ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. LXXVI.

An Act to extinguish the Right of the Crown to Deer in the *New Forest*, and to give Compensation in lieu thereof; and for other Purposes relating to the said Forest. [7th *August* 1851.]

WHEREAS all Persons having Rights of Common or other Rights in or over the *New Forest* in the County of *Southampton*, as well as all Persons having Estates within or adjoining to the same, would be greatly benefited by the Removal of the Royal Deer within the said Forest: And whereas Her Majesty has been graciously pleased to signify Her Intention to give Directions for the Extinction or Removal, with all convenient Speed, of Her Majesty's Deer within the said Forest, and to consent to the Extinguishment of the important and valuable vested Right of the Crown to stock and keep the said Forest stocked with Deer in consideration of the Compensation herein-after provided in lieu of such Right: And whereas under and by virtue of the Act of Parliament of the Ninth and Tenth Years of King *William* the Third, Chapter Thirty-six, and of the Act of Parliament of the Forty-eighth Year of King *George* the Third, Chapter Seventy-two, or One of them, Her Majesty is empowered to inclose and keep inclosed in Severalty in her actual Possession, freed and dis-

charged from all Rights of Common, and from all manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, such Quantity of Land in the said Forest as shall amount to Six thousand Acres, such Inclosures, when the Woods and Trees growing therein have become past Danger of browsing of Deer or Cattle or other Prejudice, to be laid open, and other Lands of equal Quantity to be thereupon inclosed in lieu thereof, and so from Time to Time in manner in the said Acts or One of them particularly provided: May it therefore please Your Majesty that it may be enacted; and 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,

Deer to be removed within Two Years.

I. That the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or such Officers or Officer of Her Majesty as the said Commissioners shall order, shall, with all convenient Speed, and within Two Years from the passing of this Act, remove or cause to be removed all Her Majesty's Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct.

The Right to keep Deer in the said Forest to cease.

II. That when such Deer shall have been so removed the Right of Her Majesty, Her Heirs and Successors, to keep Deer in the said Forest, shall absolutely cease.

In lieu of such Right, Her Majesty empowered to inclose not exceeding 10,000 Acres, in addition to the 6,000 Acres already inclosed.

III. That it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to inclose, sever, and improve, and plant with Trees of any kind, within and out of the Waste Lands of the said Forest, in whole or in part, any Quantity of Land not exceeding Ten thousand Acres in the whole, in addition to the Six thousand Acres already in Inclosure, or which shall be inclosed as aforesaid in the said Forest under or by virtue of the Acts of Parliament in that Behalf herein-before mentioned, and so that there shall not be more than Sixteen thousand Acres (inclusively of the said Six thousand Acres in the said Forest) inclosed and held in Severalty as aforesaid at One and the same Time, and such Inclosures shall be made under and by virtue of a Commission or Commissions to be from Time to Time granted and issued by Her Majesty for that Purpose, and each of such Commissions shall be directed to Six or more such Persons as Her Majesty shall think fit, whereof Two in each Commission shall be Justices of the Peace for the said County of *Southampton*, and shall not be Officers of such Forest; and any such Commission may be revoked and renewed, as Her Majesty, Her Heirs and Successors, may think fit; and any new Commissioner may be appointed by Her Majesty, Her Heirs and Successors, under Sign Manual, on the Death, Resignation, or Incapacity of any Commissioner;

sioner; and such Inclosures shall be set out and made from and out of such Parts or Places in the said Forest (other than and except such Lands as have been drained with Tiles by Money received by the Crown from the *Southampton and Dorchester* Railway Company in compensation for Portions of the Forest taken by the Company for the Purpose of their Works) as shall be found or ascertained by the said Commissioners, or any Three or more of them, (One whereof shall be One of the said Justices,) to be most convenient to be inclosed, and to be best adapted for the Growth and Produce of Timber or other Trees, and may be best spared from the Commons and Highways of the said Forest; which said Inclosures shall be admeasured by a sworn Surveyor, and set out and inclosed, butted and bounded, and the Quantities, Butts, and Boundaries thereof returned into the Office of Land Revenue Records and Enrolments, there to remain of Record for ever.

Such Inclosures to remain in Severalty in the Possession of the Crown, freed from all Rights of Common and other Rights.

