

ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. CXLIII.

An Act for enquiring into the State of *Windsor Forest* in the County of *Berks*, and for ascertaining the Boundaries of the said Forest, and of the Lands of the Crown within the same. [22d *July* 1806.]

WHEREAS it is expedient that an Enquiry should be made into the State of Windsor Forest in the County of *Berks*, and into the Boundaries of the said Forest, and of the Lands of His Majesty's Subjects within the same, which are in some Parts disputed and in other Parts are not clearly ascertained and distinguished, and into any Purprestures, Encroachments, and Trespasses, which may have been made on the Soil of His Majesty within the Boundaries of the said Forest; be it therefore enacted by the King'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

Commissioners appointed to ascertain the Boundaries of Windsor Forest.

same, That it shall be lawful for His Majesty to issue or cause to be issued One or more Commission or Commissions under the Great Seal of *Great Britain*, and thereby to appoint *James Abercrombie* Esquire, *John Vernon* Esquire, and *John Wickens* Esquire, to be Commissioners for the Purposes of this Act, and to authorize and empower the said Commissioners so to be appointed, or any Two of them, to ascertain and distinguish the Boundaries of the said Forest called *Windsor Forest*, which were known to be the Meers, Meets, Bounds, and Limits of the said Forest, according to the Tenor of an Inquisition taken at *Twyford*, in the County of *Berks*, on the Eighteenth Day of *October* in the Seventeenth Year of the Reign of His late Majesty King *Charles* the First pursuant to an Act of Parliament of the Sixteenth Year of His said Majesty King *Charles* the First, intituled *An Act for the Certainty of Forests, and of the Meets, Meers, Limits, and Bounds of the Forests*; and also the Alterations that have been made in such Boundaries by Law since the same were so settled by the said Inquisition, and of the Lands of His Majesty's Subjects within the same, and to enquire of Purprestures, Encroachments, and Trespasses on the Soil of His Majesty within the Boundaries of the said Forest, and of all Manerial Rights, Rights of Free Warren, and Commonable Rights, existing or claimed within the said Forest; and the said Commissioners or any Two of them shall and may and they are hereby authorized and empowered to meet at such Time and at such Place within the said County of *Berks* as they or any Two of them shall appoint, and then and there to proceed in a summary Way and by the Testimony of Witnesses upon Oath, (which Oath any One of the said Commissioners is hereby empowered to administer), and by the Inspection and Examination of Records, Court Rolls, Deeds, and Writings, or by any other legal Proof or Evidence, or by Perambulation to enquire of and ascertain the Boundaries of the said Forest, and of the Lands and Grounds belonging to His Majesty within the same, and the Boundaries between Lands belonging to His Majesty and Lands of any of His Majesty's Subjects, and in like Manner to enquire of and examine all Claims or Titles that shall or may be made to any Lands, Tenements, or Hereditaments, which shall be claimed on Behalf of His Majesty as Purprestures, Encroachments, or Trespasses in or upon the Soil of His Majesty, within the said Forest, and of all Manerial Rights, Rights of Free Warren, and Commonable Rights, existing or claimed within the same.

16 Car. 1. c. 16.

Meetings of Commissioners.

Claims to be delivered in at such Meetings.

II. And be it futher enacted, That all Persons and Bodies Corporate and Politick, who shall have any Claims or Claim, any Rights or Privilege in, through, or over the said Forest, or any Part thereof, shall deliver or cause to be delivered to the said Commissioners, or one of them, at some one of such Meetings as the said Commissioners shall appoint for that Purpose, (or within such further Time, if any, as the said Commissioners shall, under any Circumstances which shall appear to them to make the same necessary, think proper, to allow for that Purpose), an Account in Writing of all such Claims, Rights, or Privileges, and the Nature and Extent thereof, and every Person who shall not deliver in such Claims or Claim, such Rights and Privileges within such Period as aforesaid, shall

be barred and excluded from all such Claims, Rights, and Privileges whatever.

Commissioners may call Persons before them to give Evidence and produce Records.

III. And be it further enacted, That it shall be lawful for the said Commissioners to call before them any Person either to give any Evidence or to produce any Records, Court Rolls, or other Documents in his Possession, which they may judge necessary to be examined for the Purposes of the Enquiry directed by this Act; and any Person being duly summoned refusing to appear or to produce such Documents, without reasonable Excuse for such Refusal, shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings to be recovered and applied in Manner herein-after mentioned.

