,

²⁵⁶ HRO/149M89/R4/6144, The Duke of Bedford's instructions on inclosures - 3rd August, 1769.

²⁵⁷ HRO/149M89/R5/6457A, Local Steward's Accounts, Nov 1746-Jan 1773', folio 103.

²⁵⁸ *Ibid.*, folio 105.

²⁵⁹ 'Appendix No. 35 - Survey of the New Forest by Thomas Richardson, William King, and Abraham and William Driver, in 1787', in *The Fifth Report* (1789), p. 106.

²⁶⁰ Gilpin, *Remarks on Forest Scenery* (1791), p. 31.

the principal care of the timber, and enclosures for its preservation, depended chiefly upon the under-keepers, whose emoluments are mostly derived from deer, the sale of browse wood, rabbits and swine, all of which are inimical to the preservation and increase of timber; and the evil consequences of these emoluments being allowed instead of an adequate salary, are very conspicuous.²⁶¹

As well as the corruption and abuses manifest in the Forest, the difficulties between the office of Surveyor General and Lord Warren frustrated attempts to establish further inclosures. Steps were taken in 1769 and 1770 towards further inclosures, but these did not take place until after Bedford's death, in 1771.²⁶²

The early inclosures that were attempted using rational, scientific methods were failures. The repeated incursions by commoners' livestock and the natural elements of the Forest demonstrated that their barriers were not impervious, and the soils had proved less than fertile for large-scale timber production. Any claims to success in the production of timber during this period were not due to the progress of the developing modern silvicultural methods but to the ability of the Duke of Bedford to combine the responsibilities of Lord Warden and Surveyor General. His rank, sense of duty, and the power of his character enabled him to exert control over those responsible for the management and administration of the Forest. He was able to bring a sense of business and law and order to the officers and inhabitants, and to impose on the landscape his vision of 'a beautiful forest for His Majesty's pleasure and Service'.²⁶³

The experiment with scientific forestry persisted, as this was a standard method of production that could be measured, regulated or replicated. The investment in time, intellect and finances, from the greatest academic institutions and figures of the establishment, had been

²⁶¹ William and Abraham Driver, 'Minutes of Agriculture, from the Reports of the Agricultural Board: Hampshire', in *The Universal Magazine of Knowledge and Pleasure, and Other Arts and Sciences*, (London, 1796), (p. 257).

²⁶² Glenbervie, *New Forest Manuscript* (c.1814), p. 9.

²⁶³ Duke of Bedford, 'Document XVI, Duke of Bedford with Proposals About New Forest – 29 September 1768', in *Eighteenth Century Documents Relating to the Royal Forests, the Sheriffs and Smuggling*, ed. by Arthur (Ed.) Lyon Cross (London, 1928), (p. 112).

too great to give up now. Thus, Rackham points out, while Nelson's navy got more timber from naturally occurring forests, such as Hainault, in Essex, the plantations had set a precedent for industrial scale planting that would eat up nearly half the New Forest in the nineteenth century.²⁶⁴ After the Duke of Bedford's death, Prince William Henry, the Duke of Gloucester and George III's younger brother, became Lord Warden of the New Forest. He was to remain in the post until his death in 1805. For many reasons, not least the discovery of a secret six-year marriage in 1772 that led to a period of exile, the Duke of Gloucester does not seem to have interested himself in the affairs of the New Forest. The death of Bedford, in 1771, meant that his programme of reform and efficiency quickly fell into abeyance, and the New Forest administration and management slipped back into its old patterns of abuse and exploitation, where 'a general stupefaction' was said to have taken place 'through all degrees of men in the neglect of our timber'.²⁶⁵

Technically still governed by ancient Forest Law and administered as a royal hunting venue, the introduction of innovative methods of improvement were seen by many as a solution to the interminable problems of the New Forest and as a way to increase timber production there. The succession of George III also represented something of an opportunity in this regard. Changes to the British constitution at the commencement of his reign meant that Parliament became responsible for the running of the Crown lands, including the New Forest. The next chapter examines how the royal forest system and the landed revenues of the Crown came under increasing political scrutiny, leading to proposals for a wide scale investigation into the scale of abuse and mismanagement of all the Crown lands and to make recommendations for their improvement. Indeed, the British government committed resources to the greatest enquiry of its kind ever undertaken and thereby began the burgeoning of the modern state bureaucracy.

²⁶⁴ Rackham, *The History of the Countryside* (1986), p. 139.

²⁶⁵ Roger Fisher, *Heart of Oak: The British Bulwark*, (London, 1771), p. 32.

For the New Forest, these developments marked its transformation from a royal deer forest into a state tree forest and the ascendance of rational methods over traditional forms of management.

Chapter 2: The state and condition of the New Forest

This chapter examines the events that occurred after the accession of George III, in 1760, which brought about fundamental changes to the New Forest. These changes culminated in proposals to inclose sizeable parts of its ancient, open landscape for large-scale timber production. The transformation from a deer forest into a tree forest was confirmed by constitutional changes to the royal purse, which removed the revenues of the Crown lands from the prerogative of the King and placed them with the government. George III was, nevertheless, able to retain the monarch's ancient privilege of appointing forest officials, which perpetuated many obsolete but lucrative roles attached to medieval hunting. This led to suspicions that George III was using such appointments as a form of corruption in order to influence government policy. From 1760, the Government became responsible for the management and administration of the New Forest, and the emphasis on the production of timber there increased. As a state-run enterprise, the New Forest became inexorably connected to the complex demands of government finance, where the narrative of a timber scarcity was indicative of a wider anxiety about economic issues. Furthermore, due to the poor financial returns and complicated system of management within the royal forests, it was felt that the government was being deprived of revenues that should have been more lucrative.¹

The issues surrounding national debt, which was seen as a burden upon landed interests, compounded this situation. Though its growth was regarded as necessary during times of war, such as to pay for the numerous resources required to manage, administer and remunerate the armed forces and ancillary services, the increase of the national debt was also seen as a mode of encouraging inefficiency or fiscal abuse. The reduction of the national debt was a popular notion and the sale of the New Forest, in order to pay for it, received much public support and

¹ Thomas Erskine May, *The Constitutional History of England since the Accession of George III: 1760-1860*, (London, 1861), p. 211.

was demanded in newspapers and pamphlets. The chapter examines how the acceptance of a shortage of timber was accompanied by a general belief that the royal forests, including the New Forest, were unproductive due to inefficiency and corruption, and that only by their improvement using rational techniques, including inclosure or in their disposal by sale, could the situation be rectified. These contentions are supported by the growth of pressure, after the accession of George III, to radically reform the institutions of government, including the royal forests. When economic theorists, such as Adam Smith and Edmund Burke, added their weight to public debate this proved the tipping point.

The rearrangement of the King's finances provided an opportunity to review and reorganise the management and administration of the Crown lands, including the New Forest. Although it was fiercely opposed due to its inquisition-like powers, a Royal Commission was appointed in 1786 to enquire into the state and condition of His Majesty's woods, forests and revenues of the Crown lands. As well as providing a commentary of the state and condition of the New Forest, the reports of the Middleton Commission represent the establishment of a centralised government bureaucracy and the rise in the prominence of professional administrators. The reports reveal the unprecedented extent of official investigation and the determination to improve an ancient system of governance, transforming it from a landscape under the influence of custom and tradition into a commercial timber monoculture organised according to economic principles. Central to this investigation was a debate that centred on whether the transformation of the New Forest should be undertaken as a state-owned, state-run asset or in its separation and division under private ownership. The 'expert' analysis of the Commissioners, led by Sir Charles Middleton, was used to unravel the complexity of the system that the government was managing; and to make recommendations on whether the New Forest could be brought into productive use for naval timber or would be better being disposed of into private hands.

The narrative of a timber scarcity and the abuses in the royal forest system were not questioned by the Commissioners. Indeed, their appointment was established on the basis of ‘suggesting Plans for redressing any Abuses in the Management of them, and for the Protection, Increase, and Supply of Timber thereon, for the Use of the Royal Navy’.² By the eighteenth century, the narrative of a timber shortage was widely accepted. The Middleton Commission reported ‘having Reason to believe that the Complaints of Waste and Spoil in His Majesty’s Forests were too well founded’.³ This belief had roots in John’s Evelyn’s *Sylva*, when he wrote that ‘the waste and destruction of our woods has been so universal’ that nothing less than ‘an universal plantation of all the sorts of trees will supply, and well encounter the defect’.⁴ The sentiments of scarcity and abuse would be repeated, with later authors also stating that,

Our Wood and Timber have of late been so much destroy’d, the Growth so far neglected, and so little Care taken to plant a Supply, that there is scarce now sufficient left to satisfy our present necessary Occasions.⁵

The lack of timber trees was also regarded as a symptom of a much wider malaise by which ‘this Nation is reduced to a Low Condition’; a situation that was stated as ‘a Truth too apparent to be either deny’d or conceal’d’, and which also included the debts and mortgages of the landed gentry, unemployment, the increase in numbers of the poor, and ‘the Burthensome Debts of the Nation; and consequently the Grievous and Heavy Taxes we labour under’.⁶

During the reign of George III, the suggestions and recommendations for the future of the New Forest were not just restricted to the planting of oak trees for the benefit of the Royal

² Charles Middleton, John Call, and John Fordyce, *The Third Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 3rd June 1788, ed. by Land Revenue Office (House of Commons, London), p. 3.

³ *Ibid.*

⁴ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions* (1664), p. 3.

⁵ Anon., *Proposals for the Improvement of Common and Waste-Lands: And Also for Raising and Securing a Supply of Wood and Timber in This Kingdom*, (London: Printed for James Roberts, 1723), p. 2.

⁶ *Ibid.*, pp. 1-2.

Navy but were subject to wider economic issues, such as relieving the national debt by selling off parts of the Forest by public sale. John Perceval, second Earl of Egmont and First Lord of the Admiralty, argued that,

The best wooded Parts of the different Forests, and Chases properly enclosed and preserv'd, would produce more timber than the whole does at present.⁷

This proposition was not only based on the narrative of a timber scarcity but demonstrated an acceptance of two fundamental principles, which were shared by many of his contemporaries. The first principle, was that the forests in their current, unenclosed state and condition were made up of varying degrees of fertility but were for the most part unproductive; and the second principle, was that fewer acres of the more fertile soils when fenced in and better managed would be more productive for naval timber. Perceval wrote and distributed a pamphlet that advocated,

Selling Part of the FOREST LANDS and CHASES, And Disposing of Produce towards the Discharge of that Part of the NATIONAL DEBT, due to the BANK of England.⁸

If the forests could be made more productive on fewer acres, by better management and rational techniques, the remaining land could be sold into private ownership.

The disposal of the Crown lands and royal forests in this way was topical because, in 1763, within a few years of the start of George III's reign, and at the end of the Seven Years War (1756-1763), the national debt was reported to have stood at '£135,695,313 13s ¾ d'; whereas, in comparison, it had been calculated on 31st December 1701, after the end of the Nine Years' War (1688–97), to be '£16,394,701 1s 7 ½ d.'⁹ The political significance of the public debt was that it redistributed income from the taxpayer to the debt-holder and, as a result,

⁷ John Perceval, 'A Proposal for Selling Part of the Forest Lands and Chases, and Disposing of the Produce Towards the Discharge of That Part of the National Debt, Due to the Bank of England; and for the Establishment of a National Bank; &C.', (London, 1763), (pp. 18-19).

⁸ *Ibid.*

⁹ J.J. Grellier, *The History of the National Debt, from 1688 to the Beginning of 1800, with a Preliminary Account of the Debts Contracted Previous to the Era*, (1810), p. 261.

had implications for economic inequality and social instability.¹⁰ Revenue from low- and middle-income taxpayers was redistributed to an elite minority who used their ownership of the public debt to exert influence over the government policy and political decision-making.¹¹ As Langford points out, Parliament itself enjoyed less power than the moneylenders.¹² Thus, Henry Saint-John Bolingbroke observed that the public debt created ‘great companies’ that were the ‘pretended servants’ of the nation ‘but in many respects [were] the real masters of every administration’.¹³

Concern regarding the national debt caused Frederick, Prince of Wales, to write instructions to the future George III, on 13th January 1749, giving financial matters priority. He advised his young son to,

Let your Treasury speak with firmness to the Companies and Monied Men. Let it be shewn to them that it is your earnest desire, to support the Credit of the Nation, but that for so doing, you expect their assistance and support, to ease the Land[ed interest] of the vast Burthen it is loaded with, which can only be done, by reducing the national interest.¹⁴

Reducing the national debt, according to Frederick, was to be a national responsibility, particularly to those in the newly developing social strata of commercial, trading and manufacturing interests. Frederick also urged his adolescent son to live within his means and assured him that,

If you can do so, You will be able to reduce the National Debt, which if not done, will surely one time or other, create such a disaffection, and despair, that I dread the consequences for you,

¹⁰ Roy Roy Porter, *English Society in the Eighteenth Century* (London, 1990), p. 116.

¹¹ Sandy Brian Hager, 'Corporate Ownership of the Public Debt: Mapping the New Aristocracy of Finance', *Socio-Economic Review*, 13 (2015), 22.; D. Winch, 'The Political Economy of Public Finance in the ‘Long’ Eighteenth Century', in *Debt and Deficits: An Historical Perspective*, ed. by J. Maloney (Cheltenham, 1998), (p. 12).

¹² Paul Langford, *Public Life and the Propertied Englishman, 1689-1798* (Oxford, 1990), p. 58.

¹³ Henry St. John Bolingbroke, *A Letter to Sir William Windham. II. Some Reflections on the Present State of the Nation. III. A Letter to M. Pope*, (London, 1753), pp. 342-43.

¹⁴ GEO/MAIN/54227-54232, 'Instructions from Frederick, Prince of Wales, to His Son George', in *Private papers of Frederick, Prince of Wales*, 13 January 1749 (Royal Archives, Windsor).

My Dear Son. The sooner you have an opportunity to lower the interest, for God's sake, do it.¹⁵

As part of his education the young prince studied revenue and taxation and learned that 'the Royal State and the whole expense of Government' had been, at one stage, supported out of the 'Demesnes of the Crown (once very considerable) and the Taxes levied upon the People'.¹⁶

In one essay, the young George outlined the history of royal revenue, including the introduction of the Civil List, and the 'net receipts [and] issues of Public Money' and traced,

The inormous [sic] debt the Nation labours under from its first beginning, & the consequential increase of grievous Taxes, from a few simple Impositions that subsisted at the Period we set out from, with the establishment, progress, & present state of the various Funds & great trading Companys, all which affecting the Nation strongly growing more serious from day to day.¹⁷

Thus, from his earliest days Prince George was made to understand that the demesnes lands of the Crown had been much reduced in consequence. This may have influenced his attitude to the disposal of the royal forests during the latter part of his reign.¹⁸ The young Prince George's lessons left him in no doubt that the origins of the national debt were the fault of 'weak and wheedling politicians,' rather than as a result of the necessity of the Crown.¹⁹

The issue of public finance was fraught with difficulty. Its increase was associated with the growth of the political establishment, which was considered a necessary evil on the one hand, because the government needed to be able to command the numerous resources required

¹⁵ *Ibid.*

¹⁶ GEO/ADD/32/1195-1219, 'Draft Essay - a History of the Revenue from the Revolution to the Present Time', in *George III Essays, 1746-1805* (Royal Archives, Windsor). NB: John St. John states that the Crown lands 'once constituted almost the whole revenue'. St. John, *Observations* (1787), p. vii.

¹⁷ GEO/ADD/32/1195-1219, 'Draft Essay - *George III Essays, 1746-1805*.

¹⁸ When Prince of Wales, George III had vowed to John Stuart, 3rd Earl of Bute, who would later become his Prime Minister, that he would only accept the throne if he believed he could accomplish two goals. The first was 'restoring my much loved country to her ancient state of liberty'. The second was, 'seeing her in time free from her present load of debts and again famous for being the residence of true piety and virtue'. Romney Sedgwick (ed.), 'The prince of Wales to the earl of Bute, [early June 1757?]', in *Letters from George III to Lord Bute, 1756-1766* (London, 1939) p. 6.

¹⁹ John L. Bullion, "'To Know This Is the True Essential Business of a King": The Prince of Wales and the Study of Public Finance, 1755-1760', *Albion: A Quarterly Journal Concerned with British Studies* 18 (Autumn, 1986), (pp. 429-454).

to prosecute the wars that featured in George III's reign; but, on the other, a large establishment was seen as a method of at best encouraging inefficiency and at worst corruption, such as by the increase in unnecessary civic posts, sinecures and pensions. On the accession of George III, the transfer of responsibility for the Crown lands away from the King and onto the Exchequer was seen by many as providing an opportunity to generate revenue without incurring new taxes. In March 1762, it was suggested in the *London Chronicle* that a 'very obvious, easy and cheap method of raising a considerable sum of money', which would enable the Government to carry on prosecuting the Seven Years' War, would be 'the sale of all the crown lands and estates now let upon lease; these are now vested in the Publick by the Civil-list act at his Majesty's accession who has a net income in lieu of them'.²⁰

Perceval also suggested that those acres of Crown lands not required for timber production should be disposed of by public sale or that the forests 'most contiguous to London and Market Towns' should be divided into lots of 100, to 500 acres and be sold at public auction, which 'wou'd raise a sufficient Sum to discharge a considerable Part of the Debt due to the Bank [of England], and also all other Charges and Expenses'.²¹ There were further suggestions from other commentators that the forests and Crown lands should be 'leased out in proper lots or parcels, to the best bidders', and the rents arising from the leases should be 'set apart for the payment of public debt'.²² In contrast, John St. John, Surveyor General of the Land Revenues of the Crown from 1775 to 1784, believed that people were 'flattering themselves with the delusive hopes of great relief from national burdens, by the sale of the Crown lands'.²³ His assertion was that the expenses of government were 'so enormous' that the principal source of

²⁰ A.C., 'A Scheme for Raising Money for the War', *London Chronicle*, March 18, 1762 - March 20, 1762.

²¹ John Perceval, *A Proposal for Selling Part of the Forest Lands and Chaces, and Disposing of the Produce Towards the Discharge of That Part of the National Debt, Due to the Bank of England; and for the Establishment of a National Bank; &C.* (London, 1763), p. 19.

²² Anglicus, 'To the Author of the London Evening Post', *London Evening Post*, February 21, 1764 - February 23, 1764.

²³ St. John, *Observations on the Land Revenue of the Crown* (1787), p. vii.

revenue could not ‘with any degree of convenience be drawn from lands allotted to the public’.²⁴ He nevertheless asserted that through the use of improvement techniques ‘the forests, chaces, parks, warrens, and wastes, in England and Wales’ could be rendered ‘of very great value and importance’.²⁵

The economic system that expanded in Britain during the late eighteenth century stimulated commerce and the growth of entrepreneurialism that played a fundamental role in a ‘financial revolution’, which would set the stage for industrial revolution.²⁶ Georgian society, according to Porter, was controlled by ‘an extraordinarily united and stable ruling order’, which was able to monopolise political authority.²⁷ Thus, the British state was able to extract higher taxes, with little resistance, and to use the revenue to fund its military operations and imperial expansion.²⁸ Thomas Mortimer, writing in 1782, expressed admiration at the ‘easy manner’ with which the British government was able to raise ‘amazing sums’ that have ‘accomplished the greatest events for the glory, welfare and preservation of these realms’.²⁹ Notwithstanding the ‘mischiefs of stock-jobbing’, his belief was that the ‘inviolable faith in Parliament’ had enabled the extent of national credit to be ‘a standing miracle in politics which at once astonishes and over awes the states of Europe’.³⁰

Parliamentary supremacy, within the balanced constitution, provided for a government borrowing system of ‘matchless efficiency’ that, according to Harling, facilitated Britain’s military successes and the growth of its empire. This also meant that servicing the national debt,

²⁴ *Ibid.*, p. 3.

²⁵ *Ibid.*, p. 117.

²⁶ E. James Ferguson, ‘Political Economy, Public Liberty, and the Formation of the Constitution’, *The William and Mary Quarterly*, 40 (Jul., 1983), 392-93.

²⁷ Porter, *English Society* (1990), p. 116.

²⁸ Martin Daunton, ‘The Politics of Taxation, 1815-1914’, in *The Political Economy of British Historical Experience, 1688-1914*, ed. by D. Winch and P.K. O’Brien (Oxford, 2002), (p. 320).

²⁹ T. Mortimer, *Every Man His Own Broker: Or, a Guide to Exchange-Alley ... With a Supplement, Giving a Concise, but Clear Account of the Valuation of Annuities Upon Lives: With Accurate Tables of Interest ... The Sixth Edition, Improved* (London, 1782), pp. 182-83.

³⁰ *Ibid.*, p. 184.

which had resulted from that same financial system, became ‘burdensome’ to most Britons.³¹ Rather than regarding the positives of state growth as indicators of progress, the financial system was seen by many Britons as evidence of a national decline.³² The subsequent high levels of taxation that were increasingly imposed on the British caused concerns to be raised about the nature of public revenue and apprehensions were expressed about the excessive powers assumed by the wartime state.³³ These apprehensions were discussed through the medium of print and reflected the prevailing notion of a free (uncensored) press representing the public opinion of reasoned individuals who railed against absolutist authority.³⁴

Richard Price, a Welsh political pamphleteer and Fellow of the Royal Society, asserted that,

Not only the preservation of our TRADE and LIBERTIES; but the very BEING OF THE STATE depends at present on the reduction of our debts.³⁵

Previously taxation had been judged, not so much as an extraction by the state, but as private gift or donation from the taxpayer to the Crown, the transfer of which had been arranged by Parliament.³⁶ In the reign of George III doubts began to emerge about whether it was public interest or private self-interest that was the beneficiary of this arrangement. The combination of public funds and state authority was seen as a vehicle to potential political corruption. Louis Simond, a French tourist and writer, exclaimed that,

If I was asked, at this moment, for a summary opinion of what I have seen in England, I might probably say, that its political institutions present a detail of corrupt practices, - of profusion, - and of personal ambition, under the mask of public spirit very

³¹ Harling, *The Modern British State: An Historical Introduction*, p. 33.

³² Ferguson, 'Political Economy' (Jul., 1983), p. 392.

³³ Harling, *The Modern British State* (2001), p. 33.

³⁴ Slavko Splichal, *Public Opinion: Developments and Controversies in the Twentieth Century* (Oxford, 1999), p. 58.

³⁵ Richard Price, *An Appeal to the Public on the Subject of the National Debt*, (London, 1773), pp. 46-47.

³⁶ Morton J. Horowitz, 'History of the Public/Private Distinction', *University of Pennsylvania Law Review*, 130 (1981-1982), 1423-24.

carelessly put on, more disgusting than I should have expected: the workings of the selfish passions are exhibited in all their nakedness and deformity.³⁷

Added to the perception of corruption and personal ambition were fears that the growth of debt would mean political control might be concentrated in the hands of a minority class of public creditors.

David Hume, the Scottish Enlightenment philosopher, 'heard it computed that all creditors of the public, natives and foreigners, amount only to 17,000'.³⁸ These special interests or, as Hume refers to them, 'a mighty confluence of people and riches' would coalesce around the political centre of the nation's capital, which would then give a further advantage to business groups and merchants who were able to benefit from a close proximity to the hub of political decision-making.³⁹ The concerns of the 'monied interest' were among men variously described as 'Directors of Companies, Jobbers, Monopolizers, Undertakers for Loans, &c.', whose personal interest in the money schemes were seen to be above the national interest.⁴⁰ It was hoped, therefore, that in reducing government borrowing,

Public Credit will no longer be made use of to fill the private Purses of a Sett of Men, who, under the Pretence of supporting that Credit, have by degrees been sapping its Foundation.⁴¹

The rapid accumulation of wealth by speculative means, such as the stock market, which was compared to gambling, was widely believed to have corrupted general morality and 'raised up a rootless paper aristocracy in place of the natural leaders of the society'.⁴² Furthermore, it was believed that,

³⁷ Louis Simond, *Journal of a Tour and Residence in Great Britain, During the Years 1810 and 1811, by a French Traveller*, (Edinburgh, 1815), p. 297.

³⁸ David Hume, *The Philosophical Works of David Hume: Including All the Essays*, (London, 1826), p. 409.

³⁹ David Hume, *Essays and Treatises on Several Subjects*, Second edn (Edinburgh, 1753), p. 130.

⁴⁰ Perceval, *A Proposal for Selling Part of the Forest Lands* (1763), pp. 6-7.

⁴¹ *Ibid.*, p. 6.

⁴² Ferguson, 'Political Economy' (Jul., 1983), p. 394.

the Spirit of Gaming that has so universally prevailed; for Stockjobbing is a kind of Gaming, in which the Ministers, and Brokers may be reckon'd the Boxkeepers.⁴³

Ministers were accused of 'multiplying Sine Cures, Pensions, Jobs &c. to form a mercenary Phalanx' to support their positions and to keep themselves in power.⁴⁴

It was the loss of these 'temporary grants and emoluments to selfish and greedy courtiers' that was, according to 'Fabricus', writing in the *Gazetteer and London Daily Advertiser* in 1763, the 'one capital obstruction' to 'our farther disencumbering ourselves of debt, raise and establish public credit and enable government to form and execute such schemes for the retrieval of our national circumstances'.⁴⁵ Thus, when 'Anglicus' recommended leasing all the forest and Crown lands he also proposed that,

All the posts and places of the Public, which shall henceforth become vacant, (excepting some few which may be mention'd) should be sold to the best bidders for the term of their lives; (with proper covenants and restrictions for the due execution of them) and that the money arising therefrom be paid into the office, and for the purpose aforesaid [of reducing the public debt].⁴⁶

This sentiment was chorused by Publicola, who suggested that 'best foundation for a speedy and great reduction of the national debt' would be raised by the 'alienation of a considerable part of such crown lands', which would be better used for the 'State and Community at large', rather than for use in grants that would be 'to the Great for their farther indulgence in luxury'.⁴⁷ Indeed, such grants were seen to be the means of 'extending corrupt influence' in the

⁴³ George Gordon, *History of Our National Debt and Taxes from the Year MDCLXXXVIII to the Present Year MDCCLII, Part III*, (London, 1752), p. 36. NB: A Boxkeeper was an attendant in charge of seating/allocating boxes at the theatre. They made their money from tips and were associated with extortion and bullying. See: S Grieves (ed.), *Theatrical Times*, 36 edn (London, Saturday, Oct 2, 1847), p. 310.

⁴⁴ Perceval, A Proposal for Selling Part of the Forest Lands (1763), p.4.

⁴⁵ Fabricius, 'To the Printer', *Gazetteer and London Daily Advertiser*, (Tuesday, June 28, 1763).

⁴⁶ Anglicus, 'To the Author of the London Evening Post', *London Evening Post*, (February 21, 1764 - February 23, 1764). NB: Anglicus was the pseudonym of Montagu Burgoyne (1750-1836), an English politician and prolific pamphleteer, he was the holder of the sinecure position of Chamberlain of the Till office in the Exchequer, and Verderer of Epping Forest.

⁴⁷ Publicola, 'To the Printer', *London Evening Post*, (August 27, 1765 - August 29, 1765). NB: Publicola or Publius Valerius Poplicola (died 503 BC) overthrew the monarchy and became a republican consul. Publicola was also the pseudonym of John Quincy Adams.

departments that were meant to deal with ‘public business’, particularly with regard to ‘illicit perquisites, and the present practice of making contracts and payments’.⁴⁸ The disposal of the New Forest, along with other Crown land property, to reduce the national debt, was regarded as being ‘of infinite importance’ and a measure that would ‘give great wealth and strength to the State’.⁴⁹ It was also a way to improve the probity of government business by reducing the immoral and dishonest practices that affected the system of state finances and administration.

The Civil List – royal forest becomes state forest

The national debt was not the only form of government spending that caused concern during the reign of George III. On his accession in 1760, George III surrendered to Parliament ‘the greater part of the hereditary revenues of the Crown including the Crown lands, many of the minor prerogatives and the hereditary excise’, which he did in return for a fixed Civil List payment.⁵⁰ This change to the British constitution was to have far reaching effects on the royal forests. For the New Forest, this was the final crucial step its transformation from a royal forest, reserved for aristocratic game hunting and under the control of the monarch, into a state resource that could be utilised or disposed of by the Government or, more precisely, the Exchequer. The Civil List had long been feared for the undue ‘pecuniary influence it might create’ and, even worse, be used as a ‘fund for corruption’ where the King, whose constitutional duty it was to remain independent, could influence ministers and induce them to do his bidding.⁵¹

Although of minor fiscal importance in terms of the total expenditure of government, the Civil List was of major political significance because it presented constitutional problems

⁴⁸ *Ibid.*

⁴⁹ Anglicus, *London Evening Post*, February 21, 1764 - February 23, 1764. ; Publicola, *London Evening Post*, August 27, 1765 - August 29, 1765.

⁵⁰ H. Hallam, *The Constitutional History of England*, (Appleton, 1867), p. 436.

⁵¹ Henry St. John Bolingbroke, *A Dissertation Upon Parties; in Several Letters to Caleb D’anvers*, VIII edn (London, 1754), p. 294.

by conflicting the independence of the Crown with the principle of parliamentary control of finance.⁵² Not only was the distribution of the Civil List independent of Parliament, but the King had also retained the prerogative of awarding sinecures and patronage, and granting perquisites and pensions. Regarded as ‘uniquely the private pasture of the political class’, the Civil List was where young men (and women) looked for places, nominal duties, bounties, or pensions.⁵³ All the posts in revenue collection, in the customs, in the post office, and other departments, the promotions both in the army and the navy, and every possible post of honour or profit, whether active or sinecure, might be used to reward faithful service, satisfy relatives or be used to curry favour with political supporters.⁵⁴ Some of the more prestigious titles and honours available to the political and social elite were directly associated with ancient seats of power, such as royal forests, and the pursuit of noble activities, including hunting. The New Forest, with its plethora of ancient offices and the unimpeded chase upon the open wastes and heaths, provided ample opportunities for both.

Many antiquated positions, required to uphold forest law and to provide hunting support for the king and his entourage, remained valid in the New Forest, even though no royal hunting had taken place since 1686.⁵⁵ These positions were very desirable because of the status and perquisites they attracted for the incumbents. In 1800, for example, the Rt. Hon. Thomas Grenville MP was appointed Chief Justice of Eyre South of Trent, ‘a sinecure place worth about 2,000/ a year’ with allowances for venison, even though the Eyre Courts had not met

⁵² J. Steven Watson, *The Reign of George III, 1760-1815*, (Oxford, 1960), p. 61.

⁵³ E. A. Reitan, 'The Civil List in Eighteenth-Century British Politics: Parliamentary Supremacy Versus the Independence of the Crown', *Historical Journal*, Vol. 9, No. 3 (1966), 322.

⁵⁴ Watson, *The Reign of George III* (1960), p. 59.

⁵⁵ In September 1686, James II hunted in the New Forest for the final time and would be the last monarch to visit for the purposes of the chase. E. K. Timings (ed.), *Calendar of State Papers Domestic: James II, 1686-7* (London: British History Online <http://www.british-history.ac.uk/cal-state-papers/domestic/jas2/1686-7> [accessed 10 December 2018]).

since 1670.⁵⁶ (The salary has been more precisely reported as 3,466l 13s. 4d. per annum).⁵⁷ The post continued until his death, in 1846, at which point it became obsolete.

The reason for the continuance of the post was that it was highly profitable to the holder and provided ‘an extensive web of patronage’ including the right to grant licences to hunt and shoot, appoint forest officers, and award other privileges.⁵⁸ The Chief Justice of Eyre remained part of the country’s legal establishment, even though, ‘the rigorous parts of the Forest Laws are become obsolete’ and there had not been ‘any *Iter* [court circuit] since the Reign of King Charles’.⁵⁹ Though the duties of the Chief Justice of Eyre were negligible, the status of the post was required to ‘maintain the Rights and Privileges of the Crown’.⁶⁰ Similarly, in 1765 although the Rangers office had become ‘no more than a sinecure for many years past’, it still paid ‘3l 6s 8d’ as well as a fee buck and doe yearly. It was the Rangers’ responsibility to,

Superintend the vert and venison and see that all dogs within the Forest are expeditated; and that no guns or bows or other engines for the destruction of game be kept by unqualified persons.⁶¹

It was also their responsibility to re-chase the deer out of the purlieu and back into the forest, where they could ‘recover their sanctuary of Peace’ and become *infra Situm Foresta* (within the Forest) to be hunted once more by the King.⁶²

⁵⁶ Sir Robert Joseph Phillimore (ed.), *Memoir of the Right Honourable Thomas Grenville*, (London, 1847), p. 13.

⁵⁷ *Memorandums and Narratives: Civil, Military, Naval, Parliamentary, and Ecclesiastical, Including Account of Pensions, &C. As Extracted from Papers Laid before the House of Commons, and Other Authentic Documents*, (London, 1809), p. 32.

⁵⁸ Ruth Paley, 'Parliament, Peers and Legislation, 1660-1900', in *Forests and Chases of England and Wales C.1500-C.1850*, ed. by John Langton and Graham Jones (Oxford, 2008), (p. 29).

⁵⁹ 'First Report from the Select Committee of the Hon. House of Commons, Appointed to Consider, What Offices in the United Kingdom, and in the Foreign Dominions of His Majesty, Come within the Purview of the 2d, 3d, and 4th Resolutions of the House, on the Third Report from the Committee on the Public Expenditures of the United Kingdom ', in *The Literary Panorama*, (London, 1810), (p. 1010).

⁶⁰ *Ibid.*

⁶¹ HRO/149M89/R4/6145, 'Samber Mss: Present State of the New Forest', 1765 (Hampshire Record Office, Winchester).

⁶² *Ibid.*

Another royal appointment was that of Bow Bearer, which was categorised in 1765 as ‘an ancient office, formerly of consequence in the Forest which had become a sinecure’.⁶³ The duties of Bow Bearer had been to carry the king’s bow and quiver while the monarch was hunting and to load and pass it to him when required. Indeed, the role was demonstrated as purely ceremonial when George III stayed in King’s House, Lyndhurst, in 1789. The then post-holder, the Rev. Sir Charles Mill, presented the King with ‘a brace of milk-white greyhounds’, which served to symbolise the extent of royal hunting in the New Forest.⁶⁴ In 1811, William Stewart Rose held the office of Bow Bearer with a salary of ‘Forty Shillings a Year, and he has likewise a Fee Buck and Doe Yearly’, this was, of course, nearly 150-years after the last royal hunt.⁶⁵ His father, George Rose Esq, who features significantly in later chapters of the thesis, secured this position for him. George Rose also managed to secure other places for his son, including the Surveyor of Green Wax Monies; Clerk of the Pleas, Exchequer; and Reading Clerk and Clerk of Private Committees in the House of Lords, which was ‘quite a sinecure’.⁶⁶

William Stewart Rose, who was also Member of Parliament for Christchurch between 1796-1800, was described as one who ‘does not take an active interest in politics, but lives in elegant retirement, and amuses his leisure hours with literature, and especially with poetry’.⁶⁷ This typifies the acquisitive nature of politics and the notion of jobbery that was acceptable for much of the eighteenth century, where positions could be traded, balloted or bargained for, given as a ‘marriage provision’, and when secured were considered as an ‘insurance against infirmity’.⁶⁸ Thus, during the reign of George III the notion of ‘Old Corruption’ was, as

⁶³ Ibid.

⁶⁴ Percival Lewis, *Historical Inquiries, Concerning Forests and Forest Laws* (London, 1811), p. 98.; ‘News’, *The World*, (Thursday, August 27, 1789).

⁶⁵ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 10.

⁶⁶ *Public Characters of All Nations; Consisting of Biographical Accounts of Nearly Three Thousand Eminent Contemporaries Alphabetically Arranged*, (London, 1823), p. 279.

⁶⁷ *Ibid.* NB: Christchurch was referred to as ‘the bed of Roses’. R. G. Thorne, *The House of Commons 1790-1820, II Constituencies*, (London, 1986), p. 184.

⁶⁸ W. R. Ward, ‘Some Eighteenth Century Civil Servants: The English Revenue Commissioners, 1754-98’, *The English Historical Review*, 70 (January 1955), 28-29.

Rubinstein maintains, an ‘all-pervasive’ feature of British politics, which alluded to the widespread use of pensions, sinecures, ‘gratuitous emoluments’ and perquisites granted to people the government wanted to reward, buy or bribe.⁶⁹ These practices included the ‘political influence of the crown’ over members of parliament, voters, municipal corporations and the like; and, the pre-existing varieties of corruption, including reversions of posts (expectations or promises of a future sinecure) and the pluralist holding of office by leading government officials. Indeed, by the early eighteenth century, the range of appointments in the New Forest appeared to have multiplied noticeably.⁷⁰

The war effort, during the reign of George III, was also a source of constant political argument. Radicals believed that the practice of ‘Old Corruption’ had increased in size, particularly during the Napoleonic Wars, as it attempted to satisfy the political elite’s insatiable appetite for power and money at the people’s expense, and they alleged that government trade and financial policies benefited the vested interests of agriculture, shipping and finance at the expense of ‘humble consumers’.⁷¹ The Civil List did not prove adequate to the King’s needs, and George III was not able to live within his means. In 1761 and 1762, according to Reitan, the Civil List had to bear the many extraordinary expenses that came with waging war, negotiating peace, inaugurating a new reign and winding up the old one.⁷² This meant that the King quickly accrued debt, and the problem of constant arrears opened him to political attack. Concern regarding the Civil List surfaced during a debate in 1777, in the House of Commons when it was stated that ‘inward corruption is the canker, which gnaws on the vitals of parliament’ and that the House of Commons was ‘allowed to be the most corrupt assembly in

⁶⁹ W. D. Rubinstein, ‘The End of “Old Corruption” in Britain 1780-1860’, *Past & Present*, No. 101 (Nov., 1983), 55.

⁷⁰ C. R. Tubbs, *The New Forest: An Ecological History*, (Newton Abbot, 1968), p. 38.

⁷¹ Rubinstein, p. 57. NB: Old Corruption referred to the political system that allowed the elite to keep funds between themselves and benefit from bribery, rigged elections, selling or promising appointments, etc. (It was reflective of the concept of ‘Old Money’, which maintained inherited wealth among a few privileged and established families).

⁷² Reitan, ‘The Civil List’ (1966), p. 324.

Europe'.⁷³ Consequently, the debates that occurred during the late 1770s not only reviewed the constitutional and political importance of the Civil List but also prepared the way for Edmund Burke's 'economical reforms', which, as well as containing criticisms of the present system, made recommendations, such as the disposal of the royal forests, for its improvement.

Advocates for agricultural improvement had long asserted that the forests and chases were 'in a Manner, useless' and that they would only 'become of very considerable Advantage to the Kingdom, if properly cultivated'.⁷⁴ It was argued that once occupied and improved, the Crown lands would increase the land tax; increase production of corn and hay; and, enlarge the available pasturage. This would give employment to 'many men discharged from land and sea services'; cultivation would also increase the population, manufactures, and other kinds of occupation, and in 'every way add great strength and wealth to the nation'.⁷⁵ Wilmot detects science and experiment as the basis and organising principle of agricultural improvement, which is reflected in agricultural texts, from 1770-1800. This period, she asserts, firmly establishes the age as one of 'scientific and statistical optimism'.⁷⁶ Indeed, Arthur Young, the agriculturalist and writer, believed that the tracts of the New Forest between 'Lindhurst, Brokenhurst, and beyond Pondhead, and likewise from Birley to Lindhurst, are the best in the forest', and felt that they would 'let for 11s. an acre, without any improvement but that of inclosing'.⁷⁷

Significantly, although the New Forest was called a 'forest', rather than being covered with trees, its landscape was dominated by 'dreary wastes, barren heaths, and formidable bogs

⁷³ 'Parliamentary Debates, 1777', Great Britain. Parliament. House of Commons, *The Parliamentary Register: Or, History of the Proceedings and Debates of the House of Commons*, (J. Debrett, 1777), p. 77.

⁷⁴ Perceval, *A Proposal for Selling Part of the Forest Lands* (1763), p. 18.

⁷⁵ 'News', *Gazetteer and London Daily Advertiser*, Saturday, October 29, 1763.

⁷⁶ Sarah Wilmot, *The Business of Improvement: Agriculture and Scientific Culture in Britain, C.1700-C.1870*, (History Geography Research Series, November 1990), p. 12.

⁷⁷ Arthur Young, *The Farmer's Tour through the East of England*, (London, 1771), p. 229.

[which] disfigure a very large proportion of it'.⁷⁸ This was not a landscape synonymous with financial profit through rents, agricultural fertility, or the production of timber. Indeed, Adam Smith had complained in *The Wealth of Nations* that,

Though there is not at present in Europe any civilized state of any kind which derives the greater part of its public revenue from the rent of lands which are the property of the state; yet, in all the great monarchies of Europe, there are still many large tracts of land which belong to the crown. They are generally forest; and sometimes forest where, after travelling several miles, you will scarce see a single tree.⁷⁹

He advocated dividing the Crown lands among the people, which, he argued, could be accomplished 'by exposing them to public sale'.⁸⁰ As well as raising revenue through their sale, once private property, he reckoned, the land would become 'in the course of a few years, well-improved and well-cultivated'.⁸¹ He also believed that the Crown lands and forests brought in little revenue, but 'would yield a great deal in the hands of private proprietors'.⁸²

The royal forests were also regarded as places of corruption, both in the sense of earthly pollution (bogs, mires, wasteland) and the vice and lawlessness believed to be inherent in their communities. Their improvement was seen as a route to the development of a moral character.

John St. John, in arguing for the enclosure of the forests, believed that,

The borders, and confines of forests will cease to be a nursery for county gaols; the trespasser will no longer prey upon the vert; nor the vagabond and out-law on the venison. Nay the very soil itself will not then be gradually lost and stolen, by purprestures and assarts. Thus, forests, which were formerly the haunts of robbers, and the scenes of violence and rapine, may be converted into the receptacles of honest industry.⁸³

⁷⁸ Richard Warner, *A Companion in a Tour Round Lymington*, (Southampton, 1789), p. 43.

⁷⁹ Smith, *The Wealth of Nations* (1776), p. 421.

⁸⁰ Adam. Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations* (London, 1778), p. 423.

⁸¹ *Ibid.*, p. 424.

⁸² The Speech of Edmund Burke, Esq; in the House of Commons, on Friday, the 11th of February, 1780, on his Motion for a Plan of Public Economy (London, 1780), p. 10.

⁸³ St. John, *Observations* (1787), p. 168.

Thus, some landscapes were associated with human inhabitants of lesser feelings. Forests, in particular, were areas where settlement was dispersed and attractive to squatters, resulting in a higher proportion of poorer people.⁸⁴

Gilpin observed that, 'the [New] forest is continually preyed on by the encroachments of inferior people'.⁸⁵ For him, the self-improvement that came with steady work would be a cure to the New Forest's 'indolent race', who were,

Poor and wretched in the extreme. Instead of having regular returns of a week's labour to subsist on, too many of them depend on the precarious supply of forest pilfer. Their ostensible business is to commonly cut furze, and carry it to the neighbouring brick kilns; for which purpose they keep a team of two or three forest horses; while their collateral support is deer stealing, poaching, or purloining timber.⁸⁶

The only 'set of persons' felt to be disadvantaged by the alienation or disposal of the Crown lands was held to be 'the few officers now employed in the management of those estates'.⁸⁷ It was suggested that these officers should be given 'salaries equal to whatever appear to be the emoluments of their offices'.⁸⁸ The perquisites attached to their positions would have included access to common grazing and wild food, fuel rights and fee deer, which would have been a more appropriate form of remuneration within a pastoral economy.

In order to establish a new system of use within the Forest it would first be necessary to remove all common rights and traditional privileges before the land could be sold. Perceval, in his proposals for disposing of the Crown lands, acknowledged the ancient rights of common 'by Custom to the Borderers', as well as the 'several Lodges, with certain Lands, and Privileges annex'd'.⁸⁹ His proposals meant adequately to recompense those legally entitled with

⁸⁴ Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy, 1500-1850*, (Cambridge, 1996), p. 52.

⁸⁵ Gilpin, *Remarks on Forest Scenery* (1791), p. 39.

⁸⁶ *Ibid.*, pp. 40-41.

⁸⁷ A Scheme for Raising Money for the War', *London Chronicle*, March 18, 1762 - March 20, 1762.

⁸⁸ *Ibid.*

⁸⁹ Perceval, *A Proposal for Selling Part of the Forest Lands* (1763), p. 19.

compensation for their losses, (the amount would be decided by a jury) from the funds arising from the sale of the lands to which the rights and privileges were attached.

The common rights enjoyed by its inhabitants competed with the interests of silviculture, particularly the grazing of cattle, which ate the young saplings, and the running out of pigs, which scooped the fallen acorns during pannage season. According to a shipbuilder, writing in 1763, who claimed to be well-acquainted with the New Forest, 'there the timber would plant itself' if it were 'fenced in to keep out the young cattle of all kinds from destroying the young trees as they come up'.⁹⁰ Adam Smith had also asserted that the browsing of cattle prevented the growth of young trees 'so that in the course of a century or two the whole forest goes to ruin'.⁹¹ Public dissatisfaction with the forest system started to develop, not least because emerging political philosophers, such as Adam Smith and Edmund Burke, added their voices to those who were publicly denigrating the Crown estates and royal forests, as a drain on the public purse. Calls for reform began to increase, and the Crown lands, including the New Forest, would become a focal part of the restructuring and sanitising of the political system.

Economical reform and economic exploitation

It was believed that as state-run enterprises, the royal forests (and the New Forest among them) contained potential for economic development, which would be of benefit to the public. This potential began to be investigated as a result of the government's need for revenue, particularly in the period after the Seven Years War (1756-1763) and the American War of Independence (1775-1783).⁹² There was also pressure to maximise income from Crown property. The net revenue achieved by the Crown lands was poor. It was calculated that in the first twenty five

⁹⁰ Fisher, *Heart of Oak* (1771), p. 61.

⁹¹ Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (London, 1776), p. 208.

⁹² James Anderson, 'Urban Development as a Component of Government Policy in the Aftermath of the Napoleonic War', in *Construction History*, (1999), (p. 24).

years of the reign of George III the income had yielded ‘a clear Revenue of no more than £6,133 4s 4d. per Annum’.⁹³ The general consensus, therefore, was that the Crown lands and the royal forests were uneconomic assets under their present system of administration and management and that their mode of operation needed review.

The surrender of the Crown lands, on the accession of George III, had been found to be an unsatisfactory arrangement. It was felt that ‘for a long time the state was deprived, by mismanagement, of the greater part of the benefit to which it was entitled’.⁹⁴ The mishandling of the Crown lands were exhibited by leases ‘granted, frequently, without having Surveys taken of the Property’ and when surveys were taken, ‘never confirmed by the Oath of the Surveyor’; Lessees permitted to renew their leases ‘as it happened to suit their Convenience’; the ‘Expence of the Lease’ instead of being charged to the tenants was deducted from their fines, and which were ‘no loss to the Tenants’ but were a ‘heavy Burthen on the Estate of the Crown’.⁹⁵ There were also problems with ‘encroachments and waste’, that were believed to be ‘permitted upon the royal demesnes, with scarcely a check’ by officers ‘appointed to guard the public interests’.⁹⁶ These officers acted independently and ‘their ignorance, incapacity, and neglect went far to ruin the property under their charge’.⁹⁷

On 15th December 1779 Edmund Burke announced in Parliament his intention to present a plan of reform whose ‘main purpose is to correct the present prodigal constitution of

⁹³ Charles Middleton, John Call, and John Fordyce, *The Seventeenth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 28th March 1793, ed. by Land Revenue Office (House of Commons, London), p. 25.

⁹⁴ Thomas Erskine May, *The Constitutional History of England since the Accession of George III: 1760-1860* (London, 1861), p 211.

⁹⁵ John Fordyce, *The First Report of the Surveyor General of His Majesty's Land Revenue: In Pursuance of the Act for the Better Management of the Land Revenue of the Crown*, (London: His Majesty's Stationery Office, 11th January, 1798), pp. 3-4.