IV. That the said Inclosures so made and set out as aforesaid shall remain in Severalty in the actual Possession of the Crown, freed and discharged of and from all Rights of Common, and of and from all manner of Rights, Titles, or Pretences, or Privileges or Claims whatsoever, during the Period of the same remaining so inclosed for the Growth and Preservation of Timber and Trees, and until the same or any Part thereof shall be laid open, under the Provisions herein-after contained, and shall be made and reputed a Nursery or Nurseries for Timber or Trees only.

When Trees within the Inclosures are past Danger of browsing of Cattle or other Prejudice, such Inclosures to be thrown open, and new Inclosures made in lieu thereof.

V. That at all Times hereafter, whenever the Lord High Treasurer or Commissioners of the Treasury, or Chancellor of the Exchequer, for the Time being, shall be satisfied, and shall determine that the Woods and Trees which shall be growing within any of the said Inclosures made or to be made under and by virtue of the said recited Acts or this Act, or any of them, are become past Danger of browsing of Cattle or other Prejudice, and shall think fit to lay the same or any Part thereof open and in Common, and shall cause the same so to be done, that then and so often it shall be lawful for Her Majesty, Her Heirs and Successors, from Time to Time to inclose, and plant with Trees, in lieu of so much of the Inclosure as shall be so laid open, the like Quantity out of any other Part of the Residue of the Wastes of the same Forest, to be set out by like Commission and Admeasurement as aforesaid, and to be holden inclosed, freed and discharged of and from all manner of Common and other Rights as aforesaid, for so long Time as the same shall continue inclosed, according to the Direction, Purport, and Intent of this Act, to be a Nursery or Nurseries for Timber and other Trees as aforesaid, instead of so much as shall be laid open according to the Direction aforesaid.

VI. And

Expense of Inclosures to be defrayed by Sale of decayed or other Trees (not being Ship Timber).

VI. And for the making and maintaining the said Inclosures so to be set out and made as aforesaid, and for defraying the Charges thereof, the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being shall from Time to Time set out, fell, and dispose of so many decayed or other Trees in such Forest (not being Ship Timber) as shall be necessary to make and maintain the said Inclosures, and defray the Expense thereof.

Saving Her Majesty's Rights, except as regards the keeping of Deer.

VII. Provided always, That, notwithstanding the Removal of the Deer, and the Extinguishment of the Right to keep Deer therein, the said Forest shall to all Intents and Purposes whatsoever remain vested in Her Majesty, Her Heirs and Successors, in like Manner and to the same Extent as it was immediately before the passing of this Act; and nothing in this Act contained, or which may be done in pursuance thereof, shall be held to take away, alter, or affect any Rights or Privileges whatsoever of Her Majesty, Her Heirs or Successors, in, over, or upon the said Forest (other than the Right of keeping Deer therein), or to take away, alter, or affect the Right of Her Majesty, Her Heirs or Successors, to any Lands already inclosed within the said Forest, by reason that the same were or shall be alleged to have been continued and preserved for the Purpose of producing Hay for the Use of the Deer kept within the said Forest, or otherwise, and so that the same may, on behalf of Her Majesty, Her Heirs and Successors, be let or occupied in any Manner and for any Purpose whatsoever.

Power to Commissioners of Woods, &c. to lease Parts of the New Forest.

VIII. And whereas by the Removal of the Deer and otherwise various Lodges, Lodge Grounds, and other Tenements now or heretofore occupied by Keepers or other Officers of Her Majesty in or for the said Forest will no longer be required to be so occupied, and it is expedient that the same should be let to the best Advantage: But, inasmuch as the Powers of leasing given by the Act, Tenth of *George* the Fourth, Chapter Fifty, are by such Act declared not to extend to the demising or leasing of any of the Royal Forests, Parks, or Chases in *England*, or any Part or Parcel thereof, be it declared and enacted, That the Powers of leasing given by the said last-mentioned Act shall henceforth extend and be construed to extend to enable the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to demise or lease all or any Parts or Part of the *New Forest* the Soil and Freehold of which now is or hereafter may be permanently vested in Her Majesty, Her Heirs and Successors, discharged of all Common and other Rights of the Subject in and over the same: Provided always, that such Power of letting shall

not extend to any Portion of the Lands for the Time being inclosed, under the Authority of the said recited Acts or of this Act, for the Growth of Timber or other Trees.

Her Majesty may grant Licences to sport over the New Forest.

