CHAP. 93.

An Act to amend the Act twelfth and thirteenth Victoria, chapter eighty-one; and to extend the provisions of that Act and The Metropolitan Commons Act, 1866, so far as regards that part of Waltham Forest known as Epping Forest. [21st August 1871.]

A.D. 1871.

WHEREAS in the month of February 1870 the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled presented an humble address to Her Majesty, praying that she would take such measures as in her judgment she might deem most expedient in order that Epping Forest might be preserved as an open space for the recreation and enjoyment of the public:

And whereas Her Majesty was graciously pleased to reply to the said address, and, after expressing her concurrence with the said Commons in the desire that open spaces in the neighbourhood of the Metropolis might, as far as possible, be preserved for the enjoyment of her people, to promise that she would carefully consider how effect might be given to the prayer of the said address:

And whereas by an Act of the session holden in the twelfth and thirteenth years of Her present Majesty, and intituled "An Act to "authorise Her Majesty to issue a commission to inquire into and "report upon rights or claims over the New Forest in the county of "Southampton and Waltham Forest in the county of Essex," Her Majesty was authorised to appoint Commissioners to inquire into and ascertain the boundaries of the said forests called the New Forest and Waltham Forest respectively, and of the lands of Her Majesty's subjects within the same, and to inquire of any purprestures, encroachments, or trespasses on the soil of Her Majesty within the said forests respectively, and by whom and when made, and how occupied, and whether any and what unlawful inclosures had been made and were then continued within the regard of the

A.D. 1871.

said forests respectively, whereby the forestal rights and interests of Her Majesty had been in any and what respect diminished, abridged, or otherwise prejudiced, and whether any and what lands lying within the bounds of the said forests respectively were quit and free of the regard thereof respectively, or within and subject to the regard thereof, or subject to any and what forestal or other rights of Her Majesty; and also to inquire whether any and what person or persons claimed any and what rights of common of pasture, fuel, turbary, fern, or other rights or interests in, upon, or over the said forests, and whether in respect of any and what particular lands or otherwise such rights or interests were claimed, and how and by whom such rights or claims had hitherto been exercised or enjoyed; and also to inquire whether Her Majesty was entitled to any and what rents or other payments or acknowledgments for or in respect of any such rights or claims, and also to inquire into the origin, nature, extent, and particulars, and probable value of the claims of Her Majesty's subjects in, to, upon, or over the said forests respectively, and to receive and deliberate upon any offers or proposals which might be made for commuting, surrendering, or extinguishing all or any of such claims; and to inquire into the nature, constitution, powers, jurisdiction, and practice of any forest court theretofore held within the said forests respectively, and the sufficiency or insufficiency thereof for the purposes for which such courts were constituted, and as to the expedieney of re-modelling or abolishing the said courts, and as to the expediency of creating and forming any extra-parochial portions of the said forests respectively into one or more parish or parishes, or adding the same to any existing parish or parishes, and generally to carry on and prosecute such other inquiries as should in the judgment of the said commissioner or commissioners tend to enable them to make reports upon the premises as therein-after directed; and the said commissioner or commissioners so to be appointed as aforesaid were thereby empowered, as regarded his or their inquiries in relation to Waltham Forest, to sit at such convenient time and place within the county of Essex as he or they should appoint, and then and there, by the testimony of witnesses upon oath or solemn affirmation (which oath or affirmation any one of the said commissioners was thereby authorised and empowered to administer), and by the inspection and examination of records, deeds, muniments, and writings, or by any legal proof or evidence, to carry on and prosecute the inquiries aforesaid, and such other inquiries as should enable the said commissioners from time to time to report touching the premises:

A.D. 1871.

And whereas by the Metropolitan Commons Act, 1866, the Inclosure Commissioners for England and Wales are authorised to make schemes for the establishment of local management, with a view to the expenditure of money on the drainage, levelling, and improvement of metropolitan commons:

And whereas it is expedient that inquiry should be made under the authority of Parliament as to the best mode of carrying into effect the objects of the said address in relation to that part of the Forest of Waltham known as Epping Forest:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Epping Forest Act, 1871.

Appointment of Commissioners.