Notice of Meetings of Commissioners to be given.

IV. And, to the Intent that no Person may have any just Cause or Pretence for not appearing before the said Commissioners, at their Meetings to be held for the Purpose of carrying this Act into Execution, be it further enacted, That the said Commissioners shall give publick Notice of the Time and Place of every intended Meeting, by Publication of such Notice Fourteen Days at least before such Meeting in the *London Gazette*, and in Two or more publick Newspapers published daily in *London* or *Westminster*, and in one or more of the publick Newspapers published in the said County of *Berks*: Provided always, that the said Commissioners or any one of them, shall and may from Time to Time adjourn their Meetings to any future Day and to any Place within the said County of *Berks* as they shall think proper, and meet accordingly without giving any publick Notice thereof in any Newspaper.

Two Commissioners may appoint Meetings, &c.

V. And be it further enacted, That any Two of the Commissioners so to be appointed as aforesaid shall have full Power and Authority to appoint and hold Meetings for the Purpose of carrying this Act into Execution, and that at all Meetings of the said Commissioners under the Authority of this Act, or the said Commission or Commissions, the major Part of the Commissioners then present shall have full Power and Authority to do, exercise, and perform all such Acts, Powers, Authorities, Matters, and Things, as in and by this Act, or the said Commission or Commissions to be issued in pursuance thereof, are or shall be directed, authorized, or empowered to be done, exercised, or performed by the Commissioners.

Proceedings to be entered in Books, and returned into the Office of the Surveyor General of Woods, &c.

VI. And be it further enacted, That the said Commissioners acting under the said Commission or Commissions shall and they are hereby required to cause all their Enquiries, Examinations, and Proceedings under this Act to be fairly entered in Books to be kept for that Purpose, all which Books, duly signed and certified by the said Commissioners, or any Two of them, shall be returned into the Office of the Surveyor General of His Majesty's Woods, or such other Office as the Lords Commissioners of His Majesty's Treasury shall direct, there to remain and be kept, and the said Commissioners shall from Time to Time report their Proceedings under this Act to the Lords Commissioners of His Majesty's Treasury, and

and ſo often as they ſhall be required ſo to do by the ſaid Commiſſioners of the Treaſury.

Boundaries how to be diſtinguiſhed.

VII. And be it further enacted, That if any of the Boundaries of the ſaid Foreſt, or of any Lands of the Crown within the ſame, ſhall be ſo ſituate that the ſaid Commiſſioners ſhall not be able fully to aſcertain them by permanent, plain, and ſufficient Marks or Deſcriptions in Writing, ſo that the ſame may thereby be fully known at all Times, the ſaid Commiſſioners ſhall cauſe all ſuch Boundaries to be marked with Stones, to be placed at proper Diſtances from each other, and if the Land whereon ſuch Boundary Stones ſhall be placed ſhall not be the Soil of the Crown, although within the Boundaries of the ſaid Foreſt, ſhall cauſe the Letters W. F. in large Roman Characters, and the Date of the Year in which ſuch Stones ſhall be put up, and alſo a Number (in numerical Order) to be cut or engraven on each of the ſaid Stones, and if the Land whereon ſuch Boundary Stones ſhall be placed ſhall be Land of the Crown, the Letters C. L. W. F. in large Roman Characters, ſhall be cut or engraven on ſuch Stones; and if any Perſon ſhall wilfully or wantonly pull up, break down, remove, or damage any of the ſaid Boundary Stones or deſtroy, ſpoil, or deface any of the Letters or other Marks engraven or cut thereon by Order of the ſaid Commiſſioners, ſuch Perſon ſhall be guilty of an Offence, and ſhall for every ſuch Offence, being lawfully convicted thereof, forfeit and loſe any Sum not exceeding Ten Pounds nor leſs than Forty Shillings, to be recovered and applied in Manner herein-after mentioned.

Penalties how to be recovered.

