

# **Volume 1 of Minutes of the Courts of Swainmote and Attachment held before the Verderers of the New Forest 1878-1885**

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**New Forest Commoners Defence Association**  
as part of the **Through Our Ancestors Eyes** project  
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Editorial notes.

The original documents are held on behalf of the Verderers in a fire proof book repository at the New Forest Heritage Centre.

The documents have been transcribed as close to the original as possible, following all spelling and capitalisation and most punctuation (except where needed for clarity). Editorial notes are supplied in square brackets ([...]). As such place names and personal names may appear with a number of non-standard variations.

The contemporary index is also given, but is very limited in scope and variable in coverage. Original page numbers are given thus [p.123] and can be found using the 'Ctrl+F' function. Due to the limitations of the contemporary index, use the 'Ctrl+F' function to find words or phrases, bearing in mind variability in spellings that may have been used.

[contemporary index]

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NEW FOREST ACT 1877

At the first Court of Swainmote held at the Queen’s House at Lyndhurst on Saturday the 26<sup>th</sup> day of January 1878.

———— Present ————

The R <sup>t</sup> Honb <sup>le</sup> George Sclater Booth M.P.	Official Verderer
Sir Edward Hulse Bart	. . . }
Sir Henry C. Paulet Bart	. . . }
George Edward Briscoe Eyre Esq <sup>re</sup>	. . . } Verderers
Lieut Col <sup>l</sup> William C. Drake Esdaile	. . . }
John Lane Shrubb Esq <sup>re</sup>	. . . }

The Court was opened with the usual proclamation by Harry Cooper acting as Crier.

On the motion of Sir Henry Paulet Henry Cooper was appointed Crier of the Court.

The return of the High Sheriff of the County of Southampton of the Election on the 17<sup>th</sup> day of December 1877 of George Edward Briscoe Eyre, John Lane Shrubb, and William Clement Drake Esdaile Esquires as Verderers of the Forest was read and ordered to be enrolled.

Copy Return

New Forest Act 1877 – I Frederick Gonnerman Dalgety Esquire, Sheriff of the County of Southampton and Returning Officer for the Election of Verderers under the said Act hereby certify that in pursuance of a Notice signed by the Right Honorable George Sclater Booth the Official Verderer appointed under the provisions of the above Act that the first Election of Verderers under the said Act should be held on Wednesday the twelfth day of December One thousand eight hundred and seventy eight I did in pursuance of the provisions of the said Act convene a Meeting of the Electors qualified to vote at such Election to be held at the Queen’s House, Lyndhurst, in the said County on the said twelfth day of December for the purpose of such Election, and I also further gave Notice that there were three vacancies to be filled up. And I further certify that at such Meeting the following persons were duly nominated as Verderers viz: John Mills of Bisterne in the said County Esquire [p.2] Lieutenant Colonel William Clement Drake Esdaile of Burley Manor in the said County, George Edward Briscoe Eyre of Bramshaw in the said County Esquire and John Lane Shrubb of Boldre Grange Boldre in the said County Esquire and a Poll having been demanded on behalf of the said John Mills I appointed the same to take place on Monday the seventeenth day of December instant at Lyndhurst as also at Brockenhurst, Lyndhurst Road and Fordingbridge, all places within or near the said Forest and such poll having been taken I found that the number of votes given at the said Election for each of the said Candidates was as follows

For

George Edward Briscoe Eyre Esq <sup>re</sup>	717
John Lane Shrubb Esq <sup>re</sup>	649
Lieut Col <sup>l</sup> William Clement Drake Esdaile	593
John Mills Esq <sup>re</sup>	344

And I further certify that I declared the said George Edward Briscoe Eyre Esq<sup>re</sup> John Lane Shrubbs <Esq<sup>re</sup>> and Lieut Colonel William Clement Drake Esdaile to have been this day duly elected to the office of Verderers of the New Forest.

Dated this seventeenth day of December One thousand eight hundred and seventy seven.

F. G. Dalgety

Sheriff and Returning Officer

---

On the motion of Sir Henry Paulet seconded by Sir Edward Hulse M<sup>r</sup> George Ferris Whidborne Mortimer of Romsey Solicitor was appointed Clerk to the Court, to be paid by professional charges in the same way as M<sup>r</sup> Stead the former Clerk had been paid, the question of his acting professionally in future elections of Verderers or in Parliamentary Elections being reserved for future consideration.

The question of the order of retirement of the Verderers under Sec. 19 of the New Forest Act 1877 was then considered and the Official Verderer produced a letter <which> he had received from M<sup>r</sup> William Hans Sloane Stanley one of the Verderers offering an account of his health to be one of the Verderers to vacate the office at the expiration of the second year.

[p.3]

Sir Edward Hulse then offered to vacate office at the same time.

The offers of M<sup>r</sup> Stanley and Sir Edward Hulse were accepted.

Sir Henry Paulet then offered to vacate at the end of the fourth year and lots having been drawn by the other three Verderers present it fell on the lot of M<sup>r</sup> Shrubbs to retire at the same time.

The order of vacation therefore stands as follows.

William Hans Sloane Stanley Esq <sup>re</sup>	}	1 <sup>st</sup> Class at the expiration of the 2 <sup>nd</sup> year.
Sir Edward Hulse Bart	}	
Sir Henry Charles Paulet Bart	}	2 <sup>nd</sup> Class at the expiration of the 4 <sup>th</sup> year.
John Lane Shrubbs Esq <sup>re</sup>	}	
George Edward Briscoe Eyre Esq <sup>re</sup>	}	3 <sup>rd</sup> Class at the expiration of the 6 <sup>th</sup> year.
Lieu <sup>t</sup> Col <sup>l</sup> W <sup>m</sup> C.D. Esdaile	}	

The question of a Seal was then discussed and the sketches produced were ordered to be sent to M<sup>r</sup> Culleton for him to design one therefrom and send a sketch for approval.

M<sup>r</sup> Lawrence H. Cumberbatch the Deputy Surveyor of the New Forest reported to the Court that the appointments of the Agisters formerly made by the Crown were now cancelled and that it would now become the business of the Court to appoint its own officers for all purposes.

The Question of appointing a process server &c, Verderers' Officer was discussed and the late officer of the former Verderers having intimated his intention to decline being reappointed the subject was ordered to be referred to a Committee to be appointed for the purpose.

A discussion then took place on the question of drifts and the matter was left to the consideration of a Committee to be appointed for the purpose.

A discussion also took place as to the payment of the expenses of the High Sheriff of the recent election of Verderers and the Clerk produced an account which had been sent to him.

(see copy account on next page).

[p.4]

New Forest Act 1877

Account of Expenses of Frederick Gonnerman Dalgety Esquire High Sheriff, and returning Officer for the Election of Verderers. December 1877.

<p>Paid M<sup>r</sup> Woodham for preparing and publishing Notice of Election and for attendances and correspondence in arranging as to the nomination and persons entitled to vote and also as to polling places also for attending nomination and for drawing out and publishing details of the several polling places and of the voters to vote at each, preparing and printing poll books, attendances and correspondence, arranging with persons to act as presiding Officers and Poll Clerks, preparing their appointments and letters of instructions. Attending at Lyndhurst at counting of votes and declaration of Poll and for preparing and publishing Notice of Candidates elected as verderers and the number of votes given for each as required by the Act.</p>	21	0	0
<p>Travelling and other expenses.</p>	2	10	0
<p>Doubts having been raised as to what Parishes or Townships or parts thereof were within the perambulation of the Forest paid G.A. Webb County Clerk for attendances and journies [<i>sic</i>] to Romsey conferring with Clerk to the Verderers thereon and afterwards to Lyndhurst to meet M<sup>r</sup> Cumberbatch and examine boundaries as shewn on Ordnance Map with maps of the Forest and description of boundaries of perambulation when it appeared from a tracing of the Parish Map of Christchurch which M<sup>r</sup> Cumberbatch obtained that a portion of the Forest was within that Parish but, as he was informed that the question had been settled between the Parish Officers and the Ordnance Surveyors some years since. Journey to Southampton attending at the Ordnance Office when it was found that the papers relating to the boundary of the Parish were in London. It appeared from a memorandum on the Survey that Mr Holloway of Christchurch had pointed out the boundaries, further journey to</p>			
Carried forward £	23	10	0

[p.5]

	23	10	0
Brought Forward £			
<p>Christchurch to see him and examine Tithe and Parish Map and Terriers to ascertain whether the land in question was rated in that Parish and also whether a person who it was alleged had voted in respect of a cottage situate thereon was on the Register. Attending M<sup>r</sup> Holloway to obtain further information from him also on Assistant Overseer and at the Church inspecting tithe Map &amp;c from thence to Lyndhurst. Attending Nomination and also for General Assistance preparing for Election.</p>	15	15	0

Paid Railway Hotel and other expenses.	4	13	6
Paid for tracings from maps of Christchurch and Ringwood obtained by M <sup>r</sup> Cumberbatch to assist in determining boundaries of Parishes within perambulation of Forest.	1	11	6
Paid Presiding Officers at the several polling places including delivery of the Poll Books at Lyndhurst, Railway Fares horse hire and other Expenses.	19	4	0
Paid for poll Clerks engaged at the several polling places including Railway Fares Hotel expenses and refreshments on day of polling.	16	6	9
Paid for use of rooms and cleaning and fitting others for polling places.	3	18	6
Paid for advertizements in newspapers and for printing and posting notices of Election Polling and result of poll etc.	15	2	0
Paid for copies of Parliamentary Registers, making copies of Registers of Commoners, arranging and stitching up Registers for each polling place, poll books stationery &c.	7	5	6
Miscellaneous payments for Telegrams postage parcels and portorage.		15	0
	£	108	1 9
Use of Schoolroom at Brockenhurst see Undersheriff's letter 6 <sup>th</sup> July 1878.		1	1 0
	£	109	2 9

The question of paying the above out of the Interest of the Fund mentioned in Section 11 of the Act was brought forward by M<sup>r</sup> Esdaile and ordered to be referred to a Committee on the subject.

[p.6]

The question of Bye Laws was then considered and petitions which were then handed to the Clerk were read and presented to the Court by him.

The following Committees were then appointed.

viz. Sir Henry Paulet, M<sup>r</sup> Shrubbs and M<sup>r</sup> Esdaile for the following purposes, viz:—

1. To consider all questions relative to the appointment of Agisters
2. To consider the question as to drifts.
3. To consider as to the appointment of a Verderers' Officer and process server.
4. To consider the question of rating property to which rights of pasture Turbary or pannage attached.
5. To consider Sub-sec. 4 of Section 23.
6. To consider all question of Bye Laws under Section 25.
7. To consider the Petitions presented

The second Committee was constituted as follows —

viz. The Official Verderer  
<Sir Edward Hulse>  
M<sup>r</sup> G.E.B. Eyre, and  
M<sup>r</sup> Esdaile

to consider Clause 11 of the Act and the question whether the High Sheriff's expenses of the election of Verderers could be paid out of the fund therein referred to.

The several Committees to report on the several subjects to the adjourned Court of Swainmote.

On the motion of Sir Edward Hulse seconded by M<sup>r</sup> Shrubb it was resolved that Sir Henry Paulet be appointed deputy Chairman of the Court.

On the motion of M<sup>r</sup> Esdaile seconded by M<sup>r</sup> Eyre the Clerk was directed to obtain for the Committee as much information as he could with reference to the best mode of assessing the property of the Commoners to which rights of Common attach, the annual value of such properties and the probable amount that would be realized by an annual penny rate.

The Court was adjourned to Wednesday the 24<sup>th</sup> April at 12 o'clock at the Queen's House, Lyndhurst.

[signed] *G. Sclater Booth O.V.*

[p.7]

At an adjourned Court of Swainmote held at the Queen's House Lyndhurst on the 24<sup>th</sup> day of April 1878.

Present

The Right Honb <sup>le</sup> G. Sclater Booth, M.P.	Official Verderer
Sir Henry Charles Paulet Bart.	}
Sir Edward Hulse Bart	}
William Hans Sloane Stanley Esq <sup>te</sup>	}
George Edward Briscoe Eyre Esq <sup>te</sup>	} Verderers
John Lane Shrubbs Esq <sup>te</sup>	}
Lieut. Col <sup>l</sup> W <sup>m</sup> Clement Drake Esdaile	}

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

George Knapp of Denny Township in the New Forest Laborer was charged on the information of John Foss of Denny Township Assistant Keeper for having on or about the 26<sup>th</sup> day of January last at Rowdown in Denny Township in the New Forest destroyed part of the covert of the said Forest to wit by then and there cutting 150 green clots covered with grass the property of Her Majesty the Queen thereby doing damage to the amount of 2/-.

The case having been called and the defendant not appearing the Court proceeded to hear the Case in his absence.

The following evidence was taken.

Edward Kennard, Serjeant of Police proved the service of the Summons on the Defendant on the 16<sup>th</sup> April.

John Foss sworn stated, I am assistant to John Wilkins the Keeper of Denny Walk. On the 26<sup>th</sup> January last I was at Rowdown in Denny Walk in the New Forest near Thomas Buckland's little Farm. I saw where clots had been recently dug and made use of there in mending the bank of Buckland's premises. I went to Buckland's cottage and saw his Wife. From what she informed me I reported the matter to M<sup>r</sup> Wilkins and went with him to see M<sup>rs</sup> Buckland. I had seen Knapp a day or two before doing up Buckland's fence with clots which were taken from the Forest. [p.8] I am prepared to swear that the clots used for mending the bank were the same as were taken from the Forest.

At this stage of the case the defendant appeared and on being formally charged with the offence pleaded guilty thereto.

Defendant was thereupon convicted in the penalty of 10/- and 2/- for the damage and 9/6 costs or 14 days imprisonment.

Defendant paid fine damages and costs.

The whole of the Judicial business being completed the Court was then cleared.

The Report of the General Purposes Committee was brought up and read and ordered to be printed for private circulation amongst the Verderers.

That part of the Report which dealt with the question of rating having been previously discussed and referred back to the Committee for further consideration.

The Report of the Finance Committee was brought up and read and a discussion having taken place upon it the Official Verderer explained the arrangement which he had come to with the Treasury and Paymaster General as to the fund referred to therein.

The Report is as follows.

Report of the Finance Committee to be presented to the Court of Swainmote holden at the Queen's House, Lyndhurst on Wednesday the 24<sup>th</sup> April 1878.

Your Committee having considered the questions of submitted to them, beg to report:

That on the first question submitted for their consideration namely, That of defraying the High Sheriff's expenses of the Election of Verderers under the New Forest Act 1877 out of the fund or the Interest thereof mentioned in Clause 11 of the Act, They are of opinion that as the first Court of Swainmote was not held until after the election of [p.9] Verderers the Court has no funds actual or potential out of which to defray the expenses of such election and they recommend accordingly.

As to Clause 11 of the Act itself.

Your Committee having considered it carefully and having ascertained that the Fund mentioned therein now consists of,

£7016 19 9 reduced £3 per cent consols,

125 14 2 Cash in the hands of the Office of Woods,

10 7 4 Cash in the hands of the deputy Surveyor,

come to the following conclusions.

That the Clerk be instructed to prepare a Letter to the Lords of the Treasury setting out,

The difficulties that are to be experienced in levying the rate alluded to in Clause 23, Sub-Sec. 3 and Schedule 1 of the Act and the imperfect provision of the Act.

That even if it be possible or desirable to levy a rate the preparation of a valuation list or rate-book is an indispensable preliminary and that time and money will be required for its preparation.

That neither for doing this or for paying any annual expenses or Salaries under the Act have the Verderers any funds.

That under these circumstances the Committee recommend that the fund mentioned in Clause 11 of the Act should be placed at the disposal of the Verderers.

That the Verderers contend that it is equally for the benefit of the Crown and Commons that the Act should be placed in immediate operation.

The Verderers therefore expect the assistance of the Treasury either in explaining amending or altering the Existing Act or else in putting the fund mentioned in Clause 11 at their disposal.

That in accordance with the above instructions the following letter approved by the Official Verderer was duly written and sent to the Lords of the Treasury and the following reply has been received which is submitted for the consideration of the Court.

Romsey, Hampshire. 22<sup>nd</sup> Mar 1818.

Sir,

New Forest Act 1877

A Meeting of the Finance Committee of the Verderers (the Official Verderer in the Chair) having been held at Whitehall to-day for the purpose of considering amongst other things the manner in [p.10] which the balance of Railway Money set apart under Sec. 11 of the New Forest Act for the mutual benefit of Her Majesty and of the Commoners can be best expended.

I am directed to submit for the consideration of the Lords of the Treasury the following observations.

Assuming that it is desirable to levy a rate as contemplated by Schedule 1 of the Act difficulties at once arise as to the mode in which it is to be levied, there being no provision for levying the rate from the occupiers of the properties chargeable, no machinery for enforcing payment and the wording of the Act in reference to the subject being otherwise extremely imperfect.

In order to attempt the levy of a rate, preparation of a valuation List or rate Book is an indispensable preliminary. Time and money will be required for the preparation of such a List or Book which must necessarily be a task of great difficulty owing to the properties to which rights of Common pasture &c attach having since the year 1854 in numerous cases been divided into small holdings or changed hands, and owing to the imperfect means which the Verderers would possess of identifying these properties with those which appear upon the valuation Lists of parishes or places within the perambulation of the Forest.

The Verderers have no funds in their hands out of which to defray the necessary expenditure for the preparation of such a valuation List or Rate Book or out of which to pay the current annual expenses or Salaries which must necessarily be incurred by them in carrying out the Act.

Under these circumstances they recommend that the fund mentioned in Section 11 of the Act viz: the sum of £7016.19.9 reduced £3 per cents should in some shape be assigned for these purposes or at least that the Interest thereof as from the first Meeting of the Court of Swainmote viz: the 26<sup>th</sup> January 1878 together with balances in hand, which appear to amount to £136-1-6 should be immediately placed at their disposal for without such assistance the Act is evidently unworkable.

The Verderers contend that it must be equally for the benefit of Her Majesty and the parties entitled to the right of Common &c that the Act should be placed in immediate operation but without funds to pay current expenditure required by the terms of [p.11] the Act, this appears to be impossible.

In conclusion the Verderers submit that they must expect the assistance of the Treasury in the difficult circumstances in which they find themselves and they see no alternative to the course proposed unless it should be considered preferable to pass an amending Act during the present sessions of Parliament to make the necessary provisions in some other way.

An early answer to this application is requested as at the Quarterly Meeting which is to be held in Easter Week some expenses will require to be defrayed.

I am Sir  
Your obedient Servant  
G.F.W. Mortimer

To the Secretary,



Treasury.

5922

Treasury Chambers, 13<sup>th</sup> April 1878.

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you with reference to your report of the 4<sup>th</sup> Ins<sup>t</sup> relative to the balance of the money set apart under the Southampton & Dorchester Railway Act of 1845 (8<sup>th</sup> and 9<sup>th</sup> Vic. cap.93) that my Lords are of opinion that the Stock should be transferred into the names of the Official Verderer and the Permanent Secretary to the Treasury for the time being as Trustees of the Fund.

My Lords desire that any cash balance which may be in your hands may be paid to the Cash account at the Bank of England of the Paymaster General who will be directed by this Board to open a special account for the same in his books to be operated upon by drafts to be signed by the Official Verderer and Sir Henry Paulet Bart one of the Verderers and by the Clerk to the Verderers for the time being and to which account the future interest of the capital sum should be paid as received.

My Lords request that you will take the necessary steps for the transfer of the money, in the manner above described with the least possible delay as payments from the account must be made during the Easter Week.

I am, &c.,  
(signed) Henry Selwin Ibbetson

Hon. J.K. Howard  
Office of Woods

[p.12]

5922

Treasury Chambers, 13 April 1878

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit herewith for your information and guidance a copy of a letter which my Lords have this day caused to be addressed to the Commissioners of Woods &c relative to the mode of dealing with the balance of the money set apart under the Southampton and Dorchester Railway Act of 1845 (8 & 9 Vic. c.93) for the improvement &c of the New Forest and also a copy of a memorandum showing the amount of such balance and I am to request that you will take the necessary steps for carrying out as far as your department is concerned the views of their Lordships as represented in the above mentioned letter.

I am, &c.,  
(signed) Henry Selwin Ibbetson

The Paymaster General

Treasury Chambers, 16<sup>th</sup> April 1878

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit for your information with reference to M<sup>r</sup> Mortimer's letter of the 22<sup>nd</sup> ulto relative to the future manner of dealing with the balance of the money set apart under the Southampton and Dorchester Railway Act of 1845 (8 & 9 Vic. cap.93) for the improvement &c of the New Forest, the accompanying copies of

letters (2) which my Lords have caused to be addressed respectively to the Hon. J.K. Howard one of the Commissioners of Woods &c and to the Paymaster General on the subject.

I am Sir,  
Your obedient Servant,  
Charles W. Stringe [Stronge]  
Jr. H.H.

The R<sup>t</sup> Hon. G. Sclater Booth, M.P.

Paymaster General Office.  
22<sup>nd</sup> April 1878.

Dear Sir,

M<sup>r</sup> Collier not being in the Office at the present moment I have opened your letter and now enclose a memorandum giving the information you ask for as to the Cash balance of [p.13] the New Forest Account.

Yours faithfully,  
Octavius Henry Pearson

The R<sup>t</sup> Hon. G. Sclater Booth, M.P.

Paymasters General Office.

Memo,

The Office of Woods has paid to the Paymaster General £136-1-6 which is stated in the Treasury Letter to be the Cash balance of the New Forest account and therefore cannot include the April dividend. M<sup>r</sup> Collier is in communication with M<sup>r</sup> Lingen on the subject. 22/4/78.

---

It was arranged that £100 should be drawn from the funds in the hands of the Paymaster General and be placed to the credit of an account to be opened with the Hampshire and North Wilts Bank at the Romsey Branch on behalf of the Verderers of the New Forest. The account to be operated upon by cheques to be signed by Sir H.C. Paulet deputy Chairman and the Clerk.

The Clerk was directed to see that any small outstanding bills were paid.

A draft form of Notice prepared by M<sup>r</sup> Esdaile informing the Commoners of the appointment of Agisters and the fees to be paid by them for marking animals was presented by him and referred to the General Purposes Committee for approval and issue before the 4<sup>th</sup> May.

At this stage of the proceedings the chair was vacated by the Official Verderer and Sir Henry Paulet (Deputy Chairman) took it.

The election of Agisters was then proceeded with. Seven out of the eight selected candidates were present and having been called in they all with the exception of Fielder and Newbold agreed if elected to go to any district that might be assigned to them. Their several duties were explained to them and they all agreed to accept the office if appointed upon the terms explained to them and that for the present year their [p.14] remuneration would be the fees taken by them in their respective districts for marking animals.

The Court was then cleared and the Verderers proceeded to elect 4 Agisters from the Candidates.

The following were elected,

Levi Gray of Brockenhurst  
George Philpott of Marchwood  
Harry Sparks of Brockenhurst  
Charles Newbold of Bank, Lyndhurst.

Sir Henry Paulet moved that Levi Gray be appointed to the South (his old) District.

This motion was seconded by M<sup>r</sup> Esdaile and carried.

Mr. Shrubb moved that Harry Sparks be appointed to the West District, Charles Newbold to the East District and George Philpott to the North District.

This motion was seconded by M<sup>r</sup> Esdaile and carried.

The appointments therefore stand as follows.

South District	Levi Gray	Rhinefield Whitley Ridge and Lady Cross Walks.
North District	George Philpott	Ashley, Broomy Eyeworth and Bramble Hill Walks.
West District	Harry Sparks	Burley, Holmsley Wilverly and Boldrewood Walks.
East District	Charles Newbold	Iron's Hill Castle Malwood Ashurst and Denny Walks.

M<sup>r</sup> Esdaile moved that M<sup>r</sup> Stanley be elected a member of the General Purposes Committee.

This motion was seconded by M<sup>r</sup> Shrubb and carried.

Monday the 15<sup>th</sup> July was provisionally named for [p.15] the next Court.

The business of the Court then terminated.

[signed] *H.C. Paulet*  
*Dep: Chairman*

[p.16]

At a Court of Swainmote held on the 15<sup>th</sup> day of July 1878 at the Queen's House Lyndhurst.

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Present

Sir Henry Charles Paulet, Bart. (Deputy Chairman)  
George Edward Briscoe Eyre Esq<sup>re</sup>  
Lieu<sup>t</sup> Col<sup>l</sup> William Clement Drake Esdaile

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The Court was opened by the usual proclamation by the Crier.

---

The minutes of the last meeting were read and confirmed.

---

The Clerk produced the following letter which he had received from M<sup>r</sup> Stanley which was ordered to be entered on the minutes.

(Copy Letter)

Paultons,  
Romsey, Hampshire.

July 13 1878.

My dear Sir,

I much regret to say my medical adviser will not sanction my presence at Lyndhurst on Monday next.

The fact is I have been a great sufferer during the last week and I am sorry to be compelled to give up the pleasure of meeting my brother Verderers at the Swainmote Court on the 15<sup>th</sup> inst.

I enclose M<sup>r</sup> Taylor's certificate of my illness which I trust will account for my absence on Monday.

Yours truly  
W<sup>m</sup> Hans Sloane Stanley

G.F.W. Mortimer Esq<sup>re</sup>  
Clerk to the New Forest Verderers  
Romsey

Copy Certificate

This is to certify that my patient M<sup>r</sup> Sloane Stanley is unwell and I consider his condition unfits him [*sic*] to attend the Court at Lyndhurst on Monday next.

signed            Frank A. Taylor  
Surgeon

July 13 1878

[p.17]

The Clerk produced the pass-book showing the receipts and payments as follows.

Copy of Account from Pass Book.

1878					1878				
May 2	Cheque book		2	6	May 2	Cash from Paymaster General	100	0	0
6	Cullerton	5	1	6					
	Burton		8	0					
	McBride		11	0					
	Brown		8	0					
	Thrung		6	0					
9	Waterlow Bros & Layton	2	13	3					
	Blake		11	0					
June 8	Ely	1	12	6					
July 9	Lordan	7	1	0					
13	Shaw	2	15						
16	Balance	<u>78</u>	<u>9</u>	<u>9</u>					
		£ <u>100</u>	<u>0</u>	<u>0</u>			£ <u>100</u>	<u>0</u>	<u>0</u>

The Scale of penalties usually inflicted by the old Court of Verderers was read and considered by the Verderers and considered by the Verderers and adopted by them as a guide except as to the fine for carrying away Turf.

The Scale is as follows:

For cutting Turves unlawfully	10/-
For cutting Turves with a Ticket in places not named in the the ticket at the rate of 5/- a thousand	} } 5/- a thousand
For cutting turves without a ticket	£1 0 0
Beside value if turf carried away at the rate of 5/- a thousand.	
If fine is not paid for the above named offences 21 days imprisonment for the first offence.	
Cutting heath without a Ticket beside the value of the heath and expenses of the Court unless the quantity be very large	£1 0 0
Cutting fern without a Ticket	5/- first offence 10/- second offence beside the value of fern and expenses of Court.
[p.18]	
Cutting furze without a ticket	5/-
Carrying away manure (droppings of Cattle)	2/6
Cutting turf after time viz <sup>t</sup> 1 <sup>st</sup> September	2/6
Carrying it away, per hundred	2/-
Stealing wood (picking up wood already cut)	5/-
Stealing gravel, sand &c	£1. 0. 0. <beside costs>
Carrying turves to a tenement not having right of Turbary	10/-

The Verderers considered Clause 38 of the Act and prescribed that the fee for inspecting their

accounts should be one shilling and the fee for taking copies and extracts from such accounts should be Two shillings and six pence per hour.

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Levi Gray produced a list of animals under his care in his district viz<sup>t</sup> 212 beasts, 84 colts and 2 donkeys all of which have been marked by him.

He further reported that in his district these were the following animals not marked viz<sup>t</sup>

238 beasts  
579 Colts  
80 donkeys  
163 sheep

He produced a list of persons in his district who refused to allow him to mark cattle, viz<sup>t</sup>:

M <sup>r</sup> Jeffery	M <sup>r</sup> Evemy	}	
Jas Dowden	Abbott	}	
Manuel	Martin	}	all of
Jas Foster	Garland	}	Brockenhurst
Chas Parnell	Smith	}	
Chas Foster		}	
	and		
M <sup>r</sup> Biddlecombe &	}		
M <sup>rs</sup> Blunden	}		both of Beaulieu.

---

Charles Newbold produced a list of animals under his care in his district viz<sup>t</sup>: 28 milch cows, 5 calves, 5 donkeys, 12 horses and 3 heifers all of which had been marked by him.

[p.19]

He was directed to supply forthwith to the Clerk to a list of animals in his district not marked, which are:

450 horses  
300 horned cattle  
360 Milch cows  
6 Calves

---

George Philpott produced a list of animals under his care in his district. He explained that he had made a mistake during his first week and had marked the following animals of persons other than Commoners:

43 Milch cows  
21 Horses  
10 Heifers

He had also marked the following Commoners animals viz<sup>t</sup>:

14 Milch cows  
12 Horses  
34 Horned cattle  
1 Calf

He was directed to supply forthwith to the Clerk a list of Cattle in his district not marked which are:

875 horses  
520 beasts  
10 donkeys  
275 Sheep

---

Harry Sparks produced a list of animals under his care in his district viz<sup>t</sup>:

20 Colts  
144 beasts, which have been marked

He further reported that in his district there were the following animals not marked viz<sup>t</sup>:

683 Colts  
300 beasts  
70 donkeys

---

Levi Gray mentioned the question of Cattle dying in the Forest and explained the course heretofore adopted and he was directed to continue the same course.

[p.20]

George Philpott raised the question of his payment and explained that as he had no other means on which to live except the fees taken and that owing to the present uncertain state of things he could not get the Commoners to have their animals marked.

He was informed that the only remedy would be for him to resign. It was further explained to him that he was at liberty to take other work as long as he carried out his duties as agister satisfactorily.

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An instruction was given to the Agisters ordering them not to mark or take fees from non-commoners, it being understood that this is only a repetition of instructions previously given.

---

The Clerk produced the correspondence with the Official Verderer and the Treasury and it was ordered to be entered on the minutes.

Treasury Chambers.  
14<sup>th</sup> May

7381  
1878.  
78

Gentlemen,

I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that they are of opinion that the money set apart under the 18<sup>th</sup> section of the Local Act 8 & 9 Vic. Cap.93, (The Southampton and Dorchester Railway Act) and the 11<sup>th</sup> Section of the Act 40 & 41 Vic. Cap.121, should be transferred to the names of the Official Verderer of the New Forest and the permanent Secretary to this Board as Trustees for the time being of the Fund.

My Lords have been informed that £7016.19.9 three per cent reduced annuities represents the amount of stock purchased from time to time on this account and that the stock stands in their Lordships names in the Books of the Bank of England.

I am to request that the necessary steps may be taken for the transfer of this Stock to the names of the Official Verderer of the New Forest and the permanent Secretary to this Board accordingly and that the requisite power of Attorney may be sent for their Lordships signature.

The Governor & Deputy Governor  
of the  
Bank of England

I am, &c.,  
(sg<sup>d</sup>) W<sup>m</sup> Law

[p.21]

Treasury Chambers.  
23 May

7653  
1878.  
78

Sir,

With reference to the letter addressed to this Board by the Finance Committee of the Verderers of the New Forest on the 22<sup>nd</sup> March last I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that the sum of £257.6.7 being the cash-balance in the hands of the Commissioners of Woods of the funds acquired for New Forest purposes under the Southampton and Dorchester Railway Act of 1845 has been opened in the books of the Paymaster General and of which you were advised by the letter from this department of the 13<sup>th</sup> April last (5922/78).

I am also to transmit to you herewith for your information copy of a letter which my Lords have caused to be addressed to the Bank of England directing the transfer of the Stock (purchased from time to time with the funds acquired under the said Act) into the names of the Official Verderer of the New Forest and the permanent Secretary of the Treasury.

I am Sir  
Your obedient Servant  
William Law

The R<sup>t</sup> Hon. G. Sclater Booth M.P.  
Official Verderer of the New Forest  
Local Government Board

---

A minute was directed to be made to call the attention of the Official Verderer to the portion of the rent accruing from the Victoria Tilery which has hitherto been paid over to the Railway Fund in order that he might arrange for payment in future of this rent to the Verderers Account.

---

The Clerk presented the Report of the General Purposes Committee and it was ordered to be entered on the Minutes.

[p.22]

Special Report of the General Purposes Committee as to Rating.



Your Committee report that since the last Court of Swainmote they have considered the question of rating referred to them.

The Clerk has presented valuation Lists of each Parish by analysis of the Register of 1854.

These Lists have still to be revised so as to show as far as possible the alterations in tenure which have occurred since that register was made.

Your Committee have not however thought it right to incur the expense which would arise from carrying out this revision until the matter has again been before the full Court of Verderers.

---

The next Court was fixed for the 12<sup>th</sup> August 1878 at 12 o'clock with the consent and sanction of the Official Verderer.

[signed] *G. Slater Booth*

*O.V. August 12/78*

[p.23]

At a Court of Swainmote held at the Queen's House, Lyndhurst on Monday the 12<sup>th</sup> day of August 1878.

Present

The Right Hon <sup>ble</sup> G. Sclater Booth.	Official Verderer
Sir Henry Charles Paulet Baronet	}
Sir Edward Hulse Baronet	}
William Hans Sloane Stanley Esq <sup>te</sup>	} <u>Verderers</u>
George Edward Briscoe Eyre Esq <sup>te</sup>	}
John Lane Shrubbs Esq <sup>te</sup>	}
Lieu <sup>t</sup> Col <sup>l</sup> W.C.D. Esdaile	}

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

The question relative to the Scale of penalties adopted at the last Court as a guide and founded on those used by the Old Court was considered and a minute was ordered to be made. That the Scale of penalties was only to be considered as a guide and not to be binding on the Verderers when giving judgement in any case that might be tried before them.

Victoria Tilery. The Official Verderer stated that he should be happy to make enquiries into this matter so as to ascertain the facts with reference to the proper apportionment of the rent of the Tilerys.

The report of the General Purposes Committee as to rating was considered.

A specimen of the rate so far as prepared (viz<sup>t</sup> Eling) was submitted to the Verderers by the Clerk and a discussion upon the subject thereupon took place.

It was decided that the work should be gone on with and completed after the completion of the Register of Commoners in November next.

[p.24]

The Clerk submitted the proposed Bye Laws and the Verderers then proceeded to consider them.

Copy proposed Bye Laws

Bye Laws

made in pursuance of  
The New Forest Act 1877  
by the Verderers

as constituted under that Act, at a Court of Swainmote held at Lyndhurst on the [blank] day of [blank] 1878 at which not less than Five Verderers were present.

Interpretation of Terms

In these Bye Laws unless the context otherwise requires words have the same meaning as in the New Forest Act 1877.

---

With respect to the prevention of the spread of contagious or infectious disease in the Forest, by excluding or removing from the Forest any animal infected or suspected of being infected, or coming from a place infected or suspected of being infected with a contagious or infectious disease (40 and 41 Victoria chap. cxxi Sec.25, sub-sec.1.).

1. A person shall not knowingly cause or suffer any animal belonging to him or in his charge to enter or be at large in the Forest at any time when such animal may be infected with a contagious or infectious disease or when there may be reasonable grounds for suspecting that such animal is so infected.

In every case where the Verderers may have ascertained or may have reasonable grounds for suspecting that a place is infected with a contagious or infectious disease and where by notices affixed or set up and continued in suitable and conspicuous positions in that part of the Forest which may be nearest to such place the Verderers may have declared that such place is infected or suspected of being infected with a contagious or infectious disease a person shall not at any time while such place <may> be so infected or suspected of being infected knowingly cause or suffer any animal therein which may belong to him or be in his charge to go therefrom into the Forest.

[p.25]

With respect to the conditions as to time breed and otherwise under which stallions, bulls, or other male entire commonable animals are to be allowed to roam at large in the Forest. (Sec.25, sub-sec.2).

2. No person shall cause or suffer any stallion, bull, or other male entire commonable animal to roam at large in the Forest unless the same shall have been inspected and marked by some person or persons appointed or employed by the Verderers in that behalf.

In every case where any person may know or may have reasonable grounds for believing that any male entire commonable animal belonging to him or in his charge is vicious or likely to cause injury to any person if such animal be allowed to roam at large in the neighbourhood of any road or public thoroughfare in the Forest, such person shall not allow such animal to roam at large in the Forest.

With respect to the removal from the Forest of the cattle and other animals belonging to persons not being Commoners in the Forest (Sec.25, sub-sec.3).

3. Every person not being a Commoner in the Forest shall upon receiving notice in writing from the Verderers requiring such person to remove any cattle or other animals belonging to such person from the Forest forthwith comply with such requirement.

With respect to the regulation of the rights of common by the Commoners (Sec.22, sub-sec.4).

4. Every Commoner intending in the exercise of any right of Common to cause or allow any commonable animal to roam at large in the Forest shall cause such animal to be brought for the purpose of being marked by one of the Agisters to some one of the several places and on some one of the several days which may from time to time be appointed by the Verderers.

Every such Commoner before allowing such animal to roam at large in the Forest shall pay to the Agister forthwith after such animal has been marked such sum as the Verderers in the exercise of the powers conferred on them in that behalf may from time to time appoint as the payment to be made in respect of the marking of such animal.

[p.26]

For a milch cow or calf under one year	6 <sup>d</sup>
For every head of other horned cattle and for every horse except stallions over 3 years old and except bulls marked in accordance with the requirements of the Bye Laws	2 <sup>s</sup> – 0 <sup>d</sup>
For every donkey and for every mule	1 <sup>s</sup> – 6 <sup>d</sup>
For every sheep	6 <sup>d</sup>

Pannage – Every Commoner intending in the exercise of any right of Pannage to turn any pig out in the Forest shall before proceeding to exercise such right produce to some of the Agisters the ticket which may have been issued to such Commoner by the Forest keeper and shall allow such Agister to countersign such ticket and forthwith after the same has been countersigned shall pay to such Agister for marking such pig the sum of 6d.

Turbary – Every Commoner intending to exercise the right of Turbary shall before proceeding to exercise such right produce to some one of the Agisters the ticket which may have been issued to such Commoner by the Forest keeper and shall allow such Agister to countersign such ticket and forthwith after the same has been countersigned shall pay to such Agister the sum of 6d for every 1000 turves which such Commoner may be authorized to cut.

Fines. Every person breaking any of the foregoing Bye-Laws shall be liable for any one offence to a fine not exceeding Two pounds and in case of a continuing offence to a fine not exceeding ten shillings for every day during which such offence is continued after conviction of the first offence.

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On the motion of M<sup>r</sup> Esdaile seconded by M<sup>r</sup> Eyre sub-sec.1 was altered by substituting the words “most convenient for the purpose” instead of “nearest to such place”.

On the motion of M<sup>r</sup> Esdaile seconded by M<sup>r</sup> Shrubbs sub-sec.2 was altered by the omission of the words “in the neighbourhood of any road or public thoroughfare”.

[p.27]

Section 3 was postponed.

M<sup>r</sup> Esdaile moved that the words “to some one of the several places and on some one of the several days which may from time to time be appointed by the Verderers” be omitted from Section 4.

After discussion the Bye Law was altered as follows.

The Official Verderer moved that the words “marked by one of the Agisters and if not previously marked” be added to section 4.

This motion was seconded by Mr Shrubbs and carried.

The words “the Verderers have appointed the following payments to be made annually” were inserted prior to the list of payments.

Moved by the Official Verderer seconded by M<sup>r</sup> Eyre that the payments for marking pigs at pannage be reduced to 4d.

3 voted for the motion and 3 against it.

The Official Verderer gave a casting vote in favour of the motion.

A long discussion took place as to Sec.3 of the Bye Laws and the mode of dealing with the non Commoners.

This section was ultimately adopted.

The Bye Laws as altered were then adopted and ordered to be printed and advertised as directed by the Act prior to application to General Quarter Sessions in October next to confirm them and the Clerk was directed to seal and serve copies on the Clerk of the Peace.

The following are the Bye Laws as passed.

Bye Laws  
made in pursuance of  
The New Forest Act 1877  
by the Verderers

as constituted under that Act at a Court of Swainmote held at Lyndhurst on the 12<sup>th</sup> day of August 1878 at which not less than five Verderers were present.

[p.28]

Interpretation of Terms

In these Bye <Laws> unless the context otherwise requires words have the same meaning as in the New Forest Act 1877.

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With respect to the prevention of the spread of contagious or infectious disease in the Forest by excluding or removing from the Forest any animal infected or suspected of being infected or coming from a place infected or suspected of being infected with a contagious or infectious disease (40 and 41 Vic. chap. cxxi. Sec 25, sub-sec.10).

1. A person shall not knowingly cause <or suffer> any animal belonging to him or in his charge to enter or be at large in the Forest at any time when such animal may be infected with a contagious or infectious disease or when there may be reasonable grounds for suspecting that such animal is so infected.

In every case where the Verderers may have ascertained or may have reasonable grounds for suspecting that a place is infected with a contagious or infectious disease and where by notices affixed or set up and continued in suitable and conspicuous positions in that part of the Forest which may be most convenient for the purpose the Verderers may have declared that such place is infected or suspected of being infected with a contagious or infectious disease a person shall not at any time while such place may be so infected or suspected of being infected knowingly cause or suffer any animal therein which may belong to him or be in his charge to go therefrom into the Forest.

With respect to the conditions as to time breed and otherwise under which stallions bulls or other male entire commonable animals are to be allowed to roam at large in the Forest (Sec.25 sub-sec 2).

2. No person shall cause or suffer any stallion bull or other male entire commonable animal to roam at large in the Forest unless the same shall have been inspected and marked by some person or persons appointed or employed by the Verderers in that behalf.

In every case where any person may know or may have reasonable grounds for believing that any male entire commonable [p.29] animal belonging to him or in his charge is vicious or likely to cause injury to any person if such animal be allowed to roam at large in the Forest such person shall not allow such animal to roam at large in the Forest.

With respect to the removal from the Forest of the Cattle and other animals belonging to persons not being Commoners in the Forest (Sec.25 sub-sec 3).

3. Every person not being a Commoner in the Forest shall upon receiving Notice in writing from the Verderers requiring such person to remove any cattle or other animal belonging to such person from the Forest forthwith comply with such requirement.

With respect to the regulation of the rights of Common by the Commoners (Sec.22, sub-sec.4).

4. Every Commoner intending in the exercise of any right of common to cause or allow any Commonable animal to roam at large in the Forest shall cause such animal to be marked by one of the Agisters and if not previously marked to be brought for the purpose of being marked by one of the Agisters to some one of the several places and on some one of the several days which may from time to time be appointed by the Verderers.

Every <such> Commoner before allowing such animal to roam at large in the Forest shall pay to the Agister forthwith after such animal has been marked such sum as the Verderers in the exercise of the powers conferred on them in that behalf may from time to time appoint as the payment to be made in respect of the marking of such animal.

The Verderers have appointed the following payments to be made annually.

For marking a milch cow or calf under one year		6 <sup>d</sup>
For marking every head of other horned cattle and for every	}	
horse except stallions over 3 years old and except bulls marked	}	2 <sup>s</sup> – 0 <sup>d</sup>
in accordance with the requirement of the Bye Laws	}	
For marking every donkey and for every mule	.	1 <sup>s</sup> – 6 <sup>d</sup>
For marking every sheep	.	6 <sup>d</sup>

[p.30]

5. Pannage. Every Commoner intending in the exercise of any right of pannage to turn any pig out in the Forest shall before proceeding to exercise such right produce to some one of the Agisters the ticket which may have been issued to such Commoner by the Forest Keeper and shall allow such Agister to countersign such ticket and forthwith after the same has been countersigned shall pay to such Agister for marking such pig the sum of 4d.

6. Turbary. Every commoner intending to exercise the right of Turbary shall before proceeding to exercise such right produce to some one of the Agisters the ticket which may have been issued to such Commoner by the Forest keeper and shall allow such Agister to countersign such ticket and forthwith after the same has been countersigned shall pay to such Agister the sum of 6d for every 1000 turves which such Commoner may be authorized to cut.

Fines. Every person breaking any of the foregoing Bye Laws shall be liable for any one offence to

a fine not exceeding two pounds and in case of a continuing offence to a fine not exceeding ten shillings for every day during which such offence is continued after conviction for the first offence.

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The bill of the Clerk to the Verderers amounting to £96.8.2 was ordered to be paid.

A question as to the items therein for correspondence with different persons as to claims was raised and stands over.

A cheque for £50 was ordered to be drawn on the Paymaster General and placed to the Verderers account.

The regulations were ordered to be referred back to the General Purposes Committee to report thereon at the next Court.

The Marksmen <Agisters> attended and produced their books and answered several questions put to them.

[p.31]

M<sup>r</sup> Eyre asked the Agisters the General opinion of the Commoners turning out their Cattle upon the Forest.

They all replied that the General opinion of the Commoners was that the non Commoners cattle should be allowed to roam at large in the Forest but that the non-Commoners should pay for their Cattle doing this and that this payment should be an extra payment to that made by the Commoners.  
<This was ordered to be entered on the minutes.>

The next Court of Swainmote was fixed <provisionally> for Wednesday the 23<sup>rd</sup> October next at 12 o'clock.

[signed] *H:C: Paulet. Dep: Chairman*

[p.32]

At a Court of Swainmote held at the Queen's House, Lyndhurst on Monday the 7<sup>th</sup> day of October 1878.

Present

Sir Henry Charles Paulet. Deputy Chairman	
George Edward Briscoe Eyre Esq <sup>re</sup>	}
John Lane Shrubbs Esq <sup>re</sup>	}
Lieu <sup>t</sup> Col. William Clement Drake Esdaile	}

Verderers

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

A letter from M<sup>r</sup> Seager which appeared in the Hampshire Advertiser Newspaper was produced to the Meeting and a written statement in reply by Levi Gray (the Agister referred to therein) was also read to the Verderers.

The Clerk was directed to write M<sup>r</sup> Seager that if he desired to lodge any complaint against Levi Gray he must attend the next Court of Swainmote to be holden on the 23<sup>rd</sup> day of October Inst. and lodge his complaint but that they could take no notice of newspaper correspondence.

The Verderers then proceeded to examine the draft Register of Commoners who claim to vote at the election of an Elective Verderer for 1878 and 1879 including the new claims sent in in accordance with the advertizements by persons desiring to have their names placed thereon.

They admitted those that were formal and in accordance with the Register of 1854 and struck out duplicate claims and directed the Clerk to give notice to everyone whose claim was informal or incorrect to amend the same and to attend the Court of Swainmote to be holden on the 13<sup>th</sup> day of November 1878 to support the claim unless in the meantime such attendance was dispensed with.

[p.33]

The draft Register was accordingly completed subject to such amendments and alterations as might hereafter be made in accordance with the provisions of the Act of 1877.

A letter from M<sup>r</sup> Johnston asking for the appointment of Auditor to the Court was read as follows and referred to the next Court.

(Copy Letter)

The Capital and Counties Bank,  
Romsey Office.  
September 24<sup>th</sup> 1878.

Dear Sir,

I believe the New Forest Act requires that an Auditor should be appointed to audit the accounts, if such is the case I beg to offer myself as a candidate for the office and should the Verderers think fit to appoint me it shall be my endeavour to carry out the duties to their satisfaction.

Should the Verderers require any reference beyond your knowledge of me I shall be pleased to give it them.

Yours truly,



G.F.W. Mortimer Esq<sup>re</sup>

A.J. Johnston  
Mgr

This concluded the business of the Court.

[signed] *G. Sclater Booth O.V.*

[p.34]

At a Court of Swainmote held at the Queen's House Lyndhurst on the 23<sup>rd</sup> day of October 1878.

Present

The Right Hon<sup>ble</sup> George Sclater Booth, M.P. Official Verderer.  
Sir Henry Charles Paulet Bart }  
John Lane Shrubbs Esq<sup>re</sup> } Verderers  
Lieu<sup>t</sup> Col<sup>l</sup> William Clement Drake Esdaile }

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

John Wilkins of Denny Lodge in the New Forest Keeper presented that on the 16<sup>th</sup> October 1878 near Stoney Ford in Denny Walk and Township of Denny Lodge in the said Forest George Knapp of Ipers Bridge in the said Township Farmer did unlawfully destroy part of the covert of the said Forest (to wit) by then and there cutting and carrying away 127 green cloths covered with grass the property of Her Majesty the Queen thereby doing damage to the amount of 1/- contrary &c.

George Knapp was ordered to be summoned to the next Court to answer the offence.

M<sup>r</sup> Seager in accordance with the letter addressed by order of the Court to him attended the Court and stated that he declined to make any complaint against the Agister Levi Gray. He proceeded to complain however of the payments required by the Bye Laws to be paid to Agisters for marking cattle but was stopped by the Official Verderer who informed him that the payments were imposed under the provisions of the New Forest [p.35] Act 1877 and the Court could not listen to him on the subject.

The Report of the General Purposes Committee was read and considered.

(Copy Report)

Your Committee report that they have considered and revised the regulations for the advantageous exercise of the rights of Commoners referred to them by the Court for their consideration and they now submit a revised and amended print thereof for approval.

Clauses 4, 5, 6, 11 and 12 of the draft regulations were altered and clauses 10, 26, 27, 28, 29 and 30 struck out. The regulations as altered were then adopted and ordered to be printed and handed to the Agisters for circulation throughout the Forest. They are as follows.

(Copy Regulations)

Regulations

In pursuance of the powers vested in them the Verderers have deemed it expedient to make the following regulations for the advantageous exercise of the rights of Commoners.

Agisters. They have appointed four Agisters viz.

To the North District, George Philpott, Bramshaw.

For Ashley, Broomy, Eyeworth and Bramble Hill Walks.

To the East District, Charles Newbold, Bank Lyndhurst.

For Irons Hill, Castle Malwood, Ashurst and Denny Walks

To the South District, Levy Gray, Brockenhurst, Lymington

For Rhinefield, Whitley Ridge, and Lady Cross Walks.

To the West District, Harry Sparks, Brockenhurst, Lymington

For Burley, Holmesley, Wilverley and Boldre Wood Walks,

and their duties shall be as follows

Their duties.

1. To receive all payments arising and payable under Schedule [p.36] 1 and account for same as directed by the Verderers.

2. To keep such books as may be directed by the Verderers.

3. To carry out drifts and receive payments for poundage for cattle and horses, mules, donkeys, pigs and sheep and account for same as directed by the Verderers.

The payments to be made under 59 Geo. 3<sup>rd</sup> cap.86 are as follows:

Ten shillings for each animal for the first offence and Six pence per diem for keep of the animal.

For the second offence Twenty shillings for each animal and sixpence per diem for keep of the animal.

For the third offence Thirty shillings for each animal and sixpence per diem for keep of the animal.

4. To enquire into all unlawful enclosures purprestures encroachments and trespasses whatever in the Forest and report same to the Verderers or to any Swainmote Court.

5. To attend all Swainmote Courts as well as any Meetings of <any Committee of> the Court of Verderers when summoned to do so.

6. To attend at places within or adjacent to the Forest as may be directed by the Verderers for the purpose of receiving and marking cattle pigs and other commonable animals of the Commoners.

7. The Agister for the Northern District shall attend at Brook on the 4<sup>th</sup> day of May at Godshill on the 5<sup>th</sup> day of May and at Lynwood on the 6<sup>th</sup> day of May in each year from 8 a.m. to 5 p.m.

The Agister for the Southern District shall attend at Brockenhurst on the 4<sup>th</sup> day of May and at Beaulieu on the fifth day of May in each year from 8 a.m. to 5 p.m.

The Agister for the Eastern District shall attend at Ipley on the 4<sup>th</sup> day of May and at Stoney Cross on the 5<sup>th</sup> day of May in each year from 8 a.m. to 5 p.m.

The Agister for the Western District shall attend at the Queen's Head Burley on the 4<sup>th</sup> day of May and at The Rising Sun Wootton on the 5<sup>th</sup> day of May in each year from 8 a.m. to 5 p.m.

The Agisters shall attend fortnightly at each of the places above named.

[p.37]

Should any of those days happen to be a Sunday, Good Friday or any Bank Holiday it must be understood that the day following is appointed as the day for marking the Commoners' cattle.

8. Each Agister to have his own mark (approved by the Verderers) to be made otherwise than by branding and he shall mark all animals which are brought to him by the

Commoners.

9. Each Agister to use a separate mark or marks being marks made otherwise than by branding to be approved by the Verderers with which to mark stallions male donkeys and bulls, this mark to be in addition to the ordinary cattle mark.
10. To give immediate notice to the Verderers whenever any stallion male donkey or bull shall be found upon the Forest which they have reason to believe is there contrary to the Bye Laws.
11. To report to the Verderers when any and what Cattle are within their respective districts districts which are unmarked stating (a) the number (b) the kind (c) the names and addresses of the owners.
12. Each Agister to have a book with a Counterfoil and to enter therein all animals which he marks giving the number and kind and the name of the owner together with the sum paid by the owner on account thereof and he shall deliver by way of receipt to each owner one part of the sheet from the book retaining the counterfoil which shall contain a duplicate of the above entries.
13. To countersign all tickets for pigs at pannage and for turves and to keep books provided by the Verderers showing the names of the owners or the person entitled to have pigs at pannage or cut turves (as the case may be) the number of claim on the ticket the number of turves the number of pigs so at pannage and the amount received in respect of same.
14. To keep up communication with each other and assist each other in the care of the cattle which may happen to be roaming over the Forest.
15. To visit continually all parts of their Districts which are open to pasture and attend generally to the welfare of the Commoners' cattle within the Forest.

Commoners.

16. In conformity with the arrangements the Verderers have made [p.38] for the marking of commonable animals it will be necessary for the Commoners to have their cattle which they intend shall exercise the common of pasture marked by an agister in accordance with the Bye Laws of the Forest and to make <the> payments for the same.

The payments according to the Bye Laws for animals cattle and pigs shall be as follows:

For milch cows and calves under one year old	6d each
All other horned cattle and horses	2s "
Donkeys and mules	1s 6d "
Sheep	6d "
All stallions over two years old and all bulls which } have been respectively passed and marked }	Free

Turbary.

17. No Commoner will be permitted to cut turves except at the place assigned to him by a Forest Keeper and the turves must be cut in a proper manner according to the assize and custom of the Forest and by view of a Forest Officer.

It will be necessary for each Commoner before cutting turves to produce to an Agister his ticket for turves for signature and make the payments according to the Bye Laws.

18. Each ticket for turves will specify the number of turves the name of the person to whom such ticket is granted and the amount of payment made in respect of such turves.

19. The payment according to the Bye Laws is:

Turves per 1000

6d

Pannage.

20. All Commoners turning pigs at pannage shall produce their ticket before turning out to an Agister for signature and make the payments according to the Bye Laws.

21. Each ticket for pigs at pannage will specify the number of pigs the name of the person to whom such ticket is granted and the amount of payment made in respect of such pigs.

[p.39]

22. The payment according to the Bye Laws is:

For each pig at pannage

4d

Drifts.

23. Drifts will be made by order in writing of the Verderers or any two of them, countersigned by the Official Verderer, from time to time of the whole or parts of the Forest and all cattle will be driven to the usual Forest Pounds or to such places as they may direct.

24. The pounds for the detention of animals wrongfully depasturing in the Forest shall be Ashley Rails Denny Rails and Wilverley Rails. In addition to these the ordinary pounds to which cattle are to be driven to shall be Godshill, Linwood, Fritham, Canterton, Lyndhurst, Ipley, Brockenhurst Wide Lane and Burley making nine in all.

The Clerk produced the order of the Court of General Quarter Sessions confirming the Bye Laws adopted by the Court of Swainmote held on the 12<sup>th</sup> day of August 1878, which order was directed to be enrolled on the minutes.

(Copy Order)

(L.S.) Southampton to wit. At the General Quarter Sessions of the Peace of our Sovereign Lady the Queen holden at the Castle at Winchester in and for the said County of Southampton on Monday <in> the first week after the Eleventh day of October to wit the fourteenth day of October in the Forty-second year of the reign of our Sovereign Lady Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen Defender of the Faith in the year of our Lord One thousand eight hundred and Seventy eight before The Right Honorable Charles Viscount Eversley Chairman The Right Honorable William Francis Couper Temple M.P. Sir Nelson Rycroft Baronet and others their Fellows Justices of our said Lady the Queen assigned to keep the Peace of our said Lady [p.40] the Queen in the County aforesaid and also to hear and determine divers felonies trespasses and other misdeeds <committed> in the same County.

It is ordered on the motion of the Right Honorable George Sclater Booth M.P. That the Bye Laws made in pursuance of the New Forest Act 1877 by the Verderers as constituted under that Act at a Court of Swainmote held at Lyndhurst on the 12<sup>th</sup> day of August One thousand eight hundred and Seventy eight at which not less than five Verderers were present and which Bye-Laws are now laid before the Court be confirmed and a copy thereof deposited with the Clerk of the Peace to be kept with the Records of the said County.

By the Court

T.H. Earle  
Clerk of the Peace

The Clerk was directed to add a heading to the Bye Laws stating that they had been confirmed by the Court of General Quarter Sessions for the County of Southampton and would be enforced on and after the 1<sup>st</sup> day of January 1879 and then to have them printed and posted throughout the Forest.

The Clerk was directed to prepare a proof of the proposed tickets for turf and pannage for approval of the Court.

A discussion arose as to the mode of dealing with the question of the non Commoners turning out Cattle in the Forest and the matter was postponed for the present.

A letter from the Treasury with reference to the Southampton and Dorchester Railway money and the minute referred to therein was read and ordered to be entered on the Minutes.

[p.41]

(Copy Letter and Minute)

11.696

78

Treasury Chambers.

9<sup>th</sup> September 1878.

Sir,

The Lords Commissioners of Her Majesty's Treasury have had under their consideration, the nature of, and the most effectual mode of discharging the duty imposed on them by Section 11 of the New Forest Act 1877, of giving or withholding [*sic*] their assent to the manner in which the Verderers of the New Forest may determine that the balance whether in case or stock, of the purchase money paid into the Bank of England in pursuance of the eighteenth section of the Southampton and Dorchester Railway Act 1854 shall be expended.

The terms of the Section limit the assent of this Board to the manner of expenditure. My Lords understand by this that each individual item of expenditure is not made subject to their separate approval but that Parliament intended a general scheme of expenditure to be submitted to them by the Verderers in sufficient detail to enable them to see clearly how the whole of the money in question is going to be spent and to satisfy themselves that the expenditure will be for the benefit of Her Majesty and of the parties entitled to rights of common over the unenclosed portions of the Forest and that it will be completed within the six years prescribed by the Act.

