ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. XLIII.

An Act for disafforesting the Forest of *Hainault* in the County of *Essex*. [1st *August* 1851.]

WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is or claims to be seised to Herself, Her Heirs and Successors, of and in *Waltham Forest*, formerly called the Forest of *Essex*, in the County of *Essex*, one Portion of which is usually called or known by the Name of *Hainault Forest:* And whereas Her Majesty, in right of Her Crown, is or claims to be seised to Herself, Her Heirs and Successors, of the Soil of that Portion of the said Forest of *Hainault* which is commonly called the *King's Forest* or *King's Woods*, and of the Timber and other Trees, Bushes, and Underwood standing and growing thereon: And whereas the said Forest of *Hainault* is subject to divers Claims of Rights of Common and other Rights and Interests of Her Majesty and of divers of Her Majesty's Subjects in and over the same: And whereas the Right Honourable the Earl of *Mornington*, and the Honourable *William Wellesley* commonly called Viscount *Wellesley*, his eldest Son, jointly or severally claim to be entitled to the Office of Warden of the said Forest: And whereas

every

every poor Widow in those Parts of the Parishes of *Barking* and *Dagenham* which lie within the said Forest of *Hainault* who does not receive Parochial Relief, and whose Husband has been dead a Year, has been usually allowed to have One Load of Wood yearly on *Easter Monday* from and out of the said *King's Forest* or *King's Woods*, or in lieu of it Eight Shillings in Money to those who cannot procure a Team to carry the Wood on that Day: And whereas Her Majesty has been graciously pleased to signify Her Consent that the said Forest of *Hainault* should be disafforested, and the Royal Deer therein removed or destroyed, with all convenient Speed, and that the Officers of Her Majesty of or for the said Forest should be discharged, and that such Allotment should be made to Her Majesty, in respect of Her Forestal Estate, Rights, and Interests in and over the said Forest of *Hainault*, in manner herein-after provided, and that such Compensation should be made to the Officers of the said Forest, and to the said poor Widows, as is also herein-after 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,

Power to appoint Three Commissioners to carry this Act into execution.

I. That the Provisions of this Act shall be carried into execution by Commissioners to be appointed as after mentioned; and the Commissioners for carrying this Act into execution shall be Three in Number, One of whom shall be appointed in Writing by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, One other of whom shall be appointed by the Two junior Inclosure Commissioners for *England* and *Wales* for the Time being, and the third of whom shall be appointed by the Two Commissioners so to be appointed as aforesaid; and that so often as any Vacancy shall occur by Death, Resignation, or Incapacity, a new Commissioner shall be appointed in like Manner as the Commissioner whose Vacancy is to be supplied was appointed; and that all such Commissioners, when appointed, and herein-after designated as "the Commissioners of this Act," shall be the Commissioners for carrying this Act into execution; and that all Acts and Powers to be performed by or given to the Commissioners of this Act under the Provisions herein contained may be performed or exercised by any Two of such Commissioners.

Power to Commissioners to appoint Clerk and employ Land Surveyor.

II. That it shall be lawful for the Commissioners of this Act from Time to Time to appoint a Clerk, and, if they shall think fit, to remove such Clerk, and on any Vacancy to appoint another Clerk, and also to

to employ a Land Surveyor and Valuer in such Manner as they shall think necessary.

Remuneration of Commissioners and Clerk.

III. That the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, herein-after designated as "the Commissioners of Woods," with the Consent of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, shall, out of the Land Revenues of the Crown, subject to Repayment as after mentioned, pay and allow to the Commissioners of this Act any Sum not exceeding the Sum of One thousand Pounds as shall be thought sufficient, and in proportion to the Time and Labour which may be bestowed by them respectively in carrying this Act into execution, such Proportion, in the event of any Difference of Opinion with regard thereto, to be conclusively determined by the Commissioners of Her Majesty's Treasury, and to the Clerk of the Commissioners of this Act such Salary not exceeding Two hundred Pounds a Year as shall be considered sufficient, and also to allow to the Commissioners of this Act, and Clerk, all Costs and Expenses of employing any such Land Surveyor and Valuer as aforesaid, and all other reasonable Expenses incurred by them in the Performance of their Duties under this Act.

Commissioners to ascertain Boundaries.