2. The following persons, that is to say, Charles Wood, barrister-at-law, chairman, John Watlington Perry Watlington, Esquire, Henry Ford Barclay, Esquire, and John Locke, Esquire, are constituted Commissioners under this Act; they shall hold their offices during Her Majesty's pleasure, and if any vacancy occurs in the office of any Commissioner by reason of death, resignation, incapacity, or otherwise, the Commissioners of Her Majesty's Works and Public Buildings may, by writing, appoint some other fit person to fill the vacancy.

The Commissioners appointed under this Act shall be styled "The Epping Forest Commissioners," and shall be a body corporate, with a common seal.

Appointment of officers.

3. The said Commissioners, herein-after referred to as "the Commissioners," may, subject to the approval of the Commissioners of Her Majesty's Works and Public Buildings, from time to time appoint a clerk and such other officers as they may deem necessary for the purposes of this Act, and employ such surveyors, valuers, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act, and may remove from time to time any person so appointed.

Quorum of Commissioners.

4. Any power or act by this Act vested in or authorised to be done by the Commissioners may be exercised or done by any one of them, with this qualification, that any person affected by any decision of one Commissioner may require his case to be heard by the Commissioners, of whom three shall be a quorum.

Salaries and expenses.

5. There shall be paid or allowed to one of the Commissioners appointed under this Act, and to any clerk, surveyor, valuer, or other person as aforesaid employed by the Commis-

A.D. 1871.

sioners, such remuneration as the Commissioners of Her Majesty's Treasury, in this Act referred to as the Treasury, may think expedient.

Inquiries to be made by Commissioners.

6. The Commissioners shall make and prosecute in relation to that part of the forest of Waltham known as Epping Forest all such inquiries as were directed or authorised to be made by the Commissioners to be appointed under the said Act of the twelfth and thirteenth years of Her present Majesty in relation to the whole forest of Waltham, and for that purpose shall hold such meetings and in such manner as were directed or authorised to be held by the said Act, and shall have and may exercise all the powers and authorities of Commissioners appointed under the said Act; and the said Act of the twelfth and thirteenth years of Her present Majesty shall be deemed to be incorporated with and to form part of this Act.

Power to Commissioners of Her Majesty's Works and Public Buildings to appear to propose schemes.

7. The Commissioners of Her Majesty's Works and Public Buildings may, by themselves, their counsel, or agents, appear before the Commissioners and make any suggestion or objection in relation to any matter before the Commissioners, and may propose for the consideration of the Commissioners any scheme in relation to the waste lands of Epping Forest, or any part thereof, or may object to any scheme made by the Commissioners in relation to such lands, or any part thereof.

Access to public maps and documents.

8. Maps and documents in the custody of the Tithe Commissioners for England and Wales, and all other public maps and documents relating to Epping Forest, shall be open to the use and inspection of the Commissioners or of any person by them authorised, and they may make or cause to be made such copies thereof or extracts therefrom as they think fit.

Power to summon and examine witnesses and inspect documents.

9. The Commissioners may, by summons under the seal of the Commission, require the attendance before them, either in the Metropolis or at any meeting held in or near Epping Forest, of any person whose evidence they may deem requisite for the purposes of this Act; they may, by like summons and for the like purposes, require any person to bring before them for their inspection all books, papers, and writings in his possession, custody, or control relating to any matter to be inquired into by them, permitting nevertheless such person to seal up previously to the said inspection such part of the said books, papers, or writings as according to an affidavit to be made by him do not relate to the matters to be inquired into under this Act; they may also, by like summons and for the like purposes, require the production for their inspection of any court rolls, rate books, instruments of tithe apportionment, and other public writings relating to Epping Forest, and of any maps,

plans, or surveys belonging to any parish in which any part of Epping Forest is situate; they may make or cause to be made copies of or extracts from any books, maps, or documents produced to them; they may examine upon oath any person appearing before them, and administer an oath accordingly; and they shall pay or allow to any person summoned by them the reasonable charges of his attendance.

Penalty for non-attendance or refusal to answer questions.