IX. That it shall be lawful for Her Majesty, Her Heirs and Successors, by Warrant under the Royal Sign Manual, to give and grant Licences to any Person or Persons to hunt, hawk, fish, and fowl upon and over the said Forest.

Commissioners of Woods and Forests to give Notice in London Gazette requiring all Persons claiming Rights to deliver in their Claims to the Verderers.

X. And whereas divers of Her Majesty's Subjects claim Common of Pasture, Common of Turbary, and Common of Estovers, and certain Rights of Pannage, and to dig Gravel, Sand, and Marl, and cut Fern, Heath, and Furze, in and upon the *New Forest*: And whereas great Doubt and Uncertainty exists as to the Extent of the said Rights or Claims, and as to the Persons entitled to exercise the same: And whereas it is expedient to provide for a due Registration of the said Rights and of the Persons so entitled, and an easy and economical Mode of adjudicating upon and finally settling all such Claims: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, and they are hereby required, within Three Calendar Months from the passing of this Act, to cause Notice to be given in the *London Gazette*, and in Two or more Newspapers usually published and circulated in the County of *Southampton*, requiring all Persons having or claiming any Right of Common of Pasture, Right of Common of Turbary, Right of Common of Estovers, or any Right of Pannage, or to take or dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, in, upon, or over the said Forest, to deliver such Claims in Writing to the Verderers for the Time being of the said Forest at a Meeting to be held by the said Verderers for that Purpose on a Day to be specified in the said Notice, the said Day so specified for the said Meeting not being less than Six nor more than Nine Calendar Months from the Day of Insertion of the said Notice in the *London Gazette*.

Verderers to hold a Meeting to receive Claims.

XI. That the said Verderers for the Time being, or any Two or more of them, shall on the Day specified in the said Notice proceed to hold a Meeting at *Lyndhurst* in the said Forest to receive the said Claims, and shall have Power to adjourn the said Meeting from Time to Time as to them may seem expedient, giving such public Notice of such Adjournment as to them or any Two of them may appear reasonable.

At such Meeting Persons claiming Rights to

XII. That all Persons having or claiming any Right of Common of Pasture, Common of Turbary, Common of Estovers, or any Right of Pannage, or to dig or take Gravel, Sand, or Marl, or cut Fern, Heath,

deliver in their Claims in Writing to the Verderers.

Heath, or Furze, in, over, or upon the *New Forest*, shall at the said Meeting prefer and deliver to the Verderers their Claims in Writing, to be signed by them or their Agent lawfully appointed thereto, distinctly specifying the Nature, Extent, and Particulars of the Claim preferred, the Quantity and Locality of the Lands or Tenements in respect of which such Claim is made, the Rents or other Payments or Acknowledgments due or payable to Her Majesty for or in respect of such Rights or Claims, and the Estate or Interest which they have respectively in such Lands or Tenements, and mentioning therein the Places of Abode of the respective Claimants, or their Agents, at which Notices in respect of such Claims may be delivered; and no Claim shall be received by the Verderers after the Day of the said Meeting, or the last Day of Adjournment thereof.

Claims to be entered in a Book.

XIII. That all Claims preferred and delivered to the Verderers at the said Meeting, or any Adjournment thereof, shall be entered by the Clerk of the Verderers in a Book to be kept for that Purpose, and each Claim and the Entry thereof shall be numbered in consecutive Order; and the said Book, when completed, shall be signed by the Verderers, or any Two or more of them, and shall be countersigned by the said Clerk.

Two Copies of the Book containing Claims to be made and deposited.

XIV. That Two Copies of the said Book so completed shall be made, each of which shall be signed by the said Verderers, or any Two or more of them, and countersigned by the said Clerk, One whereof shall be deposited within One Month of the said Signature in the Office of Land Revenue Records and Enrolments, and the other with the Clerk of the Peace for the County of *Southampton*.

Claims not preferred to be absolutely barred.

XV. That every Claim not preferred as aforesaid at the said Meeting, or some Adjournment thereof as aforesaid, shall be and hereby is absolutely barred and extinguished.

In Cases of Infancy or Lunacy, &c. Guardians or Trustees may act.