No such scheme has yet been submitted to their Lordships but they have authorized expenditure by the Verderers without specific limit of amount upon the preparation of a Rate Book out of the Cash balance of the purchase money and to the accruing interest of the invested balance.

The Cash balance of the purchase money is in the hands of the Paymaster General standing to the credit of the "New Forest Account" and the Verderers have been given by My Lords power to draw upon this account according to their needs for the above mentioned purpose.

The invested balance of the purchase money consisting [p.42] £7016.19.9 reduced 3% Annuities stands to the credit of an account opened in the books of the Bank of England in the names of "The Official Verderer of the New Forest and the permanent Secretary to the Treasury" under the provisions of the Exchequer and Audit Departments Act, no sale of any part of this Stock can be effected without district Treasury Authority to the Bank of England on each occasion, but the Interest of the Stock is by Treasury direction carried to the before-mentioned "New Forest Account" in the Paymaster General's books operated upon by the Verderers.

There are two separate questions affecting the expenditure of this balance of purchase money, in cash and stock upon which my Lords wish to arrive at a clear understanding with the Verderers.

1. What is to be the antecedent approval to be given by the Treasury of proposed expenditure?
2. To what audit should the accounts of expenditure be submitted?

## I

As regards the first question My Lords request that the Verderers will at their earliest convenience, submit to this Board a Scheme showing,

- (a) The services to which they propose to devote the whole of the money placed at their disposal by Section 11 of the Act.
- (b) The grounds on which such services are held to be for the benefit of Her Majesty and of the possessors of Rights of Common.
- (c) The amount to be spent on each service.
- (d) The annual rate at which the money will probably be spent so as to complete the expenditure by the 23<sup>rd</sup> July 1883.

Before approving of the Scheme My Lords propose to consult the Commissioner of Woods in charge of the Crown Property in the Forest and will give great weight to his opinions as to whether the proposed expenditure will be for the benefit of Her Majesty or not.

[p.43]

When My Lords have approved of the Scheme, it will be open to the Verderers to draw upon the New Forest Account from time to time as occasion arises for the Funds requisite to carry the Scheme into effect but as the ordinary income of this account will only suffice to pay small current expenses, it will be necessary for the Verderers to give due Notice to this Board whenever any important expenditure is imminent specifying the service and the amount needed so that My Lords may authorise the requisite sale of stock and direct the proceeds to be placed to the credit of the account.

## II

With regard to the second question, that of Audit. My Lords observe that by section 38 of the Act, Parliament has provided that all rece[i]pts by the Verderers under the Act are to be carried to a general fund and that all expenditure ~~out of that fund is to be carried to a general fund and that all expenditure~~ out of that fund is to be audited by an auditor appointed annually by the Court of General or Quarter Sessions for the County of Southampton.

These provisions apply to monies received by the Verderers under Sec. 11 of the Act, as much as to any other of their receipts and it will therefore be unnecessary for this Board to require the Verderers to render their accounts and vouchers for such expenditure to the Treasury or to the Comptroller and Auditor General.

The consequence will be that the sums drawn by the Verderers from the New Forest Account will be not imprests on <account> but final payments made by the Paymaster General to the Verderers for the credit of their general fund.

A copy of a minute recording this fact is enclosed.

But although this is the case it is obvious that the spirit of Section 11 of the Act will not be carried out unless the Verderers are able to prove to the Auditor that the money received by them under that section has been spent for the purposes with the assent and within the time prescribed.

It will therefore be the duty of the Verderers so to arrange their annual accounts as to show apart from [p.44] other receipts and expenditure the sum drawn by them from the Paymaster General under the foregoing arrangement and the services to which the same have been applied with distinct vouchers for such expenditure and also to furnish the Auditor with a copy of the scheme approved by the Treasury and copies of all Treasury authorities for expenditure.

My Lords will moreover request the Verderers to furnish them for their own information with a copy of their annual account of expenditure under Section 11 as passed by the auditor.

I am to enquire whether the Verderers concur in the proposed arrangements.

I am, Sir,  
Your obedient servant,  
R.R.W. Lingen

The Official Verderer  
of the New Forest

Copy Treasury Minute, dated 1<sup>st</sup> September 1878.

11,696

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My Lords read the New Forest Act 1877 (40 and 41 Vic: cap. cxxi Loc: & Pers:) and in particular, sec: 11 which enacts that,

“The balance of the purchase money paid into the Bank of England in pursuance of the 18<sup>th</sup> Section of the Southampton and Dorchester Railway Act 1845 being part of the price paid for the Lands of the Crown sold under the authority of that Act and set apart for the benefit of Her Majesty and the parties entitled to rights of Common over the unenclosed portions of the Forest shall be expended for the benefit of Her Majesty and the parties entitled to such rights of Common as aforesaid within the period of six years immediately succeeding the passing of this Act in such manner as may be determined by the Verderers with the assent of the Treasury”.

And the first two paragraphs of section 38 which runs as follows,

[p.45]

“All fines and other moneys recovered in the Court of the Verderers or received by the Verderers under this Act shall be carried by them to the account of a general fund and shall be applied in payment of the Salaries of the officers and servants employed by them and in defraying their other expenses under this Act.

An account of the monies paid into such fund and of the application thereof shall be made out annually and shall be audited by a person to be annually appointed by the Court of General or Quarter Sessions for the County of Southampton and there shall be paid to such Auditor in respect of his services by the Verderers such sum as may be fixed by the said Court of General or Quarter Sessions.”

My Lords also read the recent correspondence between their department the Office of Woods the Bank of England the Official Verderer of the New Forest and the Paymaster General the result of which has been that by their Lordships instructions,



9260/78 The invested balance of the purchase money mentioned in the above quoted Sec: 11 of the New Forest Act 1877 consisting of £7016.19.9 reduced 3% annuities has been transferred to an account in the books of the Bank of England in the names of “The Official Verderer of the New Forest and the permanent Secretary to the Treasury” and the cash balance of the same purchase money amounting to £251.6.7 has been placed in the hands of the Paymaster  
7381} General and carried to an account in his books, bearing the title of the New Forest Account  
7653}78 and operated upon by drafts signed by the Official Verderer and another Verderer and countersigned by their Clerk. The interest on the invested balance is likewise to be carried to the same account in the Paymaster General[’]s Books.

As the Cash balance has been opened by direction of this Board and is operated upon by virtue of authority given by this Board it has been properly classed by the Paymaster General amongst other funds for which the Treasury is accountable. It is therefore necessary for My Lords to determine the manner in which payments from the account should be accounted for.

[p.46]

My lords are of opinion in view of the terms of the 11<sup>th</sup> and 38<sup>th</sup> Section of the New Forest Act 1877 that all moneys drawn by the Verderers from the New Forest Account are moneys received by the Verderers under this Act in the sense of the 38<sup>th</sup> section and that consequently they must be carried to the general fund and applied and accounted for by the Verderers in the manner directed by that section. There is therefore no necessity for this Department to obtain and render to the Controller and Auditor General accounts of the application of the moneys of the Verderers it will suffice if the receipt of the Verderers can be produced for the moneys drawn by them and each payment to them by the Paymaster General upon their drafts may be regarded as a final payment.

It seems however to be desirable that the receipts given by the Verderers should state that the money is received “in accordance with the terms of the 38<sup>th</sup> Section of the New Forest Act 1877” so that there may be no doubt as to the manner in which they are to account for it.

The Official Verderer was requested to confer with the Treasury on the subject.

The Clerk was ordered to bring up a Finance statement and to report outstanding bills for payment at each Court.

He was also directed to prepare a draft on the Paymaster General for a further sum of £100 to be placed to the Verderers account with the Capital and Counties Bank, (Romsey Branch).

Levi Gray reported that he had a great many pigs in his District and that when placed under his charge he had received a 1/- fee for each pig out of which he had paid the ovast money.

Harry Sparks reported that he had no pigs under his charge in his District but had been promised some.

[p.47]

Charles Newbold had no pigs in his district under his charge.

George Philpott had no pigs in his District as there were no acorns on which to feed them.

This concluded the business of the Court which was formally adjourned.

[signed] *H.C. Paulet Dep<sup>y</sup>*  
*Chairman*

[p.48]

At an adjourned Court of Swainmote held at the Queen's House at Lyndhurst on the 13<sup>th</sup> day of November 1878.

Present

Sir Henry Charles Paulet Bart. Deputy Chairman  
Sir Edward Hulse Baronet }  
John Lane Shrubbs Esq<sup>re</sup> } Verderers  
Lieu<sup>t</sup> Col<sup>l</sup> William Clement Drake Esdaile }

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

George Knapp of Denny Township in the New Forest in the County of Southampton Laborer was charged on a presentment made by John Wilkins of Denny Lodge in the New Forest in the said County Forest Keeper for having on the 16<sup>th</sup> day of October 1878 near Stony Ford in Denny Walk and Township of Denny Lodge in the New Forest destroyed part of the covert of the said Forest to wit by then and there cutting and carrying away One hundred and twenty seven green clots covered with grass the property of Her Majesty the Queen thereby doing damage to the amount of one shilling.

The defendant on being formally charged pleaded guilty and was convicted in the penalty of £1 and 1/- for damage and 9/6 costs or Twenty <one> days imprisonment.

The defendant paid the fine damages and costs.

George Bumstead of Ashley Lodge in the New Forest in the County of Southampton Forest Keeper presented that on the 6<sup>th</sup> day of November 1878 at Godshill Wood in Ashley Walk in the said Forest Mary Chalk the wife of [blank] Chalk of Woodgreen did unlawfully steal take and carry away certain wood of the said Forest to wit a quantity of fir wood of the value of two pence the property of Her Majesty the Queen contrary &c. Mary Chalk was ordered [p.49] to be summoned to the next Court to answer the offence.

The Verderers then proceeded to correct the Register of Voters for 1878-1879 in pursuance of the advertizement issued in that behalf and after hearing the objections and claims that were made to them they completed the same by inserting or expunging as the case might be the name of any Commoner entitled or not entitled to be thereon.

Francis Bartlett's name was expunged he being only a Tenant.

William George Brothers' name was expunged, he being dead but a claim by Albert Wort to be placed on the Register as guardian of James Brothers a minor in respect of the same number was allowed and Albert Wort's name was inserted accordingly.

Elias Button's new claim was allowed and his old claim struck out.

Catherine Browning's claim was amended by omitting therefrom the House and adding her address.

Henry Clapcott's name was inserted in respect of N<sup>o</sup> 1252 on the Register of 1854, John Kemp Welch withdrawing his claim thereto.

George Chamberlain's new claim was allowed and his name inserted accordingly as was also Mark Dunnings new claim.

William Egg's name was inserted.

Mary Jane Ewen's name was inserted.

Charles Feltham's name was inserted.

Frederick Fuller's name was expunged he being only a tenant.  
The Rev<sup>d</sup> F.G. Girdlestone's name was inserted.  
Stephen Harris' name was inserted.  
Edmund Haileys name was expunged.  
James Hutchins name was inserted.  
George Jones' and Charles Jones' names were expunged.  
Henry Kearl's name was expunged.  
James Kidgell's name was inserted.  
John Linney, and Thomas Linney's names were inserted.  
Albert Lester's name was inserted.  
Mary Ann Lush's name was inserted.  
Hy. B.P. Montgomery's name was expunged he being dead.  
The Earl of Ravensworth's name was inserted.  
J.J.D. Rawlin's name was inserted.  
Fanny Sophia Robins' name was expunged she being dead.  
George Read's name was inserted.

[p.50]

John Roberts name was inserted.  
Frank Reeves           D<sup>o</sup>  
C.L. Soffes             D<sup>o</sup>  
R. Stares               D<sup>o</sup>  
W<sup>m</sup> Roe Sharland   D<sup>o</sup>  
Henry Street           D<sup>o</sup>  
James Street           D<sup>o</sup>  
Henry Taylor's claim was amended.  
Robert Wallis Taylor's name was expunged.  
Charles Thomas' and William Thomas' names were inserted.  
William Yate's name was inserted.  
Isaac White's name was struck out and his widow Ann White's name inserted in his place.  
J.A.D. Wake's claim was amended.  
Elizabeth Wort's name was inserted.  
Samuel Wright's name was expunged.  
H.Y. Withers' name was inserted as guardian of his infant son.

This concluded the public business.

The Clerk handed in a medical certificate sent to him by M<sup>r</sup> Eyre which was ordered to be entered on the minutes.

(Copy certificate)

This is to certify that M<sup>r</sup> Briscoe Eyre is suffering from supperaating exzema [*sic*] and that he is not in a condition to undertake a journey.

[signed] W. Bezly Thorne  
L.R.C.P. Lond. M.R.C.S. Eng.

46 Harcourt Terrace

S.W. Nov. 12-78.

~~This concluded the public business.~~

A printed memorandum on the subject of Regulations forwarded by M<sup>r</sup> Eyre was handed in by the Clerk.

The Agisters who were in attendance stated that they had distributed about 150 out of the 200 copies of the Regulations sent to them and under these circumstances it was considered useless to stop [p.51] their distributing the remainder in their hands and they were so instructed by the Court.

A statement of the Finances of the Verderers Court in the shape of a Cash Account was produced by the Clerk and approved and ordered to be placed on the Minutes.

(Copy Account)

New Forest Verderers

D<sup>r</sup> Cash Account presented at the Court of Swainmote held on the 13 Nov 1878 C<sup>r</sup>

1878					1878					
May 2	To Cash from Paymaster General	100	0	0	May 2	By Cheque Book		2	6	
July 1	" D <sup>o</sup>	100	0	0	" Cullerton's bill for seals		5	1	6	
	" Fine & costs of Knapp less				" Burden Bill poster bill			8	0	
	payment of 4/6 to Police		17	0	" McBride D <sup>o</sup>			11	0	
Nov 2	" Cash from Paymaster General	100	0	0	" Brown D <sup>o</sup>			8	0	
					" Thring D <sup>o</sup>			6	0	
					9	" Waterlow & Co. Stationer's bill	2	13	3	
					June 8	" Blake Bill posting bill		11	0	
						" Ely bill for box for papers	1	12	6	
						" Lordan printing &c.	7	1	0	
					16	" Shaw & Sons bill	2	15	6	
						" M <sup>r</sup> Mortimer's bill	96	8	2	
					Sep. 15	" McBride Bill posting 15-0				
						" Barter D <sup>o</sup> 7-2				
						" Thring D <sup>o</sup> 5-0				
						" Preston D <sup>o</sup> 5-0	1	12	2	
						" Balance	181	6	5	
		£	300	17	0		£	300	17	0

The following bills were reported for payment considered and ordered to be paid.

C.L. Lordan			12	6	0	
Brown	Bill Poster	Ringwood		8	0	
D <sup>o</sup>	D <sup>o</sup>	D <sup>o</sup>		6	0	
Barter	D <sup>o</sup>	Fordingbridge		11	0	
		Carried forward	£	13	11	0

[p.52]

			Brought forward	£	13	11	0
Thring	Bill Poster	Lymington			5	0	
Mc. Bride	D <sup>o</sup>	Romsey & Comm'on on P.C.C.s			14	7	
Southampton Times					12	6	
Salisbury Journal					4	19	0
Hants Independent					7	12	6
Hants Advertizer					7	3	0
				£	34	17	7

The form of tickets for pannage and turf were approved and ordered to be printed.

This concluded the business of the Court.

[signed] *G. Sclater Booth*

[p.53]

At a Court of Swainmote held at the Queen's House Lyndhurst on Monday the 3<sup>rd</sup> day of February 1879.

Present

The Right Honb <sup>le</sup> George Sclator Booth. M.P.	Official Verderer
Sir Henry Charles Paulet Bart.	}
Sir Edward Hulse Bart.	}
George Edward Briscoe Eyre Esq <sup>re</sup>	} Verderers
John Lane Shrubbs Esq <sup>re</sup>	}
Lieu <sup>t</sup> Col <sup>l</sup> William Clement Drake Esdaile	}

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

Mary Chalk the wife of Andrew Chalk of Woodgreen in the New Forest and County of Southampton, Laborer, was charged on a presentment made by George Bumstead of Ashley Lodge in the New Forest in the said County with having on the sixth day of November 1878 at Godshill Wood in Ashley Walk in the said Forest unlawfully stolen taken and carried away certain wood of the said Forest to wit a quantity of Fir Wood of the value of Two pence the property of Her Majesty the Queen, contrary &c.

The Defendant on being formally charged pleaded guilty and was discharged on her undertaking to appear for judgement when called upon.

This concluded the Public Business.

The question of the Clerk's bill and salary was next discussed.

The Clerk agreed to accept £105 in full satisfaction of all sums due to him up to the 31<sup>st</sup> December 1878.

It was decided that the Clerk's salary in future should be £100 per annum so long as the Treasury continued to pay to the Verderers the Interest on the Southampton and Dorchester Railway Fund. One moiety of such amount to be regarded as salary for the duties of the Court of Swainmote and one moiety as Salary as Secretary to the Verderers [p.54] and to cover all work done in execution of his duty except such as may from time to time be specially ordered to be done by the Verderers.

A further letter received by the Official Verderer from the Treasury and his reply thereto were ordered to be entered on the minutes the latter having been first approved by the Court.

(Copy correspondence)

11-696

78

Treasury Chambers

9<sup>th</sup> September 1878

Sir,

The Lords Commissioners of Her Majesty's Treasury have had under their consideration the nature of and the most effectual mode of discharging the duty imposed on them by Section 11 of the New Forest Act 1877 of giving or withholding their assent to the manner in which the Verderers of the New Forest may determine that the balance whether in cash or stock of

the purchase money paid into the Bank of England in pursuance of the 18<sup>th</sup> Section of the Southampton and Dorchester Railway Act 1845 shall be expended.

The terms of the section limit the assent of this Board to the “manner” of expenditure. My Lords understand by this that each individual item of expenditure is not made subject to their separate approval, but that Parliament intended a general scheme of expenditure to be submitted to them by the Verderers in sufficient detail to enable them to see clearly how the whole of the money in question is going to be spent, and to satisfy themselves that the expenditure will be for the benefit of Her Majesty and the parties entitled to rights of Common over the unenclosed portions of the Forest, and that it will be completed within the six years prescribed by the Act.

No such scheme has yet been submitted to their Lordships, but they have authorized expenditure by the Verderers, without specific limit of amount upon the preparation of a Rate Book out of the Cash Balance of the purchase money and the accruing interest of the invested balance.

The Cash balance of the purchase money is in the hands of the Paymaster General standing to the credit of the “New Forest Account” and the Verderers have been given by My Lords [p.55] power to draw upon this Account according to their needs, for the above mentioned purpose.

The invested balance of the purchase money consisting of £7016.19.9 reduced 3% annuities, stands to the credit of an account opened in the books of the Bank of England in the names of “the Official Verderer of the New Forest, and the Permanent Secretary to the Treasury” under the provisions of the Exchequer and Audits Departments Act, no sale of any part of this stock can be effected without distinct Treasury authority to the Bank of England on each occasion but the interest of the Stock is by Treasury direction carried to the before mentioned “New Forest Account” in the Paymaster General’s books operated upon by the Verderers.

There are two separate questions affecting the expenditure of this balance of purchase money in cash and stock upon which My Lords wish to arrive at a clear understanding with the Verderers.

1. What is to be the antecedent approval to be given by the Treasury of proposed expenditure?
2. To what audit should the accounts of expenditure be submitted?

## I

As regards the first question, My Lords request that the Verderers will at their earliest convenience submit to this Board a scheme showing

- (a) The services to which they propose to devote the whole of the money placed at their disposal by section 11 of the Act.
- (b) That grounds on which such services are held to be for the benefit of Her Majesty and of the possessors of Rights of Common.
- (c) The amount to be spent on each service.
- (d) The annual rate at which the money will probably be spent so as to complete the expenditure by the 23<sup>rd</sup> July 1883.

Before approving of the scheme, My Lords propose to consult the Commissioner of Woods in charge of the Crown property in the Forest and will give great weight to his opinion as to whether the proposed expenditure will be for the benefit of Her Majesty or not.

When my Lords have approved of the scheme it will be open to the Verderers to draw upon the New Forest Account from time to time as occasion arises for the funds requisite to carry the scheme into effect. But as the ordinary income of this account will only suffice to pay small current expenses it will be necessary for the Verderers to give due Notice to this Board [p.56] whenever any important expenditure is imminent, specifying the service, and the amount needed so that My Lords may authorize the requisite sale of Stock, and direct the proceeds to be placed to the credit of the account.

## II

With regard to the second question, that of Audit, My Lords observe that by section 38 of the Act Parliament has provided that all receipts by the Verderers under the Act, are to be carried to a general fund, and that all expenditure out of that fund, is to be audited by an auditor appointed annually by the Court of General or Quarter Sessions for the County of Southampton.

These provisions apply to monies received by the Verderers under Sec.11 of the Act, as much as to any other of their receipts, and it will, therefore be unnecessary for this Board to require the Verderers to render their accounts and vouchers for such expenditure to the Treasury or to the Comptroller and Auditor General.

The consequence will be that sums drawn by the Verderers from the New Forest Account will be not Imprests on Account, but final payments made by the Paymaster General to the Verderers for the credit of their General Fund.

A copy of a minute recording this fact is enclosed.

But although this is the case it is obvious that the spirit of sec. 11 of the Act will not be carried out unless the Verderers are able to prove to the Auditor that the money received by them under that section has been spent for the purposes, with the assent, and within the time prescribed.

It will therefore be the duty of the Verderers so to arrange their annual accounts as to show apart from other receipts and expenditure, the sums drawn by them from the Paymaster General, under the foregoing arrangement and the services to which the same have been applied, with distinct vouchers for such expenditure and also to furnish the Auditor with a copy of the scheme approved by the Treasury, and copies of all Treasury authorities for expenditure.

My Lords will moreover, request the Verderers to furnish them for their own information, with a copy of their annual [p.57] account of expenditure under Sect. 11 as passed by the Auditors.

I am to enquire whether the Verderers concur in the proposed arrangements.

I am Sir

Your obedient Servant

R.R.W. Lingen

The Official Verderer  
of the New Forest

Romsey, February 1879

Sir,

I am directed to acknowledge the receipt of your letter of the 9<sup>th</sup> September last addressed to the Official Verderer and to explain that the following observations respecting it would have been written and transmitted for the consideration of the Lords Commissioners of the Treasury long since, but for the impossibility of obtaining a personal interview between the Official Verderer and the Secretary to the Treasury during September and October, while the subsequent press of Official and Parliamentary business during the months of November and December gave further cause for delay.

In reference to the 1<sup>st</sup> paragraph of that letter which comments on the joint powers conferred by the 11<sup>th</sup> section of the New Forest Act on the Treasury and on the Verderers, I am to observe that the Verderers have not as yet taken into consideration the question of the expenditure of the balance ~~balance~~ of the purchase money paid into the Bank of England in pursuance of the 18<sup>th</sup> Section of the Southampton & Dorchester Railway Act 1845", but as at present advised, they are aware of no duty incumbent upon them in their capacity of Verderers, which calls for the expenditure of any money in the shape of buildings drainage or other works of that character and they are therefore of opinion that it will be found most convenient when section 11 is acted upon to proceed on the analogy of the arrangement already sanctioned by their Lordships at the instance of the Verderers, so far as regards the current income arising from the said balance.

I am however to point out that this arrangement the terms and particulars of which are to be gathered from a comparison of [p.58] the Verderers letter of March 22<sup>nd</sup> 1878 with the Treasury Letter of April 16<sup>th</sup> 1878 in reply covering copies of formal intimations addressed to the Paymaster General and the Commissioners of Woods respectively, differs very seriously in an important particular from the account of the same arrangement given in the letter of September 9<sup>th</sup> now under reply.

It will be observed by reference to the documents transmitted by their Lordships in April last that no such restriction was imposed on the Verderers by the Treasury as is implied in the closing words of the first paragraph of the letter of the 9<sup>th</sup> September, in which it is said that "the Verderers have been given power to draw on this account according to their needs for the above mentioned purpose" i.e. "for the preparation of a rate book".

This object was no doubt specially mentioned and dwelt on in their letter of March 22<sup>nd</sup> but the Verderers stated also that they had no funds "out of which to pay the necessary current annual expenses which must be incurred by them in carrying out the provisions of the Act" (amongst which they might have specified the preparation and maintenance of a Register of Commoners) and they recommend that the Interest of the £7016.19.9 reduced 3 p<sup>r</sup> cents should be assigned for this purpose. The Lords of the Treasury immediately gave directions for the carrying out of this recommendation, without which, the Act so recently passed through Parliament on the promotion of the Treasury as a Government measure, must have become null and void, and the Verderers cannot admit that they are subject to any restriction



whatever in so dealing with the income during the six years specified in the Act or until some final mode of appropriation of the principal money shall have been agreed to other than is involved by the audit of receipt and expenditure as provided by section 38 of the Act, nor can they admit that the Auditor under that section would have any right to enquire into the grounds or policy under which the interest of the £7016.19.9 appears amongst the receipts.

In reference to the second paragraph, which raises two questions, the Treasury ask first “What is to be the antecedent approval to be given by the Treasury of proposed expenditure” and they request under that head an early intimation of what the Verderers propose to do in the way of appropriation to particular [p.59] services and they further intimate that they will place great reliance on the advice of the Commissioners of Woods as to giving or withholding consent.

The Verderers as above stated had no intention of anticipating the period of six years within which an appropriation is to be settled under the 11<sup>th</sup> section, but they have no objection to deal with the subject at once provided they can do so in the sense above indicated viz<sup>t</sup> of an absolute division of the fund between themselves and the Commissioners of Woods, the Verderers share to be a fund the income of which will be in aid of their current expenditure the Commissioners share to be expended as may be thought best for the joint interests of the Crown and Commoners.

The Verderers have an extremely difficult task imposed on them by the Statute, the provisions of which are imperfect on some most important points. It is still a serious question for example whether a rate can be levied or recovered under the powers of the Act while it seems almost impossible to carry the provision as regards non-commoners into execution. An amending Act may therefore very probably yet be required; but it would undoubtedly be impossible for the Verderers to attempt to carry on their duties at all, if the income now placed at their disposal were withdrawn.

With regard to the observations of their Lordships as to audit the Verderers cannot agree that the Auditor appointed by the Court of Quarter Sessions would have any right under the New Forest Act 1877 to question the arrangement made between the Treasury and themselves as to the appropriation of the interest of the £7019 placed at their disposal, and they cannot admit that even if the capital were dealt with by them with the concurrence of the Treasury, the Auditor would have any other right (if any) than to ascertain that such dealing was in accordance with the scheme agreed upon, whatever it might be. This latter point however, is of less importance as no such dealing is in contemplation at present.

The Verderers agree that the sums drawn by them under the circumstances from the Paymaster General will be final payments as between him and them and not imprests.

They likewise agree that it will be necessary to keep separate accounts of expenditure of the capital of £7019 should any such be made by them though they are not prepared to admit as at present advised that the Auditor would have the right to take [p.60] cognizance thereof unless requested to do so by the Verderers.

They readily undertake to transmit to the Treasury a copy of their annual account of receipts and expenditure as audited by the Auditor.

In conclusion the Verderers would be glad to learn that the Treasury acquiesce in the more extended interpretation which they place on the arrangement of March last and also whether

their Lordships are so far satisfied with the propriety of the principle of division of the capital referred to above as that they would wish an early communication in detail to be made to them upon the subject by the Verderers.

I have the honor to be

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk

R.R.W. Lingen Esq<sup>re</sup> C.B.

Permanent Secretary to the Treasury

S.W. Whitehall

The Verderers Account for 1878 and the various vouchers were produced by the Clerk. He was ordered to add his bill and Harry Cooper's thereto and the account was then approved and was ordered to be forwarded to the Auditor (M<sup>r</sup> G.A. Webb) for Audit.

## (Copy Accounts)

New Forest VerderersCash Account presented at the Court of Swainmote held on the 3<sup>rd</sup> day of February 1879.

1878					1878				
May 2	To cash from Paymaster General	100	0	0	May 2	By cheque Book		2	6
July 1	D <sup>o</sup>	100	0	0	6	Cullerton's bill for Seals	5	1	6
	Fine & costs of George Knapp less fee and mileage for service of summons		17	0		Barter for posting bills re appointment of Agisters		8	0
Nov' 2	Cash from Paymaster General	100	0	0		Mc Bride D <sup>o</sup>		11	0
	Fine & Costs of George Knapp less fee and mileage for service of Summons (2 <sup>nd</sup> conviction)				9	Brown D <sup>o</sup>		8	0
		1	6	0	June 8	Thring D <sup>o</sup>		6	0
						Waterlow & Co Stationery	2	13	3
	Carried Forward £	302	3	0		Blake for posting bills re appointment of Agisters		11	0
						Carried Forward £	10	1	3

[p.61]

	Brought Forward £	302	3	0	1878	Brought Forward £	10	1	3
					June 8	By Ely. Box for papers	1	12	6
					16	" Lordan, printing &c	7	1	0
						" Shaw & Sons. Stationery	2	15	6
						" Mr Mortimers bill as Clerk to the Verderers	96	8	2
					Sept 5	" Mc Bride for posting Notices to Commoners to send in claims		15	0
						" Barter D <sup>o</sup>		7	2
						" Thring D <sup>o</sup>		5	0
						" Preston D <sup>o</sup>		5	0
					Novr 15	" Lordan advtg & printing D <sup>o</sup>	12	6	0
						" Mr Mortimer in payment for posting bills re Bye Laws & Regulations			
						Brown 8. 0			
						D <sup>o</sup> 6. 0			
						Barter 11. 0			
						Thring 5. 0			
						Mc Bride 14. 0			
					16	Commission on P.C.C's 7	2	4	7
						" Cox advtg same in S'ton Times		12	6
					18	" King D <sup>o</sup> Advertizer	7	3	0
						" Dyer D <sup>o</sup> Independent	7	12	6
					Dec 4	" Bennett D <sup>o</sup> Salisbury Journal	4	19	0
						" Preston for posting bills re Bye Laws &c		5	0
						" Cumberbatch under 9 <sup>th</sup> Sec. N.F. Act 1877 for 1877-78	1	0	0
						D <sup>o</sup> D <sup>o</sup> 1878-79	1	0	0
						" Mr Mortimer full discharge of his Bill to 31 <sup>st</sup> Dec' 1878	105	0	0
						" Harry Cooper fees as Crier to Court to 31 <sup>st</sup> Dec' 1878	2	5	0
						" Balance	38	4	10
	£	302	3	0		£	302	3	0

[p.62]

M<sup>r</sup> Eyre in pursuance of his Notice moved that the draft of any document intended for publication shall be in the Verderers hands not less than Fourteen days before the holding of the Court at which such draft document is to be brought forward for discussion.

This motion was agreed upon.

M<sup>r</sup> Eyre gave Notice to move at the Court to be holden in April next the following resolution.

“That this Court requests the Official Verderer to enquire of the Law Officers of the Crown or the proper authority (1) Whether the Crown retains a right, as owner of the Soil of the Forest or otherwise, to agist the New Forest, i.e. to take in animals on payment and (2) whether (for the benefit of those residents within or near the Forest, whom the Crown has permitted to turn out their animals uninterrupted, although those persons were not on the register of 1854), that right cannot be transferred to the Verderers of the New Forest, without application to Parliament, on terms to be agreed upon between the Verderers, Treasury and Commissioner of Woods.”

M<sup>r</sup> Eyre further gave Notice that at the same Court he would move the following resolutions which he stated to be embodied in his paper of objections to the document entitled “Regulations” presented at the last Court.

(1) “That the document entitled “Regulations” is not framed under any power conferred upon the Verderers by the Act of 1877, & in so far as it in fact contains new Regulations for the exercise of Common rights is invalid; that it comprises in one document matters which should be dealt with separately, provisions of doubtful validity and announcements of questionable expediency; that it should therefore be withdrawn from circulation and not sanctioned by the Verderers in its present form.”

(2) “That it should be referred to the General Purposes Committee to frame and report to the Court the following documents.

(1) A notice to the Agisters of the duties assigned to them.

(2) A Notice to the Commoners of such provisions of the Act of 1877, the Bye Laws, and the appointments made, and steps [p.63] taken by the Verderers under the Act, as it may be deemed useful to bring to the special attention of the Commoners.

(3) “That no allusion to the Act 59 Geo. III cap. 86 should be made, in either document, and that no allusion to drifts should be made in the Notice to Commoners.”

(4) “That copies of the text of the documents above described, as finally settled by the General Purposes Committee should be supplied to the Verderers at least 14 days before the Court at which they are to be considered and that a Special Court should be called, upon due notice, for their consideration.”

The four Agisters attended and after consultation together they all unanimously accepted the following terms for the current year for their remuneration.

The pay of each Agister to be guaranteed by the Court at £60 per annum £30 of which sum is to be paid by equal quarterly payments and the balance made up at the end of the year out of the head money received by them respectively. The Agisters from time to time to account to the Verderers for all sums received by them as head money for marking animals and for pigs at pannage and turves. Should the sums so respectively received by the Agisters amount to £70 their Salaries respectively to be made up to that amount or to such sum between £60 and £70 as their respective receipts shall amount to above £60.

They were thereupon instructed fully in their duties consequent on the passing of the Bye Laws and Regulations.

This terminated the business of the Court.

[signed] *H.C. Paulet. Dep: Chairman*

[p.64]

At a Court of Swainmote held at the Queen's House Lyndhurst on Wednesday the 23<sup>rd</sup> day of April 1879.

Present

Sir Henry Charles Paulet Baronet	Deputy Chairman
George Edward Briscoe Eyre Esq <sup>re</sup>	}
John Lane Shrubbs Esq <sup>re</sup>	} Verderers
Lieu <sup>t</sup> Co <sup>l</sup> William Clement Drake Esdaile	}

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

The Clerk read the letter of the Treasury to the Official Verderer in reply to the letter sent by order of the Verderers dated [blank] February.

This letter was ordered to be entered on the minutes and the Clerk was directed to inform the Official Verderer thereof and to ask for instructions as to the reply to be sent to it.

(Copy letter)

3757

79.

Treasury Chambers.

18<sup>th</sup> March 1879.

Sir,

I have laid before the Lords Commissioners of Her Majesty's Treasury the letter dated [blank] ulto from the Clerk to the Verderers of the New Forest in reply to the letter from this Department dated the 9<sup>th</sup> September last.

The Verderers refer to the arrangement made in March and April 1878 under which their Lordships assented to the Transfer of the Cash balance of the purchase money paid by the Southampton & Dorchester Railway Company together with the interest on the amount invested (£7016.19.9 reduced Three per cent annuities) to an account in the hands of the Paymaster General bearing the title of the New Forest Account. The Verderers ask that they may be authorized to expend such monies not only in the preparation of a Rate Book, but [p.65] in the necessary current annual expenses which must be incurred by them in carrying out the provisions of the Act including the preparation and maintenance of a Register of Commoners.

I am to state that their Lordships concur in the extended interpretation placed by the Verderers on the arrangement of last year and approve of the expenditure of the monies drawn from the "New Forest Account" on the current expenses as described in the letter now under reply.

With regard to the expenditure of the balance of purchase money now invested in reduced Three per cent annuities, the Verderers state that they have no intention of recommending that it should be applied to buildings drainage or other works of that character and they propose that the capital should be divided into two portions, the Verderers share to be a fund of which the income will be applied in aid of their current expenditure and therefore in relief of rates

the remainder of the capital to be expended by the Commissioners of Woods for the joint interests of the Crown & Commoners.

Before adopting this proposal it will be necessary to ascertain the annual sum which will be required in addition to fines and any other moneys which may be received by the Verderers to meet the current expenses. An experience of two or three years will probably enable the Verderers to estimate such amount approximately & their Lordships will then be prepared to authorize the investment of a sum sufficient to produce the necessary income.

But their Lordships are of opinion that any part of the balance that is paid to the Commissioners of Woods should be paid to them for the benefit of the Land Revenues.

The Commissioners in the opinion of My Lords are certainly not the proper authority to expend money on behalf of the Commoners and My Lords would have thought that the duty of conducting all such expenditure devolved on the Verderers under the New Forest Act 1877.

Subject to these remarks Their Lordships will be prepared to consider the details of the plan suggested by the Verderers upon your submitting them.

The Verderers have called the attention of this Board [p.66] to the audit of the accounts of the "General Fund" under the 38<sup>th</sup> Section of the Act 40/1 Vic. cap. 121 and they state that in their opinion the Auditor to be appointed by the Court of Quarter Sessions will not be entitled to enquire into the appropriation of any moneys expended under the Act further than to ascertain that the Verderers have obtained the approval of the Treasury. I am to observe that so long as the Auditor satisfies himself that the purposes to which the money is applied are the purposes determined by the Verderers with the assent of the Treasury their Lordships do not ask <wish> him to do more. If he does anything less his certificate will be no security that the responsibility imposed on them by statute has been properly discharged.

They are glad that the Verderers concur generally with the observations with reference to audit contained in the latter part of the letter from this Department dated the 9<sup>th</sup> September last and that they will be willing to transmit to the Treasury for information a copy of their annual accounts of receipts and expenditure.

Their Lordships take this opportunity of pointing out that it will be necessary that the correctness of the amount of the receipts into the "General Fund" in respect of transfers from the "New Forest Account" should be verified it will apparently be sufficient for this purpose that the Paymaster General should transmit to you at the end of each year a certificate of amounts which may be transferred from time to time from the "New Forest Account" to the "General Fund" in the manner prescribed in the letter[\*] from this Department of the 13<sup>th</sup> April last such Certificate being forwarded with the accounts to the Auditor appointed by the Court of Quarter Sessions.

[\*] 5922/78

I am Sir

Your obedient Servant

R.R.W. Lingen

The Official Verderer of the  
New Forest

M<sup>r</sup> Briscoe Eyre requested to be allowed to postpone the consideration of his resolution until the Official Verderer and the absent Verderers were present.

This request was not granted it long considered inexpedient on the ground of policy to do so.

[p.67] M<sup>r</sup> Eyre then addressed the Court on his resolutions and after a lengthened discussion with the other members of the Court he determined to withdraw the first resolution.

As to resolution N<sup>o</sup> 2 and the subsections thereof M<sup>r</sup> Eyre further addressed the Court and referred to the printed copy containing his objections to the Regulations sent to the Verderers through the Clerk.

A very lengthy discussion having taken place M<sup>r</sup> Eyre moved that the following document be entered on the minutes by way of protest against the regulations in lieu of moving his resolutions.

This was assented to and the document was ordered to be entered on the minute as follows.

(Copy Objections)

New Forest Act 1877

Objections of M<sup>r</sup> Briscoe Eyre to the document entitled “Regulations” proposed to be circulated and made public by authority of the Verderers.

1. The document purports to consist of “Regulations” made “for the advantageous exercise of the Rights of Commoners”.

The Verderers do not appear to have any power to make such regulations except by Bye Law; and Bye Laws can only be made and become valid under certain conditions prescribed by the Act of 1877 (sec 25).

If therefore the present document contains any regulations respecting rights of Common not already embodied in the Verderers’ Bye Laws (e.g. the first part of Regulation 17) these would be of no validity. If it only contains Notice of the contents of the Bye Laws or the Act the fact should be so stated and no semblance of independent authority given to the document.

The only Regulations as distinguished from Bye Laws which the Verderers seem to have power to make relate to the holding of Courts and the transaction and management of business (sec. 24).

It is submitted that apart from the question of strict legality as a matter of propriety no document should be issued by the Verderers sanction for which in <the> form issued cannot readily be found in the Act.

[p.68]

II. The document is composed in great part of a statement of (a) the appointment and (b) the duties of certain officers of the Verderers, the Agisters (see from commencement to Reg. 15).

(a) It seems unnecessary to give notice of the appointment of the existing Agisters, because their appointment has already been sufficiently made public, and is perfectly well know. But if it be deemed desirable to give such a Notice, it surely cannot properly be called a Regulation.

(b) The Verderers have power to assign to each officer his duties. But, <this,> it is submitted, should be done by way of instructions to the officer himself and not by way of notice to or regulation respecting third parties, the Commoners or the public. As well might it be publicly detailed what are the duties and Salary of the Verderers’ Clerk.

One at least of the duties proposed to be assigned to the Agisters raises grave questions of Law and Policy viz<sup>t</sup>, the duty of inquiring into unlawful inclosures and trespasses. Looking at

the wording of sec. 23. s.s. (4) of the Verderers Act, and comparing it with the older enactments on the subject (see especially 39 and 40 Geo. 3.cap. 86 sec. 14) it would seem that the power of inquiry conferred upon the Verderers is a judicial power and therefore cannot be delegated to their servants. Such questions (it is earnestly urged) require at least careful consideration and, if necessary, the highest legal advice.

III. The rest of the document consists, in reality of notices or announcements. These relate –

(1) To the contents of the Verderers' Bye Laws

(2) To matters not contained in such Bye Laws or in the Act of 1877.

(1) Regulations 16, 17 (second sentence) 19, 20, 22. It is submitted that it would be better to adhere to the precise terms of the Bye Laws themselves instead of giving the paraphrases contained in these regulations. Such paraphrases are liable to lead to confusion and discrepancy as in the case of Regulation 16 which differs from Bye Law 4 in its statement of the age at which Stallions are marked free of charge.

(2) The matters which are not contained in the Act or [p.69] Bye Laws are the following:–

(a) Regulation 3. Notice of the penalties imposed by the Statute 59. Geo. III c.86.

It is submitted that this Notice following on the Statement of the Agisters' duty with regard to drifts is irrelevant and amounts on the part of the Verderers, to a declaration of Policy which is uncalled for and is inconsistent with the understanding upon which Bye Law 3 was framed.

The Act of 59 Geo. III cap. 86 was passed in the Interests of the Crown and gave the Officers of the Crown a special Statutory power of impounding Cattle found depasturing on the Forest and of prosecuting the owners of such cattle before the Verderers who upon conviction were required to impose the penalties mentioned in Regulation 3.

No initiative was given to the Verderers by the Act. They were constituted not prosecutors but judges, and their position in this respect is not altered by the Act of 1877. They have, therefore, no cognizance of the Act of 1819 until they are asked to take judicial notice of it. Neither does the last mentioned Act give any power of initiative to Commoners but to the Crown Officers alone. It was passed at a date long anterior to the formation of the Register of Commoners and carried with it penalties against Commoners who turned out during the winter almost as severe as those directed against non-commoners. Although remaining on the Statute Book, such an act may fairly be called obsolete and the Crown itself has so treated it. If the Verderers should at any time be obliged to take judicial cognizance of such an Act it would be matter of regret, but (whatever might be the course incumbent upon them under such circumstances) they are under no obligation to allude to its provisions in their administrative capacity; and in particular, it is submitted that the provisions of the Act of 1819 have no relation to the drifts which the Verderers are empowered to make under the Act of 1877.

With reference to the whole question of drifts and non-commoners it would appear that the powers of the Crown are left intact, and are in no way superseded by those of the Verderers. The Verderers powers judging from the whole scope of the Act of 1877 were given in the interests of the Commoners, and if the latter are not practically injured by illegal commoning



there seems to be no reason why the [p.70] Verderers in their administrative capacity should notice it.

It was on this understanding and with a view to protect persons not on the Register who may have strong claims to consideration in respect of undisturbed enjoyment that Bye Law 3 was framed and agreed to. To adopt as their own in Regulation 3 the severe penalties imposed in another interest and under wholly different circumstances would be to destroy the understanding arrived at on passing the Bye Law, and entirely to reverse the policy of the Court.

(b) Regulation 17. Rule as to turf cutting.

The first sentence of this Regulation embodies a prohibition which can only be validly enacted by the Verderers (if at all) by bye law under Sect. 25 s.s. (4) of the Act.

(c) Regulations 18, 21. Form of Tickets for Turves & Pannage.

If these rules represent an arrangement made with the Crown it may be convenient to make it known to the Commoners. But as the Crown Officers issue the tickets for turves and pannage, it seems hardly within the Verderers' province to make any positive rule on the subject.

(d) Regulation 23. Drifts.

If the Verderers intend to carry out the policy of Bye Law 3 and to exercise their administrative powers with respect to cattle belonging to persons not on the Register of Commoners in a broad spirit looking rather to the substantial interests of the Commoners than to technical distinctions, it will, it is submitted be necessary to proceed very cautiously in the question of drifts. The Verderers are entrusted with a discretionary power to make drifts when and how they think expedient and it may be highly inexpedient to take such a step until some arrangement has been made to prevent the infliction of extensive hardship under a show of legality. At all events there seems to be no reason for making any public announcement on the subject, and it is submitted that to do so may be to provoke difficulties which may never arise.

The proposal to authorize drifts, by order made out of Court, is surely of doubtful legality, the fair interpretation of sect. 23, s.s. 2, when read with Sect. 24 being that the time and manner of every drift shall be matter for consideration by the Verderers acting as a body, in Court, with the prescribed quorum. [p.71] The proposal also seems to be inexpedient, since so important a step, involving such critical results, should (it is earnestly urged) be matter for deliberation on every occasion by the whole body of Verderers.

(e) Regulation 24. Pounds.

The notice as to Pounds, as a notice, may be useful; but the distinction drawn between the two sets of Pounds is not clear. If it is meant that any are to be used only on the occasion of drifts, it would, it is submitted, be better not to publish any notice respecting them.

To sum up it is submitted.

1. That the document entitled "Regulations" is not framed under any power conferred upon the Verderers by the Act of 1877, and, in so far as it in fact contains new Regulations for the exercise of Common rights, is invalid; that it comprises in one document matters which should be dealt with separately, provisions of doubtful validity,

and announcements of questionable expediency; that if should therefore be withdrawn from circulation and not sanctioned by the Verderers in its present form.

2. That it should be referred to the General Purposes Committee to frame and report to the Court the following documents:—

1. A Notice of the Agisters of the duties assigned to them.

2. A Notice to the Commoners of such provisions of the Act of 1877, the Bye Laws, and the appointments made and steps taken by the Verderers under the Act, as it may be deemed useful to bring to the special attention of the Commoners.

3. That no allusion to the Act of 59 Geo. III, c.86 should be made in either document, and that no allusion to drifts should be made in the notice to Commoners.

4. That copies of the text of the documents above described as finally settled by the General Purposes Committee, should be supplied to the Verderers at least 14 days before the Court at which they are to be considered, and that a special Court should be called, upon due Notice, for their consideration.

The Clerk produced the accounts audited by M<sup>r</sup> Webb with [p.72] his certificate at the foot thereof.

The Clerk was directed to send a copy of the Account to the Treasury and to advertise the same in the Southampton Times and Salisbury Journal and at the same time to have 100 slips printed by one of the newspapers in which the advertisement is to appear to supply to applicants under sub. sec. 3 of Section 38 of the New Forest Act.

The Clerk produced a financial Statement which was ordered to be entered on the minutes.

(Copy Statement)

New Forest

Financial Statement, Swainmote Court, 23<sup>rd</sup> April 1879

The Balance standing to the Credit of the Verderers at the Capital and Counties Bank  
Romsey at this time amounts to £38.4.10

There have been no receipts or payments since the Accounts were submitted to the Auditor.

The Agisters attended and reported progress. Cheques on account of their Salaries were drawn and paid to them and their receipts taken.

The Clerk's Salary was directed to be paid as soon as a remittance was received from the Paymaster General.

The Clerk was directed to forward a cheque on the Paymaster General for £100 to the Official Verderer for signature.

This terminated the business of the Court.

[signed] *H:C: Paulet: Dep. Chairman*



Cheques for the Salaries due to the Agisters were drawn and paid to them and their receipts taken.

The Agisters were not prepared to give any Report as to the number of animals belonging to Non-Commoners in their respective districts and they were directed to enquire and report to the next Court.

The Clerk produced the Financial Statement which was ordered to be entered as follows.

1879		£	s	d	1879		£	s	d
April 23	To Levi Gray on a/c of ¼ Salary as Agister	7	10	0		Balance as per Audited account	38	4	10
	To Harry Sparks D <sup>o</sup>	7	10	0		By Cash of Paymaster General	100	0	0
	” George Philpott D <sup>o</sup>	7	10	0					
May 1	” M <sup>r</sup> Mortimer ¼ Salary	25	0	0					
30	” M <sup>r</sup> G.A. Webb fee for Auditing a/c for 1878	2	2	0					
	Balance at Bank	<u>88</u>	<u>12</u>	<u>10</u>					
		£ 138	4	10			£ 138	4	10

Memoranda – The Cheque given on the 23<sup>rd</sup> April to Charles Newbold on a/c of Quarter’s Salary has not yet been presented for payment.

[p.75]

Cheques for the Clerk’s and Crier’s Salaries were drawn and paid to them and their receipts taken.

The Clerk produced and read a letter from the Official Verderer enclosing the following letters.

11390  
79

Local Government Office  
July 8<sup>th</sup> /79

Sir,

In reply to your letter of the 4<sup>th</sup> July in which you request my observations on the enclosed letter from M<sup>r</sup> Howard which I return herewith, I have to state, that

The necessity for the introduction of the Bill to which M<sup>r</sup> Howard takes exception has arisen under the following circumstances.

Under the New Forest Act 1877 the Verderers are empowered, and, in fact, required, to appoint officers through whom they are to enforce the observance of regulations, and the payment (under bye laws) of certain limited sums of money by the Commoners in respect of the exercise of their commonable rights.

The bye laws having been duly passed and sanctioned, it is now found impossible to collect the sums payable by the Commoners, and which are the only means of defraying the salaries of the officers or agisters because there is a certain number (from 300 to 400) of persons, not on the register of commoners, who have habitually during the last 25 years (more or less) been permitted to exercise commonable rights whether under equitable claims, or by prescription or *per incuriam*, I cannot say:– but certainly under the jurisdiction of the Commissioners of Woods and Forests so far as that prevailed before the passing of the act of 1877.

The Verderers have, under the terms of the Act of 1877, no power to recognise these persons. They may, no doubt deal with them as intruders and forcibly remove their cattle &c. But there is no desire in any quarter that such a step should be taken; it would be most cruel and scandalous to attempt it, and it would certainly be impossible without violence to carry it out.

The Commoners themselves are perfectly willing that these persons should continue to have the valuable advantages they [p.76] have hitherto enjoyed, and only claim that they shall not

(being as compared with the commoners, quasi-intruders,) be exempt from paying the trifling sums or fees which are, under the bye laws leviable from the Commoners.

The real fact therefore is that without such a provision of law as is now suggested, the act of 1877 is not practically workable.

M<sup>r</sup> Howard is quite wrong in the presumption with which his letter concludes. There is no question of substantial rents being levied; the whole power proposed to be taken is that of collecting from a number of persons well known as having habitually exercised their supposed rights for many years, fixed payments of a trifling character similar to those which are to be made by the Commoners.

The monies thus collected will probably not suffice to do more than defray the cost of the salaries of the agisters whose services in the forest are undoubtedly for the advantage of the Crown and of the Commoners, as well as of the public.

It should be added that the pasturage &c of the Forest is superabundant, and would be deteriorated rather than improved if the harsh and unnecessary policy of exclusion were persisted in.

I enclose a copy of the bye laws from which the insignificant character of the money payment will sufficiently appear.

I may add that I write this explanation in order to save time without having had <the> opportunity of submitting M<sup>r</sup> Howards letter to the Verderers. Should I find, on doing so, that any supplementary observations are required a further communication shall be addressed to you for the information of the Lords of the Treasury.

I am &c.,  
G.S.B.

Office of Woods &c.  
Whitehall Place. S.W.  
30<sup>th</sup> June 1879

My Lords,

On reference to the proceedings of Parliament I noticed some days since that it was prepared to introduce into the House of Commons a Bill to amend the New Forest Act 1877 and [p.77] I afterwards noticed that the Bill was introduced on the 18<sup>th</sup> instant. A print of it is now before me.

Although I have not received your Lordships' instructions to submit my views to the Treasury upon this measure, nevertheless I feel it to be my duty as the management of the New Forest, is still under my charge, to make your Lordships acquainted with the opinions which I entertain as regards this Bill.

The chief object of the Bill appears to be to empower the Verderers to allow the Cattle of persons not being commoners to depasture in the Forest on payment of such sums and subject to such conditions as the Verderers may think expedient.

It should be borne in mind however that the soil and Freehold of the New Forest are in the Crown, subject only to the rights of the Commoners, and the pasturage not used by the

Commoners themselves in the Exercise of their rights is therefore the exclusive property of the Crown, and any income which can be derived from it belongs to the Crown and the Public.

The Verderers, as now constituted by the Act of 1877, are practically the nominees and representatives of the Commoners, but, even admitting the theory that they are also officers of the Crown whose duty it is to maintain the rights of the Crown as well as those of the Commoners, their Expenses for which they require funds are incurred almost exclusively in regulating and maintaining the rights of the Commoners and it is not equitable to farm the pasturage of the Forest (which belongs to the Crown subject only to the rights of the Commoners to depasture their own Cattle) for the purpose of raising Funds for the payment of the Expenses which the Verderers may incur in regulating and managing the rights of the Commoners.

By the Act of 1877 a right to depasture the Forest during about six months of each year was conferred on the Commoners on payment to the Crown of a Sum of one pound per annum.

By the Bill of 1879 it is proposed to confer on other persons living outside the Forest, and not being entitled to rights of Common over it, a share of the Pasturage of the Forest during the whole year on payment, it is presumed, of substantial rents no portion of which will be paid to the Crown or the Public.

[p.78]

I have the honour to be,  
Your Lordships,  
Most obedient Servant,  
(s) James K. Howard

The Right Honorable  
The Lords Commissioners  
of Her Majesty's Treasury

11390

79

Sir,

Treasury Chambers  
4<sup>th</sup> July 1879

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith for such observations as you may desire to offer thereon, a letter which My Lords have received from Mr Howard of the Office of Woods and Forests, on the subject of the new Bill which has been brought into the House of Commons to amend the New Forest Act 1877.

[marginal note] In original & to be returned

I am, Sir,  
Your obedient servant  
William Law.

The Right Hon<sup>ble</sup>  
G. Sclater Booth, M.P.  
Official Verderer of the New Forest  
Local Government Board

A discussion took place upon the correspondence and the following resolution was passed.

That the Clerk write the Official Verderer stating that the Verderers concurred in his letter addressed to the Treasury relative to the Bill now before the House. That in their opinion this bill is forced upon them by the fact of the Office of Woods and Forests having neglected during the last 25 years to remove from the Forests the Cattle of persons known not to have Forests rights and having persistently refused to make drifts of the Forest when requested to do so by the Verderers. The state of disorder thus introduced has entirely originated through the laches of the Office of Woods and can only be remedied now in the manner proposed by the Bill before Parliament.

[signed] *G. Sclater Booth O.V.*

*August 28/79*

[p.79]

At a Court of Swainmote held at the Queen's House Lyndhurst on the 28<sup>th</sup> day of August 1879.

Present

The Right Honorable G. Sclater Booth M.P. Official Verderer  
Sir Henry Charles Paulet Bart }  
Lieu<sup>t</sup> Co<sup>l</sup> William Clement Drake Esdaile } Verderers

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

The Clerk read M<sup>r</sup> Eyre's letter which had been referred from the last Court of Swainmote for further consideration and after discussing the question of entering it on the minutes. It was resolved that it is inexpedient that letters from absent Verderers be entered on the minutes of the Court.

The Election of a Verderer in the room of the late William Hans Sloane Stanley Esq<sup>re</sup> under section 21 of the New Forest Act was then proceeded with.

Sir Henry Paulet proposed that Joseph Henry Dart Esq<sup>re</sup> be elected as Verderer under Sec. 21 of the New Forest Act 1877 in the place of William Hans Sloane Stanley Esq<sup>re</sup> deceased.

M<sup>r</sup> Esdaile seconded this motion which was put and carried and the Clerk was directed to give M<sup>r</sup> Dart formal notice of his election.

It was further resolved that M<sup>r</sup> Dart be elected a member of the General Purposes Committee in the place of the late M<sup>r</sup> Stanley.

A long discussion on the question of Drainage took place in which each member of the Court took part.

The Clerk read correspondence between the Official Verderer and the Lords Commissioners of Her Majesty's Treasury as follows.

(Copy Correspondent)

next page

[p.80]

Local Government Board

Whitehall, S.W.

August 1879

Dear Sir Ralph Lingen,

In reference to correspondence which has passed between the Treasury and myself as to the income arising from £7016.9.9 3 per cents and the arrangement made for its payment to the Verderers of the New Forest pending a final appropriation of the same in accordance with the provisions of the New Forest Act, 1877; it has recently been brought to my notice that certain works of drainage originally constructed out of monies of which the above mentioned £7016.9.9 are the residue, are in need of repair to the extent of about £200, and the Commissioners of Woods, informing us to that effect, state that they have no means of defraying the costs, while the Verderers have undoubtedly, neither the means of doing so nor are they placed by the Act of 1877 under any responsibility in respect of such works.

It appears that if the Verderers were in full and final possession of the income arising from the above mentioned fund they might safely undertake present and future liabilities in respect



of these drainage works, which cost originally about £8000, and the average annual repairs of which would probably not exceed £100.

My object in writing is to anticipate an application which the Verderers will probably make to the Treasury at their next Meeting, on the 28<sup>th</sup> August and to enquire whether I may assume that their Lordships would favorably regard a proposal to make a final appropriation under Section 11 of the New Forest Act of the capital and income in question for the general use of the Verderers subject to the liability of keeping these drainage works in repair. Whether, and under what restrictions, any of the capital should be so used, or sold out for that or for any other purpose, may be a further subject for consideration, but it would be important for the Verderers to know, before the season much advances whether they will be justified in making arrangements for the work which is certainly for the advantage of the Crown and Commoners and which delay will render more expensive.

I am, Dear Sir Ralph Lingen, Yours faithfully, G. Sclater Booth

[p.81]

13693

Treasury Chambers  
8<sup>th</sup> August 1879

Sir,

In reply to your letter dated August and received on the 7<sup>th</sup> Inst: I am directed by the Lords Commissioners of Her Majesty's Treasury to state that they see no objection to a proposal to make a final appropriation under Section 11 of the New Forest Act of the Capital and income in question for the general use of the Verderers, subject to the liability of keeping these drainage works in repair, reserving for further consideration whether and under what restrictions, any of the capital should be used or sold out for that or for any other purpose.