IV. That the Commissioners of this Act shall forthwith proceed to ascertain the Boundaries of the said Forest of *Hainault*, and also of that Portion of the said Forest called the *King's Forest* or *King's Woods*, and for that Purpose shall or may make use of any existing Maps, Plans, or Surveys, or cause to be made any new Maps, Plans, or Surveys, as they shall think fit.

Boundaries as ascertained to be held to be true.

V. That the said Boundaries as ascertained by the Commissioners of this Act shall be held to be the true Boundaries of the said Forest, and of the said *King's Forest* or *King's Woods*, for all the Purposes of this Act, as between Her Majesty and all Persons whose Estates or Rights therein are to be or shall be in anywise dealt with or affected under the Provisions of this Act, but not further or otherwise.

Power to Commissioners to allot a Part of the King's Woods as a Compensation for the Forestal and other Rights of the Crown.

VI. That the Commissioners of this Act, so soon as they shall have ascertained the aforesaid Boundaries, shall proceed to set out and allot to Her Majesty such Part or Parts of the said *King's Forest* or *King's Woods* as they shall think a sufficient Compensation to Her Majesty for all Her Forestal Rights in and over the said Forest of *Hainault*, for Her Rights of Soil in the said *King's Forest* or *King's Woods*

Woods and in other the uninclosed Portions of the said Forest of *Hainault* (if any), for Her Rights of Timber and other Trees, Bushes, and Underwoods in the said Woods or elsewhere in the said Forest; and that such Allotment or Allotments, when made, shall be vested in Her Majesty, Her Heirs and Successors, as Part and Parcel of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged from all Rights or Claims of Common of Pasture, Estovers, or Assignments of Fuel Wood, and all other Rights or Claims whatsoever; and that on the making of such Award the said Forest of *Hainault* shall be for ever disafforested; and the Residue of the said *King's Forest* or *King's Woods*, and all other Parts of the said Forest of *Hainault* (not now inclosed), shall become the Property of the Queen's Majesty and the several Persons entitled to Rights of Common in and over the said Forest or any Part thereof, as they are now entitled to the same, freed and discharged from all Right of Soil, Rights of Timber, and all Forestal Rights of Her Majesty, Her Heirs and Successors.

On the making of the Award the Forest of Hainault to be disafforested.

VII. That for the enabling the Commissioners of this Act to make the Award by this Act directed to be made the said Commissioners of Woods, on behalf of Her Majesty, shall produce to the Commissioners of this Act such Evidence in support of Her Majesty's aforesaid Rights or any of them as in the Opinion of the Commissioners of this Act shall be necessary to support the Claim to such Rights; and the Judgment of the Commissioners of this Act in the Premises shall be final: Provided nevertheless, that it shall be lawful for any Person or Persons who in the Opinion of the Commissioners of this Act shall be interested in the Premises to appear before the said Commissioners, and to adduce such Evidence as in the Opinion of the said Commissioners shall be admissible, for the Purpose of controverting any Statement or Evidence made or offered to the said Commissioners in support of the Claims or Rights of Her Majesty.

Commissioners of Woods, &c. to produce Evidence in support of the Rights of the Crown, to enable Commissioners of this Act to make the Award.

VIII. And with respect to the Customary Rights or alleged Customary Rights of every poor Widow in those Parts of the said Parishes of *Barking* and *Dagenham* aforesaid who does not receive Parochial Relief, and whose Husband has been dead a Year, to have One Load of Wood yearly on *Easter Monday* out of the said *King's Forest* or *King's Woods*, or in lieu of it Eight Shillings in Money to those who cannot procure a Team to carry the Wood on that Day, be it enacted, That the Commissioners of this Act shall inquire and ascertain what is the Money Value of such Right in respect of such poor Widows, and shall report the Amount to the Commissioners of Woods; and upon receiving

Commissioners to inquire and ascertain the Value of certain Rights of poor Widows, and report Amount to Commissioners of Woods, &c., who shall invest the same.

receiving such Report the said Commissioners of Woods shall forthwith, out of the Land Revenues of the Crown, advance and pay the Sums so found and reported as being the Amount of such Value as aforesaid, and shall invest the same in the Names of the Vicar and Churchwardens of the said Parish of *Dagenham* and of the Vicar and Churchwardens of the Parish of *Barking* respectively, or otherwise as shall be agreed on, in the Purchase of Three *per Cent.* Consolidated Bank Annuities, to be held by them for ever, in trust to pay and apply the Dividends thereof in the Purchase of Coals or other Fuel, to be by them distributed yearly at *Christmas* among the poor Widows of the aforesaid Parts of their respective Parishes not receiving Parochial Relief, and whose Husbands have been dead a Year, and shall cause a proper Declaration of Trust to be executed by the Trustees in whose Names the said Monies shall be invested, and a Memorial thereof enrolled with the Clerk of the Peace for the said County of *Essex*.