XVI. That wherever any Person entitled to claim any Right of Common of Pasture, Common of Turbary, Common of Estovers, or Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, shall be an Infant, Lunatic, Idiot, Feme Covert, or under any other legal Disability, or beyond the Seas, the Guardian, Trustee, or Committee of the Estate, Husband, or Attorney respectively, may prefer and subscribe such Claim in as full and ample Manner as any Person interested may do, or in default thereof such Person as may be nominated for that Purpose by the said Verderers, or any Two of them, and whom they are hereby empowered to nominate under their Hands, shall be substituted for the Purposes of making the said Claim, and for all other Purposes of this Act, in the Place of such Person so under Disability or Incapacity as aforesaid.

XVII. That

Abstract of Claims to be published in London Gazette.

XVII. That within One Month after the Register as aforesaid shall have been so signed by the Verderers, and countersigned as aforesaid, an Abstract of the Claims, stating the Number of the Claim, and the Name and Abode of the Claimant, and the Land or Tenements in respect of which he claims, and the Subject Matter of the said Claim, shall be inserted in the *London Gazette*, and published for Two consecutive Weeks in some Two or more of the Newspapers usually published or circulated in the County of *Southampton*, and Copies of such Abstract shall be printed and furnished by the Clerk of the Verderers to all Persons claiming any of the aforesaid Rights, on Application for the same, and on Payment of the Sum of One Shilling for every such Copy.

Claims, when preferred, may be objected to.

XVIII. That it shall be lawful for any Person who shall have been inserted in the Register as having made any Claim, either on his own Behalf or on behalf of any other Person, to object to any Claim so preferred and registered as aforesaid.

Verderers to hold a Meeting to receive Objections to Claims.

XIX. That within Three Months after the last Publication of the said Claims the said Verderers, or any Two of them, shall hold a Meeting at *Lyndhurst* aforesaid to receive all such Objections, Notice of which Meeting shall be given by advertising the same in the *London Gazette*, and in any Two or more Newspapers usually published or circulated in the said County, and by such other Means (if any) as the Verderers shall direct, One Calendar Month at least before the said Meeting, and the said Verderers shall have Power from Time to Time to adjourn the said Meeting.

No Objection to be received after the Meeting held for that Purpose.

XX. That no Objection to any Claim shall be received by the said Verderers after the said Meeting to be held for that Purpose, or some Adjournment thereof.

Objections to be delivered in Writing.

XXI. That every Person who shall object to a Claim shall deliver his Objection in Writing to the Verderers at their said Meeting or some Adjournment thereof, and shall deliver a Duplicate of the said Objection at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive such Objections.

Objections to be signed by the Party making them.

XXII. That every Objection so delivered to any Claimant as aforesaid, or to the said Verderers, shall be signed by the Party objecting, or his Agent thereto duly authorized, and shall specify the Place of Abode of such Objector or such Agent (except in the Case of an Objection made on behalf of Her Majesty), the Number of the Claim made by such Objector, and the Number of the Claim so objected to.

XXIII. That

Objections to be entered in a Book.

XXIII. That all Objections preferred as aforesaid shall be entered in a Book in the same Manner as such Claims are hereby directed to be entered, and shall be signed by the said Verderers, and countersigned by their Clerk.

Duplicates of Objections to be deposited the same as Duplicates of Claims.

XXIV. That Copies or Duplicates of such Objections shall be made and deposited in like Manner as the Copies of the Register of Claims are directed to be made and deposited.

Registers of Claims and Objections to be completed within Two Years.

XXV. That the said Register of Claims and Objections shall be completed by the said Verderers within Two Years from the Date of the Insertion in the *London Gazette* by the said Commissioners of Woods, Forests, and Land Revenues of the Notice requiring the said Claims to be made.

Claim not objected to to be allowed by the Verderers.

XXVI. That all Claims not so objected to as aforesaid shall be allowed by the Verderers, and shall be good and valid in Law, and shall not be questioned or impeached in any Proceeding in Law or Equity.

In Cases of Claim not objected to the Verderers to enter Memorandum on the Register of Claims.

XXVII. That in case any Claim of Right of Common of Pasture, Common of Turbary, Common of Estovers, or Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Furze, or Heath, shall not be objected to, the Verderers shall enter a Memorandum to that Effect on the Register of Claims, and the Clerk of the Verderers shall deliver to any Person applying for the same, on Payment of the Sum of Five Shillings, a Certificate under his Hand of such Memorandum having been made, which Certificate purporting to be so signed shall be Evidence in all Courts that such Claim was not objected to as aforesaid.

