ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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C A P. LXXXI.

An Act to authorize 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*. [1st *August* 1849.]

WHEREAS the Boundaries of Her Majesty's Forest called the *New Forest* in the County of *Southampton*, and of Her Majesty's Forest called *Waltham Forest* in the County of *Essex*, and the Lands of Her Majesty's Subjects within the said Forests respectively, are in some Parts not clearly defined, and divers Purprestures, Encroachments, and Trespasses have been or are alleged to have been made on the Soil of Her Majesty within the said Forests respectively, and the Forestal Rights of Her Majesty in and over the said Forests respectively have been or are alleged to have been diminished, abridged, or prejudiced by unlawful Inclosures made within the Regard of the said Forests respectively, and divers Claims of Common of Pasture, Turbary, and Fuel, and other Claims, are made or preferred by or on behalf of divers of Her Majesty's Subjects in, upon, and over the said Forests or Portions thereof respectively; and it is expedient that such Matters should be inquired

into, and their Nature, Extent, and Value ascertained and defined: 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, That it shall be lawful for Her Majesty to issue or cause to be issued One or more Commission or Commissions under the Great Seal of *Great Britain*, or under the Seal of Her Majesty's Court of Exchequer at *Westminster*, and thereby to appoint any Person or Persons, not exceeding Three in Number, to be Commissioners for the Purposes of this Act, and to authorize and empower the said Commissioners so to be appointed, or any One or more of them, 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 have been made, and are now continued, within the Regard of the said Forests respectively, whereby the Forestal Rights and Interests of Her Majesty have 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 are 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 claim 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 are claimed, and how and by whom such Rights or Claims have hitherto been exercised or enjoyed; also to inquire whether Her Majesty is entitled to any and what Rents or other Payments or Acknowledgments for or in respect of any of 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 may 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 heretofore 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 Expediency 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

Her Majesty may appoint Commissioners to inquire into and ascertain Boundaries of New Forest, &c.

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 shall in the Judgment of the said Commissioner or Commissioners tend to enable them to make Reports upon the Premises as herein-after directed; and the said Commissioner or Commissioners so to be appointed as aforesaid are hereby empowered, as regards his or their Inquiries in relation to the *New Forest*, to sit at such convenient Time and Place within the County of *Southampton*, and as regards 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 shall 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 is hereby authorized and empowered to administer), and by the Inspection and Examination of Records, Deeds, Muniments, and Writings, or by any other legal Proof or Evidence, to carry on and prosecute the Inquiries aforesaid, and such other Inquiries as shall enable the said Commissioners from Time to Time to report touching the Premises.

Power to Treasury to direct Payment of One of the Commissioners, and Expenses under this Act.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct such Sum as they in their Discretion shall think fit, not exceeding Five hundred Pounds *per Annum*, to be paid out of the accruing Income of the Woods and Forests of the Crown to any One of the Commissioners appointed to carry this Act into execution, as a Remuneration for his Services therein, and also such further Sums as they may think fit for the Remuneration of a Clerk to such Commissioners and for defraying the necessary Expenses to be incurred by the said Commissioners in conducting the Inquiry as herein directed.

Commissioners to make a Declaration before acting.

III. And be it enacted, That the said Commissioner or Commissioners so to be appointed, before they shall be capable of acting in the Execution of this Act, shall severally make and subscribe a solemn Declaration before a Justice of the Peace in the Words or to the Effect following; that is to say,

'I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers reposed in me by an Act of the Twelfth and Thirteenth Year of the Reign of Her Majesty Queen Victoria [*here insert the Title of this Act*], according to the Tenor and Purport of the said Act.'

Power to Commissioners to take Evidence and

IV. And be it enacted, That it shall be lawful for the said Commissioners to call before them at any of their public Meetings any Person or Persons, either to give Evidence or to produce any Records or other Documents

call for Records, &c.

Documents in his, her, or their Possession, Custody, or Power, not relating to his or her private Estate or to the private Estate of any other Person or Persons, and which the said Commissioners shall think necessary or proper to be examined for the Purposes of any of the Inquiries directed by this Act, or by the Commission or Commissions to be issued as aforesaid; and any Person (being duly summoned), and after Tender of his reasonable Expenses in that Behalf, refusing or omitting to appear or to give Evidence, or to produce such Records or Documents, without reasonable Excuse for such Refusal or Omission, shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after directed.