I am Sir  
Your obedient Servant  
R.R.W. Lingen

R<sup>t</sup> Hon. G. Sclater Booth, M.P.

The Official Verderer suggested that before the next meeting an investigation should be made by some competent person as to the probable necessary expenditure required for putting the drainage in repair and a further discussion followed as to the mode of dealing with the Dorchester Railway Fund under the provision of Sec. 11 of the New Forest Act 1877.

The Verderers resolved that a preliminary letter be written to the Treasury setting out the object of the Verderers in making application for a permanent arrangement in respect of the Fund and requesting that M<sup>r</sup> Howard the Chief Commissioner for Woods and Forests should be directed to instruct M<sup>r</sup> Reed to prepare a Specification of the works now required for the repair of the Drainage System and an estimate of the probable cost to be submitted to the Verderers.

The Clerk was directed to draft the above letter to be sent to the Treasury for the official Verderer's approval.

The case reported by Levi Gray of cattle being at large upon the Forest marked with a forged mark was discussed and the Owner was ordered to be summoned to the next Court for breach of Bye Laws in permitting his cattle to roam at large in the Forest.

The question of the conditions under which Non-Commoners should be admitted under the New Forest Act ~~1877~~ Amendment Act 1879 was next considered and the following resolution passed.

[p.82] That it be referred to the General Purposes Committee to settle the lists of persons not being Commoners who should be admitted to exercise privileges under Section 2 of the New Forest Amended Act 1879 and also the form of the conditions which should be required under the same section and that no person be so admitted who has not in fact exercised such privileges <previous> to the passing of the said Act.

The Clerk produced and read a financial statement which was ordered to be entered on the Minutes as follows.

Finance Statement presented at Swainmote Court on 28<sup>th</sup> Augt 1879

1879					1879				
July 11	To Cheque Book		2	6	July 1	By Balance	88	2	10
15	" Mr Mortimer	25	0	0		" Cash of Paymaster General	50	0	0
16	" G. Philpott	7	10	0					
18	" C. Newbold	7	10	0					
22	" H. Cooper	1	2	6					
30	" H. Sparks	7	10	0					
Aug 11	" L. Gray	7	10	0					
26	" C. Newbold	7	10	0					
	" Balance	<u>74</u>	<u>7</u>	<u>10</u>					
		£ 138	2	10			£ 138	2	10

The Agisters attended and produced lists of the Non-Commoners in who had heretofore turned out Cattle upon the Forest so far as they were able to ascertain within their respective districts. They were ordered to complete their lists at once and were directed to hold themselves in readiness to attend a meeting of the General Purposes Committee which was to be convened as early as possible prepared to report fully on the subject. They produced their books shewing what they had received from Commoners for marking cattle and were directed to prepare lists of the principal Commoners in their Districts who had turned out Cattle without payment that the Verderers might consider whether they should not put the Bye Laws into operation against them.

The Agisters had received the following sums for [p.83] marking cattle.

Levi Gray	£18. 6. 6
George Philpott	7.14. 0
Charles Newbold	4. 6. 6
Harry Sparks	24.10. 6

The Court was formally adjourned to Monday the 22<sup>nd</sup> day of September at 12 o'clock.

[signed] *G. Sclater Booth O.V.*

[p.84]

At a Court of Swainmote held at the Queen's House Lyndhurst on Monday the 22<sup>nd</sup> day of September 1879.

Present

The Right Honble G. Sclater Booth, M.P. Official Verderer

Sir Henry Charles Paulet Bart	}	
Sir Edward Hulse Bart	}	
John Lane Shrubbs Esq <sup>re</sup>	}	Verderers
Lieut. Col. William Clement Drake Esdaile	}	
Joseph Henry Dart Esq <sup>re</sup>	}	

The Court was opened with the usual proclamation by the Crier.

The Clerk handed in a Medical Certificate sent to him by M<sup>r</sup> Eyre which was ordered to be entered on the minutes.

(Copy Certificate)

This is to certify that Mr Geo. E. Briscoe Eyre is on a voyage to Rio Janerio undertaken under medical advice for the benefit of his health.

W. Bezby Thorne  
L.R.C.P. Lond. M.R.C.S. Eng.  
Sept 1879.

James Foster of Brockenhurst in the New Forest in the County of Southampton Laborer was charged on an information exhibited against him by Levi Gray of Brockenhurst aforesaid one of the Agisters of the said New Forest for having on the 10<sup>th</sup> day of September 1879 at Rhinefield Walk in the New Forest being one of the Commoners of the said New Forest unlawfully allowed certain animals to wit two Milch cows and one Heifer to roam at large in the said New Forest without having caused such animals or either of them to be marked by one of the Agisters of the said New Forest contrary to the Bye Laws of the said New Forest duly made in that behalf and to the Statute in that case made and provided.

The defendant did not appear and the Verderers proceeded to hear the case in his absence.

[p.85]

Police Constable Wheeler on his oath saith as follows.

I did on Wednesday the 17<sup>th</sup> day of September Inst serve the Defendant personally with a Summons a true copy of which I now produce and I explained the same to him. Defendant said he should not come and if he was wanted he must be taken on a Warrant.

Levi Gray on his oath saith I am one of the Agisters of the New Forest I was in the exercise of my duties as such Agister on the 10<sup>th</sup> day of September Inst at Rhinefield. I saw three beasts belonging to James Foster of Brockenhurst Weirs namely two milch cows and one heifer depasturing there. I know the cattle to be his. I never marked them but they were marked with my tail mark without my authority. I have not received any head money in respect of these cattle. The defendant was formally a Marksman and I succeeded him. He is a tenant of part of the land comprised in Claim N<sup>o</sup> 275. The Cattle have been out all the summer.

The Bench considered the case proved and convicted the Defendant in the penalty of 10/- and 6/6 cost to be levied by distress and in default to fourteen days imprisonment.

This terminated the public business and the Court was cleared.

The Clerk read the reply he had sent since the last Court to the Treasury Letter of the 8<sup>th</sup> August 1879.

(Copy Letter)

Romsey, Hampshire  
September, 6<sup>th</sup> 1879.

Sir,

Referring to the letter of the Lords Commissioners of Her Majesty's Treasury bearing date the 8<sup>th</sup> ulto addressed to The R<sup>t</sup> Hon. G. Sclater Booth, M.P. Official Verderer of the New Forest and which letter was laid before the Verderers at a Court of Swainmote held on the 28<sup>th</sup> ulto I am directed to express to you the satisfaction of the Verderers at its contents and their contemplated acceptance of the arrangement proposed in it.

The question of the Drainage repair requires careful consideration before a final decision can be made and owing to the wet season and the rapid approach of Winter the Verderers are advised that [p.86] no repairs or works can be conveniently carried out in connection with the drainage system in the New Forest before the early part of next year.

In order to enable the Verderers to make a full and final application under Section 11 of the New Forest Act 1877 as indicated in the Official Verderer's letter to which their Lordships of the 18<sup>th</sup> ulto was in reply it is necessary for the Verderers to be furnished with a reliable report on the condition of the existing drainage works, and also with some specification of the repairs now required thereto and an estimate of the probable cost of such repairs.

It appears to the Verderers that there is no one more competent from his experience in the Forest in connection with the Drainage System above referred to to give the Verderers the information they require and to furnish the necessary specification and estimate than M<sup>r</sup> William Reed at present acting as Deputy Surveyor of the Forest and from whom the Verderers received the information which occasioned the correspondence between the Official Verderer and their Lordships already referred to indeed there appears to be no one else who can do so without an expense which the Verderers have no means or authority to incur.

I am therefore to request that My Lords will request the Chief Commissioner of Woods and Forests to instruct M<sup>r</sup> Reed to furnish them with the required information and to prepare the specification and estimate above referred to for the use of the Verderers, with as little delay as possible.

The Verderers have had laid before them the account of the expenditure upon the drainage System of the New Forest since 1855 which account shews an annual <average expenditure> not exceeding £100 a year, the last expenditure however having taken place in 1872 since which year no money has been expended. It may probably be found that a large sum will be required in the first instance in order to bring the drainage system into perfect working order.

As soon as the Verderers are in possession of the information they have asked My Lords to cause to be supplied by M<sup>r</sup> Reed they will be in a position to reply definitely to My Lords letter of the 8<sup>th</sup> August.

I have the honor to be  
Sir  
Your obedient Servant  
G.F.W. Mortimer  
Clerk

[p.87]

Sir Henry Paulet as Chairman of the General Purposes Committee presented the Report of Members of that Committee on the subjects referred to them at the last Court as follows.

(Copy Reports)

Report of the General Purposes Committee to be presented at the Court of Swainmote to be holden at the Queen's House Lyndhurst on Monday the 22<sup>nd</sup> day of September 1879.

Your Committee having fully considered the steps to be taken to put in force the provisions of the New Forest Act 1879 recommend as follows.

1. That the power vested in the Verderers by Section 2 of the Act to "allow cattle and other animals belonging to persons not being Commoners but being Owners or Occupiers of land adjacent to or abutting on the Forest to depasture on the Forest" be exercised by means of License to be granted to such persons as may apply for the same and may in the opinion of the Verderers be proper objects for the exercise of such power.
2. That there be a Register or Registers of all applications for Licenses and of the result of such applications and of all licenses granted and of their renewals if any from time to time.
3. That no license be granted for a period exceeding one year from the date thereof.
4. That no license be granted <except> in respect of land the occupiers of which have been accustomed as such occupiers to turn out cattle into the Forest before the passing of the Act.
5. That no license be granted to any occupier for depasturing more than ten cattle at one time and the same time or any cattle not really belonging to such occupier nor except under the same restrictions in respect of the number of cattle as would be in force in case such person were a Commoner.
6. That a payment of 2/6 be made for each license and a further payment of 2/6 for each head of cattle licensed to be depastured.
7. That in addition to such payments for the License and for each head of cattle licensed to be depastured the same fees be paid for marking the Cattle of Non Commoners as are paid for marking the cattle of Commoners.
8. That every original license be signed by two Verderers and countersigned by the Clerk and every renewal thereof be signed by one Verderer and the Clerk.
9. That it set out the conditions upon which it is granted.

[p.88]

10. That it be signed by the person to whom it is granted.
11. The following form is recommended for adoption.

New Forest Act 1879

N<sup>o</sup> of License License to a person not being a Commoner but being an Owner or Occupier  
of Land adjacent to or abutting on the Forest to depasture Cattle in the Forest.

Name address and occupation	}		
of holder of License	}		
Property in respect of which the	}		
License is granted	}	In the parish of	
			£ s d
N <sup>o</sup> and description of cattle for	}	Horned cattle at 2/6 each	
which License is granted	}	Horses at 2/6 each	
		Mules and donkeys at 2/6 each	_____
		Total payment received	=====

Conditions upon which this License is granted.

1. This License shall come into operation on the \_\_\_\_\_ day of  
18 \_\_\_\_ and shall expire on the 4<sup>th</sup> day of May 18 \_\_\_\_ .
2. The holder of this License shall in respect of the cattle herein comprised be bound by the  
Bye Laws made in pursuance of the New Forest Act 1877 in the manner and to the extent  
in and to which he would be bound in respect to such cattle in case he were a Commoner  
and entitled as such to depasture the same.
3. The holder of this License shall not depasture any cattle exceeding the number for which it  
is granted nor any cattle which have not been duly marked or which do not belong to him.
4. This License is not transferable.
5. The holder of this License shall give immediate notice to the Clerk to the Verderers on his  
parting with or ceasing to occupy the property in respect of which it is granted.
6. Upon a breach of any one or more of the above conditions this License shall immediately  
thereupon become void and all money paid under it shall be forfeited.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_

Countersigned

Clerk to the Verderers	(signed)	Verderer
	(signed)	Verderer

I accept this License upon the above Conditions

Witness \_\_\_\_\_ (signed)

[p.89]

N.B. Any application for the renewal of this License must be made to the Clerk of the  
Verderers on or before the 25<sup>th</sup> day of March who will submit the same to the next Court of  
Swainmote.

Your Committee also recommend that public notice be given of the intention of the Verderers  
to issue licenses under the said Act to persons not being Commoners who are owners or

occupiers of land adjacent to or abutting upon the Forest upon the conditions above mentioned and that a day be fixed on or before which such applications shall be sent in to the Clerk.

They recommend the following form of application for License for adoption.

New Forest Act 1879

Applications by persons not being Commoners of the New Forest but being Owners or Occupiers of Land adjacent to or abutting on the Forest to depasture Cattle in the said Forest pursuant to the above Act.

Name of Applicant	Address of Applicant	Occupation of Applicant	N° of cattle for which Licenses required			Description & acreage of Land in respect of which application is made.
			Horned Cattle	Horses	Mules & Donkeys	

I declare that the above entries are true and I apply to have a License granted to me to depasture the above number of Cattle in the New Forest.

Dated the                      day of                      18

(signed)

They further recommend that after such applications have been sent in a day or days be fixed by Public Notice upon which the Court will be prepared to consider the same and entertain such applications as may be made in respect thereof.

The first part of the Report was fully considered and adopted. The second part was considered and generally approved and was referred back to the General Purposes Committee to carry out in detail.

[p.90]

No finance statement was presented as no sums had been received or paid since the last Court.

[signed] *H:C: Paulet. Dep. Chairman*

[p.91]

At a Court of Swainmote held at the Queen's House Lyndhurst on the 13<sup>th</sup> day of October 1879.

Present

Sir Henry Charles Paulet Baronet, Deputy Chairman

John Lane Shrubbs Esq<sup>re</sup> }

Joseph Henry Dart Esq<sup>re</sup> } Verderers

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

The claims of Commoners wishing that their names be inserted in the Register of Persons entitled to vote at the election of elective Verderers were carefully examined and considered. The Clerk was directed to give notice to those persons who had sent in informal claims to amend them or appear and support them on the 17<sup>th</sup> day of November 1879.

Advertisements were ordered to be inserted in the Salisbury Journal and Southampton Times on Saturday the first day of November stating that the Register of Commoners was prepared and ready for inspection and appointing Monday the 17<sup>th</sup> day of November as the day on which a Court of Swainmote would be held when any person interested might apply to the Verderers to correct the Register by inserting or expunging the name of any Commoner.

The Court carefully considered the application for licenses sent in by persons not being Commoners but being owners or occupiers of land adjacent to or abutting on the Forest for leave to depasture their cattle therein. Most of the applications were entertained and the Clerk was directed to perfect the licenses for signature but was ordered to give notice to those whose applications were postponed to attend and support them on Friday the 24<sup>th</sup> day of October Inst. at 11 o'clock a.m.

[signed] *H.C. Paulet. Dep: Chairman*



[p.92]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on the 23<sup>rd</sup> day of October 1879.

Present

Sir Henry Charles Paulet Baronet, Deputy Chairman  
G.E.B. Eyre Esquire            }  
John Lane Shrubbs Esquire    } Verderers  
Lieut. Col. W.C.D. Esdaile    }

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

M<sup>r</sup> Superintendent White returned the distress Warrant Gray v Foster as follows.

(Copy Endorsement)

Executed October 17<sup>th</sup> 1879

W. White  
Superintendent H.C.

Fine and Costs paid	
Fine	10. 0
Costs	6. 6
Costs of distress and executing Warrant	<u>5. 6</u>
Total	£1. 2. 0

The Register of Commoners for 1879 and 1880 was laid before the Verderers and ~~the~~ two informal claims to vote at the Election of Verderers having been rectified were allowed.

The Verderers then proceeded to hear the applications in person by those persons (not being Commoners) whose applications for licenses were postponed from the last Court for further consideration and to whom the Clerk was directed to give notice to attend and support their applications.

The application of Thomas Buckland was allowed.

That of Edward Bound was allowed for 2 head.

[p.93]

That of Charles Bull was allowed for 1 cow.

William Smith tenant of William Chamberlain was allowed for 2 horned cattle.

That of Frank Eyres was allowed for one head of cattle.

That of George Gain was disallowed he being a Commoner.

That of James Gale was allowed for 3 cows and 2 horses.

That of Henry Hatch was allowed for 2 cows and 1 horse.

That of Tom Holloway was allowed for 4 cattle and 1 horse.

That of G.H. Honey was disallowed the Verderers considering it not to come within the Act.

That of Charles Hooper was allowed for 1 cow and 1 horse.

That of Henry Lock was allowed for 2 head (1 cow and 1 horse).

That of Anthony Phillips was allowed.  
 That of Asher Read was allowed for 1 horse.  
 That of Cain Rickman was allowed.  
 That of Elias Rickman was allowed.  
 That of M<sup>rs</sup> Rockley was allowed.  
 That of Frank Sims was allowed for 1 cow and 1 horse.  
 That of George Storer was allowed for 4 head of cattle.  
 That of Charles Trim was allowed for 4 head of cattle.  
 That of John Alexander was allowed for 1 cow.  
 That of Albert Broomfield was allowed.  
 That of Thomas Broomfield was allowed.  
 That of Frederick L. Broomfield was allowed.  
 That of George Ballard was allowed for 2.  
 That of George Stickland was allowed.

The Agisters made the following returns of their receipts this year for marking the Cattle of Commoners.

Levi Gray had received	.	.	.	£20. 1. 0
Charles Newbold had received	.	.	.	4. 6. 6
George Philpott had received	.	.	.	13. 7. 6
Harry Sparks had received	.	.	.	26. 4. 6

Cheques were drawn and signed for the Clerks and Agisters Salaries up to the 29<sup>th</sup> September 1879 their respective receipts were taken. The Clerk was directed to prepare a draft on the Treasury for £100 for the Official Verderer [p.94] and Sir Henry Paulet's signatures.

Summonses were ordered to be issued against the following Commoners for Breach of the Bye Laws in not having their animals marked by one of the Agisters.

James Seager	Penerley	Beaulieu
John Burden	Beaulieu Mill	Veterinary Surgeon
M <sup>rs</sup> Burden	Beaulieu Mill	Widow
James Biddlecombe	Hatchet Mill	Beaulieu
James Dowden	Cators Cottage	Brockenhurst
Thomas Perry	Armstrong Farm	Brockenhurst
George Goulding	Canterton	4 Colts
William Jones	Bank, Lyndhurst	4 Cows and 1 pony
Henry Davis	Emery Down, Lyndhurst	2 heifers
William Head	Lyndhurst	Hay dealer, 4 cows
Charles Thomas	Linwood, Ringwood	5 cows 4 heifers and 9 sheep
William Bennett Esq <sup>c</sup>	Fritham	5 cows
James Spratt	Fritham	4 cows 2 heifers
James King	Bramshaw	5 ponies 2 cows and 2 heifers
Joseph Kernott	Godshill	Farmer
John Tanner	Poulner	Ringwood
William Broomfield	Burley	Farmer
George Young	Burley	Farmer
William Moore	Rising Sun, Wootton	

Frederick Tuck            Avon                            Farmer  
John Roberts            Burley Farm

The Clerk was directed to hold a sitting at the Queen's House, Lyndhurst, as soon as possible for the purpose of issuing the Licenses which had been granted to the various applicants. He was directed to receive payment for the licenses as also the fees for marking animals together with the sums fixed by the Verderers for each head of cattle before issuing the licenses.

The Verderers then proceeded to sign the licensees which they had granted.

This terminated the business and the Court was adjourned until the 17<sup>th</sup> day of November 1879 at 11 o'clock.

[signed] *H:C: Paulet*  
*Dep: Chairm<sup>n</sup>*

[p.95]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on the 17<sup>th</sup> day of November 1879.

Present

Sir Henry Charles Paulet Bart.	Deputy Chairman	
Sir Edward Hulse Bart		}
John Lane Shrubbs Esq <sup>re</sup>		}
Lieu <sup>t</sup> Co <sup>l</sup> William Clement Drake Esdaile		} Verderers
<del>John</del> <Joseph> Henry Dart Esq <sup>re</sup>		}

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

The Verderers then proceeded to settle the Register of Commoners (for the year 1879 & 80) entitled to vote at an election of Elective Verderers.

The persons whose claims had been adjourned from the last Meeting for further consideration not having appeared except in one instance their names were struck off the Register.

The only claimant who attended was James Brothers who proved to the satisfaction of the Verderers his right to vote and the Verderers thereupon entered his name on the Register.

The Register as completed was then signed by the Verderers present and ordered to be deposited in the manner prescribed by the New Forest Act 1877.

The Verderers proceeded to hear and decide the summons against the various Commoners summoned to attend the Court for breach of the Bye Laws made in pursuance of the New Forest Act 1877 for allowing their cattle to roam at large in the forest without having caused the same to be marked by the Agisters as directed thereby.

George Philpott v William Morgan Bennett – The defendant was charged on the information of George Philpott. For that he being one of the [p.96] Commoners of the said New Forest unlawfully did Allow certain animals to wit five cows to roam at large in the said New Forest without having caused such animals or either of them to be marked by one of the Agisters of the said New Forest contrary to the Bye Laws of the said New Forest duly made in that behalf and to the Statute in that case made and provided.

The Defendant pleaded not guilty and the Verderers proceeded to hear the case.

George Philpott on his oath saith as follows.

I am the Agister for the Northern District of the New Forest. I know from my own knowledge that M<sup>r</sup> Benett is a Commoner. On the 19<sup>th</sup> September last I saw five cows come out of the Defendant's yard and enter the Forest. I saw them in the Forest. I know them to be the Defendant's cows. I applied some time since to the Defendant for the fees for marking his cattle and left with the Defendant a copy of the regulations made by the Verderers for the due administration of the Forest.

The Defendant in defence stated his belief that no copies of the Bye Laws had been posted in Fritham and stated that not until the summonses had been served on him was he aware of the

existence of the Bye Laws also that the other Commoners cattle in the parish had not been marked by the Agisters.

The Verderers considered the case proved and decided to inflict a fine of 2/6 which would be the amount due as fees for marking the cattle and 6/- costs.

The fine and costs were paid.

George Philpott v James Spratt – Charged with a like offence (to wit three cows and two heifers at large etc.).

The Defendant pleaded guilty to the offence and was fined 5/6 and 6/- costs.

The Defendant paid the fine and costs.

[p.97]

Charles Newbold v Henry Davis – Charged with a like offence (to wit, one mare and two heifers at large &c.).

The Defendant pleaded Not Guilty.

Charles Newbold on his oath saith as follows.

I am the Agister for the Eastern District of the New Forest. I saw two heifers and one colt belonging to the Defendant on October 11<sup>th</sup> in Rhinefield Walk. The heifers and colt were not marked with the Agisters mark I know them to be the Defendant's cattle and him to be a Commoner. I asked Defendant for the fees for marking his cattle at the Blacksmiths Shop here in Lyndhurst some time since. He declined to pay them.

The Court convicted the Defendant and fined him 6/- and 6/- costs.

The fine and costs were paid.

Charles Newbold v William Jones – The Defendant was charged with a like offence (to wit three cows and one heifer at large etc.) and as he did not appear the Verderers proceeded to hear the case in his absence.

P.C. Thomas Dowding proved the service of the Summons on the Defendant's wife at the defendant's residence.

Charles Newbold on his oath saith as follows.

I am the Agister of the Eastern District of the New Forest. I saw three cows and one heifer belonging to the Defendant in Iron's Hill Walk on the 25<sup>th</sup> October last. I know them to be the Defendant's cattle and have applied for the head money and it has been refused. The beasts had not been marked by an Agister.

The Court convicted the Defendant and fined him 6/- and 6/- costs which was paid by his wife.

Charles Newbold v George Goulding – The defendant was charged with a like offence (to wit, two mares at large etc.) and pleaded guilty.

He was fined 4/- and 6/- costs.

The fine and costs were paid.

[p.98]

George Philpott v James Kernott – The Defendant was charged with a like offence (to wit five heifers at large etc.) and pleaded guilty.

He was fined 10/- and 8/8 costs.

The fine and costs were paid.

George Philpott v James King – The Defendant was charged with a like offence (to wit two cows two heifers and five horses at large etc.) and pleaded guilty.

He was fined 15/- and 6/- costs.

The fine and costs were paid.

Levi Gray v James Dowden – The Defendant was charged with a like offence (to wit three heifers at large etc.) and pleaded guilty.

He was fined 6/- and 6/- costs.

The fine and costs were paid.

Levi Gray v James J. Biddlecombe – The Defendant was charged with a like offence (to wit, nine horned cattle at large etc.).

He pleaded not guilty.

Levi Gray on his oath saith as follows.

I am the Agister of the Southern District of the New Forest. On the 28<sup>th</sup> day of October I saw nine milch cows which I knew belonged to the Defendant at Hatchet Pond in Lady Cross Walk ~~in Lady Cross Walk~~. The cattle had not been marked by an Agister but they were marked with a B. I am quite sure the cattle were there on the day in question.

The Defendant cross examined the Agister with a view to prove that the cattle were not there on the day in question but did not shake his evidence.

The Court convicted the Defendant and he was fined 4/6 and 6/4 costs.

The fine and costs were paid.

[p.99]

Levi Gray v Thomas Perry – The Defendant was charged with a like offence (to wit five horned cattle and five horses at large etc.) and pleaded guilty.

He was fined 12/6 and 6/- costs.

The fine and costs were paid.

Harry Sparks v William Broomfield – The Defendant was charged with a like offence (to wit Seven heifers at large etc.) and pleaded guilty.

He was fined 14/- and 7/- costs.

The fine and costs were paid.

Harry Sparks v Isaac Roberts – The Defendant was charged with a like offence (to wit five cows at large etc.) and pleaded not guilty.

Harry Sparks on his oath saith as follows.

I am the Agister of the Western District of the New Forest. On the 27<sup>th</sup> October I saw 5 cows belonging to the Defendant by the Long Pond in Burley Walk. The Cattle were not marked by me as Agister. I know they belong to the Defendant.

The Defendant cross examined the Agister with a view to proving that the cattle were not in Burley Walk but failed to shake his evidence.

The Court convicted the Defendant and he was fined 2/6 and 7/- costs.

The fine and costs were paid.

Same v same – The Defendant was charged with a like offence (to wit five heifers at large etc.) and pleaded guilty.

He was fined 10/- and 7/- costs.

The fine and costs were paid.

Harry Sparks v Fred Tuck – The Defendant who was charged with a like offence (to wit two horses at large etc.) [p.100] did not appear and a letter was read which he had written to William Moores stating his inability to attend the Court admitting his guilt and that he was willing to pay the fine inflicted.

The Verderers proceeded to hear the case in the defendant's absence.

Harry Sparks on his oath saith as follows.

I am the Agister of the Western District of the New Forest. On the 15<sup>th</sup> Oct<sup>r</sup> last I saw two horses in Rhinefield Walk which had not been marked by an Agister I know them to belong to the Defendant.

The Court convicted the Defendant and he was fined 4/- and 10/- costs.

The fine and costs were paid.

Harry Sparks v William Moores – The defendant was charged with a like offence (to wit twelve horses at large etc.) and pleaded guilty.

He was fined £1.4.0 and 6/- costs.

The fine and costs were paid.

Harry Sparks v George Young – The defendant was charged with a like offence (to wit, ten horses at large etc.) and pleaded guilty.

He was fined £1 and 7/- costs.

The fine and costs were paid.

George Philpott v Charles Thomas – The defendant was charged with a like offence (to wit 3 calves, 5 cows & 4 heifers at large etc.) and pleaded guilty.

He was fined 8/- and 7/8 costs.

The fine and costs were paid.

Charles Newbold v William Head – The defendant was charged with a like offence (to wit four cows at large etc.) and admitted the fact that his cattle were at large in the Forest on the day mentioned in the information but claimed exemption as a tenant of the Crown [p.101] from the operation of the Bye Laws under Section 12 of the New Forest Act 1877.

The Court having considered in this case the claim raised by the Defendant (who is a tenant under the Crown, of Commonable lands) that as such tenant he is under the 12<sup>th</sup> section of the New Forest Act 1877 exempt from the Bye Laws made by the Verderers in pursuance of the said Act. The Court disallow such claim to exemption.

The Verderers thereupon explained that it was necessary for the Defendant to plead guilty or not guilty to the offence before they proceeded to try his case and he thereupon pleaded not guilty.

The Verderers then proceeded to hear the case.

Charles Newbold upon his oath saith as follows.

I am the Agister of the Eastern District of the New Forest. On the 8<sup>th</sup> September I saw 4 cows at Bolton's Bench in Iron's Hill Walk belonging to the Defendant which were not marked by an Agister and they have never been brought to me to be marked. I know them to be the property of the Defendant. I have seen them come out of his yard. I saw them go over to the water and walk away feeding on the heath.

The Court convicted the Defendant and he was fined <2/-> 8/- and 6/- costs.

The Defendant declined to pay the fine or costs and a distress warrant was ordered to be issued for the recovery of the amount.

M<sup>r</sup> Roberts on behalf of the acting representative of the Crown attended and asked the Verderers to allow judgment to be stayed and to order that a distress warrant should not be issued until the Office of Woods had been consulted in the matter. The Verderers after considering the application decided to postpone the issue of a distress warrant for one month.

The Verderers <next> examined the application by Non-Commoners for licenses to depasture cattle in the New Forest which had been received by the Clerk since the last Court of Swainmote. The applications were adjusted and granted and the Clerk was directed [p.102] to issue licenses to the applicants.



It was decided that the rest of the business to be transacted should be referred to the General Purposes Committee to carry out and complete and a meeting of that Committee for the purpose was fixed for Monday the 1<sup>st</sup> December proxo at 11 o'clock a.m.

[signed] *H:C: Paulet. Dep: Chairman*

[p.103]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on the 26<sup>th</sup> day of January 1880.

Present

Sir Henry Charles Paulet Baronet	Deputy Chairman
George Edward Briscoe Eyre Esq <sup>re</sup>	}
Lieu <sup>t</sup> Col. William Clement Drake Esdaile	} Verderers
Joseph Henry Dart Esq <sup>re</sup>	}

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

The Clerk read the certificate of the High Sheriff for the County of the results of the recent election of Verderers when

Sir Edward Hulse Baronet  
and  
Joseph Henry Dart Esquire

were returned as Verderers of the New Forest.

(copy return)

New Forest Act 1877

I John Bonham Carter Esquire Sheriff of the County of Southampton and Returning Officer for the election of Verderers under the above mentioned Act hereby certify that in pursuance of the provisions of the said Act Sir Edward Hulse of Breamore House near Salisbury Baronet and Joseph Henry Dart of Beech House Ringwood Esquire were on the eighth day of January One thousand eight hundred and eighty elected Verderers of the New Forest.

Dated this fifteenth day of January One thousand eight hundred and eighty.

John Bonham Carter  
Sheriff and Returning Officer

[p.104]

The Clerk also produced the Sheriff's bill amounting to £22.17.6 for the expenses of the election of Verderers which was ordered to be paid and carried into next year's account.

The Clerk produced a notice from M<sup>r</sup> Fripp the Surveyor of Highways for the Lymington Board as follows.

(Copy notice)

Lymington Highway Board

January 20<sup>th</sup> 1880

Gentlemen,

I am directed by the Highway Board to request that you will be so good as to forthwith cut prune and plash the hedges and cut or prune the trees and to open cleanse and scour the several ditches and watercourses belonging to you or in your occupation in or near

the Highway lying between Brookley Stream and Hinchelslea in the Parish of Brockenhurst in the County of Hants to the intent that the water may be drained from the said Highway and that the sun and wind may not be excluded from such Highway to the prejudice thereof.

I am Sir

Your obedient Servant

Thomas. J. Fripp

Surveyor

To the  
Verderers of the New Forest.

The Clerk was directed to acknowledge receipt of the notice and to state that the question of liability to repair the drainage was at present the subject of correspondence between the office of Her Majesty's Treasury and the Verderers of the New Forest and that as soon as the question was definitely determined the Verderers (if liable to undertake these repairs) would give the matter their immediate ~~attention~~ consideration.

M<sup>r</sup> Reed being present stated the drainage referred to in such notice had been made and repaired out of the Dorchester Railway monies.

The Clerk reported that William Head who was fined at the last Court for not having his cattle marked in accordance [p.105] with the Bye Laws and who raised a question as to his liability (he being a tenant under the Crown) had paid his fines fees and costs amounting to eight shillings.

A proposed letter from the Verderers to the Lords Commissioners of Her Majesty's Treasury relative to the Dorchester Railway monies was settled as follows and the Clerk was directed to forward the communication to the Official Verderer.

(copy letter)

Sir,

I am directed by the Verderers of the New Forest to acquaint you that they have received with satisfaction the letter of the Lords Commissioners of Her Majesty's Treasury acquiescing in their proposal to take in charge the necessary repairs to the water-courses and bridges in the New Forest so far as the same have been made out of and repaired from the Dorchester Railway Monies if the Lords Commissioners should be willing to transfer to them as a permanent arrangement under Sec. 11 of the New Forest Act 1877 the entirety of the monies arising from the Dorchester Railway Act now standing in the names of the Official Verderer of the New Forest and the permanent Secretary of the Treasury.

As soon as the formal assent of the Lords Commissioners of Her Majesty's Treasury to this arrangement is conveyed to them and the monies are transferred accordingly under the provisions of the Act, the Verderers will proceed to order such repairs as may be immediately required and proceed with them from time to time regard being held to the means at their disposal arising from such monies.

I have the honor to be

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk

To  
The Secretary of the Treasury  
Whitehall  
S.W.

[p.106]

M<sup>r</sup> Dart brought to the attention of the Court the question whether entire commonable animals affected with any diseases other than “infectious or contagious” but which might be hereditary should be allowed to roam at large in the Forest.

The Verderers considered the question and thought they had full powers under Bye Law 2 to prevent such animals from roaming at large in the Forest.

M<sup>r</sup> Esdaile moved and Sir Henry Paulet seconded.

That all entire animals of Non Commoners who have licences be permitted to roam at large in the Forest on the same terms as those belonging to Commoners.

This motion was carried.

The account for the year 1879 under Section 38 of the New Forest Act 1877 was laid before the Verderers and approved and the Clerk was ordered to forward it to M<sup>r</sup> Webb that it may be audited.

The consideration of the question as to what repairs to drains should be done was ordered to stand over for the present and be first considered by the General Purposes Committee.

The Verderers then proceeded to consider the question of the Clerk's Salary having regard to the extra work thrown upon him by the passing of the Act of 1879 under the following heads.

- (a) As to out of pocket expenses for 1879.
- (b) As to exceptional expenses for 1879 for work done in respect of the Non-Commoners.
- (c) As to the Salary in future connected with the passing of the new Act of 1879.
- (d) As to payment for work done in preparing the Rate Book.

The Verderers were unanimously of opinion that the Clerk was entitled to be paid all out of pocket expenses connected with the Non-Commoners Bill of 1879 and that his Salary was not intended to cover such payments.

They assessed these payments at £16 for travelling expenses to London postages and telegrams and this amount together with his quarter's Salary of £25 was paid him forthwith.

[p.107]

The Verderers reserved the other points b, c, and d for the future consideration of a General Purposes Committee and the Clerk was directed so far as he was able to make out a Schedule of the actual work that he had done connected with the passing of the Act of 1879 and submit to the Verderers as a guide to them in forming their opinions on the reserved points.

The Agisters attended and reported as follows.

Levi Gray reported that he had received from the Commoners since the last Court fees for marking their cattle amounting to

		£13.11. 0
Harry Sparks	D <sup>o</sup>	23. 6. 0
Charles Newbold	D <sup>o</sup>	11. 6. 6
George Philpott	D <sup>o</sup>	8.12. 6

which amounts they respectively paid over to the Clerk.

Cheques for the balance of their Salaries up to 25<sup>th</sup> December were drawn and paid to them and their respective receipts taken.

Harry Cooper's fees (as Crier to the Court) amounting to £1.17.6 were also paid.

This terminated the business of the Court.

[signed] *H.C. Paulet*  
*Dep Chairman*

[p.108]

At a Court of Swainmote held at the Queen's House Lyndhurst on Monday the 22<sup>nd</sup> day of March 1880.

Present.

Sir Henry Charles Paulet Bart. Deputy Chairman  
Sir Edward Hulse, Baronet  
John Lane Shrubbs Esq<sup>re</sup>  
George Edward Briscoe Eyre Esq<sup>re</sup>  
Lieut Col. William Clement Drake Esdaile  
Joseph Henry Dart Esq<sup>re</sup>

The Court was opened with the usual proclamation by the Clerk [*sic*].

The minutes of the last Court were read and confirmed.

The Hon. G.W. Lascelles (Deputy Surveyor) attended the Court and stated that as numerous felonious fires of gorse heath and furze growing in the New Forest had lately occurred and that no less than eight were discovered last Saturday. He made application to the Court for the appointment of the five Forest Keepers as Special Constables.

His deposition having been taken as follows

New Forest in the County of Southampton to wit – I Gerald William Lascelles of Lyndhurst in the New Forest in the County of Southampton Deputy Surveyor of the said New Forest upon my oath say. That on the thirteenth, fifteenth, eighteenth, and nineteenth days of the present month a series of felonious acts have been committed in various parts of the said New Forest by some person or persons unknown to wit by setting fire to certain furze gorse and heath the property of Her Majesty the Queen whereby very serious injury might have arisen to the plantations and other property of Her said Majesty situate in the said New Forest and that I apprehend such offences will continue to be repeated. That the ordinary Constables for preserving the peace in the several parishes and Townships within [p.109] the perambulation of the said New Forest are not in my opinion sufficient in number for the detection and discovery of the offender or offenders, for the preservation of the peace and for the security of the property of Her said Majesty within the said New Forest.

(s<sup>d</sup>) Gerald W. Lascelles

Sworn by the said Gerald William Lascelles before us at a Court of Swainmote holden at Lyndhurst in the New Forest in the County of Southampton this 22<sup>nd</sup> day of March 1880.

(s<sup>d</sup>) W. Clement D. Esdaile

John Lane Shrubbs

H.C. Paulet

Edw<sup>d</sup>. Hulse

The Verderers thereupon unanimously determined in consequence of the above application made by the Deputy Surveyor of the New Forest to swear in the following persons as Special Constables to act within the limits of the New Forest viz<sup>l</sup>.

George Edwin Maynard

Brockenhurst

Forest Keeper

John Wilkins

Denny

D<sup>o</sup>.

William Baldry	Irons Hill	D <sup>o</sup> .
James Coles	Wilverley Lodge	D <sup>o</sup> .
George Bumstead	Ashley Lodge	D <sup>o</sup> .

who being in attendance at the Court were duly sworn in as special constables in the form prescribed by 1 and 2 William 4<sup>th</sup> Cap. 41.

The Clerk was directed to have the proper forms filled in and to give the necessary notices to the Home Office and Lord Lieutenant of the County.

Co<sup>l</sup> Esdaile moved seconded by M<sup>r</sup> Shrubbs.

That it having been represented to the Verderers at a Court of Swainmote that regular and systematic burning of heath and gorse in the Forest would be of great advantage to the pasturage of the Forest and would tend greatly to the prevention of illegal and felonious fires in the Forest the Verderers would recommend to Her Majesty's Commissioners in charge of the New Forest that such regular and systematic burning of heath and gorse under the direction of the Deputy Surveyor of the Forest should be carried out in such a way and to such an extent as to him may seem fit. This motion was unanimously agreed upon and the Clerk was [p.110] directed to forward a copy of it to the Deputy Surveyor.

The Verderers then proceeded to appoint a Crier to the Court in the place of the late Harry Cooper deceased.

An application from Charles Newbold one of the Agisters for the Office was handed in as follows.

Bank, Lyndhurst  
Feb. 23, 1880

Mr Mortimer

Sir,

I have taken the liberty of writing to you to ask if you would kindly ask the Verderers to appoint me Crier of the Courts in the place of the late M<sup>r</sup> Cooper. I thought it would not interfere in any way with my duty as I have to attend all the Courts, if you think Sir I am asking too much please do not say anything about it, from

Your obedient Servant  
Charles Newbold

Sir Henry Paulet proposed that Charles Newbold be appointed Crier of the Court at the same salary as the late Crier.

This motion was seconded by Col<sup>l</sup> Esdaile and carried unanimously.

The Court then proceeded to consider the Report of the General Purposes Committee which was presented by Sir Henry Paulet for consideration.

(Copy Report)

Your Committee recommend the adoption of the following Schedule of Fees for marking cattle in substitution for the one now in existence, viz<sup>t</sup>.

Milch Cows	-/6
Horned Cattle	1/6
Horses	1/6
Donkeys and Mules	1/6

Sheep	-/2
Pigs	-/4
Turves	-/6 per thousand

Your Committee unanimously agree to recommend the following Schedule of fees as those to be paid in future by [p.111] Non Commoners.

2/6	for each license
3/-	head money

The marking fees to remain the same as those paid by Commoners.

Your Committee recommend that the sum of 80 guineas be paid to the Clerk for his services in connection with the New Forest Act 1879.

Your Committee further recommend that his Salary be for the future increased to £150 per annum.

Your committee also recommend that £30 should be paid to the Clerk for the special work of preparing a rate book or valuation lists as already agreed.

Sir Henry Paulet proposed seconded by Co<sup>l</sup> Esdaile that the Schedule of fees as recommended by the said report of the General Purposes Committee for marking the cattle of Commoners be adopted.

M<sup>r</sup> Eyre asked a question as to the fees for marking sheep and was answered by the Chairman.

The motion was then put and carried.

The Clerk reported that he had advertized the intended application to the Court of Quarter Sessions for confirmation of the above alteration and had sent a notice to be put on the Agenda paper of the next Court of Quarter Sessions with reference thereto at the request of the Official Verderer.

On the motion of Sir Henry Paulet seconded by M<sup>r</sup> Eyre that part of the report which dealt with the fees to be paid by Non Commoners was adjourned until the 19<sup>th</sup> April (the date fixed for the next Court of Swainmote) for discussion.

The remainder of the Report was then considered and adopted.

The Court proceeded to try the case of

Harry Sparks v Henry Woodford – The Defendant was charged on the information of Harry Sparks. For that he being one of the Commoners of the said New Forest unlawfully did allow certain animals to wit three milch cows and one horse to roam at large in the said New Forest without having caused such animals or either [p.112] of them to be marked by one of the Agisters of the said New Forest contrary to the Bye Laws of the said New Forest duly made in that behalf and to the statute in that case made and provided.

The Defendant pleaded guilty and was fined 3/6 and 6/6 costs, which he at once paid.

The Clerk produced a financial Statement as follows.



Financial Statement  
presented to a Court of Swainmote on the 22 March 1880.

1880	Balance from Audited a/c for } 1879 }	169	4	2	Feb. 19	To High Sheriff for expenses of Election	22	17	6
	By fees received from the } Agisters at the Court } of Swainmote on the } 26 <sup>th</sup> January }	56	16	0					
	“ D <sup>o</sup> received by General } Purposes Committee }	10	3	6					
	“ Fees for license to W. Butcher viz <sup>t</sup> . Fee for license 1-0 Head Money 2-6 Marking <u>2-0</u>								
	£ 236	9	2			Balance in hand	213	11	8
						£ 236	9	2	

The Agisters attended but they had respectively nothing to report.

They stated however that their Salaries were insufficient and asked the Court to take the matter into consideration.

Charles Newbold paid over the sum of £1.15.0 received for marking Commoners Cattle during the year 1879.

Cheques were ordered to be drawn for the Clerk and Agisters [p.113] quarter's salaries to the 25<sup>th</sup> March 1880 and for the payments ordered to be made to the Clerk.

The Court was then formally adjourned by the Crier until Monday the 19<sup>th</sup> April next at 12 o'clock.

[signed] *G Sclater Booth, O.V.*

[p.114]

At a Court of Swainmote held at Lyndhurst on Monday the 19<sup>th</sup> day of April (at the Queen's House) 1880.

Present

The R <sup>t</sup> Hon. G. Sclater Booth, M.P., Official Verderer	
Sir Henry Charles Paulet Baronet	}
John Lane Shrubbs Esq <sup>re</sup>	}
George Edward Briscoe Eyre Esq <sup>re</sup>	} Verderers
Lieu <sup>t</sup> Co <sup>l</sup> William Clement Drake Esdaile	}
Joseph Henry Dart Esq <sup>re</sup>	}

The Court was opened with the usual proclamation by the Crier.

M<sup>r</sup> Seager a Commoner of the New Forest attended and applied for an alteration of the rule as to marking yearling ponies on the plea that a tail mark spoilt their sale. A discussion on the subject took place with him and it was agreed that the marking should take place but that it ought to be so arranged as to meet the objection raised.

The minutes of the last Court were read and confirmed.

The Clerk reported that the alterations proposed by the Verderers in the Bye Laws had been approved by the Court of Quarter Sessions. He was directed to enter the Order of Quarter Sessions when received on the minutes (see copy at foot).

The question of the payments to be made by Non-Commoners which was adjourned from the last Court for discussion was introduced by the Official Verderer.

A long discussion arose in which all the members of the Court took part.

It was unanimously resolved that the future charge for a license should be 2/6.

M<sup>r</sup> Eyre moved that the head money to be charged [p.115] to Non Commoners should be 1/6 per head.

The Official Verderer seconded this motion.

The motion was put and lost.

Sir Henry Paulet moved that the head-money to be charged to Non Commoners shall remain as at present viz. 2/6 per head.

This motion was seconded by M<sup>r</sup> Shrubbs and carried.

The Official Verderer reported that he had seen the Secretary to the Treasury Sir Ralph Lingen and had conferred with him as to the ultimate appropriation of the Dorchester Railway Fund and that there still seemed to be a question undecided viz<sup>t</sup>. Whether the whole sum be handed to the Verderers subject to their keeping the main drains in order or whether as a final appropriation under Sec. 11 half of the fund should be handed to the Verderers without any such responsibility and half retained by the Crown subject to the latter keeping the drains in proper order.

The Clerk produced a letter from M<sup>r</sup> Moore as follows.

(copy letter)

Lymington Highway Board  
Lymington  
April 14<sup>th</sup> 1880

Dear Sir,

I am directed by the Highway Board for the District of Lymington to inform you that the drains in the New Forest by the sides of the Highways and within this District require cleaning and I have to request that you will kindly bring the matter before your Court of Verderers with a view to the same being attended to.

I am dear Sir,

Your truly,

E.H. Moore

Clerk

G.F.W. Mortimer Esq<sup>re</sup>

Clerk to the Verderers

Queen's House

Lyndhurst

[p.116]

He was directed to reply that the Verderers had nothing to do with the subject matter of the application.

The Verderers next considered M<sup>r</sup> Seager's application and after a discussion on the subject Co<sup>l</sup> Esdaile moved that the Agisters be instructed to take care to use such a mark in marking yearlings as shall not deteriorate their value for immediate sale.

This motion was seconded by Sir Henry Paulet and carried.

Sir Henry Paulet brought up the question of stallions roaming at large in the Forest which had not been passed and marked.

It was unanimously agreed that the Agisters immediately put into force Bye Law N<sup>o</sup>. 2, with respect to the condition as to breed and otherwise <under> which stallions bulls and other male entire commonable animals are to be allowed to roam at large in the Forest.

The Clerk produced the financial Statement and M<sup>r</sup> Lordan's bill for printing <which were approved> and the latter ordered for payment.

(copy statement)

Financial Statement presented to a Court of Swainmote on the April 19th 1880

1880	Balance from a/c presented at last Court	213	11	8	1880				
Ap. 7	By Paymaster General	100	0	0	Mar. 24	To cheque book		2	6
	” Fine and costs of Woodford		10	0	25	“ M <sup>r</sup> Mortimer ¼'s salary to 25 March	37	10	0
	” Marking fees received from Newbold	1	5	0		“ D <sup>o</sup> . for services in connection with Non Commoners Act	84	0	0
						“ D <sup>o</sup> for work in connection with Rate Book	30	0	0
					Ap. 3	“ H. Sparks a/c of ¼ Salary	7	10	0
						“ Levi Gray D <sup>o</sup>	7	10	0
						“ G. Philpott D <sup>o</sup>	7	10	0
						Balance	<u>141</u>	<u>4</u>	<u>2</u>
		£ 315	6	8			£ 315	6	8

The cheque paid at the last Court to Charles Newbold amounting to £7.10.0 has not yet been paid into the Bank.

[p.117]

The Clerk was directed to write to M<sup>r</sup> Lascelles the Deputy Surveyor of the Forest that the due carrying out of Bye Law N<sup>o</sup> 6 required the assistance of the Forest Keepers and request him to give instructions to the Forest Keepers to make arrangements with the Agisters for the carrying out of the said Bye Law.

The question of the rearrangement of the Committees stands over to the next Court for discussion.

The applications by Non Commoners for licenses were gone through and approved.

This terminated the business of the Court.

[signed] *H.C. Paulet*  
*Dep: Chairm<sup>n</sup>*

[p.118]

At a Court of Swainmote held at the Queen's House Lyndhurst on Monday the 21<sup>st</sup> day of June 1880.

Present

Sir Henry Charles Paulet Bart.	Deputy Chairman
John Lane Shrubbs Esq <sup>re</sup>	}
G.E.B. Eyre Esq <sup>re</sup>	}
Lieut Col <sup>l</sup> W.C.D. Esdaile	} Verderers
Joseph H: Dart Esq <sup>re</sup>	}

The Court was opened with the usual proclamation by the Crier.

The minutes of the last meeting were read and confirmed.

Levi Gray v William Moores – The Defendant was charged for that he being one of the Commoners of the New Forest unlawfully did allow a certain animal to wit one entire horse to roam at large in the said New Forest the same not having been inspected and marked by some person appointed by the Verderers contrary to the Bye Laws of the said New Forest duly made in that behalf and to the Statute in that case made and provided.

Levi Gray on his oath saith as follows.

I am an Agister of the New Forest. I know the defendant. He lives at the “Rising Sun Inn” Wootton. He has an entire horse not passed by the Verderers. It was in the Forest roaming at large on the 28th May and is there now. I saw it this morning. It has not been marked by an Agister. It is in my district. I saw the horse in the Forest at Balmer Lawn.

Cross examined by the Defendant.

I have known the horse about 2 years or more. It is a brown horse, it has a mark. I can't swear that it has a brand mark. You have several times owned to me that you were the Owner and you have owned it within two years to me. I never saw you drive it. I should call the horse four years old. It may be older.

[p.119]

Harry Sparks sworn saith as follows.

I know the horse in question. I always understood that it was Mr Moore's horse. I have heard so from many other people beside Levi Gray.

The Verderers considered the case proved and decided to inflict a fine of 10/- and costs 6/10 which amounts were paid. The defendant was allowed one week to get the horse in from the Forest.

Levi Gray v James Hutchings – The Defendant was charged with a like offence to wit 3 horses at large in the Forest on the 7<sup>th</sup> May.

The defendant pleaded guilty and was fined 2/6 and costs 7/2. The fine and costs were paid.

Levi Gray v James Hutchings – charged with a like offence to wit one horse roaming at large in the Forest, etc., on the 10<sup>th</sup> May.

The Defendant pleaded guilty and was ordered to pay the costs only, viz<sup>t</sup> 6/6.

Levi Gray v Alfred Manuel – The defendant was charged with a like offence on the 10<sup>th</sup> May to wit three horses roaming at large in the Forest etc.

The defendant pleaded not guilty and after hearing his explanation the Summons was dismissed.

Harry Sparks v George Barnes – The defendant was charged with a like offence on the 20<sup>th</sup> May to wit Five horses roaming at large, etc.

The defendant pleaded guilty.

In this case he had forged marks on two horses and the Verderers having considered it a bad case fined him £1.2.6 and costs 8/8.

[p.120]

Harry Sparks v George Young – The defendant was charged with a like offence on the 25<sup>th</sup> May to wit Six horses roaming at large in the Forest, etc.

The defendant pleaded guilty and was fined 10/- and costs 7/2.

Harry Sparks v Samuel Barrott – The defendant was charged with a like offence on the 25<sup>th</sup> May to wit Six horses roaming at large in the Forest, etc.

The defendant pleaded guilty and was fined 10/- and costs 9/2.

Applications were made by several Non Commoners for licenses to depasture their cattle in the Forest and after consideration each application was granted. Subsequently the Clerk issued the licenses and took the fees for them.

The Report of the General Purposes Committee was read and considered and the Verderers having made an addition to the proposed alterations as to Non Commoners the report was adopted and application to Quarter Sessions for confirmation was ordered.

(Copy Report)

Your Committee recommend that for the purpose of enlarging the powers of the Verderers as to the exclusion of Non Commoners' cattle from the Forest that Bye Law 3 be repealed and the following substituted viz<sup>t</sup>.

Every person not being a Commoner of the <New> Forest shall upon being required by an Agister of the New Forest to remove any cattle or other animal belonging to such person from the Forest forthwith comply with such requirement unless a license from the Verderers for such cattle or other animal shall have been previously obtained and

shall be still in force and shall not allow such cattle or other animal to reenter the Forest  
<unless or until such person shall procure a license for the same.>

Your Committee report that they have considered the question of enforcing payments for Pannage and Turbary under Bye Laws 5 and 6. With regard to Turbary they are of opinion that in consideration of the advanced period of the year and the dryness of the season the matter should be deferred till next year.

Your Committee report that they have arranged with the [p.121] Deputy Surveyor of the Forest in order to enforce the payment for pannage that the Agisters be instructed at pannage time to require every Commoner before proceeding to exercise the right of pannage to produce the ticket issued to him by the Forest Keeper. The Agister is then to countersign the ticket on the back thereof and having marked the animals and received the money for having done so give a receipt for the same at the rate of 4d for each pig mentioned in such ticket.

The Court next took into consideration the question of the Agisters' pay.

On the motion of Mr Esdaile seconded by Mr Dart.

It was unanimously resolved that in future the Agisters be paid at the rate of £70. This amount to commence from the 25th March.

The usual cheques for the Clerk's and Agisters' salaries were drawn out and given to the Clerk and Agisters.

The Financial Statement was produced by the Clerk and approved.

(Copy Statement)

Financial Statement

presented to a Court of Swainmote on the 21st day of June 1880.

1880					1880				
April	By Balance from last a/c	141	4	2	Ap. 23	To Charles Newbold on a/c of			
May 24	” Fees for licenses to Non-Commoners	47	2	6	May 6	” Mr Lordan for printing &c	7	10	0
	” Head money	107	14	6		” Balance in hand	319	19	1
	” Marking fees	<u>45</u>	<u>0</u>	<u>6</u>					
		£ 341	1	8			£ 341	1	8

The question of Crown Tenants being required to pay marking fees was adjourned for consideration at the next General Purposes Committee as was also the question of the alteration of Bye Law 2.

The question of the constitution of the several Committees of Verderers was considered.

Mr Eyre moved and Mr Dart seconded.

That the Finance Committee be merged in the General [p.122] Purposes Committee and that only one Committee exist in future of which three form a quorum.

This motion was carried.

An anonymous letter from a Non Commoner was read as follows.

(Copy letter)

Godshill.

June 7, 1880.

Dear Sir,

I have taken the liberty in sending these few lines to you respecting the cattle affair in the New Forest. There is a great many persons that have paid for their cattle to run and graze in the Forest and a great many still continue the same that have not taken out a license for that purpose and they still maintain they will not do it and them that have paid do not think it to be a fair thing. I am speaking upon Non Commoners. If you let the parties that have not paid slip in this manner not to compel them it will be a very good guide for all another year. I will give you a list of a few I know that have not paid and the number of cattle they have running in the Forest as near as I have found. I will give you their names, they is all Non-Commoners. Whenever you think of driving you must have a strong force to do it, then there will be a strong party against you for that purpose to prevent you from driving the cattle into a pound and after you can get them in a pound some one must bide with them or they will get them out.

All of Godshill.	William Mist,	23 horses, 2 cows
	James Moulard	18 horses, 2 cows, 1 heifer
	George Chalke,	17 horses
	John Chalke	2 horses, 2 cows
	John Chalke Jun.	2 horses
	Charles Moulén,	2 horses, 1 cow, 1 heifer
	George Eldridge.	6 horses
	George Trigél	1 cow
	George Moulard (no land)	1 horse.

I have cattle myself in the Forest but I have paid you for it and have license to shew for it.

[p.123]

I shall not sign my name to this. If it became known to the party I send to you I should be revenged for so doing.

The Clerk was directed to order the Agister to whose district it referred to make immediate enquiries into it and to report the result of his enquiries to the next General Purposes Committee.

The Agisters produced their accounts and paid over the amounts received by them for marking as follows.

Levi Gray	11.13. 6
Harry Sparks	<23.10. 6 stop out of cheque>
Charles Newbold	21. 1. 6
George Philpott	15. 8. 2
	<71.13. 8 [sic]> £48. 3. 2

Mr Esdaile presented the following petition which was ordered to be entered on the minutes.



(Copy)

To The Hon<sup>ble</sup> The Verderers of the New Forest.

Gentlemen,

The undersigned owners and occupiers of rights to depasture cattle in the New Forest beg most respectfully to ask you to take into your consideration the desirability of destroying the furze now growing on some of the best pasturage in the Forest to the loss of the feed for our cattle.

Name	address.
Peter Biles,	The Cedars, Poulner, Ringwood.
John Burroughs,	Poulner.
William Mills,	Poulner, Ringwood.
Charles Ayles,	Kingston, Ringwood.
James Dear.	
John Tanner,	Poulner.
William White,	Godshill.
Frederick Ayles,	Ringwood.
John Parker	
Noah Parker	Lynwood.
Samuel Dear,	Burley.
Henry Sims.	

[p.124]

F. Lydford,	Hugh Tanner,	W.M. Bradford
William Barnes,	Kingston.	
George Hatchard,	Highwood.	
Mark Hatchard,	Linwood.	
Isaac Hatchard,	Linford.	
Michael Thomas,	Poulner.	
Vincent Shutler,	Poulner.	
William Ayles,	Kingston.	
Frances Bastable,	Kingston.	
George Witt,	Ashley.	
James Street,	Crowe.	
Thomas Tanner,	Burley.	
Isaac Sims,	Burley.	
John Sparks,	Avon.	
John Watts,	Burley.	
Jeremiah G. Coles,	Hurst Farm.	
Charles Thomas,	Linwood.	
Walter Tanner,	Poulner.	
Henry Davis,	Brook.	
James Tuck,	Highwood.	

The Honble Gerald Lascelles the Deputy Surveyor attended and handed the following reply to the Court relative to burning heath, etc.

(Copy letter)

June 21<sup>st</sup> 1880

Sir,

With reference to your letter of the 31<sup>st</sup> ulto with a copy of a resolution arrived at at the Court of Swainmote held on March 22<sup>nd</sup> relating to the prevention of felonious fires in the New Forest I beg to state that I have laid the matter before the Commissioners of Woods, &c, and have received his sanction to burn certain breadths of heath, &c, around the various enclosures and along both sides of the railway running through the Forest.