Commissioners of Woods, &c. to prefer any Claim in respect of any ancient inclosed Lands, &c.

XXVIII. That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, to prefer any Claim in respect of any ancient inclosed Lands or Tenements of Her Majesty, or in respect of any Purchases made by or on behalf of the Crown, and it shall be lawful for the said Commissioners, on behalf of Her Majesty, to object to all or any of the Claims which may be preferred and registered as aforesaid.

Clerk of Verderers to deliver all Claims objected to and all Objections to Claims to Clerk of County Court.

XXIX. That after the Register of Objections is completed as aforesaid the Clerk of the Verderers shall and he is hereby required within One Calendar Month to deliver all Claims objected to, and all Objections to such Claims, to the Clerk of the County Court of *Southampton* at the Office of the County Court in the Town and County of the Town of *Southampton*,

XXX. The

Judge of County Court to hold Courts in the Vicinity of the Forest.

XXX. The Judge of the said County Court shall and he is hereby required to hold a Court or Courts at such Place or Places in or in the immediate Vicinity of the said Forest as he may deem most convenient for the Purpose of hearing and determining such Objections, such Court to be held after One Month's Notice of the Time and Place of holding the Court shall have been given in the Mode in which Notice is now given of holding any County Court.

List to be prepared of Claims to be heard by Judge.

XXXI. That at the Time of giving the said Notice the Judge shall cause to be prepared a List showing what particular Claims are to be heard by him at the said Court, which List shall be published in Two of the Newspapers usually published and circulated in the said County, and by such other Means (if any) as the said Judge shall direct, Fourteen Days at the least before the holding of the said Court.

Judges, &c. of County Court to have same Powers and Jurisdiction to decide Claims as they have in respect of other Actions.

XXXII. That the Judge and Officers of such County Court shall have such and the like Jurisdiction, Power, and Authority to try and decide such Claims, and to give full Effect to the Decree of the Court therein, as are or may be by Law provided in respect of any Matter over which the said County Court has or may have Jurisdiction; and the Parties claiming and objecting shall have the like Rights and Privileges, both as to Appeal and otherwise, as they now or may have in respect of any Action brought in the said Court.

Parties claiming and defending to be deemed Plaintiffs and Defendants.

XXXIII. That the Party claiming any Right of Common of Pasture, Common of Turbary, Common of Estovers, Right of Pannage, or to dig Gravel, Sand, or Marl, or cut Fern, Heath, or Furze, shall be Plaintiff, and the Party objecting to such Claim shall be Defendant; that the Judge shall or may allow or disallow the Claim in all or part, and may amend or correct the Claim in all or in part, and make such Order therein as to him shall appear just, and may award to either Party such Costs, including the Expenses of Counsel and Attorney, as to him may seem reasonable, any Provision limiting the Power of the said Judge as to the Amount of Costs by any Act now in force to the contrary notwithstanding.

Decision of Judge to be final.

XXXIV. That the Decision of the said Judge in and upon any such Claim and Objection, subject to the Power of Appeal as aforesaid, shall be final and conclusive.

Judge to transmit Claims and his Decision

XXXV. That after the Decision upon any Claim the Judge of the County Court shall transmit the Claim, with his Decision endorsed

thereupon to the Verderers.

endorsed thereon, to the Verderers, who shall at any Meeting to be held by them amend the Register by striking out or amending any Claim that has been disallowed or amended, inserting in the Margin thereof the Fact and Date of such Disallowance or Amendment by the said Judge; and in the Case of any Claim allowed by the said Judge, either wholly or in part, after such Objection made as aforesaid, shall make a like Memorandum of the Fact of such Allowance either wholly or in part as aforesaid; and a Duplicate of such Register as amended shall be transmitted to the Office of Land Revenue Records and Enrolments, and to the Clerk of the Peace for the said County.

Register of Claims or a Copy thereof to be Evidence.

XXXVI. Such Register, or any Copy or Extract thereof duly certified by the Clerk to the Verderers, by the Keeper of the Land Revenue Records and Enrolments, or by the Clerk of the Peace, shall be received as Evidence in all Courts of Law and Equity, without any Proof of the Handwriting of the Clerk of the Verderers, Keeper of Land Revenue Records and Enrolments, or Clerk of the Peace so certifying the same, and shall be final and conclusive as to the Rights therein specified.

Providing Fund for defraying Expenses.