⁹⁶ May, *The Constitutional History of England* (London, 1861), p 211-212.

⁹⁷ *Ibid.* p. 212.

the civil executive government of this kingdom'.⁹⁸ His ideas were delivered in the form of a speech, given to Parliament on 11th February 1780, in which Burke proposed to bring in legislation for 'the abolition of useless places and the better regulation of his Majesty's civil establishment'; for 'the sale of forest and other crown lands'; and for 'applying the produce thereof to the public service'.⁹⁹ With these measures Burke and his supporters aimed to reform all that they thought was wrong with the current system of government. Burke declared that he was in favour,

Of getting rid of every jurisdiction more subservient to oppression and expense, than to any end of justice or honest policy; abolishing offices more expensive than useful, of combining duties improperly separated; of changing revenues more vexatious than productive, into ready money; of suppressing offices which stand in the way of economy; and of cutting off lurking subordinate treasuries.¹⁰⁰

While Burke's proposals sought to curb the excesses and abuses of the Civil List they also meant to alter the business of government institutions radically, in particular the management of Crown lands, which he considered 'too scattered and divided to be economically viable'.¹⁰¹

Burke believed that 'a landed estate is certainly the very worst which the crown can possess'; and his aim was to divest the King from as much property as was superfluous to maintaining his royal dignity and honour.¹⁰² The use of enclosure, as a method to deliver his reforms for the royal forests, would have dismantled the landholding structure of the manor and replaced it with one that was based purely on private ownership.¹⁰³ Burke also proposed a survey of all timber and what was useless for naval purposes was to be condemned and

⁹⁸ W. Cobbett and T.C. Hansard, *The Parliamentary History of England from the Earliest Period to the Year 1803: From Which Last-Mentioned Epoch It Is Continued Downwards in the Work Entitled "the Parliamentary Debates"*, (London: Hansard, 1814), p. 1300.

⁹⁹ *Modern Orator: The Speeches of the Right Hon. Edmund Burke*, p. 579.

¹⁰⁰ Edmund Burke, *The Works of the Right Honourable Edmund Burke*, (London, 1815), pp. 270-71.

¹⁰¹ 'E. Burke, Speech on Economical Reform, 11 February 1780', in *The Writings and Speeches of Edmund Burke*, ed. by Paul Langford (Oxford, 1996), (pp. 505-07).

¹⁰² *Modern Orator: The Speeches of the Right Hon. Edmund Burke* (London, 1847), p. 579.

¹⁰³ Sara Birtles, 'Common Land, Poor Relief and Enclosure: The Use of Manorial Resources in Fulfilling Parish Obligations 1601-1834', *Past & Present*, (1999), 76.

disposed of 'for the security of what may be useful'. He also suggested that other parts 'as may be most fit to furnish a perpetual supply' should be inclosed, and that 'for a very obvious reason' all right of venison in those parts 'should be extinguished'. The forest rights that extended over the lands and possessions of others, he declared, 'being of no profit to the crown, and a grievance, as far as it goes, to the subject; these I propose to extinguish without charge to the proprietors.'¹⁰⁴

Burke's suggested reforms were not just political or economic but were established 'on the grounds of constitutional theory' and were aimed at reforming the 'culture of a profligate system of administration' and to remove royal influence in Parliament.¹⁰⁵ To him, the disposal of the forests and other Crown lands formed part of this process. As Ferguson asserts, land was the chief form of wealth in the eighteenth century and politically the strongest force in the kingdom, which explains why so many schemes made it the basis for public and private credit.¹⁰⁶ John St. John, attributes Burke's speech of 1780 as thus having caused 'the attention of Parliament and of the Public being drawn to the consideration of the Land Revenue'.¹⁰⁷ This attention was emphasised during the State Opening of Parliament, in December 1782, when the King addressed the House of Commons saying,

I have directed an Enquiry to be made into whatever regards the landed Revenue of My Crown, as well as the Management of My Woods and Forests, that both may be made as beneficial as possible, and that the latter may furnish a certain Resource for supplying the Navy, Our great National Bulwark, with its first Material.¹⁰⁸

¹⁰⁴ Hansard (ed.), *Burke's Speech* (1814), p. 27.

¹⁰⁵ J. Mordaunt Crook and M. H. Port, *The History of the King's Works, 1782-1851*, (London: Her Majesty's Stationery Office, 1973), p. 2.

¹⁰⁶ Ferguson, 'Political Economy' (1983), p. 390.

¹⁰⁷ St. John, *Observations* (1787), p. v.

¹⁰⁸ 'Third Session of the Fifteenth Parliament of Great Britain: The King's Speech on Opening the Session', in *The Parliamentary History of England from the Earliest Period to the Year 1803: Comprising the Period from the Tenth of May 1782, to the First of December 1783*, ed. by T.C. Hansard (London, 1814), (p. 209).

The ensuing enquiry was committed to reviewing the management and administration of the Crown revenues.

In the efforts to consolidate control over the finances of state, the Prime Minister, William Petty, Earl of Shelburne, appointed Arthur Holdsworth and John Call, ‘under the Authority and Direction of the Lords Commissioners of His Majesty's Treasury’, to examine the Office of Land Revenues.¹⁰⁹ Their report argued for a series of reforms, which included the abolition of fees and sinecures. They also urged the effective merger of the Office of Woods with the Office of Land Revenues, and further recommended the sale of Crown property.¹¹⁰ A change of ministry, however, interrupted the investigations of Call and Holdsworth, with Lord Shelburne’s resignation on 24th February 1783. On 16th June 1783, John Pitt, the Surveyor General, reported to the House of Commons that, except for 1,000 acres in the New Forest, no new inclosures had been made in the royal forests since 1772; but that the New Forest inclosures were in good repair and ‘have well answered the purpose for which they were made’, which was nursing up ‘a good stock of young timber’.¹¹¹ He further stated that, ‘many thousand acres of land in his Majesty’s forests may be inclosed, and applied to raising pines’ and that,

There are also, and will ever be, within the inclosures now in being, and hereafter to be made therein, some parcels of ground, of a nature less fit for the growth of oaks, in which the said Surveyor General of his Majesty’s Woods and Forests purposes to plant the sort of pines fit for masts, yards and bowsprits.¹¹²

John Pitt confirmed that nurseries were already being prepared to bring on young conifers and that from both ‘his observations and experiments’ and the ‘concurring opinion of very good

¹⁰⁹ 'Journals of the House of Commons: From January the 23rd 1787 to October the 16th 1787', (House of Commons, Reprinted 1803), (p. 573).

¹¹⁰ TNA/CRES 40/40, 'Report of Arthur Holdsworth and John Call on the Revenue and Management of Crown Lands in England, 1782', (The National Archives, Kew).

¹¹¹ John Pitt, 'Report of the Surveyor General of His Majesty’s Woods and Forests, of the State of the Inclosures in His Majesty’s Forests in Pursuance of an Order of the Honourable House of Commons', *General Evening Post*, (July 8, 1783).

¹¹² John Pitt, 'Report of the Surveyor General of His Majesty’s Woods and Forests, of the State of the Inclosures in His Majesty’s Forests in Pursuance of an Order of the Honourable House of Commons', *London Chronicle*, July 8, 1783 - July 10, 1783.

judges’, inclosures made for the development of pine timber ‘will be attended with success, and prove very advantageous to this kingdom’.¹¹³ This was the first time that such a planting scheme for softwoods had been suggested for the New Forest, which had previously been restricted to the planting of oaks exclusively.

Pitt’s remarks also emphasised the importance of the New Forest as a resource for the supply of naval timber, which continued to be a cause for concern due to the widespread belief that the nation was suffering a scarcity of timber.¹¹⁴ The potential for timber production in the New Forest was believed to have been unfulfilled and that its vast acreages could be better improved in the planting of oak.¹¹⁵ In July 1783 Morton Pitt, MP for Poole, (who was John Pitt’s son) introduced a Bill into the House of Commons for the ‘Increase and Preservation of His Majesty’s Wood and Timber and Supply of Royal Navy therewith and for the better Regulation of certain Forests Chaces Parks Wastes Woods, and Wood Grounds belonging to His Majesty’.¹¹⁶ This bill contained provisions for,

His Majesty, his heirs and successors, forthwith to inclose and improve so much of the now open and uncultivated grounds within the said forests, chases, and wastes, as shall be adjudged most apt to produce wood and timber, and which may best be spared from the use of the commoners.¹¹⁷

¹¹³ *Ibid.*

¹¹⁴ Yeoman Lott, *An Earnest Address to the People of England Containing an Enquiry into the Cause of the Great Scarcity of Timber, Throughout the Dominions Belonging to His Majesty*, (London, 1766).

¹¹⁵ Le Brocq, *Outlines of a Plan for Making the Tract of Land Called the New Forest a Real Forest, and for Various Other Purposes of First National Importance* (London, 1793), p. 1.

¹¹⁶ *Journals of the House of Commons: From November the 26th 1782, to March the 24th 1784* (H.M. Stationery Office, London, Reprinted 1803), p. 683. NB: As well as being William Pitt’s distant cousin, Morton Pitt was also Sir Charles Middleton’s nephew by marriage. Charles Middleton would be one of the Commissioners tasked with the enquiries into the state and condition of the woods, forests and land revenues of the Crown, which ran from 1786-1792. Sir Lewis Namier and John Brooke, *The History of Parliament: The House of Commons, 1754-1790 - Members K-Y* (London, 1985), p. 136.

¹¹⁷ Short Statement of the Bill “for the Increase and Preservation of His Majesty’s Wood and Timber, and Supply of the Royal Navy There within; and for the Better Regulation of Certain Forests, Chases, Parks, Wastes, Woods, and Wood Grounds”, *Morning Chronicle and London Advertiser*, Wednesday July 30, 1783.

These sentiments echoed those of the New Forest Bill 1698, in sparing the commoners where possible, but its clauses indicated a greater fundamental shift in the purpose and practice of the landscape.

While the New Forest Bill 1783 intended that the forests and other wood grounds were to ‘remain in severalty in the possession of the Crown’, it also contained measures that would disafforest the land and alter its tenure to be ‘free from common pasture or other rights whatsoever, and shall be kept [as] nurseries for wood and timber only’.¹¹⁸ This suggests that the disafforestation of the royal forests was already being considered as government policy and that their purpose was to be thereafter for the sole development of naval timber. Lord John Cavendish reported to the House of Commons that the King, having been informed of the purpose of the bill, gave his consent ‘as far as His Majesty’s interest is concerned’.¹¹⁹ The bill was, nevertheless, lost when Parliament was prorogued on the 16th July 1783.¹²⁰ After Shelburne’s resignation, several changes in administration took place until on 19th December 1783 William Pitt ‘the Younger’ agreed to take office and become First Lord of the Treasury. Having been Chancellor of the Exchequer under Lord Shelburne, Pitt was aware of the enquiries that had been made into the woods, forests and Crown lands. He realised that to prevent further interruptions the commissioners would need to be appointed with the permanent authority to accomplish their task.¹²¹ This realisation was of significance for the long-term future of the New Forest, and the other royal forests because, rather than being an ambition of Pitt’s ministry, the enquiry into the Crown lands became a political and legal obligation for any Prime Minister should Pitt be ousted from power.¹²²

¹¹⁸ *Ibid.*

¹¹⁹ 4th July 1783, *Journals of the House of Commons: From November the 26th 1782, to March the 24th 1784* (H.M. Stationery Office, London, Reprinted 1803), p. 683.

¹²⁰ *Calendar of the Journals of the House of Lords: From 12th November 1724, to 21st January 1808*, (London: H.M.S.O), p. 561.

¹²¹ Rev. William Betham, *The Baronetage of England, or the History of the English Baronets*, (London, 1804), p. 230.

¹²² *Ibid.*, pp. 230-31.

Act for Appointing Commissioners

On the 16th June 1786, the Chancellor of the Exchequer, William Pitt, presented the following message from George III to the Commons,

His Majesty being desirous that an inquiry should be made into the state and condition of the woods, forests, and land revenues, belonging to the Crown, in order that the same may be rendered as beneficial and as productive as possible, recommends it to the House of Commons to take this object into their consideration, and to make such provision thereupon, as they shall judge to be most for the public benefit.¹²³

Pitt stated to the House of Commons that the subject was of ‘great importance’ and ‘highly worthy’ of the attention of the Legislature, whether it was considered in its ‘probable consequence’ of increasing the revenue, or contributing to ‘improving and extending the state of agriculture and population’. It was declared that,

He should not, for the present suggest any specific measure for carrying this object into execution, whether by still holding them in the hands of the Crown and applying regulations for their better administration, or by putting them up to sale.¹²⁴

Pitt conceded that, whichever course of action was taken it would require considerable time before it could be ‘brought into perfection’.¹²⁵ In the former case, a certain amount of experiment would be required, which might ‘be found for some time ineffectual’; in the latter case of a sale, the whole ‘could not be brought to market at once’, as that might defeat the intention of the plan and bring ‘much private inconvenience to individuals, and to property [prices] in general’.¹²⁶

Clearly Pitt did not want to be accused of pre-determining the recommendations of the Commission, but his comments suggest that the Government was already considering two

¹²³ Thomas Curson Hansard (ed.), 'Debate in the Commons on the King's Message Relative to the Crown Lands', in *The Parliamentary History of England from the Earliest Period to the Year 1803*, (London, 1816), (p. 186).

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*, pp. 186-87.

¹²⁶ *Ibid.*

specific options. The first was a reorganisation of the Crown lands, in order to improve their administration, management and remunerative potential.¹²⁷ The second was a sale of the Crown lands that would reduce the national debt, a policy that been proposed by John Perceval in 1763 and advocated by Edmund Burke in 1780, among others.¹²⁸ Furthermore, the sale would also increase the land available for agricultural use, which was the favourite outcome for improvers such as Arthur Young, who had been urging since 1770 that ‘the improvement of the uncultivated crown lands [was] an object highly worthy of his Majesty’s attention’.¹²⁹

John St. John wrote his *Observations on the Land Revenue of the Crown* as an introduction to the subject that he believed would be ‘more amply detailed in the Reports of the Commissioners of the Land Revenue’. He was in favour of forest enclosures and believed them to be ‘so evidently beneficial’ both to the revenue of the crown and the wealth of the nation that ‘it is needless to prove the affirmative of that proposition’. St. John was aware, that unless handled sensitively the proposals would be opposed by those with commoning interests and advised that ‘above all things, great care should be used to render it palatable to the principal proprietors, and popular in the country’.¹³⁰ It was discovered, however, that the powers of the executive government were not completely adequate to the end proposed and an application to Parliament became necessary for ‘such further powers as should enable Government to appoint commissioners for that purpose’.¹³¹ Consequently, in 1786, a bill for appointing Commissioners to enquire into the State and Condition of the Woods Forests and Land Revenues belonging to the Crown and to sell or alienate Fee farm or other unimprovable Rents (Crown Land Revenues Act, 26 George III, c. 87) was brought before Parliament.

¹²⁷ George Tomline, *Memoirs of the Life of the Right Honourable William Pitt*, (London, 1821).

¹²⁸ Perceval, *A Proposal for Selling Part of the Forest Lands* (1763).; *Modern Orator: The Speeches of the Right Hon. Edmund Burke* (1847), p. 579.

¹²⁹ A. Young, *A Six Months Tour through the North of England*, (London, 1770), p. 552.

¹³⁰ St. John, *Observations* (1787), p. 158..

¹³¹ Thomas Curson Hansard (ed.), 'Debate in the Commons on the King’s Message Relative to the Crown Lands', in *The Parliamentary History of England from the Earliest Period to the Year 1803* (London, 1816), p. 187.

Concerns were raised that the commissioners, named by the Chancellor of the Exchequer, would be granted powers ‘much greater than ever were before given to any man in this country, and much greater than any ought in any country to possess’.¹³² Indeed, the bill gave the Commissioners the power,

to contract and agree with any Person or Persons or any Bodies Politic or Corporate, for the Sale of any Fee Farm Rents, Rents Services, Rents Seck, Quit Rents, Chantry Rents, Guild Rents, Castle Guard Rents, Viscontiel Rents, and other dry, fixed and unimprovable Rents, due and payable to His Majesty, his Heirs or Successors, within the Survey and of His Majesty's Exchequer, at or for the best Prices or Considerations in Money.¹³³

The bill was read a first, then second time without much notice being paid to it ‘or at all challenging the attention of the house’.¹³⁴ On 29th June, however, William Jolliffe, MP for Petersfield, expressed suspicion at the bill saying that it had been silently introduced, without explanation of its real purpose and at a time when ‘a number of gentlemen of great property, who were the most likely to be affected by it, had left town’.¹³⁵

The Commissioners appointed by the bill, Jolliffe observed, were to continue in office during the existence of the bill, which was three years, without being removable either by the King, or by address or petition of Parliament.¹³⁶ Thus, he asserted, the bill removed powers from the King ‘in which the rights and privileges of the Sovereign were so much concerned’.¹³⁷ As a principal landowner, any legislation affecting the King’s landed interests would have further implications for those of his subjects and Jolliffe argued that,

¹³² *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, (London, 1816), p. 187.

¹³³ HC/CL/JO/2/55, *Printed Journals of the House of Commons*, 24 Jan-14 Dec, 1786 (Parliamentary Archives, Westminster).

¹³⁴ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, (London, 1788), p. 122.

¹³⁵ *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, (London, 1816), p. 187.

¹³⁶ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 122.

¹³⁷ *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, p. 187.

Surely if ever there should be such a power in his Majesty, it ought to rest in a Bill like this, which related to interests, in which the rights and privileges of the Sovereign were so much concerned.¹³⁸

Jolliffe also pointed out that the bill did not compel the Commissioners to report their findings, ‘or give any security to the public that they would do their duty’.¹³⁹ He observed that a great deal of expense might be incurred ‘without producing any good effect’.¹⁴⁰

The commissioners had also been given leave ‘to nominate and appoint what clerks they thought proper’, which Jolliffe felt was ‘liable to great abuse’. This was a direct criticism of the jobbery that was perceived to have pervaded government business. Although, he admitted that the salaries of the clerks were restricted, Jolliffe also felt, in the interests of the economy, ‘some limit’ should be ‘fixed to the expenses of mapping, planning, and surveying’.¹⁴¹ Jolliffe also suggested that, if they had to be appointed at all, the Commissioners should be salaried and,

By no means be left at the mercy of the minister to reward them or not as he thought proper, and according as their conduct in parliament might meet his approbation.¹⁴²

Such an amendment would not only reduce the effects of greed and dishonesty, but also ensure that commissioners were appointed on merit, rather than as sycophants or dependants of any minister.

Jolliffe’s biggest concern was that the bill gave the Commissioners unlimited power to ‘call for, and take into their custody, all titles, maps, plans, and documents, which related to lands holden of the Crown’; which, according to him was ‘instituting a court of inquisition unknown in any other, much less in this country’. He declared that,

¹³⁸ *Ibid.*

¹³⁹ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 122.

¹⁴⁰ *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, p. 188.

¹⁴¹ *Ibid.*

¹⁴² *Ibid.* pp. 189-90.

It left every man concerned without any thing like certainty of title or estate; wherever a reservation was made for the delivery of copy deeds, it was invariably the custom to insert a clause that they should be made by persons appointed by the holder of the deeds, but at the expense of the person claiming them.¹⁴³

These powers were seen to be bordering on unconstitutional and would impact the private property rights and liberties of landowners. As Harling points out, few things in life were more important to many Georgian Britons than their property and the primary duty of the state was to protect it.¹⁴⁴

Lord North had begun this 'administrative revolution' in the 1780s when he had broken with tradition and appointed commissioners for examining the public accounts, asking it to recommend changes for the future as well as to report on current finance.¹⁴⁵ Nevertheless, Jolliffe attached amendments to the Crown Land Revenues Bill 1786 appointing commissioners to the New Forest for the protection of title deeds, and to oblige the Commissioners to report their findings to Parliament.¹⁴⁶ Although his reservations regarding the Act were many, Jolliffe did concede that one good might come out of the proposals, which was 'the sale of the waste lands, by which some of them might be cultivated'.¹⁴⁷ Jolliffe was an advocate for enclosure, which he saw as being 'to the advancement of the national prosperity'.¹⁴⁸ Indeed, the news that a commission was to be appointed to enquire into woods, forests and land revenues of the Crown, was greeted with enthusiasm by some. The Rev. Howlett, for example, stated that,

When we hear that commissioners are appointed . . . what heart does not glow at the delightful prospect which seems to arise!

¹⁴³ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 122.

¹⁴⁴ Harling, *The Modern British State* (2001), p. 56.

¹⁴⁵ John Torrance, 'Social Class and Bureaucratic Innovation: The Commissioners for Examining the Public Accounts 1780-1787', *Past & Present*, (Feb., 1978), 56.

¹⁴⁶ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 122.

¹⁴⁷ *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, p. 189.

¹⁴⁸ 'Project for the Cultivation of Commonable Lands. Proposed in the Last Parliament by William Jolliffe, Esq. M.P.', in *Annals of Agriculture and Other Useful Arts*, ed. by Arthur Young (Bury St. Edmunds, 1790), (p. 306).

Who does not see the *wilderness become a fruitful field* . . . not with beasts of chace, as heretofore . . . but with industrious men and women, rational creatures, happy subjects of the best of kings, and candidates for immortality.¹⁴⁹

On Friday 30th June, the House of Commons passed the Crown Land Revenues Bill 1786.¹⁵⁰

When it reached the House of Lords the bill was attacked with a considerable degree of severity, however. Lord Loughborough, in particular, called the attention of the House to a bill which, although he believed it to be ‘of the first importance’, because of the ‘indecent hurry’ with which it was carried through Parliament, he perceived that most of their lordships were as equally unacquainted with it; and so it would have remained ‘till an accident brought it to his knowledge’. Loughborough related how, on the day before, he had been called upon by a gentleman, with a copy of the bill, who had asked ‘whether the private rights of individuals were protected?’ He had answered that it was ‘impossible’ such rights should be affected ‘much less by a bill which bore inquiry only as its title’.¹⁵¹ Upon reading the bill Loughborough reported being much surprised to discover that not only were private rights being disturbed and the respect to the Crown transgressed, but that the forms of Parliament were being violated.¹⁵² The provisions of the bill, he and other opponents argued, ‘extended to an object not disclosed in the title, and the preamble, nor expressed in his Majesty’s most gracious message, on which the Bill professes to be founded’.¹⁵³

Loughborough asserted that the King’s original message, relayed by Prime Minister Pitt to the Commons, had authorised an enquiry into the state and condition of the woods, forests and land revenues belonging to the Crown; but the bill, as presented, had the power to

¹⁴⁹ Rev. J. Howlett, *Enclosures, a Cause of Improved Agriculture, of Plenty and Cheapness of Provisions, of Population, and of Both Private and National Wealth*, (London, 1787), p. 73.

¹⁵⁰ ‘House of Commons’, *The Times*, July 1, 1786.

¹⁵¹ *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, p. 202.

¹⁵² *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 122.

¹⁵³ *The Parliamentary Register; or History of the Proceedings and Debates of the House of Commons; During the Third Session of the Sixteenth Parliament of Great Britain*, Vol. XX (London, 1787), p. 177.

alienate and dispose of the land revenues, which he felt was ‘contrary to the usage of parliament, and inconsistent with the respect due to the crown’.¹⁵⁴ In a further divergence from the accepted form, even though the bill was at its last stage, no printed copies had been laid before the House of Lords and Loughborough ‘was obliged to speak from a copy printed by the Commons before it went into committee’.¹⁵⁵

There were further anomalies. The Crown Land Revenues Bill 1786, it was discovered, also repealed the Acts of the 22nd and 23rd of Charles II (An Act for laying impositions on proceedings at law and to make further provisions in lieu thereof), which Loughborough believed,

created a new power for the sale of those lands, without exception of the rents in the former acts reserved in behalf of divers persons, and for sundry good and wholesome purposes in those acts mentioned.¹⁵⁶

Like Jolliffe, Loughborough argued that the powers granted to the Commissioners subjected all persons ‘holding of the crown, or holding estates adjoining to crown lands’ to a process similar to an inquisition, which was at the ‘mere motion of the commissioners’ without any other legal or ordinary process, and ‘tended to restrain the tenant of the crown from their accustomed rights and privileges’; and that the crown itself was ‘deprived by it of the management of its own estate, which it had transferred to the commissioners’.¹⁵⁷ It was reported that Loughborough felt this was ‘dangerous to the subject, and derogatory to the honour of the crown’.¹⁵⁸ The bill was nevertheless carried into law by a majority of ten, the house dividing; contents 14, proxies 14; non-contents 11, proxies 7.¹⁵⁹ Consequently, in 1786, Rear Admiral Sir Charles Middleton, MP for Rochester; John Call, MP for Callington, and

¹⁵⁴ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 122.

¹⁵⁵ *The Parliamentary Debates from the Fifteenth of May 1786, to the Eighth of February 1788*, p. 202.

¹⁵⁶ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 123.

¹⁵⁷ *Ibid.*

¹⁵⁸ John O’Keefe, *The Gentleman’s and London Magazine*, (London, 1789), p. 208.

¹⁵⁹ *The Annual Register, or a View of the History, Politics, and Literature for the Year 1786*, p. 123.

Fellow of the Royal Society; and, Arthur Holdsworth, MP for Dartmouth, were appointed by An Act for Appointing Commissioners to Enquire into the Woods, Forests and Landed Revenues (26 Geo III, c87). (After his death in 1787, Holdsworth was replaced by John Fordyce, MP for New Romney.)

Lord Glenbervie was to observe that the Commission was made up of ‘very able persons’, who were able to investigate matters, with ‘a most elaborate and enlightened investigation’; and were able to make recommendation of ‘such measure’ as appeared ‘most expedient for attaining the great purposes for which the legislature and Government had ultimately in view’.¹⁶⁰ The surveys carried out by the Middleton Commission were among the first major investigations of their kind in surveying the royal forests, which formerly had been hidden from public gaze.¹⁶¹ Between 1787 and 1793 the Middleton Commission published a total of seventeen reports, which were presented with a mixture of literary and technical features. Though they were more qualitative than quantitative, the reports were accompanied by maps to illustrate some information. Fletcher suggests that they represent the first reports of their kind to be produced for Parliament, being based upon systematic and dedicated surveys.¹⁶² This was, state Clokie and Robinson, representative of signs of a ‘new mentality . . . among English parliamentarians’ and that gradually, there was an awakening to an ‘unprecedented interest in facts, a worship of statistics, and an insatiable appetite for official reports’.¹⁶³

Shapiro’s essay on the legal origins of the concept of ‘fact’ shows how, increasingly, the legal profession concentrated on particular ‘facts at issue’ but also took cognisance of ‘circumstances’, especially in cases where direct evidence was missing. The direct testimony

¹⁶⁰ Glenbervie, *New Forest Manuscript* (c.1814), p. 3.

¹⁶¹ Crook and Port, *History of the King's Works* (1973), p. 8.

¹⁶² Fletcher, 'Parliamentary Surveys' (2008), p. 17.

¹⁶³ Hugh McDowall Clokie and J. William Robinson, *Royal Commissions of Enquiry: The Significance of Investigations in British Politics*, (London, 1937), p. 67.

of witnesses and ‘authentic’ documents, she maintains, were the preferred varieties of evidence in both civil and common law until the mid- to late-eighteenth century; significantly, this preference for directly witnessed ‘facts’ would also be adopted by the empirical scientists.¹⁶⁴ The choice of witness to present such facts, however, was a matter for the selection process. As Innes observes, the procedures for determining who appeared to testify before committees were not closely regulated, and witnesses were suggested by members of the committee or volunteered themselves.¹⁶⁵ This meant that those with an interest in the outcome of the proceedings might be included in the process, while those who would be affected could not count on being heard.

Statistics based on common administrative units, standard measures and common (professionalised) language, argues Higgs, were used to create a uniform understanding that could be applied throughout the state; while at the same time national legislators and state statisticians could justify their own authority by using the collection of information as proof that they were serving the needs of the people.¹⁶⁶ As Higgs maintains, the role of statistical production has been emphasised as a feature in the creation of the power of central government.¹⁶⁷ The reports of the Middleton Commission are, therefore, a significant milestone in the development of a centralised bureaucracy because they demonstrate the scale and breadth of official investigation; the intent to modernise a system of governance that was based on ancient custom and precedent; a change in the perception of natural resources, from a landscape adapted to meeting local sustenance needs (for wild food, grazing for livestock, fuel, or materials for building) and social status (hunting rights and fee deer), into a timber monoculture delivering profits to the state; and, the professionalisation of government

¹⁶⁴ B. J. Shapiro, 'The Concept "Fact": Legal Origins and Cultural Diffusion', *Albion: A Quarterly Journal Concerned with British Studies*, 26 (Summer, 1994), 230.

¹⁶⁵ Joanna Innes, 'Legislation and Public Participation 1760-1830', in *The British and Their Laws in the Eighteenth Century*, ed. by D. Lemmings (Woodbridge, 2005), (p. 129).

¹⁶⁶ Higgs, *Information State* (2004), p. 20.

¹⁶⁷ *Ibid.*, pp. 19-20.

administrators, which included the development of sophisticated statistical tools to be employed in their enquiries.

The Reports of the Middleton Commission

The reports of the Middleton Commission, and the enquiries that informed them, were separated into three headings: the landed possessions of the Crown Granted by Lease; Woods, Forests, Parks and Chases; and, Fee Farm and Other Unimprovable Rents. Also, because ‘the rights of the Crown, and of Individuals, vary in the different Forests’, and because there was ‘such Diversity’ in the ‘Grants, Fees, Perquisites, Claims, and Reservations in them’, it was found that the management and administration of,

The Underwood, the Timber, the Bark, the Top and Lop, the Deer, the Herbage, the Mines, and the Soil itself, are all the Subjects of different Grants or Reservations; and those Grants are to Persons of various Description, to Officers during Pleasure, for Life, or in Perpetuity, and to many Individuals who have Estates and Possessions within or adjoining to the Forests.¹⁶⁸

Therefore, in order to avoid confusion, the Commissioners found it necessary to report the state of each forest separately.

By dealing with each forest separately the Commissioners demonstrated the disparate management and administration of the forests, which would prove to be a complex undertaking for any government department to oversee unless a more standardised, bureaucratic system could be implemented. They expressed the difficulty they had experienced in obtaining the necessary information to assess the state and condition of each forest. The Commissioners had assumed that the Surveyor General of Woods and Forests would have records of any surveys made of the Crown woods, warrants issued for any work to be done in the forests, or lists of timber felled for the navy or sale, and the Commissioners felt,

¹⁶⁸ Charles Middleton, John Call, and John Fordyce, *The Third Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 3rd June 1788, ed. by Land Revenue Office (House of Commons, London), p. 4.

It was natural to expect that the best Information of the State of the Forests, and the most complete Descriptions, Plans, or Surveys of them, would be obtained from his Office.¹⁶⁹

Not having received any ‘Maps, Surveys, or other Accounts of his Majesty’s Woods and Forests’ from his predecessors, however, the Surveyor General was unable to assist, though he did have ‘some Books and Papers’, which he ‘had purchased at public Sales’ that contained ‘several ancient Manuscripts and Particulars relative to the Forests and Wood Grounds’ that were offered for inspection.¹⁷⁰

This lack of ready information meant that the Commissioners were ‘driven to a much wider Field of Research’, and, as a result, the material needed for their reports was ‘collected with more Difficulty, and has required longer Time, than we had Reason to expect’. Due to the lack of complete information, the Commissioners admitted that they were,

Obliged to make our First and Second Reports on Subjects of much less Consequence, in order to comply with the Terms of the Act, by which we are required to make a Report within Fourteen Days after the Commencement of each Session of Parliament.¹⁷¹

While they may have been problematic to produce, the reports of the Middleton Commission, suggests Fletcher, represent ‘an innovative, though cautious, attempt at reforming the apparatus of government scrutiny’.¹⁷² One of the pioneering documents, for example, that aided their research was the first ever detailed map of the New Forest, which was drawn to a scale of four inches to one mile and was based on surveys undertaken in 1786 to 1787 by Thomas Richardson, William King, Abraham Driver and William Driver, known simply as ‘The Drivers’ Map’. (The map would have accompanied the Fifth Report but being large and unwieldy in size, would have quickly been separated from it.)¹⁷³

¹⁶⁹ *Ibid.*, p. 3.

¹⁷⁰ *Ibid.*, p. 4.

¹⁷¹ *Ibid.*

¹⁷² David Fletcher, ‘The Commission on Royal Forests 1787-1793’, in *Southern History: A Review of the History of Southern England*, 38, 2016, pp. 151-173.

¹⁷³ Fletcher, ‘The Commission on Royal Forests’ (2016), p. 166.

The Middleton Commissioners were selected for their administrative ability rather than traditional skills. Having Rear Admiral Sir Charles Middleton at the head of the Commission was a logical choice, particularly when it came to analysing the systems of finance, bureaucracy and procedure within the royal forests. An ‘unremarkable seaman’, Middleton’s ability as a bureaucrat was his metier and his appetite for paperwork was said to be ‘voracious’.¹⁷⁴ Indeed, Talbot refers to Middleton as ‘a pen and ink sailor’.¹⁷⁵ He was an able administrator and a strategist ‘of the first order’; his naval sympathies meant that the enquiries into the woods, forests, and revenues of the Crown would be conducted with greater vigour.¹⁷⁶ He was also a cousin of Henry Dundas, Treasurer of the Navy, and was on good terms with Prime Minister William Pitt, and while he was never a member of their ‘inner circle’ he may, nevertheless, have shared their political objectives.¹⁷⁷

John Call was also an interesting choice for Commissioner. His career as a civil engineer in India had involved him in the planning and execution of large-scale projects, and his duties had even been conducted while under the pressure of enemy fire.¹⁷⁸ He was a member of the Royal Society and Society of Antiquaries of London, and interested in science and astronomy in particular, demonstrating that he was learned as well as practical.¹⁷⁹ He had already been selected by Shelburne as commissioner for the earlier enquiry into the Crown lands, in 1782, and his appointment to the Middleton Commission was a continuation of the

¹⁷⁴ Peter Le Fevre and Richard Harding, *Precursors of Nelson: British Admirals of the Eighteenth Century*, (London, 2000), p. 304.; *Ibid.*, p. 309.

¹⁷⁵ John E. Talbot, *The Pen & Ink Sailor: Charles Middleton and the King’s Navy, 1778-1813*, (Abingdon, 1998), p. xi.

¹⁷⁶ Marcus, *Heart of Oak* (1975), p. 163.

¹⁷⁷ Talbot, *Pen & Ink Sailor* (1998), p. 123.

¹⁷⁸ H.D. Love, *Vestiges of Old Madras: 1640-1800*, (New Delhi, 1988), p. 529.; R.O. Cambridge, S. Lawrence, and J. Call, *An Account of the War in India: Between the English and French, on the Coast of Coromandel, from 1750 to the Year 1760*, (London, 1761).

¹⁷⁹ ‘XXIV. A Letter from John Call, Esq; to Nevil Maskelyne, F. R. S. Astronomer Royal, Containing a Sketch of the Signs of the Zodiac, Found in a Pagoda, near Cape Comorin in India’, May, 14, 1772, in *Philosophical Transactions of the Royal Society of London*, Volume LXII (London, 1772).

work he had already begun.¹⁸⁰ Arthur Holdsworth had also been appointed, with Call, on both the earlier and later Commissions to enquire into the state and condition of the woods, forests and revenues of the Crown.¹⁸¹ Holdsworth's area of interest was concerned with the abuses in the dockyards, malpractice in the sale of ships and naval stores, and 'with the shameful prodigality in public money'.¹⁸² His early death in 1787, however, meant that John Fordyce would take his place on the Middleton Commission.

John Fordyce, like Middleton, was Scottish, but his background was in finance, becoming a merchant councillor and director of the Royal Bank.¹⁸³ The unfortunate collapse of his banking house, Fordyce, Malcolm & Co., in 1787, left him in debt to the public to the sum of £90,000; although, this did not preclude him from positions of authority or entering Parliament.¹⁸⁴ Indeed, his personal connection to Henry Dundas, Secretary of State for the Home Department, and George Rose, Secretary of the Treasury, enabled him to be appointed onto the Middleton Commission, as its secretary, in that same year.¹⁸⁵ After the Middleton Commission ended its enquiries in 1792, Fordyce was appointed Surveyor General of the Land Revenue in July of the following year.¹⁸⁶ Fordyce's appointment onto a later commission, which ran from 1804 to 1807, and was tasked with revising and digesting the civil affairs of the navy, was also headed by Sir Charles Middleton, who insisted on having the 'talents and capacity' of Fordyce on the Commission.¹⁸⁷ These appointments, while implying a degree of

¹⁸⁰ R. G. Thorne, *The History of Parliament: The House of Commons 1754-1790: Members A-J*, (London, 1985), p. 176.

¹⁸¹ Betham, *Baronetage of England* (1804), p. 230.

¹⁸² Thorne, *House of Commons 1754-1790, A-J* (1985), p. 631.

¹⁸³ R. G. Thorne, *The History of Parliament: The House of Commons 1790-1820: Members A-F*, (London, 1986), p. 789.

¹⁸⁴ *Ibid.*

¹⁸⁵ TNA/30/8/136, '21 June 1787 Letter to Henry Dundas from John Fordyce', (The National Archives, Kew).

¹⁸⁶ A. Aspinall (ed.), *The Later Correspondence of George III: February 1793 to December 1797*, (Cambridge, 1963), p. 653.

¹⁸⁷ *The Parliamentary Debates from the Thirteenth Day of March, to the Fourteenth Day of May, 1805*, (London, 1812), p. 59.

nepotism, nevertheless represent the development of the professionalisation of government. Indeed, Ward asserts that ‘a considerable number’ of commissioners were, in effect, professional bureaucrats, civil servants who pursued administration as a lifetime’s career.¹⁸⁸

In their Third Report, the Commissioners felt it was necessary to impress upon Parliament how their initial findings into the state and condition of the woods and forests,

show how much the Subject calls for the Public Attention, that according to the Information we have received from very able Surveyors, employed in almost every Part of England, there is a general and alarming Decrease in the Quantity of Naval Timber, both in the Forests, and on private Estates.¹⁸⁹

This was a finding that echoed the earlier verdict of a Committee of the House of Commons, which published in 1771 the *Report from the Committee Appointed To Consider How His Majesty’s Navy May Be Better Supplied With Timber*. The Committee found ‘a great Scarcity of Timber for Ship-building in England’ and that in order to meet demand ‘it had been necessary to apply to Foreign Countries’.¹⁹⁰ As well as competition for supplies from the East India Company, the high cost of transport from inland woods, and price increases, the Committee reported that their investigations into the shortage of naval timber found ‘one Cause arose from the Conversion of Wood Land into Arable’.¹⁹¹

The Middleton Commissioners, likewise, had found that more woods were being grubbed up for tillage than there were trees being planted, and that the tree planting that was occurring was ‘in general, more for Ornament than Use’.¹⁹² The Commissioners reported that when faced with the opportunity-cost of planting oaks or turning land into tillage or pasture the ‘Commercial Spirit’ would prevail in the landowner’s considerations, which meant that,

¹⁸⁸ Ward, ‘Some Eighteenth Century Civil Servants’ (January 1955), p. 41.

¹⁸⁹ Middleton, Call, and Fordyce, *The Third Report* (1788), p. 4.

¹⁹⁰ *A Report from the Committee Appointed to Consider How His Majesty’s Navy May Be Better Supplied with Timber* (1771), p. 4.

¹⁹¹ *Ibid.*, p. 11.

¹⁹² Middleton, Call, and Fordyce, *The Third Report* (1788), p. 4.

The less Probability is there that planting Woods for the Advantage of Posterity will be preferred to the immediate Profits of Agriculture.¹⁹³

This meant that as the woods on private estates were being exterminated, the demands on overseas supplies and the pressures on the state-run forests to produce more timber would increase. The Commissioners stated, therefore, that the Government could not ‘with Safety’ depend on quantities of naval timber from private estates, nor from supplies imported from overseas, and that there could not be a sufficient supply from the Royal Forests ‘while they remain under the present System of Management’.¹⁹⁴

The management of the forests, according to the Commissioners in their Third Report, was not efficient and included ‘the improvident and often ill-defined Grants made by the Crown in many of the Forests, and the confused Mixture of Rights created by them’. This mixture of rights meant that proprietors of underwood (poles produced by cutting coppice stools, pollards or small suckers) would ‘wish to prevent the Growth of Timber’.¹⁹⁵ Indeed, Rackham points out that from early times it was recognised that the more timber trees that were grown the less wood was produced by the underwood.¹⁹⁶ There was also competition between those granted pasturage or herbage rights and the growth of trees, which diminished the available grazing for livestock. An earlier House of Commons Committee report, published in 1771, which investigated supplies of naval timber, observed that ‘common Tenants and Occupiers of Timber Lands hate to see a Tree grow and flourish’.¹⁹⁷ The Committee also stated that cattle were ‘the grand Enemy of all the Growth and Produce of Timber’ and that they were permitted to access them ‘through Neglect to fence and inclose the Woods’, by which means they were

¹⁹³ *Ibid.*, p. 5.

¹⁹⁴ *Ibid.*, p. 6.

¹⁹⁵ *Ibid.*

¹⁹⁶ Oliver Rackham, *Trees and Woodland in the British Landscape*, (London: Phoenix Press, 2001), p. 73.

¹⁹⁷ *A Report from the Committee Appointed to Consider How His Majesty’s Navy May Be Better Supplied with Timber* (1771), p. 18.

able to ‘eat all the young Plants and Produce’.¹⁹⁸ This was a view shared by Adam Smith in *The Wealth of Nations* who had asserted that ‘numerous herds of cattle, when allowed to wander through the woods, though they do not destroy the old trees, hinder any young ones from coming up’.¹⁹⁹

To the Middleton Commission, however, the worse form of competition was discovered among the Forest officials and the under keepers, in particular, who, though they were employed to protect and increase the growth of trees, were personally disadvantaged by their growth. In their *Fifth Report* the Middleton Commissioners revealed that the New Forest was managed in such a way that ‘if a Keeper should perform his Duty in every Particular necessary for promoting the Object, he would lose the greatest Part of his present Emoluments’. Their livelihoods depended upon what was ‘destructive to the Wood and Timber’, while the perquisites of the Surveyor General and Woodward, and their deputies, were also found to ‘hold out strong Inducements to promote the profuse felling of the Timber, but none to its Increase and Preservation’.²⁰⁰ In effect, the under keepers and their superiors were remunerated or rewarded by protecting or encouraging the deer, selling twigs and branches, and by breeding livestock, such as rabbits, activities that would impede or prohibit the growth of timber trees. The Middleton Commissioners observed that the confusion of benefits, rights, jurisdictions, and status within the forests and the Crown lands in general, were believed to have ‘the worst Effect upon the Property itself’ whereby ‘the Whole is a perpetual Struggle of jarring Interests, in which no Party can improve his own Share without hurting that of another’.²⁰¹ Clearly, in the interest of timber production, it would be necessary to realign, reduce or eliminate the interests that did not support large-scale forest plantations.

¹⁹⁸ Ibid.

¹⁹⁹ Smith, *The Wealth of Nations* (1776), p. 208.

²⁰⁰ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 20.

²⁰¹ Middleton, Call, and Fordyce, *The Third Report* (1788), p. 6.

The Fifth Report of the Middleton Commission

The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Crown, was published in 1789, and entirely focused on the New Forest. Having already established the general history and background of the royal forest system in their *Third Report*, the Middleton Commissioners confined themselves ‘on the present Occasion to a Statement of Abuses, and a Plan for the Improvement and particular management of the New Forest’, which was a property from its ‘Situation and Extent of so much Importance to the Public, as to be well deserving of the immediate Attention of the Legislature’.²⁰² The strategic significance of the New Forest, located as it was close to the Royal Dockyards in Portsmouth, meant that of all the royal forests this one, in particular,

Is of great Importance to the Public that Measures should be speedily adopted for the Improvement of this valuable Forest, in order to provide against the Danger to this Country from the alarming Decrease of Naval Timber.²⁰³

Before any measures could be adopted for the improvement of the New Forest, however, the Commission needed to establish a reliable perambulation and register of claims; the absence of which had been an issue identified by Evelyn, in *Sylva* (1664), and during the Duke of Bedford’s tenure as Lord Warden of the New Forest (1745-1771).²⁰⁴

The *Fifth Report* outlined in some detail the genesis of the New Forest, which ‘is the only Forest belonging to the Crown, of which the Origin is known’.²⁰⁵ The documentation that the Middleton Commissioners had access to included the Domesday Book, which has one section devoted entirely to the New Forest. From this the Commissioners hoped to establish the boundary of the New Forest but because the ‘Names of many of the Places having been changed since that Time’, it was difficult to ascertain, with any degree of accuracy ‘the Limits

²⁰² Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 38.

²⁰³ *Ibid.*

²⁰⁴ Evelyn, *Sylva* (1670), p. 213.; HRO/149M89/R4/6140, 'Letter from Charles Coleman, Lyndhurst, to Robert Butcher, 4th December, 1749.

²⁰⁵ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 3.

of the Forest'.²⁰⁶ The oldest discernible boundary according to the Commissioners, was described in the reign of Edward I (1239-1307), and included,

all the Country from Southampton River on the East to the Avon on the West, following the Sea Coast as the Southern Boundary between those Rivers, and extending Northwards as far as Chardeford, or North Charford, on the West; and to Wade and Orebrugge, or Owerbridge, on the East.²⁰⁷

The greatest part of this district, 'if not the Whole' was mentioned in the Domesday Book to be 'in the Forest, belonging to the Crown'. There were changes, however, in Edward I's reign that reduced the boundary and, as the Commissioners observed, 'leaves out a great Part of the Country contained in the former'.²⁰⁸ (Monarchs, since the eleventh century, had used the royal forests to raise revenue through sales or leases, and to reward favourites with gifts of land or legal rights.)

The diminished boundary of the New Forest was that recorded in 'the 22nd year Charles II.' (1670), which the Commissioners reported as extending,

from Godshill on the North-west, to the Sea on the South-East, about Twenty Miles; and from Hardley [in the Parish of Fawley] on the East, to Ringwood in the West, about Fifteen Miles; and contains within those Limits about 92,365 Acres, Statute Measure.²⁰⁹

When the New Forest Act 1698 (9 & 10 Will. III. c. 36) was passed, nearly three decades later, the boundary was declared to be a total of 85,454, which represents a further reduction of 6,911 acres.²¹⁰ This may be accounted for by the differences in the scale of measurement that were variable across the country in the eighteenth century.²¹¹ (Even into the mid-nineteenth century

²⁰⁶ *Ibid.*, p. 4.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ HL/PO/PU/1/1697/9&10W3n76 (New Forest Act 1698).

²¹¹ Joan Thirsk, *Chapters from the Agrarian History of England and Wales: Volume 1, Economic Change: Wages, Profits and Rents 1500-1750*, (Cambridge University Press, 1990), p. 318.

there were still several sorts of acres in the United Kingdom.)²¹² The Middleton Commissioners used the larger 92,365 acre perambulation of Charles II as ‘the present legal Bounds of the Forest’ and this information was passed to the Surveyor General to use ‘as their Guide, in taking the Plan which they have made by our direction’.²¹³ Out of the 92,365 acres, the Middleton Commission calculated that 24,797 was private property, belonging to different individuals; 1,629 acres were copyholds, held of the manor of Lyndhurst, and leaseholds under the crown; 901 acres were incroachments off the waste; 1,193 inclosed lands belonged to the different lodges; and, the remaining 63,845 acres were the woods, and waste lands of the forest.²¹⁴

From their enquiries, the Middleton Commissioners were able to establish that within the bounds the Crown had various ‘species of Property’ and ‘different Rights or Interests’, and that,

In such of the Freeholds within the Perambulations as are subject to the Regard of the Forest, and which are of the Nature of Purlieus, the Crown preserves certain Rights relative to Deer and Game; which Rights are now of little Value to the Crown, but if exercised to their full Extent, would be very prejudicial to the Owners of the Lands.²¹⁵

The Crown rights in the New Forest would have related to royal hunting, an activity that not been conducted since 1688, and would have included the lawing (laming) of Forest resident’s dogs, and observing (De)Fence Month and Winter Heyning, which required livestock to be removed from the Forest to their owner’s holdings during specific times of the year. These conditions would have certainly inconvenienced the landowners if they had been reinstated. Payments were made instead to assuage the Crown rights, and the Commissioners noted that

²¹² *Report from the Select Committee on Weights and Measures: Together with the Proceedings of the Committee, Minutes of Evidence, Appendix, and Index. Communicated from the Commons to the Lords*, (4th August, 1862), p. iv.