I have the honor to be Sir  
Your faithfully  
Gerald Lascelles

G.F. Mortimer Esq<sup>re</sup>

[p.125]

The question of gipsies was also brought to the attention of the Court by Mr Lascelles and the Agisters were instructed on the subject.

The Agisters were ordered to go carefully through their districts and report to the next General Purposes Committee as to the cattle in their districts still unmarked.

They had also fully explained to them the duties they were expected to render now that their salaries were increased.

This terminated the business of the Court.

[signed] *H:C: Paulet: Dep: Chairman.*

[p.126]

At a Court of Swainmote held at the Crown Hotel, Lyndhurst, on the 30<sup>th</sup> day of August 1880.

Present

Sir H. C. Paulet, Baronet. Deputy Chairman	
George Edward Briscoe Eyre Esq <sup>te</sup>	}
John Lane Shrubbs Esq <sup>te</sup>	} Verderers
L' Col William Clement Drake Esdaile	}

The Court was opened at the Queen's House with the usual proclamation by the Crier and was immediately adjourned to the Crown Hotel on account of the Queen's House undergoing repairs.

The minutes of the last meeting were read and confirmed.

George Gale v Isaac Light – The defendant was charged with committing a trespass on land belonging to her Majesty the Queen in the New Forest and then and there damaging the vert of the said Forest by making holes in the soil of the said Forest.

The defendant did not appear.

James Wheeler, sworn, saith: I did on Thursday the 19<sup>th</sup> day of August Inst. serve a duplicate of the summons produced on Isaac Light the above named defendant personally. He said he was going up the country hopping and did not think he should be able to appear to it.

M<sup>r</sup> Harfield who appeared on the part of the Crown to prosecute then addressed the Court and called.

George Gale. Who on his oath saith as follows.

I am assistant to William Baldry the Keeper of Iron's Hill and Ashurst Walks in the New Forest. I know the defendant Isaac Light. He was in the habit of putting up sticks with cocoa nuts on them for people to throw sticks at and for this purpose making holes in the vert of the Forest. He also places sticks with canvas attached to them round the sticks supporting the cocoa nuts [p.127] as a screen to prevent the nuts and sticks thrown at them from being lost. On the 5<sup>th</sup> day of August I went to a spot behind the Hotel Garden at the Lyndhurst Road Railway Station. I saw the defendant there. He was working holes in the vert of the Forest with an iron bar. The holes were for the purpose of putting in the sticks supporting the canvas and those supporting the cocoa nuts. The spot in question is in Ashurst Walk. I watched the defendant but I did not speak to him there. I went away directly to M<sup>r</sup> Baldry and reported the case to him. I have ordered Light off from this spot before from time to time. He has wanted to know why others were not cleared off as well as him. I have ordered others to clear off when they pitch up or erect any fixture on the Forest. Persons coming into the Forest for pleasure have complained of the annoyance caused to them by the defendant and others.

William Baldry sworn, saith: I am keeper of Iron's Hill and Ashurst Walks. In consequence of the last witness Gale's report I went on the 5<sup>th</sup> August to the spot referred to by Gale. I saw the defendant Light and spoke to him. He is the owner of the cocoa nut sticks &c which I then saw

pitched there. I saw four large holes in which were put stakes supporting the canvas screen and about 12 or 15 smaller holes in the ground for the cocoa nut sticks. The defendant in cutting these holes destroyed the vert of the Forest. Parties have complained to me of Light being there and the annoyance he has caused them. I said to Light "You have been strictly forbidden to come on this piece of ground again". I had on a different occasion given him notice myself not to do so and on one occasion just lately with the assistance of others forcibly removed him. He replied "I know I have". I then said "Why did you come again". He said that he intended to come when he thought fit. I said "Are you going to set me at defiance and all the Verderers". He said he should try to do so. He said that he had spoken to M<sup>r</sup> Morant who told him he had a perfect right to pitch up where he thought fit in the New Forest. I said "Do you intend to come here again" and he said "Yes! all the summer".

The making of holes is a damage to the vert of the Forest and destroys the sward thereof. I reported the matter to my superiors.

The Verderers considered the case clearly proved and convicted the defendant in penalty of £1.0.0 and costs 9/6 to be levied by distress and in default of distress 14 days imprisonment with hard labor.

[p.128]

William Baldry v John Pidgley – Charged with a similar offence.

The summons in this case had not been served.

George Philpott v John Chalke Jun<sup>r</sup> – Charged with breach of Bye Law 3 after due notice.

The defendant appeared and pleaded guilty.

He was fined 13/- and 10/- costs which amounts he paid.

This ended the public business of the Court.

The Agisters attended and reported as follows.

First. Levi Gray reports that except in two or three instances all the cattle in his district were marked.

The following are the owners of the excepted cattle.

Edward Westbrook	Exbury
Henry Saunders	Milford
James Dowden	Cators Cottage

The Agisters were directed at once to summons all persons within their respective districts having cattle in the Forest unmarked or without a license in the case of Non Commoners.

Second. George Philpott reported John Chalk Sen<sup>r</sup> a Non-Commoner for having two milch cows in the Forest on the 28<sup>th</sup> August without a license after due notice to remove the same.

He was ordered to be summoned for breach of Bye Law 3.

[p.129]

Third. George [*sic*] Newbold reported that so far as he knew all the cattle in his district were marked and he paid £1.15.0 for fees for marking Commoners cattle taken since the last General Purposes Committee.

Fourth. Harry Sparks reports that persons in his district stated that it would be more convenient to them to have their cattle marked in the last three months. He was asked for the money that he had received for marking but he stated that he had not collected it.

He was reprimanded and given three weeks in which to collect all the fees and to pay the same to the Clerk.

The report of the General Purposes Committee was then read and after some verbal alterations with the exception of the proposed letter to the Treasury was on the motion of Sir H.C. Paulet seconded by M<sup>r</sup> Shrubbs unanimously adopted.

The proposed letter to the Treasury was considered and a draft of it finally settled ~~for the approval of~~ <and ordered to be sent to> <G.S.B.> the Official Verderer with a view to its approval at the next Court.

A license was ordered to be granted to John Chalk Jun<sup>r</sup> for one horse to roam at large in the Forest.

M<sup>r</sup> Hives attended and stated that he had received the Clerk's letter as to turning sheep out in the Forest but that he understood ~~that~~ as a Crown Tenant he had a right to turn out sheep into the Forest. As however it did not pay him to do so he did not intend in future to turn them out. Should he at any time desire to do so he would give fair notice to the Agister of his intention that the question of his right to do so as a Crown Tenant might be tried out.

This terminated the business of the Court.

Copy General Purposes Committee Report as adopted.

Your Committee submit for the approval of the Court an amended form of License to Non Commoners to depasture cattle in the New Forest which they recommend for adoption.

Your Committee recommend that the ordinary period for marking the cattle of Commoners be in future fixed between the first day of [p.130] December and the last day of February and that in order to carry out this recommendation that regulation 6 be altered and stand as follows.

To attend at places within or adjacent to the Forest and at such times as may be directed by the Verderers for the purpose of receiving and marking cattle pigs and other commonable animals of the Commoners of which places public notice will be given annually.

That clause 7 be omitted altogether.

They further recommend that a notice of the amount of fees to be paid by Commoners for marking cattle pigs and other commonable animals be added to the published instructions given to the Agisters and that clause 16 be amended to meet the alteration proposed hereafter in Bye Law N<sup>o</sup> 4.

That Bye Law No 1 has been under their consideration but they are not yet prepared to recommend what specific alterations should be made therein relative to the removal of infectious animals from the Forest.

That Bye Law N<sup>o</sup> 2 has been carried out but has not been productive of the desired results.

They recommend the substitution of the following for the existing Bye Law N° 3.

Every person not being a Commoner in the Forest shall upon being required by an Agister of the New Forest to remove any cattle or other animal belonging to such person from the Forest forthwith comply with such requirement unless a license from the Verderers for such cattle or other animal to depasture in the Forest shall have been previously obtained by such person and shall be in force and every such person shall not allow such cattle or other animal to re enter the Forest unless and until he shall have procure a license for the same to depasture therein.

They recommend that the second part of Bye Law N° 4 be altered and that it stands as follows.

Every such Commoner before allowing such animal to roam at large in the Forest shall pay to the Agister forthwith after such animal has been marked such sum as is for [p.131] the time being appointed by the Verderers in the exercise of the powers conferred on them in that behalf as the payment to be made in respect of the marking of such animal and that the scale of payments be omitted.

[signed] *G. Sclater Booth*

[p.132]

At a Court of Swainmote held at the Crown Hotel on [*sic*] Lyndhurst on the 9<sup>th</sup> day of October 1880.

Present

The R <sup>t</sup> Hon <sup>ble</sup> G. Sclater Booth, M.P.		Official Verderer
Sir H.C. Paulet Bart	}	
John Lane Shrubbs Esq <sup>re</sup>	}	Verderers
L <sup>t</sup> C <sup>ol</sup> W.C.D. Esdaile	}	

The Court was opened with the usual proclamation by the Crier and immediately adjourned from the Queen's House which was still undergoing repairs to the Crown Hotel.

The minutes of the last Court were read and confirmed.

William Baldry v John Pidgley – The defendant was charged with committing a trespass on land belonging to her Majesty the Queen in the New Forest and then and there damaging the vert of the said Forest by making holes in the soil of the said Forest.

The defendant did not appear.

Charles Cull P.C. on his oath saith as follows.

I served a duplicate of the summons now produced on John Pidgley the defendant personally on Saturday the 2<sup>nd</sup> day of October 1880 at Lymington.

William Baldry on his oath saith as follows.

I am a keeper of Iron's Hill and Ashurst Walks in the New Forest. On Monday, July 19<sup>th</sup>, I went to Bartley Green in Iron's Hill Walk. I saw the defendant there, he asked me if I would allow him to pitch his cocoa-nut sticks and canvas up. I told him I strictly forbade him to do so and if he did it he would be summoned before the Verderers, he made no answer. He waited for about two hours and then he and his two sons began making holes in the ground in the Forest. They made about 25 or 30 holes to put cocoa nut sticks in to. The defendant damaged the [p.133] vert of the Forest in so doing. Under orders received I had previously removed the Defendant from the Forest. I warned him that if he returned he would be summoned before the Verderers.

The Verderers considered the case proved and fined the Defendant £1 and 9/- costs to be levied by distress and in default to be committed for 14 days imprisonment.

George Philpott v John Chalk Sen<sup>r</sup> – Charged with breach of Bye Law 3 after due notice.

The defendant appeared and pleaded not guilty.

George Philpott on his oath saith as follows.

I am an Agister of the New Forest. I served a duplicate of the notice now produced on the defendant's wife on the 21<sup>st</sup> day of August last. On the 28<sup>th</sup> August I was watching for the defendant's cattle to come from his premises. I saw the defendant bring two cattle of his premises and leave them in the Forest at Godshill in Ashley Walk. He did not drive them into any other land

but went back and shut his gate. I watched them for about 20 minutes or so. He went back inside his premises and was there, whilst I was watching. I am sure I was watching for a quarter of an hour. I do not know that he occupies any other land than that from which the cattle came. I applied to the Verderers for the notice to serve on the defendant. I have seen these cows before grazing on the Forest at different times of the day with no one in charge of them. I have seen them three or four times. I gave the notice to the defendant's wife and have spoken to him about the cows. He said he could not drive the cows to his other land without going on the Forest.

The defendant pleaded that he was unable to drive his cows from one part of his land to the other without going on to the Forest and that he was so driving them on this occasion.

The Verderers gave him the benefit of the doubt and dismissed the case with a caution as to his future conduct.

The defendant thereupon applied to be granted a license and his application was considered and granted.

This terminated the public business.

[p.134]

The Verderers proceeded to consider the reply to be sent to the Treasury relative to the Dorchester Railway Fund and after discussion the letter submitted to the Court by the General Purposes Committee was altered and adopted and the Clerk was directed to forward it to the Permanent Secretary to the Treasury.

The Verderers directed the General Purposes Committee at once to proceed to draft a letter in reference to the last clause of the adopted letter setting forth a scheme for the final appropriation of the Dorchester Railway Fund.

The Verderers considered the amendments to the Bye Law to be adopted at the next Quarter Sessions and ordered that all questions upon Bye Law N<sup>o</sup> 1 be referred to the General Purposes Committee for a report thereon.

The Financial Statement was produced and read as follows.



Copy Statement  
Financial Statement  
presented to a Court of Swainmote on the 9<sup>th</sup> day of October 1880.

By balance from last a/c	319	19	1	To Charles Newbold on a/c of Salary	10	0	0
” Monies received from Non- Commoners on the 21 <sup>st</sup> June	3	1	6	” Levi Gray D <sup>o</sup>	10	0	0
” Marking fees received by the Agisters up to Aug 16 <sup>th</sup>	187	15	10	” George Philpott D <sup>o</sup>	10	0	0
” Fine and costs imposed on persons for breach of Bye Laws less payment to police for service	4	3	6	” Harry Sparks D <sup>o</sup>	10	0	0
” Fine and costs of J. Chalk D <sup>o</sup>	1	3	0	” Charles Newbold D <sup>o</sup>	15	0	0
” Marking fees received by Charles Newbold to Aug. 30	1	15	0	” Levi Gray D <sup>o</sup>	15	0	0
” Fees for license to John Chalk		6	6	” George Philpott D <sup>o</sup>	15	0	0
” Cheque of Harry Sparks on a/c of marking fees received by him	<u>16</u>	<u>0</u>	<u>0</u>	” Harry Sparks	15	0	0
	£ 534	4	5	” M <sup>r</sup> Mortimer ¼'s salary to 24 <sup>th</sup> June	37	10	0
				Balance in hand	396	14	5
					£ 534	4	5

The following bills were ordered to be paid

[p.135]

Salisbury Winchester Journal – advertising	5. 7. 6
Hampshire Advertizer D <sup>o</sup>	7.13. 7
Drake & Co for Agisters Books	2. 2. 0

The Official Verderer reported that he had received the resignation of Sir Edward Hulse of his office as Verderer of the New Forest which he now submitted to the meeting.

The letter containing such resignation was ordered to be entered on the minutes.

(Copy)

Breamore House.  
Salisbury, Oct 5, 1880.

My dear Sclater Booth,

I find my medical attendant M<sup>r</sup> Coates of Salisbury disapproves so decidedly [*sic*] of my engaging to attend any meetings at Lyndhurst during this winter that I have resolved with much regret to place in ~~my~~ <your> hands my resignation of the office of Verderer to which the Commoners re-elected me a little more than a year ago. I must ask you when you next attend one of your usual Courts to inform my colleagues of the step I now feel bound to take and that you will proceed when convenient to the selection of some other New Forest Land Owner who may be willing to apply himself to the customary duties of the office.

Yours very faithfully,  
Edw<sup>d</sup> Hulse

The Rt Hon<sup>ble</sup>  
G. Sclater Booth

The Official Verderer spoke on the subject and thereupon a discussion arose.

M<sup>r</sup> Shrubbs proposed that the resignation of Sir Edward Hulse be accepted and that Lord Henry Scott be appointed Verderer in his stead.

This motion was seconded by M<sup>r</sup> Esdaile and carried unanimously.

A discussion arose as to impounding cattle and the pounds to which they were to be taken and it was decided to impound all cattle in the Forest unmarked under the powers contained in 59 Geo. 3, Cap. 86.

[p.136]

The Clerk produced the claims which had been sent in by persons desiring to be placed on the Register of Commoners entitled to vote at an election of Verderers three of which were allowed and notice to be given to the fourth claimant to attend at the next meeting and support his claim.

The Agisters attended and reported as follows.

Charles Newbold reported John Hinvest a Non Commoner for having a donkey at large in the Forest without a license for the same. The Verderers ordered a notice to be served on him to remove the donkey and in default of his compliance with the same that a summons be issued to compel him to do so.

Charles Newbold paid £2.11.0 he had received up to this time for marking fees.

He stated that he had a little more to collect.

Instructions were given him to ascertain from the Forest Keeper the number of pigs ovasted by him and the names of the persons who owned them and to collect from such persons the necessary fees of 4<sup>d</sup> per pig under the Bye Laws and to mark the ovast ticket issued by signing his name across the ticket together with the sum taken for pannage.

He stated that he had marked 1149 head of cattle.

Harry Sparks reported that he had received for marking from the 1<sup>st</sup> March to the 21<sup>st</sup> June

	£23.10. 6
and since that date fees amounting to	<u>30. 1. 6</u>
	£53.12. 0

He had paid £23.10.6 out of his June Salary and had paid the Clerk £16 two weeks ago and now paid the balance out of his Salary viz' £14.1.6.

He was severely reprimanded for not rendering a proper account and paying over the amount earlier and for disobeying the orders of the Verderers given to him at the last Court.

The question of his continuing his office was ordered to be considered at the next Court.

He was instructed as to collecting the fees payable for pannage.

He reported Harry<enry> Lock of Wootton Laborer for turning out 3 head of cattle (2 horses and 1 cow) in Wilverley Walk on the 8<sup>th</sup> October he having only a license for 2 horses.

[p.137]

He also reported James Brockway of Fritham a Commoner for turning out two horses in Wilverley Walk on the 8<sup>th</sup> October without their being first marked contrary to the Bye Laws.

In both cases the offenders were ordered to be summoned.

Levi Gray reported the following persons all of whom are commoners.

M <sup>r</sup> H. Saunders	}	1 mare on the 8 <sup>th</sup> September
Innkeeper	}	
Milford.	}	1 mare on the 17 <sup>th</sup> September
M <sup>r</sup> N. Moore	}	
Innkeeper	}	1 mare on the 17 <sup>th</sup> September
Wootton	}	
M <sup>r</sup> E. Westbrook	}	
Exbury	}	1 mare on the 5 <sup>th</sup> October

In each case the offender was ordered to be summoned

He also reported that an unmarked horse was roaming at large in the Forest the ownership of which was doubtful. He was ordered to impound it in the Wilverley Pound.

He paid over the marking fees he had received up to this date £1.11.6

He was instructed as to the pannage fees.

George Philpott paid over the marking fees he had received up to the present time viz<sup>t</sup> £11.15.0

He reported some cattle as being in the Forest unmarked of which the ownership was doubtful.

He was ordered to impound them in Bramshaw Pound and also any other cattle he found in his district unmarked.

He was instructed as to pannage fees.

The Clerk was directed to give M<sup>r</sup> Brothers notice to attend with all his deeds at the next Court for the purpose of proving his claim to vote.

He was also directed to make out the Register of Commoners claiming to vote at an election for settlement at the next Court.

The Court for the hearing and decision of all claims was fixed [p.138] for the 15<sup>th</sup> day of November at 11a.m.

Cheques for the Clerk's and Agisters' Salaries were drawn and paid over and their respective receipts taken.

Peter Warne attended and produced his license N<sup>o</sup> 612. He applied for leave to turn out three cows and one horse in addition to those already licensed. His application was granted on payment of 13/-.

This terminated the business of the Court.

x<sup>d</sup>

[signed] *H:C: Paulet* Dep:  
Chairman

[p.139]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on the 15<sup>th</sup> day of November 1880.

Present

Sir Henry Charles Paulet Bart.	Deputy Chairman	
John Lane Shrubbs Esqre		}
Lt Col William Clement Drake Esdaile		}
Joseph Henry Dart Esqre		} Verderers
Lord Henry Scott		}

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

Harry Sparks v Henry Lock – The defendant was charged for that he no being a person entitled to rights of Common in and over the Forest did allow certain animals to wit two horses and one cow to roam at large in the New Forest he only being licensed to depasture two animals therein.

The defendant pleaded guilty and was fined 7/- and 7/2 costs.

The fine and costs were paid.

Levi Gray v Moore – The defendant was charged for that he being one of the Commoners of the New Forest unlawfully did allow one mare to roam at large in the said Forest without having caused such animal to be marked by an Agister: contrary to the Bye Laws of the said Forest.

Thomas Hooker, P.C. sworn.

I am a Police Constable stationed at Brockenhurst. I served a copy of the summons on the defendant's wife on Thursday the 4<sup>th</sup> November. I read it through and explained it to her and she promised defendant should be here.

Levi Gray on his oath saith as follows.

I am an Agister of the New Forest. On the 17<sup>th</sup> of September of [p.140] the present year I saw a mare and sucking colt belonging to the defendant in Whitley Ridge Walk in the New Forest. The mare was not marked by an Agister and no fees have been paid for it. I can swear to its being the property of the Defendant. He has admitted to me that it was his.

The defendant here entered the Court and pleaded guilty. He was fined 10/- and 7/2 costs.

The fine and costs were paid.

Levi Gray v Henry Saunders – The defendant was charged with a like offence.

The defendant pleaded not guilty.

Levi Gray on his oath saith as follows.

I am an Agister of the New Forest. On the 8<sup>th</sup> September I saw a mare belonging to the defendant in Lady Cross Walk in the New Forest. It was not marked by an Agister and no fees have been paid for it. I can swear to the mare being the property of the defendant and on the 17<sup>th</sup> I saw another colt and sucker belonging to the defendant in Whitley Ridge Walk in the New Forest. The mare was not marked by an Agister and no fees have been paid for it. I can swear to its being the property of the defendant.

Cross examined. You did give me a sovereign but you did not offer to pay me for the colts that were out. You only owed me 15/-. I did not understand that the extra 5/- was for the colts that were out.

The defendant was fined one and costs 8/6.

The fine and costs were paid.

Harry Sparks v James Brockway – The defendant was charged with a like offence.

The defendant did not appear.

Charles Cull, P.C., sworn, says.

I am a Police Constable stationed at Cadnam. I served a copy of the summons in this case on the defendant's wife on Friday the 5<sup>th</sup> November [p.141] I read it through and explained it to her.

In consequence of a communication made to the Bench by the Clerk, the case was ordered to stand over until the next Court.

Levi Gray v Edward Westbrook – The defendant was charged was a like offence.

James Wheeler, P.C., sworn, says.

I am a Police Constable stationed at Beaulieu, I served a copy of the summons on the defendant personally on Thursday the 4<sup>th</sup> November. I read it through and explained it. Defendant said that he would attend.

Levi Gray on his oath saith as follows.

I am an Agister of the New Forest. On the 5<sup>th</sup> day of October of the present year I saw one mare at Lady Cross Walk in the New Forest belonging to the defendant. It was not marked by an Agister and no fees have been paid for it I can swear to its being the defendant's and he has admitted his ownership to me.

The defendant was fined 5/- and 6/6 costs and the usual order was signed and ordered to be served on him.

The Verderers then proceeded to settle the Register of Commoners entitled to vote at an election of elective Verderers.

The only case presenting any difficulty was that of Brothers.

After hearing the evidence of the application the claim was allowed and his name was entered on the Register.

The Register was then settled and the Clerk was ordered to have the usual copies made and deposited as early as possible.

This terminated the public business of the Court which was then cleared.

The draft of the proposed letter to the Treasury was submitted and considered altered and approved and the Clerk was directed to send then draft as settled to the Official Verderer for him to look through and finally approve before transmitting it to the Treasury.

(see copy letter at foot of minutes)

[p.142]

The financial statement was approved.

Copy

1880					1880			
Oct. 9	To M <sup>r</sup> Mortimer ¼'s salary	37	10	0	Balance in hand as shewn in last			
	" H. Sparks (Agister) D <sup>o</sup>	17	10	0	a/c	396	14	5
	" G. Philpott D <sup>o</sup> D <sup>o</sup>	17	10	0	By cash of Paymaster General	115	0	0
	" Levi Gray D <sup>o</sup> D <sup>o</sup>	17	10	0				
	" Lordan for advertizing	5	7	6				
	" Hants Advertizer D <sup>o</sup>	7	13	7				
	" Drake & Co	2	2	0				
	" M <sup>r</sup> Mortimer for Police fees	1	7	6				
	" Balance in hand	<u>405</u>	<u>3</u>	<u>10</u>				
		£ 511	14	5		£ 511	14	5

Levi Gray reported that he had not collected the ovast money as he was directed to do at the last Court. He gave his explanations for not having done so and was reprimanded and ordered to collect them at once.

He reported that the horse he was to pound had been owned by the Proprietor who would not have it marked at once and pay the fees. The Verderers considered this satisfactory.

Charles Newbold had ovasted 100 pigs up to this time and he paid over for ovast money £1 13s 4d.

George Philpott paid for marking fees £3. 9. 6.

He had ovasted 214 pigs up to this time and paid over £3.11. 6.

Harry Sparks had not ovasted any pigs yet. He was reprimanded and the Verderers dismissed him as from 1<sup>st</sup> January 1881.

The Verderers selected the month of January as the best date for marking animals in order to meet the convenience of the commoners and settled that the places at which and dates when the Agisters should attend to mark the animals should be left to the Deputy Chairman.

[p.143]

The Clerk was directed to issue the usual notices as soon as the dates were settled.

He was also directed at once to issue advertizements for an Agister to take the place of Harry Sparks.

The alterations in the Bye Laws having been passed at Quarter Sessions, the Bye Laws were finally adopted and the Clerk was directed to have them reprinted forthwith.

This terminated the business of the Court which was thereupon adjourned until Monday the 13<sup>th</sup> December at 11 o'clock in the fore noon.

(Copy letter to Treasury)

Romsey,  
November 23<sup>rd</sup>, 1880.

Sir,

In reference to previous correspondence and in particular to my letter of October 13<sup>th</sup>, 1880, I am now directed by the Verderers of the New Forest to state that having regard to the importance which they attach to the maintenance of the drainage of the Forest and to the desire which they understand to be entertained by the Lords Commissioners of Her Majesty's Treasury that a scheme should be submitted by the Verderers at an early date for the final appropriation of the fund mentioned in Sec.11. of the New Forest Act 1877 being the unexpended balance of the fund which has hitherto been exclusively employed upon the drainage of the Forest.

They propose that the same shall be divided unto two equal moities [*sic*], one moiety to be assigned to the Commissioners of Woods and Forests to be expended by them on the drainage of the plantations of the New Forest made under the various acts of Parliament in that behalf passed and the other moiety to be assigned to the Verderers they undertaking so far as the funds at their disposal will allow, to repair and maintain the drainage of those opened and unenclosed portions of the Forest, the drainage of which has heretofore been carried out and repaired at the expense of the fund mentioned in Sec.11. Of the New Forest Act, 1877.

I have the honor to be,  
Sir,  
Your obedient Servant,  
G.F.W. Mortimer  
Clerk to the Verderers of the New Forest.

To the Right Honorable  
R.R.W. Lingen

[signed] *G. Sclater Booth*

[p.145]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 13<sup>th</sup> day of December 1880.

Present

The R<sup>t</sup> Hon<sup>ble</sup> G. Sclater Booth, M.P. Official Verderer  
Sir Henry Charles Paulet Bart. Deputy Chairman  
John Lane Shrubbs Esq<sup>re</sup> }  
L<sup>t</sup> Col. W.C.D. Esdaile }  
Joseph Henry Dart Esq<sup>re</sup> } Verderers  
Lord Henry Scott }

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

Intimation having been received that the Official Verderer would be present at the Court the Verderers decided to proceed with the consideration of the Agisters report until his arrival.

Levi Gray reported that he had ovasted 140 pigs and accordingly paid over the amount he had received for so doing viz<sup>t</sup>

	£2. 6. 8
He also paid over the amount he had received for marking } cattle since the last Court }	<u>13. 0</u>
	£2.19. 8

George Philpott reported that he had ovasted 88 pigs since the last Court and paid over the amount he had received for so doing viz<sup>t</sup>

	£1. 9. 4
He also paid over the amount he had received for marking } cattle since the last Court }	<u>5.12. 6</u>
	£7. 1.10

He reported a case of refusal to pay the pannage money excuse being made by the Commoner whose name was Cole that the pigs had been in the Forest only one day. The matter was ordered to stand over till the next Court.

Charles Newbold reported that he had ovasted 409 pigs since the last Court and paid over the amount he had received for so doing viz<sup>t</sup>

	£6.16. 4
He also paid over the amount he had received for marking } cattle since the last Court }	<u>1. 3. 0</u>
	£7.19. 4

[p.146]

Harry Sparks reported that he had ovasted 100 pigs and accordingly paid over the amount he had received for so doing viz<sup>t</sup>

	£1.13. 4
He also paid over the amount he had received for marking }	



cattle since the last Court

} 6.13. 6  
£8. 6.10

The Deputy Chairman interrogated Philpott as to some heifers belonging to a Commoner named Goddard which had been lost and who had given intimation thereof to Philpott and requested him to search for them. Subsequently however they were found by a Forest Keeper in the heart of Philpott's District.

In reply Philpott stated that he did repeatedly search for the heifers and also informed the Keeper of their loss but that he had failed to discover any trace of them.

It was noticed that some complaints had arisen that there were still some cattle unmarked in the Forest and the Agisters were admonished to carry out strictly the duties of their office and prevent such complaints in future.

Co<sup>l</sup> Esdaile reported to Philpott that a dead horse was lying in the Forest in his district on the heath South of Milcombe in order that he might give information to its owner should any enquiries be made.

The Verderers proceeded to fix the days for inspection and passing of Stallions and for marking Non Commoners Cattle.

After discussion the dates places and other details were fixed as follows.

The 7<sup>th</sup> 8<sup>th</sup> and 9<sup>th</sup> days of March for marking Non Commoners Cattle.

#### Dates for inspecting and passing Stallions

Gray's district at Brockenhurst	M <sup>r</sup> Shrubbs	Tuesday, 4 <sup>th</sup> January.
Evemy's " " Burley	Co <sup>l</sup> Esdaile	D <sup>o</sup> D <sup>o</sup>
Philpott's " " Brook	Sir H.C. Paulet	D <sup>o</sup> D <sup>o</sup>
Newbold's " " Lyndhurst	Sir H.C. Paulet	Wednesday 5 <sup>th</sup> January.

The Clerk was instructed to have the bills setting out the information printed and circulated as usual.

[p.147]

Harry Sparks v James Brockway – Breach of Bye Laws. Case adjourned from last Court.

The Defendant attended and pleaded not guilty.

Harry Sparks on his oath saith as follows.

I am the Agister of the Western District of the New Forest. On the 8<sup>th</sup> day of October last I saw two horses in Wilverley Walk both of which were the property of the defendant. They had not been marked by an Agister neither had they been paid for. I have known the horses for some time past.

X<sup>d</sup> I knew where the horses were. I have never been required to give you notice. I have known the mare for the past 10 years. I have known them to be running on the Forest for the past 2 years unmarked and unpaid for.

George Philpott on his oath saith as follows.

I am an Agister of the New Forest. The last witness Harry Sparks reported to me that two horses belonging to the Defendant were roaming in the Forest unmarked but I cannot give exact date of such report. It was about 3 months ago. As soon as I received this information I told the defendant thereof at once. I did not see the horses myself.

The Verderers considered the case proved and convicted the Defendant in 5/- fine and 7/2 costs.

The fine and costs were paid.

M<sup>r</sup> Radcliffe Barrister-at-Law on behalf of William Everett Esquire attended the Court and made an application for permission to lay the following information against William Baldry one of the Forest Keepers. "For unlawfully driving and impounding one sow and nine sucking pigs the property of William Everett of Alum Green who has Common of Mast in the Forest on the 9<sup>th</sup> day of November last and for wrongfully extorting from the said William Everett the sum of 13/9 on the same 9<sup>th</sup> day of November."

Counsel referred to the following acts preliminary to stating his case on his Clients behalf.

10<sup>th</sup> Geo. 4<sup>th</sup> Cap. 50, Sec.102.

59 Geo. 3<sup>rd</sup> " 86, Sec.6.

34 Edw<sup>d</sup> 1<sup>st</sup> " 5, Sec.4.

25<sup>th</sup> Edw<sup>d</sup> 1<sup>st</sup>

7<sup>th</sup> Richard 2<sup>nd</sup> (a fragment)

He also referred to 4<sup>th</sup> Edit<sup>n</sup> Manwood's Forest Laws, pages 340-41-44 [p.148] and 4<sup>th</sup> Cokes Institute page 289.

Basing his arguments on the three oldest of the quoted acts he proceeded to record the constitution of the old Court of Verderers under these acts and pointed out that amongst other powers vested in them they had the power to enquire into any unlawful oppression by the Forest Servants which the Commoners might be subjected to and although an action at Common Law might be entered by the Complainant against the Keeper yet he might choose the alternative of laying the information before the Court for enquiry to be made into the case if necessary. He contended that as these acts had never been repealed such a proceeding might lawfully take place adducing from his arguments that the present Court although newly constituted under the recent Act is the representative of the old one and consequently the powers given under the old acts were equally vested in the present Court. He therefore applied for an information against the defendant and desired the Court in the first place to consider and decide whether it had power to hear his application and deal with it under the Acts of Edward I and Richard II.

M<sup>r</sup> Lascelles (The Deputy Surveyor) on the part of the Crown repudiated the legality of such a course of proceeding stating that the whole constitution of the Forest Officers has been entirely changed since the Deer Removal Acts when the old system was abolished, and contended that the Court had no power to deal with the case.

Counsel in reply referred again to 10<sup>th</sup> Geo. 4, Cap.50, Sec.95 to shew that M<sup>r</sup> Lascelles' contention was not correct.

The Court enquired of M<sup>r</sup> Radcliffe for what reason this proceeding was taken before them and in reply the reason given was the choice of his Client to proceed in this rather than in any other way.

The Court House was then cleared and the Verderers proceeded to discuss the case and finally the following decision was arrived at which was read in open Court.

The Court declines to entertain the application (made under the Statutes of Edward 1<sup>st</sup> and Richard 2<sup>nd</sup>) no statement having been made in argument nor any precedent adduced to shew that the jurisdiction under which they are desired to take cognizance of the alleged offence had ever been exercised by the Court.

The Court consider that no injury can be done by this decision as the ordinary Court of Law would provide a remedy for any wrong doing such as that which they understood to be complained of.

M<sup>r</sup> Lascelles complained of the state of many bridges and drains in the [p.149] Forest which badly require repair and enquired whether it was not the duty of the Verderers to carry out these repairs.

The Official Verderer replied that no condition existed under the Act of 1877 compelling them to do so and they therefore could not accept any responsibility but that as soon as the scheme for the final appropriation of the Dorchester Railway Monies under Section 11 was completed the matter should receive the careful attention of the Verderers.

M<sup>r</sup> Lascelles was therefore informed that in the meantime he should apply to M<sup>r</sup> Howard on the subject.

The Official Verderer mentioned to M<sup>r</sup> Lascelles the complaints that were being made of pigs turned into the Forest without being rung thus causing much damage to the herbage thereof and called his immediate attention to the subject.

The Financial Statement was presented as follows.

By Balance from last a/c	405	3	10	To Charles Newbold ¼'s Salary	17	10	0
" monies received from M <sup>r</sup> Mortimer }				" M <sup>r</sup> G.A. Webb Fee for auditing 1879 a/c	3	3	0
from Agisters for marking etc. }	<u>43</u>	<u>12</u>	<u>9</u>	Balance	<u>428</u>	<u>3</u>	<u>7</u>
£	448	16	7	£	448	16	7

The Clerks and Agisters' salaries were ordered to be paid when due.

The Verderers next considered the applications for the vacant office of Agister consequent on the dismissal of Harry Sparks and having seen the candidates and read their testimonials appointed Charles Evemy to the office.

He was ordered to enter into his duties on the 1<sup>st</sup> day of January 1881.

The Clerk produced copies of the Register of Commoners entitled to vote at an election of elective Verderers for the year 1880-1 as settled at the last Court.

The Verderers then present signed three copies of the Register and the Clerk was directed to deposit one at the Queen's House, and send one to the Clerk of the Peace and keep one at his office for the use of the Court in compliance with the provisions of the Act.

[p.150]

He was also directed to send a copy to each of the Verderers.

*[signed] H.C. Paulet. Dep Chairman*

[p.151]

At a Court of Swainmote held at the Queen's House at Lyndhurst on Monday the Seventh day of February 1881.

Present

Sir Henry Charles Paulet	Deputy Chairman
George Edward Briscoe Eyre Esq <sup>re</sup>	}
John Lane Shubb Esq <sup>re</sup>	} Verderers

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

A letter was read from M<sup>r</sup> Lascelles to M<sup>r</sup> Tripp the Surveyor of the roads in the Lymington District as follows.

(Copy letter)

Lyndhurst  
6<sup>th</sup> January 1881

Sir,

In reply to your letter of the 5<sup>th</sup> Inst I am directed by M<sup>r</sup>. Lascelles to state that the cleaning of the Watercourse at Brockenhurst Weirs should be done out of the fund acquired under the Southampton Dorchester Railway which is under the control of the Verderers of the New Forest.

I am Sir  
Your obed<sup>t</sup> Servant  
Arthur G. Grace

M<sup>r</sup> Thomas Tripp

The Clerk was directed to write M<sup>r</sup> Tripp that M<sup>r</sup> Lascelles was in error in supposing the fund mentioned in his letter was under the control of the Verderers.

The Verderers fixed the first day in February in each year as the date on which the licences to Non Commoners were in future to expire and the Clerk was directed to issue fresh licences to Non Commoner on the 7<sup>th</sup> 8<sup>th</sup> and 9<sup>th</sup> days of March next.

The Annual Account for the year 1880 under section 38 of the New Forest Act was produced by the Clerk inspected and passed and ordered to be forwarded to the Public Auditor for Audit prior to its publication in the Salisbury Journal and Hampshire Advertizer in accordance with the Act. The balance in hand was £335.17.0 but this was to be reduced by the payment of the following bills which [p.152] were ordered to be paid.

Drake & Co. Stationery. License books, &c.	£10. 9. 3
C.L. Lordan. Printing &c	2. 4. 2

A discussion as to the expediency of taking precautionary measures to prevent the spread of Contagious disease amongst animals in the Forest took place.

The Verderers were unanimously of opinion that to prevent the introduction of the present foot and mouth disease into the Forest that the Clerk should ask for the following regulations to be embodied in a Council Order and put in force in the Forest.

1. That no animals be moved from any infected area into the New Forest.
2. That no animals be allowed to be moved from one non infected area ~~into~~ to another or to an infected area through the Forest except by rail.
3. That no animals be moved from a non infected area into the New Forest without a Veterinary Inspector's certificate that such animals are free from disease.

The Clerk was accordingly ordered to communicate these resolutions forthwith to the Privy Council (Veterinary Department) and ask that the Lords of Her Majesty's Most Honorable Privy Council should embody them in an order of Council under the Cont. Dis. (An.) Act 1878.

The Agisters were strictly ordered to visit some part of their respective districts daily and to be vigilant in inspecting animals in the Forest and to report to the police and the Clerk immediately ailing animals should be seen.

They were further ordered to keep a register of the places they daily visited and the condition of the animals found therein.

Levi Gray paid over the amount he had received for marking Commoners Cattle since the last Court due to the end of 1880, viz<sup>t</sup> 3/-

He also paid over a further amount he had received for ovast money 10/-  
13/-

Charles Newbolt paid over the amount he had received for marking [p.153] Commoners Cattle this year, viz<sup>t</sup> 14/1

Neither Philpott or Emery paid over any fees.

The Deputy Chairman spoke to Levi Gray relative to M<sup>r</sup> Horseford's complaint

[signed] *H:C: Paulet.*

*Dep Chairman*

[p.154]

At a Court of Swainmote held at the Queen's House at Lyndhurst on Saturday the 26<sup>th</sup> day of March 1881.

Present

Sir Henry Charles Paulet Bart. Deputy Chairman  
L<sup>t</sup> Co<sup>l</sup> William Clement Drake Esdaile }  
Joseph Henry Dart Esq<sup>re</sup> } Verderers

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

It was reported that the account for 1880 had been duly audited by the Public Auditor <as directed> at the last Court and that the Clerk had caused copies thereof to be inserted in the Salisbury & Winchester Journal and Hampshire Advertiser in accordance with the provisions of the New Forest Act 1877 and had also directed 100 printed slips to be made and had sent a copy thereof to the Lords Commissioners of Her Majesty's Treasury as had hitherto been done on former occasions.

It was also reported that the Veterinary Department of the Privy Council had in accordance with the resolutions passed at the last Court issued an Order in Council embodying those resolutions copies of which order had been circulated amongst the Verderers by the Clerk and posters had been printed and circulated throughout the Forest calling the attention of the Commoners, Non-Commoners and the General Public thereto and setting out a copy of the Order in full.

(Copy Order)

618.

New Forest (Foot and Mouth Disease) Order of 1881

At the Council Chamber, Whitehall

The 16<sup>th</sup> day of February 1881

By the Lords of Her Majesty's Most Honorable

Privy Council.

Present

Lord President. M<sup>r</sup> Mundella

[p.155]

The Lords and others of Her Majesty's Most Honorable Privy Council by virtue and in exercise of the powers in them vested under the Contagious Diseases (Animals) Act 1878, and of every other power enabling them in this behalf, do order, and it is hereby ordered as follows:

Short Title

1. This Order may be cited as The New Forest (Foot and Mouth Disease) Order of 1881.

Duration and Effect

2. This order shall commence and take effect from and immediately after the Twenty second day of February One thousand eight hundred and eighty one; and shall cease to have effect from and immediately after the thirty first day of March One thousand eight hundred and Eighty one, except as regards the institution or prosecution of proceedings in respect of any offence committed on or before that day and shall operate notwithstanding anything in any former Order of Council.

#### Interpretation

3. In this Order –

The Act of 1878 means the Contagious Diseases (Animals) Act 1878.

The New Forest means the New Forest within the perambulation and within the regards of the New Forest, in the County of Southampton.

Other terms have the same meaning as in the Act of 1878.

#### Movement into or through the <New> Forest.

4. No animal shall be moved into or through the <New> Forest except as expressly authorised by the Order.

5. Animals may be moved into the New Forest from a farm or premises not in a place or area infected with foot and mouth disease with a certificate of a Veterinary Inspector of the Local Authority of the District comprising the farm or premises certifying that he had examined the animals to be moved and that to the best of his knowledge and belief, those animals.

- (i) are not affected with foot and mouth disease; and
- (ii) have not been exposed to the infection of foot and mouth disease &
- (iii) have been on the farm or premises not less than 28 days immediately before the giving of such certificate.

6. Animals if not affected with foot and mouth disease may be moved through the New Forest by Railway, not being untrucked within it.

[p.156]

7. If an animal is moved in contravention of this Order, the owner thereof, and the person for the time being in charge thereof, and the person causing, directing, or permitting the movement, and the company or person moving or conveying the animal, and the consignee or other person receiving or keeping it, knowing it to have been so moved, shall, each accordingly to and in respect of his or their own acts and defaults, be deemed guilty of an offence against the Act of 1878.

C.L. Peel.

The Verderers then proceeded to consider the Agisters reports of their daily inspections of the cattle in their respective districts as ordered at the last Court.

Levi Gray and Charles Newbold presented written reports.

George Philpott presented his diary containing particulars of his inspections and Charles Evemy stated he had not a copy of his diary of inspections with him but reported that he had carried out his inspections as directed.

Philpott and Evemy were ordered to send copies of their report to the Clerk without delay.

The Chairman interrogated the Agisters relative to the state of the Cattle in their respective districts and they were unanimous in declaring that no sign whatever of disease existed in or near their respective districts.

A letter was then submitted from the Veterinary Department of the Privy Council with which had been transmitted to the Clerk a draft of an amended order proposed to come into operation after the expiration of the present New Forest (Foot and Mouth Disease) Order which expires on the 31<sup>st</sup> March 1881.

It was reported that a reply had been sent to the Veterinary Department to their communication to the effect that a Court of Swainmote had been convened for the 26<sup>th</sup> March when the Verderers present would consider the draft proposed order sent by that Department and their Clerk would immediately acquaint the Clerk of the Privy Council, Veterinary Department of the views of the advisability of the adoption of or otherwise of the projected order for the information of the Lords of Her Majesty's Most Honorable Privy Council.

[p.157]

The Verderers directed that the Correspondence referred to be entered on the minutes of the meeting.

(Copy Correspondence.)

Veterinary Department  
Privy Council Office  
44 Parliament Street  
Westminster Str.  
19<sup>th</sup> March 1881.

66,465

Sir,

I am directed by the Lords of the Council to transmit, to be laid before the Verderers of the New Forest, draft copy of an order of Council which their Lordships have caused to be prepared providing for the movement of animals into and through the New Forest from and after the 31<sup>st</sup> Inst.

I am to point out that in this order no allusion is made to the Order of Council N<sup>o</sup> 619 as it is contemplated superseding the latter by reducing the extent of the infected area in Hampshire. Their Lordships would be glad to be favored with any remarks the Verderers may wish to offer on the proposed order by the 24<sup>th</sup> Inst.

G.H. Mortimer Esq<sup>re</sup>  
Clerk to the Verderers of the New Forest.

I am Sir  
Your obedient servant  
C.L. Peel  
Romsey

66,465

Sir,

25<sup>th</sup> March 1881



In reply to your letter enclosing the proposed draft of the New Forest (Foot and Mouth Disease) Order N° 2, I beg to inform you that a Court of Swainmote will take place tomorrow when your letter and the draft order will be submitted to the Verderers who will be present thereat, and their views thereon will be transmitted to your department without delay.

I have the honor to be Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

The Clerk of the Council

Veterinary Department

Privy Council Office

44 Parliament S<sup>t</sup>

S.W. Westminster

[p.160]

The Verderers then proceeded to consider a letter from the Clerk of the Council Veterinary Department and the draft proposed order sent therewith and after having carefully considered in it all its bearings.

Co<sup>l</sup> Esdaile moved and M<sup>r</sup> Dart seconded.

That the Verderers of the New Forest after examining the Agisters are of opinion that as no instances of Foot and Mouth Disease has occurred in the New Forest or neighbourhood it is not expedient to continue the restrictions upon the movement of cattle from non infected areas into the New Forest after the 3<sup>rd</sup> Ins<sup>t</sup>.

Instructions were given that the Clerk should transmit a copy of the resolution to the Clerk of the Council Veterinary Department without delay.

This concluded the business of the Court.

[signed] *H:C: Paulet Dep: Chairman*

[p.161]

At a Court of Swainmote held at the Queen's House at Lyndhurst on Monday the 4<sup>th</sup> day of April 1881.

Present

Sir Henry Charles Paulet, Bart. Deputy Chairman  
George Edward Briscoe Eyre Esq<sup>re</sup> }  
John Lane Shrubbs Esq<sup>re</sup> } Verderers  
Joseph Henry Dart Esq<sup>re</sup> }

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

The Hon. Gerald Lascelles (Deputy Surveyor) attended the Court and reported that numerous felonious fires of gorse, heath and furze growing in the New Forest had occurred of late and were constantly occurring and that very serious damage was caused thereby. He made application to the Court for the appointment of six forest keepers as Special Constables in pursuance of 1 & 2 W<sup>m</sup> 4, Cap.41, for the purpose of the prevention of these acts of felony and the detection and apprehension if possible of the offenders and made deposition by the necessary form of affidavit in according with the said Act as follows.

(copy affidavit)

New Forest in the County of Southampton – I Gerald William Lascelles of Lyndhurst in the New Forest in the County of Southampton, Deputy Surveyor of the said New Forest, upon my oath say.

That on the third, thirteenth, twentieth and twenty-ninth days of March one thousand eight hundred and eighty-one a series of felonious acts have been committed in various parts of the said New Forest by some person or persons unknown, to wit, by setting fire to certain furze, gorse and heath the property of Her Majesty the Queen whereby very serious injury might have arisen to the plantations and other property of Her said Majesty situate in the said New Forest and that I apprehend that such offences will continue to be [p.162] repeated. That the ordinary constables for preserving the peace in the several parishes and Townships within the perambulation of the said New Forest are not in my opinion sufficient in number for the detection and discovery of the offender or offenders for the preservation of the peace and for the security of the property of Her said Majesty within the said New Forest.

Sworn by the said Gerald William Lascelles before }  
us at a court of Swainmore holden at Lyndhurst in }  
the New Forest in the County of Southampton this } Gerald W. Lascelles  
fourth day of April 1881 }

H.C. Paulet }  
John Lane Shrubbs }  
J. Henry Dart } Verderers of the New Forest  
G.E. Briscoe Eyre }

The Verderers thereupon determined that M<sup>r</sup> Lascelles' application should be granted and the following persons being in attendance were accordingly sworn in in the form prescribed by 1 & 2 W<sup>m</sup> 4, Cap 41, as Special Constables to act within the limits of the Forest for the 12 months next ensuing.

George Bumstead	Ashley Lodge	Forest Keeper
James Coles	Wilverley Lodge	D <sup>o</sup>
John Wilkins	Irons Hill Lodge	D <sup>o</sup>
John Bumstead	Denny Lodge	D <sup>o</sup>
George Edwin Maynard	Brockenhurst	D <sup>o</sup>
Joseph Tuck	Boldrewood	D <sup>o</sup>

The Clerk was directed to give the necessary notices to the Home Office and Lord Lieutenant of the County of their appointments.

M<sup>r</sup> Lascelles reported that in accordance with the resolution passed at a Court held on the 22<sup>nd</sup> March in last year he had communicated with the Lords Commissioners of Her Majesty's Woods and Forests therein and had obtained permission to burn portions of the heath and gorse in the New Forest and he had accordingly caused some parts [p.162] of the same to be burnt for the purpose of improving the herbage of the Forest. He further suggested that this mode might be carried out more satisfactorily if the principal Commoners of the Forest would report to the Verderers what furze brakes in their respective districts could be most advantageously burnt and he would consider any further suggestion that the Verderers might make on the matter.

The Verderers were of opinion that such a plan would conduce greatly to the benefit of the Commoners and Non Commoners depasturing their cattle in the Forest but as the present period of the year is not suitable for the proposed systematic burning of heath and gorse they postponed the matter for consideration at some future Court.

M<sup>r</sup> Lascelles enquired whether persons digging large trenches in the Forest for the purpose of capturing Badgers might not be proceeded against before the Verderers for damaging the Vert of the Forest as such offences had occurred and it was necessary to prevent the recurrence of them.

The Verderers after consideration were of opinion that such cases of extensive digging were clearly most destructive to the Vert.

M<sup>r</sup> Eyre presented a letter from the Clerk to the Beaulieu Vestry containing a resolution come to, by that body requesting the Verderers to repair two roads at Beaulieu (viz. North gate road to Twiggs Lane and the road from Hill Top to Hythe Cross roads) out of the balance of funds in their hands as shewn in the published a/c for 1880.

The Clerk was directed to reply thereto by informing the Vestry, that no obligation whatever exists under the New Forest Acts requiring the Verderers to carry out such repairs and they could not for one moment entertain the application.

The Deputy Chairman submitted a letter from J. Sparks of Brockenhurst, who was about to leave that place and remove to Ringwood, complaining that Evemy declined to mark his ponies as they were not in his district.

The Clerk was directed to inform M<sup>r</sup> Sparks that Evemy had acted rightly in refusing to mark his ponies but if he would take them into [p.164] Evemy's district he would mark them with his mark otherwise they must be marked by the Agister in whose district the animals are depastured.

The Verderers next proceeded to consider the urgent necessity of taking immediate steps relative to the repair of the drainage and Bridges in and over the Forest in consequence of frequent complaints having been made by the Road Surveyors of the serious disrepair into which they have fallen through neglect.

The following letter to the Treasury was unanimously approved of by the Verderers and the Clerk was directed to forward it to the Official Verderer for his approval and signature requesting him to transmit it to the Permanent Secretary to the Treasury.

(Copy letter)

Romsey  
5<sup>th</sup> April 1881

Sir,

I am directed by order of a Court of Swainmote held at Lyndhurst on the 4<sup>th</sup> inst, again to bring to your notice the communication made to my Lords Commissioners of Her Majesty's Treasury bearing date, Nov. 23, 1880, praying that the Dorchester Railway money should be divided and applied to the purposes for which it was intended, in accordance with the provisions of the New Forest Act 1877.

The Verderers beg to assure My Lords that numerous complaints have been made to them and the Deputy Surveyor of the New Forest by Road Surveyor of the District, as to the lamentable disrepair into which the drains and bridges made originally from the Dorchester Railway money over portions of the New Forest have lately fallen, in consequence of not having had any money expended upon them for many years past.

The Verderers beg to impress upon My Lords the necessity for the works being completed without any unnecessary delay and the increased expenditure which must inevitably be [p.165] incurred if the approaching favourable time of the year for their execution is not used.

I have the honour to be  
Sir  
Your obedient Servant  
G.F.W. Mortimer

Sir R. Lingen

The Verderers considered the question of providing the Agisters with a livery distinctive of their office but postponed the matter for consideration at a fuller Court.

The Agisters then made their reports and paid over the amounts they had received for marking Commoners cattle to this date as follows.

Charles Evemy	7.13. 6
Charles Newbold	3.16. 6
George Philpott	<u>3. 2. 0</u>
	£14.12. 0

Levi Gray dated he had not yet received any fees.

George Philpott reported that M<sup>r</sup> Fane refused to have his ponies marked by having a piece of hair cut from the tail and asked for instructions how to act. The Verderers informed him that the ponies must be marked with his mark in the same manner as the horses of other Commoners and he should inform M<sup>r</sup> Fane that it is his duty to mark all horses turned out into the Forest with the mark as directed by the Verderers.

From reports made by him and the other Agisters the Verderers deemed it expedient to alter the several marks at present used by the Agister respectively to distinguish those cattle marked by each of them and decided that the following marks should be used in the future.

Levi Gray	one notch from the right hand side of the tail.
Charles Evemy	D <sup>o</sup> left hand side of the tail.
Charles Newbold	one full ring round the tail and square off.
George Philpott	two full rings round the tail.

[p.166]

The financial Statement was presented as follows.

(Copy)

1881					1881				
Feby 9	By balance from 1880 a/c	324	10	0	8 March	To paid Drake & Co for printing &c.	5	7	0
	By Ovast money received of Newbold		14	-		" J.C. Preston (Bill posting)		5	6
	By each received from Non Commoners for Licenses	120	16	6		" F. Brown D <sup>o</sup>		10	0
						" C. Hicksin D <sup>o</sup>		10	7
						" F.W. Barter D <sup>o</sup>		11	0
						" John Gates D <sup>o</sup>		11	1
						" W. Mc Bride D <sup>o</sup>		18	0
					25 March	" M <sup>r</sup> G.A. Webb auditing 1880 a/c.	3	3	0
						" M <sup>r</sup> Mortimer's Salary to 25 March	37	10	0
						" Levi Gray D <sup>o</sup>	17	10	0
						" Charles Evemy D <sup>o</sup>	17	10	0
						" Charles Newbolt D <sup>o</sup>	17	10	0
						" George Philpott D <sup>o</sup>	17	10	0
						Balance	<u>326</u>	<u>14</u>	<u>4</u>
		£ 446	0	6			£ 446	0	6

Charles Newbold's fees as Crier to the Court from his appointment to the present time, were ordered to be paid, viz. £6.15.0.

This concluded the business of the Court.

[signed] *J. Sclater Booth*

[p.167]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 9<sup>th</sup> day of May 1881.

Present

Right Hon. G. Sclater Booth M.P.	Offical Verderer
Sir H.C. Paulet Bart.	}
John Lane Shrubb Esq <sup>re</sup>	}
Lieut. Col. W.C.D. Esdaile	} Verderers
Lord Henry Scott	}

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

The Clerk read the following letter which M<sup>r</sup> Shrubb had received.

(Copy letter)

Milton Cottage,  
Lymington.  
7 May, 1881.

Dear Sir,

I shall be much obliged if you will kindly inform me what is the position of the Agisters towards the Commoners of the New Forest, my reason for asking this is, on the 31<sup>st</sup> of May last I sent twenty Heifers to the Forest and placed them under the care of M<sup>r</sup> Levi Grey [*sic*] one of the Agisters and have not had but fifteen of them returned. I have repeatedly applied to Grey [*sic*] about them and the only answer I can get is that two of them are dead, and he thinks one other is also dead but the other two appears to be a total Blank. I may here state that I have been in the habit of turning cattle (more or less) in the New Forest every year, the last 30 years, and every year until the last the Agisters sent them home in the autumn but now we have to send them to the Forest in the Spring and send for them in the Autumn two or three at a time at the will of the [p.268] Agister which is very inconvenient to us. Some little time since I saw Grey [*sic*] and complained as to his great neglect in not looking more after the cattle, it being a serious loss to lose 5 Beasts out of 20, and his reply was that some Fools would gallop about all over the Forest, but he could sit down and smoke his pipe, and he did not see but he did quite as well as them. I cannot think the Verderers would sanction such conduct to the Commoners and will thank you to bring the matter before them at their next meeting, and oblige,

Yours very obediently  
E. Hayward

John Lane Shrubb Esq<sup>re</sup>  
Boldre.

Levy Gray stated that M<sup>r</sup> Hayward had turned out 20 Beast and that he Levi Gray saw them all, about June, he saw one dead in July another died afterwards and he was informed thereof by Gale the Keeper a third afterwards died of the two latter beasts he had the horns marked H. He gave M<sup>r</sup>

Hayward notice by writing of the death of the two first beasts and personally notice of the third one. The other two missing Heifers he could not find.

The Verderers considered the matter and in the result Gray was ordered to bring up a written report in reply to M<sup>r</sup> Hayward's letter, a copy of M<sup>r</sup> Haywards letter was directed to be given to him to enable him to do so.

Col. Esdaile presented a Petition from several Commoners relative to quality of the Bulls at present roaming in the Forest as follows, viz.

(Copy Petition)

To the Verderers of the New Forest

Gentlemen,

The Humble Petition of the undersigned sheweth:

That whereas the Breed of Cows are deteriorating on the [p.169] New Forest by the introduction of inferior and undersized Bulls in the aforesaid New Forest,

Your humble Petitioners pray that you will exercise the discretion and power now in your jurisdiction to disqualify and refuse all such inferior and undersized Bulls, to be depastured within the limits of the aforesaid Forest.

Your petitioners further pray that you will encourage the pasturing of well bred bulls by such means as you may think best for the general welfare of the Commoners.