Public Notice of Meetings to be given.

V. 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 enacted, That the said Commissioners shall give public Notice of the Time and Place of every intended Meeting, by Publication of such Notice Fourteen Days at least before such Meeting in one of the public Newspapers usually published or circulated in the County of *Southampton* as regards the *New Forest*, and in the County of *Essex* as regards *Waltham Forest*, when and where any Person having any Rights or Claims within the said Forests respectively may be at liberty to attend and lay the same before the said Commissioners: Provided always, that the said Commissioners may from Time to Time adjourn their Meeting to any future Day and to any Place within the said Counties respectively, without giving any public Notice thereof in any Newspaper: Provided always, that the Place of Meeting, as respects Inquiries relating to the *New Forest*, shall be at some convenient Place in or in the immediate Vicinity of the *New Forest*, and as respects Inquiries relating to *Waltham Forest* shall be at some convenient Place in or in the immediate Vicinity of *Waltham Forest*.

Meetings may be appointed by any One or more of the Commissioners.

VI. And be it enacted, That it shall be lawful for Her Majesty, by the Commission or Commissions to be issued as aforesaid, to authorize and empower any One or more of the said Commissioners to hold Meetings for the Purpose of carrying this Act into execution, and to do, exercise, and perform all such Acts, Powers, Matters, and Things as in and by this Act, or the Commission or Commissions to be issued in pursuance thereof, are or shall be directed or authorized to be done.

Proceedings of Commissioners to be entered in Books, which

VII. And be it enacted, That any One or more of the said Commissioners acting under such Commission as aforesaid shall cause all his or their Inquiries, Examinations, and Proceedings to be fairly entered

in

in Books to be kept for that Purpose, one Set of Books being appropriated to the Inquiries and Proceedings relating to the *New Forest*, and another Set of Books being appropriated to the Inquiries and Proceedings relating to *Waltham Forest*, which Books, duly signed and certified by the said Commissioners, shall be returned into the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, there to remain and be kept. shall be returned into Office of Woods, &c.

VIII. And be it enacted, That all Fines and Penalties imposed by this Act may be recovered in a summary Way before any Justice or Justices of the Peace for the County, Riding, Division, or Place in which the Person having incurred the same shall happen to be, and in case any Penalty or Fine recovered before any Justice or Justices of the Peace in pursuance of this Act shall not be paid forthwith, it shall be lawful for the Justice or Justices by whom such Fine shall be set or imposed or 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 they shall think proper, commit the Offender to the Common Gaol for or some House of Correction within the said County, Riding, Division, City, Town, or Place as aforesaid, there to remain not exceeding Two Calendar Months. Recovery of Penalties.

IX. And be it enacted, That all Penalties recovered and all Fines imposed by virtue or in pursuance of this Act shall be by the Justice or Justices receiving the same forthwith paid over to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and be applied in or towards defraying the Expenses attending the Execution of this Act. Application of Penalties.

X. And be it enacted, That the said Commissioner or Commissioners shall, at such Time or Times and in such Manner and Form as may in that Behalf be directed by any such Commission or Commissions as aforesaid, report to the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being the Result and full Particulars of their Inquiries into the several Matters aforesaid, with his or their Opinion or Opinions thereon. Commissioners to report to Treasury.

XI. And be it enacted, That in case any Commissioner to be appointed as aforesaid shall die, or be removed or become incapable to As to Appointment of new Commissioners.

to act, before the Duties of the said Commission shall be fully performed, then, and so often as the same shall happen, it shall be lawful for Her Majesty to appoint any other Person or Persons to be a Commissioner or Commissioners in the Place of the Commissioner who shall have died, been removed, or become incapable to act; and the surviving or continuing Commissioner or Commissioners (if any) and the Commissioner or Commissioners appointed as last aforesaid, or any One or more of them, shall proceed in the Discharge of the Duties imposed by this Act or by the Commission or Commissions to be issued in pursuance thereof, or the Commissioner or Commissioners to be first appointed, in the same or the like Manner, and with the same Powers and Authorities in all respects, as such Commissioner or Commissioners might have done in case such Death, Removal, or becoming incapable to act had not taken place.

Public Act.

XII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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