²¹³ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 4.

²¹⁴ *Ibid.*

²¹⁵ *Ibid.*, p. 5.

in most of the towns and villages that had rights of common in the Forest, the estates were subject to the payment of small rents to the Crown, in corn, fowls, and eggs; and in money, known as ‘Hocktide Money’, ‘Month Money’, ‘Leaze Fee Money’, and ‘Turf Delf Money’, which was for pasture and fuel and certain rates payable for the pigs in the period of pannage.²¹⁶ While these Forest Rents had, over time, become accepted forms of payment, by the reign of George III they made no significant revenue contribution to the Crown.²¹⁷

The Commissioners established that the Copyhold Lands were ‘the Soil and Inheritance of the Crown’, which were ‘subject to the Payment of Certain Quit Rents’ and that the ‘Timber and Trees on these Estates are likewise the Property of the Crown’. Some of the tenants, distinguished by the name of ‘Homage Tenants’, however, were ‘entitled by Custom to Estovers for Fuel and Repairs, which they are supplied from the Forest’.²¹⁸ The right of estovers would become a contentious issue in the management of the New Forest, as it was argued that trees that could have been used in the construction of navy ships would instead have to be felled in order to supply the fuel rights of the Forest’s inhabitants, causing consternation among the forest officials.²¹⁹ The Commissioners also noted leased properties that were ‘the entire Property of the Crown’ within the New Forest. The property of New Park, ‘containing 417 Acres Statute Measure’, was leased to the Duke of Bedford in 1771 for a term of 31 years; and Cox Leaze, ‘about 113 Acres of Land’ and Pondhead Farm, ‘about 96 Acres’, were ‘held by the Representatives of the late Sir Philip Jennings Clerke, Baronet’, which was ‘under a Lease granted in the Year 1760, to Pamela Debell, Widow, for 31 Years’.²²⁰

Within the lease of Cox Leaze were some ‘rough Pasture Lands called Butts Lawn Grounds, containing 91 Acres’, these, the Commissioners noted ‘appear to have been

²¹⁶ *Ibid.*

²¹⁷ May, *Constitutional History of England* (1861), p. 212.; M. E. Braddon (ed.), *Belgravia: A London Magazine*, Vol. II Second Series - Vol. XII First Series (London, 1870), p. 177.fn

²¹⁸ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 5.

²¹⁹ Gerald Lascelles, *Thirty Five Years in the New Forest*, (London, 1915), pp. 159-63.

²²⁰ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 5.

heretofore inclosed, but the Fences are not now kept up'.²²¹ Within the Forest there were 'Lands held with the Lodges in the Forest', which were the 'entire Property of the Crown', and though they had been 'inclosed for Time immemorial' were 'not subject to Rights of Common, or any other Claims'.²²² There were also encroachments 'or Purprestures, containing 902 Acres' that were described as 'Cottages built by poor People and small Parcels of Land adjoining them'.²²³ Here Gilpin noted that,

The under keepers, who have constant orders to destroy all these enclosures, now and then assert the rights of the forest by throwing down a fence, but it requires a legal process to throw down a house of which possession has been taken. The trespasser, therefore, here as in other wastes, is careful to rear his cottage and get into it as quickly as possible.²²⁴

The Middleton Commissioners believed the inhabitants of these cottages and 'other disorderly Persons' encroached on the Forest and were responsible for 'great Depredations committed on the Timber and Wood'.²²⁵

Some of the encroachments were found to have been made 'by the Proprietors of neighbouring Estates, and added to their own Property' and the Commissioners found that,

The Incroachments are held at present without paying any Rent or Acknowledgement to the Crown; but having generally, if not in every Instance, been presented at the Forest Courts, and ordered to be pulled down and laid open, and the Intruders fined, the Lands must still be considered to belong to the Crown.²²⁶

The Financial Reform Association remarking, in the mid-nineteenth century, on the enquiries of the Middleton Commissioners stated how,

In looking over the list of Crown tenants, it is painful to find so many of the nobility and gentry of the land combining to defraud the public. "Baron, and squire, and knight of the shire," –

²²¹ *Ibid.*

²²² *Ibid.*, p. 6.

²²³ *Ibid.*

²²⁴ Gilpin, *Remarks on Forest Scenery* (1791), p. 39.

²²⁵ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 21.

²²⁶ *Ibid.*, p. 6.

clergyman and layman, appear emulously scrambling for a share of the nation's resources.²²⁷

The reference to a clergyman, greedily competing for a share of the assets, could be an accusation directed at the Reverend William Gilpin, who encroached on the unenclosed lands of the New Forest in order to build his school in Boldre.²²⁸

The *Fifth Report* stated that the unenclosed Forest, 'containing 63,845 Acres', was also the property of the Crown and subject to certain Rights of Common of Pasture, Pannage, and Fuel, which were exercised by the proprietors of the landed estates within or adjacent to the Forest. These rights and those of the Crown were set out, as defined by the New Forest Act 1698, by the Commissioners who reiterated the prohibitive conditions of Pannage, Fence Month, and Winter Heyning, and again stipulated the fuel rights that had been established under Elizabeth I (Court of Exchequer in 1584 (26 Eliz.)).²²⁹ This was an important point, as it fundamentally limited the practice and the value of the ancient common rights, thus reducing some of the competition against the timber. The Commissioners further stated that,

Since that Act was passed; and though the salutary Provisions which it contains have unfortunately not been regularly attended to, yet there is no Part of them which has not, as some Times, been carried into Effect. . . so that no Person whatever can pretend a long uninterrupted Enjoyment of any Right forbidden by that Act of Parliament.²³⁰

The provisions and prohibitions of the Act were intended to be administered and upheld by the officers appointed to manage the Forest, but many of these devices were found to be in various degrees working in opposition to one another and even in conflict with the interests of the

²²⁷ Financial Reform Association (Liverpool England), *The Woods, Forests, and Estates of the Crown*, (Newcastle, 1849), p. 2.

²²⁸ C. R. Tubbs and E. L. Jones, 'The Distribution of Gorse (*Ulex Europaeus* L.) in the New Forest in Relation to Former Land Use', *Proceedings Hampshire Field Club & Archaeological Society*, XXIII (1964), 5, fn.7.

²²⁹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 6.

²³⁰ *Ibid.*, p. 7.

officers charged to uphold them. This was because many of the Forest officers were themselves reliant on the exercise of common rights.

While the Middleton Commission asserted that ‘the only Object of great Consequence to the Public, in any of the Forests, is the Increase and Preservation of the Timber’, this aim was not necessarily shared by the Forest officers.²³¹ The posts that were tasked with the prevailing management of the New Forest did not function for its efficiency and effectiveness; rather the roles of the officials had been altered or distorted to function for the benefit of the incumbents. In the *Third Report* the Commissioners had noted that, in the royal forests in general, ample means had been ‘provided for the Care and Preservation of the Forests’, which included guarding against intrusions and punishing offences, ‘while the Functions of those Offices were properly executed’.²³² In the *Fifth Report*, however, it was stated that though the New Forest had plenty of officers who had the backing of ‘the known Severity of the Forest Laws, which are there continued in Force’, it was regarded as ‘extraordinary’ that these officers were not kept to their duties; and that ‘those Offences which are so numerous and so general in this Forest meet now with little Check’.²³³ The Middleton Commissioners considered that while the powers, procedures and positions that were needed to fulfil the objectives of the Forest were in place; all that was missing to uphold them was the application.

Forest officers were found to be reluctant to exercise their powers in apprehending offenders of the laws protecting the timber trees and woods, as laid down by the Act for the Better Preservation of Timber Trees, Woods and Under Woods, 1766 (6 Geo. III, c. 48). It was revealed that offences were not checked, due to ‘the Expense of prosecuting under that Act’ and the time and trouble of the keeper, ‘for which he has no Return whatever, except on

²³¹ *Ibid.*, p. 19.

²³² Middleton, Call, and Fordyce, *The Third Report* (1789), p. 9.

²³³ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 21.

Conviction of the Offender'.²³⁴ Even the reward system, paid to informers, was not sufficient to induce the keepers to uphold law and order, except in cases where,

The Nature of the Offence gives Reason to expect a large Fine to be imposed and where the Conviction appears certain, from the Proof being supported by a greater Number of Witnesses than in so extensive a Waste are often to be found.²³⁵

Bushaway observes that the Hampshire newspapers at this time carried many advertisements offering rewards for information leading to the conviction of wood-stealers, or warnings to unsuspecting inhabitants who might, in the execution of traditional wild-food gathering, such as nutting, might be mistaken for criminals.²³⁶

As well as being reluctant to perform their duties, the Middleton Commissioners found that the Forest officers were themselves often responsible for the destruction of the timber and that,

Much more Wood, and of a larger Size than is necessary or proper for browsing, is cut by the Keepers under that Pretence [of feeding the deer], to increase their own Profits.²³⁷

The inclosures, of Etherise, Black Bush and Pignell, planted by Bedford, had been found by the Middleton Commission to be substantially lacking in trees.²³⁸ It was also revealed that almost every one of the Keepers bred rabbits and that several inclosures intended for the growth of timber had been converted into rabbit warrens by the Under Keepers. The three inclosures created by John Pitt, in Wilverley and Rhinefield Walks, were 'so over run with Rabbits, that there are no young Trees whatever in Two of them, and only a very few in the Third'.²³⁹ It was also discovered that 'some of the Keepers deal largely in Swine, which are suffered to remain

²³⁴ Ibid.

²³⁵ Ibid.

²³⁶ Bob Bushaway, *By Rite: Custom, Ceremony and Community in England 1700-1880* (London, 1982), pp. 218-19.

²³⁷ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 20.

²³⁸ *Ibid.*, Appendix No. 35 - Survey of the New Forest by Thomas Richardson, William King, and Abraham and William Driver, in 1787, p. 106.

²³⁹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 26.

in the Forest at all seasons'; the fences of the inclosures were neglected so that they kept out 'neither Deer, Horses, Cattle or Swine' and when repairs to the fences were required they were 'large and expensive'; and, the keepers lodges were 'repaired often and at great Charge but never substantially, or in a Workman-like Manner'.²⁴⁰

Not only did the keepers commit acts that were detrimental to the growth of timber but they permitted unrestricted numbers of livestock, 'commonable or not commonable' to roam the Forest at all times, 'without Regard to the Fence Month and Winter Haining', and with no identification as to whether or not they belonged 'to those who have Right of Common'.²⁴¹ Fern, heath and gorse were also 'cut up in every Part of the Forest' without having the sites for removal assigned 'as the Law requires', harming any young tree shoots. While, the selling 'and otherwise disposing of Wood assigned for Fuel is now likewise openly and generally practiced', this was conducted,

at the Convenience of the Claimants or Purchasers, without any Check or Controul [sic], more Trees are frequently cut than have been assigned.²⁴²

These were the very abuses complained of in *The Case for the Bill for Inclosing a Part of the New Forest, with some Observations Upon the Printed Case against the said Bill*, which had been voiced in the century before, prior to the passing of the New Forest Act 1698.²⁴³ The situation was made worse, by the *divisum imperium*, which the Middleton Commission described as the 'strange Constitution of the general Government of the Forests', and blamed it as 'Another great Cause of the Unfitness of the Forest Officers to Prevent the Abuses we have enumerated'.²⁴⁴

²⁴⁰ *Ibid.*, p. 20.

²⁴¹ *Ibid.*, pp. 20-21.

²⁴² *Ibid.*

²⁴³ N. Wrighte and Edw. Northey, *The Case for the Bill for Inclosing a Part of the New Forest, with Some Observations upon the Printed Case against the Said Bill* (British Library, London, c.1696).

²⁴⁴ Middleton, Call, and Fordyce, p. 22.; *Ibid.* p. 21.

The Commissioners also reported that among the papers and documents that they had had access to, regarding the New Forest,

We have found, in almost every Reign, very judicious Plans formed for its Improvement, and for correcting the Abuses in it; but they have all failed from One Cause – the Execution has been left to Officers whose Interest it was to counteract them; nor have we any Expectation that the Plan which we shall think it our Duty to propose will be attended with better Success, until that radical Error in the present System of Management shall be corrected.²⁴⁵

The remedy suggested by the Middleton Commission, for the correction of the errors and the abuses found in the New Forest, would support the development of large-scale timber production and, therefore, be far-reaching. In the *Fifth Report*, the Middleton Commission recommended ‘alterations’ that would ‘render this Forest a great Nursery and Magazine of Timber for the Navy’. Its principal suggestion to achieve this was the passing of an Act of Parliament; appointing New Forest Commissioners who would be given a radical mandate and the authority to ‘treat and agree’ with the freeholders, copyholders and the ‘Proprietors of neighbouring Estates’ of the New Forest to sell their rights of common of pasture, turbary, estovers, fuel wood and repair wood and ‘every Claim that they have on the Forest’ to the Crown.²⁴⁶ The Middleton Commission also believed that ‘if the neighbouring Inhabitants will part with their Claims on the Forest at a fair Price, it is for the Interest of the Public to purchase them’, in doing so the Forest would be freed ‘from any Mixture of Rights whatever, without lessening the Extent of the Forest Land’.²⁴⁷

The New Forest Commissioners were also to be given powers that ‘where there is any Part of the Boundary of the Forest disputed or doubtful’, they would be able to ‘treat and agree with the Proprietors of the Lands adjoining to such disputed part’, and in this way would ‘settle and ascertain what shall ever after be held to be the Boundary of the Forest’. In case the

²⁴⁵ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 28.

²⁴⁶ *Ibid.*

²⁴⁷ *Ibid.* p. 30.

Commissioners could not agree with ‘all or any of the Parties for the Sale, Purchase or Settlement proposed’ they were to be empowered to refer the matter to a panel of arbitrators, who were ‘to be chosen by the Commissioners and the Claimants’, or alternatively the matter was to be decided by ‘a Jury of Freeholders not interested in the Forest’.²⁴⁸ The Freeholders, and ‘others having Right of Common of Pasture and Pannage in the Forest’, were invited to appoint ‘by a Majority of Number and Value’ persons to negotiate with the Commissioners on the share of the 57,845 acres of open forest (excluding the 6,000 acres for inclosures laid down by the New Forest Act 1698) that was to be left open ‘during the whole Year to their Cattle and Swine’. This would be after the number of those inhabitants and neighbouring properties claiming common rights had been reduced. The commonable livestock belonging to the remaining commoners were to share a proportion of the open forest with the ‘King’s Deer’; once the optimum number was ascertained the surplus deer would be ‘sold or removed to any other Forest or Park belonging to His Majesty, or disposed of as His Majesty may be pleased to direct’.²⁴⁹

Any new timber inclosures created by the New Forest Commissioners were to be under the same conditions as the New Forest Act 1698, in that as soon as the trees were past the danger from browsing cattle and the inclosure fences removed, the same amount of land was to be inclosed. The Middleton Commission pointed out that there was no benefit to be had in dividing and separating the New Forest into allotments, as had been recommended in their reports for other royal forests, because some of the commoners would not sell their ancient rights ‘at any reasonable Price’ and because there was a ‘great Variety of different Kinds of Soil in this Forest’, which would make division difficult and be ‘disadvantageous to the Public’.²⁵⁰ Instead, the Commissioners believed that in their recommendations ‘the Public . . .

²⁴⁸ *Ibid.* p. 28-29.

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid.* p. 30.

would obtain an extensive and valuable Addition to the Nursery for timber’ and that ‘by the Arrangement we have proposed, the Forest would be put into a State in which it might, under proper Management, supply a very great Quantity of Timber for the Navy’. The plans of the Middleton Commission, therefore, required new regulations to be adopted in the administration and the management of the New Forest, in order to ‘put a Stop to and prevent a Return of those Abuses which at present waste the Forests and, and render them of little Value to the Public’.²⁵¹

The Commissioners identified three sources of ‘Waste and Destruction’ in the New Forest, the *divisum imperium*; overgrazing by commoners’ livestock and the exercise of rights by those not entitled to practice them, including the cutting of heath, fern, and peat, and the abuses arising from ‘the present Mode of taking and disposing of Fuel Wood; and, the offences and depredations committed by the inhabitants, and the lack of regulating, monitoring and prosecuting by the officers charged with the care of the Forest.’²⁵² The Commissioners recommended that any forest officer having any responsibility for the ‘Wood, Timber, and Inclosures’ should be put under the control of the Surveyor General ‘or of whatever Office shall have the general Management of the Forests’. No fees, perquisites or gratuities were to be given to the forest officers and the number of cattle and swine they were permitted to keep were limited to those for the use of his family, as long as they were not kept in the inclosures that were intended for timber.²⁵³

The rabbits were to be ‘extirpated’, and as the deer were also to be removed, so too was the pretence of cutting browse wood to feed them. This was regarded as a source of the greatest mischief to the Forest. The Middleton Commission also recommended the appointment of a Wood Bailiff and Watchmen who were to be selected according to their ‘honest, active, and industrious’ attributes; while two superior officers, ‘a resident Surveyor and an Accountant’,

²⁵¹ *Ibid.*, p. 31.

²⁵² *Ibid.*, p. 32.

²⁵³ *Ibid.*

were to be selected to work together with the Purveyor of the Navy.²⁵⁴ Reports were to be given to the Lords of the Treasury every three years, on the state and condition of the New Forest, and any alterations to the arrangements recommended by the Middleton Commission could be considered, when it became more apparent how the system was working in practice. With the deer being removed or confined to a park, or parks, within the Forest, the Middleton Commissioners believed that ‘there will remain nothing under the Charge of the ancient Establishment of Forest Officers’, whose duties were concerned only with the preservation of the venison and vert.²⁵⁵

The Commissioners proposed to confine the ‘Care of the Woods and Inclosures, wholly under the Authority of the Office of Forests’.²⁵⁶ This would mean an end to the *divisum imperium*, which had been so disruptive to the management of the Forest, and an end to the associated perquisites, which had been so destructive to its flora. Instead, the duties of the officers responsible for the venison and the vert were to be transferred, placing them firmly into the business of timber management. This, according to the Commissioners, was in response to ‘the public Exigencies requiring that the Forests should be hereafter kept as Nurseries for Timber’.²⁵⁷ With their emphasis on the production of trees, the Middleton Commission signalled a shift away from the ancient characterisation and cultural significance of the New Forest as a wholly deer forest. Instead, their intention was to ‘exonerate the Estates’ connected with the Forest from everything that was considered ‘disagreeable or burthensome to the Proprietors’; to free the Forest from the claims and rights of common, or joint occupancy, which would obstruct the growth of timber, ‘without Injury to the Property of any Person interested in the Forest’; to eliminate the confused and contradictory system of Forest

²⁵⁴ *Ibid.*, p. 33.

²⁵⁵ *Ibid.*, p. 35.; Thomas Nichols, Purveyor of the Navy, reporting to the Admiralty in 1791, added that with the deer removed the inclosure fences would also be cheaper because they would not need to be ‘so high’. Nichols, *Observations* (1791), p. 9.

²⁵⁶ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 35.

²⁵⁷ *Ibid.*, p. 36.

management; and to introduce ‘one plain and simple System of Management’. This would enable the officers of the Forest to concentrate their activities ‘to the only Object of any Importance to the Public’, which was the increase and protection of the timber; and, to place the ‘resident Officers under the sole Authority of those who shall be entrusted with the general Management and Improvement of the Royal Forests’.²⁵⁸

Finally, the Middleton Commissioners, in their Fifth Report, observed that the New Forest ‘a Property from its Situation and Extent of so much Importance to the Public’ was ‘deserving of the immediate Attention of the Legislature’.²⁵⁹ The next chapter, therefore, looks at how the recommendations of the Middleton Commission were translated into a bill, presented to Parliament in 1792, entitled ‘An Act for the Further Increase and Preservation of Timber, within the New Forest, in the County of Southampton, and for the Sale of Rents, and the Enfranchisement of Copyhold Tenements, in the said Forest’. The progress of this bill through Parliament would demonstrate political tensions between public good and private gain, which were manifest in the topic of inclosure, timber production, and property rights that would put the proposed changes to the New Forest at the very heart of the British constitution.

²⁵⁸ *Ibid.*

²⁵⁹ *Ibid.*

Chapter 3: The New Forest Timber Bill 1792

This chapter examines the progress of An Act for the Further Increase and Preservation of Timber, within the New Forest, in the County of Southampton (hereafter referred to as the New Forest Timber Bill 1792) through its Parliamentary stages and explores the debates and intrigues that accompanied its progress. Even though it had the majority of support from the members of the House of Commons and the peers in the House of Lords, the New Forest Timber Bill 1792 ultimately failed. The chapter maintains that the collapse of the bill was due to tensions between opposing land management ideas and political factions that, rather than remedying, eclipsed the timber problem. The tensions were exhibited in several ways. Primarily there were tensions between the concept of developing a government-controlled state-run forest, as proposed by the Middleton Commission, appointed by the Crown Land Revenues Act (26 George III, c. 87); and the idea of devolving the royal forests into private allotments that would be managed by landowners acting under the motivation of enlightenment philosophy and market forces. Either way, the New Forest faced a fundamental change that was essentially characterised by the rejection of its feudal modes of operation and the adoption of a modern system of management.

Discussions for and against the New Forest Timber Bill 1792, and thoughts of how the New Forest should be managed, were conducted in newspapers, magazine articles and pamphlets. In his article, 'On the Bill for the Preservation of Timber Within the New Forest', Arthur Young wrote in support of the 'absolute sale and alienation' of the Forest, asserting that it was the 'only effective and honest proceeding'.¹ He believed that the bill had been written to increase jobbery rather than timber. An anonymous pamphlet, entitled *A Review of the Bill Now Depending in Parliament for the Encouragement of the Growth of Timber within the New*

¹ Arthur Young, 'On the Bill for the Increase and Preservation of Timber within the New Forest', in *Annals of Agriculture, and Other Useful Arts*, (Bury St. Edmunds, 1792), (p. 577); *ibid.*, (p. 579).

Forest, excoriated the changes proposed by the bill and attempted to expose its flaws.² The progress of the bill through the House of Commons and Lords also reveals a critical interplay of personal rivalries, competition for political dominance, and concerns about the bill's implications for the British constitution and the protection of private property. These dynamics were exhibited between members of Parliament, the government, Officers of State and even the royal family, whose enmity towards one another was displayed during the proceedings of the New Forest Timber Bill 1792. Indeed, the fate of the bill was linked more to the successful manoeuvring of political factions in George III's orbit than it was to reasoned debate or a refutation of the bill's content or principals.

Though ostensibly a legislative measure for the increase and preservation of timber, which could be used for the Royal Navy, and based upon the recommendations of the Middleton Commission, the bill also contained measures that had not been sanctioned by them, while omitting others that were. Many of the contemporary criticisms about the New Forest Timber Bill 1792 focused upon its 'fallacious' principal, which instead of aiding the increase and preservation of timber 'would counteract it in almost every step'.³ Criticism was also raised about the New Forest Timber Bill 1792 being called 'a public bill although it meant to convey away private property'.⁴ Indeed, the bill was alleged to be of benefit to one particular landowner - George Rose Esq, MP for Christchurch. Rose had not only been instrumental in selecting and appointing members of the Middleton Commission but, as Secretary of the Treasury, was accused of writing the bill to further his political capital in the county of Southampton and to increase his estate of Cuffnells, near Lyndhurst. This chapter, therefore,

² General Reference Collection DRT Digital Store BL/1146.i.4.(2.), *Resident Freeholder, 'A Review of the Bill Now Depending in Parliament for the Encouragement of the Growth of Timber within the New Forest : Addressed to the Proprietors and Occupiers of Estates Entitled to Rights of Commonage and Other Privileges within the Same'*, 1792, (British Library, London).

³ 'House of Lords, Tuesday June 5, New Forest', *London Chronicle*, June 5, 1792 - June 7, 1792.

⁴ 'Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill', *Evening Mail*, June 4, 1792 - June 6, 1792.

also explores how the New Forest Timber Bill 1792 created political and economic opportunities for private landowners rather than solving the scarcity of timber.

The *Fifth Report* of the Middleton Commission, published in 1789, was intended to be decisive in the future proposals for the New Forest. The Commissioners made clear their purpose, which was to recommend new legislation for the increase and preservation of timber in the New Forest by the use of a range of methods, including appointing New Forest Commissioners who would inclose large quantities of the open Forest to establish silvicultural plantations; confining a reduced number of deer to designated areas, thus compensating the commoners for the diminished grazing for their livestock in the areas of the plantations; and, establishing a different structure of administration and management with the appointment of officers in new roles. In this way, it was anticipated that reliance on timber supplies from overseas or from private estates could be avoided.⁵ The Middleton Commissioners had stated that,

If it were certain that a regular Supply of Timber for the Use of the Navy could be obtained from private Estates in this country, we should think it for the Advantage of the Public to sell the Whole of the Forests, and invest the Price in the Public Funds, instead of attempting the Improvement of any of them by its own Officers and Servants.⁶

This was an important point. Private proprietors were believed to be more entrepreneurial and commercially productive, motivated as they were by profit and economic opportunity, but in this instance it was felt that they could not supply the demand for timber.

It was found from ‘experience’ that increases in demand for timber did not produce a proportional supply from private landowners and according to the Middleton Commission the reason was obvious: ‘An Oak must grow an Hundred Year or more, before it comes to

⁵ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 37.

⁶ Charles Middleton, John Call, and John Fordyce, 'The Seventh Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents', ed. by Land Revenue Office (London: House of Commons, 13th December 1790), (p. 13).

Maturity'. In the meantime, the profits arising from crop production or pasture were more certain and immediate, and perhaps as great. The Commissioners perceived that,

It cannot, therefore, be expected that many private Individuals will lay out Money on the Expectation of Advantages which they themselves can have no Chance to enjoy: Commerce and Industry seek for, and are supported by, speedy Returns of Gain, however small; and the more generally the Commercial Spirit shall prevail in this Country, the less Probability is there that planting of Woods, for the Advantage of Posterity, will be preferred to the immediate Profits of Agriculture.⁷

The recommendations of the Middleton Commission were, therefore, designed to operate the most strategically important of the forests within the ownership of the state. If the royal forests were maintained according to their plan, the Commissioners believed that not only would the forests 'furnish a Supply which will prove a complete Security against the Scarcity of timber', but a fund would be derived from the Forests themselves, 'sufficient for their Improvement, by the Sale of Trees unfit for the Use of the Navy'.⁸ Their ambition was for the state-forests to become self-financing. Thus, the Middleton Commissioners had done their best to write an effective business case for the royal forests while under state control. This was a significant development, running contrary to the prevailing philosophy of private enterprise, particularly as Adam Smith had been advocating, since 1749, for a *laissez faire* approach to business and a government free from all intervention and regulation.⁹

In February 1792 the Middleton Commission published its *Eleventh Report*, which stated that 'while the Estates of Individuals, in every Part of this Kingdom, have been advancing in Improvement, the Property of the Crown in those [Royal] Forests has been left

⁷ Middleton, Call, and Fordyce, *The Third Report* (1789), p. 5.

⁸ Charles Middleton, John Call, and John Fordyce, 'Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents', ed. by Land Revenue Office (London: House of Commons, 16th April 1790), (p. 6).

⁹ Jacob Viner, 'Adam Smith and Laissez Faire', *Journal of Political Economy*, 35 (1927), 200.

unprotected, and exposed to unlimited Waste'.¹⁰ This echoed the observations that Evelyn had made in the seventeenth century, in which he declared that the properties of gentlemen were repaired and improved while royal lands were 'uncultivated and neglected'.¹¹ In their report, the Middleton Commissioners urged that the 'Public Interest' required that 'so extensive and so valuable a Part of the Landed Property of the Country should not be suffered longer to continue in its present unproductive State'.¹² The *Eleventh Report* reiterated the need to keep certain forests, such as the New Forest, within state control by stating that,

We deemed it our Duty to recommend that all those Forests in which the Crown has reserved any very considerable Share of the Property, or which are situated near to any of His Majesty's dock Yards, should be retained.¹³

Its large size, sparse population, and location near to Portsmouth rendered the New Forest of more practical and strategic value to the nation as a state asset than as a collection of privately owned estates, smallholdings, or allotments.

The Commissioners revealed a forest-by-forest approach to their enquiries, in which the supply of timber had been their paramount object, and that,

to suggest such Plans of future Management and Improvement, as appeared to us best adapted to the peculiar Circumstances of each, and likely to procure the largest Supply of Timber, at the least Expence or Risk to the Public; not thinking that any Advantage which could be derived from the Sale or Cultivation of the Land was worthy of Consideration, when compared to that great National Object.¹⁴

In the judgement of the Middleton Commissioners there was no benefit to the public by the sale of the New Forest and that it was of better use in supplying the royal dockyards. This was

¹⁰ Charles Middleton, John Call, and John Fordyce, 'The Eleventh Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents - Oak Timber', ed. by Land Revenue Office (London: House of Commons, 6th February 1792), (p. 3).

¹¹ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions* Evelyn, p. 212.

¹² Middleton, Call, and Fordyce, *The Eleventh Report* (1792), p. 4.

¹³ *Ibid.*

¹⁴ *Ibid.*

not a widely held opinion, however, as was revealed by the discussions that took place in the House of Commons. On Monday 26th March 1792, the whole house went into committee to consider the several reports of the Middleton Commission.¹⁵ Henry Hobart, MP for Norwich, and Chair of the Committee, called attention to the information contained in the various reports, which ‘sufficiently proved the propriety of adopting some system for the preservation and increase of timber for the use of the Navy’.¹⁶ He declared that he meant to confine himself, as Chairman to one point, ‘which from its local situation was of great importance – the New Forest in the county of Southampton’.¹⁷ No reference was to be made to the other of the Crown lands because they were not connected with the subject in hand and because Parliament had not received the final report of the Commissioners on all the royal forests.

Richard Brinsley Sheridan, MP for Stafford, expressed ‘surprise’ that after seven years of enquiry the Commission had ‘not yet got a complete report of the Crown lands’, as he had expected to see ‘one great system laid before Parliament’.¹⁸ While this was also an expectation of other members of Parliament, the Middleton Commission had stated early on in their enquiries that due to the complex and diverse arrangement of each forest, which had a different set of leases, fees and rights between individuals and the Crown, they would report the state of each forest separately.¹⁹ The Commissioners were not conducting their enquiries in a one-size-

¹⁵ 'Journals of the House of Commons, from January 31st 1792 to November 15th 1792', (London: House of Commons, Reprinted 1803), (p. 702).

¹⁶ 'House of Commons, Monday March 26 - New Forest', *Evening Mail*, (March 26, 1792 - March 28, 1792). NB: Hobart was ‘a reliable supporter’ of Pitt’s administration, who acted as teller for the government; after 1791, he was chairman of the ways and means committee but generally he only interested himself in the affairs of Norwich. R. G. Thorne, *The History of Parliament: The House of Commons 1790-1820: Members G-P*, (London, 1986), p. 207.

¹⁷ House of Commons, Monday March 26 - New Forest, *Evening Mail* (1792).

¹⁸ R. B. Sheridan, *Speeches of the Late Right Honourable Richard Brinsley Sheridan ... Edited by a Constitutional Friend* (London, 1816), pp. 404-05. NB: Sheridan is listed as ‘of no fixed address’ in the list of members of the House of Commons. R. G. Thorne, *The History of Parliament: The House of Commons 1790-1820: Members Q-Y* (London, 1986), p. 143. Rather than having a landed interest, Sheridan seemed to have concerned himself with financial matters and ‘aspired to the role in debate of shadow chancellor of the Exchequer’ and was a ‘keen critic’ of government expenditure. *Ibid.*, p. 144.

¹⁹ Middleton, Call, and Fordyce, *The Third Report* (1789), p. 4.

fits-all approach but taking consideration of each forest, one at a time. William Hussey, MP for Salisbury, offered his collective solution and declared that he was of the opinion that ‘nothing but the sale of the lands could promote the growth of timber, so as to render it in any degree beneficial to posterity’.²⁰ Hussey was a supporter of financial reform in government and, in 1780, had joined the Wiltshire Committee Association. This organisation had campaigned for an end to ‘the gross abuses in the expenditure of public money’, a reduction in ‘all exorbitant emoluments’ and abolition of all ‘sinecure places and unmerited pensions’.²¹

Hussey was an active and forthright critic of Pitt’s administration, particularly in matters of finance, so his disapproval of the government’s proposals was not unusual.²² He was, however, voicing a popular opinion of many of the landowning MPs who believed in the improving zeal of the landscape through private ownership. William Pitt addressed the committee by saying that every gentleman must be fully convinced of the necessity for the ‘adoption of some measures for the preservation and increase of timber for our navy’.²³ He declared, therefore, that it was his intention to bring in a bill to make some regulations in the royal forests, ‘particularly in that one called New Forest in the county of Southampton’, for preserving the timber required for the navy’.²⁴ Pitt concurred with the findings of the Middleton Commissioners and was convinced that the New Forest was in a different situation to the other Crown lands, and that its soil and its contiguity to Portsmouth rendered it more applicable for the growth of timber for the navy ‘than any other of the Crown lands’.²⁵

²⁰ House of Commons, Monday March 26 - New Forest, *Evening Mail* (1792).

²¹ John Almon and T. Pownall, *The Remembrancer, or Impartial Repository of Public Events for the Year 1780*, (London, 1780), p. 136. NB: Hussey’s portrait hangs in the Guildhall, Salisbury, which he paid to be furnished when it was re-built in 1788 after fire devastated the old Council House. In the painting he is depicted holding a scroll with the resolution of the House of Commons, which asserted that ‘the influence of the crown had increased, was increasing, and ought to be diminished’. J. Britton, *The Beauties of England and Wales: Wiltshire*, (London, 1814), p. 118.

²² Thorne, (1986), *The House of Commons 1790-1820, G-P* (1986), p. 279.

²³ John Almon, John Debrett, and John Stockdale, *The Parliamentary Register; or History of the Proceedings and Debates of the House of Commons*, (London, 1792), p. 116.

²⁴ ‘New Forest, Southampton’, *Morning Herald*, (Tuesday 27th March, 1792).

²⁵ ‘House of Commons, Thursday May 3, New Forest Bill’, *Public Advertiser*, (Friday 4 May 1792).

It was announced that whatever measures were adopted by Parliament with respect to the New Forest ‘by those measures they were not to be considered bound with respect to the measures to be taken in regard to the other Crown Lands’.²⁶ Other forests, such as Rockingham, were already ‘in Tillage or Pasture, and the Country pretty fully inhabited’ and their disafforestation was not considered to be a loss to the public.²⁷ The New Forest, however, was being dealt with specially and was considered as a unique part of the Crown estate.²⁸ Pitt was apparently, ‘sensible that good provision had long since and repeatedly been made for the preservation of our timber’; while he acknowledged that ‘those provisions had been departed from’, he saw no good reason for preventing the administration from exerting themselves for the same purpose. In the propositions contained within the bill, he ‘conceived a better prospect would be obtained for effecting the desired object, than would result from leaving the preservation and increase of timber to individuals’.²⁹

Pitt stated that the first intention of the bill he proposed would be to enable the enclosing of 20,000 acres of the Forest, for the growth of timber. The person appointed for undertaking the enclosure would be given the powers to ensure that 20,000 acres was always enclosed and to throw open as much of the enclosure as might be sufficiently grown and to enclose an equal quantity of the Forest, for the purpose of always keeping 20,000 acres enclosed.³⁰ This was in the manner of the ‘rolling enclosures’ that had first been proposed by the New Forest Act 1698 (9 & 10 Will. III. c. 36).³¹ Pitt declared that the bill for the New Forest would contain provisions to compensate the commoners for the loss of grazing for their livestock, which would be caused by the inclosures. The deer that competed for food with the commonable

²⁶ *Ibid.*

²⁷ Journals of the House of Commons, from January 31st 1792 to November 15th 1792, p. 199.

²⁸ Reports from the Select Committee on New Forest; Together with the Proceedings of the Committee, Minutes of Evidence and Appendix, p. 131.

²⁹ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 116.

³⁰ *Ibid.*

³¹ C. R. Tubbs, *The New Forest: An Ecological History* (Newton Abbot, 1968), p. 43.

livestock and which 'His Majesty had a right at present to let run throughout the whole Forest' would be confined to certain parts. The second provision of the bill, declared Pitt, would be to prevent damage or injury to the timber; and the third, for the presentation of periodical reports to Parliament.³²

One of the most significant political developments characterised by the bill was the increased use of a more professionalised approach to bureaucracy. This may account for Pitt's confidence that the previous mistakes in the management of the New Forest would not be repeated. According to Ward, Pitt's government appointed some of the best officials in the whole century who were 'men of business' and employed the tools of bureaucratic administration effectively.³³ While they were mostly from the landed classes and the legal profession, Pitt's more inclusive approach to government enabled a few men from the merchant class, sons of clergymen, and at least one doctor's son to be counted among their number.³⁴ In particular, was George Rose Esq, (a clergyman's son) who, among other roles, was Secretary to the Treasury, MP for Christchurch, and Verderer of the New Forest.³⁵ Rose acted as electoral and public relations manager for the government as well as assistant to, and advocate for, the Prime Minister's financial measures.³⁶ It was his responsibility to frame the bills introduced into Parliament by the First Lord of the Treasury or the Chancellor of the Exchequer.³⁷ Rose was most likely one of the main authors (if not *the* author) of the New Forest Timber Bill 1792.

³² Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 116.

³³ Ward, 'Some Eighteenth Century Civil Servants' (January 1955), p. 44.

³⁴ *Ibid.*, pp. 44-45.

³⁵ George Rose Esq is often incorrectly referred to as Sir George Rose. Later editions of William Gilpin's seminal text may be responsible for this error. W. Gilpin and Sir Thomas Dick Lauder (ed.), *Remarks on Forest Scenery, and Other Woodland Views*, (Edinburgh, 1834), p. 227. George Rose never took honours for himself but made sure that his son, George Henry Rose, did. D. R. Fisher, *The History of Parliament: The House of Commons 1820-1832: Members L-R*, (Cambridge, 2009), pp. 1008-10.

³⁶ R. G. Thorne, *The History of Parliament: The House of Commons 1790-1820*, (London, 1986), p. 46.

³⁷ Dora Mae Clark, 'The Office of Secretary to the Treasury in the Eighteenth Century', *The American Historical Review*, 42 (October, 1936), 35.

He was able to exercise vast amounts of personal influence over the government's approach and the communication of its policy towards the Crown lands of the New Forest. As the owner of Cuffnells, a large estate near Lyndhurst, Rose would also have known the area well. Indeed, it was this personal proximity to the New Forest and his private interest in its landscape that caused the bill to be regarded by some as 'a Treasury job'.³⁸

Rose was an able administrator and born bureaucrat who was interested in the minutiae of government and the use of political mathematics and rational methodology. He was, for example, an advocate for special government enquiries 'to suit particular cases and particular departments', and stated that,

This pointed exercise of enquiry is now become so much a political habit in this country, that we may venture to trust no future administration will discountenance it, nor any future generation allow it to go into disuse.³⁹

This was a particularly noteworthy reflection given that it was the work of the Middleton Commission, in which Rose had been particularly influential in the selection of its contributors, that would produce a landmark report on the New Forest in 1789. Rose also made a significant contribution to the development of modern bureaucratic Britain and the use of quantitative tools in politics, including the population census. It was Rose who recruited John Rickman to run the first census of the population in 1801, after reading an article, entitled 'Thoughts on the Utility and facility of a general Enumeration of the People of the British Empire', which Rickman had written in 1796, in the *Commercial, Agricultural, and Manufacturer's Magazine*.⁴⁰ At the time Rose was interested in 'the potential advantages of conducting a

³⁸ Anon. Taken verbatim in short-hand, 'One Hundred Pounds Damages: George Rose, Esq. One of the Secretaries of the Treasury', (London, Monday 9th July 1792), (p. 18).

³⁹ Right Hon. George Rose, *Observations Respecting the Public Expenditure and the Influence of the Crown*, (London, 1810), p. 4.

⁴⁰ Joanne Innes, 'Forms of 'Government Growth', 1780-1830', in *Structures and Transformations in Modern British History*, ed. by D. Feldman and J. Lawrence (Cambridge, 2011), (p. 94).; Sue Newman, *The Christchurch Fusee Chain Gang*, (Stroud, 2010), p. 35.; E. Higgs, *Making Sense of the Census Revisited: Census Records for England and Wales 1801-1901 : A Handbook for Historical Researchers*, (London: Institute of Historical Research, 2005), p. 7.

general enumeration of the people in the British overseas possessions'.⁴¹ Though it may be possible that Rose's interest in population surveys had developed earlier.

At some time in 1792 a register of claims in the New Forest was collected. Groom Keepers for each of the fifteen Forest Walks were asked to submit a list of inhabitants and their holdings within each Walk.⁴² It was the Groom Keepers responsibility to 'preserve the vert and the venison, and all other of His Majesty's rights' within his Walk.⁴³ This document does not appear to have been made publicly available. It is certainly not mentioned in any of the Parliamentary debates regarding the New Forest. This is possibly because whoever commissioned its compilation was not satisfied with the quality of the results, which, as Stagg observes, were 'incomplete'.⁴⁴ While some Walks are listed with the names of commoners and the rights they enjoyed, others are less detailed and only mention the name of the householder. Other details are not included, such as the size of holdings, and though some returns mention encroachments other returns do not. It is tantalizing to surmise that it was Rose who commissioned this register of claim especially, as Tubbs suggests, this document was compiled as 'one of the preliminaries to the eventual disafforestation and partition of the Forest'.⁴⁵ Rose was undoubtedly in favour of removing common rights and extending private ownership within the New Forest.

This episode also demonstrates the dual aspect of Parliament at this time. On the one hand, Parliament provided vital authority, especially in its ability to reorder or even redefine property rights and improve infrastructure; while, on the other, it disguised the notion that the 'national good' was largely a measure initiated in Parliament by self-interested individuals or

⁴¹ Colin R. Chapman, *Pre-1841 Censuses & Population Listings in the British Isles*, 5th edn (Dursley, 1998), p. 56.

⁴² TNA/F20/51, 'Survey of the Commoners and Common Rights in the New Forest with Details of Horses, Cattle and Swine in the Forest', 1792, (The National Archives, Kew).

⁴³ Great Britain. Parliament. House of Commons, *Journals of the House of Commons: From November the 20th, 1788, to December the 10th, 1789*, (London, 1803), p. 601.

⁴⁴ David Stagg (ed.), *New Forest Commoners: AD 1792*, (Lyndhurst: New Forest Association, 1983).

⁴⁵ C. R. Tubbs, *The New Forest* (2001), p. 115.

local bodies.⁴⁶ Public officials may have debated and developed government policy but they did so in a ‘personal capacity’ that served their own interests and the discharge of their public duty.⁴⁷ Even though the proposals for the New Forest, contained in the New Forest Timber Bill 1792, bore the hallmarks of enlightenment philosophy some contemporaries believed them to have ‘mischievous’ and ‘unconstitutional’ tendencies, ‘lurking designs’, and to be a government ‘job for the private emolument of Mr Rose, secretary to the treasury, instead of a national object’.⁴⁸ Indeed, Rose’s country estate at Cuffnells, near Lyndhurst, would potentially benefit from many of the clauses contained in the New Forest Timber Bill 1792. This was an outcome highlighted by many of the bill’s opponents. Private ambition was one thing, but to redraft the constitution and affect others’ property rights in the process was entirely another.

House of Commons - the New Forest Timber Bill 1792

The New Forest Timber Bill 1792 was described as taking the clauses from the New Forest Act 1698 ‘as were found efficacious’, whereas the clauses that were found unsuitable were avoided or modified ‘in such manner as to answer every purpose that information and consideration could suggest’.⁴⁹ Thus, the New Forest Timber Bill proposed to enclose 2,000 acres of the Forest, ‘which shall be kept in severalty for the growth and preservation of timber for the use and supply of the Royal Navy’.⁵⁰ This was to be in addition to the 2,274 acres already enclosed, with further enclosures of 2,000 acres made each year until 20,000 acres were

⁴⁶ Julian Hoppit, 'Patterns of Parliamentary Legislation, 1660-1800', *Historical Journal*, 39 (1996), 116.

⁴⁷ Paul Warde, *The Invention of Sustainability* (Cambridge, 2018), p. 8.

⁴⁸ Francis Plowden, *A Short History of the British Empire During the Last Twenty Months; Viz, from May 1792 until the Close of the Year 1793*, (Dublin, 1794), p. 91.; R. Bisset, *The History of the Reign of George III: To Which Is Prefixed a View of the Progressive Improvements of England in Property and Strength to the Accession of His Majesty*, (Philadelphia 1822), p. 367.

⁴⁹ 'House of Lords, Tuesday June 5, New Forest', *London Chronicle*, (June 5, 1792 - June 7, 1792).

⁵⁰ HL/PO/JO/10/2/65B, 'New Forest Timber Bill', in *Main Papers (Parchment Collection)*, ed. by House of Lords (Parliamentary Archives, Westminster, 15 May 1792). rot 2.

enclosed.⁵¹ As soon as the trees within the enclosures were past danger from cattle, the enclosures were to be thrown open and the same quantity taken from the open Forest for timber plantation.⁵² Six commissioners were to be appointed, two of whom were to be Justices of the county of Southampton, but not officers of the Forest, who would ‘execute the same to be most convenient to be enclosed and to be most proper and likely to produce wood and timber for the future benefit of the kingdom’.⁵³

In compensation for the rights that the commoners might lose, ‘by the narrowing [of] the extent and limits of the open commonable parts of the forest’, it was proposed that the deer within the Forest be ‘confined to such park or parks as his majesty his heirs or successors shall be pleased to order’.⁵⁴ The remainder of the deer were to ‘be destroyed or wholly removed from out of the said forest’ and ‘occupiers of any ancient enclosed land lying within the limits or purlieus of the forest’ were exonerated from ‘taking, wounding, coursing, or killing deer’ on their land.⁵⁵ This was a significant departure from the forest laws that had governed the New Forest since its inception in 1079, and represented a weakening of the royal prerogative. Thus, as well as reducing the rights of the commoners the New Forest Timber Bill 1792 sought to reduce the privileges of the Crown. Furthermore, the bill asserted that some of the Forest wastes, ‘in part surrounded by or adjacent to lands of private owners’, which were ‘not proper or convenient to be enclosed for the growth of timber’ could, if it were ‘of mutual convenience and advantage to the public’ be exchanged for ‘any lands so situated or any cottages buildings or enclosures on the said forest belonging to the crown’. This could be done provided there was no ‘manifest injury to the crown or the present possessors’ and the Commissioners appointed to the New Forest would have the authority to,

⁵¹ *Ibid.*, rot 2.

⁵² *Ibid.*, rot 3.

⁵³ *Ibid.*, rot 2.

⁵⁴ *Ibid.*, rot 6.

⁵⁵ *Ibid.* rot 7.

contract and agree on the behalf of his majesty his heirs and successors with any person or persons bodies politic or corporate for granting in exchange any of the waste lands of the crown in the said forest'.⁵⁶

This clause in the bill had not been a recommendation of the Middleton Commission. On the contrary, while the Commissioners had recommended this strategy for other royal forests, they had stated that 'in the New Forest we do not think it would be advisable to attempt such a Separation and Division'.⁵⁷

In their explanation for not dividing and separating the New Forest, the Middleton Commissioners asserted that 'there is a great variety of different Kinds of Soil in this Forest; some Parts of it are extremely valuable, and others hardly fit for Cultivation'. The Commissioners reasoned, therefore, that the allotment naturally to be desired by any proprietor would be of the land adjacent to his own, but that that land, though convenient, might be established woodland, which would need to be kept as a nursery for timber for the navy.⁵⁸ In other cases, the ground closest to the proprietor might not be worth the expense of improvement and to give more distant, fertile allotments could not be so convenient for the claimants. In such cases,

this would mangle the Forest, and increase the Number of Roads, as well as the Expence of Inclosure. And if separate Allotments were given to the Claimants and made entire Property, Houses and perhaps Villages, might be built upon them, depriving this Forest of its best Security [for timber production], which has arisen from its being of great Extent, and thinly inhabited.⁵⁹

The Commissioners were keen to preserve as much of the undeveloped character of the Forest as possible. Nevertheless, the clause in the bill, to separate and divide the New Forest, met with the approval of many of the members of Parliament who believed in the efficacy of private

⁵⁶ *Ibid.* rot 16.