And your petitioners will ever pray

Moses Martin  
James Ings  
Joseph H. Read  
Isaac Sparks  
Harry Sparks  
Alfred Plaskett  
Harry Russin  
Alfred Manuel  
Daniel Bessant  
Francis Lovell  
Leonard Miles  
Frederick Fuller  
Thomas Chuttock  
W.M. Pike  
William Smith x  
Cornelius Blackford  
Mark Earley  
Henry Burden  
J. Keeping  
John Sparks  
J.F. Biddlecombe  
William Read  
William Hooky King

Edward Bramble  
Charles Ayles  
Sidney Taylor  
W<sup>m</sup> D. Tucker

Col. Esdaile read a correspondence between Lieut. Col. Vandeleur commanding 2<sup>nd</sup> Hants R.V. and H.M. Commissioners in charge of the Forest relative to permission to form a camp in the New Forest from which it appeared that H.M. Commissioners declined to grant permission for a camp in consequence of the provisions of the Acts 1877 & 1879. The Verderers considered that they had no power in the matter but that so far as their approval of such a camp might be considered expedient and necessary by H.M. Commissioners they desired <to express> such approval.

Complaints were made as to marking of cattle by persons other than the Agisters at the Agisters request. The Agisters were warned that they must do the marking themselves so as not to occasion such Complaints for the future.

The Clerk read the following letter from the Lords of Her Majesty's Treasury relative to division of Drainage Money.

(Copy letter)

Treasury Chambers.  
20 April 1881

6,820

Sir,

In reply to your letter of the 5<sup>th</sup> Inst., I am directed by my Lords to acquaint you, for the information of the Verderers of the New Forest, that, after communication with the Commissioners of Woods and Forests upon the subject of your letter of 23 November last, for a division between the Verderers and them of the Dorchester Railway money, remaining to be applied under the New Forest Act 1877. My Lords have come to the conclusion that the best course to follow will be, simply to assign one moiety of the capital sum now standing invested in Reduced £3 per cent Annuities to the Verderers and the other moiety to the Commissioners [p.171] of Woods and Forests, to be applied by you both respectively as so much added to the several funds at your disposal, without any liability on either side to account for the application of one moiety to the recipient of the other.

So far as the New Forest Act prescribes that the fund in question shall be expended for the benefit of Her Majesty, My Lords are of opinion that the payment of one moiety of it to the Commissioners of Woods and Forests satisfies this condition; and so far as the same act prescribes that the same fund shall be expended for the benefit of the parties entitled to rights of Common over the unenclosed portions of the New Forest, My Lords are of opinion that the payment of the other moiety to the Verderers equally complies with the intention of the Act. My Lords do not propose to raise any question as to the Dividends of the said invested capital sum which, in pursuance of the letter (13,693) of 8 August 1879 from the Treasury to the Official Verderer, the Verderers have been allowed to receive.

My Lords considered it to be for the advantage of everyone interested in the New Forest that the Verderers should be put into a position to exercise the powers assigned to them by the



New Forest Act, and it was with this view that My Lords were willing they should receive the Dividends of the Investment for a certain time to enable them to prepare a Register of the Commoners, and to take other measures necessary for constituting themselves a Local Authority. My Lords are happy to notice from the Accounts of the Verderers for the year 1880, which they received from you in a letter dated the 21<sup>st</sup> ult<sup>o</sup> that the assistance thus afforded to the Verderers has answered its object; inasmuch as those accounts show a balance on the credit side of £324.10/-, while the receipts from the Paymaster General are only £215 showing that the Verderers, even without this subsidy, are now a self supporting Institution.

So far as the assent of the Treasury under section 11 of the New Forest Act may be thought to be necessary, or [p.172] advisable, to enable the Verderers to include Drainage, and the repair of Bridges and gangways &c in the unenclosed portions of the Forest, among the objects for which they are constituted under the New Forest Act 1877, My Lords very readily give this assent; but it follows from the preceding part of this letter that My Lords do not prescribe the undertaking of any such works and that they do not seek to appropriate, unless the Verderers themselves desire it, the application of the Verderers moiety to such works. All that is necessary to bear in mind is that the cost of such works, whether original or for maintenance, in the unenclosed portions of the New Forest, as well as the decision whether they shall be undertaken or not, rests with the Verderers and with no one else.

My Lords, on hearing from you that the Verderers agree to a division of the Fund on the terms of this letter, will cause the necessary steps to be taken for carrying such Division into effect.

I have the honour to be,  
Sir,  
Your obedient Servant  
R.R.W. Lingen

The Clerk to the Verderers  
of the New Forest  
Clerk's Office  
Romsey, Hants.

A long discussion took place upon it and a draft letter in reply was settled as follows, viz.

(Copy proposed letter)

Romsey, Hampshire  
May 10<sup>th</sup> 1881.

Sir,

I am directed by the Verderers to acknowledge the receipt of your letter of the 20<sup>th</sup> ulto., in which the Lords Commissioners of Her Majesty's Treasury propose, in lieu of the scheme suggested by the Verderers letter of the [p.173] 23<sup>rd</sup> November 1880, that a division shall be made between the Verderers and the Commissioners of Woods and Forests of the Dorchester Railway Money remaining to be applied under the New Forest Act 1877 in the following manner viz. that one moiety of the capital sum now standing invested in reduced £3 per cent annuities shall be assigned to the Verderers, and the other moiety to the Commissioners of Woods and Forests, to be applied by both parties respectively as so much added to the several

funds at their disposal, without any liability on either side to account for the application of one moiety to the recipients of the other.

In reply I am to state that the Verderers having made in their letter of November 23<sup>rd</sup> 1880 such a proposal as seemed to them required by the terms of the 11<sup>th</sup> Section of the New Forest Act 1877 and are content to leave with the Treasury the responsibility of the Counter proposal now submitted, by their Lordships and are willing under all the circumstances of the case to acquiesce in the same.

I have the honour to be  
 Sir  
 Your obedient Servant  
 G.F.W. Mortimer  
 Clerk to the Verderers

The Hon. R.R.W. Lingen.

The Clerk was directed to dispatch it at once.

Col. Esdaile proposed that the General Purposes Committee (two to form a Quorum) be requested to prepare a scheme for the expenditure of a sum not exceeding £100 upon the repair of the drains and bridges in the New Forest for the approval of the Court, Lord H. Scott seconded the motion which was carried.

The Clerk presented the usual Financial Statement. (Copy same).

[p.174]

#### Financial Statement

1881 March 31	By Balance from last account	326	14	14	1881 March 25	To Charles Newbolt Fees as Crier to the Court of Swainmote to this date	6	15	
	" Cash received from Non- Commoners at Clerk's office to this date viz:								
	Licenses       2. 2. 6								
	Head money   8.11. 0								
	Marking fees <u>2.15. 6</u>	13	9						
April 4	By cash received of Agisters at Court of Swainmote this day for marking Commoners Cattle viz <sup>t</sup>								
	Evemy, Charles   7.13. 6								
	Philpott, George  3. 2. 0								
	Newbolt, Charles <u>3.16. 6</u>	14	12						
" 27	" cash of Paymaster General	100							
" 30	" " received of Non- Commoners to this date, viz.:								
	Licenses       4. 2. 6								
	Head money   13.13. 0								
	Marking fees <u>4. 2. 6</u>	21	18						
May 6	" " received of Non- Commoners to this date, viz.:								
	Licenses       6.15. 0								
	Head money   15.18. 0								
	Marking fees <u>5. 3. 0</u>	<u>27</u>	<u>16</u>						
	£	504	9	4		Balance	497	14	4
						£	504	9	4

The Agisters attended and paid marking fees as follows

		£	s	D
Charles Newbolt	paid	2	17	0
Levi Gray	”	15	18	0
Charles Evemy	”	13	17	6
George Philpott	”	7	8	0

Richard Rolles of Burley applied for a license for 1 Donkey occupies [p.175] a House and Garden at Burley. The application was granted.

The Clerk was directed to give to each Agister a copy of the Register of the Non-Commoners for 1880 shewing what licenses had been renewed this year, and which had not been so renewed the Agisters were ordered to go carefully through their districts upon the receipt thereof and report correctly what Non-Commoners residing in their respective districts turning cattle into the Forest were without licenses.

[signed] *H.C. Paulet. Dep: Chairman*

[p.176]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on the 13<sup>th</sup> day of June 1881.

Present

Sir Henry Charles Paulet Bart. Deputy Chairman.  
John Lane Shrubbs Esq<sup>re</sup> }  
L<sup>t</sup> Col W.C.D. Esdaile } Verderers  
Joseph H. Dart Esq<sup>re</sup> }

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

The question of the payment of the proportion of the rent of the Brockenhurst Tilery which is due to the Crown and Commoners was considered. The Honourable Gerald Lascelles (Deputy Surveyor) attended the Court and explained the state of that fund. He mentioned that he had £40 in hand now which was due to the Crown and Commoners and that out of the rent of £30 per annum  $\frac{1}{3}$ <sup>rd</sup> was due to the Crown and  $\frac{2}{3}$ <sup>rds</sup> to the Drainage Fund of the Dorchester Railway Monies and that it was his intention to remit to the Office of Woods and Forests all the monies he had in hand and if the Verderers desired to have the amount due to the income of the above mentioned fund transferred to their account a formal application should be made by them to the Treasury for that purpose.

The letter from the Treasury in reply to the communication directed to be addressed to that department at the last Court was submitted to the Court.

(Copy letter)

8,510

81

Gentlemen,

I am directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of M<sup>r</sup> Mortimer's letter of the 10<sup>th</sup> Ins<sup>t</sup> as to the division of the balance of the Southampton and Dorchester Railway Money remaining to be [p.177] applied under the provisions of the New Forest Act 1877.

The Verderers of the New Forest  
Romsey  
Hants.

Treasury Chambers

13 May 1881

I have the honor to be Gentlemen

Your obedient Servant

R.R.W. Lingen

The report of the General Purposes Committee upon the repair to drains and bridges in and over the New Forest was read by the Clerk as follows.

(Copy)

Report of the General Purposes Committee

Your Committee at a meeting held on the 17<sup>th</sup> day of May received from the Agisters written reports as to the state of the drains and bridges in their respective districts, and after considering these reports, and especially those parts of them affecting the drains or bridges that are in the greatest state of disrepair, your Committee selected those, the repairs to which appear to be of the most vital importance to the Commoners in their usage of the Forest (a list of which drains etc. together with the works necessary to be done is subjoined) and recommend that the works be carried out without delay.

N<sup>o</sup> 1. They recommend the drains in Burley Lawn from Bisterne Close Farm down to the Lawn and which have hitherto been cleaned from the proceeds of the Dorchester Railway Money should be cleaned out. The expense of this is estimated by Co<sup>l</sup> Esdaile at £8.

N<sup>o</sup> 2. The Alum Green cutting from Main Stream upwards.

N<sup>o</sup> 3. Weare's Lawn, 2 Bridges.

N<sup>o</sup> 4. Cutting from Queen's Mead to Gillett's enclosure to be cleaned out, one bridge requires slight repairs.

N<sup>o</sup> 5. Cutting from Main Stream to Bank to be cleaned out.

Your Committee with a view to curtailing the expense in the repair of these bridges, etc., directed a letter to be sent to the ~~Right~~ Hon<sup>ble</sup> G. Lascelles (the Deputy Surveyor of the Forest) requesting him to intercede with the Hon<sup>ble</sup> G.K. Howard (the Commissioner in charge of the New Forest) to endeavour to prevail upon him to grant the Verderers the Timber required by them in the repairs they are about to undertake; also to permit them to remove any bushes hollies or brambles which may obstruct any of the drains in which there is not a free passage and although no formal reply [p.178] has yet been received from the Deputy Surveyor, your Committee have reason to believe that their application has been favourably received.

Mr Lascelles reported that he had duly received the communication referred to in the report and had written The Hon. G.K. Howard as requested and in reply had received a letter which he read of which the following is a copy.

(Copy letter)

N<sup>o</sup> 940

Office of Woods & Forests,  
Whitehall, S.W.  
7<sup>th</sup> June 1881.

Sir,

With reference to your letter of the 1<sup>st</sup> Ins<sup>t</sup> relative to the proposed repair by the Verderers of the drains and bridges constructed out of the fund acquired under the Southampton and Dorchester Railway Act 1845, I am directed by M<sup>r</sup> Howard to authorize you to clear the drains and banks of the bushes and alders and to sell the produce in the ordinary course.

I am also to authorize you to supply the Verderers with such Timber the produce of the thinning of the plantations as may be required by them for the repair of the bridges.

I am Sir  
Your obedient servant

M<sup>r</sup> Lascelles desired to know the amount of the timber required for the repairs and the districts in which the repairs were to be executed so that he might direct the timber to be supplied from places as near as possible to the respective works.

He further stated that he would allow any one of his assistants to superintend the works after hours if the Verderers were desirous of making any such arrangements and that the Verderers should settle the terms upon which the works were to be carried out with those assistants whom they intended to employ.

It was decided that the repairs to the drains at Burley should be carried out by Stephen Sims of Burley (Forest Foreman) under the superintendence of Co<sup>l</sup> Esdaile, provided that his estimate of the works met with the approval of the Verderers.

The Court requested M<sup>r</sup> Shrubbs to enquire whether a man of similar capabilities to Sims was resident at or near Brockenhurst and report the result of his enquiry to Co<sup>l</sup> Esdaile who also undertook to superintend the repairs to be carried out at that place.

[p.179]

The Clerk was directed to request the Deputy Surveyor in compliance with the letter from the Office of Woods and Forests above referred to, to clean out the cuttings from "Queen's Mead" to "Birchin <Hat>" and from thence to "Gilletts" and "Warwick Slade".

The Clerk read Levi Gray's written report ordered to be made by the Verderers in reply to M<sup>r</sup> Horsford's complaint as follows.

(Copy)

To the Verderers of the New Forest.

Gentlemen,

If you will allow me I will state the facts respecting M<sup>r</sup> Hayward's letter in as few words as possible. On the 31<sup>st</sup> May 1881 M<sup>r</sup> Hayward sent 20 heifers to the Forest all of which I tail marked at Brockenhurst and afterwards took to Denny. About a month after, one of the two year olds had an attack of red water. I got the animal into a yard on the nearest farm and drenched it twice or three times which cured her but unfortunately a stoppage followed in consequence of which she died. I had previously sent word to M<sup>r</sup> Hayward but he did not send any one to see after the heifer. Sometime after the above happened I found one of the yearling heifers dead at Long Water. Finding the horns had been removed by some one I made enquiry and obtained the horns with the print on it from Gale the Under Keeper of Iron's Hill Walk who took it from the heifer himself. A short time after this I was riding in the Forest when I met Gale and he said he had found another heifer dead and rotten so he took the pointed horns from her which he afterwards gave me. M<sup>r</sup> Hayward had full information of the loss of the second heifer about the time it happened. The 3<sup>rd</sup> I told his son about in Lymington, but since then I have told M<sup>r</sup> Hayward himself at different times when I have met him and also that a description had been given to the agisters, of the two missing ones, and they have been sought for all over the Forest and as they could never be traced they must have either died in some enclosure or been stolen. If M<sup>r</sup> Hayward is not satisfied I can produce the

horns also the keeper who removed them. If Commoners when they are informed of sickness attacking their animals would either send or come themselves it would be more satisfactory to the agisters. Respecting the remaining 15 heifers I have to say that last year M<sup>r</sup> Hayward's heifers dispersed themselves over a great part of the Forest so that it was impossible to get them all together at one time. I did the best that could be done. I put them in some pasture as I found them not without a [p.180] deal of trouble to myself. Now respecting the latter part of Mr Hayward's letter I beg to inform the Verderers that the words he says I used in answer to his enquiry I unhesitatingly deny. The facts are as follows. At the time M<sup>r</sup> Hayward refers to there were several Commoners in the room beside myself. One of them is a man well known for galloping about but who had never paid me his fees for turning out stock. While M<sup>r</sup> Hayward and myself were disputing about the death of the 3<sup>rd</sup> heifer this man choose to interrupt the conversation with some insulting remarks. I turned round to him and said these words. "If I sit down and smoke my pipe when I am tired I perhaps do as well as some who go galloping about". M<sup>r</sup> Hayward states in his letter that for the last 30 years he has turned out cattle in the Forest but he forgets to state it is myself who has always had charge of his cattle for that length of time and no complaint made to my knowledge.

I am Gentlemen  
Your obedient Servant  
Levi Gray

Private and Confidential

In the year 1858, M<sup>r</sup> Hayward turned out 13 pigs to the Mast. A few weeks afterwards I was at the Royal Oak at a place near Milton where M<sup>r</sup> Hayward lives, in a room with other company. M<sup>r</sup> Hayward came in and asked me how his pigs were doing in the Mast. I said I did not know as I had not seen them in the wood where I put them to feed and had looked for them repeatedly and supposed they must have rambled further in the Forest. Some time after this I was informed that when he was anxiously enquiring of me "how is my pigs doing in the Forest" they were in his yard all the time having returned home out of the Forest soon after I turned them in. When I met M<sup>r</sup> Hayward in Lymington some time after I asked him for the money for the pigs, he said he should not pay me as they did not stay in the Forest. So I told him I had paid for the ovasting and had spent a deal of time in seeking after them and that he ought to have told me they had returned home and either sent me word he had kept them in or sent them back to me. M<sup>r</sup> Hayward's afterwards paid me because he knew very well he could not defend such behaviour towards a Marksman.

Levi Gray.

After a discussion thereon the Verderers came to the conclusion that the report was by no means satisfactory and they ultimately arrived at the [p.181] following decision which was read by the Clerk to the four Agisters.

The Court have determined to inform Levi Gray and the other Agisters of their great dissatisfaction with regard to the non-marking of the cattle in the Forest generally but with special reference to Levi Gray: they postpone the question of retaining his services as <an> Agister until the next Court.

The Clerk produced and read a letter from the Official Verderer and also a letter from Major Powell sent therewith for the consideration of the Court as follows.

(Copy)

June 6<sup>th</sup> 1881  
74 S<sup>t</sup> George's Square, S.W.

Dear Sir,

I have been rather surprised to receive the enclosed complaint as I thought the Verderers had dealt with it some months ago. However, Captain Martin Powell is a very competent person to make it, and any complaint he brings forward on the subject must be deserving of attention. Will you let this letter be read at the Court on the 13<sup>th</sup> (When I do not expect to be present) and it may either be dealt with there and then or postponed in order that Capt<sup>n</sup> Powell may be heard on another occasion.

Yours faithfully  
G. Sclater Booth.

(Copy enclosure)

5<sup>th</sup> June 1881  
Lyndhurst, New Forest.

Dear Sclater Booth,

I do not think that the Verderers can be aware of the very general feeling which exists amongst the owners of Forest Colts against the Bye Law which obliges them (the colts) to be tail marked, each of the four different tail marks is a disfigurement but some of them are simply hideous, and depreciate the market value of the pony fully 30 per cent. I have consulted with men who understand the case well and we are all agreed that the tail marking which has never yet been practised is unnecessary and injurious to the interests of the Commoners. The Bye Law is not reasonable and if the Verderers won't discontinue it we shall have to get up a sort of "tail league" with myself as the Parnell of it. Unfortunately I am obliged to be in Town on the 13<sup>th</sup> (your next Court day) so I write to beg that the subject may not then be legislated upon but that you will give me an opportunity of being heard at another meeting.

[p.182]

Yours very truly  
W. Martin Powell

The Court examined Newbold as to Major Powell's refusal to have his ponies marked and he stated that he had repeatedly refused to take the marking fees which had been offered to him; unless he was allowed to mark the ponies himself with his mark.

The consideration of the correspondence with Major Powell was deferred until the next Court but Newbold was ordered to apply for a summons against him unless the ponies were marked and the usual fees paid within one week; as he was committing a breach of the Bye Laws in refusing to have his cattle marked though willing to pay the fees. Newbold was directed not to take the fees without marking the ponies.

The question of Turbary was brought forward for consideration but was postponed until a future Court.

A letter was read from Cap<sup>t</sup> Lovell complaining of the inferior quality of a bull roaming in the Forest in Gray's district and as to other bulls being at large in the Forest unmarked and on questioning him the Verderers discovered that three bulls belonging respectively to Mess<sup>rs</sup> Dowden Read and Foster were roaming at large in <his> the district unmarked. He was directed to mark



them and obtain the fees at once and in default of payment by the owners of the animals they were to be at once summoned to attend the next Court to answer for their offence.

The Clerk was directed to inform Cap<sup>t</sup> Lovell in reply to his complaint that Foster's bull was not in the opinion of the Court such an animal as could be reasonably excluded from the Forest and that orders had been given Gray to mark the other bulls referred to and exact the fees for so doing.

The Financial Statement was presented as follows (See next page)

Cheques were drawn for the Clerk's and Agisters' Salaries up to the 24<sup>th</sup> June and the Clerk was directed to hold them until they became due.

The Clerk's bill in connection with the preparation of and carrying out The New Forest (Foot and Mouth Disease) Order 1881 amounting to £26.16.6 was passed and cheque drawn for payment. An account of Mess<sup>rs</sup> Drake & Co for Stationery amounting to £10.0.9 was also passed and cheque signed for the amount.

[p.183]

Financial Statement

1881	By balance from last a/c	497	14	4	1881				
June 10	By Cash received of Agisters at Court on 9 <sup>th</sup> May for marking Commoners Cattle viz <sup>t</sup>	40	0	6		Balance	539	10	10
	“ Cash of Non Commoners to 3 <sup>rd</sup> May	<u>1</u>	<u>16</u>	<u>0</u>					
	£	539	10	10		£	539	10	10

The Agisters then paid over the amounts they had received for marking Commoners' Cattle since the last Court as follows:

Levi Gray	13.12. 0
George Philpott	16.14. 0
Charles Newbold	29.17. 6
Charles Evemy	<u>26. 8. 0</u>
	£ <u>86.11. 6</u>

The Court considered the propriety of making a drift of the Forest and as a preliminary arrangement with that object in view directed the ~~Verderers~~ <Agisters> to report upon the state of the pounds in their respective districts to the Clerk within Seven days.

The Clerk was authorized to obtain the necessary inkstands with the crest of the Court engraved on them, for use at the Courts.

This concluded the business of the Courts.

*[signed] G. Sclater Booth*

[p.184]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 12<sup>th</sup> day of September 1881.

Present

The R<sup>t</sup> Hon<sup>ble</sup> G. Sclater Booth, M.P. Official Verderer  
Sir Henry Charles Paulet Bart. Deputy Chairman  
John Lane Shrubbs Esq<sup>re</sup> }  
G.E.B. Eyre Esq<sup>re</sup> }  
L<sup>t</sup> Col<sup>l</sup> W.C.D. Esdaile } Verderers  
Lord Henry Scott, M.P. }

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

Charles Evemy v Frederick Tarrant – The defendant was charged for that he being one of the Commoners of the New Forest unlawfully did allow two horses to roam at large in the said Forest without having caused such animals to be marked by an Agister contrary to the Bye Laws of the said Forest.

The defendant pleaded guilty and was fined 2/6 and 8/6 costs.

The fine and costs were paid.

Levi Gray v John Chinery – The defendant was charged with the like offence in respect of one mare.

The defendant did not appear.

Thomas Hooker, Police Constable sworn, saith:

I am a Police Constable stationed at Brockenhurst. I served a copy of the summons on the defendant personally on the 30<sup>th</sup> August last and at the same time read it through and explained it to him.

Levi Gray on his oath saith as follows,

I am an Agister for the New Forest and act for the Southern District. On the 27<sup>th</sup> July of the present year I saw a mare and sucking colt belonging to the defendant who is a Commoner in the New Forest roaming at large in the Forest. The mare was not marked [p.185] by an Agister and no fees have been paid for it. I can swear to its being the property of the defendant.

The Court considered the case proved, convicted the defendant and fined him £1 including costs. The usual order was signed and ordered to be served on him. 14 days were given for payment and in default 14 days imprisonment was ordered.

Levi Gray v William Cecil Standish – The defendant was charged with the like offence in respect of one cow.

The defendant appeared and pleaded not guilty.

Levi Gray on his oath saith as follows.

I am an Agister of the New Forest and act for the Southern District. On the 27<sup>th</sup> of July of the present year I saw a cow belonging to the defendant in Whitley Ridge Walk in the New Forest. The cow was not marked by an Agister and no fees had been paid for it. I can swear to it being the property of the defendant who is the tenant under the Crown of part of New Park in the Forest. There are Common rights attached to his holding. I have received money from previous tenants of New Park for marking their cattle on and off for the last 30 years. I have received money this year from M<sup>r</sup> Gosling the tenant of another part of New Park for marking his cattle. I have received money from M<sup>r</sup> Gardiner and M<sup>r</sup> Dickinson previous tenants of New Park for marking their cattle but I have not received money from them since 1877.

Cross examined. During the last 30 years the Crown Tenants have paid me for marking their cattle but I do not know whether I had power to enforce the payment from them.

For the defence. M<sup>r</sup> Standish claimed the right as tenant of the Crown to turn out cattle into the Forest under the Crown as owner of the soil and not as a Commoner. He denied that he was a Commoner under the Act of 1877; he offered no evidence in support of his contention but relied on Sec. 12 of the New Forest Act 1877.

The Verderers having considered the question raised for the defence <intimated their intention to convict> ~~convicted~~ the defendant and ~~fined him 2/6 and 6/6 costs to be paid within one month.~~ The defendant at once gave notice of appeal and by his request the Court was formally adjourned until Monday the 19<sup>th</sup> day of September inst to enable him to correspond with the Crown Authorities and decide whether he would appeal to the next Court of Quarter Sessions or proceed by Special Case and the formal delivery of judgment was adjourned until that date.

[p.186]

Major Powell addressed the Court and presented a numerously signed petition from the Commoners of the Forest praying for the discontinuance of the tail marking of animals. At the request of the Official Verderer Major Powell shewed a pony marked in a manner which he considered would not be objectionable and pointed out the advantages of his mode of marking and the objections to tail marking. He further suggested that a description book should be kept by each Agister in the form he submitted to the Court.

It was resolved to refer the matter to the General Purposes Committee to examine and consider the suggestions and to bring up a report thereon.

L<sup>o</sup> Co<sup>l</sup> Esdaile reported that he had at the suggestion of the General Purposes Committee entered into arrangements for the clearing out of certain open cuttings of the Forest Drainage System and the repairs of five bridges over such cuttings. He considered the price per rod too high but the work of clearing had been done effectively. The bridges were not yet finished in consequence of delay connected with the assignment of timber by the Forest Authorities but the repairs were in progress and a provisional estimate of expense had been given by M<sup>r</sup> Lunn of Brockenhurst Saw Mills. The whole cost of clearing and Bridge Repairs would be under the £100 authorized to be expended. He

recommended that an additional £50 should be placed at the disposal of the Committee for further repairs as some bridges over open cuttings required immediate attention.

Resolved that the General Purposes Committee be authorized to expend £50 in repairs of Drainage Works in addition to the £100 already authorized to be expended and the matter was thereupon referred to the General Purposes Committee to carry out the detail.

The Financial Statement was produced by the Clerk as follows.

Financial Statement presented at a Court of Swainmote on September 12<sup>th</sup> 1881

1881	By balance from last a/c	539	10	10	1881				
June 14	Cash received of Agisters at Court on 13 <sup>th</sup> Ins <sup>t</sup> for marking Commoners Cattle viz <sup>t</sup>				June 24	To Mr Mortimer ¼ salary to this day	37	10	0
	Levi Gray 13.12. 0					" Levi Gray D <sup>o</sup>	17	10	0
	Charles Newbold 29.17. 6					" Charles Newbold D <sup>o</sup>	17	10	0
	George Philpott 16.14. 0					" George Philpott D <sup>o</sup>	17	10	0
	Charles Evemy <u>26. 8. 0</u>	86	11	6	July 13	" Charles Evemy D <sup>o</sup>	17	10	0
	Carried Forward	£ 626	2	4		" Drake & Co for stationery printing & <sup>c</sup>	26	16	6
						Carried Forward	£ 134	6	6

[p.187]

1881	Brought Forward	£			1881	Brought Forward	£		
June 29	By Cash received from Non Commoners to this time viz:-				June 13	To M <sup>r</sup> Mortimer bill under New Forest Foot and Mouth Disease Order 1881	26	16	6
	Licenses 10. 0					" W <sup>m</sup> Smith for cleaning drains	20	0	0
	Head Money 1. 4. 0				14	" D <sup>o</sup>	28	0	6
	Marking Fees <u>8. 0</u>	2	2	0	Aug <sup>t</sup> 1	" Co <sup>l</sup> Esdaile, Draining done at Mill			
Aug <sup>t</sup> 11	" Cash received by Clerk of Agisters at Lyndhurst today for marking Commoners Cattle to this date				10	Lawn	8	13	8
	viz <sup>t</sup> Levi Gray 16.16. 8				22	" Cheque Book		5	0
	Charles Evemy 14.11. 0					Balance	488	14	7
	Cha <sup>s</sup> Newbold 19. 7. 6	60	9	2					
" "	Geo. Philpott <u>9.14. 0</u>								
	" Fees of Joseph Short for license to depasture a horse viz <sup>t</sup>								
	License 2. 6								
	Head Money 3. 0								
	Marking Fee <u>1. 6</u>		7	0					
" 18	" <i>Obto</i> of Gray for arrears of fees due from him for marking	<u>1</u>	<u>0</u>	<u>6</u>					
		£ 690	1	0			£ 690	1	0

The Clerk read the following letter from the Lords Commissioners of Her Majesty's Treasury and the several enclosures referred to therein.

It was resolved that the communication from the Permanent Secretary of Her Majesty's Treasury dated 13<sup>th</sup> June 1880 and addressed to the Clerk to the Verderers and the two enclosures contained therein dated respectively the 11<sup>th</sup> and 31<sup>st</sup> days of May 1881 be entered on the minutes of the Court.

(Copy Correspondence &<sup>c</sup>)

9867/81

Treasury Chambers  
13<sup>th</sup> June 1881

Sir,

In reply to your letter of the 10<sup>th</sup> ulto upon the subject of the disposal of the Dorchester Railway Money under Sec. 11 of the New Forest Act 1877 I am directed by the Lords Commissioners of Her Majesty's Treasury to request you to bring before the Verderers the

[p.188] enclosed copies of letters\* upon the same subject, which have passed between the Treasury and the Commissioners of Woods and Forests.

[\*marginal note] Letter to Woods 13 May 1881,  
8510/81. Y.  
9867/81 W & Y  
Report from Woods and enclosure 31 May 1881

In pursuance of the suggestion of the Commissioners of Woods and Forests My Lords are prepared to authorize payment out of the Crown's Income from the Forest of £244 in addition to the moiety of the capital sum of £7016 19<sup>s</sup> 9<sup>d</sup> reduced £3 per cent annuities, which has been hitherto in question, in order to include the Tilery Account in the present Settlement.

The reference made by the Commissioners to Sections 22, 23 and 24 of the New Forest Act will no doubt receive due attention from the Verderers.

A resolution adopted at a Court of Swainmote authorizing the Corporate seal to be affixed to duplicate copies of a document read to the Court and approved by it, for giving effect to the proposal contained in the letters named in the margin\* would appear to be the regular course of proceeding, one of the duplicates to be forwarded to the Treasury for the purposes of being lodged among the archives of the Commissioners of Woods and Forests and the other signed on behalf of my Lords, as assented to by Them, under section 11 of the New Forest Act 1877 to remain with the Verderers.

[\*marginal note] T to C to Verderers 6820/81  
20 April 1881.  
C to Verderers to Treasury  
10 May 1881. 8510  
C of W & F to Treasury  
& enclosure, 31 May 1881  
9867.

If not inconvenient My Lords would be glad to be allowed to see drafts of the proposed Resolution and of the document ordered thereby to be sealed.

I have the honour to be  
Sir  
Your obedient servant  
R.R.W. Lingen

Copy  
8510/81

Treasury Chambers  
11 May 1881

Gentlemen,

I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you for your information the enclosed copy of a letter from the Clerk to the New Forest Verderers dated the 10<sup>th</sup> Inst in which he states that the Verderers accept the proposal made in the letter from this department of the 20<sup>th</sup> ulto, that a division shall be made between the Verderers and the Commissioners of Woods and Forests of the Southampton and Dorchester Railway Money remaining to be applied under the New Forest Act 1877 in the following

manner viz<sup>t</sup> that one moiety of the capital sum now standing invested in reduced £3 per cent annuities shall be assigned to the Verderers [p.189] and the other moiety to the Commissioners of Woods and Forests to be applied by both parties, respectively as so much added to the several funds, at their disposal, without any liability on either side to account for the application of one moiety to the recipients of the other.

Adverting to M<sup>r</sup> Howard's letter of the 25<sup>th</sup> February last, upon this subject, I am to enquire whether you have any objection to offer to any communication from My Lords to the Clerk of the Verderers in reply to their letter enquiring when it would suit the Official Verderer to attend at the Bank of England with the Permanent Secretary of the Treasury for the purpose of transferring in several moieties, the capital sum of £7016.19.9 Reduced £3 per cent annuities now standing in their joint names in the Books of the Governor and Company of the said Bank to the Official Verderer of the New Forest and the Commissioners of Her Majesty's Woods, Forests and Land Revenues pursuant to Sec. 20 of the Exchequer and Audit Departments Act 1866.

When this transfer has been effected the application of the Crown's moiety, in buying up Fuel Rights over the Forest, or otherwise, can be considered between the Treasury and the Commissioners of Woods and Forests exclusively.

I have &<sup>c</sup>  
(s<sup>d</sup>) R.R.W. Lingen

Copy  
852

Office of Woods &<sup>c</sup>  
Whitehall Place, S.W.  
31<sup>st</sup> May 1881.

My Lords,

I have to acknowledge the receipt of Sir Ralph Lingen's letter of the 11<sup>th</sup> Inst, further relative to the proposed division between the Verderers of the New Forest and this department of the balance of the fund established under the Southampton and Dorchester Railway Act 1845 and in reply I have to acquaint your Lordships that no objection occurs to me to the proposed communication from your Lordships to the Clerk of the Verderers enquiring when it would suit the Official Verderer to attend at the Bank of England with your Lordships Permanent Secretary for the purpose of transferring in several moieties the capital sum of £7016.19.9 Reduced £3 per cent annuities now standing in their joint names in the Books of the Governor and Company of the said Bank, one of such moieties to be transferred to the Official Verderer of the New Forest. I presume however that the moiety of the annuities intended for the service of this department will have to be transferred to the name of the Commissioners of Her Majesty's Treasury in [p.190] pursuance of the 109<sup>th</sup> Section of the Act 10 Geo. 4 Cap. 50. I am of opinion however, that having regard to the wording of the 11<sup>th</sup> Section of the "New Forest Act 1877" it is very desirable that the arrangement should be formally approved and adopted by a Resolution of the Verderers ~~of~~ <at> a Court of Swainmote (see Secs. 22, 23 and 24 of the same Act) so that your Lordships proceedings may not hereafter be liable to question by them.

I have further to submit to your Lordships that it is very desirable that the Southampton and Dorchester Railway Act 1845 fund, as a separate Fund, in which the Commoners are

interested, should be finally closed which it cannot well be unless the whole interest in the Victoria Tilery is vested exclusively in Her Majesty.

The Tilery was established out of money belonging to the Fund, the site and the clay being however the property of Her Majesty, but the kilns and other buildings being erected at the cost of the Fund. When the Tilery was let, it was arranged with the Verderers, that  $\frac{1}{3}$  of the Rent should be credited to the New Forest Account as representing the interest of the Crown exclusively and that  $\frac{2}{3}$ <sup>rds</sup> should be credited to the fund account in which the Crown and Commoners were mutually interested. This arrangement has continued to the present time, and since the Cash Balance of the Fund was paid over to the Paymaster General under your Lordships' directions, further sums on account of the rent of the Tilery have been placed to the credit of the fund, amounting on the 31<sup>st</sup> March last, to £60 which I presume under your Lordships' proposal will fall to be divided equally between the Verderers and this department.

The Tilery having recently become vacant, it occurred to me that a favourable opportunity presented itself of closing the account of the fund, and that it might be accomplished by having the kilns and other buildings valued and by paying out of the Income of the Forest, the amount of the valuation to the fund to be divided in equal moieties between the Verderers and this Department on the understanding that thereafter the Tilery and all its belongings should be dealt with as the exclusive property of the Crown.

I accordingly directed a valuation to be obtained from an impartial valuer and this valuation, of which I enclose a copy, has now been furnished, shewing the value of the kilns and buildings to amount to the sum of £428.

I recommend that your Lordships should authorize me to transfer [p.191 the sum to the credit of the fund which with the addition of the £60 already in hand will amount to £488 and that this amount should be paid in equal moieties one moiety to the Official Verderer and the other moiety to the Cash Account of the Commissioners of Her Majesty's Woods etc at the Bank of England, the whole interest in the Tilery, Kilns, Buildings and premises to be thereafter exclusively in Her Majesty.

Before this is done however I strongly recommend that the arrangement should be approved and adopted by a formal resolution of the Verderers at a Court of Swainmote and that the nature of the arrangement should be entered in full on the minutes of the Court.

I have &<sup>c</sup>  
(S<sup>d</sup>) James K. Howard

P.S. The plant at the Victoria Tilery is claimed as the property of the late Tenant.

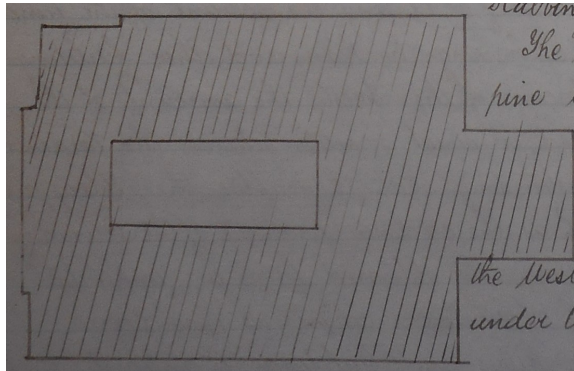
#### Copy

Report and Valuation of the Buildings and Plant at the Victoria Tile Works near Brockenhurst, Hants.

In accordance with instructions received from The Hon<sup>ble</sup> Gerald Lascelles I have surveyed the above mentioned buildings and plant and I have to report thereon as follows.

The buildings consist of

1. A Kiln substantially erected measuring in the clear 23 feet long and 12 feet wide. The top is covered in with rough fir boarding resting on ridge piece with ties and bearers. The stoking place is partly covered with rough fir board roofing supported by eight bearers on oak posts.
2. A Shed building as sketch covering a space of 950 square yards superficial with open sides except at the East End where it is enclosed with oak and ash slabbing and doors.



The roofs are constructed partly of red and yellow pine timber and deals, and partly of English fir supported on oak posts partly let into the ground and partly resting on stones. The roofs are covered with "open" slating on fir battens. At the West End is a rough Timber and board enclosure under the shed forming a dinner and bed room.

3. Cottage and Shed. The Cottage is brick built 30 feet long and 22 f 6 in wide, of one story in height and roofed in with slates. It contains a living room 13 f 6 in by 12 f, a bedroom of similar size, a smaller bedroom and wash-house under lean to roof. Near the cottage is a timber built shed 17 feet by 13 feet having a tiled roof and fitted with piggery. There is also a timber constructed privy with tiled roof.

Assuming that the several erections comprising the Kiln, shed, cottage and other buildings as before described are required and will be used for the purposes for which they were built I am of opinion that their present value (exclusive of site) is Four hundred and Twenty eight pounds, £428.0.0.

#### List of Plant

- 1 Navy Barrow
- 2 Pipe Barrows
- 4 Crowding Barrows
- 3 Bearing-off Barrows with Boards
- 3 barrows broken and incomplete
- 4 Moulding tables
- 1 pipe making machine with mandrils and rollers for making 2<sup>in</sup> 2½<sup>in</sup> 3<sup>in</sup> 4<sup>in</sup> and 6<sup>in</sup> pipes
- 1 pipe small rolling table
- 1 Circular Table 4f 5in diameter
- 1 Small pug mill and beam in shed
- 40 brick and tile moulds
- 3 dressing horses for tiles
- 2 T shed roofs over hacks about 50 feet long
- 5 D° D° 97 feet long
- 42 Wood caps for hacks
- 6 running planks and 12 boards
- 1 lead pipe with iron suction pipe fittings and deal shoots
- 7 iron bars for Kiln stoking and scrapers
- 5 Kiln hole centres



- 200 Cast iron Kiln bars 24<sup>in</sup> long  
4 pipe racks in North side of large shed with about 450 pipe trays of English fir

[p.193]

- 4 D<sup>o</sup> in South side of D<sup>o</sup> with about 400 trays varying in length from 3 feet to 10 feet of English Fir

My estimate of the value of the plant above enumerated is Eighty six pounds sixteen shillings, £86.16.0.

(sg<sup>d</sup>) Edwin T. Howell  
Surveyor &<sup>c</sup>

Southampton. 28<sup>th</sup> May 1881.

It was resolved that in accordance with the proposals of The Lords Commissioners of Her Majesty's Treasury contained in their letter to this Court bearing date the 20<sup>th</sup> day of April 1881 and assented to by this Court in the reply thereto dated the 10<sup>th</sup> May 1881 the balance of the purchase money paid into the Bank of England in pursuance of the 18<sup>th</sup> section of the Southampton and Dorchester Railway Act 1845 being part of the price paid for the lands of the Crown sold under the authority of that Act and set apart for the benefit of Her Majesty and the parties entitled to rights of common over the unenclosed portions of the New Forest (which balance is at present represented by the sum of £7016.19.9 reduced £3 per cent annuities standing in the names of the Permanent Secretary for the time being of the Treasury and The Official Verderer of the New Forest) shall be expended for the benefit of Her Majesty and the parties entitled to such rights as aforesaid in the manner following. That is to say.

That one moiety of the Capital sum of £7016.19.9 Reduced £3 per cent Annuities shall be assigned to the Verderers of the New Forest and the other moiety to Her Majesty's Commissioners of Woods and Forests to be applied by the Verderers and the Commissioners respectively as so much added to the several funds at their disposal without any liability on either side to account for the application of one moiety to the recipients of the other and that such appropriation of the said Southampton and Dorchester Railway Money be accepted by this Court as a final appropriation thereof under Sec. 11 of the New Forest Act 1877.

It was resolved that in accordance with the proposals submitted to the Lords Commissioners of Her Majesty's Treasury by the first Commissioner of Woods and Forests in his letter to their Lordships dated the 31<sup>st</sup> day of May 1881 and transmitted by their Lordships to the Verderers under cover of their said letter of the 13<sup>th</sup> June 1881 this Court do approve the transfer of the sum of £244 to the Verderers with a view to the extinction of the Tilery Account therein referred to and do agree that on [p.194] payment of the said sum of £244 to the Verderers the whole interest in the Tilery, Kilns, Buildings and premises be thereafter in Her Majesty.

It was resolved that upon intimation that the Lords Commissioners of Her Majesty's Treasury are satisfied with the above resolutions the Clerk be authorized to affix the seal of the Court of Swainmote to duplicate copies of the said resolutions and that the same be forwarded by the Clerk to the Lords Commissioners of Her Majesty's Treasury in order that one copy may be lodged among the archives of Her Majesty's Commissioners of Woods and Forests and the other after having been signed by the Lords Commissioners of Her Majesty's Treasury as assented to by them under the

said section 11 of the New Forest Act 1877 may be returned to the Verderers to be placed with their papers.

It was resolved that the moiety of the said Southampton and Dorchester Railway money to be assigned to the Verderers as aforesaid be transferred to the names of

The R<sup>t</sup> Hon<sup>ble</sup> George Sclater Booth M.P. Official Verderer  
Sir Henry Charles Paulet, Bart. Deputy Chairman  
and  
The Lord Henry Scott, M.P.

three of the Verderers of the New Forest and that the Official Verderer be requested to make such arrangements as are convenient to him for carrying out this resolution.

The Verderers then proceeded to consider the applications for the vacant office of Agister consequent on the resignation of Levi Gray and having seen the candidates and read their testimonials appointed Alfred Chandler of Sway, Lymington, to the office. He was ordered to enter upon his duties on the 29<sup>th</sup> September Inst.

The Agisters then paid over the amounts for marking Commoners' cattle since the last Court as follows:

Levi Gray	£ 5. 6. 0
Charles Newbolt	£ 6. 6. 0
Charles Evemy	£ 1.15. 0
George Philpott	£11.15. 0
Laura Waterman paid for license per Gray	7. 0
	£29. 9. 0

Note. Philpott is £1.10.0 in arrear

[p.195]

The Agisters presented their lists of NonCommoners who had not taken out licenses for their cattle this year with reasons attached for their not having done so.

The Court was formerly adjourned to Monday next the 19<sup>th</sup> September to proceed with the following business which was submitted to the Court by the Clerk and ordered to stand over.

To give necessary orders as to advertizing for Commoners to claim insertion of their names on Register.

To consider the question of Turbary and Pannage.

To fix the dates prior to which all Commoners <and Non-Commoners> cattle shall in future be marked.

To consider the best means of marking entire animals.

To consider the working of Bye Law 3, and to consider any proposed alteration therein.

To pass accounts presented for payment.

[unsigned]

[p.196]

At an Adjourned Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 19<sup>th</sup> day of September 1881.

Present

Sir Henry Charles Paulet Bart. Deputy Chairman  
L'Co<sup>l</sup> William Clement Drake Esdaile }  
Lord Henry Scott } Verderers

The Court was opened with the usual proclamation by the Crier.

The minutes of the last Court were read and confirmed.

M<sup>r</sup> Chinery who was convicted at the last Court for a breach of the Bye Laws of the New Forest attended the Court and explained the reason of his non-appearance thereat in answer to the summons served on him. He paid the £1.0.0 and costs.

Sir H.C. Paulet pronounced the formal judgment of the Court in the case of Levi Gray v William Cecil Standish viz<sup>t</sup> That the Defendant be convicted and fined 2/6 and 6/6 costs.

M<sup>r</sup> Standish thereupon withdrew his notice of appeal against the decision of the Verderers and made an application in writing signed by him to the Court to state and sign a special case under 20 and 21 Vic. Cap. 43 setting forth the facts and grounds of its determination for the opinion thereon of the Queen's Bench Division of Her Majesty's High Court of Justice.

The Court agreed to grant a Special Case as applied for and the Appellant entered into a recognizance in the sum of £100 conditioned to prosecute without delay such appeal and to submit to the judgment of the Superior Court and pay such costs as may be awarded by the same.

The Court then proceeded to discuss the facts and grounds upon the evidence given in the case with a view to facilitating its preparation and ultimately the Clerk was instructed to draft a case in accordance with the above Act to be settled by Counsel who should hereafter be selected by the Verderers and retained by the Clerk.

Further detail as to the delivery of the case to the Appellant and any other procedure or arrangement to be made was left to the Clerk to carry out.

[p.197]

The Court selected the last Saturday in this month (Saturday the 24<sup>th</sup> Sep) and the first Saturday in October for the publication of the instructions for Commoners to make application to have their names inserted in the Register of Commoners for the year 1881-2 and the Clerk was directed to cause the usual advertisements to be inserted in the publications of the Salisbury and Winchester Journal and Hampshire Advertiser of those dates respectively in accordance with the provisions contained in Schedule 2, of the New Forest Act 1877.

The Court also fixed the 6<sup>th</sup> October as the last day for sending in such claims, the 5<sup>th</sup> and 12<sup>th</sup> day of November for insertion of the advertisement stating that the amended Register is prepared and ready for inspection at the Clerk's Office at Lyndhurst and Monday the 14<sup>th</sup> day of November at 11 o'clock a.m. as the day on which the Verderers would meet for revision and correction of the Register.

The question of Turbary was brought forward but owing to the lateness of the season was again deferred for future consideration.

In order to enforce the payment of fees for pigs of pannage due under the Bye Laws the Agisters were directed to carry out the instructions given them last year for this purpose and with a view to ensuring compliance therewith the Clerk was requested to forward to each Agister a copy of the last years instructions from the Court Minute Book. He was also directed to instruct the Agisters to see that the pigs passed by them are properly rung.

The Court proceeded to consider the proposed alteration of Bye Laws 3 and 4.

It was considered that Bye Law 3 should be made more stringent as to the exclusion of the cattle of Non Commoners who do not hold licenses from the Forest.

After discussion the Bye Law was altered so as not to require any notice whatever to the owner as to the removal of such cattle but that immediately any such cattle be found by an Agister the owner be summoned to answer to his offence.

Bye Law 4 was altered limiting the time for marking Commoners Cattle to the period between the 1<sup>st</sup> day of January and the 30<sup>th</sup> day of June in every year except in unavoidable cases when the cattle shall not be marked except by order of a Verderer.

The Clerk was directed to forward copies of these Bye Laws as altered to M<sup>r</sup> Dart for him to peruse and settle their wording previous to their submission to a future Court for consideration.

The Verderers directed the Clerk to select a date suitable to him in January for the purpose of issuing licenses to Non Commoners and it was considered that as the Non Commoners pay their marking fees before receiving their license and consequently [p.198] do not have their animals marked unless their license is produced to the Agister that it was unnecessary to fix any particular date for marking their cattle.

The question as to marking entire animals was brought forward but deferred for future consideration.

The Clerk read the Agisters reports as to the state of the Pounds in their respective districts and as it appeared from the reports that all the Pounds required repairing more or less the Agisters were instructed to obtain from the following persons estimates for the repair of the Pounds in their respective districts and forward them to the Clerk within a fortnight.

Levi Gray's	district	M <sup>r</sup> Daniel Lunn
George Philpott's	"	" Charles Young
Charles Evemy's	"	" Daniel Lunn
Charles Newbolt's	"	" George Hull

The Clerk submitted bills for payment as follows.

Drake & C <sup>o</sup>	Stationery	£ 6 12 10
C.L. Lordan	Advertizing	£12 17 10
Tho <sup>s</sup> Culleton	rep'g seal	2 6
B. Bedford	binding	3 0

Cheques were drawn for the amounts and also for the Clerk's and Agisters' ¼ Salaries to the 29<sup>th</sup> Ins<sup>t</sup> and the Clerk was directed to hold the cheques for the Salaries until they were due.

The Agisters paid over the following amounts which they had received for marking Commoners Cattle since the last Court.

Charles Evemy	£1.18. 6
Levi Gray	1. 6

This concluded the business of the Court.

[signed] *H:C: Paulet*  
*Dep: Chairman*

[p.199]

At a Court of Swainmote held at the Queen's House on Monday the 14<sup>th</sup> day of November 1881.

Present.

Sir Henry Charles Paulet Bart. Deputy Chairman  
John Lane Shrubb Esquire }  
Joseph Henry Dart Esquire } Verderers.  
Leiut. Col. W.C.D. Esdaile }

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Court were read and confirmed.

The Clerk produced and read a letter from the Treasury dated the 20<sup>th</sup> day of October 1881 approving the resolutions passed by the Verderers at a Court of Swainmote held on the 12<sup>th</sup> September 1881.

The Letter was ordered to be entered on the Minutes and the Clerk was directed to comply with the terms thereof.

(Copy Letter)

16145/81

Treasury Chambers  
20<sup>th</sup> October 1881

Sir,

In replying to your letter of the 23<sup>rd</sup> ultimo, forwarding copy of the Resolutions adopted by the Verderers of the New Forest at their meeting on the 12<sup>th</sup> ultimo, relative to the appropriation of the balance referred to in the 11<sup>th</sup> Section of the New Forest Act 1877 and also relative to the Tilery account, I am directed by the Lords Commissioners of Her Majesty's Treasury to state that My Lords approve of those Resolutions, and are prepared, on the receipt of duplicate copies of them, to cause one of such copies, duly signed on their behalf, to be returned to the Verderers to be placed among their papers, the other copy being handed over to the Commissioners of Woods & Forests.

I have the honor to be,

Sir,

Your obedient Servant

R.R.W. Lingen

G.F.W. Mortimer Esq<sup>re</sup>  
Romsey, Hants.

[p.200]

The question of the proposed Railway from Totton to Lepe passing through the Forest was brought forward by the Clerk who mentioned he was instructed to act locally for the Company.

The Verderers considered the matter and resolved not to express disapprobation to the general scheme but to reserve to themselves the consideration of its details till such time as the plans were formally before them.

The Draft case in Standish v Gray which was settled by Counsel and altered by M<sup>r</sup> Gorst was next considered paragraph by paragraph.

M<sup>r</sup> Gorst's alterations were not approved and the Clerk was directed to arrange a consultation between M<sup>r</sup> Charles & M<sup>r</sup> Temple Cooke to reconsider the case at which consultation the Official Verderer and M<sup>r</sup> Dart expressed their wish to be present. Wednesday in next week was suggested as a suitable day.

The Clerk reported that there was no objection made to the existing Register of Commoners and that no application had been sent in by any Commoner to be placed upon it.

He produced copies of the Register which were signed by the Verderers and he was directed to deposit them in the usual way.

The question as to repairs of drainage was brought forward by Col. Esdaile and discussed by the Verderers. †

It appeared that the Verderers had paid M<sup>r</sup> Smith for cleaning out drains the sum of £56.14.2 and had paid M<sup>r</sup> Lund the sum of £18.5.0.

It was mentioned that the Crown had provided rough oak according to agreement for the repairs of the Bridges.

The Clerk produced the Financial Statement as follows:—

(Copy)

Financial Statement – presented at a Court of Swainmote on Nov<sup>r</sup> 14<sup>th</sup> 1881.

1881 Sept 12 <sup>th</sup>	By balance from last account	488	14	7	1881 Sept 19 <sup>th</sup>	To Drake & Co for Stationery printing & <sup>c</sup>	6	12	10
	” Fine & costs of Tarrant viz <sup>t</sup> Fine 2/6 and costs 8/6	—	11	0					
	Car <sup>d</sup> forw <sup>d</sup>	489	5	7		Car <sup>d</sup> forw <sup>d</sup> £	6	12	10

[p.201]

1881 Sept 12 <sup>th</sup>	Brought forward £	489	5	7	1881 Sept 19 <sup>th</sup>	Brought forw <sup>d</sup> £	6	12	10
	By Cash received of Agisters at Court today for marking Commoners’ cattle viz <sup>t</sup>					To Lordan for advertising & <sup>c</sup>	12	17	10
	Newbolt           6 6 0					” Culleton for repairing seal		2	6
	Evemy             1 15 0					” Bedford for Binding		3	0
	Philpott (Arrears) 5 0 0					” Mr Mortimer ¼’s Salary to Michaelmas	37	10	0
	D <sup>o</sup> (on a/c) 6 15 0					” Gray D <sup>o</sup>	17	10	0
	Gray               5 6 0	25	2	0		” Evemy D <sup>o</sup>	17	10	0
”	” Fees for license to Laura Waterman viz <sup>t</sup>				Nov. 2	” Philpott D <sup>o</sup>	17	10	0
	License            2 6					” Daniel Lunn for repairs to Bridges & <sup>c</sup>	18	5	0
	Head Money     3 0								
	Marking fee     1 6		7	0					
20	” Fees received at Court yesterday for marking Commoners’ Cattle to this rate viz <sup>t</sup>					Balance in hand	272	16	11
	Evemy             1 18 6								
	Gray               1 6	2	0	0					
”	” Fines & fees inflicted on John Chinery at Court on 12 <sup>th</sup> inst. for breach of bye laws	1	0	0					
29	” Arrears due from G. Philpott for marking commoners cattle due on monies paid at Court on 12 <sup>th</sup> inst.	1	10	0					
”	” Arrears of fees of Levi Gray to to 29 <sup>th</sup> inst.	—	3	6					
	£	519	8	1		£	519	8	1

A cheque for £1 was drawn in pursuance of Sect. 9 of the New Forest Act 1877 and the Clerk was directed to forward it to M<sup>r</sup> Lascelles and obtain the usual receipt.

M<sup>r</sup> Shrubbs questioned Chandler the Agister relative to the pigs in his district not being rung and the Verderers gave directions to the Agisters that all pigs in their Districts should be properly rung.

The question as to the repairs to Pounds was ordered to stand over until the next Court. The Clerk was requested to produce the estimate of repairs sent to him at that Court.

The Agisters paid over the following amounts which they [p.202] had received for marking Commoners Cattle and for Pigs since the last Court viz<sup>l</sup>.

Charles Newbolt (Cattle)	£ 1. 8. 0	
D <sup>o</sup> (pigs)	£ 1.19. 4	
D <sup>o</sup> license to non-Commoner	<u>7. 0</u>	£ 3.14. 4
George Philpott (Cattle)	£ 8. 0. 6	
D <sup>o</sup> (pigs)	<u>£ 3.11. 4</u>	£11.11.10
Charles Evemy (Cattle)	£ 5.18. 6	
(pigs)	<u>£ 1.12. 0</u>	£ 7.10. 6
Alfred Chandler (Cattle)	<u>£ 0. 3. 0</u>	3. 0
	Total	<u>£22.19. 8</u>

As four Verderers only were present the proposed alterations in the Bye-Laws could not be considered and the matter was postponed until the next Court.

The Verderers expressed their entire disapprobation of the smallness of the sums collected by the Agisters for marking Commoners Cattle. They had been credibly informed that there were many cattle now roaming at large in the Forest which had not been marked by any Agister and they were cautioned to observe more alacrity in <the> execution of their duties for the future.

The next Court was fixed for the 28<sup>th</sup> November at 11 o'clock and the Clerk was requested to urge upon the Verderers the necessity of securing the attendance of Five Verderers at such Court in order to be able to draft the new Bye Laws so that they may be presented to the Quarter Sessions on January 2<sup>nd</sup> 1882.

x<sup>d</sup>

[signed] *H:C: Paulet: Dep: Chairman*



[p.203]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 28<sup>th</sup> day of November 1881.

Present

Sir Henry Charles Paulet Bart.	Deputy Chairman	
George Edward Briscoe Eyre Esq <sup>re</sup>		}
Lieut Col William Clement Drake Esdaile		}
Joseph Henry Dart Esquire		} Verderers
Lord H.J.M.D. Scott M.P.		}

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

The Clerk reported that he attended at a Consultation on Friday last with M<sup>r</sup> Charles and M<sup>r</sup> Temple Cooke at which the Official Verderer was present and at which consultation the proposed case in Standish v Gray was resettled the greater portion of M<sup>r</sup> Gorsts alterations being struck out.

The Clerk produced a letter from M<sup>r</sup> Webb on behalf of the Under Sheriff proposing that Friday the 6<sup>th</sup> of January at 12 o'clock the day to be fixed by the Verderers for the election of two Verderers and the Court assented to the suggestion and fixed the election for that day.

The Clerk produced specifications for the repairs to the Forest Pounds and was directed to apply to the Crown Authorities to ascertain if they would supply timber for the repairs of the various Forest Pounds which the Verderers considered ought to be repaired.

