

ELIZABETHAN CONSERVATORS OF THE NEW FOREST

By PETER ROBERTS

ABSTRACT

This article investigates a hitherto unknown (in the New Forest) class of forest officials, the Preservators, in the light of their surviving certificates at the Public Record Office. Created in 1567 by the Exchequer to protect the lucrative timber assets for the governments's own benefit, they overlapped in function with the regarders and were of doubtful value as early as 1609, although Preservators' certificates continued until at least 1684 the title was only known as an historic note by 1765. This paper thus amplifies Stagg's account of silviculture in the New Forest.

INTRODUCTION

Whilst researching regarders certificates, a source familiar to forest historians, the author became aware that the 'wrong' questions were being answered. Regarders were part of a forest management system under the control of the justice in eyre. In the New Forest the lord warden was in overall charge of various officers, whose purpose was to protect the game and the covert in which they lived. Twelve regarders, initially knights, were required to make their inspection or regard prior to a forest eyre (originally every three years).

During the late medieval period and increasingly in Tudor times, the value of the wood and timber in the Forest came to be officially recognised for economic and military (mainly ship building) reasons. In 1512 a 'central accounting department for wood sales' was set up which was incorporated into the court of surveyors thirty years later (Hammersley 1957, 137; Stat. 33 Hen. 8 c. 39). Much concern as to the state of the forests was evident in the early part of Queen Elizabeth's

reign. In a detailed survey of the New Forest produced in 1565 by her surveyor general of woods, Roger Taverner, the word 'preservation' crops up frequently in connection with timber or woods, as it does in state papers of the period (PRO LRRO5/39; CSPD 1566–79, 140, 260, 286).

New officers were charged with looking after the Crown's timber interests. Deputy surveyors and woodwards were established for each county in which there were Forests. The latter are not to be confused with the woodwards appointed by private owners of woods within forests, who were required to act as keepers and swear allegiance to the Crown. Ipley and Minstead maintained such positions, the latter's office was still kept in the second half of the 17th century. The exchequer, although unable to gain direct control of the forest justice system, did manage to obtain control of wood sales in 1567 (Hoyle 1992, 356). The same year an exchequer warrant required the verderers of each forest or bailiwick to choose from amongst existing regarders two to serve as chief regarders or Preservators (Pettit 1968, 29).

THE OFFICE OF PRESERVATOR

In the New Forest there were at the time nine bailiwicks, so a total of eighteen preservators were called for. This begs the question of how their appointment was made as there should have been only twelve regarders, voted into office by the freeholders of the county for life. However there are earlier records showing thirteen, fifteen and even eighteen regarders at courts in the late 15th century (Stagg 1983, 53, 88, 124). These courts were held within an eighteen month period: an almost complete change of personnel implies that an

appointment system was in use. No record of elections for regarders has been found in this period nor in the 16th century. It would seem that they were appointed as required. All but two of the eighteen Preservators in position in 1570 have been traced either by wills or tax returns, which show that successful yeoman were the backbone of the system (HRO Index to wills, Davey 1981). Unlike their counterparts from the 15th century, their appointment seemed to be for life. Although no record of an oath on taking office has been found, it was required. William Webster a Preservator from Minstead who first completed a return in 1594 stated in an inquiry of 1602 that he '... hath accordinge to his oath returned yearlie into her Majesties Court of Exchequer ...' (PRO E 101/2047, m 15).

From 1584 the annual returns change to show only six Preservators, still working in pairs, who cover three bailiwicks apiece. North, West Linwood and Godshill were linked under Thomas Lovell and John Hooker; Fritham, Inn and Burley were under John Elcome and John Lovell whilst John Andrewes and Richard Vale looked after East, South and Battramsley bailiwicks. In 1608 there is further change, just two Preservators signing the return, and then three, different, preservators the following year. A similar pattern is evident in the remaining returns with three men, John Elliot gent, William Goff, Andrewe J Hobbs yeoman completing the return as regarders and Preservators in 1643. The last two along with William Battin sign the certificate 5 years later and also, exceptionally, the deputy woodward (PRO CRES2/1673). Three men complete the last return found in 1684 (PRO LR915/558).

No exact record of their function has been discovered, though the copious answers to the articles of instruction allow deductions to be made about what was required of them and what they actually did. A monthly view or inspection of their bailiwick was one necessity. They were also required to be present whenever trees of a certain size were felled and to note the authority, quantity and purpose in their own records before marking the timber with an axe (PRO E101/142/14). The woodward's axe had his initials on it, whereas that of the Preservators was marked with a broad ar-

row (PRO E178/3097, m 18). Some of their duties overlapped with those of the woodward. Either could be present to approve removal of underwood, when tracks through the forest were made. Similarly they or the woodward were to confiscate unauthorised loads of wood being removed from the forest. Part of their work was so closely allied to that of the woodward that a deponent at an inquisition held in Brockenhurst in 1609 refers to the 'woodward and his preservitors' (PRO E178/3097, m 17).