On such Investment the Claims to cease.

IX. That on the Investment of such Sums as aforesaid all the aforesaid Customary Rights or Claims of poor Widows shall absolutely cease.

Commissioners to consider the Value of the Widows Claims, and to allot an Equivalent to the Crown.

Commissioners, if required, to apportion the Crown's Allotment in respect of each distinct Right.

X. That in setting out and making such Allotment to Her Majesty as aforesaid the Commissioners of this Act shall take into consideration the Amount of the Money Value of such Rights or Claims of the said poor Widows, and shall give to Her Majesty an Allotment on or from the said Woods as aforesaid which in their Opinion shall be an Equivalent for the Amount of such Monies so to be paid for such Rights and Claims as aforesaid: Provided nevertheless, that the Commissioners of this Act shall, if so required, by or on behalf of Her Majesty, Her Heirs or Successors, set out, distinguish, and apportion in their said Award a particular Part or Parts of the general Allotment to be made to Her Majesty as aforesaid which in their Opinion may be the Value of any One or more of the specific Rights of Her Majesty, and in respect of which the aforesaid Allotment may have been made, and such specific Apportionments of such general Allotment shall be taken to be the Allotments in respect of such specific Rights in respect of which they shall be ascertained and declared as aforesaid to have been made.

Award to be made in Two Years, and to be executed in Duplicate.

XI. That the Commissioners of this Act shall make their Award in Writing within Two Years from the passing of this Act, and such Award shall be executed in Duplicate, and One Part thereof shall be deposited at the Office of Land Revenue Records and Enrolments, and the other Part thereof shall be deposited with the Clerk of the

Peace for the said County of *Essex*, there to remain, and to be examined by all Persons, at all reasonable Times, on Payment of a Fee of One Shilling for each Examination.

Power to Commissioners of Woods, &c. to remove or destroy the Deer within the Forest.

XII. That the said Commissioners of Woods or other the proper Officer or Officers of Her Majesty of and for the said Forest of *Hainault* shall with all convenient Speed, and within One Year from the passing of this Act, under the Direction of Her Majesty, Her Heirs or Successors, remove or destroy, or cause to be removed or destroyed, all the Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct; and that when such Deer shall have been so removed or destroyed the Right of Her Majesty to keep Deer and other Beasts of Forest in the said Forest of *Hainault* shall absolutely cease, and it shall be lawful for the Commissioners of Her Majesty's Woods to exercise all the same Powers over and in respect of the Lands to be allotted to Her Majesty as aforesaid as they are or at any Time hereafter shall be by Law enabled to exercise over and in respect of other Lands of Her Majesty in right of Her Crown, not being Royal Forests, Parks, or Chases.

When Deer removed, &c. Right to keep Deer to cease.

The Crown to maintain Boundary Fences, and, if it appear convenient, to set out Roads, which shall become public Highways.

XIII. That Her Majesty, Her Heirs and Successors, shall make and at all Times hereafter maintain sufficient Boundary Fences round all the Parts so to be set out and allotted or awarded to and to become the Property of Her Majesty as aforesaid; and further, that in case in making the Allotment hereby directed it shall appear convenient to the Commissioners of this Act to set out any Roads over the Parts to be allotted to Her Majesty, for the Convenience of the Enjoyment of the remaining Parts of the said Forest of *Hainault*, it shall be lawful for the said Commissioners to set out such Roads accordingly, and the same shall be made by the said Commissioners of Woods, and shall when made become and be public Highways.

After Award is made, Forestal Offices to cease.