XXXVII. And for providing a Fund for the Payment of the Expenses incident to the Registration of the said Claims and Objections, and the Decisions upon such Claims as aforesaid, be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, on behalf of Her Majesty, from Time to Time to sell and dispose of such Part or Parts of the Open or Waste Lands of the said Forest as the said Commissioners and any Two Verderers for the Time being of the said Forest may deem most convenient and desirable to be sold, and thereby to raise any Sum of Money not exceeding in the whole the Sum of Two thousand Pounds; and the Purchase Money to arise from the said Sales shall be paid to the said Commissioners, or as they shall direct, and shall be by them applied in discharging the said Expenses as herein-after provided; and the Receipt of the said Commissioners for the Purchase Money shall be good and sufficient Discharges to all Persons purchasing, who shall not be bound to see to the Application thereof, or to inquire whether the Verderers of the said Forest did or did not assent to the Sale.

Judges and Officers of County Court to receive Remuneration out of

XXXVIII. That it shall be lawful for the Commissioners of the Treasury for the Time being to order the said Commissioners of Woods, Forests, and Land Revenues to pay thereout to the said Judge of the County Court, and to the Officers of the said Court, and

and to the Clerk of the Verderers, such Sums as the said first-mentioned Commissioners may deem a reasonable and sufficient Remuneration for the Services rendered by the said Judge, Officers, and Clerk respectively, beyond all Expenses incurred by them respectively in carrying this Act into effect. Funds provided to defray Expenses.

XXXIX. That it shall be lawful for any Person to demand from the Clerk of the Verderers, the Keeper of the Land Revenue Records and Enrolments, and the Clerk of the Peace a certified Copy or Extract of the said Register, on Payment of any Sum not exceeding the Rate of Fourpence a Folio of Seventy-two Words. Certified Copies of Register to be provided when required.

XL. That any Person may inspect the Registers so deposited as aforesaid on Payment of One Shilling for each Inspection. Inspection of Registers.

XLI. That any Person forging any Register or Certificate, or any Claim or Objection, or uttering any such Register, Certificate, or Claim or Objection, knowing the same to be forged, shall be guilty of a Misdemeanor, and shall be liable to be transported for Seven Years, or to be imprisoned with or without Hard Labour for any Term not exceeding Two Years. Penalty for forging Register or Certificates.

XLII. That for the Purposes of this Act the Under Steward or Acting Under Steward for the Time being of the said Forest shall be Clerk to the Verderers, and in case of his Illness, Absence, Incapacity, or Refusal to act, or in case of the Vacancy of the Office of Under Steward, it shall be lawful for the said Verderers from Time to Time to appoint another Person, being an Attorney of One of the Superior Courts of Record, and practising as such, to be their Clerk for the Purposes of this Act, who shall remain in Office until he shall resign the same, or be removed therefrom by the said Verderers. Clerk to the Verderers.

XLIII. That every Inclosure to be from Time to Time made and set out by or on behalf of Her Majesty from the Waste Lands of the said Forest, by virtue of any Commission hereafter to be issued for the Purpose either under the Authority of this Act or of the said recited Acts, shall be of the Extent of Three hundred Acres at the least, exclusive of the Site of any public Roads, Ways, or Paths which may intersect such Inclosure. Extent of Inclosure on behalf of Her Majesty.

XLIV. And whereas by the One hundredth Section of the Act of Parliament of the Tenth Year of King *George* the Fourth, Chapter Fifty, it was enacted, that from and after the passing of that Act all such unlawful Inclosures, Purprestures, Encroachments, and Tres- 10 G. 4. c. 50.