The Court next proceeded to consider the proposed alterations in the Bye Laws. It was resolved that N<sup>o</sup> 3 Bye Law be rescinded and the following Bye Law be enacted in its place:—

“No person other than a Commoner acting in the due exercise of his right or rights of common in the Forest shall cause or allow any cattle or other animal to roam at large in the Forest unless a License from the Verderers for such cattle or other animal [p.204] to depasture in the said Forest shall have been obtained by such Person and shall be in force at the time when such cattle or other animal shall be so roaming as aforesaid.”

It was resolved that Bye Law N<sup>o</sup> 4 be rescinded and the following Bye Law enacted in its place:—

“No Commoner shall in the exercise of any right of Common cause or allow any Cattle or other animal to roam at large in the Forest unless or until such cattle or other animal has prior to the 1<sup>st</sup> day of July in the Year in which the same shall so roam as aforesaid or on some later day specially allowed for that purpose by one of the Verderers by writing under his hand been duly marked by one of the Agisters nor unless nor until the proper payment ~~for the time being appointed by the Verderers in exercise of the powers conferred on them in that behalf~~ shall have been made to the Agister for marking such cattle or other animal.”

It was resolved that the following be the Bye Laws of the New Forest made in pursuance of the New Forest Act 1877.

### Interpretation of Terms.

In these Bye Laws unless the context otherwise requires words have the same meaning as in the New Forest Act 1877.

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With respect to the prevention of the spread of contagious or infectious disease in the Forest by excluding or removing from the Forest any animal infected or suspected of being infected or coming from a place infected or suspected of being infected with a contagious or infectious disease – (40 & 41 Victoria, Chap. CXXI, sec. 25 sub-sec. 1.)

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1. A person shall not knowingly cause or suffer any animal belonging to him or in his charge to enter or be at large in the Forest at any time when such animal may be infected with a contagious or infectious disease or when there may be reasonable grounds for suspecting that such animal is so infected.

In every case where the Verderers may have ascertained or may have reasonable grounds for suspecting that a place is infected with a contagious or infectious disease and where by notices affixed or set up and continued in suitable and [p.205] conspicuous positions in that part of the Forest which may be most convenient for the purpose the Verderers may have declared that such place is infected or suspected of being infected with a contagious or infectious disease a person shall not at any time while such place may be so infected or suspected of being infected knowingly cause or suffer any animal therein which may belong to him or be in his charge to go therefrom into the Forest.

With respect to the conditions as to time breed and otherwise under which stallions Bulls or other male entire commonable animals are to be allowed to roam at large in the Forest (Sec. 25, sub.sect.2).

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2. No person shall cause or suffer any stallion, bull, or other male entire commonable animal to roam at large in the Forest unless the same shall have been inspected and marked by some person or persons appointed or employed by the Verderers in that behalf.

In every case where any person may know or may have reasonable grounds for believing that any male entire commonable animal belonging to him or in his charge is vicious or likely to cause injury to any person if such animal be allowed to roam at large in the Forest such person shall not allow such animal to roam at large in the Forest.

With respect to the removal from the Forest of the cattle and other animals belonging to persons not being Commoners in the Forest (Sec. 25. sub-sec 3)

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3. No person other than a Commoner acting in the due exercise of his right or rights of Common in the Forest shall cause or allow any cattle or other animal to roam at large in the Forest unless a license from the Verderers for such cattle or other animal to depasture in the

said Forest shall have been obtained by such person and shall be in force at the time when such cattle or other animal shall be so roaming as aforesaid.

[p.206]

With respect to the regulation of the rights of common by the Commoners (Sec. 22, sub-sec. 4).

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4. No Commoner shall in the exercise of any right of common cause or allow any cattle or other animal to roam at large in the Forest unless or until such cattle or other animal has prior to the first day of July in the year in which the same shall so roam as aforesaid or on some later day specially allowed for that purpose by one of the Verderers by writing under his hand been duly marked by one of the Agisters nor unless nor until the proper payment ~~for the time being appointed by the Verderers in exercise of the powers conferred on them in that behalf~~ shall have been made to the Agister for marking such cattle or other animal.

5. Pannage:— Every Commoner intending in the exercise of any right of pannage to turn any pig out in the Forest shall before proceeding to exercise such right produce to some one of the Agisters the ticket which may have been issued to such Commoner by the Forest keeper and shall allow such Agister to countersign such ticket and forthwith after the same has been countersigned shall pay to such Agister for marking such pig the sum of four pence.

6. Turbary:— Every Commoner intending to exercise the right of Turbary shall before proceeding to exercise such right produce to some one of the Agisters the ticket which may have been issued to such Commoner by the Forest keeper and shall allow such Agister to countersign such ticket and forthwith after the same has been countersigned shall pay to such Agister the sum of six pence for every 1000 turves which such Commoner may be authorized to cut.

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Fines:— Every Person breaking any of the foregoing Bye-Laws shall be liable for any one offence to a fine not exceeding Two Pounds and in the case of a continuing offence to a fine not exceeding Ten shillings for every day during which such offence is continued after conviction, for the first offence.

[p.207]

The Clerk was directed to advertise the proposed alterations in the Bye Laws in compliance with Section 25 of the New Forest Act 1877 in the Salisbury and Winchester Journal and Hampshire Advertiser.

The question of marking horses was considered and it was resolved that where a Commoner desired to have his horse marked with a braid in the mane in preference to cutting a mark in the tail and produces such animal in such a way as to enable the Agister to fasten such braid in the mane he be allowed to have his horse so marked in substitution for the tail mark.

Each Agister was directed to have a separate colored Braid for the purpose of marking horses in his district.

It was resolved that the Agisters should keep a Book containing the date of marking horses, the names of the owners, description, color & descriptive marks of every horse marked by them. The Clerk was directed to get a Book prepared for each Agister under the following headings:—

Date of marking, Name of Owner, Description of Horse, Color, Descriptive Marks.

The Agisters attended and paid over the amounts they had received for marking Commoners Cattle and for Pigs since the last Court, viz<sup>t</sup>

Charles Newbolt	(Cattle)	£1.16. 0	
D <sup>o</sup>	(Pigs)	<u>6. 8</u>	2. 2. 8
Charles Every	(Cattle)	1. 6	
D <sup>o</sup>	(Pigs)	<u>3. 4</u>	4.11
George Philpott	(Cattle)	2.10. 0	
Do	(Pigs)	<u>7. 8</u>	2.17. 8
Alfred Chandler	nothing		<u>£5. 5. 2</u>

This concluded the business of the Court.

[signed] *H:C: Paulet; Dep. Chairman*

[p.208]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 23<sup>rd</sup> day of January 1882.

Present.

The Right Hon. G. Sclater Booth, M.P.	Offical Verderer.
Sir Henry Charles Paulet Bart.	Deputy Chairman.
John Lane Shrubbs Esquire	}
Lieut. Col. W.C.D. Esdaile	}
Joseph Henry Dart Esquire	} Verderers
The Lord H.J.M.D. Scott, M.P.	}

The Court was opened by the usual proclamation by the Crier.

The Clerk produced and read the return of the Sheriff of the recent election of the Verderers and the same was ordered to be entered on the minutes.

(Copy)

The New Forest Act 1877

I Sir Nelson Rycroft Baronet Sheriff of the County of Southampton and Returning Officer for the Election of Verderers under the above mentioned Act hereby certify that in pursuance of the provisions of the said Act Sir Henry Charles Paulet of Little Testwood House Eling in the said County Baronet and John Lane Shrubbs of Boldre Grange Boldre neat Lymington in the said County Esquire were on the sixth day of January 1882 duly elected Verderers of the New Forest.

Dated this 16<sup>th</sup> day of January 1882.

Signed Nelson Rycroft  
Sheriff & Returning Officer

The Minutes of the last meeting were read and confirmed.

The Verderers next proceeded to consider the case of Standish v Gray.

The Clerk produced and read the following letters from the Mr Gorst Solicitor in the Office of Woods

(Copy letters)

[p.209]

Office of Woods  
12<sup>th</sup> December 1881

Dear Sir,

Standish v Gray

I duly received your letter of the 28<sup>th</sup> ulto with the Draft Special Case as finally settled and which I herewith return.

As soon as I saw the papers in this matter it was clear to me that the evidence given at the Verderers Court was scanty and unsatisfactory.

The question as to whether this particular conviction was right or wrong is of course one which the Crown authorities would not care to take up, and the real question they wish to have decided is whether the tenants of enclosed Crown lands who are authorised by M<sup>r</sup> Howard to turn out Cattle upon the wastes of the Forest belonging to Her Majesty are subject to the Bye laws which the Verderers are authorised by parliament to make with respect to Commoners.

As M<sup>r</sup> Howard cannot press the Verderers to include in the case material facts which would have been proved had M<sup>r</sup> Standish had legal assistance at the Verderers Court if they are unwilling to do so he is advised that the more respectful course towards the Verderers will be to raise the question again on a fresh case when care will be taken that the Defendant is properly represented before the Verderers Court and that these material facts are proved so that in the case the Verderers feel themselves bound to convict the Court of Queens Bench may have the necessary facts included in the Special case to enable it to decide the real question.

I am therefore directed by M<sup>r</sup> Howard in returning the draft Case to propose that M<sup>r</sup> Standish' Recognizances should be discharged the Case being proceeded with no further on the understanding that M<sup>r</sup> Howard will take the care that upon the next occasion the Verderers shall have the proper materials before them to enable them to state a Special case which can decide the question once for all.

Yours truly  
signed Tho<sup>s</sup> Gorst

G.F.W. Mortimer Esq<sup>re</sup>  
Solicitor  
Romsey

[p.210]

Office of Woods  
14<sup>th</sup> January 1882

Dear Sir,

Standish v Gray

Referring to our conversation yesterday, I think that if the Verderers adopt my suggestion, and discharge the recognizances to prosecute the Special Case it will be quite fair that each party should bear their own costs.

I am, dear Sir  
Yours truly  
S<sup>d</sup> Tho<sup>s</sup> Gorst

G.F.W. Mortimer Esq<sup>re</sup>  
Solicitor  
Romsey.

Office of Woods  
21<sup>st</sup> January 1882

Dear Sir,

Standish v Gray

With reference to my letter of the 12<sup>th</sup> ulto, I beg to add, that assuming that the proposal therein contained is adopted, it is not intended to make any mention of the expense, to which the Crown has already been put Crown being willing to bear such expenditure itself.

I am, dear Sir  
Yours truly  
S<sup>d</sup> Tho Gorst

G.F.W. Mortimer Esq<sup>ce</sup>  
Solicitor  
Romsey.

M<sup>r</sup> Standish attended the Court.

It was resolved that M<sup>r</sup> Standish's recognizances be discharged on condition of his paying the costs the Verderers had been put to in the matter.

The Resolution was communicated to M<sup>r</sup> Standish and he [p.211] requested time to consider whether he should accept the Resolution or not.

M<sup>r</sup> Lascelles being present was asked whether the Crown Authorities would supply Timber for the repairs of the various Forest Pounds which the Verderers considered required repairing also whether the Crown would supply Timber for the repairs of the Forest Bridges. He replied that he would obtain instructions as to supplying Timber for the repairs of Pounds and that he was instructed to supply Timber for the present repairs of the Forest Bridges and he requested an estimate for the amount of Timber required for this latter purpose which the Verderers undertook to supply.

The Verderers next proceeded to consider the Treasury correspondence as to the October dividend accrued due on the Dorchester Railway Fund.

(Copy Letters)

Treasury Chambers  
2<sup>nd</sup> December 1881

19908/91

Sir,

With reference to the interest which has accrued since April last on the capital sum of the Southampton and Dorchester Railway money, the division of which is one of the subjects of the Resolutions of the Verderers of the New Forest at the Court of Swainmote held on the 12<sup>th</sup> of September last, I am directed by the Lords Commissioners of Her Majesty's Treasury to inform you that they are advised that the arrangement for that division would be held in equity to be completed in all but formal particulars by your letter of the 10<sup>th</sup> of May last accepting on behalf of the Verderers the proposal made in the Treasury letter (6,820) of the 20<sup>th</sup> April preceding.

My Lords think it sufficiently evident that their manner of dealing with this interest, up to the date of their letter last quoted, was dictated by a wish to facilitate in every way the establishment of the Verderers as a Forest Authority under the New Forest Act 1877.

My Lords, are not aware that the Verderers had any title [p.212] to receive the whole of that interest longer than it appeared to the Treasury that their doing so was the best means of promoting the interest of Her Majesty in the Forest as well as that of the Commoners whom the Verderers represent.

The Accounts of the Verderers referred to in the said Treasury letter of the 20<sup>th</sup> of April last proved that it had ceased to be necessary for the Verderers to continue to receive the whole of the interest in order to constitute and maintain their administration, and, as soon as a division of the principal sum had been agreed to, the ordinary consequence ensued, that the interest should follow the principal.

My Lords, continuing to be sincerely desirous of bringing these negotiations to an amicable and satisfactory conclusion, confidently hope that the Verderers will agree to a division of the interest from the 10<sup>th</sup> of May last inclusive.

My Lords, for the reasons which appear in the preceding part of this letter, would not feel justified, except in obedience to the order of a competent Court, after a suit instituted therein, to agree to any division of the interest which would be less favourable to the Crown.

I have the honor to be,

Sir,

Your obedient Servant,

S<sup>d</sup> R.R.W. Lingen

Clerk to the Verderers  
of the New Forest  
Romsey

Treasury Chambers  
8 December 1881

20229

Sir,

In reply to your letter of the 7<sup>th</sup> instant, I have the honour to return, by the same post as this letter, the Copy which the Verderers are intended to keep in the Resolutions adopted at the Court of Swainmote held on the 12<sup>th</sup> Sept last, completed in the form usual for showing of the concurrence of the Treasury when required in the proceedings of the Commissioners of Her Majesty's Woods and Forests. The omission was due to the fact that words of mere form are usually inserted on copies for execution by the [p.213] parties who prepare them, and it was accidentally overlooked that this had failed to be done before two of the Lords of the Treasury, who are a quorum to represent the Board appended their signatures.

With regard to so much of your letter as concerns the transfer of a moiety of the Stock in which the Railway is invested, I am directed by my Lords to request you to inform the Verderers that their Lordships can direct no steps to be taken in the matter until the terms stated in the letter from this Boards of the 2<sup>nd</sup> Inst. for a division of the interest, which has accrued, have either been accepted or subjected to the decision of a competent Court.



I have the honor to be,  
Sir,  
Your obedient Servant  
s<sup>d</sup> R.R.W. Lingen

The Clerk to the Verderers  
of the New Forest  
Clerks Office  
Romsey  
Hants

It was resolved to acquiesce under protest in the views of the Lords Commissioners of Her Majesty's Treasury as expressed in their letters of the 2<sup>nd</sup> day of December and of the 8<sup>th</sup> day of December 1881.

The Clerk was directed to communicate with the Treasury in terms of the above Resolution and to intimate that the Official Verderer would be now prepared to meet the Permanent Secretary of the Treasury with the view of transferring the moiety of the Fund into the Verderers name.

It was resolved that a Sub-committee be authorized to spend a sum not exceeding £100 in the current year for the repairs of Bridges and Drains in the Forest.

The Clerk was directed to prepare a probable estimate of the income and expenditure of the Verderers for the current year.

[p.214]

The Court then proceeded to hear and determine the cases presented for trial.

Alfred Chandler v George Cole – Defendant was charged that he not being a Commoner of the New Forest did allow a certain animal to roam at large on the 13<sup>th</sup> day of January 1882 in the Forest not having previously obtained a License for it contrary to the Bye Laws of the said Forest.

Defendant pleaded guilty and was fined 2/6, amount of License 10/6, and costs 6/10.

Fine and Costs &<sup>c</sup> were paid.

Alfred Chandler v Edward Ward – Charged with a similar offence on the 14<sup>th</sup> day of January /82.

Defendant pleaded guilty and was fined 5/- and 7/6 costs.

The Defendant refused to pay the fine and a distress warrant was ordered to be issued in the default to be imprisoned with hard labour for seven days.

Alfred Chandler v William Plascott – Charged with a similar offence on the 14<sup>th</sup> day of January 1882.

Defendant pleaded guilty and was fined 2/6 amount of License 6/6 and costs 7/10.

Fine and costs &<sup>c</sup> were paid.

Charles Evemyv v Michael Forrester – Charged with a like offence on the 12<sup>th</sup> day of January 1882.

Defendant pleaded that he was a Commoner and the case was ordered to stand over for enquiry.

Charles Evemy v Richard Gates – Charged with a like offence on the 12<sup>th</sup> day of January 1882.

Defendant pleaded that he was a Commoner & case was ordered to stand over.

[p.215]

Charles Evemy v Peter Warne – Charged with a like offence on the 13<sup>th</sup> day of January 1882.

Defendant pleaded that he was a Commoner and the case was ordered to stand over for enquiry.

Charles Newbolt v John Moody – Charged with a like offence on the 16<sup>th</sup> day of January 1882.

Defendant pleaded not guilty.

Charles Newbolt on his oath saith as follows:–

I am an Agister of the New Forest. On Monday the 16<sup>th</sup> of January inst. I called on the Defendant and saw him. He asked me what I was up to today, I informed him, He said that he had a Cow in the Forest but he should not take a License out for it yet as he was not supposed to take out one till May. I asked him if he had received notice to renew his License, he said, he had but he should not take it out till May as it stated on the Bye Laws that he need not take it our before that date. I told <him> he would summoned.

Cross examined. I did not see your Cow in the Forest.

The Verderers dismissed the case.

Mr Brockway and several other Commoners attended to make complaint relative to the conduct of Charles Coles of Redlynch for pounding their cattle he having neglected to keep up his own fences.

The Verderers considered the Case and desired their Clerk to write to M<sup>r</sup> Coles for an explanation of his conduct.

D<sup>r</sup> Maskew attended to make a similar complaint relative to S. Westmore of Walhampton Farm near Lymington. The Verderers stated that they would consider the complaint.

The Clerk produced a letter from the Clerk of the Peace and the Sessional order referred to therein. They were ordered to be entered on the Minutes and their further consideration was adjourned.

[p.216]

(Copy letter)

Office of the Clerk of the Peace  
County Hall Winchester  
20<sup>th</sup> Jan<sup>ry</sup> 1882.

Dear Sir,

The Clerk of the Peace was of opinion that the Notice of Motion given by you on behalf of M<sup>r</sup> Sclater Booth for the confirmation of two new Bye Laws in substitution for existing Bye Laws and also for the conformation of the existing Bye Laws as altered; was not in accordance with the 25<sup>th</sup> Section of the New Forest Act 1877, which empowers the Verderers to make, alter, add to or repeal Bye Laws and any Bye Laws so made and any alteration or addition made therein or thereto and every repeal of a Bye Law is not to be of any validity until it has been confirmed by the Court of Quarter Sessions.

M<sup>r</sup> Sclater Booth happened to be here about the time the notice was received and he approved of it being given in the form in which the Order I send you is drawn.

The Order contains the confirmation of the repeal of Bye Laws 3 & 4 as confirmed at the Michaelmas Sessions 1880 and also of the new Bye Laws is [*sic*] substitution of same and the addition of the words mentioned in the Notice you gave viz<sup>t</sup>:— the conformation of the existing Bye Laws as altered in manner aforesaid was considered quite unnecessary and not within the Act.

I find on referring to my letter to you of the 27<sup>th</sup> September 1881 I called your attention to your having sent me a printed copy of the Bye Laws as altered and made at a Court of Swainmote held on the 15<sup>th</sup> of November 1880, but as I then pointed out, the alterations which were confirmed at the Michaelmas Sessions 1880 must have been made prior to the date of those Sessions but I do not see that I have any Official copy of these Bye Laws.

During last year you sent me a sealed Copy of a Resolution made at a Court of Swainmote on 22<sup>nd</sup> March 1881, and another on the 30<sup>th</sup> August 1881 but no application was made to the Court of Quarter Sessions to confirm either of these.

You recently send me two copies of the proposed Bye Laws in substitution for existing Bye Laws N<sup>os</sup> 3 & 4 but it does not appear [p.217] upon the face of them that they were made at a Court of Swainmote and that the requisite number of Verderers were present.

A Copy of the Newspaper containing a notice of intention to apply for confirmation of the Bye Laws at the last Sessions should be filed with the Official Copy of the Bye Laws. The printed Copy of the Bye Laws you sent purports to be those made at a Court of Swainmote held on 15<sup>th</sup> November 1880, but the Bye Laws N<sup>os</sup> 3 & 4 which were confirmed at the last Sessions I presume have been made more recently than November 1880.

I return you one of the Manuscript Copies of these and also one of the printed copies as it is only necessary to file one.

I am, Dear Sir,  
Yours faithfully  
S<sup>d</sup> G.A. Webb

P.S. I have only just notice that in one of the printed copies the date is altered to 28<sup>th</sup> November 1881.

No mention is made in either of the Manuscript copies of the repeal of the former Bye Laws N<sup>os</sup> 3 and 4.

G.F.W. Mortimer Esq<sup>re</sup>  
Clerk to the Verderers of the New Forest  
Romsey

(Copy Order)

Southampton to wit – At the General Quarter Sessions of the Peace of our Sovereign Lady the Queen, holden at the Castle of Winchester in and for the said County of Southampton on Monday in the first week after the twenty eighth day of December to wit the second day of January in the forty fifth year of the reign of our Sovereign Lady Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, and in the Year of the Lord One Thousand eight hundred and eighty two before Melville Portal Esq<sup>re</sup> Chairman, The Right Honorable Lord Mount Temple, William Wickham Esquire and others their Fellows, Justices of our said Lady [p.218] the Queen, assigned to keep the Peace of our said Lady the Queen, in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other Misdeeds, committed in the same County.

On the motion of the Right Honorable George Sclater Booth M.P. It is ordered that the repeal of the Bye Laws N<sup>os</sup> 3 and 4 by the Verderers under the New Forest Act 1877 be confirmed and that the following Bye Laws which have been made by the Verderers under the said Act be confirmed namely in substitution for Bye Law N<sup>o</sup> 3.

“No person other than a Commoner acting in the due exercise of his right or rights of Common in the Forest shall cause or allow any Cattle or other Animal to roam at large in the Forest unless a Licence from the Verderers for such Cattle or other Animals to depasture in he said Forest shall have been obtained by such person and shall be in force at the time when such Cattle or other Animals shall be so roaming as aforesaid.”

And in substitution for Bye Law N<sup>o</sup> 4.

“No Commoner shall in the exercise of any right of Common cause or allow any Cattle or other Animal to roam at large in the Forest unless or until such Cattle or other Animal has prior to the first day of July in the Year in which the same shall so roam as aforesaid or on some later day specially allowed for that purpose by one of the Verderers by writing under his hand been duly marked by one of the Agisters nor unless nor until the proper payment shall have been made to the Agister for marking such Cattle or other Animal.”

By the Court  
signed T.H. Earle  
Clerk of the Peace

The Verderers fixed the following dates for inspecting and passing Stallions:–

Newbolt’s District, Lyndhurst. Sir H.C. Paulet, Wednesday February 8<sup>th</sup> at 10.30.

[p.219]

Philpott’s District, Brook. Sir H. C. Paulet, Monday February 6<sup>th</sup> at 10.30

Evemy’s District, Brockenhurst. M<sup>r</sup> Shubb, Wednesday February 15<sup>th</sup> at 10.30

Philpott was called in and reprimanded for non-compliance with the Verderers orders with respect to summoning non-commoners and ordered to be more careful for the future. The Financial Statement was produced as follows:–

(Copy Statement)

## New Forest Verderers

### Financial Statement

Presented at a Court of Swainmote on January 23<sup>rd</sup> 1882

1818 Nov 14	By Balance from last account	373	16	11	1881 Nov 17	To Hon <sup>ble</sup> G. Lascelles (on behalf of the Commissioners of Woods under the 9 <sup>th</sup> Section of the New Forest Act 1877) for 1881-2			
	" Cash received of Agisters at Court this day for marking Commoners Cattle viz <sup>t</sup>								
	Every 7.10. 6								
	Newbolt 3. 7. 4								
	Philpott 11.11.10								
	Chandler <u>3. 0</u>	22	12	8			1	-	-
	" Cash received of C. Newbolt for licence to Read at Beaulieu viz <sup>t</sup>				1882 Jan 7	" ¼'s Salary to C. Newbolt to Xmas 1881	17	10	-
	Licence Fee 2.6					" D <sup>o</sup> C. Every D <sup>o</sup>	17	10	-
	Head Money 3.0					" D <sup>o</sup> G. Philpott D <sup>o</sup>	17	10	-
	Marking Fees <u>1.6</u>		7	0		" ¼'s Salary to M <sup>r</sup> Mortimer to Xmas 1881	37	10	-
28	" Cash received of Agisters at Court this day for marking Commoners Cattle viz <sup>t</sup>								
	Philpott 2.17. 8								
	Newbolt 2. 2. 8								
	Every <u>4.11. 0</u>	<u>5</u>	<u>5</u>	<u>2</u>					
	Carried forw <sup>d</sup> £	402	1	9		Carried forw <sup>d</sup> £	91	0	-

[p.220]

1882 Jan <sup>y</sup> 9 <sup>th</sup>	Brought Forward £	402	1	9		Brought Forward £	91	0	-
	By Cash received of non commoners at Lyndhurst today viz <sup>t</sup>								
	Licence Fees	10	0	0					
	Head Money	21	0	0					
	Marking Fees	8	7	0					
" 10	" Cash received of non-commoners at Lyndhurst today viz <sup>t</sup>								
	Licence Fees 9. 2. 6								
	Head Money 20. 2. 6								
	Marking Fees <u>8. 5. 6</u>	37	10	6					
" "	" Cash of C. Every for marking Commoners Cattle		4	6					
" 20	" Cash received of non-commoners (by Clerk) to this day viz <sup>t</sup>								
	Licence Fees 4. 5. 0					Balance in Hand	404	14	9
	Head Money 9. 5. 0								
	Marking Fees <u>3. 1. 0</u>	<u>16</u>	<u>11</u>	<u>0</u>					
	£	495	14	9		£	495	14	9

The Annual account for the Year 1881 under Sec<sup>t</sup> 38 of the New Forest Act was produced by the Clerk and inspected and passed and ordered to be forwarded to the Public Auditor for Audit prior to its being published in the Salisbury and Winchester Journal and the Southampton Observer in accordance with the Act. The Balance in hard was £263.15.11.

The Agisters paid over the following amounts which they had received for marking commoners Cattle & for pigs since last Court viz<sup>t</sup>

George Philpott	Cattle	£4. 7. 0
	Pigs	<u>10. 8</u>
		£4.17. 8
Charles Newbolt	Cattle	10. 6

This concluded the business of the Court  
x<sup>d</sup>

[signed] *H:C: Paulet Dep. Chair*

[p.221]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 20<sup>th</sup> day of February 1882.

Present

Sir Henry Charles Paulet Baronet. Deputy Chairman  
Lieut. Col. William Clement Drake Esdaile Verderer.

There being only two Verderers present to transact the business of the Court, the formal business was adjourned until the next Court and the Verderers present resolved themselves into a General Purpose Committee.

[signed] *H:C: Paulet Dep Chair*

[p.222]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Wednesday the 29<sup>th</sup> day of March 1882.

Present

Sir Henry Charles Paulet Baronet. Deputy Chairman.  
George Edward Briscoe Eyre Esquire        }  
Lieut. Col. William Clement Drake Esdaile } Verderers.

The Court was opened with the usual proclamation by the Crier.

The Minute of the last Meetings were read and confirmed.

The Honorable Gerald William Lascelles Deputy Surveyor of the New Forest attended the Court and reported that numerous felonious fires of Gorse, Heath and Furze growing in the New Forest had occurred of late and were constantly occurring and that very serious damage was caused thereby. He made application to the Court for the appointment of Seventeen Forest Keepers and Caretakers as Special Constables in pursuance of 1 and 2 William IV Cap. 41 for the purpose of the prevention of these acts of Felony and the detection and apprehension if possible of the offenders and made deposition in the necessary form of affidavit according to the said Act as follows:—

New Forest in the County of Southampton – I Gerald William Lascelles of Lyndhurst in the New Forest in the County of Southampton Deputy Surveyor of the said New Forest upon my oath say:— That on the twenty second and twenty third days of March One thousand eight hundred and eighty two a series of felonious acts have been committed in various parts of the said New Forest by some person or persons unknown and on the twenty second day of March a felonious act was committed for which Walter Gates and James Feltham have been committed for trial to the next assizes to wit by setting fire to certain furze gorse and heath the property of Her Majesty the Queen whereby very serious injury might have arisen to the plantations and other property of her said Majesty situate in the said New Forest and that I apprehend that such offences will [p.223] continue to be repeated. That the ordinary Constables for preserving the peace in the several parishes and Townships within the perambulation of the said New Forest are not in my opinion sufficient in number for the detection and discovery of the offender or offenders for the preservation of the peace and for the security of the property of Her said Majesty within the said New Forest.

Sworn by the said Gerald William Lascelles before us at a Court        }  
of Swainmote holden at Lyndhurst in the New Forest in the        } Gerald William Lascelles  
County of Southampton this twenty ninth day of March 1882.        }

H.C. Paulet  
G.E. Briscoe Eyre  
W. Clement D. Esdaile

The Verderers thereupon determined that M<sup>f</sup> Lascelles' application should be granted and the following persons being in attendance were accordingly sworn in, in the form prescribed by 1 and 2 William IV Cap. 41, as Special Constables to act within the limits of the Forests for twelve Months next ensuing.



George Bumstead	Ashley Lodge, Fordingbridge	Keeper
Frank Harrington	Brook, Lyndhurst	Caretaker
Henry Smith	Holly Hatch Cottage, Broomy Township, Ringwood	Caretaker
Arthur Parnell	Fritham, Lyndhurst	Caretaker
John Wilkins	Ironshill Lodge, Lyndhurst	Keeper
George Gale	Church Place Cottage, Totton, Southampton	Caretaker
Joseph Fielder	Bramshaw, Lyndhurst	Caretaker
James Coles	Wilverley Lodge, Wootton, Lymington	Keeper
Samuel Gulliver	Burley, Ringwood	Caretaker
William Bromfield	Burley, Ringwood	Caretaker
John Bumstead	Denny Lodge, New Forest	Keeper
John Foss	Rough Down, Fawley, Southampton	Caretaker
George Maynard	Brockenhurst, New Forest	Keeper
James Sims	New Copse Cottage, Brockenhurst	Caretaker
Joseph Tuck	Boldrewood, Lyndhurst	Caretaker
Charles Thorn	Norley Wood, Boldre	Caretaker
George Gale junior	Church Place, Totton, Southampton	Caretaker

[p.224]

The Clerk was directed to give the necessary notices to the Home Office and Lord Lieutenant of the County of their appointment.

M<sup>r</sup> Lascelles reported that part of the burning recommended by the Verderers present at the last General Purposes Committee had been carried out.

The Clerk reported the result of his interview with the Chief Commissioner of Her Majesty's Woods and Forests relative to a division of any monies to be paid by the Swindon, Marlborough and Andover Railway (Isle of Wight Extension) and the London and South Western (Holmsley Station) Companies for lands to be acquired by them respectively in the New Forest. He further reported the result of his interviews with the Official Verderer and the steps that had been taken by his (the Official Verderers) direction and made a communication to the Court with reference to the Officials Verderers views on the subject as directed.

A copy of a letter written and sent to the Chief Commissioners of Her Majesty's Woods and Forests was produced and read as also the reply thereto as follows:—

(Copy)

Romsey, Hampshire  
11<sup>th</sup> March

1882.  
Sir,

Swindon, Marlborough & Andover Railway  
(Isle of Wight Extension)  
L. & S.W. Railway (Holmsley Station)

————— “ —————

Referring to the interview that I had the honour to hold with the Chief Commissioner of Her Majesty's Wood's and Forests on Tuesday last, I am directed by the Right Hon. G. Sclater

Booth, M.P., Official Verderer of the New Forest, in compliance with the request then made to me, to submit the views of the Verderers as set forth at such interview in writing as follows:—

The two Railway Companies above mentioned are, by their respective Bills now before Parliament, seeking to acquire powers to obtain portions of the New Forest for the furtherance of their respective [p.225] schemes.

The first above mentioned Railway seeks to acquire portions of the New Forest in Denny Township, and the Parish of Fawley, and numbered respectively on the Plans deposited by such Company, in Denny Township, 2, 3, 6, 12, 13, 19 and in Fawley, 14 and 44.

With reference to the scheme of this Railway, I have been supplied with copies of two clauses, sent by direction of the Commissioners of Her Majesty's Woods and Forests to the Solicitors or Parliamentary Agents of the Company for insertion in their Bill. These clauses are as follows:—

Swindon, Marlborough and Andover Railway.

[marginal note] Saving rights of the Crown

Nothing contained in this Act shall authorize the Company to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights of whatsoever nature belonging to, or enjoyed, or exerciseable by the Queen's Most Excellent Majesty in, right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the previous consent in writing of the same Commissioners or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); and as incidental to any such consent as aforesaid, the Company may enter into any agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the approval of the Commissioners of Her Majesty's Treasury, join in every such Agreement, and the said Commissioners of Her Majesty's Woods, Forests and Land Revenues, with the like approval, and the Company may respectively execute all necessary conveyances, leases, licenses, or other deeds of or relating to any land, hereditaments, or rights belonging to Her Majesty in right of Her Crown, and under the management of the same Commissioners, and every agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively. And nothing in the said Act contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power or authority now or from time to time vested in, or enjoyed, or exerciseable by the Queen's Majesty, her heirs, or successors.

[p.226]

[marginal note] Power for Commissioners of Woods &<sup>c</sup> to grant Lease for 999 years to the Company. As amended in pursuance of M<sup>r</sup> Sowray's letter.

The powers of Leasing given by an Act of the Session holden in the 10<sup>th</sup> year of His Majesty King George the Fourth Chapter Fifty shall extend to enable the Commissioners of Her Majesty's Woods, ~~and~~ Forests and Land Revenues or either of them with the consent of the Commissioners of Her Majesty's Treasury, to grant and to enter into any agreement for granting to the Company a Lease of the Estate and Interest of Her Majesty, her heirs and successors, in such part or parts of the New Forest in the County of Southampton, as may be

required for the purposes of this Act for any term not exceeding 999 years from the time of making the Lease or Agreement for a Lease.

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The South Western Railway, by their Bill, seek to acquire additional land adjoining their Holmsley Station, on their Dorchester Branch, and I have been informed that a clause similar to the one quoted above, with reference to the saving rights of the Crown, has also under the same authority been forwarded to this Company for insertion in their Bill.

These clauses do not however deal with the question of the apportionment of any purchase money to be paid by the respective Companies between the Crown and the Verderers as representing the Commoners, and bearing in mind the lengthy correspondence that has taken place between my Lords Commissioners of Her Majesty's Treasury, Her Majesty's Commissioners of Woods and Forests and the Verderers, relative to the appropriation of the balance of the purchase-money paid into the Bank of England, in pursuance of the 18<sup>th</sup> Section of the Southampton and Dorchester Railway Act, 1845, (being part of the price paid for the lands of the Crown sold under the authority of that Act) and set apart for the benefit of Her Majesty and parties entitled to rights of Common over the unenclosed portions of the Forest, and having regard to the precedent set in such case, the Verderers are anxious to have their rights properly defined by the Bills in question, and that the Commissioners of Woods and Forests should insert such Clauses as may be agreed between them and the Verderers for protecting their rights and for a similar distribution of the purchase-money to be paid by such Companies.

The Verderers claim a moiety of any purchase-money to be paid by either of the Companies, and they found their claim upon the principles admitted as aforesaid upon the recent division of the Dorchester Railway [p.227] monies, and they would be prepared to agree to a similar understanding as on the recent division, namely that the moieties to be assigned to the Verderers and Commissioners of Woods and Forests shall be applied by the Verderers and Commissioners respectively as so much added to the several funds at their disposal, without any liability on either side to account for the application of one moiety to the recipients of the other moiety.

Should the Commissioners of Woods and Forests assent to this proposition, I am directed to settle with M<sup>r</sup> Gorst the necessary clauses for carrying it out and to see to their insertion in the respective Bills.

Should the Commissioners not assent to the proposition, it would appear to be the duty of the Verderers to petition against the respective Bills and to take such other steps as may be necessary, in order that Clauses may be inserted for protection of the rights of the Commoners.

I am directed to ask for as early a reply as possible.

I have the honor to be, Sir,  
Your obedient Servant,  
G.F.W. Mortimer

To the  
Chief Commissioner of  
Her Majesty's Woods and Forests.

Clerk to the Verderers

Office of Woods & S.W.  
27<sup>th</sup> March 1882.

Sir,

I am directed to acknowledge the receipt of your letter of the 11<sup>th</sup> instant relative to the Swindon, Marlborough and Andover Railway (Isle of Wight Extension) and to the London and South Western (Holmsley Station) Bills, and in reply to inform you that the purpose of the Department in deciding to deal with Railway Company for the Estate and Interest of Her Majesty in the Land in the New Forest which the Companies require, exclusive of the interest of the Commoners, was to avoid the inconvenience which, from the experience of the Southampton and Dorchester Railway Act, 1845, has been found to arise when the Estate and interest of the Crown and the interest of the Commoners are dealt with jointly. That this inconvenience is still to be guarded against is indicated by your statement that the [p.228] Verderers claim a moiety of any purchase money to be paid by either of the Companies, a claim which is altogether denied by this Department.

The Course which was pursued with reference to the compensation paid by the Southampton and Dorchester Railway Company of accepting one sum for the right and interest of Her Majesty and the interest of the Commoners jointly, has not only proved to be inconvenient, but it is directly opposed to the policy pursued by the Legislature in dealing with private lands required by Companies which are subject to rights of Common. If you will be good enough to refer to "The Land Act Clause Consolidation Act 1845" (Act 8<sup>th</sup> Victoria, cap. 18, ss.99-108) you will find that in all such cases Companies are required to pay the owner of the land compensation for his rights and to take a conveyance of the land from him, and to treat separately with a Committee of the Commoners as to the compensation to be paid to them for the extinction of their rights.

With reference therefore to the Crown land in the New Forest now proposed to be taken, it is intended, on behalf of Her Majesty, to treat with Railway Companies for the Estate and interest of Her Majesty only, exclusive of the interests of the Commoners, which latter interests the Verderers will no doubt require the Companies to compensate; and in order that there may be no question as to the intention of the clauses which are to be introduced in the Bills for the protection of Her Majestys interests, the Solicitor to this Department will be instructed to add words to them for the purpose of making it clear that they are intended to relate only to the Estate and Interest of Her Majesty, and not to the interest of the Commoners.

I am, Sir,

Your obedient Servant

J. Russell Sowray

G.F.W. Mortimer Esq<sup>re</sup>

The Clerk was directed to communicate with the Official Verderer sending him a copy of the above mentioned reply and to request him to be kind enough to convene a meeting of the General Purposes Committee in London or elsewhere at his earliest convenience for the purpose of deciding what steps were necessary to be taken thereon.

The Clerk was directed to have the two letters above referred to [p.229] printed at once and to forward copies to the Official Verderer and the Verderers.

The Report of the General Purposes Committee was read approved and adopted.

(Copy Report)

Report of a General Purposes Committee held at the Queens House Lyndhurst  
on Monday the 20<sup>th</sup> day of February 1882.

Present

Sir Henry Charles Paulet Baronet. Deputy Chairman  
Lieut. Col. William Clement Drake Esdaile. Verderer.

Your Committee report that in consequence of an application by the Honorable Gerald Lascelles Deputy Surveyor of the New Forest to have the Forest Keepers and Caretakers sworn in as Special Constables for the preservation of the Forest from damage or destruction by fire during the approaching months, they considered the subject and approved the application.

The Clerk was directed to acquaint M<sup>r</sup> Lascelles immediately the next Court was fixed that the Keepers and Caretakers might then be in attendance to be sworn in.

Your Committee report that they have considered the question of burning parts of the Forest for the benefit of the pasturage for Commoners Animals.

M<sup>r</sup> Lascelles having stated that if there were any places where the gorse &<sup>c</sup> could be advantageously burnt for the benefit of the Crown and Commoners and such places were notified to him he would direct the burning to be carried out.

The following places have been selected and the Clerk has been directed to notify them to M<sup>r</sup> Lascelles.

Land near Burley Castle.

Land between Rhinefield Plantation and Furney Knap Enclosure and Markway Bridge.

Land at Ober Heath from Boldre Ford Bridge to Rhinefield adjoining Park Hill Enclosure. Land near the Great Pond at Brook to Kings Garn Gutter and Three Waters Gutter.

Land at Crows Nest Bottom, South of the Downton Road.

Your Committee have considered the question of depredations [p.230] committed by Gypsies and have ordered the Agisters in the event of Gypsies encamping and remaining with their Cattle in the Forest more than one day to summon them for a Breach of the Bye Laws.

Your Committee report further that one of their Agisters Alfred Chandler having produced a County Court Summons issued against him by a man named Maidment and having explained fully the circumstances in connection with the case. They directed the Clerk to attend at Lymington County Court and defend the said Agister.

Your Committee have considered the question of Bye Laws and after perusal of a letter from the Clerk of the Peace on the subject and conferring together have directed the Clerk to have the Bye Laws printed as now amended.

Your Committee have also considered the question of non-commoners claiming as commoners but have deemed it best that the matter should stand over for further discussion at the next Court of Swainmote.

Your Committee having perused a letter from Sir R.R.W. Lingen Permanent Secretary of the Treasury, enclosing a Brokers Note for the transfer of £3508.9.11 Reduced 3 per cent annuities into the names of The Official Verderer, Sir H.C. Paulet Bart. and Lord Henry Scott and the Clerk having reported that the moiety of the Tilery fund amounting to £244 had been paid by the office of Woods and Forests to the Verderers account.

Your Committee recommend that the said sum of £244 be invested together with such a further amount from their current account as would purchase sufficient stock to augment the fund lately transferred to them as aforesaid to the sum of £3800 Reduced 3 per cent annuities.

Your Committee have considered the question of repairing the Drains and Bridges in the Forest and have decided to complete the work of last year at Alum Green by repairing the large Bridge south of the Christchurch Road, the small Bridge north of that Road and cleaning the Drains and watercourses. To carry out similar works at Mattley and Balmers Lawn. They have pleasure in reporting that Col. Esdaile has undertaken to superintend the carrying out the necessary works at Alum Green and to report as to what was required at the other places at once.

Your Committee have considered the Swindon, Marlborough and Andover Railway's new scheme known as the Isle of Wight Extension and the South Western schemes and directed the Clerk to attend in London and confer with M<sup>r</sup> Gorst the Solicitor to the woods and Forests and [p.231] settle clauses to be inserted in the Bills of these Companies relative to a joint division between the Crown and Commoners of any monies paid by the above Companies respectively for lands required for their schemes forming any part of the New Forest. They have also directed the Clerk to write to the Engineer of the former Company relative to supplying Bridges for crossings for cattle at the various cattle runs through which the proposed Railway would pass.

Your Committee having considered the latest communication from M<sup>r</sup> Gorst relative to the case of Standish v Gray resolved that subject to the approval of the Official Verderer the Clerk be instructed to treat with M<sup>r</sup> Gorst the Solicitor to the Woods and Forests for settlement of the costs in the case of Standish v Gray on the basis that the sum to be paid by M<sup>r</sup> Standish should represent the taxed costs.

Your Committee report that the Agisters were in attendance

Charles Newbolt paid for marking cattle	£	3.	0
Charles Evemy	D <sup>o</sup>	D <sup>o</sup>	2.10.

0 and that various Licenses were applied for and granted to non-commoners.

The Clerk reported that the action brought by M<sup>r</sup> Maidment against Alfred Chandler an Agister had been dismissed with costs but that on account of the sum being under that for which Solicitors charges were allowed the Judge did not think proper to allow the Clerks expenses for defending their Officer

The Clerk reported that in accordance with instructions he had settled the amount of Costs to be paid by the Crown in the case of Standish v Gray and he had received a cheque for the amount which had been carried to the credit of the Verderers account.

The Clerk was directed to carry out the rest of the recommendations contained in the above Report.

With reference to the repairs to the bridges and drains in the Forest Colonel Esdaile reported that he had proceeded to carry out the views of the Committee but that in consequence of a letter from M<sup>r</sup> Lascelles requesting him to postpone some of the works as the time for cutting alder was not reasonable [p.232] he had done so.

The Clerk produced the Financial Statement as follows:—

(Copy)

1882	By Balance from last a/c	404	14	9	1882				
Jan'y 23	" Fine & Costs of George Cole for breach of Bye Laws viz <sup>t</sup>				January	To ¼s salary to A. Chandler to Xmas 1881	17	10	0
	Fine 2/6 Costs 6/10		9	4	" 23	" Bennett & Co (Salisbury & Winchester Journal) for advertising to end of 1881	6	4	0
" "	" Fine & Costs of W. Plascott for D <sup>o</sup> viz <sup>t</sup>				" "	" H. King, Hants Advertiser D <sup>o</sup>	9	3	6
	Fine 2/6 Costs 7/10		10	4	" "	" Drake & Co for printing & <sup>c</sup> D <sup>o</sup>	10	0	0
" "	" Cash received of G. Philpott at Court for marking Commoners Cattle	4	17	8	" "	" Bedfords Bill		3	0
	" D <sup>o</sup> of C. Newbolt D <sup>o</sup>		10	6	" "	" Lordans Bill		16	0
" 31	" Cash received of Non-Commoners (by Clerk) to this day viz <sup>t</sup>				" "	" Railway Parcels & <sup>c</sup>		2	0
	Licenses 3. 0. 0				" "	" Police Fees (Sup <sup>t</sup> White) to end of 1881	1	2	4
	Head Money 6. 2. 6				" "	" C. Newbolt Crier of Court to end of 1881	2	5	0
	Marking Fees <u>3. 2. 6</u>	12	5	0					
Feb'y 4	" Dividends on Consols	64	7	10					
" 16	" Capital of Tilery Fund	244	0	0					
" 20	" Cash of Agisters at Court today for marking Commoners Cattle viz <sup>t</sup>					Balance in hand	747	2	10
	Evey 2.10. 0								
	Newbolt <u>3. 0</u>	2	13	0					
" "	" Fees & penalty of Sup <sup>t</sup> White "Chandler v Ward"		15	6					
" 28	" Cash received (by Clerk) of non-commoners for Licenses to this date viz <sup>t</sup>								
	Licenses 8. 5. 0								
	Head money 20.17. 6								
	Marking Fees <u>7.17. 6</u>	37	0	0					
March 18	" Cheque of M <sup>r</sup> Lascelles Taxed Costs "Standish v Gray" 17. 7. 9								
	and Fine D <sup>o</sup> <u>17. 0</u>	18	4	9					
" 28	" Cash of Non-Commoners to this time viz <sup>t</sup>								
	Licenses 15. 0								
	Head Money 2. 7. 6								
	Marking Fees <u>17. 6</u>	<u>4</u>	<u>0</u>	<u>0</u>					
	£ 794	794	8	8		£ 794	8	8	

[p.233]

The Clerk introduced the question of Fees payable for summonses issued by order of the Verderers and it was unanimously resolved in future to adopt the County Scale in all cases presented for trial before the Court of Swainmote.

A long discussion then took place relative to the marking of Commoners and Non-Commoners Cattle and with a view to ascertaining as far as possible who were the Commoners entitled to common of Pasture in and over the New Forest. The Clerk was directed to have books prepared for each of the Agisters in prescribed form and the Agisters having been called in were fully instructed that they must fill up those Books (when obtained) with every information of the names of all Landowners and Commoners the acreage and the number of Cattle agisted by each on their respective Districts.

The summonses for Peter Warne and Richard Gates which stood over for hearing from the last Court were ordered to be abandoned, that against Michael Forrester to be proceeded with.

The Clerk was directed to give Samuel Barrow of Pitt House Christchurch notice to have his Stallion passed and marked within fourteen days and in default of which a Summons would be issued against him for breach of the Bye Laws.

On the application of Alfred Chandler a summons was directed to be issued against George Ruffell for a breach of the Bye Laws.

Several applications from Non-Commoners for Licenses were heard and granted.

The Agisters paid over the following amount which they had received for marking Commoners Cattle since last Court.

Charles Newbolt	£ 1.14. 6
Charles Evemy	2.13. 0
George Philpott	2.12. 6
Alfred Chandler	<u>7. 8. 0</u>
	<u>£14. 8. 0</u>

Cheques were drawn for the Clerk and Agisters salary [p.234] due 25<sup>th</sup> March also for the expenses in Standish v Gray and in respect of a Bill for £1.4.6 due for printing &<sup>c</sup>.

This concluded the business of the Court.

x<sup>d</sup>

[signed] *H:C: Paulet.*

*Dep: Chairman*



[p.235]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Tuesday the 30<sup>th</sup> day of May 1882.

Present

Sir Henry Charles Paulet Bart.	Deputy Chairman	
George Edward Briscoe Eyre Esq <sup>re</sup>		}
Lieutenant Colonel William Clement Drake Esdaile		} Verderers
Joseph Henry Dart Esq <sup>re</sup>		}

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

The Court then proceeded to hear cases presented for trial.

George Philpott v Richard Hillier – Defendant was charged that he being a Commoner of the New Forest did allow a certain animal to wit a Stallion to roam at large in the Forest without having the same inspected and marked by some person or persons appointed or employed by the Verderers on that behalf.

Police Constable Charles Cull on his oath saith as follows:– I am a Police Constable stationed at Bramshaw. On the 27<sup>th</sup> instant I served a copy of the Summonses on Thomas Hillier son of the Defendant at the Defendants address. I read it through and explained it to him.

Defendant's son appeared and pleaded guilty on behalf of his father who he stated was too ill to attend. Defendant was fined -/6 and 9/- costs which amount was paid.

Alfred Chandler v George Ruffell – Defendant was charged that he not being a Commoner of the New Forest did allow certain animals to wit four horses to roam at large on the 16<sup>th</sup> March in the New Forest not having [p.236] previously obtained a License for them contrary to the Bye Laws of the said New Forest.

Police Constable Thomas Hooker on his oath saith as follows: I am a Police Constable stationed at Lymington. On the 27<sup>th</sup> instant I served a copy of the Summons on the Defendant at Newport Isle of Wight. He said he could not appear.

Alfred Chandler on his oath saith as follows:– I am an Agister of the New Forest. On the 16<sup>th</sup> of March last I saw four horses belonging to the Defendant in Weddon Bottom at 1 o'clock and again at 6 o'clock of the same day, they were not marked, they were the property of the Defendant who is not a Commoner and who had no License.

Defendant who did not appear was fined 5/- and 15/- costs and in default of distress 14 days imprisonment with hard labour.

M<sup>r</sup> Percy a Commoner attended the Court to make application to the Verderers relative to his horses which have been roaming in the Forest having been caught and ridden by other people. He was referred to the Police and suggestions were made to him as to how he should proceed.

M<sup>r</sup> Joseph Dibden made application to the Verderers relative to a Mare belonging to Alfred Parnell which had fallen down dead while he was driving some of his own Colts to be marked the Verderers considered that it was a matter in which they could not interfere.

M<sup>r</sup> Parnell the owner subsequently attended and gave his version of the matter – the Verderers however declined to interfere.

M<sup>r</sup> Strange a Commoner from Fritham attended and made a serious complaint relative to the number of animals in the Northern District of the New Forest which were unmarked. He suggested a drift and complained that the Agister (Philpott) did not do his duty in that District and was causing great dissatisfaction among the Commoners. The Verderers thanked him and said the matter should have their attention. George Philpott was subsequently called in and severely reprimanded and warned that if any further complaint [p.237] was made he would be discharged.

Colonel Esdaile reported what he had done with reference to the drainage and that further works was postponed until M<sup>r</sup> Lascelles could clear away the Alders in the neighbourhood of the proposed works. He stated that Major Powell's report was correct namely that the Bridge over Butts Lawn was impassable for carts that another bridge over the same cutting 500 Yards lower down between Brickells and Hursts hill was very dangerous and that the drain 50 Yards west of the last Bridge wanted repairing.

Colonel Esdaile undertook to obtain an estimate and have these matters attended to at once.

The Clerk produced the Books he was ordered to obtain for the Agisters at the last Court. The Agisters were fully instructed as to what was required of them with reference to the information to be obtained as to the present holdings of the Commoners and the mode in which the Books were to be filled in.

The Clerk was directed to enquire the costs of obtaining copies of the various tithe maps of the Parishes mentioned in the Register of 1854 from the Tithe Commissioners office in London.

Various Licenses were granted to non-commoners who applied for them.

The Clerk reported that he had written M<sup>r</sup> Coles relative to his illegally impounding Commoners Cattle but had received no reply from him.

The Clerk reported that the clause the Verderers had suggested had been adopted by the South Western Railway Company and the Swindon, Marlborough and Andover Railway Company respectively and had been added to their respective Bills. He further reported what had been done with reference to cattle passes over the proposed line of the last named Company.

Alfred Chandler stated that he had marked some cattle belonging to a Crown Tenant (M<sup>r</sup> Forster <Fisher[\*]>) at his request but that he refused to pay the fees unless under protest. Chandler was directed to obtain the fees.

[\*] H:P:

[p.238]

The Agisters were directed to impound all animals roaming at large in the New Forest after the 1<sup>st</sup> day of July next. Complaint having been made as to the great increase of Geese in the New Forest and the damage they caused to the Vert the matter was postponed for further consideration.

The Clerk reported that the Official Verderer was in communication with Sir Henry Loch the Chief Commissioner as to the marking and payments to be made for marking the Cattle of the Crown Tenants, but that he had no instructions from the Official Verderer as to the present position of the negotiations.

A discussion arose as to intercommonage.

The Clerk produced the financial Statement.

(copy)

1882	By Balance from last a/c	747	2	10	1882				
March 30	” Cash received at Court of Non-Commoners viz <sup>t</sup>				March 30	To Clerk’s ¼’s Salary to Lady Day	37	10	0
	Licenses 2. 2. 6					” Drake & Co Stationery, Printing & <sup>c</sup>	1	4	6
	Head Money 3. 7. 6					” Chandler (Agister) ¼’s Salary to Lady Day	17	10	0
	Marking Fees <u>1. 5. 6</u>	6	15	6		” Evemy D <sup>o</sup>	17	10	0
	” Cash received at Court of Agisters for marking Commoners Cattle					” Philpott D <sup>o</sup>	17	10	0
	Newbold 1.14. 6					” Newbold D <sup>o</sup>	17	10	0
	Evemy 2.13. 0					” M <sup>r</sup> Mortimer Costs “Standish v Grey”	38	8	1
	Philpott 2.12. 6					” Cost of Reduced 3%	292	12	0
	Chandler <u>7. 8. 0</u>	14	8	0		” ” ” Power of Attorney for receipt of Dividends		8	6
April 3	” Licenses 2. 6					” Balance in Hand	331	6	9
	Head Money 1. 5. 0								
	Marking Fees <u>12. 0</u>	1	19	6					
April 29	” Licenses 5. 0								
	Head Money 12. 6								
	Marking Fees <u>6. 6</u>	<u>1</u>	<u>4</u>	<u>0</u>					
		£ 771	9	10			£ 771	9	10

[p.239]

The Agisters paid over the following amounts which they had received for marking Commoners Cattle since last Court

Charles Newbold	£24. 2. 6
Charles Evemy	52.18. 6
Alfred Chandler	33.17. 6
George Philpott had received }	
£11.12.6 but only paid on a/c }	9. 0. 0

This concluded the business of the Court

x<sup>d</sup>

[signed] *H:C: Paulet Dep: Chairman*

[p.240]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 14<sup>th</sup> day of August 1882.

Present

Sir Henry Charles Paulet Bart. Deputy Chairman  
George Edward Briscoe Eyre Esquire        }  
Lieut. Col. William Clement Drake Esdaile } Verderers

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

The Clerk produced a letter from M<sup>r</sup> Shrubbs enclosing a Medical Certificate which was ordered to be entered on the Minutes.

(Copy Letter and Certificate)

Boldre Grange  
Lymington  
August 12<sup>th</sup>

Dear Sir,

I am very sorry to be unable to attend the Verderers Court on Monday 14<sup>th</sup>. I enclose D<sup>r</sup> Hills certificate.

Yours faithfully  
John Lane Shrubbs

G. Mortimer Esq<sup>re</sup>

I hereby certify that M<sup>r</sup> John L. Shrubbs is under medical treatment, and it would be greatly detrimental to his recovery to attend any meetings for the present.

W<sup>m</sup> R. Hill  
M.D.

Lymington  
Aug<sup>t</sup> 12/82.

The Clerk produced a letter from the Official Verderer relative to the marking and paying for the Cattle of the Crown Tenants.

The Verderers directed the Clerk to adopt the suggestion made by the Official Verderer and prepare a draft case for the opinion of Counsel and submit the draft for their approval at the next Court.

[p.241]

The Clerk produced and read two letters which he had received from M<sup>r</sup> Sowray respecting an exchange with M<sup>r</sup> Bryant and produced the plans referred to therein.

(Copy Letters)

N<sup>o</sup> 1013.

Office of Woods, &<sup>c</sup>  
Whitehall Place, S.W.  
18<sup>th</sup> July 1882.

To,

The Verderers of the New Forest  
in the County of Southampton

New Forest  
Proposed exchange of land at Bartley

Gentlemen,

I am directed by Sir Henry Brougham Lock, the Commissioner of Her Majesty's Woods, Forests and Land Revenues, in charge of the New Forest, to give you notice in accordance with the provisions of the New Forest Act 1877, that he proposes to make a sale of a parcel of land (containing 2a 2r 16p) in the Forest which is in part surrounded by, or intermixed with other lands not the property of the Crown.

I enclose a tracing upon which the parcel of land is shown and colored pink.

I am,

Gentlemen,  
Your obedient Servant  
J. Russell Sowray

N<sup>o</sup> 1049

Office of Woods &<sup>c</sup>  
Whitehall Place, S.W.  
31<sup>st</sup> July 1882

New Forest

Sir,

I am directed by Sir Henry Lock to acknowledge the receipt of your letter of the 27<sup>th</sup> inst. enquiring on behalf of the Verderers the name of the person to whom it is proposed to sell the piece of land referred to in the official letter of the 18<sup>th</sup> instant, and in reply to state that the [p.242] proposed purchaser is Mr W Bryan of Bartley, Southampton, the proposed sale may be better described as an exchange the land to be given in lieu being that coloured green on the enclosed tracing, the Crown land to be sold being that coloured pink.