XIV. That, immediately after the Award of the Commissioners of this Act shall have been made, as herein-before directed, all and every Letters Patent, Grants, Appointments, and Warrants of any Offices, Bailiwicks, Walks, or Lodges in or for the said Forest of *Hainault*, and all Salaries, Gratuities, and Fees lawfully payable or allowed in respect of the same, shall thenceforth cease, end, and determine; and Compensation shall be made by the Commissioners of Her Majesty's Woods, out of the Land Revenues of the Crown, to the Lord Warden, in respect of his Wardenship of that Portion of the said Forest of *Waltham* called *Hainault Forest*, and to the several Officers of the said

said Forest of *Hainault* (whether holding Lodges and Land within the said Forest by virtue of their several Offices, or not), in consideration of the Cessation of their said several Offices, and on their relinquishing and giving up the Possession of the said Lodges and Land respectively, and all Claim and Interest therein or thereto under any Grant, Letters Patent, or Appointment or Warrant as aforesaid, which Compensation shall in every distinct and separate Case be referred to and ascertained by the Commissioners of Her Majesty's Treasury, or by such Person or Persons as they shall for that Purpose appoint on the Part of Her Majesty, and by such indifferent Person as shall be appointed on the Part of each and every Officer of the said Forest of *Hainault* interested or concerned in the Premises, and which said Commissioners of Her Majesty's Treasury, or other the Person or Persons so to be appointed as aforesaid, are hereby empowered to send for Persons and Papers, and to examine the Parties and Witnesses upon Oath, if necessary (which Oath any One of the said Commissioners of the Treasury, or the Person or Persons so to be appointed as aforesaid, is hereby authorized and empowered to administer); provided, that in case any Difference of Opinion shall arise on any Matter or Question touching or concerning such Compensation, then the said Referees shall from Time to Time forthwith appoint any proper and competent Person or Persons to act as an Umpire or Umpires concerning the Premises, to whom all and every such Differences shall be referred, and whose Judgment and Determination shall be binding to all Intents and Purposes whatsoever.

Expenses to be defrayed out of the Produce of Timber and Underwood standing on the Parts of the Forest not allotted to the Crown.

XV. That all the Payments, Charges, and Expenses hereby directed to be defrayed out of the Land Revenues of the Crown shall be paid and discharged or replaced by and out of the Produce of the Timber and Underwood belonging to Her Majesty, now standing on such Part of the uninclosed Parts of the said Forest of *Hainault* as shall not be allotted to Her Majesty, and that for that Purpose it shall be lawful for the Commissioners of Woods, at any Time before or after the said Award, to enter on any Parts of the said Forest, and to cut down, carry away, sell, and dispose of so much of the said Timber and Underwood as shall be sufficient to pay such Costs, Charges, and Expenses.

Power to Sir Charles Hulse, as Lord of the Manor of Barking, to proceed to a Trial at Law,

XVI. And whereas Sir *Charles Hulse* Baronet makes claim, as Lord of the Manor of *Barking*, to the Soil of that Portion of the said Forest of *Hainault* called the *King's Forest* or *King's Woods*, or some Part thereof, and claims Title to the same through and under certain Grants thereof made to the Ancestors of the said Sir *Charles Hulse*

in a feigned Action, to try his Rights to the Soil of certain Portions of the Forest of Hainault.

Hulse by Her Majesty's Royal Predecessor King *Charles* the First, and therefore insists that he is entitled to a Portion of the Allotment hereby intended to be set out to Her Majesty, as a Compensation for the Right of Soil so claimed: Be it enacted, That it shall be lawful for the said Sir *Charles Hulse* to proceed to a Trial at Law, within Twenty-two Months from the passing of this Act, at the Assizes for the County of *Essex*, in a feigned Action or Actions to be for that Purpose commenced in Her Majesty's Court of Exchequer at *Westminster*, against Her Majesty's Attorney General and the Commissioners of Her Majesty's Woods, and the Defendants in such Action shall appear, and accept One or more Issue or Issues whereby the Matter in question may be properly tried and determined (such Issue or Issues to be settled by the proper Officer or Officers of the Court of Exchequer, if the Parties shall differ about the same); and if at the Trial of any such Issue or Issues it shall appear that the said Sir *Charles Hulse* is not entitled to the Soil of that Portion of the said Forest called the *King's Forest* or *King's Woods* so claimed by him, then the Jury or Juries by whom such Issue or Issues shall be tried shall find for the Defendants; but if it shall appear to such Jury or Juries that the said Sir *Charles Hulse* is so entitled as Lord of the said Manor of *Barking* according to the Claim made by him, then such Jury or Juries shall find for the Plaintiff; and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, as well upon Her Majesty, Her Heirs and Successors, as the said Sir *Charles Hulse*, his Heirs and Assigns, and all and every Person and Persons claiming through or under him or them, unless the Court shall set aside such Verdict or Verdicts, and order a new Trial or Trials to be had thereupon, which it shall be lawful for the Court to do, as is usual in other Cases; provided always, that it shall be lawful for the said Court, upon sufficient Cause shown, to put off the Trial of the same, although the Time hereby limited for such Trial may be thereby exceeded; provided also, that if either of the Parties in any Action or Actions to be brought in pursuance of this Act shall die, or if any of the said Commissioners of Her Majesty's Woods shall resign, or be removed from being a Commissioner or Commissioners, pending such Action or Actions, the same shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; provided also, that it shall be lawful for the said Commissioners of Her Majesty's Woods, for and on behalf of Her Majesty, at any Time before the Trial of such Action or Actions, to make or accept Proposals to or from the said Sir *Charles Hulse*, his Heirs or Assigns, for compromising the Matter or Matters in dispute, and to compromise the same accordingly, if they and Her Majesty's Attorney General for the Time being shall see just Cause so to do, and all such