⁵⁷ Middleton, Call, and Fordyce, *The Fifth Report*, (1789), p. 30.

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

landownership, as advocated by Adam Smith, or had their own zeal for land improvement through agriculture, as was demonstrated in the debates that followed.

The New Forest Timber Bill was read in the House of Commons for the first time on Thursday 29th March 1792. It was former practice to read out the bill in its entirety but with the vast increase of parliamentary business in the eighteenth century this became impractical. Thus, Erskine May relates how ‘so tedious a practice is rendered unnecessary by the circulation of printed copies of the bill’. Even though ‘a breviate or analysis’ was attached to each bill, the details still needed to be read through; and Erskine May points to the ‘propriety of facilitating the examination of their provisions’.⁶⁰ The composition of Parliament, Jupp maintains, was dominated by the ‘aristocracy’ and the principal ‘professions’, such as the Church, the armed forces and the law; while the House of Lords, in particular, was represented by the most substantial landowners.⁶¹ This suggests that there would be a certain degree of interest in the matters discussed in the New Forest Timber Bill, in the breviate and the entire bill, and the required level of education, practical or professional knowledge to understand what was being proposed. The progress of the bill through Parliament, however, suggests that the implications of the proposals were, for the most part, underestimated and that Parliamentary procedure was inconsistently applied. There were even instances where individual members of Parliament, with vested interests in the New Forest, were exempted from certain provisions of the bill or accommodated in other ways. Indeed, the recommendations of the Middleton Commission, rather than being adhered to, began to be ignored, as will be shown.

On the second reading of the bill, which took place on Tuesday 3rd April 1792, Hussey asked why the ‘System of the Committee in the year 1786 had been departed from’.⁶² In this

⁶⁰ Thomas Erskine May, *A Treatise Upon the Law, Privileges, Proceedings and Usage of Parliament*, (London, 1844), p. 277.

⁶¹ Peter Jupp, *The Governing of Britain 1688-1848: The Executive, Parliament and the People*, (Abingdon, 2006), p. 59.

⁶² ‘New Forest’, *Morning Chronicle*, (Wednesday 4th April, 1792).

Hussey was referring to the Middleton Commissioners, (appointed under the Crown Land Revenues Act, 26 George III, c. 87.) The commissioners had been engaged under a royal commission, rather than a departmental committee, which would have significant implications for the structure and legal authority of their enquiries. Though this was a departure from usual practice it was not unheard of. As Gosnell explains, royal commissions and departmental committees are the ‘chief advisory bodies in the legislative and administrative processes in Great Britain’ and, as far as their methods are concerned, it is very hard to distinguish between the two, although ‘legally, there is a clear difference’.⁶³ A royal commission of inquiry, Gosnell states, is a body appointed by the Crown under the ‘sign manual’ (the signature of the monarch) to investigate and report on specific subjects. Significantly, while the minister of the department seeking the enquiry selects the personnel of a royal commission, once a royal commission is appointed it is independent of all departments except for the fiscal control exercised by the Treasury. A royal commission remains in existence until its work is finished, whereas a departmental committee is the creation of a particular minister of a particular government, and the succeeding government may suspend it.⁶⁴ Thus, the Middleton Commissioners were appointed under statute in a royal commission, rather than under the traditional form of departmental committee or select committees.

The passing of the Crown Land Revenues Act (26 Geo III c. 87) in 1786, appointing Sir Charles Middleton and his fellow commissioners marked a decisive shift in government thought. The New Forest Timber Bill 1792, which was drafted in consequence of the enquiries of the Middleton Commission, represented more than just recommendations for the preservation and increase of timber in the royal forest but was a statement of serious long-term

⁶³ Harold F. Gosnell, 'British Royal Commissions of Inquiry', *Political Science Quarterly*, 49 (Mar., 1934), 85.

⁶⁴ *Ibid.*

political intent.⁶⁵ When the New Forest Timber bill was presented to Parliament on Tuesday 17th April 1792, James Lowther, first Earl of Lonsdale, petitioned against it, saying that it impinged on his rights as Bailiff of Burley, in the New Forest.⁶⁶ According to the Letters Patent issued by the King, he was entitled to yearly wages or fees and extensive allowances and privileges ‘in any Manner belonging or appertaining, growing, happening, or arising, to have, enjoy, and receive, Yearly and every Year, during the said Term of Thirty Years’.⁶⁷ Furthermore, among the various fees and privileges, Lonsdale was also entitled to the lops and tops of trees cut within Burley Bailiwick, the care and disposal of the many deer in Burley and Holmesley Walks; the power to appoint keepers; and, the right to receive rents for the pasturage and commonage within the walks.

Being the Bailiff of Burley was a very lucrative position and Lonsdale asserted that many of the provisions within the bill were ‘extremely detrimental’ to his interests.⁶⁸ Lonsdale requested that if the bill could not be rejected then ‘the House will grant to the Petitioner such further and other Relief in the Premises as to them shall seem meet’.⁶⁹ His request for exemptions appears to have been granted, because on Tuesday 24th April 1792 it was announced that ‘a Petition presented by LORD LONSDALE against this Bill, was, with leave of the House, withdrawn’.⁷⁰ On Thursday 3rd May 1792, Charles James Fox, MP for Midhurst,

⁶⁵ Commissions of Enquiry in the New Forest had a chequered past with many being started but not completed. Reeves, *Use and Abuse* (2006), p. xviii.

⁶⁶ *Journals of the House of Commons, from January 31st 1792 to November 15th 1792*, p. 702. NB: Before he became of age, Lowther was considered to be ‘the richest commoner in England’. Namier and Brooke, *House of Commons 1754-1790, K-Y* (1985), p. 56.

⁶⁷ *Journals of the House of Commons, from January 31st 1792 to November 15th 1792*, p. 702.

⁶⁸ *Ibid.* NB: Lowther was known throughout his seat of Westmorland and Cumberland as ‘The bad Earl’ and ‘Jimmy Grasp-all, Earl of Toadstool’. G.E. Cokayne, *The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom: Lindley to Moate*, (London, 1932), p. 134.

⁶⁹ *Journals of the House of Commons, from January 31st 1792 to November 15th 1792*, p. 702.

⁷⁰ ‘House of Commons, April 24’, *World*, (Wednesday 25th April, 1792). NB: In 1791 Lowther was portrayed as a ‘brazen BULLY’ in satire. Peter Pindar, *A Commiserating Epistle to James Lowther, Earl of Lonsdale and Lowther*, (London, 1791), p. 1.; Lowther’s character was described by his contemporaries as ‘tyrannical, overbearing, violent, and frequently under no restraint of temper or reason’. N.W. Wraxall and H.B. Wheatley, *The Historical and the Posthumous Memoirs of Sir Nathaniel William Wraxall, 1772-1784*, (New York, 1884), p. 80.

objected to the bill because it contained ‘several matters that appeared to him to be exceedingly objectionable’; in particular he opposed the changing of copyholds and leaseholds into freeholds (which would have benefitted George Rose and the parts of his estate of Cuffnells in copyhold).⁷¹ Fox’s political career was based on a vendetta against George III, which sought to reduce the ‘baleful influence of the crown’.⁷²

Fox accused Pitt of only introducing the bill ‘rather slightly’ and not saying ‘a word in explanation of the various important considerations to which the bill referred’; he also saw no urgency in passing the bill, particularly as the Middleton Commission ‘had not yet concluded their business’. Pitt replied, however, that the New Forest had been found to be,

In such a condition, that if proper care was not immediately taken, no timber fit for the public service could be produced there for many years; that, on the contrary, under the provision of the bill, a considerable quantity might be yielded in a few years.⁷³

Indeed, the argument for maintaining the New Forest as a state forest had won some adherents. John Baker Holroyd, 1st Earl of Sheffield, said that it had once been his opinion that the best means of rendering the Forest lands ‘advantageous to the Public’ was by making them private property, because in private hands they would be ‘infinitely more productive’; however, he had changed his mind and thought it ‘advisable to keep the forests in the hands of the Crown, that is, if they are to be regulated entirely for the growth of timber’.⁷⁴

Sheffield, nevertheless, agreed with the proposals contained within the bill that enfranchised the copyholds ‘from all those mischievous manorial rights which check

⁷¹ John Almon, John Debrett, and John Stockdale, *The Parliamentary Register; or History of the Proceedings and Debates of the House of Commons*, (London, 1792), p. 1.

⁷² Thorne, *The House of Commons, 1790-1820, A-F* (1986), p. 810. NB: In his election address in 1790, Fox declared he would ‘preserve to the people their due weight in the scale of the constitution, to withstand the encroachments, whether of prerogative or of influence; and, above all, to keep alive that spirit of liberty to which this country owes all her greatness, are objects of my political life’.

‘Advertisements and Notices’, *Public Advertiser*, Monday, June 14, 1790.

⁷³ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 2.

⁷⁴ *Ibid.*

improvements'.⁷⁵ He believed that copyholds were 'the worst remains of feudal rights' that served only to disgust and were highly oppressive', because they were subject to the arbitrary will of the Lord.⁷⁶ Their design was contrary to the increase of timber and he said that,

Copyhold lands were immediately distinguishable by their nakedness; for no copyholder would suffer a tree to grow till it became timber, and to encumber the land for the benefit of the Lord.⁷⁷

Sheffield, it was reported, argued that 'the great distance of the profit' to the landowner in growing trees to maturity, the lack of competition for large timber, and the consequent low prices 'discouraged individuals from suffering trees to grow to that size which was necessary for our great ships'.⁷⁸ He also believed that the creation, under the Act, of allotments for deer, which were 'the greatest enemies of trees', should be given up, as they 'would be a source of expence, and could answer no purpose but to furnish perquisites and occasion abuse'.⁷⁹ He pointed out that 'the Royal Family could derive little or no satisfaction from the intended [deer] Park, at such a distance'.⁸⁰ This was true, as no members of royalty had hunted in the New Forest since the end of the seventeenth century.

Sheffield thought the system of inclosing land for timber and then laying it open again 'absurd' and believed it would be 'better to allot the lands least favourable to the growth of timber to those who had claims, in lieu of all rights, and to inclose the rest for ever'.⁸¹ This was

⁷⁵ *Ibid.*, p. 3.

⁷⁶ J. Debrett, *The Parliamentary Register: Or, History of the Proceedings and Debates of the House of Commons*, (London, 1792), p. 408.

⁷⁷ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 3.

⁷⁸ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (London, 1800), p. 49. NB: John Baker Holroyd, first Earl of Sheffield, was not an ambitious politician but more interested in questions of trade and finance, being the author of several pamphlets defending the commercial privileges of Britain. Sir Lewis Namier and John Brooke, *The History of Parliament: The House of Commons, 1754-1790 - Members A-J* (London, 1985), p. 43.

⁷⁹ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 3.

⁸⁰ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p. 49.

⁸¹ *Ibid.* NB: Sheffield was 'one of the leading agriculturists of his day' and was 'fascinated by the theory and practice of trade and finance'. Thorne, (1986), p. 117.

a suggestion that found favour with other members of Parliament. When the New Forest Timber Bill was debated, on Monday 14th May 1792, in the House of Commons, Hussey challenged its principle, which he admitted had ‘a plausible appearance, and its object could not fail of being popular’; however, he believed that the only way to render the New Forest ‘of real advantage to the Public’ would be to sell the whole of it and use the money ‘for redeeming the public debt’.⁸² Hussey quoted from Adam Smith’s *The Wealth of Nations* and asserted that ‘the New Forest ought to be converted into private property’.⁸³ Once in private hands, he believed,

The proprietors would find their account in planting it and rearing timber for the Navy. They might do what would be still more beneficial to the Public, they might cultivate the land, grow wheat, and breed cattle. To provide timber for the Navy was a good thing; but to provide food for the people was a better.⁸⁴

Pitt responded by saying that the New Forest Timber Bill ‘was likely to be productive of great benefit to the public’.⁸⁵

When Hussey failed to have the bill thrown out he objected to a particular clause in it, which empowered a single Justice of the Peace or Verderer of the Forest to convict any cottager with right of turbary, and fine him £10, if he cut more turf for fuel than could be consumed in his own cottage based on the evidence of only ‘one credible witness’.⁸⁶ Hussey’s objection to this clause was because it gave a Magistrate or Verderer a power ‘not merely of punishing a person for a breach of the law’ but empowered them ‘in a summary way to decide upon a question of right with respect to property’. Hussey asserted that a Court of Law was the ‘proper place’ for trying the legality of a claim, and that a Magistrate or a Verderer was ‘not a proper

⁸² Almon, Debrett, and Stockdale, pp. 40-41.

⁸³ ‘House of Commons, Monday May, 14, New Forest Bill’, *Lloyds Evening Post*, (May 14, 1792-May 16, 1792).

⁸⁴ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), pp. 40-41.

⁸⁵ ‘House of Commons, Monday May, 14, New Forest Bill’, *Lloyds Evening Post*, (May 14, 1792-May 16, 1792).

⁸⁶ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 42.

person' to determine it; and he argued that 'still less should the person acting up to the extent of the claim be fined for the exercise of what he considered as his right'. The New Forest Timber Bill not only threatened ancient liberties but also had implications for established property rights.

Hussey also observed that 'these cottagers were not treated in the bill as favourably as the noble Earl Lonsdale', who had petitioned the House against it but who had since withdrawn his petition having received compensation.⁸⁷ George Rose denied that Lonsdale had received any compensation; and William Pitt explained that the powers given to the Magistrate or Verderer, under the proposed bill, would only be exercised when the right of turbary was exceeded.⁸⁸ Nevertheless, Hussey put forward an amendment to leave out the clause for punishing persons taking or cutting more turves than for their own use 'but the motion was negatived without a division'.⁸⁹ His attempt to dismiss the bill entirely by asking that it be read a third time in three months, which would cause the bill to drop from Parliamentary business, was also discounted.⁹⁰ The New Forest Timber Bill 1792 was passed in the House of Commons and ordered to be carried to the House of Lords.⁹¹

New Forest Timber Bill 1792 in the Annals of Agriculture

In 1792 Arthur Young wrote, in the publication *Annals of Agriculture*, his observations 'On the Bill for the Increase and Preservation of Timber Within the New Forest', which was written shortly after the bill's introduction into the House of Commons and before its progress into the House of Lords. He was scathing of the 'first practical fruits' of the Middleton Commission.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*, p. 43.

⁸⁹ *Journals of the House of Commons, from January 31st 1792 to November 15th 1792*, (1803), p. 792.

⁹⁰ 'House of Commons, Monday May 14, New Forest Bill', *Lloyd's Evening Post*, (14 May 1792). NB: The postponement of a bill, in this manner, is regarded as the most courteous method of dismissing the bill from any further consideration. Erskine May (1844), p. 278.

⁹¹ 'House of Commons, Monday May 14, New Forest Bill', *Lloyd's Evening Post* (14 May 1792).

He expressed frustration that the Commission had sat for many years ‘at great expence to the public’ and that expectations had been raised ‘from which some persons were weak enough to expect the sale and cultivation of the royal forests and chases’.⁹² These comments reflected the arguments that had been made, in Parliament, by opponents to the bill. Young was an ardent campaigner for enclosure and agricultural improvement. He was disappointed by the contents of the bill and the lost opportunities for furthering the cause of which he was a passionate advocate. He wrote that it was ‘not easy to find proper terms for characterising the proposition in the manner it merits’, and that ‘the English language would fail in the search of epithets, sufficient for the condemnation of a plan which has not one single feature of common sense to recommend it’.⁹³

Principally, Young felt that one of two options was appropriate for converting a royal forest into national use. The first was by ‘the absolute sale and alienation’ of the Forest, which would require ‘consequent trust in the private interest of the individuals’ to do whatever so much they wanted with the land, growing ‘whether wheat or oak’. The second was by retaining the royal forests in the hands of the Crown, ‘trusting to officers and officers deputies for the cultivation’.⁹⁴ In preferring the second option, Young believed that the intention of the bill was clear and that by ‘naming a crowd of officers, overseers, and comptrollers’ there was no mistake of its aim and he declared, ‘THE WHOLE WOULD BE A JOB’ under the pretence of a future supply of navy timber. In Young’s opinion the sale and alienation of the royal forests was ‘the only effective and *honest* proceeding’, believing that to retain the forests under Crown control would deny to the public the advantages of ‘the cultivation of the waste tract’; that it would preserve ‘all the roguery, expense and patronage of officers’; enable the forest officials to avoid the duties that ‘centuries of experience tells us they will never do’; and that

⁹² Young, *Annals of Agriculture* (1792), p. 576.

⁹³ *Ibid.*

⁹⁴ *Ibid.*, p. 577.

improvement could never be made ‘but by individuals acting for themselves’.⁹⁵ This chimed with those who had long been arguing that the royal forests, in their present state, were inefficient and would only become of value when they were in private hands and properly cultivated.⁹⁶

Young believed, ‘as a maxim’, that the production of oak in large quantity, in a country that was in ‘a high state of culture and civilisation’ was an ‘absolute impossibility’. He asserted that oak could only be found in great quantities in forests that were vast in extent, and ‘where wolves or bears, or other wild beasts’, through predation, were able to prevent the increase of deer and cattle.⁹⁷ He argued that the government would always be able to import timber ‘from badly cultivated countries’ at a better price than ‘individuals in a cultivated one can afford to sell it’.⁹⁸ Strong complaints had been made that in purchasing foreign timber the wealth of the country was sent abroad.⁹⁹ Indeed, the *Eleventh Report* of the Middleton Commission stated that it was their intention to avoid ‘Reliance on Importation from other Countries’.¹⁰⁰ Young suggested that imitating nature was the only possible way of ‘forcing oak’ and asserted that ‘a howling desert, where scarcely the footstep of man appears, is the nursery of oak: form such a desert, and you are sure to have oak’.¹⁰¹ This, he concluded, could only be achieved by ‘walling in the given track of land’ and leaving ‘neither gateway, stile, entrance, nor path; and prohibiting, under severe penalties, any person attempting to enter.’¹⁰²

⁹⁵ *Ibid.*

⁹⁶ Perceval, p. 18.; E Burke, *Speech of Edmund Burke ...: On Presenting to the House of Commons (on the 11th of February, 1780) a Plan for the Better Security of the Independence of Parliament, and the Oeconomical Reformation of the Civil and Other Establishments*, (London, 1780), p. 26.

⁹⁷ Young, *Annals of Agriculture* (1792), p. 578.

⁹⁸ *Ibid.* NB: Supplies of foreign timber were sometimes used as a method of influencing the market price, as some domestic merchants would withhold native supplies to cause an increase in the price. ‘News’, *Morning Chronicle*, Tuesday, Feb.1, 1780.

⁹⁹ ‘News’, *Public Advertiser*, Wednesday, Sept. 23, 1789.

¹⁰⁰ Middleton, Call, and Fordyce, *The Eleventh Report* (1792), p. 3.

¹⁰¹ Young, *Annals of Agriculture* (1792), p. 579.

¹⁰² *Ibid.*

The remoteness and sparse population of the New Forest had been regarded as an element in its favour, according to the Middleton Commission.¹⁰³ In suggesting a division and separation by the exchange and sale of lands, the New Forest Timber Bill 1792 would certainly increase the housing, buildings and roads that the Middleton Commissioners felt would be ‘disadvantageous to the public’.¹⁰⁴ Young’s criticism of the bill was also particularly severe towards the continuation of practices associated with the royal forests, such as cutting foliage for the browsing of deer, assigning fuel to those with rights of estovers, and the custom of burning of the heaths, which were all activities he felt contrary to the raising of timber. The protective laws, regulations, and inspections that had previously been sanctioned, he argued, had only generated abuse of the forest and the destruction of timber. He could see no improvement in the latest proposals and argued ‘the master that trusts a servant, knowing him to be a rascal, gives a premium for roguery, and is an ideot [sic] if he expect honesty’.¹⁰⁵

Young maintained the object of the bill was not timber, but ‘officers and appointments in plenty’ and he was incredulous that practices that had been tried for centuries, and failed, were going to be tried again.¹⁰⁶ Pitt had addressed this issue by informing Parliament that the supply of timber was of such importance that government should not give up attempts to introduce measures to increase and preserve it.¹⁰⁷ It was this ‘senseless conduct’, instead of the more reasoned approach of ‘honestly selling these lands outright’ that rankled with Young.¹⁰⁸ He stated that ‘the good intentions’ of George III, in sacrificing ‘these waste possessions’ for the benefit of the ‘public good’ (by surrendering the Crown lands to Parliament) would not produce the effect intended. Furthermore, he said that,

¹⁰³ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 30.

¹⁰⁴ HL/PO/JO/10/2/65B, (*New Forest Timber Bill*, 1792).

¹⁰⁵ Young, *Annals of Agriculture* (1792), p. 580.

¹⁰⁶ *Ibid.*, p. 582.

¹⁰⁷ Almon, Debrett, and Stockdale, *The Parliamentary Register* (1792), p. 116.

¹⁰⁸ Young, *Annals of Agriculture* (1792), p. 582.

There is something disgusting, to every liberal feeling, to see this *spirit of administration* step in between the sovereign and his people; and declaring, that the one shall not give, nor the other receive, but through the procrastinating intervention, marring schemes of commissioners, inspectors, and overseers, perpetuating the abuses that perpetuate their own salaries.¹⁰⁹

Young did not believe that the lands yielded so magnanimously by George III would be put to good use for the public. He suggested that the only way of ‘converting the forests to use’ would be to ‘bring them *gradually* to market’.¹¹⁰

In this, Young appears to have taken into consideration the same concerns, about flooding the market with large amounts of land, which had been expressed by Pitt in 1786, when surmising what would happen if the New Forest were recommended to be sold by the Middleton Commission. There was anxiety about causing ‘inconvenience’ to individuals in particular, and to property prices in general.¹¹¹ John St. John, a former Surveyor General of the Land Revenues of the Crown, had declared, however, that,

If land were to be purchased cheaper, only in consequence of a greater quantity being brought to market, I am at a loss to see how this could be a public grievance.¹¹²

Nevertheless, he was pragmatic about the issue and recommended that if there was too much opposition about the sale of the forests, though it was ‘very desirable’, the undertaking ‘might not be worth attaining at the expense of so much dissatisfaction’.¹¹³ To ensure a steady release of land onto the market, Young asserted that as soon as the Middleton Commission had finished each survey and report on a particular forest, a bill should have been brought before Parliament for its ‘dividing and selling’ before any other enquiry into other forests were undertaken. This, he argued, would have enabled the slow release of land over the course of one or two years and

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*, p. 583.

¹¹¹ Hansard (ed.), *Debate in the Commons* (1816), pp. 186-87.

¹¹² St. John, *Observations* (1787), p. 162.

¹¹³ *Ibid.*

‘the price thus gradually brought to market, would have been the greater’.¹¹⁴ In this point Young reveals his agricultural capitalist credentials by expounding the basic principles of supply and demand, as proposed by Adam Smith.¹¹⁵

In *The Wealth of Nations*, Smith had also argued that the sale of the crown lands would ‘produce a very great sum of money’, which could be applied to the payment of the public debt and ‘would deliver from mortgage a much greater revenue than any which those lands have ever afforded to the crown.’¹¹⁶ This was a policy that appealed to Young who asserted that the share of the crown in the New Forest ‘amounts to so much, which might be sold and applied to the national debt’.¹¹⁷ John St. John, though he was an advocate of enclosure, had written that there was ‘peculiar ignorance’ respecting the nature of the Crown lands, which led to a misleading optimism that their sale could lead to the ‘relief from national burdens’.¹¹⁸ St. John believed that the extent and value of the Crown lands was misjudged by most of the men who commented upon their improvement or general sale. This was because their value was over estimated. He believed, however, that the ‘general project’ of enclosing the royal forests was ‘so evidently beneficial’, in its effects upon the revenue of the Crown and the wealth of the nation, that ‘it is needless to prove the affirmative of that proposition’.¹¹⁹ The forests, he declared, had remained too long in their uncultivated state ‘to the great disgrace of the kingdom’.¹²⁰

Young also felt that opportunities had been wasted. He lamented, ‘yet not one acre of the forests [had been] brought to market’, and he believed that the proposals contained in the 1792 bill ‘instead of sale and cultivation, patronizes only waste and commonage’.¹²¹ This

¹¹⁴ Young, *Annals of Agriculture* (1792), p. 583.

¹¹⁵ Smith, *The Wealth of Nations* (1776), p. 69.

¹¹⁶ Smith, *The Wealth of Nations* (1778), p. 424.

¹¹⁷ Young, *Annals of Agriculture* (1792), p. 584.

¹¹⁸ St. John., *Observations* (1787), vii.

¹¹⁹ *Ibid.*, p. 158.

¹²⁰ *Ibid.*, p. 165.

¹²¹ Young, *Annals of Agriculture* (1792), p. 583.

echoed the sentiments of Evelyn who had been in favour of enclosure and complained of the indulgence shown towards the ‘clamorous and rude Commoners’ and their customs.¹²² Young believed that the proposals in the bill caused ‘expenche to the public’, and he asked whether a reduction of the national debt would not be ‘politically more desirable’ than the possession of 20,000 acres of oak.¹²³ The ‘*project of oak*’ he felt was a ‘*speculation of timber!*’¹²⁴ He therefore stated his hope that ‘the wisdom of Parliament will reject the proposition’ and, instead, bring in a bill for the ‘immediate division, sale, and inclosure’ of the New Forest.¹²⁵ The New Forest Timber Bill 1792 would receive further criticism, but not from those wanting its inclosure in the national interest, rather it would be from those wanting to preserve something of the traditional character of the New Forest and its commoning heritage and, in doing so, preserve their own self-interest.

A Review of the Bill Now Depending in Parliament

On Tuesday 15th May, 1792, the New Forest Timber Bill was read in the House of Lords.¹²⁶ While the bill was being debated, an article appeared in *The Salisbury and Winchester Journal* entitled ‘A Review of the Bill now Depending in Parliament’, which was addressed to ‘The Proprietors and Occupiers of Estates, Entitled to the Rights of Commonage, and Other Privileges of the Same’.¹²⁷ Written by ‘A Resident Freeholder’ a version of the article was also made available as a printed pamphlet.¹²⁸ While written anonymously, the title of the pamphlet

¹²² Evelyn, *Sylva* (1664), p. 208.

¹²³ Young, *Annals of Agriculture* (1792), p. 584.

¹²⁴ *Ibid.*, p. 585.

¹²⁵ *Ibid.*, p. 586.

¹²⁶ ‘House of Lords Journal Volume 39: May 1792 11-20’ in *Journal of the House of Lords*, ‘House of Lords Journal Volume 39: May 1792 11-20’, (HMSO, London), pp. 409-31.

¹²⁷ ‘A Review of the Bill Now Depending in Parliament; for the Encouragement of the Growth of Timber, within the New Forest’, *The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset*, (Monday, May 21, 1792).

¹²⁸ BL/BL/1146.i.4.(2.), *A Review of the Bill* (1792). NB: This document was originally dated ‘1794(?)’ by the British Library but, as a result of this study, has now been dated accurately, as 1792.

was instructive and enabled its content to be easily advertised by sellers.¹²⁹ Pamphlets, as Raymond points out, were a ‘public stage’ from which the author could address the ‘silent, but all-important audience’; and *A Review of the Bill now Depending in Parliament* is an example of the ‘pamphlet war’ or ‘extra-parliamentary paper battle debate’ that, Goodrich suggests, were written representations in which broad political ideas were expressed and challenged.¹³⁰ In addressing the ‘Proprietors and Occupiers of Estates Entitled to Rights of Commonage and Other Privileges within the Same’, the author appealed directly to those with landed interest and, in being produced simultaneously with a newspaper article, the intention was clearly aimed at a wide distribution within a literate constituency, and one that was familiar with, and interested in the future use of the New Forest. This tactic does not seem to have worked however, as local petitioners later claimed to have been unaware of the bill’s existence.¹³¹

In signing as a ‘Resident Freeholder’, the author indicates their self-interest in the proceedings of the New Forest Timber Bill 1792. Indeed, Mingay identifies a freeholder as an ‘occupying owner’ cultivating their own land and possibly even renting land in addition.¹³² The use of the term ‘freeholder’ in the eighteenth century was also an established political motif. Smith suggests this device was subject to change, which is evident in how the freeholder figure was presented in political print across the century. This, he maintains, is because the concept of ‘freeholder’ was central to discourses of property, patriotism and independence, which were also subject to shifts in meaning.¹³³ The intention of the Resident Freeholder’s review was to conduct a ‘fair, and equitable, investigation’ of the changes that the New Forest

¹²⁹ J. Raymond, *Pamphlets and Pamphleteering in Early Modern Britain*, (Cambridge University Press, 2006), p. 87.

¹³⁰ Ibid. p. 96.; Amanda Goodrich, 'Surveying the Ebb and Flow of Pamphlet Warfare: 500 Rival Tracts from Radicals and Loyalists in Britain, 1790-1796', *British Journal for Eighteenth-Century Studies*, 30 (2007).

¹³¹ HRO/2M30/669, 'Rose Estate - Letter from Petitioners, New Forest, 1792', (Hampshire Record Office, Winchester).

¹³² G. E. Mingay, *English Landed Society in the Eighteenth Century*, (London, 1963), p. 7.

¹³³ Adam James Smith, 'Property, Patriotism and Independence: The Figure of the ‘Freeholder’ in Eighteenth-Century Partisan Print', *Journal for Eighteenth-Century Studies*, 40 (2017), 346.

Timber Bill proposed to create ‘in respect to the rights of commonage, and fuel, as they are at present enjoyed by the commoners’; and to take account of the proposals held out by the government as ‘a reasonable compensation’ to such commoners for the proposed abridgment of the rights, and privileges that had been ‘enjoyed by them, and their ancestors, time immemorial’.¹³⁴ The Resident Freeholder had clearly read the *Fifth Report* of the Middleton Commission, by referring to their findings and repeating their calculations of acreages for the various landholdings in the review of the bill. While the Middleton Commission had calculated the New Forest to consist of 92,365 acres, the Resident Freeholder was only interested in reviewing the plans for the 63,845 acres of unenclosed woods and waste lands of the forest, to which the New Forest Timber Bill referred.¹³⁵

The bill proposed that 2,000 acres would be immediately inclosed, in addition to the 2,274 that had already been taken in under the New Forest Act 1698, and that the quantity would afterwards be increased up to a limit of 20,000 acres.¹³⁶ The bill also provided that ‘the quantity to be enclosed in any one year, over and above what may be set out for any park or parks’, for keeping deer, would not exceed the limit of 20,000 acres.¹³⁷ Once the timber in the inclosures was ‘able to maintain itself’ the fences were to be removed and the inclosure ‘thrown open’ and more inclosures, ‘answering in proportion to that thrown out, [was to be] taken in, from time to time, at the discretion of government’.¹³⁸ The Resident Freeholder restated the established rights and privileges in the New Forest, belonging to the commoners, which were acknowledged by the New Forest Act 1698, and pointed out that the commonage was ‘unconfined’, whereas the rights of fuel were ‘confined to particular districts’. This meant that while the proposed inclosures might not impact on the free-roaming commonable animals, nor

¹³⁴ BL/BL/1146.i.4.(2.), *A Review of the Bill* (1792), p.3.

¹³⁵ *Ibid.*, p. 4.

¹³⁶ HL/PO/JO/10/2/65B. (*New Forest Timber Bill*, 1792), rot.1

¹³⁷ *Ibid.*, rot.3

¹³⁸ BL/1146.i.4.(2.), *A Review of the Bill* (1792), p. 5.; HL/PO/PU/1/1697/9&10W3n76 (*New Forest Act 1698*).

materially injure the rights of herbage or pannage, if the whole of any particular district were inclosed it would 'intirely [sic] destroy the fuel belonging to the Commoners' who exercised their rights there, while even a partial inclosure would 'diminish such fuel in proportion to the quantity of waste inclosed'.¹³⁹

The Resident Freeholder observed that, while one third of the wastes, over which rights of fuel and commonage extended, were 'immediately to be secured to government and to be inclosed . . . at the arbitrary discretion of commissioners to be appointed by the crown during pleasure'; this was to be done 'without giving the commoners any appeal, or any other mode of redress whatsoever'.¹⁴⁰ In order to be 'equitable', therefore, the Resident Freeholder suggested that half of the commissioners, to whom the power of inclosing the waste was to be entrusted, should be chosen by the commoners, 'or at least the freeholders, of the hundred, in which the New Forest is situate'. This was not a novel mode of appointment as the Verderers and Regarders, 'who are principal officers of the New Forest, and intrusted with the protection, as well of the rights of the Crown, as of the commoners', had always been chosen in this way.¹⁴¹ The Resident Freeholder offered no opposition to the proposals, and is not a radical criticising government's authority, but was attempting to ensure fair treatment for the commoners. When the New Forest Act 1698 was first proposed, the Resident Freeholder believed its demands were 'trifling' compared to the bill now under review.¹⁴² Under the New Forest Act 1698, they calculated that it would take up to a period of more than 300 years before the whole of the New Forest could be covered with timber and the herbage and fuel of the commoners was totally destroyed; whereas, under the clauses of the New Forest Timber Bill 1792, it would only take '60 years' for the New Forest to be covered with timber to the exclusion of all else.¹⁴³

¹³⁹ BL/1146.i.4.(2.), *A Review of the Bill*, (1792), p. 7.

¹⁴⁰ *Ibid.* p. 8.

¹⁴¹ *Ibid.* fn p.9; Anthony Passmore, *Verderers of the New Forest* (Old Woking, 1976), p.3.

¹⁴² BL/1146.i.4.(2.), *A Review of the Bill*, (1792), p. 11.

¹⁴³ *Ibid.*, pp. 14-15.

The compensation offered to the commoners consisted, in the view of the Resident Freeholder, ‘merely of an undertaking on the part of government’ to the confinement of the deer, which he stated ‘at present do infinite mischief to the herbage and fuel of the commoners’; and, in allowing the rights of commonage at all times of the year. Even though the land to which the commoners had access to would diminish, traditional quit-rent payments, such as hocktide money and turfdelf money, would still be demanded. By agreeing to such payments, the commoners would, in the opinion of the Resident Freeholder, ‘extinguish the most material evidence in support of their present rights’.¹⁴⁴ The Resident Freeholder, futhermore, stated that it was in the power of government to far improve the herbage, and fuel, which could be achieved by the ‘entire destruction’ of the deer, or by confining them to a park or parks, as well as by ‘the destruction of the rabbits’; and that by improving the herbage and the fuel of the Forest, the government would ‘justly be entitled’ to a proportion of the waste lands, in order to raise timber for the navy.¹⁴⁵ (While deer were regarded as Beasts of the Chase, rabbits were regarded as Beasts of the Warren and were the ‘peculiar property of the Crown’.¹⁴⁶ This may account for the reticence in exterminating them.) The Resident Freeholder contended that the quantity of waste to be given up by the commoners ought to be considered by the government ‘as a full and complete retribution for the advantages conferred’, and that government ought ‘not extend the plan of inclosure so far, as it will be by the present Bill’ so that it would in a short time ‘intirely [sic] extinguish the rights and privileges of the commoners, and appropriate the whole of the wastes of the New Forest to the use of government’.¹⁴⁷

In a general meeting of the proprietors of estates having rights in the New Forest, which had been convened by George Rose ‘for the purpose of explaining the outlines of the present

¹⁴⁴ *Ibid.*, p. 16.

¹⁴⁵ *Ibid.*, pp. 17-18.

¹⁴⁶ Rose C. de Crespigny and Horace Hutchinson *The New Forest, Its Traditions, Inhabitants and Customs* (London, 1895), p. 43.

¹⁴⁷ BL/1146.i.4.(2.), p. 19.

application to Parliament’, the destruction of the rabbits had been put forward as a form of compensation to be made by government, to the commoners, in return for the quantity of waste to be given up on their part.¹⁴⁸ This ‘material benefit’ had been ‘forgot’, in the bill, however, and the Resident Freeholder could only account for its absence, ‘as well as many other things, also of advantage to the commoners, and then proposed, by Mr. Rose’ as having escaped his memory.¹⁴⁹ Nor was there a clause in the bill giving relief to those individuals who had been ‘materially injured’ by the mode in which the bounds of the New Forest were set out in the map published under the authority of government’. This was reference to the Drivers’ map, which had accompanied the *Fifth Report* of the Middleton Commission. Some owners of private property had been unaware of the surveys conducted between 1786 and 1787, by Thomas Richardson, William King, and Abraham and William Driver, and had had their properties erroneously included, but had not had the opportunity of correcting the error.¹⁵⁰

In their report on the New Forest the Middleton Commissioners had stated that where there was any part of the boundary of the Forest disputed, or doubtful, commissioners should be empowered to treat, and agree with the proprietors of the lands adjoining to such disputed parts, and to settle and ascertain the boundary of the Forest.¹⁵¹ Once again, Rose’s memory seems to have slipped, as this particular recommendation of the Middleton Commission was not included in the bill either; though it was mentioned at the meeting, where ‘it was agreed, that all errors, of that description, ought to be rectified’.¹⁵² With no such clause inserted in the New Forest Timber Bill, the individuals, whose private property had been included in the Drivers’ map as being within the bounds of the New Forest, would have no opportunity to

¹⁴⁸ *Ibid.*, p. 20. NB: These meetings must have certainly taken place before May 1792 and possibly after Thursday 29th March 1792, when the bill had been printed and was read in the House of Commons for the first time.

¹⁴⁹ *Ibid.*, p. 21.

¹⁵⁰ *Ibid.*, p. 22.

¹⁵¹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 28.

¹⁵² BL/1146.i.4.(2.), *A Review of the Bill* (1792), p. 21.

correct the error and settle the boundaries between the New Forest and their private property ‘without being compelled individually to contest the same with government, and that at a great expence’.¹⁵³

The Resident Freeholder did nevertheless find some provisions in the bill that were ‘of the most salutary, and beneficial nature to individuals’. These benefits included, enabling the owners of manors and lands ‘within the regard of the Forest’ to cut timber upon their properties without the need for obtaining a licence from the justice in Eyre; enabling the owners of inclosures off the waste, and within the Forest, to purchase timber; the exchange of lands between the crown, and the subject, ‘where the fame may happen to be of material benefit, and advantage to both’; and enabling the copyhold tenants of the manor of Lyndhurst, to purchase their several estates.¹⁵⁴ The Resident Freeholder also observed that it would also have been much for the ‘interest of the commoners’, if some system had been introduced to ‘secure the more regular holding of the Swainmote Courts’, as it was found that ‘the commoners at present being great sufferers for the want of the same being regularly held’ and that it was ‘the only court to which they can appeal upon an infringement of their respective rights and privileges’.¹⁵⁵ Nevertheless, the New Forest Timber Bill progressed through Parliament without any reference to the suggestions and observations put forward by the Resident Freeholder, nor was the pamphlet acknowledged by those whose interests it meant to represent.

House of Lords - New Forest Timber Bill 1792

The New Forest Timber Bill was read for the first time in the House of Lords on Tuesday 15th May 1792.¹⁵⁶ There were political tensions brewing in the background that would come to bear on its progress, however. Although Edward Thurlow, Lord High Chancellor, had been

¹⁵³ *Ibid.*, p. 22.

¹⁵⁴ *Ibid.*, p. 23.

¹⁵⁵ *Ibid.* NB: During Bedford’s tenure as Lord Warden of the New Forest, the observance of the custom and practices of law and order had been effective, if not popular.

¹⁵⁶ House of Lords Journal Volume 39: May 1792 11-20 (HMSO, London, 1803).

influential in bringing William Pitt to Prime Ministerial power in 1783 their relationship had since cooled.¹⁵⁷ Thurlow was said to have ‘cordially hated’ Pitt; while Pitt distrusted Thurlow.¹⁵⁸ The foundation for their acrimony is not clear, which indicates that it is most likely attributable to an accumulation of incidents and disagreements rather than to just one. Some observers point to Thurlow being caught out disloyally discussing a regency council without Pitt’s knowledge, when George III was taken ill in 1789.¹⁵⁹ Mention is also made of an emotional breakdown, in April 1792, triggered by a personal tragedy, which caused Thurlow’s behaviour to become even more irascible.¹⁶⁰ Other commentators cite Thurlow’s opposition to Pitt’s Loan Bill as the cause of the ‘present schism in the Cabinet’; where Pitt had apparently had said that ‘Lord Thurlow was of no service whatsoever to the Administration; - for he opposed everything, and proposed nothing’.¹⁶¹ Further explanations cite the trial of Warren Hastings as being a factor in the differences of opinion between Pitt and Thurlow.¹⁶²

Whatever the cause, tensions were escalating to a point where George III would be forced to choose between his friend, Thurlow, and his Prime Minister, Pitt. The King wrote to Henry Dundas, the Home Secretary, on Wednesday 16th May 1792, instructing Dundas to,

acquaint the Lord Chancellor that Mr. Pitt has this day stated the impossibility of his sitting any longer in Council with him, it remains therefore my decision which of the two shall retire from

¹⁵⁷ J. Brooke, *King George III*, (McGraw-Hill, 1972), p. 252. NB: Apparently, Thurlow’s forthrightness, which made him so useful a debater, made him an uncomfortable colleague. Namier and Brooke, (1985), p. 530.

¹⁵⁸ Charles Knight, *London*, (London, 1843), p. 392.; Lord Rosebery, *Pitt*, (New York 1891, Reprinted 1968), p. 190.

¹⁵⁹ J.C.B. Campbell, *The Lives of the Lord Chancellors and Keepers of the Great Seal of England: From the Earliest Times Till the Reign of King George IV* (London, 1846), pp. 583-89.

¹⁶⁰ On 26th April Thurlow’s natural daughter eloped with her lover, Mr Brown. Thurlow ‘went down to the house fretting and fuming’ because he had just been informed that Miss Thurlow had eloped with, and married, Mr Brown. Thurlow was said to be ‘very grumpy’ and ‘nothing could please him’. R.J.S. Stevens and M. Argent, *Recollections of R.J.S. Stevens: An Organist in Georgian London*, (Southern Illinois University Press, 1992), p. 84.

¹⁶¹ ‘London, Monday, May 21’, *Star*, (May 21, 1792)..

¹⁶² *Ibid*. NB: The impeachment and trial of Warren Hastings, which began in 1787 and concluded with the acquittal of the former Governor-General in 1795, brought unprecedented attention to Indian affairs in Britain. Andrew Rudd, *Sympathy and India in British Literature, 1770–1830*, (London, 2011), p. 26.

my service. The Chancellor's own penetration must convince him that however strong my personal regard, nay affection, is for him, that I must feel the removal of Mr. Pitt impossible with the good of my service. I wish therefore that the Great Seal may be delivered to me at the time most agreeable to the Lord Chancellor and least inconvenient to either the business of the House or Court of Chancery. Perhaps the Long Vacation might be the time every way most proper, but of this the Lord Chancellor must be the best judge.¹⁶³

Thurlow had previously declared that he considered himself to be 'the personal friend and most cherished minister of the King' and boasted that the House of Lords was 'entirely under his control'.¹⁶⁴ When the axe fell, he was completely taken by surprise. He was to say, 'I confess I never thought the King would have parted with me so easily'.¹⁶⁵

Another element to the political tension at this time, and pertinent to the New Forest Timber Bill, involved the relationship between Lord Thurlow and George Rose. According to his diaries, Rose's political elevation resulted,

When Lord Shelburne became First Lord of the Treasury he desired Lord Thurlow, with whom Mr Rose then lived in habits of private friendship, to offer him the situation of Secretary to the Treasury.¹⁶⁶

Thurlow and Rose's friendship was such that they travelled to the continent together for several weeks in 1783.¹⁶⁷ A satirical publication would later insinuate that their relationship had been more of a sexual nature by describing how,

He [George Rose] accompanied LORD THURLOW to Paris, a few years since – and a lovely twain they were - the worthy and accomplished Secretary acted the part of *receiver-general*.¹⁶⁸

¹⁶³ 'George III to Henry Dundas (Home Secretary), 16th May 1792, 42 M.Pt 6pm (Windsor Archives, 6953)', in *English Historical Documents, XI, 1783-1832*, ed. by A Aspinall and David C. Douglas (London, 1959), p. 152. NB: Dundas once referred to himself as 'indispensable' to Pitt's administration. W. L Clements Lib. Pitt letters, Pitt to Dundas, 22 July [1790] quoted in Thorne, *House of Commons 1790-1820, A-F* (1986), p. 636.

¹⁶⁴ Campbell, *The Lives of the Lord Chancellors* (1846), p. 597.

¹⁶⁵ *Ibid.*, p. 609.

¹⁶⁶ Leveson Vernon Harcourt (ed.), *The Diaries and Correspondance of the Right Hon. George Rose*, (London, 1860), p. 12.

¹⁶⁷ *Ibid.*

¹⁶⁸ *The New Brighton Guide, or Companion for Young Ladies and Gentlemen to All Watering Places in Great Britain*, (London, 1796), p. 66.

The same publication made similar allusions about a liaison between Rose and George Smith, a Westminster publican.¹⁶⁹ (Smith sued Rose for expenses incurred in the Westminster by-election of 1788. The court case, begun in 1791, was won by Smith on 13th March 1792.)¹⁷⁰ While Thurlow never married he lived openly with his mistress and their children.¹⁷¹ At the time of their trip abroad Rose was married with two sons.

Throughout his parliamentary career, Rose was the subject of much speculation and even ridicule, being a frequent victim of the pen of John Wolcot, an English satirist who wrote under the pseudonym of "Peter Pindar". In one of his works he wrote,

And now they talked of one George Rose,
Who born in low estate,
Did mount to worship and to wealth –
So very blind is fate.¹⁷²

This alluded to Rose's humble beginnings. He had been born in 1744, in Woodside, near Brechin, between Aberdeen and Dundee, the son of a penniless Scottish vicar. In 1758, aged 14, he served in the navy, in the West Indies, as a midshipman on a bomb-ketch and was invalided out of the service aged 19. He was able to rise up to be included within the highest ranks of the British establishment, however, where he was a firm fixture within William Pitt's the Younger's inner circle.

Not only did Rose gain respectability, influence and wealth but he had also married an heiress and, in 1785, bought the large country estate of Cuffnells, in the middle of the New Forest. Purchasing land was a conspicuous social investment for those wanting to climb the rungs of society.¹⁷³ Rose's social elevation, rather than viewed as a rags-to-riches success story,

¹⁶⁹ *Ibid.*, p. 67.

¹⁷⁰ Taken verbatim in short-hand.; A Barrister, *The Trial of George Rose, Esq.* (London, 1791).; *Corruption Exposed: Being Remarks on the Trial of George Rose, Esq., One of the Secretaries of the Treasury*, (London, 1792).

¹⁷¹ Campbell, *The Lives of the Lord Chancellors* (1846), p. 535.

¹⁷² Peter Pindar [psued], *The Works of Peter Pindar*, (Philidelphia, 1835), p. 372.

¹⁷³ J. V. Beckett, *The Aristocracy in England: 1660-1914*, (Oxford, 1989), p. 70.

was seen as the character of a ‘grasping Scot’; making his involvement in the New Forest Timber Bill all the more significant. By 1792, when the bill was before Parliament, the relationship between Rose and Thurlow, like that of Thurlow and Pitt, had also deteriorated. The ‘real running sore’ and breakdown in the relationship between Pitt and Thurlow has been attributed to Thurlow’s jealousy over Rose being given the post of Clerk of the Parliaments, in 1788, to add to his list of sinecures.¹⁷⁴ Apparently, Thurlow had attempted to oblige Rose to act in person in the role but only managed in succeeding to have him sign the orders of the House.¹⁷⁵ Rose was also ‘an unswerving follower of Mr. Pitt’, who was known as ‘Mr. Pitt’s Rose’, and wanted to be regarded as his ‘right-hand man’.¹⁷⁶ However, this did not mean that Rose endorsed all Pitt’s policies, particularly when they affected his personal interests.