The rewards for the job seem poor. They were allowed 4d in the pound of all wood sold within their area, unless none was sold, in which case they would have up to 5s worth of fire-wood at the discretion of the surveyor or woodward and no more than 5s for keeping a book and writing and delivering a duplicate (PRO E178/2007, article 11). Receipt of payment was slow. In 1575 the Godshill bailiwick preservators Thomas Lovell and John Gose reported that they had been paid fees for only two years, although they had been doing the work for six years (PRO E101/142/15 m 5). Three years later Rychard Earlie & William Gybs of the North bailiwick complained that they had not been paid for 5 years (PRO E/101/142/16).

THE ARTICLES OF THE PRESERVATORS

An abstract of Articles of the Preservators has been published for three Northamptonshire forests by Pettit (1968, app III). They differ from forest to forest: there are thirteen Northamptonshire articles, whereas the New Forest Preservators had twelve. The introduction of these articles made provision for, probably for the first time, a regular check at local level on the activities of forest officers, whether appointed by the lord warden or by the Crown (See appendix). The primary purpose was to ensure that timber destined for defence or civil engineering projects was not diverted for the personal gain of forest officers or others. To perform these duties the Preservators were required to be present at the felling of trees and even the clearance of underwood which might be sold for a profit. There was a specific requirement for a check to be made on

forest officers, sometimes as a general means of ensuring that no officer went beyond his brief. The chapters and articles of the regard used in 1670 have been published and may usefully be compared to these articles (Stagg 1983, 1543). The former provide fifteen headings and were concerned with topics as diverse as unlicensed ale-houses, buildings erected in the forest, ports, and the contents of ships that used them. This was in addition to the more obvious investigations of encroachments, assarts, purprestures, licensing of hunting dogs and attacks on the game and its covert. They seem to have been customised and differ quite widely from earlier lists, such as that in Coke (1669, 292), where twelve articles are shown.

THE HISTORY AND DECLINE OF THE PRESERVATORS

The Certificates of the Preservators, their style and frequency, shows why the office declined. The early answers to the articles were quite comprehensive although questions eight, nine and ten were rarely answered in full. Amongst the responses given in 1574 only the Preservators for the South bailiwick, William Maple and John Hobbes, give full and separate answers, though all are in the negative (PRO E101/142/14, m 9). These three questions were impractical for them to answer, as they required constant surveillance and were a duplication of the keepers' role. Gradually attention to detail slips from the returns. Mention of the monthly view does not occur regularly. Articles one to seven and twelve are answered, then answers appear in more general terms. Despite an essential part of their work being the marking of trees approved to be felled, a special axe was not provided for them until after 1572. (PRO E/101/142/12.) Their attendance at felling of timber required the assistance of other forest officers. Their most frequent complaint is that they have not been advised of fellings, but only found the stumps on their regular inspection. Officers that felled illegally were not likely to co-operate fully or even at all, especially as they did not answer to the same authority.

Some initial successes of the Preservators work

are to be seen in a decree issued by the exchequer in 1584 (5th Report 1789, 51-2). Reference is made to various exchequer court cases commenced against keepers, rangers and foresters in the New Forest for alleged excessive use of timber in lieu of fees. It must be assumed that the court cases were not effective in stopping the problems for it was accepted that some forest officers had a right to some timber or wood as 'usurped Custome' – the question was how much. Substitution of various loads of timber, to be delivered by the woodward, was made in many cases. Twelve loads were allocated to each of the keepers with the stipulation that it must be used in their lodge. Inflation or 'Alteration of Tymes' was given as a reason for doubling their wages in lieu of abandoning other excessive demands upon the woodlands. The rangers, who had previously claimed nine loads of wood in every bailiwick, were to be paid £4 per annum. The riding for-ester, who had claimed as much as the rangers was allocated £5 per annum; all of the moneys were to be found from wood sales. These changes were all part of negotiations between the lord warden and the exchequer, in which it was agreed that charges against the keepers should be dropped. Although no mention is made of a reduction in the number of Preservators, it is at this time that they are reduced from eighteen to six.