such Compromises shall be binding and conclusive; provided also, that if no such Action shall be brought, or if the same shall not be proceeded in to Trial or Trials as aforesaid, unless such Trial or Trials shall be put off with such Leave of the Court as aforesaid, then and in such Case the said Sir *Charles Hulse*, his Heirs and Assigns, and all Persons claiming through or under him or them, shall be barred and precluded from such Claim as aforesaid.

If Verdict be in favour of Sir C. Hulse, Commissioners to allot to him such Part of Crown Allotment as they shall deem an Equivalent for his Rights.

XVII. That if the Verdict in any such Trial or Trials shall be given in favour of the said Sir *Charles Hulse*, his Heirs or Assigns, and shall not be set aside by the Court, then the Commissioners of this Act shall set out and allot to the said Sir *Charles Hulse*, his Heirs and Assigns, so much and such Part of the Allotment hereinbefore directed to be set out to Her Majesty, Her Heirs and Successors, as the said Commissioners shall by Writing under their Hands award to be a just Equivalent and Compensation for and in lieu of the Right of Soil claimed by the said Sir *Charles Hulse*, his Heirs or Assigns, and to which he or they shall appear entitled by such Verdict, the said Allotment, when set out to the said Sir *Charles Hulse*, his Heirs and Assigns, to be inclosed and fenced by him or them, and to be held and enjoyed freed and exonerated from all Rights of Common and other Rights from which the said Allotment to Her Majesty is hereby freed and exonerated.

Trial not to impede the Commissioners in the Execution of the Act.

XVIII. That no such Action being brought, or during the Continuance thereof, shall impede the Commissioners in the Execution of this Act, but the Allotment hereby directed to be made shall be made, notwithstanding any such Action shall be pending; and the Commissioners of this Act shall by proper Marks and Bounds set out the Lands and Grounds which ought to be allotted to the said Sir *Charles Hulse*, his Heirs or Assigns, in case of his or their succeeding in such Trial or Trials.

Act not to extend to Epping Forest.

XIX. That nothing in this Act contained shall extend to that Portion of *Waltham Forest* usually called *Epping Forest*.

General Saving of Rights.

XX. That nothing in this Act contained shall in anywise extend to or prejudice the Title, Right, or Claim of Her Majesty to any Right of Common appendant or appurtenant to any anciently inclosed Lands of Her Majesty, or the Title, Right, or Claim of Her Majesty or any Person or Persons to the inclosed Parts of the said Forest of *Hainault*, or to *Chapel Lodge Farm*, otherwise the *Lawn Farm*, or *Fence Piece Farm*, or either of them, or to any other inclosed Lands, Lodges, or Lodge Grounds within the said Forest of *Hainault*, held

or claimed to be held in Severalty by Her Majesty, the Lord Warden of the said Forest, or any other Forestal Officer or Officers of Her Majesty, nor the Claim of the Vicar of *Dagenham* to Tithes or to a Rentcharge in lieu of Tithes in respect of such Portion of the said Forest of *Hainault* as is situate within the Parish of *Dagenham*.

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