Rose and Pitt only ever publicly disagreed on two issues – parliamentary reform and the abolition of slavery. In a letter to Pitt, Rose explained his position in opposing Pitt’s policies by expressing ‘the pain I have felt in differing with you’, with regard to both subjects.¹⁷⁷ Indeed, these were the very issues in which Thurlow and Rose were in agreement. Thurlow believed there was no prohibition against slavery in the Christian religion; and had opposed Burke’s Economical Reform Bill for the reorganisation of government institutions.¹⁷⁸ Yet, while Rose and Thurlow aligned ideologically and politically, Rose’s allegiance to Pitt, Thurlow’s nemesis, ensured that their former friendship was a thing of the past. To soften the blow of rejection, George III gave his permission for Thurlow to stay in post as Lord Chancellor until the prorogation of Parliament, which was only a few weeks away. One of the final pieces of Government business to be brought into the House of Lords was the New Forest Timber Bill.

¹⁷⁴ M. Duffy, *The Younger Pitt*, (Oxford, 2016), p. 58.

¹⁷⁵ *Ibid.* NB: Rose employed a subordinate, Henry Cowper (Cooper), to carry out the actual duties of the post.

¹⁷⁶ Harcourt (ed.), *The Diaries of George Rose, Vol. I* (1860), p. ii.; Arthur Tillotson (ed.), *The Percy Letters: The Correspondence of Thomas Percy & Edmond Malone* (Louisiana State University Press, 1944), p. 217; Thorne, *The House of Commons 1790-1820, Q-Y* (1986), p. 46.

¹⁷⁷ Harcourt (ed.), *The Diaries of George Rose, Vol. I* (1860), pp. 36-40.

¹⁷⁸ Campbell, *The Lives of the Lord Chancellors* (1846), p. 620.; *Ibid.*, p. 547.

When Thurlow realised that he was to be replaced as Lord Chancellor it was said that ‘embittered and spiteful at the triumph “of the boy” [meaning Pitt], Thurlow set his tusks into the New Forest Inclosure Bill’, which Pitt was accused of promoting for the benefit of Rose, ‘and gored it most unmercifully’.¹⁷⁹

On Tuesday 5th June 1792, the bill was read for a second time. William Grenville, 1st Baron Grenville, who was also Foreign Secretary, announced that this was the proper stage to state its principal. He declared that the bill was ‘brought in conformable to the ideas that naturally resulted from the Report of the Commissioners appointed to inspect into the state of Crown Lands’.¹⁸⁰ This was not strictly true, as the bill contained measures that had not been recommended by the Middleton Commission and omitted others that were. Grenville outlined the purpose of the bill, which he said was for ‘the growth and preservation of Timber for the use and supply of the Royal Navy’ and stated that ‘it was evident’ to every person who had examined the Forests that the timber trees ‘were gradually going to decay’. He asserted that ‘a variety of abuses existed in respect to the cultivation of trees’, in which was the intention of this Bill to remove. Thus, he declared that ‘as the very existence of our Commerce depended on the being of our Navy, too much care could not be taken of that valuable protector’.¹⁸¹ Grenville’s use of political rhetoric and opinion, conveyed as reliable information, is an example of a well-established tactic in politics, according to Christie.¹⁸²

Grenville clearly meant to connect the New Forest Timber Bill with the principal purpose of Parliament, which Harling maintains was, aside from the defence of the realm and

¹⁷⁹ George L. Craik and Charles MacFarlane, *The Pictorial History of England During the Reign of George the Third: 1792-1802*, (London, 1843), p. 27.

¹⁸⁰ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792). NB: William Grenville, was William Pitt (the Younger)’s first cousin, and had been elevated to the peerage to ‘exercise a restraining influence on Lord Chancellor Thurlow’. Thorne, *The House of Commons 1790-1820* (1986), p. 96.

¹⁸¹ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

¹⁸² Christie, ‘Economical Reform’ (1956), p. 144.

the protection of property, as a facilitator and a regulator of a wide variety of propertied interests.¹⁸³ Propertied interests would also have included commerce and enterprise. Grenville ‘entered into the minutiae of the Bill’ and referred to the owners of lands and tenements, and those entitled to common of pasturage, common of herbage, and right of pannage in the forests, who were ‘to receive an adequate compensation for any loss they might sustain by narrowing the extents and limits of the open commonable parts.’¹⁸⁴ Thus, in passing the bill, Parliament would not, according to Grenville’s political assertions, be renegeing on its commitment to protecting property.

Grenville declared that ‘as this Bill could not injure any individual’ it must become ‘of infinite service to the Public’, and he ‘trusted there would not be any opposition of its passing into a law’. He stated to the House of Lords that the ‘manifest intention’ of the bill was to secure to the navy a resource for timber, without the necessity of applying to foreign countries.¹⁸⁵ This had been an important point raised by the Middleton Commission, who in their plans for the improvement of the New Forest had wished to ‘prevent the Evils to be apprehended from a Dependence on Foreign Countries, for our Naval Timber’.¹⁸⁶ International politics were pertinent to the perceived timber crisis due to the almost constant state of warfare experienced by Britain during the reign of George III. The most problematic period for the timber shortage, according to Albion, therefore, occurred between 1775 and 1815, which was also the period covering the American Revolutionary War, the French Revolutionary Wars and the Napoleonic Wars, when the demand for shipbuilding, maintenance and repairs would have increased.¹⁸⁷

¹⁸³ Harling, *The Modern British State* (2001), p. 33.

¹⁸⁴ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

¹⁸⁵ *Ibid.*

¹⁸⁶ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 38.

¹⁸⁷ Robert Greenhalgh Albion, *Forests and Sea Power: The Timber Problem of the Royal Navy 1652-1862* (Cambridge, 1926), p. viii.

The notion of a timber scarcity took a firm hold on the almost hysterical imaginings of the population, particularly of the later invasion-expectant subjects, and were fuelled by pamphlets that declared,

Our Wood and Timber have of late been so much destroyed, the Growth so far neglected, and so little Care taken to plant a Supply, that there is scarce now sufficient left to satisfy our present Occasions; and, what is to be lamented, in Time there will not be enough found to build a Fleet to guard our Coasts, or Merchant Ships to carry on our Trade.¹⁸⁸

Rackham states that the objective of the Crown-owned forests in making the navy relatively independent of other supplies of shipbuilding timber could have been achieved if the navy had stopped growing in size.¹⁸⁹ This implies that the prosecution of war was a major factor in the demand and supply of timber, and in the perception of a timber problem.

Even though its declared intention was the increase and preservation of timber for the Royal Navy, the New Forest Timber Bill was not without its critics. Henry Herbert, Lord Porchester, declared that he had many cogent reasons for opposing it. First, because ‘it wore every appearance of a Ministerial job’, to create an undue influence in the county of Southampton (which would favour George Rose); and secondly, because ‘he conceived it to be an attack not alone of private, but on Royal property’.¹⁹⁰ It was reported that Porchester in support of the first assertion ‘adduced no proof’, but to substantiate the second, said that,

this Bill was brought in without the knowledge or assent of those whom it was principally to affect, and was called a public Bill, although it meant to convey away private property.¹⁹¹

¹⁸⁸ Yeoman Lott, *An Earnest Address to the People of England Containing an Enquiry into the Cause of the Great Scarcity of Timber, Throughout the Dominions Belonging to His Majesty.*, (London: Printed for the author, and sold by F. Noble, 1766), p. 9.

¹⁸⁹ Rackham, *Trees and Woodland* (2001), p. 173.

¹⁹⁰ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792). NB: Porchester was related to Charles James Fox, through marriage. Thorne, *House of Commons 1790-1820, G-P* (1986), p. 184.

¹⁹¹ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

He then separately criticised almost every one of the clauses, ‘commenting upon the injustice of some, the illegality of others, and the absurdity of many more’.¹⁹² He condemned the arbitrary powers given to the Commissioners ‘with regard to purchases, exchanges, right of estovers, fuel, &c.’, which reflected the criticisms of the lower House.¹⁹³

Porchester thought that the fuel clause was ‘very severe and indefinite’, because the officer appointing the place from where allocations of fuel wood could be collected might appoint a place at a ‘considerable distance from the abode of the person entitled to it’. Additionally, according to the provisions contained in the bill, officers detecting any allocations not collected from the Forest by 21st December (in any year) ‘may sell fuel wood so suffered to remain’. He stated that the commoner could not remove his allocation until he had been given notice of its whereabouts, and if that notice were given on the 20th of December, the commoner would most likely risk the forfeiture of his fuel wood.¹⁹⁴ The erosion of fuel rights, such as the cutting of peat turves and, in particular, the allocation of estovers, however, were seen as a positive outcome by those in support of the increase and preservation of timber, and who opposed the abuses in the New Forest.¹⁹⁵ Thus other Forest rights, such as pasturage, deemed to be antithetical to the development of timber, came under scrutiny in the bill.

Among other clauses of the New Forest Timber Bill, with which Porchester took issue, was the 53rd and 54th clause, which referred to an Act passed in the 32nd year of Henry VIII’s

¹⁹² *Ibid.*

¹⁹³ ‘House of Lords, Tuesday June 5, New Forest’, *London Chronicle* (1792).

¹⁹⁴ *Ibid.*; HL/PO/JO/10/2/65B, *New Forest Timber Bill*, 1792).

¹⁹⁵ In a deposition given to the Middleton Commission, in 1788, Thomas Holloway, Groom Keeper of Burley and Holmesley Walks, declared that ‘only a small Part is really used for Fuel’, most timber cut down to fulfil woodfuel rights was ‘cut onto Rails and Truck wheels’ destined for the coal works in Newcastle, and a great deal was also sold ‘to the Charcoal Burners’. Middleton, Call, and Fordyce. Appendix 20, The Examination of Thomas Holloway, Groom Keeper of Burley and Holmesley Walks in the New Forest, taken on Oath, the 21st Day November, 1788. ; Thomas Nichols, Purveyor of the Navy, had also complained of the saw pits, dug in the most inconvenient of places, where the trees destined for ‘trucks, rails, bedsteads, boards and many other articles’ were manufactured. Nichols, *Observations* (1791), p. 18.

reign, respecting any stoned (uncastrated stallion) horses pasturing in the forest.¹⁹⁶ In this Porchester was referring to the Breed of Horses Act 1540 (32 Henry VIII, c.13) that had despaired of how ‘in forrestis chaces moores marrishes hethis Comons and Wasted groundis ... little stoned horses and naggges of small stature and of little value’ were able to run out and breed. The Breed of Horses Act 1540 (32 Henry VIII, c.13) aimed to correct this and ordered that no stallion under 15 hands high and no mare under 13 hands high was authorised to run out on common land, or to run wild, and no two-year-old colt under 11.2 hands high was to be tolerated in any area with mares. The annual drifts of the commons were to be enforced, and any stallion under the height limit was ordered to be culled, along with ‘all unlikely tits [sic] whether mares or foals’.¹⁹⁷

According to Porchester, the New Forest Timber Bill had turned Henry VIII’s Act into ‘a most laughable clause’ and he argued that while King Henry had concentrated on ensuring breeding animals were above a certain height, the New Forest Timber Bill,

forbids, in order to prevent improper copulation of those under size, the pasturing of any GELDING that does not measure 13 hands. How a gelding was to injure the breed was a mystery, that no doubt the Secretary of State would clear up in his reply.¹⁹⁸

Certainly, the New Forest Timber Bill did include geldings (castrated male horses) in its proceedings, whereas the Breed of Horses Act 1540 (32 Henry VIII, c.13) had obviously not, but although Porchester brought hilarity to the proceedings he was missing the point.

Including the removal of under height horses from the New Forest, in a bill that was ostensibly written to increase the production of timber for the Royal Navy, was a measure deliberately calculated to have a direct social and economic impact on the living conditions of

¹⁹⁶ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

¹⁹⁷ HL/PO/PU/1/1540/32H8n13, ‘An Act Concerning the Breed of Horses of Higher Stature’, *The Horses Act 1540 (32 Henry VIII, c.13)* (Parliamentary Archives, London).

¹⁹⁸ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

the commoners. Gilpin refers to the ‘diminutive breed of horse running wild in the New Forest’ but acknowledges this is no detriment to their ability and observes how,

at all the neighbouring fairs, these horses are a principal commodity, and are bought up for every purpose to which a horse can be applied’.¹⁹⁹

The New Forest pony has even been described as a ‘tribal god’ among the commoners.²⁰⁰ Any curtailment on the liberty of their stock would have a consequent effect on the commoners. This point did not escape Lord Rawdon who thought the clause ‘cruel and oppressive’ and declared that its real object was ‘to get rid of those ponies which were the principal race of horses employed by the poor commoners, and so far, this was an infringement of their rights’.²⁰¹

Porchester also thought that the ‘preservation of browse and rabbits was a great enemy to the growth of timber’; yet, he had been told that the woodwards kept rabbits and that ‘they made upwards of 200*l.* a year of them’.²⁰² The *Fifth Report* of the Middleton Commission had been most adamant that the practice of rabbit-farming, by the Forest Keepers, was detrimental to the raising of timber and their recommendation was that ‘the Rabbits should be extirpated’.²⁰³ Thomas Nichols, Purveyor of the Navy and Regarder of the New Forest, when writing to the Earl of Chatham, First Lord of the Admiralty, in 1791, had complained that ‘from neglect, connivance, or design’ many parts of the Forest, including the inclosures, had become ‘entirely over-run with rabbits’.²⁰⁴ In their *Eleventh Report*, the Middleton Commissioners further stated that in the New Forest ‘about 800 Acres are entirely destroyed by Rabbits, bred by the Keepers for their own Profit’.²⁰⁵ Porchester could not see any device within the New

¹⁹⁹ Gilpin, *Remarks on Forest Scenery* (1791), p. 250.; *Ibid.* p. 251.

²⁰⁰ F. E. Kenchington, *The Commoners' New Forest*, (London, 1944), p. 173.

²⁰¹ ‘House of Lords, Tuesday June 5, New Forest’, *London Chronicle* (1792).

²⁰² *Ibid.*

²⁰³ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 33.

²⁰⁴ Nichols, *Observations* p. 11.

²⁰⁵ Middleton, Call, and Fordyce, *The Eleventh Report* (1792), p. 15.

Forest Timber Bill that dealt with this problem, however.²⁰⁶ This was a glaring omission from the bill, particularly as it was alleged to have been drafted with acknowledgement to the recommendations of the Middleton Commission.²⁰⁷

Frederick Howard, 5th Earl of Carlisle, thought the New Forest Bill ‘a most improper one’ and agreed with Porchester that it had every appearance of a ministerial job and ‘looked to the creation of influence more than to the assistance of the Navy’.²⁰⁸ Porchester further objected to the enfranchisement of copyholds, as it would convert copyholds into freeholds, and he stated that it would,

by that means increase the influence of the Crown in elections, which, with the dock-yards, would fall little short of converting that extensive county into a borough, and raise animosities in the breasts of those independent electors whose voices were unbiased.²⁰⁹

As the government employed most of the men working in the dockyards at Portsmouth it was believed that the Admiralty would have some say in the elections there.²¹⁰ George Rose had purchased the copyhold estate, Cuffnells, Lyndhurst, in 1785, from Sir Thomas Tancred. Cuffnells was in the manor of Lyndhurst, which was part of the ‘Soil and Inheritance of the Crown’.²¹¹ According to the custom of that manor, copyhold tenants were subject to the payment of ‘certain Quit Rents’ and ‘a Fine on adding or exchanging Lives’; Heriots were also payable from some of the estates but the Middleton Commission found that they had not been taken ‘for several years past’; while ‘the Timber and Trees on these Estates are likewise the

²⁰⁶ ‘House of Lords, Tuesday June 5, New Forest’, *London Chronicle* (1792).

²⁰⁷ No mention of ‘rabbits’, ‘conies’ or ‘coneys’ is made in the New Forest Timber Bill 1792 (HL/PO/JO/10/2/65B).

²⁰⁸ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail*, (1792).

²⁰⁹ ‘House of Lords, Tuesday June 5, New Forest’, *London Chronicle* (1792).

²¹⁰ Clyde Jones, ‘The House of Lords and the Growth of Parliamentary Stability’, in *Britain in the First Age of Party, 1687-1750*, ed. by C. Jones (London, 1986), (p. 54).

²¹¹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 5.

Property of the Crown'.²¹² Under the provisions of the New Forest Timber Bill the copyholds could be converted in freeholds.²¹³

Not only were the copyhold lands to be enfranchised but the New Forest Timber Bill specifically provided for those lands to be 'discharged . . . for ever of all quit rents fines heriots reliefs', they were also to be excluded from 'all other dues and payments to which the said tenants in respect of their said lands and tenements are by the customs of the said manor bound and liable'.²¹⁴ The Middleton Commission had recommended the 'Enfranchisement and Disafforestation' of the copyhold estates, but this was to be on condition that they should sell to the Crown their Rights of Common of Pasture, Fuel Wood, or Repair Timber, and every Claim that they have on the Forest', which was to include 'such Part or Proportion of them as may be equal in Value to what the Commissioners sell to them'.²¹⁵

Under the provision of the New Forest Timber Bill, the timber and woods on the newly enfranchised estates were to become the property of the freeholder in exchange for any right of estovers, which was to 'cease and forever ever be extinguished', and considerations in money were to be,

equal to the difference between the full present value on a fair estimate of the fee simple estate of inheritance . . . with the timber and other trees growing there on and the value of the present right and interest of the said tenants in their said respective copyhold lands and tenements.²¹⁶

This provision in the bill would have benefited Rose personally, and there were other concerns about the interests that the New Forest Bill would serve him.

²¹² *Ibid.*

²¹³ HL/PO/JO/10/2/65B, (*New Forest Timber Bill*, 1792), folio 21.

²¹⁴ *Ibid.*, folio 29.

²¹⁵ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 28.

²¹⁶ HL/PO/JO/10/2/65B, (*New Forest Timber Bill*, 1792), folio 28.

Lord Carlisle declared that ‘the places enjoyed under patronage of the Forest were held by men who certainly could not, from their avocations elsewhere, attend their duty there’.²¹⁷ This was the reason, he asserted, that ‘Keepers were allowed to be rabbit merchants; that warrens multiplied faster than trees, and rabbits were most destructive to tender plants’, and asserted that,

A certain Gentleman (Mr. Rose) who he did not see in his place at the table of that House; had so many places of profit which he enjoyed, that it was impossible for him to attend them all – and particularly to his duty in the forest, which was no doubt as greatly out of order on that account.²¹⁸

At the time of the proposed New Forest Bill in 1792, Rose was the Keeper of Records in the Chapter House, Westminster; Surveyor of green-wax monies; Secretary to the Treasury; Master of the Exchequer Pleas Office; MP for Christchurch; Agent for Dominica; and, Verderer of the New Forest. (It was the Verderers who were ‘the chief judges both of the Swainmote and Attachment Courts’ and it was their duty to uphold forest law.)²¹⁹ Carlisle’s insinuation was that George Rose not only neglected his duty in the New Forest but in the House of Lords too.

It was said of Rose that ‘he fattens like a harvest bug in the hot beam of patronage’.²²⁰

A contemporary newspaper even went so far as to report:

An English Gentleman (whose veracity we can rely on), lately returned from Paris, asserts as a positive fact, that the salaries and emoluments arising from the various places holden by a single individual, in no very high department of State (Mr. George Rose of Westminster Election Memory), is more than

²¹⁷ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail*, (1792). NB: Duncan states that by the 1790s, Carlisle had come to believe firmly that politicians should be men who provided reliable and cautious government, not those who sought to carve out lucrative professional careers for themselves. Andrew Iain Miles Duncan, *A Study of the Life and Public Career of Frederick Howard, Fifth Earl of Carlisle, 1748-1825* (University of Oxford, 1981), p. 151.

²¹⁸ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

²¹⁹ HRO/149M89/R4/6145., *Present State of the New Forest (Samber Mss)*, (1765).

²²⁰ *The New Brighton Guide, or Companion for Young Ladies and Gentlemen to All Watering Places in Great Britain* (London, 1796), p. 66.

equal to all the salaries paid by the Nation to the whole officers of the Executive Council in the neighbouring French republic.²²¹

(The mention of the Westminster Election refers to the court case previously referred to between Smith and Rose.²²²) Carlisle's comments suggested that if the bill passed, which was in his opinion to the benefit of Rose, he would not be able to fulfil his increased obligations. As Clerk of the Parliaments, Rose was the most senior official in the House of Lords, which was a position appointed by letters patent from the King. The duties of this officer were to sit upon a bench behind the table in the House of Lords and to 'record all things done in Parliament'.²²³ While taking the title and remuneration for the role Rose did not carry out its functions however, but delegated them to Henry Cowper (Cooper), one of the assistant clerks.²²⁴ (This had been one of the alleged causes of the dispute between Pitt and Thurlow, and between Rose and Thurlow.)²²⁵

During the debate about the New Forest Timber Bill, Carlisle paid a very high compliment to Mr. Cowper and said 'to his abilities and his attention their Lordships were much indebted'. This must have been a calculated slight, knowing how things stood with Thurlow and Rose. Rose was not without his supporters, however, and Thomas Bruce, 7th Earl of Elgin 'thought it hard that a Gentleman should be attacked where he had no power to defend himself'; and contended that 'Mr. Rose could sufficiently prove that he was never wanting his duty to any place he enjoyed'.²²⁶ Lord Elgin spoke 'for some time' in favour of the New Forest

²²¹ 'News', *Morning Post*, (Tuesday, December 25, 1792).

²²² *One Hundred Pounds Damages: George Rose Esq* (Monday 9th July 1792).; A Barrister, *The Trial of George Rose, Esq*, (1791).; *Corruption Exposed: Being Remarks on the Trial of George Rose, Esq, One of the Secretaries of the Treasury* (1792).

²²³ A. Todd, *The Practice and Privileges of the Two Houses of Parliament: With an Appendix of Forms*, (Toronto, 1840), p. 318.

²²⁴ 'Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill', *Evening Mail* (1792).

²²⁵ Duffy, *The Younger Pitt* (2016), p. 58. NB: The position of Clerk of the Parliaments had become largely a sinecure by the eighteenth century, and the deputies carrying out the duties in a period of rapidly expanding legislation did so very satisfactorily. Maurice F. Bond, 'Clerks of the Parliaments, 1509-1953', *The English Historical Review*, Vol. 73, No. 286 (Jan., 1958), 80.

²²⁶ 'Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill.

Timber Bill; while Francis Rawdon-Hastings, Lord Rawdon, ‘made a long speech against both its principle and its clauses’.²²⁷ Rawdon declared that ‘the word job was the mildest and most tender expression he could use to describe this Bill’ and said that it carried with it ‘the greatest of suspicions upon its principle’.²²⁸ (The New Forest Timber Bill 1792 was also referred to as the ‘Mr Rose’s Estate Bill’).²²⁹ Thurlow, furthermore, believed that the bill aimed to subvert the principal of private property, and was ‘an attack upon the rights of the Crown . . . which had been held sacred for many centuries’. He took a decided part against the bill, which he ‘condemned as a measure fraught with much mischief to the Constitution’.²³⁰

British Constitution - New Forest Timber Bill 1792

The British constitution has its roots in the principles of Magna Carta, laid down in 1215, which Blackstone maintained was ‘the principal bulwark of our liberties’.²³¹ This medieval document established the legal protection of property and rights that some thought the New Forest Timber Bill 1792 threatened to deconstruct. Indeed, Lord Thurlow believed that the New Forest Timber Bill ‘involved a question of such magnitude’ by concerning itself with the ‘constitutional rights of the Crown’.²³² The bill, he asserted, removed from the Sovereign not only property that was his but the property of his heirs and successors, and believed that ‘however speciously the Act might be glossed over by eloquence’, it was evident when narrowly inspected to be ‘of a most dangerous nature’.²³³ This danger, according to Thurlow, came from the Crown being deprived

²²⁷ *Ibid.* NB: Rawdon was described by Charles, the Earl of Cornwallis as having ‘the nicest sentiment of honour and integrity’. P.D. Nelson, *Francis Rawdon-Hastings, Marquess of Hastings: Soldier, Peer of the Realm, Governor-General of India*, (Fairleigh Dickinson University Press, 2005), p. 114.

²²⁸ ‘British Parliament, House of Lords, Tuesday June 6, New Forest’, *Morning Chronicle and London Advertiser*, (Wednesday, June 6, 1792).

²²⁹ *One Hundred Pounds Damages: George Rose, Esq* (9th July, 1792), p. 18.

²³⁰ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail*, June 4, 1792 - June 6, 1792.

²³¹ William Blackstone, *Commentaries on the Laws of England*, Book the Third (Oxford, 1768), p.350.

²³² ‘House of Lords, Tuesday June 5, New Forest’, *London Chronicle* (1792).

²³³ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

of considerable landed property, ‘without consent of the proprietor, without trial, - without the benefit of appeal’ on a purely speculative notion of growing timber trees that would not be fit for use for at least 150 years. Furthermore, he argued that,

The security of the Crown was the security of the People, and whatever took from the property or consequence of Majesty, lessened to strength and value of the Constitution.²³⁴

Thurlow had been hailed as ‘a champion of the rights of the Sovereign’ during the Regency crisis, in 1789, which had increased the public perception of his qualities for integrity and honour and was a persona he liked to project.²³⁵ (He was said to have declared during the crisis, and in denying any political double-dealing, ‘When I forget my Sovereign, may my God forget me!’)²³⁶

It was, Thurlow stated, in ‘the interest of this country that the King should be a landholder’; and it was the duty of the House of Lords, he believed, to watch over the constitutional rights of the Crown.²³⁷ As Langford points out, discussions about property and power meant ‘land’, which was not only politically and economically significant but also acted as ‘the repository of patriotic values’.²³⁸ Thurlow, therefore, maintained that it was essential to the ‘safety of our constitution’ that the Sovereign should have his interest ‘blended with and complicated in’ the fate of the landed property of the country; it was, he declared the ‘best security’ we could have for his steady attachment to our interests.²³⁹ Thurlow argued that if the king were to be regarded a mere pensioner on the public (alluding to the Civil List), who just received a salary, then the view of the subject would be different, and the Sovereign would have one interest and the people another, and these in direct opposition to each other.

²³⁴ *Ibid.*

²³⁵ Campbell, *The Lives of the Lord Chancellors*, (1846), pp. 594-95.

²³⁶ *Ibid.*, p. 590.

²³⁷ ‘House of Lords, Tuesday June 5, New Forest’, *London Chronicle* (1792).

²³⁸ Paul Langford, *Public Life and the Propertied Englishman, 1689-1798*, (Oxford, 1990), p. 58-59.

²³⁹ Proceedings in the Bill Intituled ‘an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament, p. 57.

Furthermore, Thurlow asserted that the New Forest Timber Bill was ‘a violation of all principle that had ever governed the law of this country’, and their Lordships could not ‘in conscience’ pass the bill.²⁴⁰ Carlisle had also been concerned about the effect of the bill on George III’s landed status and complained that ‘his majesty – the readiest of princes to give up advantages of his own for the benefit of his people – had been prevailed on to assent to this measure’.²⁴¹ (His acquiescence may have stemmed from his commitment to reducing the national debt, as declared in his essays discussed in the previous chapter.) Thurlow also voiced his consternation at the late time of the session in which such an important measure, which affected the British constitution, was brought forward. In his opinion a great deal of discussion was due to the subject because it involved ‘considerations of great moment and delicacy, affecting the Constitution of this country’.²⁴² Britain’s constitutional processes were deliberately slow, in order to facilitate stages of full debate; and, observes Watson, had developed in favour of delay and against change.²⁴³ As the bill had arrived in the last week of that present session, just before summer recess, Thurlow suggested its lateness had been a tactic to hurry the bill through Parliament without any investigation.²⁴⁴

Thurlow was also critical of the bill being brought into Parliament before the Middleton Commission had fully finished their reports and suggested that ‘the Bill must be very inconclusive’.²⁴⁵ This meant that ‘their Lordships did not yet even know the value of the property over which they were called upon by this bill to exercise the power of disposal’.²⁴⁶ This was a concern that had been voiced by other politicians and observers, some of whom had

²⁴⁰ *Ibid.*

²⁴¹ G. G. Cunningham (ed), *Lives of Eminent and Illustrious Englishmen*, (Glasgow, 1837), p. 327.

²⁴² ‘British Parliament, House of Lords, Tuesday June 6, New Forest’, *Morning Chronicle and London Advertiser* (1792).

²⁴³ J. Steven Watson, *The Reign of George III, 1760-1815* (Oxford, 1960), p. 58.

²⁴⁴ ‘Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill’, *Evening Mail* (1792).

²⁴⁵ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p. 57.

²⁴⁶ ‘British Parliament, House of Lords, Tuesday June 6, New Forest’, *Morning Chronicle* (1792).

hoped for one complete system of management would be suggested for all the woods, forests and landed revenues of the Crown.²⁴⁷ Thurlow's biggest criticism, however, was reserved for the intention of the bill, over which he cast scepticism and questioned the scarcity of timber upon which the bill was based, arguing that it was established upon 'speculation' rather than 'evidence'.²⁴⁸ Increasing timber prices had been used as evidence of a decrease in the availability of timber, and he queried whether 'the growth of timber was lessened because the price was high' and reasoned that,

In a rich, flourishing, populous, cultivated country, timber, as a marketable article, would be dear. In a poor, uncultivated, unpeopled country, it would not be so. This was only applicable to the price of timber, and had nothing to do with the plenty or scarcity of it.²⁴⁹

Thurlow wanted to know, therefore, 'what was the true principle of the bill?'²⁵⁰ He argued that if the real object of the bill was to form a nursery for naval timber then the bill's clauses were 'inimical to that end', as they were overburdened with the old forest laws that were 'calculated for the chase, and not for the pretended and delusive object of this bill'.²⁵¹

Thurlow felt it necessary to 'give every opposition in his power to the present Bill' because he thought it a precedent, 'which affected very deeply the constitutional situation of the Crown'.²⁵² His arguments failed to persuade the Lords in the House, however. On a division taking place for a vote on the bill, there appeared, 'Contents 41, Proxies, 12. Total for the Bill, 53. Not Contents 29, Proxies 5, Total 43'.²⁵³ The bill was passed for a third reading. On

²⁴⁷ 'House of Commons, Monday March 26 - New Forest', *Evening Mail* (1792).

²⁴⁸ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p. 56.

²⁴⁹ *Ibid.*

²⁵⁰ 'British Parliament, House of Lords, Tuesday June 6, New Forest', *Morning Chronicle and London Advertiser* (1792).

²⁵¹ House of Lords, Tuesday June 5, New Forest, *London Chronicle* (1792).

²⁵² Parliamentary Intelligence, House of Lords, Tuesday June 5, New Forest Bill, *Evening Mail* (1792).; *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p.58.

²⁵³ 'News', *Diary or Woodfall's Register*, (6 June 1792).

Thursday 7th June 1792, the contents of the New Forest Timber Bill were discussed further. Porchester asked for the preamble of the bill to be read out and insisted that whenever bills, particularly those affecting the rights of the Crown and the interest of individuals, were introduced into that House it was usual 'to have His Majesty's consent signified, as well as the consent of the individuals concerned'. This led to a lengthy exchange over whether or not the King had approved of the clauses within the bill removing his right to the Crown lands.

Porchester asked that 'the noble Secretary of State [Henry Dundas], or some other person', would rise and inform the committee whether the Crown gave its consent, and 'in what manner such consent had been signified'; and also whether 'the opinions of the several parties interested had been collected, and their consent obtained?'²⁵⁴ He declared that 'without the King's consent being notified in form', previous to any discussion on the subject, 'it was unparliamentary in their Lordships to proceed'. Thurlow agreed and also insisted that the assent of his Majesty was requisite 'to be given in due form', and said that,

if ever there was a time when Parliament and the people of this country were called upon to exert themselves in support of the rights and dignities of their Sovereign, it was at the present moment, when the ravaging system of Democracy was attempting to overturn all due respect – all found policy – all obedience to the Law and the Constitution.²⁵⁵

As Innes and Philip point out, the usage of 'democracy' at that time connoted insurrectionary movements, mass petitioning and crowd phenomena.²⁵⁶ Thus, Thurlow was accusing anyone in support of the bill of being against the King. Grenville responded by saying that this was the second time that Lord Thurlow had attempted to persuade the House of Lords that his opposition to the bill was founded on his lack of loyalty to the King (and Constitution); and by

²⁵⁴ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p. 59.

²⁵⁵ 'Parliamentary Intelligence, House of Lords, Thursday June 7, New Forest Bill', *Evening Mail*, (June 6, 1792 - June 8 1792).

²⁵⁶ Joanna Innes and Mark Philp (eds.), *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland, 1750-1850* (Oxford, 2013), p. 2.

that device was casting anyone supportive of the bill to be themselves disloyal.²⁵⁷ According to Williams, accusations of disloyalty were a well-rehearsed tool of opposition, though they meant little in practice, but along with other political tactics were deployed according to the circumstances.²⁵⁸

Grenville, who supported the bill, was keen to declare his loyalty and ‘sincere love for his Sovereign’, and to assert that, on the third reading, that form would be answered ‘for the King’s sentiments were already known’.²⁵⁹ He declared that the King’s consent was contained in the message on which the Act for appointing the Middleton Commissioners had been established.²⁶⁰ Lord Graham, the Duke of Montrose, ‘begged their Lordships to advert to the rules of Parliament’, which were that in a Committee it was impossible the assent of the King could be given – there was a standing order against such irregularity - and ‘he was not a little surprised’ to find that Lord Thurlow, the Lord High Chancellor, was arguing a point on which his legal training and experience must have informed him was ‘not tenable’.²⁶¹ He believed that the objection had been purposefully reserved for that stage, in order to defeat the Bill’.²⁶²

Lords Porchester, Stormont, Rawdon, and the Duke of Clarence (George III’s third son), urged ‘the propriety of a formal message from the King’ that would give his consent to the proposed alienation of part of the royal domains.²⁶³ Furthermore, Porchester stated that the Act

²⁵⁷ ‘Parliamentary Intelligence, House of Lords, Thursday June 7, New Forest Bill’, *Evening Mail* (1792).

²⁵⁸ E. Neville Williams, *The Eighteenth-century Constitution, 1688-1815: Documents and Commentary* (Cambridge, 1970), p. 70.

²⁵⁹ ‘Parliamentary Intelligence, House of Lords, Thursday June 7, New Forest Bill’, *Evening Mail* (1792).

²⁶⁰ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p. 59.

²⁶¹ Parliamentary Intelligence, House of Lords, Thursday June 7, New Forest Bill, *Evening Mail* (1792).

²⁶² *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), p. 61.

²⁶³ ‘House of Peers, Thursday June 7, New Forest Bill’, *St. James's Chronicle or the British Evening Post*, (June 7, 1792 - June 9, 1792).

to appoint the Commissioners to enquire in the state and condition of the woods, forests and land revenues of the Crown, had not been complied with,

No such commission as the former Bill directed under the Seal of the Court of Exchequer, to enable all interested in the New Forest to come in and state their claims, having been issued. Had that been the case, the rights of the subject would have been ascertained by a Jury, whereas the rights were, under the present Bill, to be decided by an arbitrary sale.²⁶⁴

Had such a commission been appointed, argued Porchester, they would have established what were the 'real rights of the Crown'.²⁶⁵ He directed the attention of the Lords to the reports of the Middleton Commission, which Porchester stated 'advised a mode of proceeding which would have enabled the Crown to know its rights', and observed that 'instead of adopting this mode, their Lordships had a bill before them, formed by he knew not whom, but who in framing it clearly had not obeyed or followed the directions of the Commissioners.'²⁶⁶ This was an obvious stab at George Rose, who undoubtedly drafted parts, if not all, of the New Forest Timber Bill.

To break the impasse, Lord Stormont suggested that the best way forward would be to adjourn, and that his Majesty's consent 'should be explicitly obtained' before the bill was progressed further.²⁶⁷ Thurlow agreed and commented that 'to have passed by an objection through accident or inadvertency, was one thing; but to pass it by, when the objections were stated, and the irregularity had been remarked, was a case very different'.²⁶⁸ That evening the Duke of Portland wrote to George, Prince of Wales, via the Prince's friend Captain John Willett Payne, saying,

²⁶⁴ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), pp. 62-63.

²⁶⁵ *Ibid.*, p. 63.

²⁶⁶ *Ibid.*

²⁶⁷ 'House of Lords, Thursday June 7, New Forest Bill', *London Chronicle*, (7 June 1792).

²⁶⁸ *Proceedings in the Bill Intituled 'an Act for the Better Preservation of Timber in the New Forest... : Comprising...The Debates in Both Houses of Parliament* (1800), pp. 60-61.

I certainly imagined that the intended opposition to the New Forest Bill in its passage thro the Committee was not only known to but sanctioned by his Royal Highness, & I exerted myself accordingly. H.R.H. the D. of Clarence is actually in the House, & the D of York is sent to: we very possibly may have a division very early upon the question of proceeding without the notification of the King's consent, & probably there may be other divisions in the course of the day. If the Prince means to resist the Bill in person I should think it advisable for him to come down to the House as soon as he can. If he reserves himself for an opposition to it in any other stage be so good as to let me know.²⁶⁹

The opposition of George, Prince of Wales, the Duke of Clarence, and the Duke of York had been purposefully sought by Portland to contest the bill.

On Friday 8th June 1792, Grenville informed the House of Lords that having been made aware of the contents of the bill, entitled An Act for the further Increase and Preservation of Timber within the New Forest, in the County of Southampton, and for the Sale of Rents, and the Enfranchisement of Copyhold Tenements in the said Forest, George III was 'pleased to consent (as far as His Majesty's Interest is concerned) that Their Lordships may proceed therein as they shall think fit'.²⁷⁰ With the arguments regarding the form and consent of George III settled, the progress of the bill moved forward. However, another constitutional obstacle presented itself in the form of a petition.

Petition of the Commoners

On Monday 11th June 1792, the House of Lords met to read the New Forest Timber Bill for a third time whereupon Lord Porchester presented,

The humble Petition of the Reverend Sir Charles Mill Baronet,
and other Owners of Lands and Tenements adjoining to the New
Forest in the County of Southampton and intituled to the Common

²⁶⁹ GEO/MAIN/38711, 'Letter from the Duke of Portland to [?Captain Payne] on the Opposition to the New Forest Bill, and a Possible Division on the Question of Proceeding without the King's Consent', 7 June 1792 (Royal Archives, Windsor).

²⁷⁰ 'House of Lords Journal Volume 39: June 1792 1-10' in *Journal of the House of Lords*, House of Lords Journal Volume 39: May 1792 11-20.

of Pasture, Common of Herbage and Right of Pannage in the said Forest.²⁷¹

With the bitter rivalries exposed during the debates regarding the New Forest Timber Bill, and with many of the political debating tactics on display (exaggeration, evasion, inspirational appeal, sarcasm and obstruction), it was no surprise when objections from the landholders in the New Forest were raised. The certainty is that the landowners were deliberately tipped off.

Portland had written again to the Prince of Wales, on the evening of Friday 8th June 1792, via Captain Payne, to say that,

I have been in the H. of Lds. ever since 11 o'clock this mornng. & only found your note at the same hour this evening when I came into my room for dinner. If his Royal Highness thinks fit to take a serious interest in throwing out the New Forest Bill I should submit to him the propriety of having letters written to those whom I have marked with a x; I have drawn a line across the names of those to whom it is unnecessary for his Royal name to be use, however, they may be flattered by it, & those whose names are left without any mark I can say nothing respecting the propriety or use of their being applied to.²⁷²

Edmund Burke, when writing to Lord Loughborough on the 13th June 1792, referred to an interrupted discourse with the Duke of Portland, when 'Lord Malmesbury came in, who was wholly occupied with the Forest Bill. So, I left them'.²⁷³ Portland and Malmesbury were meeting with Lord Loughborough to discuss a coalition between William Pitt and Charles Fox, and the subject of the New Forest Timber Bill and plans for its defeat had, no doubt, been a subject for discussion.²⁷⁴

The petition against the New Forest Timber Bill was signed by Sir Charles Mill (who had presented the brace of greyhounds to the King when he visited Lyndhurst in 1789); James

²⁷¹ HRO/2M30/669. *Letter from Petitioners, New Forest* (1792).

²⁷² A. Aspinall (ed.), *The Correspondence of George, Prince of Wales, 1770-1812: 1789-1794*, (Oxford, 1971), p. 252.

²⁷³ P. J. Marshall and John A. Woods (eds.), *The Correspondence of Edmund Burke: January 1792-August 1794*, (Cambridge, 1968), p. 151.

²⁷⁴ J.H. Harris, *Diaries and Correspondence of James Harris, First Earl of Malmesbury*, (London, 1845), pp. 424-25.

Harris, 1st Baron Malmesbury; William Mitford, (a former pupil of William Gilpin) who lived at Exbury, near Beaulieu, and was MP for Bere Alston; and, John Morant of Brockenhurst.²⁷⁵ These were, in all probability, the names to which Portland had singled out for particular attention. Petitions were used as a ‘weapon’ by the opposition against Government.²⁷⁶ Petitioning also played a vital part in enabling the development of a movement with some autonomy from conventional party politics, argues Innes, by providing a rallying point and device for agenda setting.²⁷⁷ Certainly, the petition against the New Forest Timber Bill had been part of an orchestrated campaign against Pitt’s ministry and served as a method to highlight dissatisfaction with the bill. However, when the petition was presented to the Lords it was nevertheless dealt with according to accepted procedure and standard practice. Its signatories were, after all, part of the establishment and not wholly radical in their intent.

The petitioners stated that they had not ‘until recently been informed of the full effects of the bill’ and, having been so advised, were concerned that their property might be ‘materially injured’. They had ‘relied in full confidence on the Faith of Parliament’, which had stated in the Crown Revenues Act 1784 (appointing the Middleton Commission) that all the disputed boundaries would be settled by a jury. Furthermore, the petitioners had ‘been lulled into further Security’ by the *Fifth Report*, which had stated that respective interests in the Forest would be represented.²⁷⁸ The Middleton Commission had recommended that in any disputes or concern regarding any parts of the New Forest boundaries, Commissioners would be empowered to ‘treat and agree’ with the proprietors of the land adjoining ‘to settle and ascertain’ the boundaries. In case of dispute with the decision of the Commissioners, the proprietors were

²⁷⁵ HRO/2M30/669, *Letter from Petitioners, New Forest* (1792).

²⁷⁶ P. D. G. Thomas, *The House of Commons in the Eighteenth Century* (Oxford, 1971).

²⁷⁷ Joanna Innes, ‘People and Power in British Politics to 1850’, in *Re-imagining Democracy in the Age of Revolutions: America, France, Britain, Ireland, 1750-1850*, ed. by Joanna Innes and Mark Philp, (Oxford, 2013), p. 139.

²⁷⁸ HRO/2M30/669, *Letter from Petitioners, New Forest* (1792).

entitled to seek mediation from ‘Arbitrators to be chosen by the Commissioners and the Claimants, or a Jury of Freeholders not interested in the Forest’.²⁷⁹ The lack of representation of those with interests in the Forest had implications for the immediate property owners and their successive heirs.

The security guaranteed to property rights was universally considered to be one of the glories of the British system of government, states Marshall, and the alienation of property could only occur by consent.²⁸⁰ Blackstone, furthermore, asserts that alienation of some property not only needed the consent of the Lord but also ‘his next apparent or presumptive heir’.²⁸¹ This was why the New Forest Timber Bill posed a threat to property local owners, and one of the reasons why the Prince of Wales and Duke of Clarence (prospective inheritors of the Crown lands) had been active in opposing its measures. The petitioners additionally stated that they had also relied in the usual practice of Parliament founded in substantial justice, that ‘no Persons Property should be abridged or changed without due Notice to him that he might have an opportunity of being heard in support of his Rights’.²⁸² The apparent haste to progress the bill through Parliament had been raised earlier in the debates, as Thurlow had pointed out the lack of opportunity for those affected by the bill to come forward.²⁸³

The petitioners stated that they were apprehensive about ‘the security of their other Estates if this Bill would establish a Precedent’. The concern was that if a subject had property mixed with the Crown his estate might be changed, abridged or in any other manner be affected without regular notice and ‘under a Commission solely appointed by the Lords of the Treasury’. This was an important point and signalled the sensitivities regarding private property.

²⁷⁹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 28.

²⁸⁰ P. G. Marshall, 'Parliament and Property Rights in the Late Eighteenth-Century British Empire', in *Early Modern Conceptions of Property*, ed. by J. Brewer and S. Staves (Oxford, 2014), (p. 530).

²⁸¹ William Blackstone, *Commentaries on the Laws of England, Incorporating the Alterations Down to the Present Time*. By James Stewart, Twentieth edn (London, 1844), p. 336.

²⁸² HRO/2M30/669, *Letter from Petitioners, New Forest* (1792).

²⁸³ British Parliament, House of Lords, Tuesday June 6, New Forest, *Morning Chronicle and London Advertiser* (1792).

Consequently, the petitioners requested that they be allowed ‘a sufficient Time for the Attendance of Witnesses in Support of the Interests of your Petitioners’ and, to grant them ‘such further and other Relief in the Premises as to your Lordships Wisdom shall seem meet and the Nature of their loss may acquire.’²⁸⁴ Grenville declared that he had not known ‘until about two hours before’ that the bill would have affected the property rights of the petitioners.²⁸⁵ While he upheld the rights of the petitioners to make their case he believed ‘that it makes but slender part of the real subject before Parliament’, which was the increase and preservation of timber.²⁸⁶ Grenville, however, stated that he ‘readily agreed to postpone the Bill till next Session’, in order that nothing should be hurried through Parliament that might be deemed in the smallest degree ‘oppressive and unjust’.²⁸⁷

On 11th June 1792 the New Forest Timber Bill was dropped. Parliament was prorogued. Lord Loughborough replaced Lord Thurlow, as Lord Chancellor; while Thurlow was created the 1st Baron Thurlow. After the bill’s failure, George Rose immediately began to plan for its resurrection and reintroduction into Parliament. The next chapter explores the events that consequently occurred, which suggest a radical alteration in the strategy for the Forest. The findings of the Middleton Commission were jettisoned and new surveys were undertaken. Pressure was further increased for the separation and division of the New Forest. Emphasis shifted from the Forest being a resource for naval timber to a lumber plantation on an almost industrial scale. Furthermore, responsibility for the running of the Forest was delegated from ministerial control to a professional class of economically minded men.

²⁸⁴ HRO/2M30/669, *Letter from Petitioners, New Forest* (1792).

²⁸⁵ *The European Magazine: And London Review* (Philological Society of London, 1792), p. 57.

²⁸⁶ *The Parliamentary Register; or, History of the Proceedings and Debates of the House of Commons* (London, 1792), p. 529.

²⁸⁷ News, *Public Advertiser*, Tuesday, April 14, 1767.

Chapter 4: The New Forest post-1792

While the New Forest Timber Bill 1792 had had the backing of a powerful lobby of the political elite it had been eventually lost in the House of Lords. The bill's progress through the House of Commons and House of Lords had proved to be a test of Parliament's legislative procedures and of the tactical manoeuvring of political opponents. With some notable challengers to the bill, such as Lord Thurlow, no longer in post, advocates for the inclosure of the New Forest were able to show that they had learned from their experiences and were prepared to try again. This chapter examines the attempts to reintroduce the bill into the legislative process, which were initiated at a local level to ensure ground support from the landowners and commoners of the New Forest. Undoubtedly its chief engineer, George Rose, wanted to avoid the petitioning that had been so detrimental to the bill's former incarnation. This is revealed in his private correspondence and also demonstrated during the public meetings held in and around the New Forest, where the division and separation of its landscape were discussed. While the heading of the New Forest Timber Bill 1792 had claimed to increase and preserve timber, it also contained proposals to reduce the impact of commoning, control or eradicate the deer population, establish large-scale tree plantations, and encourage the influence of the private landowners in the New Forest. Indeed, the New Forest Timber Bill 1792 represented a fundamental land reform on a scale that had not been seen since William the Conqueror had established the Forest in the eleventh century.