A series of inquiries instigated into offences concerning misappropriation of timber in particular by the woodward and his deputy implicated a number of Preservators in the 1590s (PRO E 178/2047). Abuse of the right to wood continued into the following decade, when further inquisitions revealed the extent of the problems. The weakness of the system was that, set up by exchequer warrant, preservators were obliged to report to the treasury rather than the justice system. All being well between the two departments, this should have enabled prosecutions to occur where necessary. In practice there seems to have been friction. The Exchequer chose to use its own court to pursue prosecutions and, whilst this did produce some results, it was an expensive process not suited to the lesser misdemeanours (Pettit 1968, 30). A compromise between the justice in eyre, the earl of Nottingham, and the lord treasurer, the earl of Dorset, was reached in 1606, ensuring that

neither department could act without advising and in some cases obtaining the permission of the other in the matter of felling timber and other wood (Coke 1669, 299–300).

By 1609 Thomas Fanshaw, the king's remembrancer in the exchequer, ordered an inquiry into the problems of the New Forest in which it was specifically asked whether the Preservators were necessary or whether twelve regarders were sufficient. Local feeling is self-evident: the jurors describing the officers of the forest used the phrase 'unprofitable Preservitors newly crept into the forest' (PRO E178/3097, m 17). Their conclusions, unsurprisingly stated that 'the office of preservators is superfluous'. Although not discontinued, the survival of subsequent reports is poor.

A handful of returns have been located later in the 17th century, though all are short and relatively uninformative. There is a nil return for five of the nine bailiwicks in 1643 and for three in 1648. The last return or duplicate found is for 1684. Even more than the returns from the civil war period, this has the appearance of a document produced at year end for accountancy purposes rather than the duplicate copy of entries in the book which should have been kept throughout the year. Although correctly styled and headed with totals of the value of wood sold in the year under the various headings, no attempt is made to sub-divide it into bailiwicks, although these are listed in the margin (PRO LR9/15/558). A deposition made by John Drew, one of the regarders in 1677, at one of the regular inquiries into wastes and spoils of the woods, shows the procedure adopted then:

This Depon[en]t alsoe saith that he was never sworne as Preservator of the Forest, but he signed the bookes of accompt as Preservator And saith that the Lord St John when he was Lord Warden ordered three of the Regarders to goe one yeare and three another yeare and soe through all the Regarders w[i]th the Woodward as Preservator (PRO E178/6453, 31st Aug).

Against this must be noted that two axes were still in use in the forest in 1676. One was the woodward's, the other was the surveyor's 'in the cus-

tody of the preservator's of the forest'. The lord treasurer directed that there should be only one axe and commanded the surveyor general of crown lands, Sir Charles Harbord to issue a general order 'for the settling the axe etc. to be sent to all the forests throughout England' (CTB v, 92). Eighteenth century sources only record them as an historical note. William Samber, a forest keeper and confidant of the Duke of Bedford, then lord warden of the forest, writing around 1765 says that 'The Regarders were also stiled Preservators as appears by an Account in 1643 and another in 1648, Ques whether they are so now?' (HRO 149M89/R4/6145, 6). A perusal of the Commissioners of Woods reports of 1787–93 reveals only one passing mention of Preservators' presentments in a list of books delivered to the new surveyor general, Thomas Morgan, in 1608 (3rd Report 1788, 74).

CONCLUSION

There were three main reasons that the office of Preservator failed. It recruited its officers from amongst people who were part of a much older system that it had to control. It may well be that without the Forest Eyre there had been little work for regarders. The men seeking office may have looked on it as a mark of favour because in former times their places had been filled by knights of the county. Secondly, essential materials required (marking axes) were not supplied soon enough to be effective, nor were the Preservators given the backing to enable them to stand up to the officers of the old system, as the exchequer courts proved to be inadequate for the job. The third failing might easily have been predicted. Their fees were not paid regularly and so they did as others before had done and took their due (or more) without proper authority thus adding to the problem which the exchequer had appointed them to resolve.

Throughout their existence, even in the articles of instruction, the terms 'Preservator' and 'regarder' were used indiscriminately. This has not only misled the historian in the past, but may have been a deliberate ploy by the treasury to change the roll of the regarder under the nose of

successive lord wardens. By 1765 William Samber states their business is to 'sign all timber necessary to be felled for fewel and repairs ...' (HRO 149M89/R4/6145). He goes on to say they are to take care that no one defrauds the king of his timber and they are to take away axes and hedge bills. By 1789 the regarders' duties consisted exclusively of attending the marking of all trees to be felled for any purpose and to value any non-naval timber or wood sold in the Forest as well as attending the sales and deliveries of such forest produce (5th Report 1789, 11). Two of the regarders stated that marking of the trees to be felled should be done in the presence of 'Three Regarders at the least' (5th Report 1789, app 7,

app 12). Surely this was essentially the rump of the Preservators tasks rather than that of the old style regarder?