Will you be good enough to return the Tracing.

I am, Sir,  
Your obedient Servant  
J. Russell Sowray

G.F.W. Mortimer Esq<sup>re</sup>

The Verderers having considered the subject matter of the letters and the plans and M<sup>r</sup> Lascelles who was in attendance having explained that the piece marked N<sup>o</sup> 10 on the plan although thrown open to the Forest now was liable to be re-enclosed directed the Clerk to acknowledge M<sup>r</sup> Sowray's letters and state that the Verderers made no opposition to the proposed exchange provided N<sup>o</sup> 10 on

the plan was thrown open to the Forest in perpetuity so as to give commoners cattle free access to the new land in same manner as to the old.

The Verderers next proceeded to hear the cases presented for Trial.

Alfred Chandler v James Thomas Biddlecombe – Defendant was charged for that he being a Commoner of the New Forest did allow certain Animals to wit one Mare and one Yearling to roam at large in the Forest without having caused such Animals or either of them to be marked by an Agister contrary to the Bye Laws.

Alfred Chandler on his oath saith as follows:–

I am an Agister of the New Forest. On the 14<sup>th</sup> July of the present year I saw a Mare and yearling belonging to the Defendant at Blackdown in the New Forest roaming at large in the Forest. Defendant is a Commoner of the New Forest. On the 29<sup>th</sup> of June Defendant had pointed out the Mare and yearling as belonging to him. They had not been marked and no fees had been paid for them.

Cross examined. You did try and get the Mare in on the 29<sup>th</sup> of June.

Defendant was fined 3/- and 8/6 costs which he paid.

[p.243]

Alfred Chandler v James Segar – Charged with the like offence in respect of Two Mares

Alfred Chandler on his oath saith as follows:–

I am an Agister of the New Forest. On the 14<sup>th</sup> of July of the present year I saw two mares belonging to the Defendant at Frame Heath in the New Forest roaming at large in the Forest. Defendant is a Commoner of the Forest. I know the animals to belong to him. They were not marked and had not been paid for.

Defendant was fined 3/- and 8/6 costs which he paid.

Alfred Chandler v Louisa Read – The like offence in respect of one horse.

Alfred Chandler on his oath says, I know the horse to be Yours.

Defendant thereupon pleaded guilty and was fined 3/- and 8/6 costs which she paid.

Alfred Chandler v John Kitcher – The like offence in respect of one horse.

Alfred Chandler on his oath says, I am an Agister of the New Forest. On the 6<sup>th</sup> of July I saw a horse belonging to the Defendant roaming at large at Latchmoor in the New Forest. Defendant is a Commoner of the Forest. The animal had not been marked or paid for.

Cross examined. I saw the animal about seven or eight o'clock in the evening. I know the horse to be yours. You owned it was yours to me.

Defendant was fined 3/- and 8/6 costs which he paid.

Charles Evemy v William Guy – The like offence in respect of a Cow and a heifer.

Defendant pleaded Guilty and was fined 4/- and 8/3 costs which he paid.

[p.244]

Charles Newbolt v John Shepherd Maskew – The like offence in respect of one horse.

Charles Newbolt on his oath saith as follows:–

I am an Agister of the New Forest. On the 24<sup>th</sup> of July I saw a horse belonging to the Defendant roaming at large at Longwater in the New Forest. The Defendant is a Commoner of the Forest. The horse had not been marked or paid for.

Cross examined. I know the animal to be yours. The following is the description. A little brown horse with white feet and a Star on the forehead. I marked the horse last year. I warned your Son this year to have it marked, but it was not marked.

The Defendant was fined 3/- and 8/6 costs which he paid.

Charles Newbolt v William Dominy – The like offence in respect of one horse.

Defendant pleaded guilty and was fined 3/- and 6/10 costs which he paid.

Alfred Chandler v Edward Westbrook – The like offence in respect of Two Mares.

Defendant did not appear.

James Wheeler on his oath saith as follows:– I am a Police Constable stationed at Fawley. On Friday the 4<sup>th</sup> of August I served a copy of the summons in this case on Defendant by leaving the same at his residence. I saw him the next day and he said he had received the summons all right.

Alfred Chandler on his oath saith. I am an Agister of the New Forest. On the 14<sup>th</sup> of July I saw Two mares belonging to the Defendant wandering at large at Warickley Green in the New Forest. The Defendant is a Commoner of the New Forest. They had not been marked or paid for.

Defendant was fined 10/- and 10/6 costs. The usual order of distress in default of payment made out.

[p.245]

Alfred Chandler v Levi Gray – Defendant was charged for that he being a Commoner of the New Forest did allow a certain animal to wit a Stallion to roam at large in the Forest without having the same inspected and marked by some person or persons appointed or employed by the Verderers in that behalf.

Alfred Chandler on his oath saith as follows:–

I am an Agister of the New Forest. On the 12<sup>th</sup> July of the present year I saw a two year old Stallion roaming at large at Balmers Lawn in the New Forest. The Defendant is a Commoner of the Forest. It had not been inspected and passed. I had called his attention to the horse in June and warned him to get it in.

Defendant was fined 5/- and 8/6 costs which he paid.

George Philpott v James Mouland – The like offence.

George Philpott on his oath saith as follows:–

I am an Agister of the New Forest. On the 9<sup>th</sup> of June I saw a Stallion belonging to the best of my knowledge to the Defendant roaming at large at Eyeworth Walk in the New Forest. It had the Defendants mark on it. I cannot swear it is now his. It had not been inspected and passed. I call Henry Bryant.

Henry Bryant on his oath saith as follows:–

I live at Godshill and am a Dealer. I know the horse in question. I bought it of George Mouland the Defendants Son on the 14<sup>th</sup> of June.

The case was dismissed. Bryant was allowed 5/- expenses and the Police fees 4/7 were ordered to be paid.

George Philpott v Frank Reeves – The like offence.

Defendant pleaded Guilty and was fined 5/- and 6/10 costs which he paid.

[p.246]

Alfred Chandler v Charles Warne – Defendant was charged that he not being a Commoner of the New Forest did allow a certain Animal to wit a horse to roam at large in the Forest without having previously obtained a license for it contrary to the Bye Laws of the said New Forest.

Defendant pleaded guilty and was fined 6/6 and 6/6 costs which he paid.

Alfred Chandler v George Thomas Savage – The like offence in respect of one Cow.

Defendant pleaded guilty and was fined 6/6 and costs 6/6 which he paid.

D<sup>r</sup> Maskew asked the Verderers what the duties of the Agisters were with reference to cattle pounded in the Pounds bordering the Forest. He was informed that the Agisters had no authority to go out of the Forest to inspect Cattle in such Pounds, but the Haywards reported to the Agisters when any cattle were pounded and if they belonged to Commoners the facts were reported.

M<sup>r</sup> Segar complained as to the time of year chosen for marking cattle. He was informed that the time had been settled upon, at the request of the Commoners and would not now be altered.

The question of Races advertised to take place at Balmer Lawn was brought up. The Verderers considered that they should have been consulted previous to a license having been given as they are often called on to fine trespassers for much less damage done to the Vert than that caused by racing and the booths and games accompanying and the Clerk was directed to write to Sir H. Lock on the subject.

M<sup>r</sup> Eyre moved for returns of the number of Cattle belonging to the Commoners and non-commoners in the Forest which the Clerk was directed to supply.

Col<sup>l</sup> Esdaile brought up the question as to the repairs to drains and stated that he had not yet received timber from the Crown as to [p.247] repairs to the bridges.



M<sup>r</sup> Lascelles who was present stated that he was instructed to charge Market Price for the Timber under which circumstances the matter was directed to stand over for the present. Co<sup>l</sup> Esdaile undertaking to look further into it.

The Clerk produced the Financial Statement and Copy.

(Copy Statement)

1882	By Balance from last account	331	6	9	1882			
May 30	” Cash of Agisters for marking Commoners cattle viz <sup>t</sup>				May 30	To Police for serving Summonses viz <sup>t</sup>		
	Everymy 52.18. 6					Russell 11. 0		
	Newbolt 24. 2. 6					Hillier <u>3. 0</u>	14	0
	Chandler 33.17. 6				June 24	” M <sup>r</sup> Mortimer ¼ salary to this day	37	10
	Philpott <u>9. 0. 0</u>	119	18	6		” Agisters Salaries to this day viz <sup>t</sup>		
	” Cash of Non-commoners for Licenses viz <sup>t</sup>					Philpott 17.10. 0		
	H. Wheeler					Chandler 17.10. 0		
	License 2. 6					Everymy 17.10. 0		
	Head Money 5. 0					Newbolt <u>17.10. 0</u>	70	0
	Marking fees <u>3. 0</u> 10. 6							
	J. Sherwood							
	License 2. 6							
	Head Money 2. 6							
	Marking fees <u>1. 6</u> 6. 6		17	0				
	” Fine & costs of Hillier viz <sup>t</sup>					Balance in hand	492	15
	Fine 6 <sup>d</sup> Costs 9/-		9	6				10
	” Cash of non-commoners for Licenses (by Agisters) viz <sup>t</sup>							
	Licenses 2. 5. 0							
	Head Money 2.17. 6							
	Marking fees <u>1. 8. 6</u>	6	11	0				
June 6	” New 3% Dividend	51	10	7				
“	” Fine & Costs of Ruffell viz <sup>t</sup>							
15	Fine 5/- costs 15/-	1	0	0				
July 6	” Cash of Philpott, Balance due at last Court	2	12	6				
	” Cash received of non-commoners (by Agisters) viz <sup>t</sup>							
	License 2. 7. 6							
	Head Money 3. 2. 6							
	Marking fees <u>1. 9. 6</u>	6	19	6				
	” Cash of Agisters for marking Commoners cattle to this date viz <sup>t</sup>							
	Newbolt 16.13. 6							
	Philpott 20.16. 6							
	Chandler 22. 8. 0							
	Everymy <u>19. 4. 6</u>	79	2	6				
	” Cash of Non-Commoners (by Clerk) to this date viz <sup>t</sup>							
	Licenses 5. 0							
	Head Money 5. 0							
	Marking fees <u>2. 0</u>		12	0				
	£ 600	600	19	10		£ 600	19	10

[p.248]

The following Bills were ordered for payment

Drake Driver & Leaver	£ 8.13. 6
Mr C.L. Lordan	£13.18. 3

The question of compensation to be paid by the Swindon, Marlboro' and Andover Railway (Isle of Wight Extension) was ordered to stand over until notice to treat had been served by the Company.

Michael Forrester was ordered to be summoned.

The Agisters reported what progress they had made with reference to the Registers of Commoners they were making.

Charles Newbolt paid over for marking Commoners Cattle			£12. 2. 0
Alfred Chandler	D <sup>o</sup>	D <sup>o</sup>	1. 1. 0
Charles Evemy	D <sup>o</sup>	D <sup>o</sup>	1.11. 6
George Philpott	D <sup>o</sup>	D <sup>o</sup>	6. 6. 6

This completed the business of the Court.

X<sup>d</sup>

[signed] *H:C: Paulet*  
*Dep: Chairman.*

[p.249]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 13<sup>th</sup> day of November 1882.

Present

Sir Henry Charles Paulet Baronet. Deputy Chairman  
George Edward Briscoe Eyre Esquire        }  
John Lane Shrubbs Esquire                    } Verderers  
Lieut. Col. William Clement Drake Esdaile }

The Court was opened by the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

Charles Every v Michael Forrester – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of common in the Forest did cause or allow certain Animals to wit two horses and one Donkey to roam at large in the Forest without having previously obtained a license from the Verderers for such animals to depasture in the said Forest contrary to the Bye Laws of the said New Forest.

Charles Every on his oath saith as follows:– I am an Agister of the New Forest. On the 12<sup>th</sup> day of January last I found two horses and one donkey belonging to the Defendant at Hogbridge in the New Forest. The animals were not marked. The Defendant was not then a Commoners nor had he taken out any license from the Verderers to depasture the animals in the Forest. He never applied to me to mark such animals. I was here at a Court on the 23<sup>rd</sup> day of January 1882 when the information in this Case was heard. The Defendant claimed to be a Commoners. He said he rented land of Squire Bond. The case was adjourned for me to enquire into. I have made enquiries (as ordered by the Verderers) of M<sup>r</sup> Moore (M<sup>r</sup> Bonds Steward) who informed me that the Defendant is not a Tenant of Squire Bond.

Cross examined. You asked me to mark your Cattle as a Commoner and I declined.

The Defendant was convicted and fined £1.6.0 and 9/0 costs in default of distress 21 Days imprisonment with Hard Labour. Defendant paid [p.250] both Fine and Costs.

The Verderers proceeded to settle the Register of Commoners entitled to vote at the election of an elective Verderer for the year 1882-1883. The names of those who had died during the year were struck out and the Register was finally settled. The Clerk was directed to have it lithographed as heretofore.

The question of the granting of Licenses to Non-Commoners was next considered.

The Verderers directed their Clerk to sit at Lyndhurst, The Queen's House, on Monday January the 8<sup>th</sup>. Beaulieu, Montague Arms, on Tuesday January the 9<sup>th</sup> and at Godshill, The Fighting Cocks, on Monday January the 15<sup>th</sup>.

The decided that Non-Commoners should be summoned to Lyndhurst from Brockenhurst, Thorney Hill, Sway, Hordle and Burley.

To Beaulieu from Hythe, Fawley, Exbury, Norley Wood and Pilley.

To Godshill from Fordingbridge, Downton, Breamore, Redlynch, Hale, Wood Green, Gorley, Ogdens and Hungerford.

Col. Esdaile reported the progress made with the works of Repairs and Drainage in the Forest as follows:—

Allum Green Cutting – Estimated Cost £17.4.0. The main cutting will be completed in course of a week. 400 Rods at nine pence.	}	
It is proposed to postpone the remainder of the repairs here to next spring.	}	£15. 0. 0
Warwick Slade Cutting, North of Lyndhurst and Christchurch Road.	}	
Estimated cost of Repairs £6.7.1	}	
The work of cleansing the cutting from the Christchurch Road to Knightwood Oak Enclosure has been 135 Rods at 6d	}	£3. 7. 6
Remainder must be postponed to the Spring	}	
Fully Ford Bridge near Ashurst Rails. This Bridge has been thoroughly repaired and two thirds rods of the Timber have been renewed at a cost of about	}	£5. 1. 0
Butts Lane, South West Bridge. The Timbers for the repairs of this Bridge have been prepared and carted to the Bridge. The work will cost about	}	<u>£5. 5. 6</u>
		Carried forward £28.14. 0

[p.251]

Brought forward £28.14. 0

Butts Lane, North East Bridge. The Timbers of this Bridge are in hand. The repairs will cost about	}	
	}	£4. 7. 6
Allum Green, North Bridge. This Bridge excepting the putting down of more gravel has been thoroughly repaired, about one half of the Timbers are new. The work has cost about	}	
	}	£4. 2. 0
Allum Green, South Bridge. The Timbers for repairing this Bridge are in hand. The repairs will cost about	}	
	}	£2. 0. 0
Warwick Slade, Holidays Hill Bridge. This Bridge is in hand, it will be almost wholly renewed and will cost about	}	<u>£5. 4. 6</u>
		Total Cash Required £44. 8. 0

The Verderers directed a cheque for £44.8.0 to be drawn and handed to Col. Esdaile. The question of the remuneration to be paid to M<sup>r</sup> Roberts to stand over for the present.

The Clerk produced a notice received under the Contagious Diseases Animals Act as follows:—

Notice of Order of Declaration of a Place Infected with Swine Fever

To be served on occupiers affected thereby

County of Southampton

Notice is hereby given that the Committee for the Division of Lymington and New Forest in the said County, having the powers of the Local Authority for the purposes of “The Contagious Diseases (Animals) Act 1878” have received a declaration made by Mr John Tarver Burden one of the Inspectors of the said County for the purposes of the said Act, dated the sixth day of October 1882 setting forth that he had that day found Swine Fever to exist in a Forest Pound at Dennywood in the Township of Denny in the New Forest in the said County of Southampton and have enquired into the correctness of the said Declaration and it appearing to them that Swine Fever existed as declared by the said Inspector, they have so determined and declared, and the said Committee have also ordered and prescribed that the said Forest Pound shall from and after the 7<sup>th</sup> day of October 1882 be a place infected with Swine Fever until further order.

And notice is hereby given that the Rules and Regulations, with respect to places infected with Swine Fever, made under the [p.252] said Act will apply to all lands and buildings within the limits of such Infected Place until further order.

Dated this thirteenth day of October 1882.

By Order

E.H. Moore

Clerk to the said Committee.

The Clerk reported that the Crown had taken the necessary steps.

The matter was discussed and the question of jurisdiction of the Committee having been raised the discussion was adjourned.

Charles Evemy the Agister presented the following notice to the Court.

The the Verderers of the New Forest.

Gentlemen,

I have to report that the Crown is enclosing a piece of land called Burley Old the West side of the Lyndhurst Road leading from Blackwater Bridge to Markway Bridge.

Charles Evemy

9<sup>th</sup> November 1882.

Agister

which was ordered to be entered on the minutes.

The Verderers next considered the Railway schemes proposed for 1883 and plans having been produced and the papers gone into. It was resolved that having two schemes for Railways intersecting the Forest laid before the Court, viz<sup>t</sup>:

1. The South Western Railways Scheme to Bournemouth.
2. The Didcot and Newbury Railways Extension to Bournemouth.

The Court is of opinion that they should not signify their assent to either scheme but take up such a position as will best enable them to protect the interests of the Commoners.

The Clerk produced the Financial Statement.

(Copy same on next page)

[p.253]

		£	s	D			£	s	D
1882	By Balance from last Account	492	15	10	1882	To paid Police for service of			
Aug <sup>t</sup> 14	” Cash received of Agisters at Court today for marking Commoners Cattle to this date, viz <sup>t</sup> :				Aug <sup>t</sup> 14	Summonses, viz <sup>t</sup> :			
	C. Newbolt 12 2 0					Biddlecombe 1 6			
	A. Chandler 1 1 0					Segar 1 6			
	C. Every 1 11 6					Read 1 6			
	G. Philpott <u>6 6 6</u>	21	1	0		Gray 1 6			
	” Cash received of J. Dibden (Non Comm <sup>t</sup> ) for adding Two horses to License, viz <sup>t</sup> :					Warne 1 6			
	Head Money 5 0					Kitcher 1 6			
	Marking fees <u>3 0</u>		8	0		Mouland 4 7			
	” Fines & Costs received at Court today, viz <sup>t</sup> :					D <sup>o</sup> (Briant Witness) 1 6			
	Biddlecombe					Savage 1 6			
	Fine 3/-, costs 8/6. 11 6					Guy 3 3			
	Segar					Maskew 1 6			
	Fine 3/-, costs 8/6. 11 6					Dominey 1 10			
	Read					Reeves 1 10			
	Fine 3/-, costs 8/6. 11 6					Westbrook <u>1 6</u>	1	6	6
	Gray					” ” paid Briant Travelling expenses as a witness		5	0
	Fine 5/-, costs 8/6. 13 6					” 15 ” Lordan for printing, advertising, &c., &c.	13	8	3
	Warne					” 17 ” Drake & Co. Printing &c.	8	13	6
	Fine 6/6, costs 6/6. 13 0					” 29 ” Lunn. Bridges, &c. (Repairs)	7	14	0
	Kitcher					” ” ” Webb. Fees & expenses for auditing accounts.	3	8	0
	Fine 3/-, costs 8/6. 11 6					” High Sheriff. Expenses of election of Verderers.	15	13	6
	Savage								
	Fine 6/6, costs 6/6. 13 0								
	Guy								
	Fine 4/-, costs 8/3. 12 3								
	Maskew								
	Fine 3/-, costs 8/6. 11 6								
	Dominey								
	Fine 3/-, costs 6/10. 11 10								
	Reeves								
	Fine 5/-, costs 6/10. <u>11 10</u>	6	10	11	Sept 29	” Mr Mortimer ¼’s Salary to this day	37	10	0
Sep <sup>r</sup> 30	” Cash of non-commoners for licenses to this date (by Clerk) viz <sup>t</sup> :					” C. Every (Agister) D <sup>o</sup>	17	10	0
	License 2 6					” G. Philpott ( ” ) D <sup>o</sup>	17	10	0
	Head Money 2 6					” A. Chandler ( ” ) D <sup>o</sup>	17	10	0
	Marking fees <u>1 6</u>		6	6		” C. Newbolt ( ” ) D <sup>o</sup>	17	10	0
Oct. 7	” Reduced 3 per cent. dividends					Balance in hand	418	12	8
		<u>55</u>	<u>9</u>	<u>2</u>					
		£ 576	11	5			£ 576	11	5

[p.254]

Every reported that he had taken up his residence at Burley as directed by the Court.

The Agisters reported what progress they were making with the new lists of Commoners.

The Court then considered the question of collecting the Pannage money by keepers and Agisters. It was determined to consult Mr Lascelles and endeavour to arrange with him to allow the keepers to take the money for pannage.

The Agisters paid over the following amounts they had received for marking Commoners Cattle and Pigs since last Court.

George Philpott	£27 13 10
Charles Every	5 19 6
Charles Newbolt	5 0 6~
Alfred Chandler	1 15 6

The Agisters were examined as to the Cattle in the Districts.

Every reported that he had about the same if not more than last year.

Newbolt was short of Horn Cattle but had more horses.

Chandler would report next Court.

Philpott had less Horn Cattle but more horses.

The number of Donkeys in the Forest not having any owners was complained of by Chandler. The matter stands over until the Spring when they are to be pounded and sold.

The Agisters were ordered to report to the next Court the number of Donkeys in their Districts.

This terminated the business of the Court.

[signed] *G. Slater Booth*  
*Official Verderer.*

[p.255]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Tuesday the 12<sup>th</sup> day of December 1882.

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Present.

The Right Hon<sup>ble</sup> G. Sclater Booth, M.P. Official Verderer  
Sir Henry Charles Paulet Baronet. Deputy Chairman  
John Lane Shrubbs Esquire }  
George Edward Briscoe Eyre Esquire }  
Lieut Colonel William Clement Drake Esdaile } Verderers  
The Lord Henry Scott, M.P. }

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The Court was opened with the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

The Clerk produced the plans, reference books, &c., of the South Western Railway Company's proposed extension to Bournemouth which had been sent to him for the use of the Verderers.

He also produced the plans, reference book, &c., of the Newbury, Didcot & Southampton Railway Company which had also been sent for the use of the Verderers.

The two schemes were fully considered and discussed by the Verderers present. It was resolved that the Verderers return themselves as dissenting both to the London & South Western Railway Company & the Didcot, Newbury & Southampton Railway Company Bournemouth Schemes.

The Clerk was directed to obtain from the London & South Western Railway Company the usual notices and to return the Verderers as dissenting.

The Clerk reported that he had not received from the Office of Woods and Forests a copy of the proposed bill dealing with the repairs of certain highways of Townships in the New Forest. He also produced a letter from M<sup>r</sup> Gorst stating that the proposed Bill for "Esteovers" was not yet prepared but that when it was a copy should be sent.

[p.256]

(copy letter)

Office of Woods  
1 & 2 Whitehall Place SW  
11<sup>th</sup> December 1882

Dear Sir,

I have received your letter of the 8<sup>th</sup> inst. It is desired to obtain powers to enable the Crown to purchase fuel rights possessed by certain persons in the New Forest, and notice of the intention to apply to parliament for such powers, has been given. The Bill has not yet been prepared.

I am Dear Sir

Yours truly

G.F.W. Mortimer Esq<sup>re</sup>

T.W.Gorst



Solicitor  
Romsey

The Official Verderer informed the Court that he had not received any formal notice of the proposed Bill for repairs to Highways but that probably he should shortly receive a Draft Bill

The Clerk produced the annual account for the year 1882 which he was directed to make up to the end of the year and then submit it to the Auditor appointed by the next Court of General Quarter Sessions

The Clerk also produced the Financial Statement which was ordered to be entered on the Minutes.

copy statement

1882	By Balance from last account	418	12	8	1882				
Nov <sup>r</sup> 13 <sup>th</sup>	” Fine & Costs of Forrester				Nov <sup>r</sup> 13 <sup>th</sup>	To Forrester's case fees to Porter		1	6
	Fine 1. 6. 0 }				” 17 <sup>th</sup>	” p <sup>d</sup> Col Esdaileon a/c of works in the Forest	44	8	0
	Costs 9. 0 }	1	15	0	” 18 <sup>th</sup>	” Drake & C <sup>o</sup> for stationary		8	6
	” Cash received from Agisters for marking Commoners Cattle,				” 20 <sup>th</sup>	” Lordan for printing & advertising	7	4	0
	viz:—					” Hon. G. Lascelles winter month } of Heyning }	1	0	0
	G. Philpott 27.13.10 }					” Balance in Hand	407	15	0
	C. Evemy 5.19. 6 }								
	C. Newbolt 5. 0. 6 }								
	A. Chandler 1.15. 6 }								
		<u>40</u>	<u>9</u>	<u>4</u>			£ 460	17	0
		£ 460	17	0					

[p.257]

It was resolved that a further sum of £100 be authorised to be expended during the coming year by the Committee and Col Esdaile in the repair of Bridges and Drains in the New Forest.

The following dates and places were fixed for the inspection and passing of entire horses:

Lyndhurst Pound	Monday January 8 <sup>th</sup>	Sir H.C. Paulet Bart.
Brook (Bell Inn)	Wednesday ” 10 <sup>th</sup>	do
Beaulieu (Montagu Arms)	Saturday January 13 <sup>th</sup>	The Lord H. Scott M.P.
Brockenhurst (Rose & Crown)	Wednesday January 17 <sup>th</sup>	John L. Shrubbs Esq <sup>re</sup>
Burley (The Queens Head)	Monday January 22 <sup>nd</sup>	Lt Col W.C.D. Esdaile

Charles Newbolt reported that he had between Forty to Fifty Donkeys in his district unmarked and of which animals he did not know the owners he had marked about Thirty leaving more unmarked than marked in his district. He reported that M<sup>r</sup> Jude Bradford of Cadnam had ovasted Fifty pigs for which he refused to pay. Bradford was ordered to be summoned – later in the day M<sup>r</sup> Bradford waited on Sir Henry Paulet and the Clerk and expressed his intention to pay which he did.

Charles Evemy reported that he had Forty Donkeys in his district unmarked and of ~~those~~ <these> animals ~~of which~~ he did not know the owners he had marked about fifteen.

George Philpott reported that he had Six donkeys unmarked in his district he had marked about Ten.

Alfred Chandler reported that he had about Sixty Donkeys in his district unmarked, he had marked Sixty one.

Every, Philpott and Chandler reported that all pigs that had been ovasted in their district had been paid for.

The Agisters paid over the following amounts:

Charles Newbolt	9.17. 8
George Philpot	4.14. 8
Alfred Chandler	1.14. 4
Charles Every	1.10. 4

[p.258]

This concluded the business of the Court  
x<sup>d</sup>

[signed] *H:C: Paulet (Dep: Chairman)*

[p.259]

At a Court of Swainmote held at the Queens House Lyndhurst on Monday the 19<sup>th</sup> day of March 1883.

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———— Present ————

Sir Henry Charles Paulet Bart. Deputy Chairman  
John Lane Shrubb Esquire }  
Lieut. Col. William Clement Drake Esdaile } Verderers  
Joseph Henry Dart Esquire }

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The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

The Honorable Gerald William Lascelles Deputy Surveyor of the New Forest attended the Court and reported that numerous felonious fires of gorse heath and furze growing in the New Forest had occurred of late and were constantly occurring and that very serious damage was caused thereby. He made application to the Court for the appointment of Sixteen forest keepers and Caretakers as Special Constables in pursuance of 1 and 2 William IV Chapter 41 for the purpose of the prevention of these acts of felony and the detection and apprehension if possible of the offenders and made deposition in the necessary form of affidavit according to the said Act as follows:—

New Forest in the County of Southampton – I Gerald William Lascelles of Lyndhurst in the New Forest in the County of Southampton Deputy Surveyor of the said New Forest upon my oath say: That on the seventh eighth and eleventh days of March One thousand eight hundred and eighty three a series of felonious acts have been committed in various parts of the said New Forest by some person or persons unknown whereby very serious injury might have arisen to the plantations and other property of her said Majesty situate in the said New Forest and that I apprehend that such offences will continue to be repeated. That the ordinary constables for preserving the peace in the several parishes and townships within the perambulation of the said New Forest are not in my opinion sufficient in number [p.260] for the detection and discovery of the offender or offenders for the preservation of the peace and for the security of the property of Her said Majesty within the said New Forest.

Sworn by the said Gerald William Lascelles before us }  
at a Court of Swainmote holden at Lyndhurst in the }  
New Forest in the County of Southampton this } (signed) Gerald William Lascelles  
nineteenth day of March 1883 }

H.C. Paulet  
John Lane Shrubb  
W. Clement D. Esdaile

The Verderers thereupon determined that M<sup>f</sup> Lascelles' application should be granted and the following Forest Officers being in attendance were accordingly sworn in in the form prescribed by 1

and 2 William IV Cap. 41 as Special Constables to act within the limits of the New Forest for a Twelve months next ensuing:—

George Bumstead	Ashley Lodge, Fordingbridge	Keeper
Frank Harrington	Brook, Lyndhurst	Caretaker
Henry Smith	Holly Hatch Cottage, Broomy Township, Ringwood	Caretaker
Arthur Parnell	Fritham, Lyndhurst	Caretaker
John Wilkins	Ironshill Lodge, Lyndhurst	Keeper
George Gale sen <sup>r</sup>	Church Place Cottage, Totton	Caretaker
Joseph Fielder	Bramshaw, Lyndhurst	Caretaker
James Coles	Wilverley Lodge, Wootton, Lymington	Keeper
Samuel Gulliver	Burley, Ringwood	Caretaker
John Slightam	Holmsley, Ringwood	Caretaker
John Bumstead	Denny Lodge	Keeper
Joseph Tuck	New Copse Cottage, Brockenhurst	Caretaker
Charles Thorn	Rhinefield Township, Aldridge Hill Cottage	Caretaker
George Gale junior	Norley Wood, Boldre	Caretaker
Francis Lane	Boldrewood, Lyndhurst	Keeper
William Bumstead	Kings Hat, Beaulieu	Caretaker

The Clerk was directed to give the necessary notices to the Home Office and Lord Lieutenant of the County of their appointment.

The Court proceeded to try the case presented for hearing.

[p.261]

Charles Evemy v William Henry Hollis – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of Common in the Forest did cause or allow certain animals to wit Four Cows and three Heifers to roam at large in the Forest on the seventh day of February last without having previously obtained a license from the Verderers for such cattle or animals to depasture in the said Forest contrary to the Bye Laws of the said New Forest.

Lawrence McCaul sworn. I am a Police Constable stationed at Brockenhurst. I served a copy of the summons on the Defendant personally on the 16<sup>th</sup> Instant.

A Letter from the Defendant addressed to the Clerk was read as follows:

Collegiate School  
Bournemouth  
Mar 17 /83

G.F.W. Mortimer Esq<sup>re</sup>

Sir,

Through illness I am quite unable to attend at Lyndhurst on Monday, in fact am compelled to give up my school through the Doctor's orders.

I beg that you will express my regret at not being able to appear personally to the presiding magistrate and the whole bench and assure them that it is with no discourteous feelings that I cannot comply with their order.

I readily admit I am liable to be fined, but as you know circumstances over which I had no control delayed the sale of my stock a few days. I sincerely hope you will not see any necessity to carry my case into the open court. Had I had more experience of the New Forest Laws I should never have allowed the present summons to be issued.

Doubtless you are aware that the whole of my stock was sold last month and that after receiving notice that I was doing wrong I kept the stock housed at a considerable expense and loss. There appears to be a mistake in the numbers mentioned, as on the 7<sup>th</sup> of February I possessed only 2 cows (not 4) and 3 heifers the remaining stock being mere calves. [p.262] My Bailiff (E. Brooks) will attend on Monday as I have written to him to do so.

Trusting you will place my letter before the presiding Magistrate.

Believe me, Sir,

Yrs faithfully

W.H. Hollis

The Defendant's Bailiff appeared on his behalf and pleaded guilty to the offence.

The Verderers fined the Defendant £1.19.6 and costs 14/6.

The Fine and costs were paid.

Alfred Chandler v Henry Bull – Defendant was charged with the same offence in respect of ne Cow and Two Calves on 5<sup>th</sup> day of February last.

The Defendant appeared and pleaded guilty and was fined 17/6 and costs 7/6. The fine and costs were paid.

The Clerk was directed to grant the Defendant a License free of further charge.

Colonel Esdaile reported that the Drainage and repair to Bridges ordered by the Verderers was very nearly accomplished and he trusted to be able to report it as completed at the next Court.

A discussion took place as to the other portions of the Forest in which the drainage and bridges required repairing and it was proposed to inspect the neighbourhood of Balmer Lawn and Matley with a view to undertaking the necessary works at these places next. Colonel Esdaile undertook to report on what was required at these spots at the next Court.

The Verderers next considered the question of burning a portion of the Forest for the benefit of the pasturage. They selected Ober Heath between Aldridge Hill and Fletchers Cutting as a place requiring burning and directed the Clerk to write M<sup>r</sup> Lascelles [p.263] on the subject.

The Clerk produced the usual Financial Statement as follows:—

—Copy Statement—

1882	By Balance from last Account	407	15	0	1882				
Dec' 14	" Cash of Agisters for marking Commoners Cattle viz <sup>t</sup>				Dec 18	To Millards Bill	1	0	0
	C. Newbolt   9 17 8				" 23	" Mr Mortimer ¼ salary to Christmas	37	10	0
	G. Philpott   4 14 8				" 29	" Agisters ¼ salary to Christmas viz <sup>t</sup>			
	A. Chandler   1 14 4					C. Evely     17 10 0			
	C. Evely <u>1 10 4</u>	17	17	0		C. Newbolt   17 10 0			
	" Fine & costs in case of Chandler v Westbrook viz <sup>t</sup>					A. Chandler <u>17 10 0</u>			
	Fine 10/0   Costs 10/6	1	0	6	" "	G. Philpott   17 10 0	70	0	0
1883					" "	" C. Newbolt, Crier of Court	1	10	0
Jany 9	" Cash received at Lyndhurst of non-commoners yesterday for Licenses viz <sup>t</sup>				1883	" Drake & Co's Bill, Printing &°	3	5	9
	Licenses     9 12 6				Jany 13	" Lordans Bill, Printing &°	3	11	0
	Head Money  22 7 6				" 24	" Cheque Book		5	0
	Marking Fees <u>8 7 6</u>	40	7	6					
" 10	" Cash received at Beaulieu of non-commoners yesterday for Licenses viz <sup>t</sup>					Balance in hand	410	2	9
	Licenses     7 10 0								
	Head Money  13 2 6								
	Marking Fees <u>5 14 6</u>	26	7	0					
" 16	" Cash received at Godshill of non-commoners yesterday for Licenses viz <sup>t</sup>								
	Licenses     8 12 6								
	Head Money  18 0 0								
	Marking Fees <u>7 5 0</u>	<u>33</u>	<u>17</u>	<u>6</u>					
		527	4	6			527	4	6

[p.264]

He also produced as directed by the Official Verderer an estimate of the probable income and expenditure for the current year.

Copy Estimate

Receipts				Expenditure			
	£	s	d		£	s	d
Of non-commoners for Licenses (including Head Money and Marking Fees) received £100 say extra £25	125	0	0	Clerks Salary	150	0	0
” Commoners for marking &°	305	0	0	Agisters Salaries	280	0	0
” Fines penalties &°	10	0	0	Police Fees &° (say)	3	0	0
” Dividend on £3800 Reduced 3 per cent annuities	55	0	0	Extra costs (Clerk) (say)	20	0	0
D° D°	55	0	0	Drainage	100	0	0
				Auditor (last Year)	3	8	0
				Cash under Section 9 of Act	1	0	0
				Crier of Court	1	10	0
				Miscellaneous (say)	2	0	0
				Printing Advertising &° (last year)	37	15	6
£	550	0	0	£	598	13	6

The following accounts were produced and passed and were ordered to be paid.

M <sup>r</sup> Mortimer’s Bill of Costs	£25.14. 9
M <sup>r</sup> Lordan’s a/c for printing the New Forest Account	£11.14. 0
Messrs Drake & Co <sup>s</sup> Bill for printing	£ 3. 3. 0

[p.265]

A discussion then arose as to certain non-commoners not taking out Licenses and claiming to be commoners.

The Clerk produced a list of some who had taken out Licenses last year but now claimed as Commoners under Lord Henry Scott in respect of holdings averaging from one to three acres.

Chandler was directed to report how many cattle each person in the list, turned out in respect of his holding, and the discussion on the subject was adjourned for this information.

The question of marking the cattle in the Forest was next considered.

The Clerk was directed to acquaint M<sup>r</sup> Lascelles that the Verderers were informed that there is a considerable number of unmarked cattle and ponies within the enclosures of the Crown over which the Verderers have no jurisdiction and that the Verderers consider that it would conduce to the good discipline of the Forest if such Cattle and Horses could be driven out and so placed under the jurisdiction of the Verderers. They therefore suggest that an arrangement should be come to for driving the enclosures for this purpose.

The Clerk was directed to write to the Solicitor to the Swindon Marlborough and Andover Railway Company explaining to him that the Verderers would require the half of any sum arranged with the Crown as compensation for the land required in the Forest by the Company and that if the

Crown preferred to accept a sum as Lord of the Manor for their rights in the Land the Verderers would require an equal sum for the Commoners rights on the principle admitted on the division and subsequent dealings with the Dorchester Railway Fund.

The Clerk reported that George Philpott one of the Agisters was drunk whilst on duty on the eighth day of January last. The Verderers enquired into the case and having called Philpott in and heard what he had to say dismissed him with three months notice.

[p.266]

The Clerk was ordered to summarise the Verderers Annual account in future and to only print the summary.

Chandler was ordered to report to the Clerk when he could obtain a convenient place into which to drive the Donkeys in his district and on receiving the report the Clerk was directed to write to the Deputy Chairman and obtain an order upon him for a drift.

The Verderers directed the Clerk to issue licenses to all non-commoners requiring them who had not turned cattle into the Forest prior to the date of issue thereof.

Newbolt reported that a portion of the Forest was being converted into a Cricket Ground at Swan Green and that Buck hurdles had been put round the proposed cricket ground.

The Clerk was directed to write to M<sup>r</sup> Lascelles calling his attention thereto and stating that though the Verderers <were> by no means desirous of putting any obstacle in the way of the use of the ground for the recreation of the people, yet they wished to know if the enclosure had been made with the sanction of the Crown and if so on what terms.

The Clerk was directed to get the Verderers clauses put into the South Western Railway Company's Bill (Bournemouth Direct) and to arrange as to subways &° and failing suitable arrangements for the convenience of Commoners Cattle being agreed upon to petition against it.

This concluded the business of the Court.

[signed] *H.C. Paulet. Dep. Chairman*



[p.267]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 21<sup>st</sup> day of May 1883.

Present.

The Right Hon <sup>ble</sup> G. Sclater Booth M.P.	Official Verderer.
Sir Henry Charles Paulet Bart.	Deputy Chairman.
George Edward Briscoe Eyre Esq <sup>re</sup>	}
Lieut. Col. William Clement Drake Esdaile	}
John Lane Shrubbs Esquire	} Verderers
Joseph Henry Dart Esquire	}
The Lord Henry Scott M.P.	}

The Court was opened with the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

Charles Newbolt v Samuel Cook – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of common did cause or allow a certain animal to wit one horse to roam at large in the Forest on the 23<sup>rd</sup> day of April 1883 without having previously obtained a license from the Verderers for such animal to depasture in the said Forest contrary to the Bye Laws of the said New Forest.

Defendant pleaded guilty and was fined 13/- and 7/- costs and in default to be imprisoned for 14 days with hard labour. The fine and costs were paid.

Charles Newbolt v William Pearce – Defendant was charged with the same offence in respect of one cow on the twenty third of April 1883.

Defendant pleaded guilty and was fined 5/6 and 7/- costs and in default seven days with hard labour.

It was resolved that no fresh Licenses be granted by the Clerk after [p.268] a conviction for breach of Bye Law N<sup>o</sup> 3 without first taking the fees therefor [*sic*].

It was resolved that the Cattle of a Commoner must be marked by the Agister in whose district the Commoner resides.

The question of repairs to bridges and drains in the Forest was considered.

Col. Esdaile reported that the whole of the repairs to the bridges and drains selected last year for repair were completed and he laid his report on the Table with reference thereto.

(Copy Report)

Abstract Account of works in the New Forest by the Verderers  
during the period from 1<sup>st</sup> June to 30<sup>th</sup> April 1883.

Repairs to Bridges

Locality	Description of works	Round oak timber supplied gratis by the Crown				Gravel supplied gratis by the Crown				Labour haulage nails &c.			Total cost of Repairing each Bridge & sundry culverts			Remarks
		Quantity	Value @ 8d per foot			Quantity	Value at 6d per yard									
		Cub. feet	£	s	d	Yards	£	s	d	£	s	d				
Fullyford (near Ashurst Rails)	Repairing, Hauling and putting down - 4 new Posts above } 4 " " under } 6 " Piles } 144 ft sup 3" Plank } 2 new Rails } " Gravel edgings } Gravelling }	57	1	18	0	6	-	3	0	5	4	7	7	5	7	Including the making good of approaches
Butts Lawn (N.E. Bridge)	3 New Posts under } 2 " Bearers } 4 " Joists } 4 " Posts above } 100 ft. sup 3" plank } Gravelling }	56	1	17	4	4	-	2	0	4	7	2	6	6	6	ditto
	Amount carried forward	113	3	15	4	10	-	5	0	9	11	9	13	12	1	

Repairs to Bridges cont<sup>d</sup>

Locality	Description of works	Round oak timber supplied gratis by the Crown				Gravel supplied gratis by the Crown				Labour haulage nails &c.			Total cost of Repairing each Bridge & sundry culverts			Remarks
		Quantity	Value @ 8d per foot			Quantity	Value at 6d per yard			£	s	d	£	s	d	
		Cub. feet	£	s	d	Yards	£	s	d	£	s	d	£	s	d	
	Amounts brought forward	113	3	15	4	10	-	5	0	9	11	9	13	12	1	
Butts Lawn (S.W. Bridge)	6 New Posts } 3 " Joists } 2 " Bearers } 154 ft sup. 3" plank } Gravelling }	65	2	3	4		-	2	0	5	7	9	7	13	1	Including the making good of approaches.
Ditto (Middle Bridge)	4 New Posts under } 2 " Bearers } 4 " Joists } 100 ft sup 3" plank } Gravelling }	50	1	13	4	4	-	2	0	4	3	2	5	18	6	Ditto  Including the clearing of the cuttings several yards above and below Trunk and culverts and making up covering & approaches with gravel & Heath.
Ditto (1 Trunk and 4 culverts)	New Planking re complete } " gravel edgings } " Heath gravel, &c. }	31	1	0	8	85	2	2	6	10	19	4	14	2	6	
Warwickslade (Holidays Hill Bridge)	5 new Joists } 4 " Posts } 2 " Rails } 2 " Edgings } 120 ft sup. 3" plank } Gravelling }	52	1	14	8	5	-	2	6	4	12	6	6	9	8	Including the making good of approaches.
Allum Green (North Bridge)	4 new Posts under } 2 " edgings } 168 ft super 3" plank } Gravelling }	59	1	19	4	5	-	2	6	4	14	0	6	15	10	Ditto  This bridge & its approaches had been already gravelled.
Ditto (South Bridge)	4 New posts } 2 " Rails } 2 " Edgings }	10	-	6	8	-	-	-	-	1	0	9	1	7	5	
	Totals	380	12	13	4	113	2	16	6	40	9	3	55	19	1	

[p.270]

### Repairs to Drains

Locality	Description of Work	Extent	Rate	Amount			Total			Total outlay at each place			Remarks.	
				£	s	d	£	s	d	£	s	d		
Allum Green	Clearing all the main cuttings	400	9 <sup>d</sup>	15	0	0								
"	Ditto Surface Drains	176	3 <sup>d</sup>	2	4	0	17	4	0 }					
"	Grubbing & clearing roots in Drains	202	2 <sup>d</sup>	1	13	8	1	13	8 }	19	19	2	Per Estimate no estimate furnished	
Bank	Clearing the large cutting	21½	1/-	1	1	6	1	1	6 }				no estimate furnished	
Warwick Slade (north of Xchurch Road)	Clearing the main cutting	79½	9 <sup>d</sup>	2	19	7								
"	"	135	6 <sup>d</sup>	3	7	6	6	7	1 }	6	7	1	Per estimate	
Total Repairs to Drains										£	26	6	3	

J.H. Roberts in account with the Verdereers of the New Forest

to 30<sup>th</sup> April 1883.

#### Summary of Expenditure

Repairs to Bridges	55 19 1		
Repairs to Drains	<u>26 6 3</u>	82 5 4	
Deduct value of materials supplied gratis by the Crown			
viz. Timber	12 13 4		
Gravel	<u>2 16 6</u>	<u>15 9 10</u>	
	Actual outlay	£ 66 15 6	

Payment on account

Col Esdaile to J.H. Roberts 13 <sup>th</sup> Nov <sup>r</sup> 1882	44 8 0	<u>44 8 0</u>	
	Balance due	£ <u>22 7 6</u>	

I certify that the foregoing accounts are just and true, according to the best of my knowledge and belief.

(signed) J.H. Roberts

[p.271]

It was resolved to pay M<sup>r</sup> Roberts £5 for the trouble he had taken on superintending the drainage. A cheque was ordered to be drawn for the balance of the account amounting to £22.7.6 and to be handed to Col. Esdaile and another for the extra £5 granted to M<sup>r</sup> Roberts.

The Clerk produced the Financial Statement as follows:—

(Copy Statement)

1883	By balance from last account	410	2	9	1883					
March 19	” Cash of Agisters at Court this day for marking Commoners cattle viz:—				March 20	To M <sup>r</sup> Mortimer Extra costs 1882	25	14	9	
	£ s d				” ”	” ” Lordan (Printing & <sup>c</sup> )	11	14	0	
	G. Philpott	2	18	6	” 22	” Drake & Co. ( ” )	3	3	0	
	C. Newbolt	2	15	8	” 24	” M <sup>r</sup> Mortimer ¼ Salary to Lady Day	37	10	0	
	C. Evemy	2	3	0	” 27	” C. Newbolt (Agister) D <sup>o</sup>	17	10	0	
	” Fine & costs in case “Evemy v Hollis” viz: Fine	1	19	6	” 30	” G. Philpott ” D <sup>o</sup>	17	10	0	
	Costs	14	6		April 2	” C. Evemy ” D <sup>o</sup>	17	10	0	
	£2 14 0				” 4	” A. Chandler ” D <sup>o</sup>	17	10	0	
	Less Police fees	6	6			Balance in Hand	353	11	10	
	” Fine & Costs in case Chandler v Bull viz: Fine	17	6							
	Costs	7	6							
	£1 5 0									
	Less Police fees	1	6							
	” Cash received (by clerk) of non-commoners for Licenses to this time Licenses to this time viz:									
	Licenses	4	17	6						
	Head money	14	5	0						
	Marking fees	5	11	0						
April 7	” Reduced 3% (dividends)	24	13	6						
		55	9	2						
	£	501	13	7			£	501	13	7

[p.272]

The Clerk produced a letter from Mr Lascelles as to Swan Green Cricket Ground.

(Copy Letter)

Queen’s House, Lyndhurst  
April 3<sup>rd</sup>, 1883

Sir,

Swan Green Cricket Ground

I think the statement in my letter that no enclosure had been made has been overlooked, the moveable fence is taken away every time the ground is used. In this case the Com<sup>r</sup> has exercised the right of the Crown as owner of the soil to grant easements over it. This has been done in innumerable instances and from time immemorial and the Crown’s right to do so is now called in question for the first time. I cannot therefore suppose that the Com<sup>r</sup> will consent to such an abridgement of Crown rights as would be acknowledged by a division of the quit rent such as you suggest.

I would also remind you that the claim which you advance on behalf of the Commoners, of an exclusive right of pasture instead of as formerly a concurrent one is a claim which has not been substantiated & which I cannot admit.

If the Verderers consider that the body of the Commoners have suffered injury by the easement in question, it will be for them to lay their case before the Com<sup>r</sup>, & describe the injury done, when I am sure he will give the case all & every consideration. But I would point out that as the land in question has been drained and levelled the pasture has as a matter of face been greatly improved.

I am, Sir,  
Yours faithfully

Gerald Lascelles

The Clerk to the Verderers, N.F.

A general discussion took place thereon.

It was resolved that the Clerk acknowledge the letter and write to M<sup>r</sup> Lascelles [p.273] as follows:–

Romsey, Hampshire.  
May 21<sup>st</sup>, 1883

Dear Sir,

I have today laid your letter of the 3<sup>rd</sup> day of April last before the Verderers of the New Forest at their Court of Swainmote and am directed to say:

The Verderers do not dispute the right of the Crown to grant easements (i.e.) permission to play cricket, but only object to the enclosure of the Vert, as to which they conceive themselves to be charged with special responsibility.

I may suggest that in all such cases the enclosure should be wholly or in part removed during a certain period and a stated time in recognition of the right of the commoners.

They do not press their demand for any portion of the quit rent.

Yours faithfully  
G.F.W. Mortimer

The Hon.

G. Lascelles  
Queen's House  
Lyndhurst.

Col. Esdaile reported that a complaint had been made to him as to M<sup>r</sup> Epps having removed the turf and mould from the open Forest at Lyndford Bottom. He also presented a petition from the Commoners as follows:–

(Copy Petition)

Poulner. May 14<sup>th</sup> 1883

Gentlemen,

We the undersigned persons possessing and exercising the right of Common of Pasture over the open land of the New forest desire to call the attention of the Court of Verderers to the destruction of their pasturage in Linford Bottom by one M<sup>r</sup> Epps who already has by his servants dug up and carried away the turf from about 8 or 9 rods of grass land and threatens to go on with that work until [p.274] he has taken the turf from an acre of the said grass land in Linford bottom.

We believe also that he purposes to remove the turf from another place called Handy Cross in the same manner. The Turf in both these places is specially rich in consequence of the commoners cattle having used them from time immemorial as a shade in hot weather. We believe that M<sup>r</sup> Epps claims a right to remove this Turf by authority from the Crown but we cannot conceive that it is within the power of the Crown to sell the surface of the open lands

of the Forest over which our right of pasture extends and we pray the Court of Verderers to take immediate steps for the preservation of our Ancient rights.

Peter Biles	Charles Warne, Poulner Hill
John Robberts	John Etheridge
George Hatchard	William Wiseman
John Tanner	Edward Burroughs, Poulner
James Tuck, Highwood Farm, Ringwood	Vincent Shutler, Poulner
George Holloway, Linford, Ringwood	Emanuel Rogers, Poulner
William Jones	Michael Thomas, Poulner
Elizabeth Hatchard	William Mills, Poulner
John Coombs	Charlotte Brown, Poulner Hill
William Deacon	William Trobridge, Varley Farm
John Brooks	Henry Woodford, Picket Post
John Burroughs	Tho <sup>s</sup> Phelps, Picket House, Ringwood
Henry Street	Charles Barram, Burley, Ringwood
Frederick Tarrant	Frederick Lambert, Poulner

Every was called in and handed in his written report on the subject. He however stated that he did not himself see any men at work on Friday the 18<sup>th</sup> inst.

It was resolved. That in consequence of the question raised by M<sup>r</sup> Epps' destruction of the Vert by carrying off the Turf from Linford bottom, M<sup>r</sup> Epps of Ringwood and his work people be summoned before the next Verderers Court to answer their offence at a Court to be held on the 18<sup>th</sup> day of June 1883.

It was resolved to send a letter to Sir Henry Lock as follows:

[p.275]

Romsey, Hampshire.  
May 22<sup>nd</sup> 1883.

Sir,

At a meeting of the Court of Verderers of the New Forest held on the 21<sup>st</sup> inst. I was directed to make to you the following communication.

A Memorial dated May the 14<sup>th</sup> (a copy of which is enclosed) was laid before the Court complaining of removal of the Vert or surface of the soil of the Forest by M<sup>r</sup> Epps under leave from the Crown at Linford Bottom. This is prima facie a serious encroachment on the Vert and so on the rights of the Commoners which the Verderers are bound to protect.

The Court at its meeting felt that they had no option but to issue a summons against M<sup>r</sup> Epps and his servants.

Certain informal statements contained in private letters from yourself and M<sup>r</sup> Lascelles were read to the Court which seemed to show that there is a disposition on the part of the Commissioners to correct the mischief that has been done but the Agister in whose district the place is situate has made a report (copy enclosed) in corroboration of the statement of the Memorial, and, in particular has informed the Verderers that on the 18<sup>th</sup> May he found 17 rods of Turf had been taken away of which 12 rods had been removed since the previous visit on the 30<sup>th</sup> of April and the process had been going on up to and inclusive of Friday May the 18<sup>th</sup>.

The Verderers have fixed their next meeting for Monday the 18<sup>th</sup> of June next in order that there may be sufficient time to receive any assurances or explanation which may be afforded me by the Commissioners such as could justify them in abstaining from pressing this matter further.

Awaiting your reply

I have the honor to be

Sir,

Sir Henry Lock

Your obedient Servant

Chief Commissioner of

G.F.W. Mortimer

Her Majesty's Woods, Forest, &c.

Clerk to the Verderers

Whitehall. S.W.

[p.276]

The Clerk was ordered if the destruction of the Vert continued to communicate with the Official Verderer for orders.

The Clerk laid the plans of the South Western Railway Company with reference to the part of their direct line to Bournemouth which crossed the Forest before the Court and a clause proposed by the Company to be inserted in their Bill. After a general discussion the Clerk was directed to write Mess<sup>rs</sup> Bircham & Co. to say that the Verderers have anxiously considered their letter and plans but cannot see their way to reduce their demands and must request that a subway between the points marked C and D on the plan be supplied. The Verderers therefore have amended the clause by adding a subway at the point on the plan and trust the clause as amended will be assented to and placed in the Bill without further objection.

The Clerk laid on the Table a Bill to amend the law relating to the management of the Woods and Forests and Revenues of the Crown, also a Bill to provide for the repair and maintenance of certain Highways in the New Forest in the County of Southampton.

The Verderers then proceeded to consider the application for the vacant office of Agister consequent on the resignation of George Philpott and having seen the candidates and read their Testimonials it was proposed by Sir H.C. Paulet Bart. and seconded by M<sup>r</sup> J.L. Shrubb that John Moody be approved to the office. This motion was put and carried.

He was ordered to enter upon his duties on the 24<sup>th</sup> day of June next.

The Agisters attended and paid over the monies they had received for marking Commoners Cattle as follows:—

Charles Evemy	£24.16. 6
Charles Newbolt	21.17. 0
Alfred Chandler	21.14. 6
George Philpott	13. 0. 6

The question of marking the Animals of Crown Tenants was [p.277] ordered to stand over.

Chandler's report as to the number of cattle turned out by Commoners claiming to rent one, two or three acres respectively under Lord Henry Scott stands over.

Chandler reported that he could not get a place for the Donkeys. He was directed to get a Yard at Brockenhurst and drive them to it and then to report to the Clerk.



Newbolt was ordered to see Mr Lascelles as to the cattle to be driven from the enclosures and make arrangements for the Agisters to attend when this was done.

This terminated the business of the Court.

[signed] *H:C: Paulet: Dep. Chairman*

[p.278]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the eighteenth day of June 1883.

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———— Present ————

Sir Henry Charles Paulet, Baronet. Deputy Chairman  
Lieutenant Colonel William Clement Drake Esdaile        }  
Joseph Henry Dart Esquire                                        } Verderers

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The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

Charles Every v Stephen Newham, William Newham and James Burton – Defendants were charged that they did on the 17<sup>th</sup> day of May 1883 at Lyndford Bottom in the New Forest unlawfully damage and destroy part of the feeding land of the said Forest by cutting and carrying away a quantity of green clots and thereby damaging the common of pasture and clearing the ground contrary to the customs of the said Forest and the rights of the Commoners thereby doing damage to the amount of one shilling and sixpence.

The Defendants did not appear.

Police Constable Lawrence McCaul sworn saith as follows:–

I served a copy of the summons personally on each of the Three defendants on the 1<sup>st</sup> instant. I explained it to them.

William Jones sworn, saith as follows:– I am a Farmer living at Lyndford Park. I know Lyndford Bottom. My Farm is in Lyndford Bottom and about 150 Yards from the spot from which the clots have been removed. On the 17<sup>th</sup> day of May last I believe I was in the Fields at work. I saw nothing removed on the 17<sup>th</sup> I only heard of it. Some of the turf has been removed and some relaid. I have seen all three Defendants remove the Turf frequently. I did not take any memorandum of particular dates. I saw all three Defendants there many times last month remove Turf. It was in the open Forest about the centre of where Commoners Cattle depasture and come to shade. They congregate there together in very warm weather to shade. A stream runs close by the spot. In the first place top turves were removed with a spade. The Defendants loaded the turves onto a Cart and took them away. I could not state the number of [p.279] times this was done but it was more than once. In my opinion the pasturage was damaged each turf taken up being destroyed for the time being by so doing.

John Tanner sworn saith as follows:– I am a Commoner of the New Forest and live at Poulner a mile from Lyndford. I am in my eighty third year and have lived all my life in the Forest. I know Lyndford Bottom perfectly well, there used to be a large “Cow shade” there. The pasture is green and very rich caused by the cattle's droppings for many years past which have never been cleared away. I remember the 17<sup>th</sup> of May last. I met the Defendants with a load of mould covered with

grass coming from that place. It was taken from the place mentioned. The mould was covered with grass and was turf cut into spits being the top spit of the pasture, each spit was seven or eight inches thick. The Defendants came right away from the spot. They were about a quarter of a mile from where they took it from. It was from the open Forest over which Commoners' rights extend. I signed a memorial to the Verderers with reference to this matter. The intention of this memorial was for the good of the Commoners. I say a great deal of damage has been done by this act, the pasturage has been damaged not a great deal on the 17<sup>th</sup> but at least to the amount of one shilling and sixpence on that day but most of the damage has been done since. I never knew any upper Turf taken away by any one without their being summoned. There is no right to do so.