VIII. And be it further enacted, That all pecuniary Penalties impoſed by this Act ſhall and may be recovered in a ſummary Way before any Juſtice or Juſtices of the Peace for the County of *Berks*, or for any County, Riding, Diviſion, or Place, in which the Perſon having incurred the ſame ſhall happen to be; and in caſe any Penalty recovered before any Juſtice or Juſtices of the Peace ſhall not be paid forthwith, it ſhall be lawful for the Juſtice or Juſtices before whom ſuch Penalty ſhall be recovered, by Warrant under his Hand and Seal, or their Hands and Seals, and directed by ſuch Juſtice or Juſtices to any Conſtable or other Peace Officer, to cauſe ſuch Fine or Penalty to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, together with all Coſts and Charges attending ſuch Diſtreſs and Sale; and in caſe no ſufficient Diſtreſs can be had or made, ſuch Juſtice or Juſtices ſhall, if he or they ſhall think proper, commit the Offender to the Common Gaol for, or ſome Houſe of Correction within, the ſaid County of *Berks*, or for ſuch other County, Riding, Diviſion, City, Town, or Place as aforeſaid, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months.

Not to affect any Rights claimed under any Letters Patent.

IX. Provided always, and it is hereby declared, That nothing in this Act contained ſhall extend, or be deemed or conſtrued to extend, to defeat, alter, or infringe all or any the Rights, Privileges, or Advantages which may be enjoyed or claimed under any Letters Patent granted by His preſent Majeſty, or any of His Royal Predeceſſors, Kings

and Queens of *England*, of any Bailiwick, Walk, or Lodge, within the ſaid Foreſt.

X. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing by him, her, or them, done or executed in purſuance of this Act, or for any Cauſe, Matter, or Thing herein contained, ſuch Action or Suit ſhall be commenced within Three Calendar Months next after the Matter or Thing done, and ſhall be laid in the proper County; and the Defendant or Defendants in ſuch Action may plead the General Iſſue, and give the Special Matter in Evidence for his or their Defence, and if upon Trial a Verdict ſhall paſs for the Defendant or Defendants or the Plaintiff or Plaintiffs become nonſuited, or diſcontinue his, her, or their Action or Proſecution, or Judgement ſhall be given againſt him, her, or them, upon Demurrer or otherwiſe, then ſuch Defendant or Defendants ſhall have Treble Coſts awarded to him or them againſt ſuch Plaintiff or Plaintiffs. Actions to be commenced within Three Months. General Iſſue.

XI. And be it further enacted, That all Penalties recovered, and all Fines impoſed, by virtue or in purſuance of this Act, ſhall be by the Juſtice or Juſtices, or other Perſon or Perſons receiving the ſame, forthwith paid over to the Steward of the ſaid Foreſt, to be applied in defraying the Expences attending the Execution of this Act, or any other Laws concerning the ſaid Truſt, as the Lords Commiſſioners of the Treaſury ſhall direct. Application of Penalties.

XII. And be it further enacted, That the ſaid Commiſſioners ſhall enquire into and aſcertain the State of the Timber in the ſaid Foreſt, and ſhall alſo enquire into and aſcertain proper Places in the ſaid Foreſt which may be ſet apart for the Growth and Cultivation of Timber, and make a Report thereof to the Lords Commiſſioners of the Treaſury, together with ſuch Obſervations as ſhall occur to them, and ſuggeſt ſuch Plans, Rules and Regulations, Means and Methods for the future Management and Improvement of the ſaid Foreſt, and for the Protection, Increaſe and Supply of Timber therein, as the ſaid Commiſſioners ſhall think beſt calculated for rendering the ſame moſt productive and advantageous to His Majeſty and to the Publick. Commiſſioners to aſcertain the State of the Timber in the Foreſt, &c. and to report to the Treaſury.

XIII. And whereas there may be in various Parts of the ſaid Foreſt many ſmall Parcels of Land belonging to or claimed by the Crown, which are intermixed with, or adjoin, or lie contiguous to the Lands of Individuals, and are of little Value to the Crown for any Purpoſe of the Foreſt, and it may conduce to the readier and clearer marking the Boundaries of the ſaid Foreſt, and of the Lands of His Majeſty's Subjects within the ſame, and to the more eaſy Care of the Rights of the Crown, as well as to the Convenience of His Majeſty's Subjects, if ſuch ſmall Parcels of Land were aſcertained with a View to their being alienated from the Crown; be it therefore enacted, That it ſhall be lawful to the ſaid Commiſſioners, and they are hereby required to enquire of and aſcertain any ſmall Parcels within the ſaid Foreſt belonging to or claimed by and alſo to report on ſuch Parts of the Foreſt as are intermixed with or adjoining to the Lands of Individuals, &c.

by the Crown, and intermixed with or lying about or adjoining to the Lands of Individuals which are not valuable to the Crown for the Purpose of raising Timber, or any other Purpose of the said Forest, and to make a Report thereof to the Lords Commissioners of the Treasury.

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