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Author: Peter E Roberts, 17 Castle Malwood Lodge, Minstead, Lyndhurst, Hampshire, SO43 7HB.

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APPENDIX

Source: Public Record Office E178/2007 Exchequer, Special Commissions of Inquiry

[in margin] Southt

Articles of instruction for the cheife regarders and p[re]servittors of the quenes ma[jes]tes wooddes in the newe Forest in the countie of Southt'

1) Firste that there be always in the custodie of the said regarders one sealing axe with a peculier marke and one bagg wherin the said sealing axe shalbe kepte the same sealing axe at all tymes when it shall not be occupied by the said regarders to remayne in the said bagg in the custodye of one of the said regarders and the bagg wherin the said sealyng axe shalbe kepte to be sealed by the other of the said regarders.

2) Item that no deade tree ?morrier vermyne tree fee tree or wyndfall tree be taken in any the quenes ma[jes]tes woodes within her said Forest by any Foster ranger kep[er] woodwarde or other p[er]son or p[er]sons as any Fee or dutie to any there office or offices belonginge untill the same shalbe vewed by the said regarders and marked with the said sealing axe and yet neverthelese the Foster ranger kep[er] woodwarde or other

p[er]son or p[er]sons which shall receyve and take any such tree by colour of there fee to be answerable to accompte for the same excepte he shall [above line: first] sufficiently prove before the lorde highe treasurer of Inglande and the chancellor of thexchequier that such kynde of tree and trees is unto hys office of right belonging.

3) Item that no oke ashe or beche or any other kinde of trees being of such quantitie and nomber of ynches in [cyr]rante as the said regarders shall thinck good to appoyntes shalbe either solde or elles [else] fall[en] either for any rep[ar]acons or for any other purpose what so ev[er] within any of the quenes woodes excepte the said regarders do firste vewe consider and allowe that the same trees be mete for such kynde of rep[ar]acons or mete to be solde or othewyse mete to be fallen for such purpose as the case shall requier and then the same to be by them marked with the said sealyng axe and the number of the said trees to be by them written in a booke and to what purpose the same were appoynted to be fallen before any such trees shalbe fallen or taken awaye.

4) Item that no underwoode or thornes be fallen in any the quenes woodes within the said Forest

by any Foster Ranger kep[er] under p[re]tence of newe makyng of Ridinges or under p[re]tence of skowryng landes or makyng wider of the landes or rydinges hertofore made excepte the said Foster Ranger or kep[er] do make the said regarders privie to the makyng or skowryng of the said landes or ridinges and that the said underwoode and thornes be also vewed and esteemed by the said regarders what number of lodes the same amounte unto and either assigned by the quenes woodward or by the said reagarders to be employed upon the necessarye hedging or repayryng of any of the quenes hedges or cettes to be solde by the said woodwarde unto the quenes ma[jes]ties use wheras the same shall not be otherwise due unto any other p[er]son.

5) Item that be or they which shalbe appoynted by the kep[er]s or such other officers unto whom it appteyneth to fall the derebrouze shall take an othe before the said Regarders yerely that they shall not fall any of the quenes woodes for deresbrowze for any respecte therby to p[ro]ffit any officer or any other p[er]son which shall have or bie the same derebrouze but to the only respecte to releve the dere in harde wether and that they [above line: which] not fell the bowes of any oke if therebe sufficient of any other woode of the quenes to be fallen for derebrouze within the said Forest nor any eymes or bowes of any oke or other trees the same aymes or bowes beinge any great[er] then as a Buck maye turne over with his hedde in wynt[er] and if any p[er]son shalbe appoynted to fell the said derebrouze whose oth the said regarders esteeme to be of insufficient merit then the same p[er]sons to be removed from the felling of the said derebrouze and an other of bett[er] credit to be by them appoynted.

6) Item that no derebrouze loppes of trees fierwoode or fee woode be carred a waye in any yere before the feast of Easter next after the felling therof to thintent the same may be lesurely and p[er]fitly vewed and sene by the said regarders and the quantitie therof written by them in a booke.