The chapter explores the collection of information to formulate and substantiate political decision-making, which was achieved through the commissioning of fresh surveys, reports and professional advice. This development strongly suggests that the findings of the Middleton Commission, which had concluded that the New Forest was to remain under state control, had already been rejected. Indeed, the chapter examines the debates and proposals, antithetical to the recommendations of the Commission, which were proposed by

commentators such as Thomas Stone, Rev. Philip Le Brocq, and Abraham and William Driver, whose schemes included developing allotments or smallholdings, creating circular enclosures around major towns, planting softwoods and even selling the Forest into private ownership. Some of their deliberations were communicated in the most impassioned terms using notions such as patriotism, duty, and sacrifice, which were addressed to the commoners and asking them giving up their rights and in one instance to the owners of the shipyard at Bucklers Hard asking them to surrender their private property for the sake of the nation. In these cases, emotion, rather than evidence, was the chosen method of persuasion.

The chapter also examines the significant influence of George Rose on the New Forest at this time. He characterises the eighteenth century prototype civil servant, who represented an entrepreneurial and bureaucratic layer of the ruling elite. Under his guidance the government's interaction with the New Forest changed from being a passive rent collector into an active property manager and developer. The chapter explores how Rose, like his bureaucratic counterparts, was subject to the influence of his own intellectual biases, economic self-interest or, at the very least, social prejudices. Rose was the owner of a large New Forest estate and a powerful landowner in the area. As the processes that supported government were decentralised, the authority of the state was a resource that local elites could use to protect their own material interests.¹ This was evident in the attempts by Rose to resurrect the failed New Forest Timber Bill 1792. The chapter also examines the attitudes of political commentators, professional surveyors and land agents, who suggested the inclosure and partition of the New Forest, based on motives that, while being promoted as supporting the national interest, also facilitated private gain. Attempts to revise and reintroduce the measures contained in the New Forest Timber Bill took place quickly after its defeat in July 1792. A newspaper advertisement was placed in various London and local newspapers throughout August and early September

¹ Edward Higgs, *The Information State* (Basingstoke, 2004), p. 62.

of 1792, which informed its readers that ‘at an Attachment Court held in Lyndhurst . . . the 24th Day of July, in the 32nd Year of the Reign of our Sovereign Lord George the Third’ (1792) the Lords Commissioners of the Treasury had requested that the Verderers of the New Forest were to give notice that ‘a survey was to be undertaken’.²

The survey, directed and ordered by Rose and William Mitford, both Verderers, who were present at the Attachment Court, was to ascertain ‘the Quantity and Situation’ of lands lying within the Forest ‘respecting Titles of Individuals, to which Doubts are entertained on the Part of the Crown’.³ This presumably was a response to some owners of private property who had been unaware of the surveys conducted by Thomas Richardson, William King, and Abraham and William Driver between 1786 and 1787, and who had had their properties mistakenly included with the Crown lands, but had not had the opportunity of correcting the error.⁴ Accordingly, prior to the survey ‘all Parties interested in or claiming such Lands’ were directed to send details of the particulars of their claims to Richard Fezard Mansfield, Under-Steward of the New Forest, ‘on or before the 30th Day of September next’.⁵

Thomas Stone, a land surveyor and agricultural improver who was involved in this survey of the New Forest, ‘waited upon the Gentlemen and others in the neighbourhood of the forest, who had rights of common upon it’.⁶ His correspondence with Rose, and his subsequent

² ‘New Forest, in the County of Southampton’, *St. James’s Chronicle or the British Evening Post*, August 2, 1792 - August 4, 1792. ; ‘New Forest, in the County of Southampton’, *The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset*, Monday, August 6, 1792.

³ ‘New Forest, in the County of Southampton’, *St. James’s Chronicle or the British Evening Post*, August 2, 1792 - August 4, 1792.

⁴ BL/1146.i.4.(2.), *A review of the bill now depending in Parliament for the encouragement of the growth of timber within the New Forest: addressed to the proprietors and occupiers of estates entitled to rights of commonage and other privileges within the same* (1792), p.22.

⁵ ‘New Forest, in the County of Southampton’, *St. James’s Chronicle or the British Evening Post* (August 2, 1792 - August 4, 1792).

⁶ Thomas Stone, *A Letter to the Right Honourable Lord Somerville, One of the Lords of His Majesty’s Bedchamber, and Late President of the Board of Agriculture; with a View to Show the Inutility of the Plans and Researches of the Institution and How It Might Be Employed in Others More Beneficial* (London, 1800), p. 18.

treatise on the New Forest, marks him as a central figure in the progress and direction of the survey. Stone was an advocate for inclosure and a writer on land management and agricultural improvement.⁷ His involvement indicates a distinct policy shift and strategic change in the proposals for the future management of the New Forest. This is exhibited in his visits to the New Forest where Stone recommended to the proprietors of land there ‘a division and inclosure, upon equal, fair, and equitable terms’ of which, he afterwards declared, ‘there was not one dissentient voice’.⁸ Division and separation of the Forest was a clear departure from the recommendations of the Middleton Commission, but supported Stone’s personal sentiments and professional opinion regarding enclosure.

On the 22nd October 1792, Stone wrote to Rose with his observations and remarks on the ‘Heads of a bill for the Dividing and Inclosing of New Forest’.⁹ This referred to the resurrected New Forest Timber Bill 1792, which Grenville had postponed for a later session of Parliament.¹⁰ Clearly, Rose had asked for Stone’s professional opinion by asking him to reflect and comment on the proposals contained within the proposed new bill. Starting with the clause where ‘private property [was to be] released from the Burthen of the Forest Law’, Stone noted that private property owners were to be given the powers ‘to cut down and dispose of the Timber upon their lands without any Licence or Forfeiture’; but, as he rightly pointed out, if the timber already belonged to the Crown, then such powers could not be given and if the timber did not belong to the Crown then it was already private property.¹¹ This gives an indication towards the intentions of the proposals being drafted, which were concerned to give private landowners in the New Forest protection from prosecution when harvesting the trees

⁷ Thomas Stone, *An Essay on Agriculture, with a View to Inform Gentlemen of Landed Property Whether Their Estates Are Managed to the Greatest Advantage* (London, 1785).

⁸ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), p. 18.

⁹ HRO/2M30/669, ‘Letter to George Rose from Thomas Stone, 22nd October, 1792’ (Hampshire Record Office, Winchester).

¹⁰ News, *Public Advertiser*, Tuesday, April 14, 1767.

¹¹ HRO/2M30/669, ‘Remarks on the Heads of the Bill Relating to the New Forest, 1792’ (Hampshire Record Office, Winchester).

on their property. The new bill also proposed the enfranchisement of copyholds, which Stone observed would do away with the manor courts, ‘because after the Copyholds are destroyed there can be no Court’. Stone also queried whether all the tenants, ‘if empowered to do so’, would be able to buy the timber that had been growing on their copyholds, remarking ‘which upon many Estates is of large value, and great part fit for the Navy’.¹² (Part of Rose’s estate of Cuffnells, which had been purchased in 1785, was copyhold.)¹³

Rabbits were also mentioned specifically by Stone, who observed that there was no provision in the revised bill to prevent their sale by the Keepers. The scale of rabbit rearing by the New Forest Keepers had been an issue for the Middleton Commission who, in 1789, had observed, that ‘the Breed[ing] of Rabbits is encouraged by every one of the Keepers’.¹⁴ Gilpin had also remarked about the ‘quantity of rabbits’ in the New Forest and in particular he criticised their detrimental effects on sapling trees observing that, ‘it may be said, the glory of England may be nipped in the bud by a paltry rabbit.’¹⁵ Stone, therefore, suggested that if the Keepers were punished for selling them it would perhaps be the most efficient way of destroying them.¹⁶ The rabbit-problem was certainly known to Rose, as he had mentioned their extirpation to the proprietors of estates having rights of common at the meeting that had been held earlier in the year.¹⁷ His promises to address the problem, however, did not materialise in the New Forest Timber Bill 1792, nor in the attempted revised version. Perhaps Rose knew of the cultural significance of rabbits, which were regarded as ‘the bread of life’ by the Forest

¹² *Ibid.*

¹³ HRO/2M30/666, 'Draft Abstract of Title to Copyhold Hereditaments at Cuffnells, Held of the King's Manor of Lyndhurst', c1758-1819 (Hampshire Record Office, Winchester). NB: The sale particulars in May 1785, list Cuffnells as a ‘very desirable FREEHOLD and COPYHOLD ESTATE, called CUFFNELLS, situate at LYNDHURST, in the NEW FOREST’. 'Advertisements and Notices', *Morning Post*, Saturday, May 28, 1785.

¹⁴ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 20.

¹⁵ William Gilpin, *Remarks on Forest Scenery and Other Woodland Views, Relative to Picturesque Beauty* (London, 1791), pp. 107-108

¹⁶ HRO/2M30/669, *Remarks on the Heads of a Bill....* (1792).

¹⁷ BL/1146.i.4.(2.), *A review of the Bill now depending in Parliament* (1792), p. 20.

Keepers, and of the reluctance and resistance to see them entirely extinguished.¹⁸ Indeed, Gerald Lascelles, Deputy Surveyor of the New Forest (from 1880 to 1914), as a keen huntsman was aware that large numbers of rabbits also encouraged large numbers of foxes.¹⁹ A thriving rabbit population was, therefore, in the interest of those from both ends of the social scale.

There were also provisions in the proposed bill for dealing with the surrender of encroachments but Stone, ‘in order to prevent disputes’, recommended imposing a specified time ‘within which Cottages &c. shall be deemed Encroachments’.²⁰ This was to prevent keepers from turning a blind eye to squatters and allowing encroachments from becoming established in their walks. Mudie, writing in 1834, remarked upon ‘the many hovels, with minute patches of ground, which have been taken possession of owing to the indifference of the keepers and are now held by prescription’.²¹ As Griffin points out, encroachments and squatting were seen as causes of unimpeded depredation.²² Stone suggested to Rose, therefore, that Keepers should be compelled ‘to give Information of Incroachments’ and to ensure that if cottages were ‘completely erected’ then possession would not be allowed to develop into a long-term right.²³ Not all commentators were opposed to encroachments, however. In the seventeenth century, Evelyn had seen such infringements of the royal forest as an economic opportunity to ‘fortifie the recovery by favourable Rents, Improvements, and Reversions by Copy-hold’.²⁴ Indeed, Gilpin observed the social and moral benefits of such trespasses saying

¹⁸ Gerald Lascelles, *Thirty Five Years in the New Forest* (London, 1915), p. 61.

¹⁹ *Ibid.*

²⁰ HRO/2M30/669, *Remarks on the Heads of a Bill...*(1792).

²¹ Robert Mudie, *Hampshire: Its Past and Present Condition and Its Future Prospects* (London, 1838), p. 305.

²² Carl J. Griffin, ‘Squatting as Moral Ecology: Encroachment and ‘Abuse’ in the New Forest, England’ in *Moral Ecologies: Histories of Conservation, Dispossession and Resistance*, ed. by Carl J. Griffin, Roy Jones, Iain J. M. Robertson (New York, 2019), p. 252.

²³ HRO/2M30/669, *Remarks on the Heads of a Bill...*(1792).

²⁴ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions* (1670), p. 213.

that, ‘and yet in some circumstances, these little tenements (incroachments as they are, and often the nurseries of idleness) give pleasure to a benevolent breast’.²⁵

According to Gilpin encroachments also provided the prospect of ‘habitations of innocence and industry’ and the means of providing for a large family with ‘ease, and comfort’; and he was pleased with the idea of ‘so much utility and happiness, arising from a petty trespass on a waste, which cannot in itself be considered an injury’.²⁶ Likewise, others saw encroachments as a route to agricultural improvement, albeit on a modest scale. Even Stone believed that once it was established as private property the land encroached upon ‘however poor’, would soon ‘from the exercise of industry and diligence become a garden’.²⁷ Stone’s general observations on the new bill, however, advised caution. He noted that the proposed Act ‘would cause so great a Change in the management of the Forest’ and thought that ‘too great Care cannot be taken in making all provisions clear’. This, he believed, would be necessary ‘for the protection of the Forest, as well as the benefit of the Inhabitants’. Stone recognised that the proposals contained in the bill were radical and would need to be effectively communicated in order to prevent a repeat of the opposition that had previously occurred with the last version of the bill. He was concerned that the impacts of the bill would not be properly discussed in Parliament and expressed doubt about whether there was ‘sufficient time for considering and digesting the Heads of the Bill before the conclusion of the present sessions’.²⁸

St. John had also previously recommended caution regarding changes to the ‘forests, chaces, parks, warrens, and wastes, in England and Wales’. Prior to any enclosure and improvement of the wastes and the allocation of allotments to the Crown, he had advised that ‘many steps must be taken to gain information on the subject’. He had also urged that ‘above

²⁵ Gilpin, *Remarks on Forest Scenery* (1791), p. 46.

²⁶ *Ibid.*

²⁷ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), p. 19.

²⁸ HRO/2M30/669, *Remarks on the Heads of a Bill....* (1792).

all things' great care ought be used to render the changes to the wastes 'palatable to the principal proprietors, and popular in the country'.²⁹ Stone was confident with the new bill, however, and stated that if his recommendations were approved by the Lords of the Treasury and by George Rose, 'I may venture to inform you it will go down with the Gentlemen of the Country and a very considerable majority of the parties interested'. Stone reported that he had had conversations 'with several of them upon the subject', during which he had outlined the proposals contained in the new bill and their responses indicated that 'they seem very much to approve'.³⁰ This outcome strongly suggests that the emphasis of the bill had changed from a public benefit to a private gain because Stone was emphasising the advantages to the landowners, rather than to the nation.

Stone, nevertheless, saw complications with the practicalities of the bill and asserted that the 'most powerful difficulty' in carrying the bill into execution, would be

...surmounting the Prejudices, which the shortsighted Farmers in the Country will infuse into the Proprietors of Estates having common rights, who, and their Agents may be incompetent to form a true opinion upon the subject; and the objections however futile which will be diffused about, by certain persons who are unquestionably interested in the Forest remaining in the present state.³¹

This was Stone commenting as an agricultural improver and expressing his frustration at the lack of modernising vision among some of the commoners and proprietary landowners. He was also accusing the land agents of being unprofessional and inept. The new proposals for the Forest were a clear departure from traditional forms of management that were intended to be led by entrepreneurial private landowners. Advocates of agricultural improvement considered traditional practice to be antithetical to progress where 'Men are led by custom in chains; and

²⁹ St. John, *Observations* (1787), p. 117.

³⁰ HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 22nd October, 1792.

³¹ *Ibid.*

in instances without number are fettered against their interest.³² Agricultural writer, William Marshall, despaired of the farmers who had,

risen from servants of the lowest class; and having never had an opportunity of looking beyond the limits of the immediate neighbourhood of their birth and servitude, follow implicitly the paths of their masters. Their KNOWLEDGE is of course confined; and the SPIRIT OF IMPROVEMENT deeply buried under an accumulation of custom and prejudice.³³

According to Wilmot, the contemporary, enlightenment literature challenged the deference due to the older generation of farmer and instead encouraged authority to become vested in agriculturalists with qualifications and professional training.³⁴

The idea of progress had consequences for the pastoral communities that relied upon and maintained established customary practice and generational knowledge, the replacement of which often represented their immiseration and displacement. Thus, many of the commoners preferred to preserve the old ways. Progress represented inconceivable change to those living in the Forest where the concept of private property, which was the premise for the proposed new legislation, was alien to many of them. Indeed, Mitford had observed in a letter to Rose that ‘none of the common people, and not a keeper in fifty has any idea of the distinction between the king’s land and private property within the bounds of the [New] Forest’.³⁵

In his letter to Rose, Stone declared that he would ‘undertake, if required, professionally to combat every objection to the plan I have the honour to propose’. He also proposed to make further preparations and calculations, ‘before a meeting of the parties Interested can be called, which I will (if necessary) attend’.³⁶ Here, Stone implies that his expertise would enable him

³² Henry Home, *The Gentleman Farmer, Being an Attempt to Improve Agriculture by Subjecting It to the Test of Rational Principals* (Dublin, 1776), p. 27.

³³ W Marshall, *The Rural Economy of the West of England* (London, 1796), p. 106.

³⁴ Sarah Wilmot, *The Business of Improvement: Agriculture and Scientific Culture in Britain, C.1700-C.1870* (History Geography Research Series, November 1990), p. 5.

³⁵ HRO/2M30/669, 'Letter to George Rose from William Mitford, 1796' (Hampshire Record Office, Winchester).

³⁶ HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 22nd October, 1792.

to influence opinion, and that the collection and analysis of additional data would be a key factor in achieving agreement and support for the proposals of the bill. In order to fulfil his plan, Stone stated that he was ‘endeavouring to procure a list of all the common rights upon the Forest’, which he believed was a fundamental step towards success. He flattered himself by saying, ‘I shall succeed in a little time’.³⁷ (This may have been a reference to the Register of Claims that was produced in 1792 and discussed in the previous chapter.)³⁸ Stone also revealed that he had been made aware of ‘a probable objection’ to the scheme, which would arise from proprietors with common rights whose estate were located away from the Forest.³⁹

Those entitled to exercise common rights upon the New Forest were not necessarily resident there. Lewis observes that some manors claiming forest rights for themselves and their tenants were situated close to the Forest while others were located further from the bounds.⁴⁰ The Dean and Chapter of Salisbury, for instance, claimed ‘all tythes of all things New Forest’; while Winchester College claimed rights, which included turbary and ‘free hunting’.⁴¹ When dealing with proprietors with property outside of the New Forest perambulation, Stone felt that giving them a portion of land in the part of the Forest nearest to their estates would be all that could possibly be expected and would apply ‘in a considerable Number of Cases, very desirably for the Parties Interested’.⁴² Since the New Forest Timber Bill 1792 had been lost, however, Stone predicted that those with interests in the Forest had ‘exercised their thinking Faculties’ and had estimated the probable value of their rights; he observed that ‘they may be

³⁷ *Ibid.*

³⁸ TNA/F20/51, ‘Survey of the Commoners and Common Rights in the New Forest with Details of Horses, Cattle and Swine in the Forest’, 1792, (The National Archives, Kew).

³⁹ HRO/2M30/669, ‘Letter to George Rose from Thomas Stone, 22nd October, 1792.’

⁴⁰ Percival Lewis, *Historical Inquiries, Concerning Forests and Forest Laws* (London, 1811), p.84.

⁴¹ *An Abstract of All the Claims on the New Forest, in the County of Southampton, Entered at the Lord Chief Justice in Eyre’s Court, Adjourned from the Swainmote Court, Held at Lyndhurst, the 27th of June, in the Twenty-Second Year of the Reign of King Charles II and Held at Winton, the 29th Day of September, 1670* (Salisbury, 1773), p. 131.; *Ibid.* pp. 151-52.

⁴² HRO/2M30/669, ‘Letter to George Rose from Thomas Stone, 22nd October, 1792’.

prepared to oppose whatever appears to them an Innovation of them'.⁴³ He was warning Rose that, as he believed it, the holders of common rights would have realised the value of their rights and would not be prepared to change or revise them if they thought that they would be disadvantaged in the process.

Stone also echoed the findings of the Middleton Commissioners, who had complained in their *Third Report* of the 'jarring of interests' in the New Forest, whereby the improvement of some residents would be to the detriment of others.⁴⁴ He considered the New Forest 'in no other light than as a very extensive Common' that he felt was not being used to the best of its ability and in which 'there are various Interests of divers Descriptions, clashing with each other in different Ways'.⁴⁵ Stone insisted that a majority of landowners would support the proposals contained in the new bill if the clash of interests could be resolved, by saying that 'each Party are desirous of ascertaining, and Improving, of their respective Interests as far as they are capable'.⁴⁶ By referring to the Crown lands in the New Forest as a common and drawing attention to the support of the majority of landowners, Stone was also alluding to the acts of enclosure that had been accomplished elsewhere by formal agreement among all the parties with interest in the land. In order to resolve these differences, Stone suggested that 'an Object of the first Importance' should be that the respective interests in the soil should be estimated 'by competent Judges, and afterwards divided'.⁴⁷ This was a suggestion that would have found favour with the agricultural improvers, such as Young, who had long lamented the uncultivated state of the New Forest and wanted its wastes divided, sold, and inclosed.⁴⁸

⁴³ HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 14th November, 1792' (Hampshire Record Office, Winchester).

⁴⁴ Middleton, Call, and Fordyce, *The Third Report* (1788), p. 6.

⁴⁵ HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 14th November, 1792'.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Young, *Annals of Agriculture* (1792), p. 586.

After the land was divided, Stone felt that ‘the respective Shares of the Lands’ would be ‘cultivated in Ways most beneficial to the Proprietors, and to the Community’.⁴⁹ The Middleton Commission had discounted dividing the Forest due to the ‘great variety of different kinds of soil in this Forest’. Some parts they considered to be ‘extremely valuable’, while others were deemed ‘hardly fit for cultivation’.⁵⁰ This was an important observation as, Chambers and Mingay suggest, the fertility of the soil is the main constituent for the farmer’s capital.⁵¹ Indeed, William Marshall declared that ‘the Soil is the Farmer's Cash-book, and every Crop he takes is a draught on his Banker’.⁵² In order to achieve a higher level of agricultural productivity the soil must be able sustain a greater demand upon its nutrient levels. For the New Forest the poor productivity of its soil has been a long debated (and often contentious) issue, emanating directly from its creation as a royal forest. Lewis believed that William the Conqueror had specifically chosen to create the New Forest where he did because it was an area devoid of people due to the inferiority of its soil for agricultural purposes, but with a habitat and topography suited to supporting wildlife, game and beasts of the chase in particular. He observed that, while in some parts of the Forest were suitable for the production of timber ‘the surface of it in general is poor and hungry, and never could have admitted, (even if the times would have allowed it) of any high degree of cultivation’.⁵³

Geologically, the landscape is situated in the syncline or downward fold in the chalk formation known as the Hampshire Basin. Streams and tributaries of two rivers provide drainage but are often hampered by low gradients and glacial deposits, which maintain a high-water table making bogs and valley mires characteristic of the area. Indeed, Gilpin declared

⁴⁹ HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 14th November, 1792'.

⁵⁰ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 30.

⁵¹ J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750-1880* (London, 1978), p. 1.

⁵² William Marshall, *Minutes of Agriculture; with Experiments and Observations Concerning Agriculture and Weather* (London, 1783), p. 134.

⁵³ Lewis, *Historical Inquiries* (1811), p. 47.

that ‘these in some places are very extensive’.⁵⁴ Stone persisted with his evaluation and explained in his correspondence to Rose that his reasons for proposing a division and inclosure of the Forest were several. First, he felt that this approach would be the only way that ‘a general Drainage be promoted’, which could not otherwise be accomplished. Furthermore, Stone reported that the Forest was ‘in its present state is unfit for planting Oaks, or producing wholesome Herbage’.⁵⁵ Thomas Nichols, Purveyor of the Navy, had also commented on the ‘flat and swampy lands’ of the New Forest and of the detriment of having ‘the roots of trees being chilled or soaked in water’, recommending that the woods or plantations should be ‘immediately drained’.⁵⁶ In his report to the Earl of Chatham, First Lord of the Admiralty, written in 1791, Nichols had stated that the Forest consisted of ‘a great variety of soils’, and recommended choosing ‘spots and situations’ where the soil was ‘most congenial for the growth of trees’ and for the creation of inclosures; believing that ‘Oaks flourish best and grow the quickest in rich, deep loamy soil’.⁵⁷

Not only were there a great variety of soils in the New Forest but the land was also subject to rights of common. Thus, Stone’s second reason for a division and inclosure of the forest was due to his assertion that ‘Land in a State of Common is unproductive to the Occupiers’.⁵⁸ This was a view frequently expressed by the advocates of inclosure, where it was observed that in ‘some parts of North-Britain, and in very many of South-Britain’ commons were allowed to continue. This permitted the ‘old habits which men have formed from

⁵⁴ Gilpin, *Remarks on Forest Scenery* (1791), p. 56.

⁵⁵ HRO/2M30/669, ‘Letter to George Rose from Thomas Stone, 14th November, 1792’.

⁵⁶ Nichols, *Observations* (1791), pp. 6-7.

⁵⁷ *Ibid.*, pp. 21, 41. NB: Nichols provided this same information to the Middleton Commission. Middleton, Call, and Fordyce, *The Fifth Report* (1789), pp. 90-92. Appendix 24: The Examination of Thomas Nichols, Gentleman, Purveyor of Portsmouth Dock Yard, and One of the Regarders of the New Forest; taken on Oath the Twenty-fifth Day of November 1788.

⁵⁸ HRO/2M30/669, ‘Letter to George Rose from Thomas Stone, 14th November, 1792’.

generation to generation' and made it impossible for such 'illiterate or unthinking' men to change their 'bad habits', even when they were 'disgraceful and hurtful to themselves'.⁵⁹

Stone's third reason was that in 'preventing a Mixture of Interests, the Property of the Crown as well as that of Individuals can be kept more inviolable'. He believed that, in 'promoting of the Interests of the State in the Production of Oak Timber for the Navy now to be planted', the long-term view ought to be taken.⁶⁰ (Young had recommended 'ten generations of man to perfect it for navy timber'.)⁶¹ Stone predicted that the interests in the Crown property would, either in the course of a century or before the timber planted had had the chance to grow tall enough, 'fall into Weak Hands as well as strong ones'; therefore, officers might not defend the growing timber from the 'hungry Commoners Cattle' or from the commoners themselves, who 'will be ever in all parts awake and restlessly pursuing the Means of Incroaching'. The situation could be avoided, Stone believed, by 'a General Division', which would separate the interests of the Crown from those of the commoners.⁶² However, this was not as easy to achieve as it seemed.

While the Middleton Commissioners had recommended 'a complete Division and Separation of Rights' for the Forest of Dean, this had been done because 'the Rights of the Crown and of the neighbouring Inhabitants, and Officers of the Forest' had been distinctly ascertained by Charles II, 1667 & 1668: An Act for the Increase and Preservation of Timber within the Forest of Deane.⁶³ In the New Forest there had been no such distinction made in the division of customary rights. In their *Fifth Report*, the Commissioners stated that their reasons for not suggesting a division and separation of the New Forest was due to the rights of the

⁵⁹ Bryce Johnston, 'Survey of the County of Dumfries', in *Letters and Papers on Agriculture, Planting, &C. Selected from the Correspondence of the Bath and West of England Society, for the Encouragement of Agriculture, Arts, Manufactures, and Commerce* (Bath, 1796), p. 155.

⁶⁰ HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 14th November, 1792'.

⁶¹ Young, *Annals of Agriculture* (1792), p. 581.

⁶² HRO/2M30/669, 'Letter to George Rose from Thomas Stone, 14th November, 1792'.

⁶³ Middleton, Call, and Fordyce, *The Third Report* (1788), p. 10.

commoners being much more extensive than in other royal forests. Not only did they have pasture and pannage rights, but the New Forest commoners also had their fuel rights, preserved ‘by the Act of William III’ (New Forest Act 1698 (9 & 10 Will. III. c. 36)); and the Commissioners believed that the commoners would be ‘unwillingly to part with them at any reasonable price’.⁶⁴ Therefore, the Commissioners had not seen the point of attempting it. This did not deter Stone, and his fourth reason for favouring a division and inclosure of the New Forest was that ‘Timber may be as easily raised upon fresh Spots being adapted for its Production, upon which no Timber is now growing’; and that in a new bill ‘a Clause might be introduced to secure the Preservation of that, which is now growing for the Use of the Navy’.

His fifth, and final reason, was that the cultivation and improvement of ‘every Acre of Land in this small Island to the utmost extent’ would be preferable ‘to the acquisition of any foreign Territory of far greater magnitude.’⁶⁵ Stone suggested to Rose that if doubt was entertained about the nature and extent of the common rights in the New Forest, the claims would be assessed by judges of the commoners’ own choosing, ‘who in all Questions of legal Extent, shall be impowered to take the Opinions of the most experienced Lawyers of the Age, and to adopt them. Thus, Stone remained ‘perfectly convinced’ that a general division and inclosure of the New Forest would be ‘as easily Effected as any other Inclosure which dayly occur where there are a variety of mixed Rights’.⁶⁶ Stone was adamant that the inclosure and division of the New Forest was the way forward and stated that ‘if I was to enumerate all the Circumstances which appear to me to coincide and lead towards an equitable Division of the Open Land in the New Forest, I should file a large Volume’. He was, at the same time, ‘too well acquainted with the Characters of those to whom I have the Honour to address myself’, and he did not suppose ‘for a Moment, that after my opinion has been required, and given, it

⁶⁴ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 30.

⁶⁵ HRO/2M30/669, ‘Letter to George Rose from Thomas Stone, 14th November, 1792’.

⁶⁶ *Ibid.*

would be excusable in me that I should depart from the smallest point of it against the Conviction of my Mind'.⁶⁷ He was, therefore, ideally placed, both intellectually and ideologically, to promote the scheme for the division and inclosure of the New Forest to a public audience.

A series of public meetings

At the end of November and beginning of December 1792, advertisements appeared in the *St. James's Chronicle and General Evening Post*, and *The Salisbury and Winchester Journal*. These gave notice of a series of public meetings that were for the purpose of gauging the response to the proposed bill and for hearing observations from among those 'claiming or enjoying rights and interests in the New Forest'. The bill was presented as being 'For the further increase and Preservation of Timber within the New Forest, in the County of Southampton and for the Sale of Rents and the Enfranchisement of Copyhold Tenements in the said Forest, *and for other Purposes*'; and people interested in the bill and its proposals were invited to meetings in Ringwood, Lyndhurst and Christchurch.⁶⁸ On 13th December 1792, Francis Webb, a surveyor from Salisbury, sent a 'copy of abt [*sic*]10 Letters to Gentlemen having Commonage in the New Forest', which proposed their own, separate meeting on the 18th December 1792 'to consider of and form the proper proposals to be made by them agreeable to the above advertisement'.

The letter was copied to William Mitford, Hans Sloane, Edward Morant, John Compton, Perceval Lewis, the Earl of Ilchester, Edward Hooper, Sir Edward Hulse, Sir Charles Mill, the Earl of Shaftesbury, Joseph May, John Eyres, and Henry Hoyle Oddie for the Duke of

⁶⁷ *Ibid.*

⁶⁸ 'New Forest', *St. James's Chronicle or the British Evening Post*, November 27, 1792 - November 29, 1792. ; 'New Forest', *General Evening Post*, December 8, to December 11, 1792.; 'New Forest', *The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset*, Monday, December 3, 1792.

Beaulieu.⁶⁹ These were men with significant landed interests and were also proprietors of commonage in the New Forest. Webb enclosed proposals to them that he thought to be a ‘much more equitable & eligible plan than that of the Bill brought into the last sessions’; and he assured his correspondents that ‘this would give scope to the fullest improvements of the Property of every Person having claim in the Forest as well as the Crown’.⁷⁰ Webb’s mediation cannot be considered to be disinterested however. He had been employed by Lord Malmesbury and in 1781 had been given the tenancy of a house in The Close, Salisbury (within the precincts of Salisbury Cathedral), which was owned by Malmesbury.⁷¹ Malmesbury had been a strident opponent of the New Forest Timber Bill 1792 and had even signed the petition against it, which had caused it to be lost in the House of Lords.⁷²

The proposals circulated by Webb were in a pamphlet entitled *A Friend to Improvements, With Due Deference, Submits the Following Hints, to Those Who Would Be Interested In A DIVISION and INCLOSURE of this LARGE FOREST* (subsequently referred to as *The Hints*). This document announced that it was ‘founded on liberal principles’ and set out fourteen proposals. Foremost it was stated that ‘it would be of public as well as private Benefit, if this Forest were properly divided and allotted’ and that ‘for this Purpose, a public Act of Parliament, would be better than a private Act.’⁷³ Seeking a Public Act had certain tactical advantages. Private Acts of Parliament, for instance, were introduced by a private member and were drafted to pass powers or benefits to individuals or corporate bodies. Their scope was essentially local in impact and they were dealt with by Select Committees. Public

⁶⁹ HRO/7M54/544/1, 'Letter from Francis Webb to Gentlemen Having Commonage in the New Forest, 13 Dec, 1792' (Hampshire Record Office, Winchester).

⁷⁰ *Ibid.*

⁷¹ Royal Commission on Historical Monuments, *Salisbury: The Houses of the Close* (H.M. Stationery Office, London, 1993), p. 102.

⁷² HRO/2M30/669, 'Rose Estate - Letter from Petitioners' (1792).

⁷³ HRO/7M54/544/2, *A Friend to Improvements, with Due Deference, Submits the Following Hints, to Those Who Would Be Interested in a Division and Inclosure of This Large Forest* (1792), (Hampshire Record Office, Winchester).

Acts of Parliament, however, were regarded to be much more important, as they were part of government business, applied to the general public and reflected national concerns. This was demonstrated by Public Acts usually being considered by Committees of the Whole House.⁷⁴ Crucially, as government controlled the parliamentary timetable, Public Acts were also given priority over other legislative forms.

The Hints recommended that three commissioners be appointed. One was to be chosen by the Crown, one by the landowners and another chosen jointly, who were to operate by a majority decision and would be sworn in to ‘execute their Trust faithfully, impartially, and honestly, according to the best of their Skill and Judgement’. This was to ensure a degree of impartiality in the management of the Forest and to guarantee that knowledgeable and informed men would oversee its development. It was also a reflection of the desire for ‘liberal principles’ that preferred a laissez-faire system of governance, rather than supporting institutional authority. The commissioners would be required to set out for the Crown those parts of the New Forest ‘as are now best covered with Timber, and such Parts as are most proper for raising Timber’, which, in their judgement, would be equal in value to the rights of the Crown; ‘duly considering the Rights of the Commoners within the said Forest’, which was to include the 6,000 acres already set for inclosure (as permitted by New Forest Act 1698). Thus, *The Hints* was attempting to protect the interests of the commoners alongside those of the Crown.

The commissioners were also to be given the power to set out roads throughout the Forest and ‘do such other Acts as would be necessary, between the Crown and the Land-Owners’.⁷⁵ This was a clear contradiction to the recommendations of the Middleton Commissioners, who had asserted that roads, and other infrastructure, such as housing and buildings, would be prejudicial to public interests, by turning the wildness into habitation; even

⁷⁴ P.D. G. Thomas, *The House of Commons in the Eighteenth Century* (Oxford, 1971), p. 58.

⁷⁵ HRO/7M54/544/2, *A Friend to Improvements....Hints* (1792).

Arthur Young, who was an advocate for inclosure, had believed that too much ‘civilisation’ would be detrimental to timber production.⁷⁶ *The Hints* recommended that ‘proper Regulations should be pointed out by the said Act’, as well as by the direction of the commissioners, ‘as to the Timber now standing on the Residue of the Forest’, which the Government ‘might sell to the Persons to whom the Land on which it grows may be allotted’; or, alternatively, the Government might ‘fell it, and take it for their own Use, at all seasonable Times, within ten Years after the passing of the Act’. By these measures the interests of the Crown in the timber growing in the New Forest would be time-limited by statute. This suggests that *The Hints* were aimed at the agricultural development of the New Forest rather than the increase and preservation of naval timber, because after the time limit expired there was no duty to plant more trees.

The ancient laws governing the New Forest and guarding the vert were also to be rescinded, although commonage was to remain protected. When setting out the allotments to the Crown, the commissioners were to ensure that sufficient land was left ‘as equally convenient as may be’ for the commoners. Also, once the shares were allotted to the Crown, and the public roads were set out, the residue of the Forest was to be left to those having rights of common, which was to be ‘free and clear from the Forest Laws’.⁷⁷ As, Langton points out, as a remnant of ‘feudal slavery’ forest law negated the whole modernising ethos.⁷⁸ Indeed forest law, as Tubbs observes, while abused, circumvented and reinterpreted, had actually managed to restrain, even if it did not wholly prevent, the expansion of farmland and settlement at the expense of wilderness.⁷⁹ By the removal of forest law, *The Hints* gives a clear indication that its primary purpose was the large-scale agricultural and economic development of the area.

⁷⁶ HL/PO/JO/10/2/65B, *New Forest Timber Bill* (1792).; Young, *Annals of Agriculture* (1792), p. 578.

⁷⁷ HRO/7M54/544/2, *A Friend to Improvements....Hints* (1792).

⁷⁸ John Langton, 'Forests in Early-Modern England and Wales: History and Historiography', in *Forests and Chases of England and Wales, C.1500 - C. 1850: Towards a Survey and Analysis*, ed. by John Langton and Graham Jones (Oxford, 2008), (p. 3).

⁷⁹ C. R. Tubbs, *The New Forest* (2001), p. 60.

The Hints also suggested that ‘proper Provision should be made as to the Poor, Highways, &c. respecting the Parts so to be allotted to the Crown’ by creating it as a new parish’.⁸⁰ The unenclosed areas of the New Forest were entirely extra-parochial wherein the poor had no support from the Poor Laws but had to rely on whatever the Forest offered.⁸¹ The creation of a parish would signify development; which, according to Snell, would also have enabled the protection of local resources against ‘foreigners’, outsiders, out-townsmen, squatters or the depredatory poor of surrounding parishes, enforcing by-laws regulating who had a right to communal resources.⁸² Once the Crown had received its allotted acres, the division of the residue of the New Forest was to be made between the commoners, and was to be accomplished by the commissioners, who were to take an oath to ‘act justly between the Commoners’. The divided residue was then to be ‘inclosed under proper Regulations’ and ‘enjoyed in common by the Persons within each respective Parish only’.⁸³

This particular section of *The Hints* is concerned to ensure that fairness and justice were observed in the allocation of inclosures between the Crown and the commoners, and also to prevent the exercise of common rights by those not entitled to them. Provisions were also to be made for the improvement of the inclosures and ‘for the proper Stocking or Depasturing of the same’, through the regulation of allotments.⁸⁴ This suggests that the ideas for agricultural improvement were being considered by the landowners of the New Forest, particularly in the management of livestock. One of the criticisms of the commonable system was that cattle were able to intermingle ‘promiscuously’, the strong with the weak, the good with the bad, and the

⁸⁰ HRO/7M54/544/2, *A Friend to Improvements....Hints* (1792).

⁸¹ K.D.M. Snell, *Parish and Belonging: Community, Identity and Welfare in England and Wales, 1700–1950* (Cambridge, 2006), p. 380.; Carl J. Griffin, 'Resistance, Crime and Popular Cultures', in *Forests and Chases of England and Wales, C.1500 - C. 1850: Towards a Survey and Analysis*, ed. by John Langton and Graham Jones (Oxford, 2008), (p. 49).

⁸² Snell, *Parish and Belonging* (2006), p. 40.

⁸³ HRO/7M54/544/2, *A Friend to Improvements....Hints* (1792).

⁸⁴ *Ibid.*

healthy with the sick.⁸⁵ Thus, if a majority of commoners, possessing ‘Four-fifths of the Lands in any Parish’ and wanting to have the share ‘divided in Severalty, and inclosed’, were to write to the commissioners such a request could be granted by them, ‘as is done in the common Course of Inclosures’.⁸⁶

Furthermore, Webb added in his letter to ‘the Gentlemen having Commonage in the New Forest’ that the New Forest Timber Bill 1792 would not have improved the unenclosed lands, because ‘it would not be worth while for any Commoner or set of Commoners to be at the expence of improving lands which the very next year might be inclosed for the Crown’.⁸⁷ This explains the motive for dividing and inclosing the New Forest, as proposed in *The Hints*. Separating the interest of the landowners from those of the Crown would protect the landowners’ property rights, particularly if they were to invest in improving the wastelands. Webb informed his correspondents that he intended to be at the Crown, in Lyndhurst, early on the 18th December 1792 and would also attend the meeting in Ringwood on the following day on behalf of ‘Lord Malmesbury and my other employers’.⁸⁸ Further advertisements appeared in the newspapers, at the end of December 1792, which informed readers of a change in the public meeting dates.⁸⁹ This was due to the ‘expected Absence’ of several members of Parliament, who were ‘interested in the proposed New Forest Bill’, and the meetings with local land owners, which had been scheduled for late December 1792, were postponed until early in January 1793.⁹⁰

⁸⁵ J. M. Neeson, *Common Right, Enclosure and Social Change in England: 1700-1820* (Cambridge, 1996), p. 124.

⁸⁶ HRO/7M54/544/2, *A Friend to Improvements....Hints* (1792).

⁸⁷ HRO/7M54/544/1, ‘Letter from Francis Webb’ (1792).

⁸⁸ *Ibid.*

⁸⁹ ‘New Forest, Notice Is Hereby Given’, *General Evening Post*, December 18, to December 20, 1792.; ‘New Forest, Notice Is Hereby Given’, *St. James’s Chronicle or the British Evening Post*, December 22, 1792 - December 25, 1792.; ‘Notice Is Hereby Given’, *The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset*, Monday, December 17, 1792.

⁹⁰ *Ibid.*

Francis Webb wrote another letter as ‘Agent to Lord Malmesbury and others’, dated 20th December, 1792, which was copied to Mr (James) Mowbray, Mr (Thomas) Robins, Sml (Samuel) Cleveland, Mr (Isaac) Pickering & the Rev Mr (Richard) Burleigh, all of whom had interest in property and common rights within the Forest. In his letter Webb acknowledged that although a meeting with Lord Malmesbury, ‘or any Person authorized to act for him in the New Forest business’, had been requested by William Mitford and ‘several other Gentlemen’, it would not be necessary for them to meet until the 4th January 1793 (one of the rescheduled dates from the previously postponed meetings).⁹¹ Webb advised his correspondents that at this meeting it was expected that the agents of the Crown would ‘give the Proprietors of Commonage a Sketch of their intended plan’ and furthermore, Webb hoped that a method of putting the plan into effect ‘will be adopted at this meeting so as to meet the wishes of the Crown and the Proprietors’. Webb had already met with Sir Charles Mill, and his Steward, Mr Serle of Winchester, and he told his correspondents that it was their intention to be early to the meeting on the 4th January 1793.⁹² This last notification implies that while they were willing to convene before the meeting, some form of settlement by the more powerful landowners had already reached agreement.

Webb also informed his correspondents that ‘having last spring obtained a Copy of some Hints’, which had been submitted to ‘those who are interested in the New Forest’, his employers had thought them worth some attention and he stated that ‘I sent Mr Mitford and some other Gentlemen a Copy of them and inclose you the like (since printed) for your perusal previous to the meeting the 4th’.⁹³ Clearly, if Webb had obtained a copy in the spring of the previous year, *The Hints* must have been devised about the same time the proposals for the

⁹¹ HRO/7M54/544/5, 'Letter from Francis Webb, Agent for Lord Malmesbury and Others – 20th December 1792' (Hampshire Record Office, Winchester).

⁹² *Ibid.*

⁹³ *Ibid.*

New Forest Timber Bill of 1792 were being introduced into Parliament. While they had initially been handwritten, *The Hints* had been subsequently been printed, which would have enabled a much wider and increased circulation. (Unfortunately, there is no indication of the identity of the author). Certainly, the publication must have been in the possession of Malmesbury, and Webb's other employers, before the petition that ended the New Forest Bill 1792 was presented to Parliament. On 21st January 1793, an extract of a letter from Winchester was published in the *London Chronicle*, which stated that there had been,

On Saturday sen'night the fullest meeting of gentlemen who have property in the New Forest, at the Crown Inn, at Lyndhurst, that was ever known on any occasion, for the purpose of considering some of the provisions of a bill intended to be submitted to Parliament in the next season.⁹⁴

At this meeting, George Rose presided in his role as a Verderer. He opened the business by outlining the points that were considered to be 'most important of the parties interested', which included the enclosing of 14,000 acres of land, in addition to the 6,000 acres of land already approved by the New Forest Act 1698; the removal of the deer or their restriction to one or more parks within the Forest; and, the destruction of the rabbits 'with which it swarms to the prejudice of the pasture'.⁹⁵

The meeting was informed that the deer numbered between 10,000 to 12,000 and that the 'horned cattle' only numbered 6,000 'at any one time', which meant that reducing or eliminating the deer would be of advantage to the commoners because they would not out-compete the livestock for grazing. Accordingly, the proposals to introduce the bill,

led to so strong a demonstration of the advantage the owners of the land and their tenants must derive from the measure, that there was a perfectly cordial and unanimous approbation of it expressed.⁹⁶

⁹⁴ 'Extract of a Letter from Winchester, Jan 21', *London Chronicle*, January 24, 1792 - January 26, 1792.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

Curiously, although these measures were alleged to have received support from landowners and their tenants, no further legislation was presented to Parliament. Nothing is mentioned in the procedures of the House of Commons or the House of Lords regarding the resurrection of a new New Forest Timber Bill at this time.⁹⁷ The precepts of this debate, however, would be particularly relevant to the clauses contained in the New Forest Deer Removal Act 1851 (1.4 & 15 Vict), which reiterated the terms of the New Forest Act 1698 and ordered the removal of deer from the Forest within two years.⁹⁸ The belief that the eradication of deer would compensate the commoners for loss of grazing from timber inclosures prompted what Gerald Lascelles termed an ‘official jihad’, whereby deer were ‘hunted, netted, shot, persecuted, and destroyed’.⁹⁹ In giving up its interest in the venison, the Crown, instead, took up took powers for silvicultural enclosure ‘on a hitherto unprecedented scale’.¹⁰⁰

Making the New Forest into a Real Forest

In 1793, the Rev. Philip Le Brocq published *Outlines of a Plan for Making the Tract of Land Called the New Forest A Real Forest of the First National Importance*, which was submitted to the ‘Consideration of the British Legislature and Nation’.¹⁰¹ In this treatise the issue of a timber shortage would be discussed in terms both of moralistic patriotism and rational enlightenment, which regarded the ancient aspects of the New Forest’s management and its traditional practices to be antithetical to the public good. It was also a repudiation of the measures and proposals set out by Francis Webb and also contained in *The Hints*, which had focused on the benefits to landowners and their properties and not the nation and the production

⁹⁷ Extensive searches in the Parliamentary Archives have been unsuccessful, which suggests that the bill possibly did not even get to a first reading and certainly not a second.; nor is there any mention of the bill in Julian Hoppit (ed.), *Failed Legislation 1660-1800: Extracted from the Commons and Lords Journal* (London, 1997).

⁹⁸ Heywood Sumner and G F Le Pard (ed.), 'The New Forest Deer Removal Act, 1851, and Afterwards', *Proceedings Hampshire Field Club & Archaeological Society* (1999).

⁹⁹ Lascelles, *Thirty Five Years* (1915), p. 181.

¹⁰⁰ C. R. Tubbs, *The New Forest* (1968), p. 42.

¹⁰¹ Rev. Philip Le Brocq, *Outlines of a Plan for Making the Tract of Land Called the New Forest a Real Forest, and for Various Other Purposes of First National Importance* (London, 1793), p.1.

of naval timber. Le Brocq was domestic chaplain to the Duke of Gloucester, Lord Warden of the New Forest, who was a younger brother to George III. Gloucester had replaced the Duke of Bedford, as Lord Warden, on his decease in 1771. He was not as interested in the business of the Forest as had been his predecessor, though he did perform some of the ceremonial duties attendant on the post, for instance, by greeting George III on his visit to Lyndhurst in 1789.¹⁰²

Le Brocq's purpose in writing was to address the 'alarming scarceness of naval timber' and to suggest a plan for 'the gradual and extensive increase of oak and other useful timber in the New Forest'.¹⁰³ He pointed to the 'fair claims of individuals', which he felt were 'at present, an obstacle to the adoption of a plan for so useful a purpose' as increasing the growth of naval timber, and recommended that the rights in the New Forest 'ought to be fully allowed and liberally removed and annihilated'.¹⁰⁴ Le Brocq felt his suggestions were formed 'from patriotic motives' and recommended them 'to the serious attention of the British Parliament'.¹⁰⁵ He was writing with the zeal of a clergyman, and also as an enlightened improver, who felt that horticulture was 'a most delightful and rational amusement, and of the greatest utility to Mankind'.¹⁰⁶ This belief had been demonstrated in his plans, in 1780, for a seminary in the New Forest, at Ashley Hill, that intended to develop each pupil into 'a complete scholar, a real gentleman, and a sincere Christian'.¹⁰⁷ As well as the usual accomplishments and physical exercises, his pupils were to be taken into the New Forest to view 'beautiful spots' and to conduct 'surveys of the circumjacent country', measure the roads, ascertain the 'dimensions of timber'; collect plants, fossils and other items of interest; and analyse 'clays, earths and

¹⁰² 'Thursday, June 25th', in *Diary and Letters of Madame D'arblay: 1789-1793* (London, 1843), (p. 28).