10. If any person after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such books, maps, or other documents as he may be required to produce under the provisions in this Act contained, or to answer upon oath or otherwise such questions as may be put to him by the Commissioners under the powers of this Act, the Commissioners may in their discretion either impose on him a penalty not exceeding twenty pounds (to be recovered on summary conviction), or report his name to one of Her Majesty's superior courts at Westminster, and such court may thereupon, if it think fit, punish such person in the same manner as if he had been guilty of a contempt of court: Provided that no person shall be required to attend in obedience to any summons unless the reasonable charges of his attendance be paid or tendered to him.

Expenses of witnesses, &c.

11. The reasonable expenses incurred by any person summoned by the Commissioners under this Act, according to a scale to be approved by the Treasury, may be allowed and paid to such person upon a certificate under the hands of the Commissioners, and shall be deemed to be expenses incurred by the Commissioners in the execution of their commission.

Commissioners to prepare and settle a scheme.

12. Having made such inquiries as aforesaid, the Commissioners shall prepare and settle a scheme for the disafforesting of Epping Forest, and for the preservation and management of the waste lands of Epping Forest. The Commissioners shall, for the purpose of preparing and settling such scheme, have the same powers and authorities, and the scheme shall be prepared, settled, certified, and published in the same way, and shall contain the same particulars as if the said waste lands were a metropolitan common within the meaning of the Metropolitan Commons Act, 1866, or any Act passed or to be passed amending the same, and the Commissioners were the Inclosure Commissioners of England and Wales acting under the said Act; and all the provisions of the said Acts with respect to any scheme to be made thereunder shall, so far as they are not inconsistent with or superseded by the provisions of this Act,

A.D. 1871.

apply to the scheme to be made under this Act, except that the presentation of a memorial shall not be a necessary preliminary to the preparation of such scheme, and that the Commissioners shall execute in person the matters by the said Acts authorised to be referred by them to an assistant commissioner.

The Commissioners shall in the said scheme suggest in what way the expenses of providing compensation to the persons whose rights are affected thereby, the expenses of managing the said waste lands, and the other expenses incidental to the said scheme, including the expenses of the Commissioners, shall be defrayed.

The Commissioners may, if they think it expedient so to do, make one or more separate scheme or schemes in relation to the said waste lands, or any part or parts thereof, instead of including the whole in a general scheme.

Power for Commissioners to make preliminary and special reports.

13. The Commissioners may at any time, and from time to time, make any preliminary or special report to Her Majesty on any part of the matters referred to them, and may in particular report any special arrangements with landowners or others as to their rights which the Commissioners may recommend as expedient in furtherance of the objects of the said scheme.

Final report of Commissioners.

14. The Commissioners shall, within two years from their appointment, make a final report to Her Majesty, stating the mode in which they have performed their duties under this Act, and setting forth in full the said scheme, and stating the grounds of their approval thereof, and the objections, if any, made thereto and overruled, and all proceedings had in respect of those objections, and the grounds on which they were overruled.

Such report shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament.

Notices, claims, &c.

15. Notices in respect of the service of which special directions are not given by this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would have been delivered in the ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office.

Where any notice is required to be given by the Commissioners it shall be sufficiently executed if signed by their clerk, and every notice purporting to be so signed shall be receivable in evidence without any further proof of execution.

The Commissioners shall circulate such information as they may think expedient respecting the times and mode of making claims and objections under this Act.

Power of local authority to purchase rights of common over waste lands.

16. The local authority for any waste lands of Epping Forest may purchase, out of the local rate, any right of common over such lands, and hold such right of common in gross, with a view the more effectually to bring forward, or assist in bringing forward, an efficient scheme for the maintenance or improvement of such waste lands.

The local authority for the waste lands of Epping Forest means the same persons who would be the local authority in pursuance of the Metropolitan Commons Act, 1866, if the said waste lands were a metropolitan common; and the local rate means the rate prescribed in connexion with such authority in the schedule to the said last-mentioned Act.

Definition: "Waste lands of Epping Forest."

17. In this Act the expression "waste lands of Epping Forest" shall mean all lands situate within the boundaries of Epping Forest, as ascertained by the Commissioners, which have not been lawfully inclosed, or over which the Crown is entitled to exercise forestal rights.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1871.