7) Item the kep[er]s to be inhibited to put any horses beastes shepe coltes calves and swyne or other cattle into coppices untill the sprynge of the

said coppice shalbe of the age of eight yeres and that they shall suffer no dere to come into the coppices wherby the said sprynge shalbe hurte or hinddred and that it shalbe lawfull unto any of the said regarders fynding any horses mares coltes beastes shepe calves or swyne in any coppice to ympounde the same and to have ijd for the ympounding of any horse mare colte beast shepe calfe and swyne being put into the said coppice by thassent or consent of any kep[er] or any other officer of the said Forest and to have id for the impounding of any other horse mare colte beast shepe or swyne which they shall so impounde being come to the coppice by escape for defalte of sufficient inclosure or other wyse and the p[ar]ties to take there remedies over agaynst them in whose defalte thinclosure is insufficient.

8) Item if the woodwarde or any kep[er] or other officer of the Forest or any of the said regarders of the woodes do fynde any p[er]son or p[er]sons gatheryng of settes in any of the quenes woodes within the said Forest yt shalbe lawfull aswell unto any such kep[er] and officer as unto any such regarder to take unto his owne use from any such gatherer of settes [above line: + the settes] so gathered and the ingyngs [engines] instrum[en]tes and toles wherwith the same be gathered and also if it be not the first offence these the said gatherer haith commytted to deliv[er] the same offenders unto the constable of the p[ar]ish where the offence is commytted to be by hyme ponyshed by the stockes for the space of xxiiij howers.

9) Item when any woode in any coppice shalbe solde unto any p[er]son or p[er]sons that the woodwarde or woodseller do sell the same with this condicon that the bier therof shall either paye downe or put sufficient suerties to the woodwarde to paye for the same woode at a daie appoynted and to carie the same out of the coppice before midsom[er] daie [above line: then] the said regarders to have thone half for the caryeng of the other half without the coppice gate And the byer neverthelese to paye the hole price of the woodes by hyme boughte.

10) Item that it shalbe lawfull unto the said woodwarde or Regarders and to any of them metyng

any carte caryange of any woode within the said Forest or to or from the woodes of the said Forest to restrayne the woode in the said carte except the caryers therof do declare truly unto the said regardor or regarders where the said woodes had fallen and by whom solde and at what price.

11) Item that the coppice hedge be from hensforth made by thadvyse consent and consell of the said Regarders with respectes and consideration howe the same maye be made to contynewe for the p[re]servacon of the sprynge withless charge and expence of woode by intrenching and dicheing of the said coppice in places ap[ar]te and convenient to be entrenched or dicheed and by setting of the hedge upon the toppe of the bank of the said diche and that the said regarders be made privie with the woodwarde of ev[er]y acre and p[ar]cell of woode tree and toppe or bark of tree solde and delyv[er]ed by the said woodwarde or otherwyse fallen within the said Forest and kepe one booke of p[ar]celles therof and also of all charges of makyng of coppice hedges rep[ar]acons of lodges pales and hedges and of all other kynde of expences and charges to be laid owte by the said woodwarde and to delyver a duplicath of the said booke unto the surveyor of the woodes and they the said regarders to have and to be paid by the handes of the woodwarde for all there said travellys expences foure pence of ev[er]y pownde which shalbe clerly due unto the quenes maj[es]tie for the woodes yerely solde with[above line: in] the lymytte of there regardes over and besides the charge of the hedging and fensing of the said woodes and if it shall fortune in any one yere that

no woodfalles shalbe there made and that there shall not be solde any such quantitie of the quenes woodes yt the said foure pence of ev[er]y pownde shall amounte unto the charges of writing of the said booke and duplicath therof and also vs for the porcon of ev[er]y one of the said regarders towards his paynes and travelles that [above line: then] the said surveyor of the woodes and the said woodward or anyone of them shall appoynte unto the said regarders to be by them taken and fallen to there owne uses so much fierwoode of maple thorne hasell or salley or of the olde stubbes of decaied oke ashes or beches or of the ?bletron or waterbowes of oke ashe or bech wheras it maye be best spaied as by the discrecions of the said Surveyor or woodwarde shalbe thought mete for recompence of there said paynes travells and charges so as the woodes appoynted unto the said regarders in one yere do not amounte above the value of vs for ev[er]y one of the said regarders for his said travells and not over and above vs for the writing of the saidbooke by them to be kepte and of the duplicath therof by them to be delyv[er]ed unto thexchequor.

12) Item that the said regarders do yerely kepe a booke wherein all trespasses and offences don in the quenes woodes in the said Forest wherby the falling of woodes or hurting of the springes shalbe written at large with the names and surnames of the trespassers and the value of the said trespas the duplicats or true copie wherof shalbe certified in p[ar]chment into the exchequer by the said regarders in mychelmas terme yerelye.