¹⁰³ Rev. Philip Le Brocq, *Outlines of a Plan for Making the Tract of Land Called the New Forest a Real Forest, and for Various Other Purposes of First National Importance* (London, 1793), p.1.

¹⁰⁴ *Ibid.*, p. 2.

¹⁰⁵ *Ibid.*

¹⁰⁶ Rev. Philip Le Brocq, *A Description with Notes of Certain Methods of Planting, Training, and Managing All Kinds of Fruit-Trees, Vines, &C.* (London, 1786), p. 3.

¹⁰⁷ *General Reference Collection Cup.21.G.36/8 a Prospectus for Philip Le Brocq's Academy* (1780), (British Library).

minerals'.¹⁰⁸ This was an aesthetic, as well as a practical, approach to land management. These were the skills and intellectual pursuits that, a century before, Evelyn had hoped would be practiced by the aristocracy and social elite, when he had urged that 'the more Learning, the better Philosophers, and the greater Abilities they possess, the more and the better are they qualified to Cultivate and Improve their Estates'.¹⁰⁹

In his treatise on fruit trees, written in 1786, Le Brocq thought that through the skilful management of trees, shrubs and plants the 'natural Philosopher' would see 'the operation of the almighty and beneficent Hand working, unseen, for his good, rewarding his well directed Industry with the most luscious Fruits, and nectareous juices'.¹¹⁰ This doctrinal rhetoric continued in his plans of the New Forest; particularly as he considered its creation by William the Conqueror to be born out of 'evil', and urged 'Let us, therefore, no longer permit the evil to exist'. Instead, Le Brocq advised that in its place should be substituted a 'great and permanent good', which would 'merit the praise and thanks of posterity'.¹¹¹ He believed that addressing the timber scarcity was 'of the first magnitude' and its importance to the nation 'almost inconceivable', and felt that on the proper management of the New Forest depended 'the welfare, and the glory or ruin of this country'.¹¹² His approach to solving the timber crisis and improving the New Forest, however, was of an ethical rather than practical basis.

Le Brocq's suggestions were founded on a moral principle, and he declared that his sole motive 'was to do good; and *to do good* ought to be the sole object of a *real* patriot as well as of a *true* Christian'.¹¹³ For those, like Le Brocq, seeking progress and prosperity in the New Forest, the continuance of its medieval pastoral system prevented the implementation and

¹⁰⁸ *Ibid.*

¹⁰⁹ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, (London, 1679). 'To the Reader'.

¹¹⁰ Le Brocq, *A Description with Notes* (1786), p. 3.

¹¹¹ Le Brocq, *Outlines of a Plan* (1793), p. 3.

¹¹² *Ibid.*

¹¹³ *Ibid.*, p. 19.

development of rational systems, which they felt would transform the idle land into productive use. Le Brocq, therefore, pleaded with his readers to,

LET TRUE PATRIOTISM TRIUMPH OVER PRIVATE
INTEREST AND DEFEAT ALL SELFISH VIEWS.¹¹⁴

The selfish views were, in his mind, held by those possessing common rights, and he insisted that those rights ‘by some means or other, be fully extinguished’, which was to include anyone with rights living ‘in, near or at some distance from the Forest’.¹¹⁵

No expense was to be spared in making Britain’s navy ‘the dread of all the maritime powers of Europe’; and, he suggested a bill ought to be framed and passed ‘for the extensive propagation and progressive increase in timber’ in the New Forest. He hoped that ‘all kinds of obstacles’ that were likely to impede the passing of such a bill, would be ‘easily removed’ and that,

no motives of private interest on the part of those who have, or pretend to have, claims on the Forest, shall oppose it in its progress through both houses of parliament.¹¹⁶

This was a clear reference to the petition of Lord Malmesbury, and the others, who had successfully opposed the New Forest Timber Bill in the House of Lords, in June 1792.¹¹⁷ In making such a statement, Le Brocq was asking the commoners to place, what he thought were, their country’s needs above their own by saying that ‘a nation is of more consequence than an individual’.¹¹⁸ In return for such a sacrifice, he hoped that the legislature would ‘act in the most liberal manner towards those claimants’.¹¹⁹

His first order of business, however, was to ‘destroy, if possible, all the rabbits in the New Forest’. He did not elaborate any further as to the reasons why or the methods to achieve

¹¹⁴ *Ibid.*, p. 3.

¹¹⁵ *Ibid.*, p. 4.

¹¹⁶ *Ibid.*, p. 13.

¹¹⁷ HRO/2M30/669, *Rose Estate - Letter from Petitioners* (1792).

¹¹⁸ Le Brocq, *Outlines of a Plan* (1793), p. 19.

¹¹⁹ *Ibid.*, p. 13.

such ends because he felt that ‘the necessity is so obvious’.¹²⁰ The problem of rabbits had been identified in the Middleton Commission’s *Fifth Report*, criticised by Gilpin, and had also been complained of to the Admiralty by Thomas Nichols, Purveyor of the Navy, who declared some timber inclosures in the New Forest to be ‘entirely over-run’.¹²¹ Le Brocq endorsed many of the clauses that had been contained within the New Forest Timber Bill 1792 and urged that copyhold tenants be permitted to purchase their respective estates; an exchange of land between the Crown and individuals be allowed, if respectively advantageous to both parties; and that all possessors of manors and lands ‘within the regard of the Forest’ be able to pay the value of the timber on their estates, and ‘to be for ever’ entitled afterwards to ‘enjoy whatever shall grow on them’.¹²²

Le Brocq’s suggestions went much further though and included building a ‘circumferential enclosure, as to contain, as nearly as may be, 50,000 acres only’; and wherever a public road entered the Forest a turnpike gate was to be erected. Beside each turnpike a ‘Gate Lodge’ was to be erected, which was to be the residence of an ‘Overseer’ whose business it would be to see that no trespass was committed on the Forest, and his family would be obliged to open and close the gate when necessary.¹²³ While this did imply a certain amount of development, the suggestion endorsed the belief of the Middleton Commission that large areas of unpopulated landscape were beneficial for growing trees.¹²⁴ Le Brocq thought that the number of overseers required would be ‘at least thirty’, and those that did not have a turnpike lodge to live in would have ‘a comfortable house or cottage’ built for them in a small enclosure close to the road, so that a ‘great number of spots [would] be profitably occupied by families

¹²⁰ *Ibid.*, p. 3.

¹²¹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 26.; Gilpin, *Remarks on Forest Scenery* (1791), pp. 108-09.; Nichols, *Observations* (1791), p. 11.

¹²² Le Brocq, *Outlines of a Plan* (1793), p. 5.

¹²³ *Ibid.* NB: This idea is similar to one proposed by John Evelyn, in which that the middle of the forest would be retained as a ‘Royal portion’, but that the borders of the forests would be made over to smallholdings. Evelyn, *Sylva* (1670), p. 213.

¹²⁴ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 30.

living on the produce'.¹²⁵ This was in keeping with Le Brocq's belief in the moral and social advantages of horticulture.

The remainder of the Forest not contained within the circumferential enclosure, Le Brocq believed, should be 'exposed to sale', including all the timber growing on the land, either to those possessing adjoining estates or sold in lots 'to the highest bidder'. The proceeds of such a sale could then be used to cover the expenses of the circumferential enclosure and the interest earned on the remainder would be used to pay the salaries of the overseers of the turnpike gates.¹²⁶ Enclosure was an expensive undertaking, as had been pointed out in Hunter's edition of *Silva*, where the largest cost in establishing a timber plantation was in fencing the area designated for it.¹²⁷ But the investment was assumed to be worth it. Le Brocq recommended that all the keepers' lodges within the Forest, except those that could be used for the turnpike overseers, would be 'thrown down'; and their adjacent enclosures 'should be demolished and become part of the waste'.¹²⁸ This action would also increase the available land for sale.

Under Le Brocq's plans the keepers and 'all present officers of the Forest', except the Lord Warden, Verderers, and Purveyor of the Navy, were to be 'dismissed'; all Forest Law was 'to be abrogated, and be made null and void as if they never existed'; a 'few plain rules', maintained by the Verderers, would replace Forest Law; and the Verderers were to 'be justices of the peace living in the neighbourhood of the Forest', who would have 'frequent and regular meetings at Lyndhurst' in the discharge of their duty.¹²⁹ The management and administration of the Forest was complex, as were the provision of differing claims, perquisites, rights and grants, which often contradicted or competed with each other. Indeed, the Middleton

¹²⁵ Le Brocq, *Outlines of a Plan* (1793), p. 7.

¹²⁶ *Ibid.* p. 6.

¹²⁷ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions* (London, 1786), p. 286.

¹²⁸ Le Brocq, *Outlines of a Plan* (1793), p. 8.

¹²⁹ *Ibid.*

Commission had complained, of the ‘perpetual Struggle of jarring Interests’ in their official report on the New Forest.¹³⁰ By streamlining the administration and management, and by extinguishing forest law, as if it never existed, Le Brocq clearly intended to release the Forest from the burden of complexity and perpetual struggle.

Le Brocq also identified further opportunities for developing an income. The claims of herbage, pannage and fuel rights, ‘being once entirely extinguished’ meant that any cattle and hogs found in the Forest would be impounded and released only upon payment of a fee; and anyone trespassing on the Forest and ‘carrying away any species of fuel or anything which is of Forest growth’, would be liable to certain penalties ‘proportionable to the degree of the offence’.¹³¹ Le Brocq was also keen to erect a circular enclosure around the village of Lyndhurst, and that portions of the land within the fenced-in area could be made available to residents ‘willing to exchange their claims of all kinds on the Forest’; or those who preferred money could sell their rights ‘for more than their claims are fairly worth’. Le Brocq was quite deliberate in the use of the word ‘enclosure’. Enclosures, where common rights would be entirely extinguished, would also be erected around the villages of ‘Minstead, Burley, and adjoining to Brockenhurst, &c.’ in order to allow the inhabitants ‘to purchase lots of land, and enclose them’, and ‘to build on them such houses or cottages as shall suit their pockets and conveniency [sic]’.¹³²

Within the circumferential fence and outside the enclosures of the villages, Le Brocq felt that ‘the waste should be converted into a *real Forest*, such as is found in uninhabited country’.¹³³ Thus, on no condition were any bushes of fern to be cut or mown where the plantations were intended, as these plants were the ‘guardians of young timber’.¹³⁴ (This was

¹³⁰ Middleton, Call, and Fordyce, p. 6.

¹³¹ Le Brocq, *Outlines of a Plan* (1793), p. 5.

¹³² *Ibid.*, p. 9.

¹³³ *Ibid.*

¹³⁴ *Ibid.*, p. 25.

an observation, previously discussed in Chapter One, that had been made by Standish, in 1613, and again asserted by Nichols, in 1791, that thorns protect growing oak saplings).¹³⁵ Le Brocq stated that as soon as the rabbits were destroyed and the deer and cattle removed, ‘an immense number’ of young trees would ‘start out of the ground whenever acorns are dropped’.¹³⁶ Le Brocq believed that where nature was permitted ‘to have her own way’ she would propagate trees ‘in great abundance’; and ‘fill the whole Forest with a continued wood [closed canopy], with bushes, furze, fern, &c.’.¹³⁷

Human intervention could assist in the propagation of trees, however, by selecting spots ‘on which some oaks of the best sort, are growing’ and ‘to encourage the growth of bushes and fern’; by preventing the rabbits and cattle and deer from ‘ruining those spots; and, that whoever was resolved to have ‘the most excellent oak-timber’ generally ‘ought to assist Nature in every thing which her powers cannot reach’. To established timber plantations, Le Brocq advocated planting acorns rather than transplanting oak-trees, which he asserted from ‘experience’ could irreparably damage the tap-root; consequently he thought that the ‘cheapest is, therefore, the best way of propagating oaks.’¹³⁸ This was an observation made by Hunter’s edition of Evelyn’s *Sylva* which warned against transplanting trees ‘unless the ground be extraordinarily qualified’ or the oak to be transplanted was no more than ‘six or seven feet in height’.¹³⁹ Le Brocq stated, however, that ‘with respect to the New Forest, Nature, if we mean to lose no time in making it a *real* Forest, must be assisted’.¹⁴⁰

To assist nature in developing timber in the New Forest, Le Brocq suggested employing labourers to plant acorns, which were ‘known to be the produce of the true English oak’, in

¹³⁵ Arthur Standish, *New Directions of Experience to the Commons Complaint by the Incouragement of the Kings Most Excellent Majesty, as May Appaere, for the Planning of Timber and Fire-Wood* (London, 1613), p. 9.; Nichols, *Observations* (1791), p. 8.

¹³⁶ Le Brocq, *Outlines of a Plan* (1793), p. 25.

¹³⁷ *Ibid.*, p. 26.

¹³⁸ *Ibid.*, p. 27.

¹³⁹ Evelyn with notes by A. Hunter, *Silva* (1776), p. 101.

¹⁴⁰ Le Brocq, *Outlines of a Plan* (1793), p. 28.

areas of ‘a deep loamy soil’ that were ‘denuded of trees’, and all was to be done ‘under the eye of a judge’.¹⁴¹ This, again, had been advocated by Evelyn in 1670 and attempted by Bedford in 1764.¹⁴² While Le Brocq was in favour of leaving nature to her own devices as much as possible, ‘pulling up the worst of her productions, and suffering the best to remain’, he was, nevertheless, prepared to entrust this process to the care of a professional tree expert, who would adjudicate on silvicultural matters.¹⁴³ He also advocated growing other species of tree, besides oak, including sweet chestnut, Scotch fir and larch, and white mulberry trees.¹⁴⁴ These species, as well as being useful for timber, would be admired for their beauty and Le Brocq remarked that,

What pleasing emotion would arise in the breast of a *true* Briton . . . who, while he is in the middle of beautiful sceneries, recollects that he is travelling through a tract of land which enables Great Britain to trade wherever there is a wave in motion, and to give laws to the world! That heart must indeed be frozen with apathy which does not glow at the prospect!¹⁴⁵

While appreciating the aesthetic qualities of the New Forest, the increase and preservation of timber was to Le Brocq a patriotic endeavour that not only supported British global interests but also enabled regulation to be brought the world. To leave the New Forest unimproved, without establishing timber plantations, would be to leave it, according to Le Brocq, ‘shamefully neglected’ and, he asserted, be allowing it ‘to continue in sin’.¹⁴⁶

Le Brocq’s suggestions for the New Forest went further than previous suggestions for improving its wastelands by also suggesting purchasing the estate of Beaulieu, or at least its shipyard in Bucklers Hard. This was in order to make ‘capital docks’ to build different rates of ships of war, except first and second rate ships, which had been built previously under contract

¹⁴¹ *Ibid.*, p. 29.

¹⁴² Evelyn, *Sylva* (1670), p. 5.; Letter from Russell (4th Duke of Bedford), in *The Fifth Report* (1789), p. 90.

¹⁴³ Le Brocq, *Outlines of a Plan* (1793), p. 28.

¹⁴⁴ *Ibid.*, p. 30.

¹⁴⁵ *Ibid.*, p. 32.

¹⁴⁶ *Ibid.*

from the Navy Board.¹⁴⁷ Even though Beaulieu estate was privately owned it was, according to Le Brocq, not an obstacle to its purchase being made ‘of the highest national importance’; and its ‘noble owner’ would be ‘fully indemnified by government for the grant which he may be requested to make’.¹⁴⁸ He even recommended building ‘timber shell houses, resembling, externally, whiting factories’, in the New Forest, to be used for preparing and sawing timber prior to it being taken to the dockyards.¹⁴⁹ This, he asserted, would make the provision of timber, ‘properly squared, sawn, and laid up to season on the spot’ available to be carried to the docks when wanted. It would also mean that ‘no carriage will be paid for chips’, which were the off-cuts produced in the construction of ships, and he proposed that other ‘useless timber’ could be ‘sold on the spot’.¹⁵⁰

Le Brocq was, perhaps, unaware of the accepted customs within the dockyards particularly the privilege of chips, which enabled men to take home off-cuts for their own domestic use. Like the rights of wood fuel on the Forest, this time ‘immemorial’ practice was of value to the dockyard workers and jealously guarded. Similarly to Forest rights, it was open to abuse and systematic exploitation; men at Chatham dockyard, for example, were seen openly selling quantities of slab and large pieces of timber at the gate.¹⁵¹ As Rackham points out, there was a strange discrepancy between the amount of timber going into the dockyards and the amount coming out in the form of ships.¹⁵² In 1783, Charles Middleton had issued an order that men were not to carry chips out of the yard on the shoulder.¹⁵³ However, attempts to change or reform the system were rejected. Commissioners of the Navy were ‘prisoners to their own

¹⁴⁷ *Ibid.*, p. 9.

¹⁴⁸ *Ibid.*, p. 10.

¹⁴⁹ *Ibid.*, p. 38.

¹⁵⁰ *Ibid.*, p. 39.

¹⁵¹ James M. Haas, ‘The Royal Dockyards: The Earliest Visitations and Reform, 1749-1778’, *Historical Journal*, 13 (June, 1970), p. 197.

¹⁵² Rackham, (2006), p. 239.

¹⁵³ James M. Haas, *A Management Odyssey: The Royal Dockyards, 1714-1914* (New York, 1994), p. 37.

prejudices', which Haas concludes were acquired during their years of service in the yards.¹⁵⁴ He points out that new methods and practices that demonstrated savings in cost and labour were labelled 'utterly impractical', because their implementation was often accompanied by threats of violence or mutiny from the dockyard workers.¹⁵⁵ Rackham, therefore, points out that complaints about timber shortages only came from the navy; commercial shipbuilders, even though they built more ships, seldom had difficulty in procuring supplies.¹⁵⁶

Le Brocq's ideas for improvement in supplying timber to the royal dockyards also included the construction of canals. He suggested joining up the Southampton and Beaulieu rivers, 'at no very great expense', with a cut of about four miles. He also advocated a network of canals that would link Christchurch to Salisbury, and a branch 'might reach Beaulieu, &c. from Ringwood, through the Forest, to Lyndhurst'.¹⁵⁷ (Suggestions for a canal navigating Bristol to Southampton and London, by way of Salisbury, had already been mooted in December 1792).¹⁵⁸ His suggestions he felt would enable,

Thousands of people, now living, may have the inexpressible pleasure, should my plan be adopted, of seeing the New Forest in most thriving condition, promising the ensuing generations to afford materials for covering the ocean with fleets, and a sufficiency besides to fill many of the British ports with commercial shipping.¹⁵⁹

This was vision of a closed canopy forest that could produce large quantities of timber, which would be moved by road and canal into the dockyards. The residents, divested of their common rights would, instead, become smallholders using the methods of agricultural enlightenment to improve their land, while living inside large enclosures that separated their communities from the Forest. Animals, such as commoners' livestock and deer, being removed from the forest

¹⁵⁴ Haas, 'The Royal Dockyards' (1970), p. 201.

¹⁵⁵ *Ibid.*, p. 208.

¹⁵⁶ Rackham, *Woodlands* (London, 2006), p. 239.

¹⁵⁷ Le Brocq, *Outline of a Plan* (1793), p. 10.

¹⁵⁸ 'News', *Gazetteer and New Daily Advertiser*, Tuesday, Dec. 18, 1792.; 'News', *London Chronicle*, December 22, 1792 - December 25, 1792.

¹⁵⁹ Le Brocq, *Outlines of a Plan* (1793), p. 41.

meant that the New Forest would become practically, as well as symbolically, associated with trees alone.

His plans were applauded in the 1794 edition of *The Monthly Review*, which described Le Brocq as appearing to be ‘a warm, hearty, and earnest patriot’; who had formed the idea of a plan for improving the New Forest, in Hampshire, as a nursery for ship timber’. The reviewer believed that the plans ‘really seem to merit the serious and immediate attention of government, and of the public in general’.¹⁶⁰ This is an indication of the sentiment at large, which connected patriotism and the improvement of the New Forest to the enlargement of Britain’s navy. The reviewer also agreed in principle with the plans and reflected that Le Brocq’s proposal, ‘or some proposal of the kind’, should be duly considered and ‘if found not wanting in the balance, speedily made an object of the regard of those who have the power of *acting* as well as the requisite opportunities of *speculating* on it’. Thus, the reviewer also enthusiastically revealed that, ‘We hear, with pleasure, that the subject of the growth of timber in the *New Forest* is likely to come *soon* under parliamentary discussion’.¹⁶¹ No such discussion, and certainly no attempt at legislating on timber, would be introduced into parliament until the turn of the century, however.

General View of Agriculture - Hampshire

In July 1794, Abraham and William Driver produced a report of the *General View of the Agriculture of the County of Hants, with Means of Its Improvement*, for the consideration of the Board of Agriculture. Unlike Le Brocq’s emphasis on a moral imperative, this report was written with the calculated rationality of economics. The Drivers had previously mapped the New Forest on behalf of the Middleton Commission and knew the Forest well. The Board had commissioned a series of *General View of Agriculture* reports about the agricultural activities

¹⁶⁰ *The Monthly Review; or, Literary Journal Enlarged* (London, 1794), p. 100.

¹⁶¹ *Ibid.*

of British and Irish counties, of which the Hampshire report was one. This was done with a view to providing instructions for the improvement of husbandry ‘suited to the soil and situation of every district’ in the kingdom.¹⁶² The Board of Agriculture was a semi-official body that was funded partly through subscriptions and partly through government grants.¹⁶³ Its full title was the Board of Agriculture and Internal Improvement and was made up of members ‘the most noted for skill in husbandry and for patriotism’.¹⁶⁴ The reports written in the *General View* series were produced by a ‘rural professional class’ rather than farmers, and Barrell argues that their attitudes to the landscape, as reflected in the reports, is indicative of a parliamentary enclosure movement that was favoured by agricultural improvers.¹⁶⁵

This was a significant development. It demonstrated an accepted shift away from local, indigenous or traditional knowledge, in managing the landscape, towards a system that was dominated by ideologically driven specialists. Moreover, for the New Forest, the influence of agricultural improvers who enjoyed the backing of government meant that proposals for improving its landscape were not restricted to the planting of oaks for the navy but promoted all types of cultivation. As an agreed policy, the Board of Agricultural was in favour of enclosure and ‘great exertions’ were made by the Board to bring about ‘the general enclosure and cultivation of the waste lands of the Kingdom’.¹⁶⁶ Indeed, the ‘tendency to enclose’ was blamed upon the ‘action and reports’ of the Board in the years following 1793.¹⁶⁷ Therefore, suggesting inclosures, as a method of improving the New Forest would have met with their general approval.

The *General View* report on Hampshire, submitted by the Drivers in 1794, was only a broad perspective, which they confessed was due to the limits of time and other commitments.

¹⁶² Ernest Clarke, *History of the Board of Agriculture: 1793-1822* (London, 1898), p. 7.

¹⁶³ *Ibid.*, p. 10.

¹⁶⁴ *Ibid.*, p. 7.

¹⁶⁵ John Barrell, *The Idea of Landscape and the Sense of Place* (Cambridge, 1972), p. 65.

¹⁶⁶ Clarke, *History of the Board of Agriculture* (1898), p. 31.

¹⁶⁷ Thomas Edward Scrutton, *Commons and Common Fields* (Cambridge, 1887), p. 136.

(They also apologised for their findings, which were further reduced by the brothers having ‘been robbed of our portmanteau, &c. by some footpads on our return of the survey’.)¹⁶⁸ Nevertheless, the Drivers summarised Hampshire as a county having many parts ‘well wooded’ but were sorry to observe ‘such immense tracts of open heath, and uncultivated land’.¹⁶⁹ This, they concluded, was due to either ‘the want of means’ or the ‘inclination’ to improve it; commenting that it ‘reminds the traveller of uncivilised nations, where nature pursues her own course, without the assistance of human art’.¹⁷⁰ The ideas that connected uncultivated waste land and wilderness to uncivilised or savage (pagan) nations had been suggested by Evelyn, in the previous century.¹⁷¹ His notions retained their resonance and impact. Unenclosed land was considered to be barbarous and savage, as were the people who lived upon it.¹⁷² Indeed, Mudie believed that it was ‘a general law of human nature’, that if man were to remain in the wild forest, or return to it, ‘there is no alternative to his being or becoming a ferocious savage’.¹⁷³

When referring to the subject of waste lands the Drivers’ reported,

We cannot take this subject into consideration without expressing our astonishment, that century after century should be suffered to elapse, without some efficient measures being taken to cultivate the waste lands of this kingdom, particularly those belonging to the Crown.¹⁷⁴

In bemoaning the lack of change ‘century after century’, the Drivers were denigrating the traditional forms of land management that had maintained its open aspect. They called for ‘a general Act of Parliament’, which would empower commissioners to ‘adjust the rights of

¹⁶⁸ Abraham and William Driver, *General View of the Agriculture of the County of Hants: With Observations on the Means of Its Improvement* (London, 1794), p. 7.

¹⁶⁹ *Ibid.*, p. 10.

¹⁷⁰ *Ibid.*

¹⁷¹ Evelyn, *Sylva* (1670), p. 213.

¹⁷² Keith Thomas, *Man and the Natural World* (London, 1983), p. 255.; Pennington Montagu (ed.), *Letters from Mrs Elizabeth Carter to Mrs Montagu* (London, 1817), p. 195.; Ian D. Whyte, *Landscape and History since 1500* (London, 2002), pp. 70-71.

¹⁷³ Mudie, *Hampshire* (1838), p. 305.

¹⁷⁴ Driver, *A General View: Hants* (1794), p. 29.

individuals' and to 'make allotments accordingly, as in common inclosure bills'.¹⁷⁵ The Drivers stated that there was a 'clear case' that if the lands were properly managed, they would 'produce sufficient to pay a very considerable part of the national debt'.¹⁷⁶ This had been an argument in favour of enclosure that had been put forward for several decades.¹⁷⁷ Once the common rights had been adjusted, the remaining land would belong to the Government and, the Drivers asserted, 'it requires very little argument to prove' that it would produce an 'immense' income to the nation, 'for there is scarce an acre but will produce something considerable'.¹⁷⁸ This, of course, was a professional judgement that was asserted as reliable information. Appealing to 'opinion' or the 'notoriety of the fact', according to Christie, was a political tactic that often disguised 'mere guesswork'.¹⁷⁹

The richest soils, the Drivers suggested could be used for agriculture and the remainder for planting firs, which even if sold 'at fire wood price' would yield a 'wonderful profit'.¹⁸⁰ The recommendation of producing softwoods was to fulfil the demands of a large domestic market for 'rough uses', such as joists, rafters, and girders, and to avoid the costs of importation that were paid with 'hard cash in lieu of it', rather than exporting goods.¹⁸¹ This implies that the planting of hardwoods for naval timber was no longer a priority and that wider economic advantages of the New Forest were being considered. The Drivers declared in their report that they 'could easily prove that, each acre [inclosed for pines], at the end of twenty-five years would yield at least 100*l.* worth of timber and firewood', if the whole were cut down at that period. It was, therefore, incumbent on 'gentlemen possessing that species of property, to

¹⁷⁵ *Ibid.*

¹⁷⁶ *Ibid.*

¹⁷⁷ John Perceval, *A Proposal for Selling Part of the Forest Lands and Chaces, and Disposing of the Produce Towards the Discharge of That Part of the National Debt, Due to the Bank of England; and for the Establishment of a National Bank; &C.* (London, 1763), p. 19.

¹⁷⁸ Driver, *A General View: Hants* (1794), p. 29.

¹⁷⁹ Ian R. Christie, 'Economical Reform and the Influence of the Crown - 1780', *The Cambridge Historical Journal*, 12 (1956), p. 144.

¹⁸⁰ Driver, *A General View: Hants* (1794), p. 29.

¹⁸¹ *Ibid.*, p. 30.

pursue it upon an extensive scale'; and to practice those measures which 'in a few years, would increase his property so amazingly'.¹⁸²

The production of quick growing pine would yield a return to the investor within his own lifetime. Oak, on the other hand, would not be harvestable (particularly for naval timber) for several generations or between 80 to 120 years.¹⁸³ Rather than being viewed as a patriotic enterprise for the building of Britain's 'wooden walls' or 'floating castles', silviculture was now being promoted as a profitable activity complimentary to agriculture. In the New Forest, the Drivers observed that there were a considerable amount of encroachments made by 'poor people' and by 'the proprietors of neighbouring estates', all of which the Crown 'has a full power to open again'.¹⁸⁴ The continued mismanagement of the Forest rankled with them and they stated that the Forest officers were more concerned with their own 'private emolument' than with 'the increase and preservation of this forest'. This situation had been made apparent, they argued, from a survey they had previously made of the New Forest, in 1787, as part of the Middleton Commission's enquiries, and which had revealed Under Keepers benefiting from deer, the sale of browse-wood, rearing rabbits, and keeping swine, 'all of which are inimical to the preservation and increase in timber'.¹⁸⁵

The Drivers declared that unless some means were taken to prevent 'these and other abuses', within a few years they predicted that 'there will be no timber worth mentioning in the Forest'.¹⁸⁶ Their suggestions for improving the management of the New Forest centred on

¹⁸² *Ibid.*

¹⁸³ Robert Greenhalgh Albion, *Forests and Sea Power: The Timber Problem of the Royal Navy 1652-1862* (Cambridge, 1926), p. 112; John Ehrman, *The Navy in the War of William III 1689-1697: Its State and Direction* (Cambridge, 1953), p. 46. ; R. J. B. Knight, *Shipbuilding Timber for the British Navy: Parliamentary Papers, 1729-1792* (Michigan, 1993), p. 559.

¹⁸⁴ Driver, *A General View: Hants* (1794), p. 35.

¹⁸⁵ *Ibid.*, p.37; 'Appendix No. 35 - Survey of the New Forest by Thomas Richardson, William King, and Abraham and William Driver, in 1787', in *The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents, 22nd July 1789*, ed. by Charles Middleton, John Call, and John Fordyce (House of Commons, London), pp. 106-109.

¹⁸⁶ Driver, *A General View: Hants* (1794), p. 37.

establishing the claims and privileges ‘appertaining to different people’ and they, therefore, recommended that an Act of Parliament be passed ‘empowering commissioners to make inquiry into their respective claims’, which should be ‘paid them in land or money’. The Crown, in its turn, would agree to give up ‘certain privileges’ and ‘destroy or park the whole of the deer’.¹⁸⁷ These recommendations were identical to those made by the Middleton Commission in 1789, and to certain clauses contained in the New Forest Timber Bill 1792, and their repetition suggests there was widespread intellectual acceptance for such measures among the establishment.

The Drivers recommended creating a nursery in the central part of the Forest, which would ‘raise several kinds of plants adapted to the various soils of the New Forest’ and be tended by a superintendent ‘conversant’ in silviculture, who would be reside upon the premises.¹⁸⁸ This was a suggestion that had been put forward by Arthur Standish, in 1611, repeated by the author of *Reasons Humbly Offered For the Encrease and Preservation of the Timber in the New Forest*, in 1670, and was reminiscent of Le Brocq’s idea for large inclosures managed by overseers living in gate lodges close by.¹⁸⁹ The idea of a professional supervisor, residing in the New Forest, and responsible for tree management was fundamental to its development as a scientific forest and representative of the change from royal (deer) forest to a state (tree) forest.

Trees from the nursery would be ‘transplanted’ into other areas of the Forest, and could also be mixed with other species, such as fir and larch; or the inclosures could be ‘sown with acorns’, which was thought to be less troublesome and ‘when applied to oak only’ was the

¹⁸⁷ *Ibid.*, p. 39.

¹⁸⁸ Driver, *A General View: Hants* (1794), p. 40.

¹⁸⁹ Arthur Standish, *The Commons Complaint* (London, 1611), p.2; General Reference Collection BL/816.m.16.(7.), *Reasons Humbly Offered for the Encrease and Preservation of the Timber in the New Forest, 1670(?)*, (The British Library, Guide to the Catalogues and Indexes of the Department of Manuscripts, Reference Division Publications, London).; Le Brocq, *Outlines of a Plan* (1793), p. 5.

‘most expeditious way’ of producing a large quantity of plants.¹⁹⁰ If this method were to be adopted, the Drivers believed that ‘very few’ Forest officers would be required, particularly if managed ‘under a competent Board’; though ‘on no account’ were they to be allowed to be ‘suffered to receive any emolument or fee whatever from the forest’, and instead would be paid ‘a salary adequate to their employ’.¹⁹¹ This suggestion was made to prevent the abuse of perquisites that traditionally accompanied such forest posts.

The report submitted by the Drivers did not gain acceptance. There were many reasons that undermined the Drivers’ submission. In particular, the standards of the reports in the *General View* series and the usefulness of the information they provided varied enormously, which caused some to be ridiculed, and proved to be of enduring reputational damage to the Board.¹⁹² There were also financial problems with the Board of Agriculture. When surveyors and printers pressed their claims for reimbursement, it was discovered that the President of the Board, Sir John Sinclair, had rather overcommitted in the production of the *General View* reports and there were insufficient funds to meet the demands of those he had employed.¹⁹³ One of the surveyors left out-of-pocket was Thomas Stone, who had corresponded with George Rose about introducing a bill to separate and divide the New Forest (discussed earlier in this chapter). He had written several county reports, on behalf of the Board of Agricultural, including one on Huntingdon, Lincoln, and Bedford, but his claims for payment were ‘eventually refused’.¹⁹⁴ This situation most likely explains the motive for an open letter written by Stone to Lord Somerville, who had succeeded Sinclair as President of the Board of Agriculture, in order to express his frustrations with the Board of Agriculture ‘with a view to

¹⁹⁰ Driver, *A General View: Hants* (1794), p. 40.

¹⁹¹ *Ibid.*, p. 41.

¹⁹² Clarke, *History of the Board of Agriculture* (1898), pp. 16-19.

¹⁹³ *Ibid.*, p. 15.

¹⁹⁴ *Ibid.*, pp. 15-16.

show the inutility [sic] of the plans and researches of the institution and how it might be employed in others more beneficial'.¹⁹⁵

Stone, who represented 'A Society of Practical Farmers' made up of 'plain, blunt speaking men', asserted that they had not seen any evidence of the exertions of the Board 'with regard to the removal of impediments to agriculture, natural or artificial, or to the suggestion of improvement'; and made particular reference to the introduction into Parliament for a 'General Inclosure of Commons, Common Fields, and Waste Lands' and also measures for adopting 'Mr. Elkington's principle of Drainage'.¹⁹⁶ In his suggestions for making the Board of Agriculture more beneficial, Stone referred particularly to the 'present state and condition of the forests', and to the 'extreme grievance' the public sustained by the large tracts of land that remained 'in the same rude state of nature in which they were before the country was inhabited'. The investigations and reports of the 'innumerable abuses' within the forests were 'not wanting' and as evidence Stone referred to the enquiries of the Middleton Commission.¹⁹⁷

These enquiries, Stone asserted, were conducted by 'men of exemplary industry and talent' and had been carried out 'with that industry and integrity'.¹⁹⁸ They had, he stated, 'furnished reports, and every necessary document that could possibly be wanted' for the purpose of 'extirpating abuses and for sowing in their stead the seeds of prosperity and plenty'. Stone asserted, however, that their 'salutary measures' for the improvement of the forests had been 'procrastinated or rejected', and he suggested that Lord Somerville make enquiries to find

¹⁹⁵ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), Title page.

¹⁹⁶ *Ibid.*, p. 3.; *Ibid.*, pp. 2-3. NB: Joseph Elkington was an illiterate Warwickshire farmer who had invented a system of drainage that was hailed as 'a sensation' throughout England and Scotland, causing the Board of Agriculture to encourage Parliament, in 1795, to vote him 1,000*l* as a reward for his discovery, and the Board also assigned John Johnson to record his discoveries. J.H. Klippart, *The Principles and Practice of Land Drainage: Embracing a Brief History of Underdraining; a Detailed Examination of Its Operation and Advantages: A Description of Various Kinds of Drains, with Practical Directions for Their Construction: The Manufacture of Drain-Tile, Etc* (Cincinnati R. Clarke & Company, 1861), p. 17.

¹⁹⁷ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), p. 11.

¹⁹⁸ *Ibid.*

out why this was.¹⁹⁹ To emphasise his points, Stone used ‘a short history of the New Forest’ going back ‘eight or ten years’, which covered the period of the Middleton Commission and the progress of the New Forest Timber Bill 1792 through Parliament. The whole of the perambulation, he stated, was approximately ‘96,000 acres, of which there are about 20,000 acres chiefly inclosed and cultivated’.²⁰⁰ The remainder ‘chiefly consists of various wild productions, with here and there a patch of oak timber’ and ‘timber-like trees’, from ‘one or two centuries ago’, which had been planted ‘very thick’ and, not having been regularly thinned, were ‘now mere spires, with proportionate tops’.²⁰¹

Stone reflected that it was a strange anomaly that allowed the keepers to plant the trees but not to thin them as they came up and he stated that,

Hence it appears that their Lordships [of the Treasury] durst not trust the hand that plants with a discretionary power to improve by the common methods which bring private property to perfection.²⁰²

While the growth of the trees suffered from the lack of some prudential thinning, the installation of inclosure fences received no such censure. Stone observed other plantations of oak that appeared to have been made ‘at different periods within the last twenty or thirty years’ had been ‘fenced round with posts, rails &c. at a very heavy expence to the public’.²⁰³ Indeed, Thomas Nichols, Purveyor of the Navy, had recommended the use of thorn bushes as a suitable protective measure that was available ‘at a cheaper rate’.²⁰⁴ (This natural management strategy had been recommended since the seventeenth century but never adopted.)²⁰⁵

¹⁹⁹ *Ibid.*, p. 12.

²⁰⁰ *Ibid.*, p. 13.

²⁰¹ *Ibid.*

²⁰² *Ibid.*, p. 14.

²⁰³ *Ibid.*, p. 15.

²⁰⁴ Thomas Nichols, *Observations on the Propagation and Management of Oak Trees in General; but More Immediately Applying to His Majesty’s New Forest, in Hampshire* (Southampton, 1791), p. 9.

²⁰⁵ Arthur Standish, *New Directions of Experience to the Commons Complaint by the Incouragement of the Kings Most Excellent Majesty, as May Appaere, for the Planning of Timber and Fire-Wood* (London, 1613), p. 9.

Fences were not only expensive to erect but also expensive to maintain. Stone related how ‘persons of observation in the forest’ had remarked that the inclosure fences were no sooner erected than they were pulled down again, ‘with the connivance of those persons who, probably, were first employed to make and erect them’. This, it was thought, enabled the workmen employed to install the fences to be able to, ‘from time to time’, replace and repair them ‘at enormous charge’.²⁰⁶ Nor were fences or buildings inspected after the timber had been allocated and assigned for their repair.²⁰⁷ Stone complained that the whole business was turning out to be an ‘arrant job’, the object of ‘planting timber was abandoned’ and the commoners’ cattle and wild beasts had now taken ‘complete possession of those very spots which had been set apart for raising oak timber’.²⁰⁸ Instead, the inclosures were turned over to ‘raising and protecting rabbits’, by which means the trees were ‘in a great measure stripped of their bark, and destroyed’.²⁰⁹

Stone referred to the New Forest Timber Bill 1792 and blamed its failure on Lord Thurlow, ‘a plain, blunt spoken Englishman’, who had called the bill a ‘Ministerial job’. Irrespective of Thurlow’s objections to the bill, Stone thought that ‘whatever job or jobs might then be suspected’ the community in the New Forest would have benefitted ‘*if upon any terms* this large tract of land had then been given up by the Crown, and placed in the hands of private individuals’.²¹⁰ (In one of his essays Stone stated that, ‘All land, whatever, may be benefitted and improved in its value, by being inclosed and made private’.)²¹¹ According to Stone, instead

²⁰⁶ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), p. 15.

²⁰⁷ The Examination of Richard Nightingale, Housekeeper of the King’s House at Lyndhurst (but commonly called Lord Warden’s Steward) and also One of the Regarders of the New Forest, taken on Oath, the 22nd Day of November 1788, *The Fifth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 22nd July 1789, ed. by Land Revenue Office (House of Commons, London), p. 52.

²⁰⁸ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), pp. 15-16.

²⁰⁹ *Ibid.*, p. 16.

²¹⁰ *Ibid.*, p. 17.

²¹¹ Stone, *An Essay on Agriculture* (London, 1785), p. 218.

of being cultivated and improved, with every part producing some valuable crop, the New Forest was ‘a disgrace to the country’ and ‘in its present state, be extremely unproductive’.²¹² The officers employed there, he said, were ‘like ravening wolves’. The ‘amelioration’ of the New Forest was, therefore, an object that Stone thought ought to be brought to the attention of the Board of Agriculture.²¹³

Stone mentioned the survey that he had conducted among ‘Gentlemen and others in the neighbourhood of the forest’, which had been commissioned by George Rose after the failure of the New Forest Timber Bill 1792, and referred to the ‘heads of an intended new bill’ that ‘was not approved’.²¹⁴ This was the same *Heads of a bill for the Dividing and Inclosing of New Forest* about which he had written to George Rose, on the 22nd October 1792.²¹⁵ Dividing and inclosing the New Forest had been a proposal endorsed by Stone but, because no further action had been taken at that time, the New Forest had remained in *status quo*.. While there had been objections made regarding the number of incroachments ‘of individuals of this forest’, Stone reported that such a situation would make ‘a true lover of his country . . . rejoice when he sees them’. Indeed, Stone complimented George Rose on the ‘well cultivated encroachments’ at his property of Cuffnells, but remarked that ‘some people of shallow understanding’ had ‘a great deal to say’ about the quantity of acres Rose had taken out of the Forest into his park.²¹⁶ (Indeed, these encroachments had been complained of by the commoners, reported Lord Porchester when he spoke in opposition of the New Forest Bill 1792 in the House of Lords.)²¹⁷

²¹² *Ibid.*, p. 18.

²¹³ *Ibid.*, pp. 17-18.

²¹⁴ *Ibid.*, p. 19.

²¹⁵ HRO/2M30/669, 'Letter to George Rose from Thomas Stone' (1792).

²¹⁶ Stone, *A Letter to the Right Honourable Lord Somerville* (1800), p. 19. NB: In his obituary it was said that George Rose ‘delighted greatly in his beautiful residence in the New Forest, which he contrived to enrich by the acquisition of many fair acres’. *The Annual Biography and Obituary for the Year 1819*, Vol. II, (London, 1819), p. 212.

²¹⁷ 'House of Lords, Tuesday June 5, New Forest', *London Chronicle*, June 5, 1792 - June 7, 1792.

The quantity of acres in question, taken by Rose, had had ‘a little fine timber on them’ and Stone believed that Rose’s motives had been ‘merely to preserve the timber’. When the timber growing on the portions of the Forest that Rose had encroached came to maturity, Stone was certain that ‘if his memory does not fail him’, Rose would

feel the necessity of sending it to one of his Majesty’s Dock-yards; or, like the Cumberland Baronet, at the conclusion of a war, (should he chuse to be made a Lord) will subscribe a 74 gun ship, to be built with timber to be cut in his *own* park.²¹⁸

This action would later lead William Cobbett to fume in his 1830, *Rural Rides* publication,

This Forest has been crawled upon by favourites, and is now much smaller than it used to be. A time may, and will, come for inquiring how George Rose, and others, became owners of some of the very best parts of this once-public property.²¹⁹

The legislative efforts to transform the New Forest into private allotments had failed, and unable to legitimately acquire acres of the New Forest Rose simply stole them.

Waste land to tree forest

George III visited the New Forest on several occasions and must have been somewhat acquainted with its landscape and system of management.²²⁰ He stayed with the Duke of Gloucester, Lord Warden of the New Forest, or with George Rose, both of whom had residencies in or near Lyndhurst.²²¹ Although he was acquainted with its landscape, George III was not an advocate for the picturesque beauty of the kind established by William Gilpin’s aesthetic appreciation of the New Forest. Indeed, Gilpin had noted that most people preferred the ‘busy scenes of cultivation to the grandest of nature’s rough productions’; observing that ‘the idea of a wild country, in a natural state, however picturesque, is to the generality of people but an unpleasing one’.²²² In 1804, George Rose noted in his diary that he had accompanied

²¹⁸ *Ibid.*, pp. 19-20.

²¹⁹ William Cobbett, *Rural Rides* (London, 1830), p. 624.

²²⁰ ‘Royal Excursion’, *Oracle Bell’s New World* (Friday, June 19, 1789).

²²¹ ‘Their Majesties’, *The World* (Monday, June 22, 1789).

²²² Gilpin, *Remarks on Forest Scenery* (1791), p. 166.

the King on a ride ‘across the wildest part of the forest in one of the heaviest rains I ever felt’, for the purpose of dining at Cadlands, owned by Mr Drummond, the King's banker; and reported that because the ground was so ‘wet and spongy’, the King chose ‘to come the roadway back by Eling, though five or six miles further’.²²³

The following day George Rose noted in his diary that the King had begun a conversation about ‘the naked and dreary waste we rode over yesterday’, saying that ‘he had no taste for what was called the fine *wild* beauties of nature; he did not like mountains and other romantic scenes of which he sometimes heard much’.²²⁴ That George III was not in favour of an unenclosed landscape is hardly surprising. He was, after all, referred to as ‘Farmer George’ and was, moreover, an advocate for the improvement of agricultural through enlightenment methods. Arthur Young declared that ‘the most important epoch in the history of British Agriculture’ had occurred since George III’s reign, as prior to this,

Very little attention was paid to it by the Nobility and Gentry, further than the occupation of a farm with economical views, to the cultivation of which they paid little personal attention . . . the stable and the kennel, not the Farm, were the sources of rural conversation.²²⁵

Indeed, other writers on agricultural improvement commented on how ‘in former times, hunting was the only business of a gentleman’.²²⁶ Thus, the reign of George III marked a turning point in attitudes towards, and the productive use of, the British landscape.²²⁷

²²³ Leveson Vernon Harcourt (ed.), *The Diaries and Correspondance of the Right Hon. George Rose*, Vol. II (London, 1860), p. 175-176.

²²⁴ *Ibid.*, p. 183.

²²⁵ Arthur Young, 'On the Husbandry of Three Celebrated British Farmers, Messrs. Bakewell, Arthbutnot, and Ducket', in *The Agricultural Magazine, or, Farmers' Monthly Journal* (London, 1811), pp. 29-30.

²²⁶ Home, *The Gentleman Farmer* (1776), p. xviii.

²²⁷ Women landowners also participated in the ‘rage for agriculture’ and even contributed to Arthur Young’s *Annals of Agriculture*, but this study has found no evidence of women in the political or economic development of the New Forest as state-run forests. Ivy Pinchbeck, *Women Workers in the Industrial Revolution 1750-1850* (Abingdon, 1969), p.30-31.