passes

passes which should have been wilfully made or caused or procured to be made by any Person or Persons in and upon any of the Royal Forests, or should be wilfully held, occupied, and made use of by any Person or Persons subsequently occupying or claiming the same, (save and except such as should have been demised or sold, or in respect of which any Treaty for a Demise or Sale should or might be pending, under certain Provisions for that Purpose therein contained,) should and might be inquired of by the Verderers of the respective Forests within which such unlawful Inclosures, Purprestures, Encroachments, or Trespasses should have been made, in the Courts of Attachment of the said Forests respectively, and the Person or Persons guilty of making, continuing, and renewing any such unlawful Inclosure, Purpresture, Encroachment, or Trespass, save as aforesaid, should and might be prosecuted for the same in the said Court or Courts, and upon Proof being made thereof on the Oath of One credible Witness the Verderers of the said respective Forests, or any Two of them present at the said Court or Courts, should have Power and they were thereby authorized to fine any Person or Persons so offending for every such Offence any Sum not exceeding Twenty Pounds, to be recovered and applied in manner therein-after provided, and to order and direct every such unlawful Inclosure, Purpresture, Encroachment, and Trespass, save as aforesaid, to be abated by the Regarders, Under Foresters, Under Keepers, or other Officers of the said Forest respectively, who were thereby authorized and empowered to abate the same accordingly; but in the said Statute was contained a Provision, that in case it should be insisted upon by any Person or Persons who should be proceeded against in any of the said Attachment Courts as therein-before directed, that the Place wherein the Inclosure, Purpresture, Encroachment, or Trespass should have been or should be alleged to have been made was not within the Boundaries of any of the said Forests, or within the Lands belonging to His Majesty within the same, the said Verderers should not proceed to Conviction, but should certify the Presentment of such Offence to His Majesty's Attorney General, to the end that such Proceeding might be had therein, by Information or otherwise, as by Law might have been had before the passing of the said Act: And whereas, owing to the Delay and Expense attending Proceedings by Information of Intrusion, it has been found that the last-recited Exception or Provision enables Persons guilty of unlawful Inclosures, Purprestures, Encroachments, and Trespasses of small Extent or Value in effect to oust or avoid the Jurisdiction conferred on the Court of Attachments of the said *New Forest* in such Matters as aforesaid, by means of false or merely colourable Pleas that the Place in which the alleged Inclosure, Purpresture, Encroachment, or Trespass

Delay and Expense attending Proceedings by Information of Intrusion to suppress Encroachments.

Trespass was made is not within the Boundaries of the said Forest, or the Soil or Property of Her Majesty, to the Defeat or Obstruction of Justice: For remedying thereof, be it enacted, That in every Case of alleged unlawful Inclosure, Purpresture, Encroachment, or Trespass within the said Forest, wherein the Person charged therewith shall insist that the Land wherein the same may be alleged to have been made is not within the Boundaries of the said Forest, or is not the Soil or Property of Her Majesty, it shall be lawful for Her Majesty's Attorney General for the Time being to commence or prosecute an Action to try the Title to such Land in the County Court of the District in which such Land or any Part thereof is situate; and the Judge and Officers of such County Court shall have such and the same Jurisdiction, Power, and Authority to try and decide such Action, and to give full Effect to the Decree of the Court therein, as in and by the Act of Parliament of the Thirteenth and Fourteenth Years of Her present Majesty, Chapter Sixty-one, is contained and conferred with respect to Actions relating to the Title to Land in which both Parties have agreed, in manner by the said Statute provided, that the County Court shall have Power to try the same.

Encroachments may be dealt with and adjudicated upon by the County Court.

XLV. Provided always, That no such Action shall be commenced by Her Majesty's Attorney General unless and until a Certificate under the Hands of some Two of the Verderers of the said *New Forest*, or of some Two Justices of the Peace for the said County of *Southampton*, shall have been filed with the Clerk or other proper Officer of the County Court, certifying that it has been proved on Oath to the Satisfaction of any Two Justices of the Peace for the said County of *Southampton*, or of any Two Verderers of the said Forest, that the alleged unlawful Inclosure, Purpresture, Encroachment, or Trespass does not exceed the Value of One hundred Pounds: Provided also, that after any Judgment shall have been given in favour of the Crown in any such Action in the County Court as aforesaid it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or for the Verderers of the said *New Forest*, or any Two of them, either to proceed in the Matter of any such unlawful Inclosure, Purpresture, Encroachment, or Trespass as aforesaid in manner authorized and provided by the said Act of Parliament of the Tenth Year of King *George* the Fourth, Chapter Fifty, as if it had been admitted that the Land the Subject thereof was within the Boundaries of the said *New Forest* is the Property of Her Majesty, or to proceed to recover Possession of such Land on behalf of the Crown by means of the Officers and by force of the Jurisdiction of the County Court by which such Action shall have been decided.

No Action to be brought in County Court until Certificate first obtained that the Encroachment does not exceed the Value of 100*l.*

Saving Rights of Her Majesty.

XLVI. Provided that nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs or Successors, otherwise than as is especially provided for by this Act.

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