George III added to the philosophy of agriculture by writing essays, in the late 1780s, for the *Annals of Agriculture* under the pseudonym of 'Ralph Robinson'.²²⁸ According to reports, he apparently made 'no less than seven communications at different times to Mr Young's patriotic and most valuable Annals' but, nevertheless, revealed his identity by retaining his address at Windsor.²²⁹ His interest in agricultural improvement, his childhood lessons regarding his duty in reducing the national debt, and his abhorrence of the 'wild beauties of nature', may, therefore, also explain his readiness to surrender his interests in the New Forest, as had been made apparent during the debates of the New Forest Timber Bill 1792.²³⁰

In 1803, George III appointed Sylvester Douglas, Lord Glenbervie, as Surveyor General. This proved to be a turning point for the New Forest and its unenclosed landscape. Glenbervie wanted silvicultural development to succeed under his tenure. While the New Forest Act 1698 had stipulated that inclosures must be managed according to the demands of the navy, which prioritised the planting of oaks, Glenbervie's ambition for the New Forest meant that trees of any species would be permitted in the plantations. Acting under the opinions of 'many skilful and practical men', between the years 1808 and 1811 Glenbervie made inclosures of various sizes from 130 to 500 acres each. The inclosures were reported to be well fenced from deer and cattle, the rabbits and vermin destroyed, and the wet parts of the land were 'skilfully open drained'. In the areas that were believed to be unfit for oak, due to the presence of gravel or mires, Scotch firs were planted, while oak was planted on the remainder of the inclosures. The plan to raise oaks was by using a mixture of transplanted seedlings and

²²⁸ James Fisher, 'George III: Notes on Agriculture', in *Georgian Papers Programme*, ed. by Royal Collection Trust (Royal Collection Trust, 2018).

²²⁹ 'Letters of George III on Agriculture', in *The Monthly Magazine or, British Register* (London, 1815).

²³⁰ 'House of Lords Journal Volume 39: June 1792 1-10' in *Journal of the House of Lords, Volume 39: June 1792 1-10* (H.M. Stationery Office, London, 1767-1830), pp. 409-31.

acorns inserted directly into the ground; while initial results were promising, ‘this attempt suffered almost a total failure’.²³¹

Further attempts to establish timber, by means of ‘planting tall oak plants from nurseries’ had mixed results, many of those planted in ‘sheltered spots and other favourable situations’ succeeded but grew up ‘rough and rudely’. A more general trial of nursery plants, which included introducing other species, such as Spanish chestnut, grew up but ‘did not thrive’; and, while ‘the introduction of Scotch firs, pinasters, and larch, among the oak plants, upon the general plan of a mixed plantation’ seemed to be the answer, it was acknowledged that ‘still the oak appeared stunted and unhealthy’. The failing plants were removed and replaced, with varying success but without any satisfactory results up until the year 1819, when a new system of silvicultural was adopted that focused primarily on developing plantations of Scotch fir.²³²

The lack of success, and repeated attempts by Glenbervie to establish timber plantations are reminiscent of the same efforts undertaken by the Duke of Bedford, Lord Warden of the New Forest during the 1760s. Similarly, a mouse invasion like that experienced under Bedford’s tenure, in 1771, also plagued Glenbervie.²³³ It was reported that during the years 1813 and 1814, ‘an unexampled number’ of mice had ‘overspread’ the New Forest; however, rather than devouring the acorns that had been planted so liberally under Bedford, Glenbervie complained that,

Those pernicious little animals have done in our plantations by devouring the bark of the young plants, all round from the ground to the height of about six inches, and in many instances gnawing the root through and through.²³⁴

²³¹ Thomas Davis, 'Cultivation of the British Oak; a Statement Presented to the Bath & West of England Agricultural Society', in *The Annual Register: Or View of the History, Politics and Literature of the Year 1828*, ed. by T. C. Hansard (London, 1829), p.525.

²³² *Ibid.*, pp. 525-26.

²³³ HRO/149M89/R5/6457A, 'New Forest - local steward's accounts with the Duke of Bedford'.

²³⁴ 'Art LV: An Account of the Unexampled Devastations Committed by Field Mice in the Forest of Dean in Gloucestershire and in the New Forest in Hampshire During the Years 1813 and 1814. In a Letter to the Late Right Hon Sir Joseph Banks, Bart. P.R.S., from the Late Rt. Hon. Sylvester

This invasion applied to both the Forest of Dean and the New Forest, which appeared to ‘be numerous stocked with Mice’.²³⁵ Various methods of vermin control were employed, which included releasing cats to hunt the mice; clearing away undergrowth and rough grass to expose the mice to birds of prey and other predators; a mixture of poisons, such as ‘arsenic, nux vomica, ratsbane, corrosive sublimate, ground glass &c’.; and, ‘seven or eight different sorts of traps’. The best method to catch them, however, was to dig holes in the ground, about twelve to an acre, ‘from eighteen to twenty inches deep at the bottom, about two feet in length, and one foot and a half in width’, into which the mice fell and could not get out. The total number of mice caught in the Forest of Dean, up to 8th March 1814 ‘did not exceed 30,000’, and in the New Forest ‘about 11,500 had been taken, up to the same period’.²³⁶

The cause of the ‘swarm’ was uncertain but W. S. MacLeay, a British civil servant and entomologist, writing in 1824, observed that the presence of such an extraordinary number of mice in the absence of food would cause the animals to ‘resort to the bark of very young trees’.²³⁷ (Later commentators attributed the mouse invasion to the common vole (*microtus agrestis*).²³⁸ This is species well known to swarm, as it can reach sexually maturity at 12 days old and produce a litter of five or more offspring every three weeks.)²³⁹ Such was the level of concern about the impact the mice were having that expert opinion on the matter was sought. Sir Joseph Banks, a naturalist, botanist and patron of the natural sciences, who had

Douglas, Lord Glenbervie; Dated 3th June, 1814 ', in *The Zoological Journal*, ed. by J. de Carle Sowerby (W. Phillips, 1825), p. 433.

²³⁵ *Ibid.*

²³⁶ *Ibid.*

²³⁷ 'Art LVI Remarks on the Devastation Occasioned by the Hylobius Abietis in Fir Plantations, by W.S. Macleay Esq A.M. F.L.S &C [in a Letter Addressed to the Conductors of the Zoological Journal 4th Dec 1824] ', in *The Zoological Journal*, ed. by J. de Carle Sowerby (London, 1825), p. 445.

²³⁸ H. A. Doubleday, *A History of Hampshire and the Isle of Wight* (London, 1900), p. 246.; G. Abbey, *The Balance of Nature and Modern Conditions of Cultivation: A Practical Manual of Animal Foes and Friends for the Country Gentleman, the Farmer, the Forester, the Gardener, and the Sportsman* (London, 1909), p. 21.; G.W.S. Clair-Thompson, *The Protection of Woodlands: By Natural as Opposed to Artificial Methods* (London, 1928), p. 135.

²³⁹ F.K. Holtmeier, *Animals' Influence on the Landscape and Ecological Importance: Natives, Newcomers, Homecomers* (London, 2014), p. 36.

accompanied Captain James Cook on his great voyage to Australia, was consulted by Glenbervie about the rodent problem. Banks expressed surprise on hearing about the mice but said that the facts about their behaviour would make,

A valuable addition, not only to natural history, but useful to all planters, who, when they are made aware of the nature of the obstacles presented to them, will have a better chance than otherwise would be the case of discovering a remedy.²⁴⁰

The involvement of Banks further demonstrates the professionalisation of the natural environment. Indeed, the tree ‘experts’ had applied to the natural scientists for help. This episode reveals that the use of science, in approaching forestry issues was, by now, an accepted route of knowledge and practical application. However, what has been ignored is whether the same management techniques were being equally applied in both the Forest of Dean and New Forest causing a simultaneous stimulation of the rodent population. The application of science and attention on the culprits could have undermined common sense and the identification of the cause. Indeed, Glenbervie’s own ambitions for a flourishing forest may have encouraged a boom in the mice population.

Another crucial turning point for the New Forest occurred in August 1809, with the death of John Fordyce, who had been appointed to the Middleton Commission in 1787. In their final report, published in 1792, the Commissioners had advised the merger of the offices of the Surveyor General of the Crown Lands, and the Surveyor General of Woods and Forests.²⁴¹ This merger was in accordance to the recommendations that had first been suggested by John Call and Arthur Holdsworth, under Lord Shelburne, in 1782.²⁴² Fordyce had prevented this from happening, however, by taking the appointment of Surveyor General of Land Revenues, in 1793. With his demise the opportunity presented itself for the union of both offices. The

²⁴⁰ Edward Jesse, *Gleanings in Natural History* (London, 1834), p. 170.

²⁴¹ Middleton, Call, and Fordyce, *The Seventeenth Report* (1793), p. 16.

²⁴² Arthur Holdsworth and John Call, 'Report on the Revenue and Management of Crown Lands in England', ed. by H.M. Treasury (London, 1782).

Commissioners of Woods, Forests and Land Revenues were established in in 1810, and Lord Glenbervie became the First Commissioner of Woods and Forests, at the head of the new department. He asserted that his objectives were,

Firstly, the appropriation of land adequate to the successive supply of the necessary supply of Timber for the uses of the Navy; secondly the enclosing such land so as to protect the Timber both from criminal depredation and from injury by destructive animals, vermin, etc.; and thirdly to Plant such inclosed land when not ready covered with timber or where timber growing upon it should have been cut down.²⁴³

This change in management structure increased the pace of change, from royal deer forest to state timber forest.

A further acceleration occurred in 1850, with the death of Adolphus Frederick, the Duke of Cambridge (and the tenth child of George III), who had been appointed Lord Warden of the New Forest in 1845. With his demise, the ancient office, along with ‘all appointments flowing from Lord Warden’, was discontinued.²⁴⁴ The rise in the dominance of the tree-forest over the deer-forest had always meant that this ancient role, attached so inexorably to royal medieval hunting, would eventually be relegated to history. At the beginning of George III’s reign the focus on the New Forest was to provide supplies of oak timber to the royal navy, but towards the end the emphasis was on timber of all kinds, including softwoods, which had previously been banned from the royal forests. All activities, which were considered to have a detrimental impact on the production of timber, such as the commoners’ fuel rights and the depasturing of livestock, and the browsing of deer, were to be reduced, controlled or eliminated. Just as the eleventh century creation of the royal forests had marked a fundamental transformation of the landscape, so too did the development, in the eighteenth century, of a political establishment and landed elite ideologically invested in inclosure. Their dominance

²⁴³ HRO/11M74/F1, 'Glenbervie Reports, Commissioner of Woods' (Hampshire Record Office, Winchester).

²⁴⁴ *The Sessional Papers of the House of Lords: Reports from Commissioners*, (London, 1852), p. 10.

over the legislative and executive of government meant that they were able to monopolise the management, control and distribution of the New Forest's natural resources. This had not been done as part of a radical political coup but as a quiet, seemingly patriotic, advancement and one that had the full blessing and complicity of George III.

Conclusion

During the long eighteenth century, the New Forest was transformed from a *royal* deer forest into a *state* tree forest. This transformation was not just in status. Parts of its ancient topography were irrevocably altered from an unenclosed landscape, organised around the protection of the venison and the vert for aristocratic hunting, into an inclosed landscape managed for the exploitation of trees. This process had begun in the latter part of the seventeenth century with the development of an ideological approach to silviculture that rejected traditional methods of woodland management and natural regeneration and, instead, embraced a ‘scientific’ approach to raising trees.¹ Due to the widespread belief in a scarcity of naval timber, the development of timber plantations increasingly became a concern for the organs of state and the establishment. This indicates that there was an emergence, during this time, of a new form of political consensus that rejected the customary system of generational knowledge, which had been handed down from father to son, and replaced it with ideas of resource management based upon improvement thinking and rational methods that were the province of an intellectually dominant and politically powerful landed elite.

The proposals for the New Forest during the long eighteenth century were illustrative of the wider preoccupations, predilections and political ambitions of landowners in Parliament, which were centred around a belief in the scarcity of naval timber; developing philosophical ideas about agricultural and silvicultural improvement; a reduction in the public debt (to be aided by the wholesale financial and economic reform of the forest system); and the conviction that private property and entrepreneurialism were the routes to economic productivity. Indeed, abstract ideas about the economy and practical innovations in agricultural (and silvicultural)

¹ John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, (London: Royal Society, 1664).

improvement became ‘a matter of State’.² Not only did the proposals for the introduction of inclosures in the New Forest address wider governmental concerns and economic interests, therefore, but the emphasis on their use was reflective of the methods being used by the political elites on their own landed estates. Consequently, George III’s reign established a system of administration and management that would dominate the New Forest and reflect landed interests for the next 250 years. The longevity of state managed forests meant that strategies could be implemented that would not see results until after 50-100 years.³ This was a long-term view that was reflective of the attitudes of the landowning political elites who saw land management and forestry in terms of their own generations.⁴

The discourse regarding timber inclosures in the New Forest, and the legislation that supported their introduction was often accompanied by narratives of patriotism and of national benefit with opposing sides each claiming loyalty to Crown and country.⁵ On one side, those in favour of state-run timber inclosures emphasised the benefits of a well-supplied Royal Navy, which would protect national borders and overseas interests. While on the other side, those in favour of private-run inclosures accentuated the advantages to the kingdom in allowing entrepreneurial farmers and smallholders to cultivate them.⁶ The efficacy of inclosures in the New Forest was not in question, by either side. The arguments surrounding their use centred

² Peter M. Jones, *Agricultural Enlightenment: Knowledge, Technology, and Nature, 1750-1840* (Oxford, 2016), p. 15.

³ House of Commons Environment, Food and Rural Affairs Committee, *Forestry in England: Seeing the wood for the trees*, Fifth Report of Session 2016–17 (London, 21 March 2017), p. 16.

⁴ Arthur ‘On the Bill for the Increase and Preservation of Timber within the New Forest’, in *Annals of Agriculture, and Other Useful Arts* (Bury St. Edmunds, 1792), p. 581.

⁵ This is an area that deserves further study. Patriotic arguments were put forward by Evelyn, in 1664, for the propagation of trees. However, Evelyn was writing for the benefit of the restored monarchy and, while his emphasis on silviculture endured, the definition of ‘patriotism’ had certainly changed by George III’s reign. Colley, for instance, argues that a new presentation and perception of the monarchy, particularly in the latter part of George III’s reign, caused a change in the nature of British patriotism. Linda Colley, *Britons, Forging the Nation 1707-1837* (London, 1992), p. 206.

⁶ Arthur Young, *The Farmers Tour Through the East of England* (London, 1771), p. 229.; Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, (London, 1776), p. 423.; *The Speech of Edmund Burke, Esq; in the House of Commons, on Friday, the 11th of February, 1780*, (London, 1780), p. 10.

upon whether they would be established by the state for the purpose of developing timber plantations or by private landowners to increase agricultural productivity. These arguments were most evident in the fierce debates that took place between the landed political elites in both Houses of Parliament, particularly those surrounding the New Forest Timber Bill 1792.

While inclosure was accepted as the necessary means of improving the New Forest, so too was the spectre of timber scarcity that inclosure meant to overcome. The New Forest Act 1698 (9 & 10 Will. III. c. 36) repeated, verbatim, assertions and calculations contained within Evelyn's *Sylva* that had established the narrative of scarcity.⁷ Likewise, the New Forest Timber Bill 1792 also contained passages taken directly from the New Forest Act 1698 and, consequently, Evelyn's unchallenged beliefs about the scarcity of timber and the efficacy of inclosure.⁸ Surveys of the New Forest during the reign of George III were also established on the basis that the scarcity was real, and their examinations were determined to discover ways as 'may furnish a certain Resource for supplying the Navy . . . with its first Material'.⁹ Thus, the Middleton Commission, appointed in 1786, began its investigations with an acceptance of a timber shortage. They reported that they were committed to examining the state and condition of the woods and forests of the Crown in order to suggest plans for improving their management, and for the protection of naval timber, which they believed to be 'by far the most important' of their duties.¹⁰ These reports contained documents, particularly maps, that were

⁷ HL/PO/PU/1/1697/9&10W3n76, 'Gulielmi III. Regis, an Act for the Increase and Preservation of Timber in the New Forest in the County of Southampton', 1698, in Acts. Guliel III, Regis, Parl. 3. Ses, (Parliamentary Archives, Westminster).

⁸ HL/PO/JO/10/2/65B, 'New Forest Timber Bill', 15 May 1792, ed. by Main Papers (Parchment Collection), (Parliamentary Archives, Westminster).

⁹ 'Third Session of the Fifteenth Parliament of Great Britain: The King's Speech on Opening the Session, December 1782', in *The Parliamentary History of England from the Earliest Period to the Year 1803: Comprising the Period from the Tenth of May 1782, to the First of December 1783*, ed. by T.C. Hansard (London, 1814), p. 209.; TNA/CRES 40/40, 'Report of Arthur Holdsworth and John Call on the Revenue and Management of Crown Lands in England, 1782' (The National Archives, Kew).

¹⁰ *The Third Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 3rd June 1788, ed. by Land Revenue Office (House of Commons, London), p. 3.

pioneering and used 'innovative' attempts to present statistical information as evidence to support their assertions.¹¹

Scientific and rational?

Political mathematics, when harnessed with professional bureaucratic methodology, gave the impression it could be trusted because it could be quantified and controlled. However, if it could be controlled it could also be manipulated, whether intentionally or not. Even in official enquiries, belief and opinion were quite often conflated with facts and proof. Subjective decision-making was demonstrated within the Parliamentary procedural process. Evidence given at the Committees of the whole house could be solicited from books or papers and from witnesses, although they were not under oath.¹² Those individuals selected to give evidence at Parliamentary Committees or enquiries were chosen by the chairman or recommended by other members of the committee; while some witnesses volunteered themselves and others were not permitted to appear.¹³ This weakness in the system made accountability difficult, and there was no deterrent mechanism for those, either through ignorance or self-interest, who presented distorted facts or unverified opinion to Parliament; and there was no recourse for those whose views were unrepresented. Thus, according to Tubbs, the Middleton Commissioners, in the conviction of their cause, were 'probably selective in their presentation', but he concedes that the Forest at that time was burdened with 'an accumulated debt of maladministration'.¹⁴

The belief in the efficacy of inclosure was supported by a powerful political lobby of men who had no practical experience of silviculture or forestry on the scale proposed for the New Forest. Their complete confidence in the application of scientific or rational methods of

¹¹ David Fletcher, 'The Commission on Royal Forests 1787-1793', in *Southern History: A Review of the History of Southern England*, 38, 2016, pp. 151-173.

¹² John Alder and J.A.K. Syrett, *Constitutional and Administrative Law*, (London, 2007), p. 481.

¹³ Joanna Innes, 'Legislation and Public Participation 1760-1830', in *The British and Their Laws in the Eighteenth Century*, ed. by D. Lemmings (Woodbridge, 2005), p. 129.

¹⁴ C. R. Tubbs, *The New Forest: History, Ecology, Conservation* (Lyndhurst, 2001), p. 87.

improvement and the application of political mathematics meant that they would often make assertions that could not be verified by the results.¹⁵ Indeed, Arthur Young, one of the greatest proponents of rational methods in agricultural improvement and an advocate for enclosing the New Forest, has been accused of being ‘a totally incompetent as a farmer’, ‘apt to let his own enthusiasms run away with him’, and that ‘he cared only for casual observation and injudicious questionnaires and wrote for the general public. Accuracy meant little or nothing to him.’¹⁶ Arendt attributes this phenomenon to ‘self-deception’, rather than downright deceit, where high social status or official rank coupled with ‘astounding self-assurance’ would lead to an overconfidence in achieving ‘overwhelming success’.¹⁷

While this research has focused on the attitudes and actions of the political, landed elites towards inclosure, there was resistance and direct action from the New Forest’s commoning residents who opposed its use. Robson observes that rights founded in practice were defended in practice by commoners’ riotous disputation of exclusive boundaries.¹⁸ Engagement with the legal and political process was exhibited by some opponents using public meetings, pamphlets and other publications, and via petitions to Parliament.¹⁹ However, popular protest was also demonstrated against changes to the Forest’s management and landscape using violence, such

¹⁵ This phenomenon is described by Irving Lester Janis as ‘groupthink’ - the process that takes over when decision-making bodies agree for the sake of agreeing to abandon their critical judgment. Irving Lester Janis, *Victims of Groupthink: A Psychological Study of Foreign-policy Decisions and Fiascoes* (New York, 1972).

¹⁶ Mark Overton, *Agricultural Revolution in England: The Transformation of the Agrarian Economy, 1500-1850*, (Cambridge, 1996), p. 129.; J. D. Chambers and G. E. Mingay, *The Agricultural Revolution, 1750-1880* (London, 1978), p. 74.; E. Kerridge, ‘Arthur Young and William Marshall’, *History Studies I* (1968) pp. 43-63.

¹⁷ H. Arendt, *Crises of the Republic: Lying in Politics, Civil Disobedience on Violence, Thoughts on Politics, and Revolution* (London, 1972), p. 35. This part of Arendt’s study focused on the Pentagon Papers during the Vietnam War and the political falsehoods and deliberate lies that were used for propaganda purposes but her argument works in retrospect.

¹⁸ Elly Robson, ‘Improvement And Epistemologies Of Landscape In Seventeenth-Century English Forest Enclosure’, *The Historical Journal*, Volume 60, Issue 3, September 2017, pp. 629.

¹⁹ HRO/2M30/669. *Letter from Petitioners, New Forest* (1792).

as animal maiming, death threats, arson and inclosure breaking.²⁰ This was not a phenomenon restricted to the New Forest. Robson in her study of the western royal forests of Gillingham, in Dorset, and Braydon, in Wiltshire, shows that commoners in other forests also used ‘spatial disordering’ and ‘un-mapping’ to undermine attempts to rationalise the forests, rendering them once more illegible from the centre.²¹

The rationale for inclosing parts of the New Forest was expressive of a particular type of political ideology that was confident of its ability to be able to re-order and control aspects of the natural world, in order to be able to exploit it. Attitudes towards nature, particularly those advocated by the Royal Society, formed an ideology that regarded the subordination of animals and the environment to humankind as being in the way of the natural order.²² However, the natural elements of the New Forest did not adhere to any ‘rational’ plan and the scheme to increase timber was exposed to ‘irrational’ features, such as the ferns that invaded after ground clearance, the deer and livestock that broke in to eat the oats (sown to ‘mellow’ the ground), and the mice that swarmed to eat the planted acorns and bark from the trees. Thus, as Griffin asserts, the narrowing of state vision to the authorised elements, such as trees, which could be calculated, counted and measured, created ‘blind spots’ in which the unauthorised human and non-human elements asserted their own visions for the landscape.²³

The repeated attempts to establish timber trees in some of the New Forest’s inclosures reveals that George III’s government was itself prepared to act irrationally. By persevering with its scheme to establish tree plantations, using ‘scientific’ methods, the government would encourage the very features (mice, deer, weeds) that would resist its plans. In some inclosures,

²⁰ HRO/149M89/R4/6124, 'Affadavit of John Throckmorton, under Keeper, and His Servants Regarding Threats and Damage, 15th December 1753' (Hampshire Record Office, Winchester); 'December 29th, 1753', *The London Gazette*.

²¹ Elly Robson, 'Improvement And Epistemologies Of Landscape In Seventeenth-Century English Forest Enclosure', *The Historical Journal*, Volume 60, Issue 3, September 2017, pp. 629.

²² Roy Porter, 'Review: Man, Animals and Nature', *Historical Journal*, 28, (1985), 228.

²³ Carl J. Griffin, 'More-Than-Human Histories and the Failure of Grand State Schemes: Sylviculture in the New Forest, England', *Cultural Geographies*, 17(4) (2010), p.451.

the target species of oak (required for naval timber) grew up stunted and unhealthy. Such an outcome caused a change in tactic that included the planting of other species, including chestnut, Scotch firs, pinasters, and larch.²⁴ This abandonment of its commitment to oak plantations, which had been the reason for establishing inclosures in the first place, demonstrates that the political aim had shifted from the increase and preservation of naval timber to the growth of trees – of any species of tree.²⁵

The ruling elite were also subject to ‘irrational’ behaviour towards their own peers. Struggles for control developed between powerful individuals and within the departments of state responsible for the administration and management of the New Forest, even though they may have shared the same strategic objectives. The *divisum imperium* caused tensions between the Lord Warden’s office (appointed directly by the monarch) and the Surveyor General’s office (appointed by the Treasury). While both sides attempted to win the argument using the emerging techniques of scientific forestry, particularly in relation to establishing inclosures, issues of social rank and political hierarchy undermined efforts at improvement. John Russell, the fourth Duke of Bedford, as Lord Warden of the New Forest, rather than working with the Surveyor General’s department, which was responsible for producing timber for the Royal Dockyards, tried to take the responsibility for timber upon himself. The resulting animosity between the Lord Warden’s office and Surveyor General’s department was based on mutual suspicion and distrust. This unruly competition was not only inherent in the structure of the forest system but was also attendant on the personalities employed in official roles, which ensured that distinction of rank was preserved from top to bottom.²⁶ This demonstrates that although the scarcity of timber was perceived as a threat to the nation, personal disagreements

²⁴ Thomas Davis, ‘Cultivation of the British Oak; a Statement Presented to the Bath & West of England Agricultural Society’, in *The Annual Register: Or View of the History, Politics and Literature of the Year 1828*, ed. by T. C. Hansard (London, 1829), p.525.

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²⁶ Peter Jupp, ‘The Landed Elite and Political Authority in Britain, ca. 1760-1850’, *Journal of British Studies*, Vol. 29, No. 1 (Jan., 1990), p. 56.

and petty politics could impede the function and operations within the Forest.²⁷ Ultimately, it was the status and political credentials of those actively involved in the administration and management of the Forest that determined the higher authority.

Women and the New Forest

The running of the royal forests has always been associated with individuals of high rank and social status. During the medieval period, it was not unheard of for women to be responsible for the administration of the royal forest, which they could do by inheriting a position, such as Forest Wardenship. Medieval queens, who were among the greatest lords in England, owned deer parks, forests and ‘altered the ecological signature of their landscapes’.²⁸ This tenure was usually as a part of their dower properties, over which ‘they invariably exercised full seigniorial jurisdiction’.²⁹ The manor of Lyndhurst, for example, passed to Henry III in 1270 and, together with the wardenship of the New Forest, formed part of the dowry of four consecutive queens: Eleanor of Castile (1241-1290), Margaret of France (c. 1279-1318), Isabella of France (1295-1358), and Philippa of Hainault (1314-1369). Historians, archaeologists, and scholars are, therefore, at last, reassessing women’s spaces within the domestic and political milieu of elite society, while some have gone even further to include outdoors spaces in the discussion.³⁰

Considering the importance of the royal forests to English queens in medieval times, there is remarkably little evidence of any political influence or agency exhibited by elite or

²⁷ This is an area for further study, as an additional cause to the preception of the timber scarcity.

²⁸ Richardson, Amanda. *Beyond the Castle Gate: The Role of Royal Landscapes in Constructions of English Medieval Kingship and Queenship*, 2011. Available at: <https://cma.gbv.de/dr,cma,014,2011,a,04.pdf>, [accessed 21 December 2015].

²⁹ *Ibid.*, p.44.

³⁰ Wilkinson, Louise. J. *Women, Politics and Local Government in the Thirteenth Century*. http://www.finerollshenry3.org.uk/redist/pdf/Wilkinson_Women_Politics_Local_Govt.pdf (accessed 17 December 2015).; Henrietta Leyser, *Medieval Women: A Social History of Women in England 450-1500*, (London, 1995), p166.; Richardson, Amanda. *Riding like Alexander, Hunting like Diana': Gendered Aspects of the Medieval Hunt and its Landscape Settings in England and France*, *Gender and History*, 24.2, (2012), 253-270 (p. 260).

gentle women in the political developments of the New Forest during the long eighteenth-century. McDonagh explains that too often the actions of married women, when they acted as estate managers, are obscured by their husbands' presence in the source documents.³¹ This may also be true of the New Forest. There are glimpses of a female presence in the landscape that extends beyond domestic or agricultural labouring duties, such as housekeeping, laundering linen, haymaking, planting acorns and picking holly, as demonstrated by the Duke of Bedford's accounts.³² Indeed, women were among the protesters who opposed the reforms, including the use of inclosures, brought in during Bedford's tenure. This behaviour was particularly exhibited by women, such as Catherine Hobbs and Ruth Cull, who were both overheard making menacing and threatening remarks towards John Throckmorton, a Forest official.³³ Thus, while the presence of women may not be yet detected in elite politics, they were evident in popular protest.

Significantly, the presence of a small community of female (women and adolescent girls) property owners in the New Forest is recorded in the 1670 Abstract of Claims, although there is no information about the extent of their agency.³⁴ The existence of women property owners in the New Forest, reflects McDonagh's research into the management and improvement of large estates during the eighteenth century, which has also revealed a not

³¹ Briony McDonagh, *Elite Women and the Agricultural Landscape, 1700-1830* (London, 2018), p. 32.

³² HRO/149M89/R5/6465 – New Forest Rental at Michaelmas, 1765 (Hampshire Record Office, Winchester); HRO/149M89/R5/6457A, 'New Forest: Local Steward's Accounts with the Duke of Bedford - Nov 1746-Jan 1773', (Winchester: Hampshire Record Office), folio 662.; HRO/149M89/R4/6124, 'Affadavit of John Throckmorton, under Kepper, and His Servants Regarding Threats and Damage, 15th December 1753', (Hampshire Record Office, Winchester).

³³ HRO/149M89/R4/6142, 'Letter from Samuel Miller, Lyndhurst, to Robert Butcher, Bedford House, London, 13th March 1752', (Hampshire Record Office, Winchester).

³⁴ 'No. 9. Alice Lisle, Widow; 'No. 83. Elizabeth Roberts, spinster'; 'No. 124. Alice Bawldrey, Widow'; and 'No. 256. Sarah Shish and Joan Shish, of Dibden, in the county of Southampton (being within the age of 21 years), appear by William Ludlow, their guardian', *An Abstract of All the Claims on the New Forest, in the County of Southampton, Entered at the Lord Chief Justice in Eyre's Court, Adjourned from the Swainmote Court, Held at Lyndhurst, the 27th of June, in the Twenty-Second Year of the Reign of King Charles II and Held at Winton, the 29th Day of September, 1670* (Salisbury, 1773).

insignificant number of women freeholders.³⁵ Women may also have been instrumental in the landscape through the transformative works of garden architects, such as Lancelot ‘Capability’ Brown, William Kent, and Humphrey Repton. Many of the estates in and around the New Forest were artificially landscaped in the eighteenth century, and gardening was an activity in which women fully participated.³⁶ Lancelot Capability Brown visited the New Forest many times, referring to it as ‘the oldest new place’ that he knew, and was reported to be enraptured at the abundance of ‘old oaks’ there.³⁷

Brown provided his landscaping services to several properties within or bordering the New Forest, including Lord Palmerston’s estate of Broadlands, Romsey (1766-1779); Hans Sloane’s manor of Stoneham (1773-1780); Hans Stanley, Paultons, Romsey (1772-1774); Robert Drummond’s estate at Cadland House, Fawley, Southampton, (1775-1781); and Sir Thomas Tancred’s estate of Cuffnells in Lyndhurst (1780).³⁸ Thus, further study may yet reveal women exerting influence and even agency in the re-ordering of the landscape and management of the New Forest during this period.

Women, at this time, were present in other, traditionally masculine, areas of society, including politics, such as electioneering and activism in the anti-slavery movement; in economic activity, for instance, running a family business and book-keeping; and involvement in the finances and investments that contributed to Britain’s industrial and economic development.³⁹ In her study, of women’s property ownership and economic roles in early

³⁵ Briony McDonagh, *Elite Women* (London, 2018), p. 32.

³⁶ Susan Groag Bell, ‘Women Create Gardens in Male Landscapes: A Revisionist Approach to Eighteenth-Century English Garden History’, *Feminist Studies*, Vol. 16, No. 3 (Autumn, 1990), pp. 471-491.; Stephen Bending, *Green Retreats: Women, Gardens and Eighteenth Century Culture* (Cambridge, 2013).; Melissa Bailes, ‘Women, Gardens, and Solitude in Eighteenth-Century Britain’, *The Eighteenth Century* Vol. 57, No. 4 (Winter 2016), pp. 537-541.

³⁷ Jane Brown, *Lancelot 'Capability' Brown: The Omnipotent Magician, 1716-1783*, (London, 2011), p. 265.

³⁸ Lancelot ‘Capability’ Brown, ‘The Account Book of Lancelot Brown’, ed. by Royal Horticultural Society (1759-1783), (pp. 47-48; p. 78.; p.125.; and p.41).

³⁹ Briony A. K. McDonagh, ‘Women, Enclosure and Estate Improvement in Eighteenth-Century Northamptonshire’, *Rural History*, Volume 20, Issue 2, October 2009, pp.143 – 162.

modern England, Amy Erickson has also shown that some women controlled significant amounts of property as widows and co-heiresses.⁴⁰ Indeed, McDonagh has persuasively argued, the conventional focus of studying women's agency in the domestic sphere has tended to overlook elite women's involvement in estate management.⁴¹ Thus, Katherine Lowther, who had married Vice-Admiral Harry Powlett, later the sixth Duke of Bolton, after she was widowed in December 1794, as Duchess Dowager Bolton, petitioned Parliament against the New Forest Timber Bill 1800. She asserted that *her* rights were to be violated by the bill and asked for more time to organise her appeal.

Even though the Duchess Dowager Bolton controlled significant property interest in the New Forest she did not exert significant influence and her request to delay the New Forest Timber Bill 1800 was denied. According to George Rose, he was sure that the Duchess had 'misconceived the nature of the bill', and that 'he would take it upon himself' to say that her rights would not in any way be affected, and that a delay in passing the bill was not required.⁴² It was reported that George Rose had announced to Parliament that, while some considered it would be 'ungallant' to refuse her request for an extension, 'however much as he might be disposed to show himself a man of gallantry out of doors, he had considerations of another kind to attend to as a Member of Parliament'.⁴³ The bill passed and became the New Forest Act 1800 (39 & 40 Geo 3 c 86).

⁴⁰ A. L. Erickson, 'Possession – and the Other One-Tenth of the Law: Assessing Women's Ownership and Economic Roles in Early Modern England', *Women's History Review*, 16:3 (2007), 369–85.

⁴¹ Briony A. K. McDonagh, *Rural History*, Volume 20, Issue 2, October 2009, pp.143 – 162.

⁴² 'Parliamentary Debates, 1800', *The Parliamentary Register: Or, History of the Proceedings and Debates of the House of Commons*, Vol. XII (London, 1800), p. 250.

⁴³ *Ibid.*

Public good or private gain?

Recent environmental and political historiography has been reviewing the impact of the state and its actors on the development of silviculture.⁴⁴ This study has contributed to this re-appraisal by examining the politics of inclosure in the New Forest, during the long eighteenth century, and the links between a narrative of a timber scarcity, the rise in political dominance of a landed elite, and the use of improvement ideology, rational methods and ‘political arithmetic’ in formulating legislation for large-scale silviculture development. While it had all the characteristics of a remote and wilderness landscape, the New Forest was not isolated from the centre of the political and economic metropolis. Inclosures in the New Forest were sanctioned at the highest level of government using legislation that not only proposed timber plantations on an almost industrial scale, but also threatened to suspend, reduce, or remove the common rights that had been enshrined in law since the proclamation of the Charter of the Forest 1217 – the extended version of Magna Carta - that had given free-men rights within the forest system.

On the one hand, inclosures were legitimated by a political discourse that saw the dispossession of commoners as being legally and ethically justified if the land inclosed was in some way morally improved for the ‘public good’, such as for naval timber used to protect the realm. On the other hand, opponents saw constitutional dangers with their personal property rights being threatened or abused by legislation aimed at altering entitlements within the New Forest. The propagation and preservation of timber, as a state-run enterprise, was seen by many

⁴⁴ John Langton and Graham Jones (eds.) *Forests and Chases of England and Wales, C.1500 - C.1850: Towards a Survey and Analysis* (Oxford, 2008).; John Langton, ‘Forest fences: enclosures in a pre-enclosure landscape’, *Landscape History*, 35:1, 5-30.; Matt Paskins, ‘The Woods for the State’ in Jon Agar and Jacob Ward (eds.) *Histories of Technology, the Environment and Modern Britain* (London, 2018), (p. 232).; Richard Hölzl, ‘Historicizing Sustainability: German Scientific Forestry in the Eighteenth and Nineteenth Centuries’, *Science as Culture*, 19 (2010), p. 437.; Paul P. Warde, *The Invention of Sustainability: Nature and Destiny, C.1500-1870*, (Cambridge, 2018), p. 96.; James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed*, (New York: Yale University, 1999).

as a sign of ‘public spiritedness’, which had regard to the ‘general good’ in preference to private interest.⁴⁵ However, others maintained that civil government was established to protect property rights, making property chronologically and logically prior to the State.⁴⁶ Either way, naval timber was regarded as so vital to the security and wealth of the nation that its supply was not to be left to the whim of natural regeneration or inefficient (or corrupt) customary management systems.

The Middleton Commissioners had detected widespread abuses in all the royal forests, during their enquiries, and the recommendations in their reports attempted to ‘prevent a Return of the Mischiefs which have prevailed’. They believed the abuses were due to the ‘delinquency’ of the officers, tasked with their management, by not fulfilling their duties and, in many cases, exploiting their positions.⁴⁷ In the Forest of Dean, for example, which in proportion to its extent was considered ‘by far the most valuable and most proper for a Nursery of Naval Timber’ it had, by the ‘general Relaxation’ of its management, suffered ‘Very Destructive effects’.⁴⁸ The Middleton Commission had observed that ‘where Government interposed no Check, it was not to be expected that Temptation would be resisted’.⁴⁹ The behaviour of the Forest officials across the whole Crown estate was expected to be dedicated to public service, and not personal reward, but only if sufficient checks and balances and an appropriate management system were in place.

⁴⁵ John Mortimer, *The Whole Art of Husbandry; or the Way of Managing and Improving of Land*, IV edn (London, 1716), pp. 1-2.

⁴⁶ Paul Langford, *Public Life and the Propertied Englishman, 1689-1798* (Oxford, 1990), p. 28.

⁴⁷ Charles Middleton, John Call, and John Fordyce, '*The Seventeenth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*', 28 March 1793, Land Revenue Office (House of Commons, London), p. 3.

⁴⁸ *The Third Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 3rd June 1788, ed. by Land Revenue Office (House of Commons, London), p. 6.; *ibid.*, p. 4.

⁴⁹ *Ibid.*, p. 35.

In the seventeenth century, Evelyn had been particularly keen to instil in the owners of landed estates a moral duty towards forestry that was characterised by public service, personal integrity, and self-sacrifice, such as by encouraging landowners to grow timber trees that they themselves would not see to maturity (or harvest). This moral imperative may have later chimed with George III who, apart from his interest in all matters of agriculture, was keen to oversee ‘a regeneration of the nation’s morals’.⁵⁰ There is also no doubt that the Middleton Commissioners were aware of Evelyn’s text. *Silva* was intended to be read and acted upon by those with political power and social influence.⁵¹ Only by engaging at this level did Evelyn believe that silviculture would become part of the national culture and contribute to our ‘greatest Wealth and Safety’.⁵² His strategy was effective and even a century later, officials responsible for forest administration and policy, and agricultural improvers, acknowledged Evelyn’s influence.⁵³ Indeed, the belief in the timber scarcity that Evelyn established was never officially questioned. On the contrary, the apprehensions regarding naval timber supplies were

⁵⁰ John L. Bullion, "'To Know This Is the True Essential Business of a King": The Prince of Wales and the Study of Public Finance, 1755-1760', *Albion: A Quarterly Journal Concerned with British Studies* 18 (Autumn, 1986), (p. 454).

⁵¹ Evelyn’s influence on the development of improvement ideology regarding silviculture needs to be re-assessed, as his impact has generally been overlooked particularly in the development of the ‘scientific forest’. This study has shown that his theories and calculations have been written into statute law and, therefore, modern scholars looking for his influence and legacy among established forests, woods and groves may be looking in the wrong place.

⁵² John Evelyn, *Sylva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, The Epistle Dedicatory to Charles the Second (1664).

⁵³ These officials included Sir Charles Harbord, Surveyor General of Crown Lands, who personally visited John Evelyn 1661, William Bray (ed.), *Diary and Memoir of John Evelyn, Esq., F.R.S.* (London, 1879), p. 277.; Charles Middleton, John Call, and John Fordyce, *The Eleventh Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents - Oak Timber*, 6th February 1792, ed. by Land Revenue Office (House of Commons, London), pp. 5-6.; Thomas Nicols, Purveyor of the Navy, T. Nichols, *Observations on the Propagation and Management of Oak Trees in General; but More Immediately Applying to His Majesty's New Forest, in Hampshire* (Southampton, 1791), p. 21.; and, Arthur Young, editor of *Annals of Agriculture*, corresponded with Alexander Hunter, editor of the later editions of *Silva*, in Matilda Betham-Edwards, *The Autobiography of Arthur Young, with selections from his correspondance* (Cambridge, 2012), p. 61.

repeated in the later posthumous editions of *Silva*, edited by Alexander Hunter.⁵⁴ These established apprehensions of scarcity would affect the future of the New Forest and the other royal forests, as their usefulness would be calculated on the presence (or absence of timber).

While the Middleton Commission were in favour of the use of inclosures, the dispersal of the New Forest was not suggested. Unlike other of the royal forests, such as Rockingham Forest and Bere Forest, which were recommended for disafforestation; or Alice Holt Forest and Woolmer Forest, and Waltham Forest, which were recommended for division and separation, the Commissioners asserted that the New Forest was too important a resource to be placed into the hands of private landowners.⁵⁵ The New Forest was, instead, to be kept as a public asset for timber production that was managed and administered by the state.

Shortly after the publication of the Middleton Commission's *Fifth Report*, the New Forest Timber Bill 1792, which was purported to be based on its findings, was introduced into Parliament. Its progress through Parliament reveals that its proposals and the manner of their introduction into the legislative process were highly controversial. This resulted in tensions that were largely centred upon opposing views within Parliament which, on the one hand, argued for a state-run, government-controlled timber forest and, on the other, of a private forest

⁵⁴ John Evelyn, *Silva, or, a Discourse of Forest-Trees, and the Propagation of Timber in His Majesty's Dominions*, with notes by A. Hunter (York, 1786).

⁵⁵ Charles Middleton, John Call, and John Fordyce, *The Nineth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 6th February 1792, ed. by Land Revenue Office (House of Commons, London), p. 25.; Charles Middleton, John Call, and John Fordyce, *The Thirteenth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 31st May 1792, ed. by Land Revenue Office (House of Commons, London), p. 12.; Charles Middleton, John Call, and John Fordyce, *The Sixth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 8th February 1790, ed. by Land Revenue Office (House of Commons, London), p. 25.; *Ibid.*; Charles Middleton, John Call, and John Fordyce, *The Fifteenth Report of the Commissioners Appointed to Enquire into the State and Condition of the Woods, Forests, and Land Revenues of the Crown, and to Sell or Alienate Fee Farm and Other Unimprovable Rents*, 28th March 1793, ed. by Land Revenue Office (House of Commons, London), p. 15.

that was managed by individuals acting under the motivation of improvement philosophy and market forces. The central premise of the bill, however, which was founded upon a belief in the scarcity of timber and the improvement of the Forest through rational scientific methods, was not in dispute.

While it did contain some of the hallmarks of enlightenment philosophy, with regard to the introduction and large-scale use of inclosures, arguments were also put forward that challenged the proposals in the New Forest Timber Bill 1792.⁵⁶ Public opinion and extra-parliamentary activity, in the form of pamphleteering and petitioning, would challenge any erosion of ancient rights; unscrupulous and acquisitive personal ambitions of MPs or Lords; or legislative proposals that were seen as antithetical to solving the scarcity of timber believed to be affecting the Royal Navy. The New Forest Timber Bill 1792 was believed to have ‘mischievous’ and ‘unconstitutional’ tendencies, ‘lurking designs’, and to be a government ‘job for the private emolument of Mr Rose, secretary to the treasury’, and was ultimately defeated by a petition from local landowners.⁵⁷ It was political and personal enmity between protagonists, such as the Prime Minister, William Pitt, and the Lord Chancellor, Edward Thurlow and the loss of property rights that was the issue of main concern. There was no such political consternation at the proposed rapid and unprecedented change in the ecological landscape of the New Forest by the use of inclosures.

In the period immediately after the defeat of the New Forest Timber Bill 1792, according to the series of meetings with landowners held in and around the New Forest, and

⁵⁶ Arthur Young, 'On the Bill for the Increase and Preservation of Timber within the New Forest', in *Annals of Agriculture, and Other Useful Arts* (Bury St. Edmunds, 1792); 'A Review of the Bill Now Depending in Parliament; for the Encouragement of the Growth of Timber, within the New Forest', *The Salisbury and Winchester Journal and General Advertiser of Wilts, Hants, Dorset and Somerset*, Monday, May 21, 1792.

⁵⁷ Francis Plowden, *A Short History of the British Empire During the Last Twenty Months; Viz, from May 1792 until the Close of the Year 1793* (Dublin, 1794), p. 91.; R. Bisset, *The History of the Reign of George III: To Which Is Prefixed a View of the Progressive Improvements of England in Property and Strength to the Accession of His Majesty* (Philadelphia 1822), p. 367.

by the correspondence from Thomas Stone to George Rose, the ‘partition and separation of the Forest’ was being actively pursued.⁵⁸ The Middleton Commission had categorically rejected this proposal as being ‘disadvantageous to the Public’.⁵⁹ This suggests that the extensive investigations and recommendations of the Middleton Commission, particularly with regard to retaining the New Forest under state-control, were being disregarded in preference to private ownership. (The outcome of any Parliamentary inquiry was not binding, and its recommendations could be ignored.)⁶⁰

Although it was highly anticipated, it is unclear why a new bill for the New Forest (to replace the New Forest Timber Bill 1792) was not passed in Parliament at this time. Much work, many new surveys, and public and private meetings had taken place to discuss its proposals and possible clauses. The main advocate for the New Forest Timber Bill 1792, and a new bill to resurrect its clauses, was George Rose MP.⁶¹ Although Rose was unable to benefit legally from the division and separation of the New Forest, he nevertheless illegally encroached on portions of the Forest surrounding his estate of Cuffnells. While his land theft caused consternation in some quarters, his actions did not result in any censure or prosecution which, as Griffin has shown, was probably due to him being of high rank and, therefore, socially acceptable.⁶² If the motive of the bill had been to enable Rose to take large portions of the Forest for himself he was, nevertheless, able to achieve the same ends without the trouble of parliamentary process (as commented on by Cobbett).⁶³

The latter part of George III’s reign was marked by the rise in dominance of the Surveyor General’s office, which then became the Office of Woods, the forerunner to the

⁵⁸ HRO/2M30/669, ‘Letter to George Rose from Thomas Stone’.

⁵⁹ Middleton, Call, and Fordyce, *The Fifth Report* (1789), p. 30.

⁶⁰ John Alder and J.A.K. Syrett, *Constitutional and Administrative Law* (London, 2007), p. 481.

⁶¹ There is no biography of George Rose, which, considering his impact on the bureaucratic and administrative development of modern British government, is unusual.

⁶² Carl J. Griffin, ‘Enclosures from Below? The Politics of Squatting and Encroachment in the Post-Restoration New Forest’, *Historical Research*, 91 (May 2018), 287.

⁶³ William Cobbett, *Rural Rides* (London, 1830), p. 624.

Forestry Commission and now Forestry England. Significantly, all species of trees began to be planted, including soft woods. This indicates that the strategic benefit of the New Forest, being close to the naval dockyards in Portsmouth, was perhaps not as important as once it was. Indeed, supplies of naval timber were much more likely to have been secured from overseas forests within the Empire or from trading partners.

The narrative of a scarcity of timber was never questioned, but what was doubted were the motives of those advocating proposals to improve the New Forest. Suspicions were aroused that the schemes were promoted for private gain rather than public benefit. The proposals for the improvement of the New Forest had developed with the convergence of a national concern for the shortage of naval timber, the institutionalisation of enlightenment thought and scientific endeavour, a change to the British constitution on the accession of George III, and a rise in the political and cultural dominance of a landowning elite to reorder nature and the landscape. This merging of ideology and policy, of science and custom, and of entrepreneurship and civic duty meant that when it became a state-controlled property, inclosures in the New Forest were characterised by the emergence of a philosophy that would set the status of state-forests as morally 'public' but ideologically 'private'.

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