John Thomas sworn saith as follows:— I am a Farmer living at Poulner. I remember the 17<sup>th</sup> of May last well. I saw the Defendants at work at Lyndford Bottom and was with Charles Evely the Agister when he forbade them to take the mould away. It was good soil and good green turf. The pasturage was a great deal damaged. There was no pasture left where they removed the Turf. When I heard Evely forbid them they did not stop but still went on.

At the request of M<sup>r</sup> Hellard from the Office of Woods who was instructed by M<sup>r</sup> Gorst to watch the case on behalf of the Crown John Tanner was recalled and further stated as follows:— It is necessary to open the ground and take turf off to get at sand gravel loam and marl and all things of the nature of minerals. The top soil is always thrown back in working it. It is not relaid. The top soil of gravel pits and other mines is always heath and furze. I know of no gravel or sand pit being opened in any place in the Forest where there is pasturage. I remember a loam pit being opened [p.280] near Picket Post but it was stopped.

Charles Evely. I am the Agister for the West District of the New Forest. Lyndford is just outside my district. By orders received I have visited frequently the spot in question there has been a portion of about 17 Rods of the top turf taken away. The clot I produce is identical with those recently removed by the Defendants. They average about eight inches in thickness. I saw the Defendants there on the 17<sup>th</sup> of May last. I forbid them to go on with the work they said they were working for M<sup>r</sup> Epps and were told if anyone said anything to them to take no notice of it, as he (M<sup>r</sup> Epps) had bought the soil. Defendants went on loading the cart. They told me frequently that they were working for M<sup>r</sup> Epps. I have since made enquiries on the point and am satisfied that they were all working for M<sup>r</sup> Epps. I cannot quite say what the damage is but should say that one shilling and sixpence worth of damage was done on the 17<sup>th</sup> inst. The loads I saw taken away were green turf. The turf is worth about fourpence per load but the soil underneath it is invaluable and I could not say what it is worth, the work has been going on since but in a different manner the soil has been removed and the turf replaced on the clay. The soil has been worked about eighteen inches. The turf put back is about three inches in thickness. There are no clots replaced like the one I produced. There are a great quantity of turves or clots there all ready to be replaced but they are all thin like the second clot produced. I produce a specimen of the soil, it is loam, at the bottom of the loam is clay. I produce a specimen of the clay. Upon this clay the clots are now replaced. I saw M<sup>r</sup> Epps he did not produce to me the authority from the Crown to remove the Soil. He has not removed the clay under the Soil or loam.

The Court was then cleared to discuss the matter and the Verderers considering the case proved decided to fine each of the Defendants £1 and six pence each damage and the costs 8/3 each.

M<sup>r</sup> Epps being present undertook to pay the Fine damage and costs.

After judgment was given; by the desire of M<sup>r</sup> Hellard a letter from Sir Henry Lock dated the first day of June 1883 was read by the Clerk.

[p.281]

N<sup>o</sup> 832.

Office of Woods, &<sup>c</sup>,

S.W.

1<sup>st</sup> June 1883

Sir,

I have to acknowledge the receipt of your letter of the 22<sup>nd</sup> ulto. sending by direction of the Verderers of the New Forest a copy of a Memorial dated the 14<sup>th</sup> ultimo from certain Commoners complaining of the removal of the Vert or surface of the soil of the Forest by M<sup>r</sup> Epps under leave from the Crown at Linford Bottom, and also a copy of the Agister's Report to the Verderers on the same subject.

I have to acquaint you for the information of the Verderers that M<sup>r</sup> James Epps sought and obtained my permission to take Loam from an acre of Land at Linford Bottom on condition that the area from which the Loam was to be taken was to be set out by the Crown Officers and that when the Loam had been removed from any portion of the land M<sup>r</sup> Epps was to replace the top soil and sow it down again with permanent pasture. The permission will expire on the 5<sup>th</sup> of August next and I have instructed the Deputy Surveyor of the New Forest to see that the conditions subject to which it was given are complied with.

The permission was given by me as the Commissioner of Woods &<sup>c</sup> having the management and direction of the Crown property and rights in the New Forest and I am advised that I was fully authorised and empowered to do so.

I have however at the same time to request you will assure the Verderers I have no desire whatever to interfere with the lawful exercise of the rights of the Commoners but as I am advised that those rights have not been infringed by the permission which I have given the Verderers will probably reconsider their proposal to summons M<sup>r</sup> Epps on receiving my assurance that he is duly authorised to remove the loam.

I am,

Sir,

Your obedient Servant

Henry B. Loch

G.F.W. Mortimer Esq<sup>re</sup>

[p.282]

The Letter of authority from Sir H. Lock to M<sup>r</sup> Epps dated the 30<sup>th</sup> of March 1883 was also read.

(Copy Letter)

N<sup>o</sup> 460.

Office of Woods &<sup>c</sup>,

S.W.

30<sup>th</sup> March 1883

Sir,

New Forest

Mr Lascelles the Deputy Surveyor of the New Forest has reported to Sir Henry Loch that you have applied for permission to dig and carry away loam from land at Linford Bottom in the New Forest.

I am to inform you that Sir Henry Loch is prepared to grant you permission to take loam from an acre of land at Linford Bottom shewn on the enclosed tracing subject to a royalty of seven shillings per superficial rod upon the following conditions.

Before breaking the soil the area to be worked is to be measured and set out by the Crown Officers and payment to be made for the area so set out.

When the loam has been removed from any portion of the land you are at your own expense to replace the top soil and sow it down again with permanent pasture.

The permission to be liable to be terminated by three months notice expiring at any time.

If you accept this offer you will be good enough to return the enclosed letter signed within a week from this date.

I am,

Sir,

Your obedient Servant

J. Russell Lowray

M<sup>r</sup> James Epps

M<sup>r</sup> Hellard here pointed out that Mr Epps had exceeded his authority.

The matter of the Swan Green Cricket Ground was then discussed by the Verderers and they decided that it should be adjourned for the Official Verderers presence.

[p.283]

The Clerk reported what had been done relative to the outbreak of Foot and Mouth Disease in the Forest and produced read and explained the order made by the Privy Council as to the same. He explained the difficulty in working it owing to the wording of sub-section B and the opinion of the Clerk of the Peace thereon to the effect that any fees which the Veterinary Practitioners might be entitled to thereunder were not properly chargeable to the County Authorities and the result of his interviews with the Clerk of the Peace on the subject.

A draft of a letter written to the Privy Council on the subject by the direction of the Deputy Chairman was produced and read and approved and ordered to be entered on the Minutes.

The Clerk was directed when in London next week to see the Clerk to the Veterinary Department and explain the matter fully to him with a view to having the alterations namely that a Declaration of the owner of any animals should be substituted for or added to (by way of alternative measure) the certificate of a Veterinary Practitioner in sub-section B of the said order, in the said order.

(Copy Letter)

Romsey, Hampshire

June 14<sup>th</sup> 1883

Sir,

The New Forest (Foot & Mouth Disease) Order of 1883.

Referring to the above order which came into operation on the 10<sup>th</sup> of June I have been in communication by interview and letter with the Clerk of the Peace with reference to the working thereof but I should be obliged if you would kindly give me some further information in order there may be no hitch in the working of the Order.

Sec. 4 is quite clear with this exception that the Clerk of the Peace is not quite certain whether animals at present upon Farms situate within the perambulation of the Forest can be moved into or out of the Forest except they have been on the Farm for 28 days. Upon this subject I send you an extract from a letter from him embodying his views. Indeed I think I had better send you a copy of the whole letter. I tell him that it does clearly apply to animals on Farms within the perambulation.

The second point raised is under Sub-section 13. The Clerk of the Peace contends that the County Authorities are not liable to pay the person qualified to be a Veterinary Inspector referred to therein as he is not, or [p.284] may not be an Inspector of the Local Authority. If this contention is right the difficulty will arise as to the mode in which the certificate is to be paid for By 41 and 42 Vict. Ch. 74 sec. 56. It would not appear possible to charge the Inspectors Fee to the person requiring the certificate. By 40 & 41 Vic. Ch. 121 Sec. 38 the application of Fines and other monies received by the Verderers is defined, and it is clear that under this Sec. the Verderers have no power to pay the Inspectors. It is not likely they will work for nothing & the question arises how they are to be paid. Perhaps I might be allowed to submit for your consideration that the substitution of an owners declaration for the certificate mentioned in this sub-section will remove the difficulty and whether you would amend the order at once before it is further printed and circulated. I was given to understand yesterday when in the Forest that he Privy Council had declared certain infected circles within the Forest. May I be permitted humbly to point out that it would be utterly impossible to work circles within the Forest, and that the Verderers have ample powers under their Act of 1877 (40 & 41 Vic. Cap 121 Sec. 25, sub-section 1) and their Bye Laws, a copy of which I enclose, to prevent animals being moved from an infected place into the Forest. It appears necessary that sub-section 3 should be strictly enforced on all Farms within the Perambulation of the Forest.

This letter has been submitted to the Deputy Chairman of the Court of Swainmote (Sir H.C. Paulet Bart.) who has had considerable experience in all matters relating to the Forest & who thinks it would be advisable in Sec. 13 that a declaration of the owner of the animals should be substituted for or added to by way of alternative measure the certificate of the Veterinary Inspector. He thinks that the owners declaration will be a greater safeguard than the Veterinary's certificate.

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

To the Secretary of the  
Veterinary Department,  
Whitehall S.W.

The copy of the London and South Western Railway Company's (Bournemouth Direct) Bill was produced by the Clerk who reported that the Verderers clause and works clauses had been inserted into it including in such works the extra [p.285] subway required by the Court. The Bill would now pass unopposed. The Verderers directed all further opposition to be withdrawn.

George Philpott was ordered to attend on Monday the 25<sup>th</sup> June at the Clerks office and hand over his books and account for all monies received by him. Moody was directed to meet him there.

The Agisters were directed to summon all persons having horses, donkeys or cattle unmarked at large in the Forest after the 1<sup>st</sup> July in accordance with the Bye Law.

The Clerk produced the usual Financial Statement which was directed to be entered on the Minutes.

1883		£	s	d	1883			
	By Balance from last account	353	11	10	1883	To J.H. Roberts amount granted for		
May 21	” Cash of Agisters at Court this day for marking Commoners Cattle viz'				May 22 <sup>nd</sup>	superintendence of Repairs to		
	Eveyy 24 16 6					Bridges, Drains in the Forest up	5	0
	Chandler 21 14 6					to 30 April 1883		0
	Philpott 13 0 6					” Lieut. Col. Esdaile Balance due		
	Newbolt 21 17 0	81	8	6		on account for repairs to		
	” Fines and costs in case “Newbolt v Cook” viz'				June 7	Bridges & Drains in the Forest	22	7
	Fine 13/- costs 7/-	1	0	0		up to 30 <sup>th</sup> April 1883		6
	” Fines and costs in case “Newbolt v Pearce” viz'					” Paid Police fees viz'		
	Fine 5/6 costs 7/-		12	6		“Gale v Light” 2. 6		
	” Cash received of Non Commoners (by Clerk) for Licenses to this date viz'					“Newbolt v Cook” 1. 6		5
	Licenses 3 5 0					“ ” v Pearce” 1. 6		6
	Head Mon 6 12 6							
	Marking Fees 2 17 6	12	15	0		Balance in Hand	424	14
	” Cash of non commoners received at Court this day for Licenses viz'							4
	Licenses 10 0							
	Head Money 10 0							
	Marking Fees 5 0							
June 7	” Fine & costs in case “Gale v Light” viz'	1	5	0				
	Fine £1.0.0 Costs 14/6	1	14	6				
		£ 452	7	4			£ 452	7
								4

[p.286]

The Agisters attended and paid over the monies they had received for marking cattle since the last Court.

Charles Newbolt	£14 4 6
Charles Eveyy	£13 3 0
Alfred Chandler	£16 17 6
George Philpott	£17 7 6

The Agisters were ordered to make another drift for Donkeys after the 1<sup>st</sup> July next.

This concluded the business of the Court.

(x<sup>d</sup>)

[signed] *H.C. Paulet*

*Dep: Chairman*

[p.287]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 20<sup>th</sup> day of August 1883.

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———— Present ————

Sir Henry Charles Paulet Bart. Deputy Chairman  
John Lane Shrubbs Esquire }  
Lieut. Col. William Clement Drake Esdaile } Verderers  
Joseph Henry Dart Esquire }

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The Court was opened with the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

Alfred Chandler v Edward Elliott – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of Common did cause or allow certain Animals to wit Three Donkeys to roam at large in the Forest on the first day of August One thousand eight hundred and eighty three without having previously obtained a License from the Verderers for such animals to depasture in the said Forest contrary to the Bye Laws of the said New Forest.

Alfred Chandler sworn saith as follows:– I am an Agister of the New Forest. On the first of August I saw three Donkeys on Balmer Lawn. There was a Tent on the adjoining wood. I went there and saw the Defendant's wife who said they were his property. The Donkeys were not marked. The Defendant is not a Commoner. He did not produce a license for the Donkeys to roam at large in the Forest.

Cross examined. It was the first of August. You had three Donkeys there. The Defendant produced a written authority from the Office of the Deputy Surveyor of the Forest authorizing him to put up a Peep show in the Forest and stated that he considered this license covered his liability if any.

Defendant was fined 5/- to include costs.

Alfred Chandler v Richard White – Charged with a like offence in respect of one horse on the 1<sup>st</sup> of August.

The Defendant pleaded guilty and was fined 5/- to include costs.

[p.288]

Alfred Chandler v Isaac Light – Charged with a like offence on the 1<sup>st</sup> of August in respect of a horse.

The Defendant was fined 5/- to include costs.



Alfred Chandler v Anne Crutcher – Charged with a like offence on the 1<sup>st</sup> of August in respect of a Horse.

The Defendant was fined 5/- to include costs.

Alfred Chandler v Elijah Pocock – Charged with a like offence on the 11<sup>th</sup> of August in respect of one Horse

The Defendant was fined 2/6 and 7/- costs.

Charles Evemy v Thomas Bampton – Defendant was charged for that he being a Commoner of the New Forest did allow a certain animal to wit one mare to roam at large in the Forest on the 21<sup>st</sup> of June 1883 without having caused such animal to be marked by an Agister contrary to the Bye Laws of the Forest.

The Defendant pleaded guilty and was fined 10/- and 7/- costs.

Charles Evemy v William Broomfield – Charged with a like offence on the 16<sup>th</sup> July in respect of one horse and a mare.

The Defendant pleaded guilty and was fined 10/- and costs 8/8.

Charles Evemy v George Osmond – Charged with a like offence on the 15<sup>th</sup> of June in respect of Two horses and a Donkey.

The Defendant pleaded guilty and was fined £1 and 8/6 costs.

Charles Evemy v Walter Holes – Charged with a like offence on the 21<sup>st</sup> of June in respect of two mares.

The Defendant pleaded guilty and was fined 15/- and 7/- costs.

[p.289]

Charles Evemy v John Broomfield – Charged with a like offence on the 16<sup>th</sup> of July in respect of One Horse and a Mare.

The Defendant pleaded guilty and was fined 15/- & 8/6 costs.

Charles Evemy v George Youngs – Charged with a like offence on the 16<sup>th</sup> of July in respect of a horse and a mare.

The Defendant pleaded guilty and was fined 15/- & 8/6 costs.

Charles Newbolt v George Wolf – Charged with a like offence on the 17<sup>th</sup> of July in respect of a Horse.

The Defendant did not appear.

George Perfect sworn says:— I am a Police Constable stationed at Lyndhurst. On the 15<sup>th</sup> of August I served the Defendant personally with a summons in this case. I explained it to him and he said he would be there.

Charles Newbolt sworn. I am an Agister of the New Forest. The Defendant is a Commoner. On the 17<sup>th</sup> of July I was at Longdown and saw a mare and sucker belonging to the Defendant in the Forest. The mare had not been marked and had not been paid for. I had called on the Defendant twice previously to know if he had anything to turn out in the Forest. He told me he had nothing this season.

Defendant was fined 10/- and 13/- costs to be paid immediately and in default of distress seven days imprisonment with Hard Labour.

Alfred Chandler v Thomas Moorey – Charged with a like offence on the 29<sup>th</sup> of July in respect of one horse.

The Defendant pleaded not guilty.

Alfred Chandler sworn. I am an Agister of the New Forest. On the 29<sup>th</sup> of July I saw a Chesnut [*sic*] Mare in Settley Brake. I did not know who she belonged to. She was not marked and had not been paid for. On the 7<sup>th</sup> of August I saw the Defendant who is a Commoner with the Mare taking it to a sale. I asked him who it belonged to and he said it [p.290] was his.

The Defendant was fined 10/- and costs 9/-.

Colonel Esdaile drew attention at the request of Lord Henry Scott (who was absent on account of illness) to the procedure of summoning Courts and to a correspondence upon the subject which had taken place between Lord Henry Scott and the Clerk to the Verderers.

It appeared that Lord Henry Scott had had communication with the Official Verderer and had formed an opinion that this Court was not summoned in accordance with the Statute which requires that Courts should be summoned at the instance of the Official Verderer and that acting on this opinion he had protested against the summoning the Court by the Deputy Chairman.

It appeared however to be clear that the Official Verderer had sanctioned the course which had been pursued in this instance as well as on many former occasions viz.: that the Deputy Chairman should upon consultation with the Clerk fix a day for convening a Court for the transaction of business subject to the approval of the Official Verderer and that on his approval being signified a formal summons should then be issued in his name to the members of the Court.

It appeared quite clear also from correspondence that in this instance the Official Verderer had recognized the day fixed for the Court as a fitting one previous to the issue of the formal summons in his name in accordance with Statute.

The Report of the Deputy Chairman as to the accommodation works to be required of the Swindon Marlborough and Andover Railway Company together with the correspondence and plans therein referred to was submitted to the Court and it was resolved that the Report be accepted and a copy be sent to the Office of Woods and Forests.

(Copy Report and Correspondence)

The Commissioner in charge of the New Forest having kindly submitted a report of the accommodation works proposed on behalf of the Crown to be required to be made by the Directors of the Swindon Marlborough and Andover Railway, and requesting to be favored with the opinion of the Verderers upon the propriety of forming such accommodation works, the Deputy Chairman accompanied by the Clerk and Newbolt (the Agister) met M<sup>r</sup> Shopland the Engineer at Hythe on August the 15<sup>th</sup> & proceeded to examine personally what Bridges or Cattle Creeps or other accommodation works they considered it expedient should be made over or under that line in the interests of the Commoners that their communications [p.291] might be preserved intact.

It is therefore submitted that the Commissioner in charge of the New Forest be requested to alter the site of the Bridge proposed by him to be made at 7 Miles 20 Chains on the plan of the Railway to 7 Miles 35 Chains at which point a regular Forest Track now intersects the line whereas the place selected by the Crown is open heath with no track whatever and is quite adjacent to the road from Hythe.

It is also deemed expedient on behalf of the Commoners that a Bridge over the proposed Line not less than 12 feet wide and sufficiently strong to bear carts should be made at 7 Miles 55 chains on the said plan at the extreme end of Denny Lodge also a similar Bridge at 9 Miles on the said plan and contiguous to "Kings Coppice". This is the only spot where any Bridge can be made at this point.

It is also deemed expedient that a "Cattle Creep" should be made under the Line 12 feet wide and of sufficient depth to permit of Carts travelling through at 10 Miles 30 Chains on the said plan. The Line here ends its course through the open wastes of the Forest.

It is not considered necessary that any other accommodation beyond that hereinbefore detailed should be demanded on behalf of the Commoners.

All the above accommodation works to be executed at the expense of the Railway Company and to the satisfaction of a Surveyor appointed by the Verderers and for ever maintained by the Railway Company at their own cost.

Plans and Drawings to be submitted for the Verderers approval before the works are commenced.

The whole of the Line throughout the open wastes of the Forest to be fenced in with a good and substantial Fence sufficient to prevent Cattle from straying upon it.

No. 1109

Office of Woods &c.  
Whitehall Place, S.W.  
23<sup>rd</sup> July 1883

Sir,

New Forest  
Swindon, Marlboro' & Andover Railway  
Stone Point extension.

I am directed by Sir Henry Loch to enclose herewith an extract from M<sup>r</sup> Clutton's report as to the accommodation works it is [p.292] proposed on behalf of the Crown to require the Railway Company to provide together with an accompanying plan, and I am to request you to

be good enough to lay the same before the Verderers for any observations they may desire to make with respect to the same.

Sir Henry Loch will feel obliged by a reply, and the return of the plan at an early date.

I am,

Sir,

Your obedient Servant

J. Russell Sowray

G.F.W. Mortimer Esq<sup>re</sup>

Romsey. Hampshire

24<sup>th</sup> July 1883.

No. 1109

Sir,

New Forest

Swindon, Marlboro' & Andover Railway

(Isle of Wight Extension)

I have the honor to acknowledge the receipt of your communication of yesterdays date covering a report by M<sup>r</sup> Clutton as to accommodation works, it is proposed on behalf of the Crown to require this Railway Company to provide together with an accompanying plan, which shall be laid before the Verderers, as requested.

I note that Sir Henry Loch desires an early reply.

I am,

Sir,

Your obedient Servant

G.F.W. Mortimer

J. Russell Lowray Esq<sup>re</sup>

Office of Woods &<sup>c</sup>

Whitehall

A Report from Moody the Agister as to M<sup>r</sup> Epps works at Linford Bottom was read together with the memorial signed by certain Commoners, a letter from M<sup>r</sup> Epps dated the 19<sup>th</sup> July 1883 and a letter from the Official Verderer [p.293] dated the 24<sup>th</sup> July 1883 and ordered to be entered on the Minutes.

The Clerk reported that he had written to the Memorialists in terms of the Official Verderers letter.

(Copy Report, Memorial and correspondence)

Woodlands

July 19<sup>th</sup> 1883

To the Verderers of the New Forest.

Gentlemen,

I beg to report that I was on duty at Linford Bottom on July 18<sup>th</sup>. I saw two men with two horses and carts, marked William J. Epps Ringwood who gave their names as Stephen Newham of Ringwood and William Newman of New Buildings Highwood loading

their carts with mould belonging to the New Forest. I asked them by whose authority they were doing it. They said M<sup>r</sup> Epps their Master ordered them to do it, and if any person came they were not to take any notice. I told them I was an Agister of the New Forest and that I should forbid them to take any away. They took their loads. I then followed them to Ringwood Railway Station where I saw M<sup>r</sup> Epps and in the presence of the before named men & horses he said they are my men and horses and I ordered them to go and get the Mould that they were there loaded with and he also ordered them to continue to remove it.

I am,

Gentlemen,

Your obedient Servant

John Moody

Poulner

July 19<sup>th</sup> /83

Sir,

The Commoners are very much vexed and disturbed respecting the continued carting away by M<sup>r</sup> Epps the soil from Linford bottom and the manner the returfing is being carried out.

The soil taken away is of considerable depth while the turf used to replace it is only one and a half to two inches thick.

[p.294]

Please bring this subject to the notice of the board of Verderers.

Peter Biles

John Robberts

John Tanner

William Jones

John Thomas

Mortimer Esq<sup>re</sup>

Somerley View

Ringwood, Hants

July 19 /83

Dear Sir,

M<sup>r</sup> Epps is too poorly to write you himself, he therefore wishes me to inform you that yesterday he met a man at his stores, who stated he had been sent by M<sup>r</sup> Esdaile to see what was being done in reference to the soil I have been removing at Linford Bottom.

He heard me give my men instructions and if the Verderers think proper to take proceedings they must summons me and not my men.

M<sup>r</sup> Epps has finished removing all the Soil he intends taking under his Contract, as the soil below the Turf contains too much gravel & Clay to answer his purpose, although the Officers of the Crown have staked out another quarter of an acre.

M<sup>r</sup> Epps has had all the Turf sods laid down and the interstices filled in with crumb soil, and he has no objection if necessary in the Autumn to sow with permanent pastures.

Faithfully Yours

A. Epps

To

G.F.W. Mortimer Esq<sup>re</sup>  
Solicitor  
Romsey

74 St. George's Square. S.W.

July 24 /83

Dear Sir,

I return the memorial signed by P. Biles and others which you will of course, bring under the notice of the Verderers at the next [p.295] meeting of the Court, as desired.

It does not seem to those of the Verderers who I have been able to consult (Lord Henry Scott and Col. Esdaile) that there is any necessity for summoning a special Court on the "Linford bottom" question, which, as you know has been considered and watched by us with very anxious attention from the first.

We are not surprised to learn that the memorialists have been "vexed and disturbed" by what has taken place. The Verderers have fully shared those feelings, and, long since, communicated with the Office of Woods &<sup>c</sup> on the subject.

They have been distinctly informed that notice has been given to M<sup>r</sup> Epps, and that any powers he may have experienced under his agreement, will cease and determine on the 1<sup>st</sup> August next, which it appears from the letter of M<sup>r</sup> Epps, dated July 19 that he does not intend to avail himself of the full exercise, or, indeed, or any further exercise of those powers.

The memorial of the 19<sup>th</sup> inst. will perhaps, not be without effect, although no action may follow upon it, in as much as it will appear on the records of the Court as a protest by Commoners against the removal of the soil of the Forest as described by the memorialists.

Faithfully Y<sup>rs</sup>

G. Sclater Booth.

Please to send a copy of the above to the memorialists.

The question of Swan Green Enclosure stands over.

A Declaration signed by E.H. Moore, Clerk to the Divisional Committee of Lymington and the New Forest was produced declaring the infected places at Lyndhurst and Minstead free.

The Declaration was ordered to be entered on the Minutes.

(Copy)

Notice is hereby given That the Committee for the Division of Lymington and the New Forest, in the said County, having the powers of the Local Authority for the purposes of "The Contagious Diseases (Animals) Act 1878, [p.296] have received a Certificate from M<sup>r</sup> George James Gould, Southampton, one of the Inspectors of the said County, for the purposes of the

said Act, certifying that Foot and Mouth Disease had ceased to exist for 21 days last past in cowsheds, fields or other places in the several occupations of M<sup>r</sup> John Hiscock, Pike's Hill, Lyndhurst; M<sup>r</sup> Henry Pink, New Road, Lyndhurst; M<sup>r</sup> Joseph Collins, Blackwater, Minstead; and M<sup>r</sup> John Ballard, Pike's Hill, Lyndhurst, in the said County, and the said Committee have ordered that the above mentioned premises shall, from and after this date, be declared free, and the Infected Circle declared and prescribed by them on the 4<sup>th</sup> day of June last, and further extended by them on the 9<sup>th</sup> day of June last, shall cease to be a circle infected with Foot and Mouth Disease from and after this date.

Dated this 28<sup>th</sup> day of July 1883.

By Order,

E.H. Moore

Clerk to the said Committee.

A correspondence as to the Brockenhurst Races being held on Balmer Lawn was produced and ordered to be entered on the Minutes.

(Copy Correspondence)

Lymington  
Aug<sup>st</sup> 3<sup>rd</sup>

Sir,

As Clerk to the "Verderers of the New Forest" will you kindly give permission for Brockenhurst Races to be held on Balmer Lawn on August 29<sup>th</sup>. I have written to M<sup>r</sup> Lascelles and obtained his sanction and shall feel obliged by your granting the same.

I remain, Sir,

Respectfully Yours

Alex Blake

for J. [*sic*] C. Blake

Hon. Sec.

To

Mortimer Esq<sup>re</sup>

Romsey, Hampshire  
August 7<sup>th</sup> 1883

Dear Sir,

I am in receipt of your letter of the 3<sup>rd</sup> inst as to [p.297] Brockenhurst Races, which I have submitted to the Official Verderer for his instructions thereon, on hearing from him I will write you again.

Yours faithfully

G.F.W. Mortimer

Clerk to the

Verderers

M<sup>r</sup> T.C. Blake

Lymington

Romsey, Hampshire  
10<sup>th</sup> August 1883.

Sir,

I am directed by the Right Honorable George Sclater Booth M.P. the Official Verderer of the New Forest to acknowledge your letter asking the permission of the Verderers to the holding of the Brockenhurst Races to take place on the 29<sup>th</sup> Inst. on Balmer Lawn in the New Forest and in reply thereto to inform you that the Verderers will grant the necessary sanction for the holding of the Races at the above named place.

Yours faithfully  
G.F.W. Mortimer  
Clerk to the Verd<sup>rs</sup>

M<sup>r</sup> T.C. Blake  
Lymington

Lymington  
Aug<sup>st</sup> 16<sup>th</sup>

Sir,

I am directed by the Committee of the Brockenhurst Races to thank you for your favor of the 10<sup>th</sup> Inst. granting permission for the Races to be held on the 29<sup>th</sup> at Balmer Lawn.

I remain Sir  
Faithfully Yours  
Alex Blake  
for T. C. Blake  
Hon. Sec.

To  
G.F.W. Mortimer Esq<sup>re</sup>

[p.298]

The Clerk was directed to pay the witnesses in the recent case of Evemy v Epps 5/- each for their expenses.

Chandler produced an account for 15/- expenses for hire of yard at Brockenhurst in which Donkeys were recently impounded.

The Bill was ordered to be paid and a cheque accordingly drawn.

The Agisters were ordered to impound all ponies in their District still remaining unmarked.

The Clerk reported that Philpott had attended at his office and handed over all his Books and accounted for all monies that he had received, that his a/cs were satisfactory and that his books had since been handed to Moody.

The Agisters were ordered to make a Drive for Donkeys in Burley District and to place themselves under Col. Esdaile's orders as to the date of the Drift and the place to which the Donkeys were to be driven.



The Clerk produced the usual Financial Statement which he was directed to be entered on the Minutes.

(Copy Same)

1883		£	s	d	1883		£	s	d
	By Balance from last Account	424	14	4	1883	To G. Pope advertising		17	0
	” Cash received from non-comm <sup>rs</sup> to this time viz.				June 16	” C.L. Lordan D <sup>o</sup>	1	6	10
June 19	Licenses           12 6				20	” Tho <sup>s</sup> Culleton. Repairing stamp.		3	6
	Head Money       15 0				23	” B. Bedford. Binding Books.		3	0
	Marking Fees <u>9 0</u>	1	16	6	26	” Drake & Co. Printing Convictions		13	6
“	” Cash of Agisters at Court this day for marking Commoners cattle viz.					” M <sup>r</sup> Mortimer ¼’s salary to 24 <sup>th</sup> June	37	10	0
	Philpott       17 7 6					” H. King. Printing Licenses (Contagious Acts)	2	11	0
	Newbolt       14 4 6					” Paid G. Philpott’s expenses (Journey to Romsey) with Books Accounts &c.		5	0
	Evey           13 3 0								
	Chandler <u>16 17 6</u>	<u>61</u>	<u>12</u>	<u>6</u>					
	Carried forward £	488	3	4		Carried forward £	43	9	10

[p.299]

1883		£	s	d	1883		£	s	d
	Brought forward	488	3	4	1883	Brought forward	43	9	10
June 19	By case of non commoners received at Court this day for Licenses viz.				June 26	To G. Philpott ¼’s salary to 24 <sup>th</sup> June	17	10	0
	Licenses           5 0				” 30	“ A. Chndler       “       “	17	10	0
	Head Money       10 0				” ”	“ C. Newbolt     “       “	17	10	0
	Marking fees <u>4 0</u>		19	0	July 17	“ C. Evey       “       “	17	10	0
” 25	” Fines, damages & costs in cases re “Evey v Neuham & others” viz <sup>t</sup>				” 30	“ Drake & Co. Printing and Binding Agisters Ticket Books	3	0	0
	Fines           3 0 0				” 31	“ G.A. Webb. Fees for auditing accounts and expenses	3	8	0
	Damages         1 6								
	Costs <u>1 4 9</u>	4	6	3					
” 26	” Cash received of Philpott for marking Commoners cattle to this time					Balance in Hand	394	15	9
		<u>21</u>	<u>5</u>	<u>0</u>					
		£ 514	13	7			£ 514	13	7

The Agisters attended and paid over the monies they had received for marking Cattle since the last Court.

Charles Newbolt	£14.12. 0
Alfred Chandler	£30. 2. 6
Charles Evey	£34. 9. 0
John Moody	£ 2. 6. 2

This concluded the business of the Court.

[signed] *G. Sclater Booth O.V.*



John Moody v William Doe – Defendant was charged with the same offence in respect of one Donkey on the 25<sup>th</sup> day of October 1883.

The Defendant pleaded Guilty and was fined 2/6 and 8/8 costs and in default of distress seven days hard labor.

The fine and costs were paid.

John Moody v Henry Sherwood – Defendant was charged with the same offence in respect of one Donkey on the 25<sup>th</sup> day of October 1883.

The Defendant pleaded guilty and was fined 2/6 and 8/8 costs and in default of distress seven days with hard labor.

The fine and costs were paid.

Charles Every v Richard Gates – Defendant was charged for that he being a commoner of the New Forest did allow a certain animal to wit a mare to roam at large in the Forest on the 29<sup>th</sup> day of October 1883 without having caused such animal to be marked by one of the Agisters of the said New Forest contrary to the Bye Laws.

The Defendant's wife appeared and pleaded Guilty.

The Verderers dismissing the case on the costs Seven shillings and the marking fees One shilling and sixpence being paid and the Defendant undertaking to have the animal forthwith marked.

[p.302]

The Verderers proceeded to settle the Register of Commoners entitled to vote at an election of an Elective Verderer for the Year 1883-1884. There were no alterations in the Register as settled last Year.

M<sup>r</sup> George Henry Dunmore applied to the Verderers to correct the Register by expunging the name of James Brothers therefrom in respect of claim N<sup>o</sup> 782 on the Register of Commoners and to insert his name in lieu thereof. As it appeared however that M<sup>r</sup> Dunmore had not given notice to M<sup>r</sup> Brothers of his intended application, the Verderers in his absence declined to investigate the matter and to interfere with the Register as settled.

On the question that the Minutes of the last Meeting be read and confirmed the Official Verderer observed that in regard to the point which had been raised as to the summoning of the last Court, the minutes, no doubt accurately represent what had taken place, and were therefore, properly recorded, but, as his assent to the language of the Minutes had been asked, he had felt obliged to say that they did not represent with complete accuracy the facts of the case, as he had understood them.

The informality which had been complained of in the summoning of that Court arose on the wording of the letter of quasi summons which did not convey any intimation that the requirements of the Statute in respect of the initiative of the Official Verderer had been complied with. It was true that they had, in fact, been complied with, but this did not appear by the terms of the letter, which was open to the contrary construction. To such an informality any Verderer had, in his judgment a right to object if he thought the matter of importance.

The Official Verderer proceeded to lay before the Court Sir Henry Paulet's resignation of the Deputy Chairmanship, which was conveyed in the following letter.

(Copy Letter)

Conservative Club. St. James Street. S.W.  
Sept. 28, 1883.

Sir,

I beg to tender my resignation as Deputy Chairman of the Swainmote Court.

Yours obed<sup>t</sup>  
H.C. Paulet

The R<sup>t</sup> Hon. G. Sclater Booth  
Off<sup>r</sup> Verd<sup>r</sup> New Forest  
&<sup>c</sup>, &<sup>c</sup>

[p.303]

On this the Official Verderer observed that he deeply regretted the resignation and had deprecated the step being taken, but Sir Henry, after full consideration having made up his mind, there was nothing for it but that it should be accepted. The Verderers would agree with him in his expressions of regret at the decision, and in the sense of obligation under which he personally felt towards Sir Henry Paulet, for the great assistance he had rendered him in transacting the current business of the Court.

The following letter from Sir Henry Loch and the plan referred to therein was produced by the Clerk and a discussion arose upon it. A reply was prepared and approved and the Clerk was directed to forward the same to Sir Henry Loch.

The correspondence was ordered to be entered on the Minutes together with a letter addressed to Sir Henry Paulet by the Manager of the Schultz Gunpowder Company Limited.

(Copy Correspondence)

N<sup>o</sup> 1568.

Office of Woods &c.  
Whitehall Place S.W.  
19<sup>th</sup> October 1883.

Sir,

New Forest

Sir Henry Loch has received an application from the Lessees of Eyeworth Lodge to dam up the Stream near to that Lodge and form a reservoir as shown upon the enclosed plan.

The proposed reservoir is urgently required by the Crown lessees in connection with their business, and Sir Henry Loch understands that besides adding to the picturesqueness of the forest it will form a convenient drinking place for the Cattle of the Commoners and others.

Under these circumstances Sir Henry Loch is disposed to grant his license and permission to the applicants to make and maintain the reservoir during pleasure, but he will postpone dealing with the application for a fortnight in order to give the Verderers an opportunity to make any observations they may have to offer upon the subject.

I am, Sir,  
Your obedient Servant

George Bennett

G.F.W. Mortimer Esq<sup>re</sup>

[p.304]

Romsey, Hampshire.

November 13<sup>th</sup> 1883.

N<sup>o</sup> 1568.

Sir,

I am directed by the Official Verderer of the New Forest the Right Honorable G. Sclater Booth M.P. to inform you that he has laid before the Court of Swainmote held on the 12<sup>th</sup> inst your letter of the 19<sup>th</sup> October in which you state "that you have received an application from the Lessees of Eyeworth Lodge to dam up the Stream near to that Lodge and form a reservoir as shown upon an enclosed plan. That the proposed reservoir is urgently required by the Crown Lessees in connection with their business and that you understand that besides adding to the picturesqueness of the Forest it will form a convenient drinking place for the cattle of the Commoners and others. Under which circumstances you state that you are disposed to grant your license and permission to the applicants to make and maintain the reservoir during pleasure, but will postpone dealing with the application for a fortnight in order to give the Verderers an opportunity to make any observations they may have to offer upon the subject."

The Verderers see no reason for raising any objection to the construction of a work which they hope will tend to add to the attractions of the Forest without appreciably, if at all prejudicing the rights of the Commoners, and will only express their hope that care may be taken to prevent damage by flooding of the open pasture lands above the reservoir and that the chalybeate spring which is much resorted to by the public for certain purposes may be adequately protected.

With thanks for your courteous communication,

I am,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

Sir Henry Loch

Office of Woods &c

Whitehall Place

S.W

[p.305]

The Schultze Gunpowder Company Limited

Eyeworth Lodge

Lyndhurst S.O.

Hants

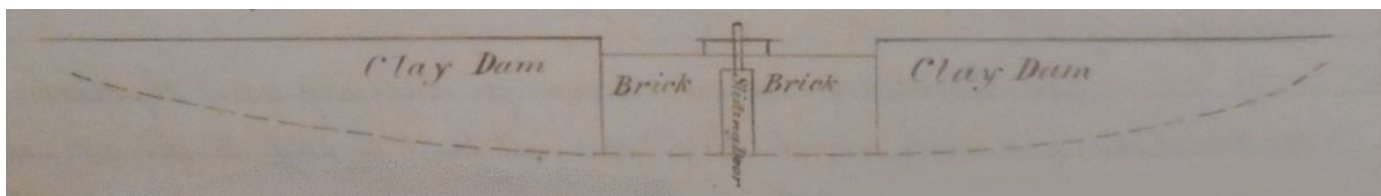
November 10<sup>th</sup> 1883

Sir Hy Paulet Bart.

Little Testwood

Dear Sir,

In reply to your letter of yesterday's date, we propose to keep the water level at ordinary times 5 feet above the centre of the brook at the dam end. The dam would be about 6 feet high and the sluice fall 5 feet high and about 8 feet wide; in the centre we should place a sliding door for drawing off supplies; the whole arrangement would look like the accompanying sketch looking towards the dam from the ground towards our gate.



From ten years experience of the Valley in all weathers I know the usual overflow over the Brick Sluice would be only 1 inch deep and the level of the water therefore about 5 feet; in the deepest flood time the water would pour over the 8 feet Brick sluice about 9 inches deep and the level inside would be 5 feet 9". If in heavy flood the water should rise above the 9 inches we could raise the sliding door and give vent to any extent.

Respecting the Irons Well, I am quite sure our reservoir would not injure or interfere with this at all. We should see carefully to this as the well is our principal water supply and any interference with it would be a calamity to ourselves.

I can however assure the Court that should we find the water backed up further than we anticipate (which is not likely as the levels have [p.306] been carefully determined) so as to interfere with Irons Well, we would engage to pull down sufficient of the brick sluice to keep the water from rising high enough to interfere with the Irons Well.

I shall be very happy to send any further particulars received.

I remain,

Dear Sir,

Yours obediently

R.W.S. Griffith.

The Verderers proceeded to consider their position with regard to the various Railway schemes affecting the Forest.

The Clerk produced a case he had with the direction of the Official Verderer prepared and laid before M<sup>r</sup> John Digby with his opinion thereon.

It was resolved that M<sup>r</sup> Bovill Smith be appointed Valuer to settle the compensation to be paid by the Swindon, Marlborough and Andover Railway Company in respect of the rights and interest of the Commoners in and over the land in the Forest required by the said Company under the provisions of their Act of 1882 on behalf of the Verderers.

The Clerk was directed to arrange with the High Sheriff a convenient day in the early part of January on which to hold an election of Verderers in the room of George Edward Briscoe Eyre Esquire and Col. William Clement Drake Esdaile who then go out of office by rotation.

The Verderers directed their Clerk to sit at Lyndhurst, Beaulieu and Godshill at convenient dates in January next for the purpose of issuing licenses to Non-Commoners, in accordance with the arrangement come to last Year.

It was resolved that the Clerk should write to the Deputy Surveyor referring to the Minute of the 23<sup>rd</sup> January 1882 and ask if he had received any instructions as to the supply by the Crown of Timber for the repairs of Forest Pounds.

[p.307]

The Clerk was directed to forward a cheque for 20 shillings to the Honorable Gerald Lascelles Deputy Surveyor of the New Forest in pursuance of section 9 of the New Forest Act 1877 and to obtain the usual receipt for the same.

The Clerk produced the Financial Statement which was ordered to be entered on the Minutes.

(Copy)

1883 Aug <sup>t</sup> 20	By Balance from last a/c	394	15	9	1883 Aug <sup>t</sup> 20	To paid Police for service of summonses viz <sup>t</sup>			
	" cash received of Agisters at Court this this day for marking Comm <sup>n</sup> cattle, viz <sup>t</sup>					Elliott 1. 6			
	Evemy 34 9 0					White 5. 4			
	Moody 2 6 2					Light 1. 6			
	Chandler 30 2 6					Crutcher 1. 6			
	Newbolt 14 12 0	81	9	8		Pocock 1. 6			
	" cash of J.L. Popham for adding one Horse to License N <sup>o</sup> 1008 viz <sup>t</sup>					Bampton 1. 6			
	Head Money 2 6					Broomfield 2. 8			
	Marking fees 1 6		4	0		Osmond 2. 6			
	" Fines & Costs rec <sup>d</sup> at Court this day, viz <sup>t</sup>					Holes 1. 6			
	Chandler v Elliott.					Broomfield 2. 6			
	Fine including costs 5/-					Young 2. 6			
	" " White " " 5 0					Wolf 1. 6			
	" " Light " " 5 0					Moorey 1. 6	1	7	6
	" " Crutcher " " 5 0				" 25	" James Ings for use of Paddock for keep of 6 Donkeys for one month		15	0
	" " Pocock, Fine 2/6 costs 7/- 9 6				" 27	" Paid Police Fees viz <sup>t</sup>			
	Evemy v Brompton					Newbolt v Cook 1. 6			
	" 10/- " 7/- 17 0					" v Pearce 1. 6			
	" " Broomfield					Evemy v Newham 4. 6		7	6
	" 10/- " 8/8 18 8				Oct 1 <sup>st</sup>	" M <sup>r</sup> Mortimer 1/4's Salary to 29 <sup>th</sup> Sept 1883	37	10	
	" " Osmond					" Moody Agister D <sup>o</sup> D <sup>o</sup>	17	10	
	" 20/- " 8/6 1 8 0					" Chandler " D <sup>o</sup> D <sup>o</sup>	17	10	
	" " Young					" Evemy " D <sup>o</sup> D <sup>o</sup>	17	10	
	" 15/0 " 8/6 1 3 6					" Newbolt " D <sup>o</sup> D <sup>o</sup>	17	10	
	Newbolt v Moore								
	" 10/- " 9/- 19 0	9	1	8					
" 27	" cash of Sup. White "Newbolt v Wolf" viz <sup>t</sup> Fine 10/- costs 13/-	1	3	0	" 8				
	" cash of John Longman for license viz. License 2 6								
	Head money 2 6								
	Marking fee 1 6								
	" Dividends on Reduced 3% due 5 <sup>th</sup> inst.	55	16	3					
		£ 542	16	10		Balance in Hand	432	16	10
							£ 542	16	10

[p.308]

A discussion arose as to Gypsies tethering Animals in the Forest. The Clerk was directed to consider the matter with a view to preparing a Bye Law on the subject.

The Agisters attended and paid the money they had received for marking Commoners cattle and pigs since the last Court.

Charles Newbolt	£ 5 13 2
Charles Evemy	£10 11 8
Alfred Chandler	£ 3 1 8

The Agisters were directed to summon the owners of all Pigs found wandering at large in the Forest during the Pannage time which had not been properly paid for in accordance with the Bye Laws.

This terminated the business of the Court.

[signed] *J. Sclater Booth O.V.*



[p.309]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the twenty eighth day of January 1884.

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———— Present ————

The Right Honorable G. Sclater Booth. M.P.	Official Verderer
Sir Henry Charles Paulet Bart.	}
George Edward Briscoe Eyre Esquire	} Verderers.
The Lord Henry Scott M.P.	}

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The Court was opened with the usual proclamation by the Crier.

The Clerk produced and read the return of the Sheriff with reference to the recent election of Verderers and the same was ordered to be entered on the Minutes.

(Copy)

New Forest Act 1877

I Edgar Atheling Drummond Esquire Sheriff of the County of Southampton and Returning Officer for the Election of Verderers under the above mentioned Act hereby certify that in pursuance of the provisions of the said Act Lieutenant Colonel William Clement Drake Esdaile of Burley Manor near Ringwood in the said County and George Edward Briscoe Eyre Esquire of Warrens Bramshaw in the said County were on the eighth day of January One thousand eight hundred and eighty four elected Verderers of the New Forest.

Dated this fourteenth day of January one thousand eight hundred and eighty four.

E. Drummond.

Sheriff, Returning Officer.

The Minutes of the last Meeting were read and confirmed.

The Clerk produced the Annual account for the year 1883 which he was ordered to make up by the payment of the following outstanding amounts

Stead & Co's costs, expenses for granting Licenses to Non-Commoners  
F. Lordan printing, Bedford, binding & Witnesses expenses in Evemy [p.310] v Epps  
and Telegrams.

The Clerk also produced the Financial Statement which was ordered to be entered on the Minutes.

1883		£	s	D	1883	£	s	D
Nov' 12	By balance from last Account	432	16	10	Nov' 12	To paid Police for service of Summons viz':		
	" Cash received of Agisters at Court this day for marking Commoners Cattle viz' :					Pateman      4 10		
	Newbolt      5 13 2					Hickson      1 6		
	Evey      10 11 8					Small      1 6		
	Chandler <u>3 1 8</u>	19	6	6		Sherwood      3 2		
" "	" Cash of C. Newbolt Pannage Fees for 3 Donkeys (received 16/10/83)	1	10	0	" 21	Gates      1 6	15	8
" "	" Cash of C. Evey D° for 18 Donkeys (received 3/9/83)	9	0	0	" 26	Doe <u>3 2</u>		
" "	" Cash of Supt. White (in repayment of Fees paid in error 27/8/83 viz' Newbolt v Crook 1. 6 D° v Pearce <u>1. 6</u> )				Dec' 21	" paid the Honorable G. Lascelles (for Fence month & winter Heyning	1	0
" "	" Fines & costs received at Court this day viz':				" 22	" paid M' Lordan for printing & advertising	7	12
	Moody v Pateman				" 26	" paid Mr Mortimer Quarters salary to December 25 <sup>th</sup>	37	10
	Fine 8/- Costs 4/10 12 6				" 22	" paid C. Newbolt (Agister) Quarters salary to 25 <sup>th</sup> December	17	10
	Newbolt v Hickson				" "	" paid C. Newbolt Fees as Crier of Court for 1883	1	5
	Fine 8/- Costs 1/6 9 6					Brought forward £	65	12
	D° v Small							
	Fine 8/- Costs 1/6 9 6							
	Moody v Doe							
	Fine 8/- Costs 3/2 11 2							
	D° v Sherwood							
	Fine 8/- Costs 3/2 11 2							
	Evey v Yates							
	Fine 7/- Costs 1/6 <u>8 6</u>	3	2	8				
	Carried forward £	465	19	0				

[p.311]

1883		465	19	0	1883	65	12	8
Dec' 22	By cash of J. Moody (Agister) for Pannage Money to this time	1	5	0	Dec' 22	To paid C. Evey (Agister) Quarters Salary to the 25 December	17	10
	" Cash of C. Newbolt (Agister) D°	1	12	4	" 27	" paid Drake & Co for stationery	10	9
	" Cash of C. Evey for marking one Commoner's Horse & pannage money to this time				" "	" paid A. Chandler (Agister) Quarters salary to 25 <sup>th</sup> December	17	10
1884					1884			
Jany 14 <sup>th</sup>	" Cash received of non-commoners for Licenses (at Lyndhurst) this day viz'				Jan'y 1 <sup>st</sup>	" paid J. Moody (Agister) Quarters salary to 25 <sup>th</sup> December	17	10
	Licenses      10 10 0					Balance in hand	477	14
	Head money      23 7 6							
	Marking Fees <u>9 1 6</u>	42	19	0				
" 15	" Cash received of non commoners for Licenses (at Beaulieu) this day viz'							
	Licenses      9 2 6							
	Head Money      14 12 6							
	Marking Fees <u>6 13 6</u>	30	8	6				
" 19	" Cash received of non-commoners for Licenses (at Godshill) yesterday viz'							
	Licenses      10 0 0							
	Head Money      22 15 0							
	Marking Fees <u>9 15 0</u>	42	10	0				
" 25	" Cash received from non commoners (by Clerk) for Licenses to this time viz'							
	Licenses      1 17 6							
	Head Money      5 15 0							
	Marking Fees <u>2 5 0</u>	9	17	6				
	£	596	8	2		£	596	8

[p.312]

The Clerk produced the following Report from Newbolt

———— Copy ————

Bank, Lyndhurst  
January 21<sup>st</sup> 1884

Sir,

I have to report to the Verderers that about Four acres of Forest Land is marked out to be enclosed at Long Hill in Irons Hill Walk for a cemetery for the parish of Lyndhurst. Thinking it my duty to report the same,

From your obedient Servant  
Charles Newbolt  
Agister.

The Verderers having enquired into the same found statutory authority for this Enclosure namely 10<sup>th</sup> Geo. IV. Cap. 50. Sec. 45.

The Clerk produced the following Report from Moody.

———— Copy ————

North District  
January 21<sup>st</sup> 1884

To the Verderers of the New Forest.  
Gentlemen,

I beg to report which I am told is an encroachment of the common Lands of the Forest by M<sup>r</sup> Eyre at Bramshaw near the Parsonage Farm by the side of the Highway leading from Bramshaw to Salisbury, by digging a ditch about 3 feet wide and making a Bank with the soil where a wood fence formerly stood connecting the new ditch with one on either end, from the Crown of the road to the place where the wood fence stood is about 17 feet in the widest part the length of the new ditch is about 30 yards.

I also beg to report an enclosure of common land near Bramble Hill Lodge which is fenced with Hurdles. The soil have been removed and levelled apparently for the purposes of Lawn Tennis.

I also beg to report another enclosure of land similar to the last at Fritham near the residence of M<sup>rs</sup> Heathcote.

I am, Gentlemen, Your obedient Servant, John Moody

[p.313]

The Verderers having referred to the Minutes of the 21<sup>st</sup> May 1883 and to the correspondence therein set forth, were informed by Newbolt that the fence in that case had been removed. It was thereupon resolved in reference to the second part of Moody's Report that he be directed to take down a portion of the Hurdles round the Lawn Tennis Grounds at Bramble Hill Lodge and Fritham on some day previous to the next Court. The removal to take place after notice to the Tenants and he was directed to report that he had complied with this direction to the Court.

With reference to the first part of the Report the following letter from the Honorable Gerald Lascelles was produced and read by the Clerk.

———— Copy ————

Queen's House, Lyndhurst.  
January 15<sup>th</sup> 1884.

Sir,

I beg leave to draw the attention of the Verderers of the New Forest to the case described below which to me seems clearly an encroachment upon the waste of the forest. As however the matter is not one which materially affects the interests of the Crown, and as the Verderers have now officers in their employ a part of whose duty it appears to be to report cases of encroachment, I propose merely to direct the Verderers attention to the case and to ask that their decision upon it may be communicated to me by which decision I am quite content to abide on behalf of the Crown, unless otherwise directed.

M<sup>r</sup> G. Eyre of Warens, Bramshaw, has recently altered the fence between a field adjoining the "Parsonage farm" at Bramshaw, (No<sup>d</sup> 25 on sheet LV.16 of the Ordnance Survey) and the Salisbury high road which at that point is waste of the forest. In making the alterations he has removed an old paling, and substituted for it a bank and ditch placing the bank on the site of the paling and cutting the ditch, 4 feet wide, beyond his boundary the soil being used in the construction of the bank.

M<sup>r</sup> Briscoe Eyre states to me that formerly a ditch existed at this point, there was however no visible evidence of this fact. The paling fence has existed, I am told for about 20 years, previously to that time a part of the site of the fence was occupied by the wall of an ancient mud building which was removed and the fence presumably placed upon the proper boundary. The building [p.314] M<sup>r</sup> Eyre tells me existed in 1821 so that if any ditch existed it must have been before that date. As to this I have no evidence.

There is a gateway in the line of fence, but no culvert under it, I think, had there ever been a ditch at the side of it, one must have been put under the gate.

The matter is no doubt a small one, but the encroachment is so very nearly allied to that of the "rolling fence" which has so frequently to be checked in the case of poorer commoners that I feel I should be neglecting my duty if I were not to take up the matter, although no doubt in this case the encroachment is unintentional.

Joseph Fielder, underkeeper of Bramble Hill Walk has been familiar with the spot for about fifty years or so and can give evidence if required as to the facts.

I have the honor to be  
Sir,

Yours faithfully  
Gerald Lascelles.

The Clerk to the Verderers,  
New Forest.

M<sup>r</sup> George Edward Briscoe Eyre thereupon vacated his seat.

Joseph Fielder a Forest Keeper having been called in support of the Statements contained in M<sup>r</sup> Lascelles letter stated as follows, to the Court:—

I am a Forest Keeper and have known the place referred to in M<sup>r</sup> Lascelles letter all my life. I remember the old wooden fence that has been taken down, a bank now stands where the fence used to stand, and a ditch has been cut outside the bank on the waste of the Forest. The ditch connects in a straight line two ditches on either side of it, the property of M<sup>r</sup> George Eyre of Warens, Bramshaw, the bank also connects banks on either side in a straight line the property of the same gentleman. For forty years there has been no ditch where the one has now been cut. The ditch is four feet from the Bank. The new Ditch is 36 yards long but a piece [p.315] has been taken out of it to form a gateway into the Orchard. An old School and Coachhouse formerly stood in the Orchard. The outside walls of which stood where the Bank now stands. There was no ditch outside these buildings. I have played as a School Boy on the site of the present ditch.

M<sup>r</sup> Briscoe Eyre handed in the following letter from his Father, M<sup>r</sup> Eyre, addressed to the Official Verderer, and produced plans and tendered evidence in support of the Statements contained in it.

———— Copy ————

To the Chairman of the  
Court of Verderers.

Sir,

Having been informed that H.M. Deputy Surveyor has written to the Clerk of the Court of Verderers drawing attention to an alleged encroachment by me on the “waste of the Forest,” I hasten to put the Court in possession of the facts.

The alleged encroachment consists of the cutting of a ditch about 20-1 yards long, at the back of a strip of green adjoining inclosed land belonging to me, at a turn in the Salisbury and Southampton turnpike road, about  $\frac{3}{4}$  of a mile before that road enters the open Forest at Bramshaw Wood. At the point in question the road runs between inclosed land on both sides, except that there is a small triangular green at the fork of the turnpike road and of the road to Lea Bridge and Bramshaw Marsh and that at the inner curve of the turnpike road as it turns westward there is a narrow strip of grass edging my inclosed property. This strip does not communicate with the Forest at either end and is for the most part within 15 feet of the crown of the road, which is exceedingly narrow just at the turn.

From both ends of the grass strip (which is on a small eminence or undulation) runs a hedge forming part of the old deer fence along the turnpike road extending in one direction as far as an old drove opposite the triangular green above mentioned, and in the other as far as the entry of the turnpike road into the open Forest at Bramshaw Wood. On the side of the hedge nearest [p.316] the road is a ditch 6 to 7 feet wide. At the point where the encroachment is alleged to have been made there is a gap in the hedge about 24-5 yards long, in front of an orchard.

The gap was filled from about the year 1820 until about 20 years ago by (1) the existing ancient gateway, and a wicket of ordinary size; (2) a building adapted as a coach house; (3) the boys' school, with a door known as the Little Vestry Door; and by (4) a 5 foot wicket and some paling between the school and the continuation of the hedge at the end of the gap. The gate, the double door of the coach house and the wicket all opened over the unenclosed plot in

question and there was a brick pavement about three feet square on the plot in front of the Little Vestry Door.

About 20 years ago the buildings to which I have referred were destroyed by fire, and between the old gateway and the hedge at the E. end of the gap a paling was erected temporarily it being expected for some time that the buildings would be restored. What I have now done is to remove the whole length of the paling, and to continue the hedge and ditch which form the boundary of my inclosed land on either side of the gap, so as to fill it up.

The Deputy Surveyor does not allege that the bank thus made is an encroachment on the Forest, but only the ditch. His view therefore amounts to this: That the boundary of the Forest is set in from the road at the particular point in question by the width of the ditch which exists on each side of the gap. Inasmuch as by universal rule the ditch belongs to the property on the further side of the hedge, it is clear that the ditch on each side of the gap is mine, and I submit that it is extremely improbable that at the point in question the ownership of the soil should change hands by a space exactly equal in size to the ditch on either side. It is not usual for the ancient boundaries of properties to show rectangular indentations of the kind suggested.

My answer to the charge or perhaps I should say to the suggestion of the Deputy Surveyor is twofold. In the first place I claim that by the ordinary presumption of law the soil of the whole strip of grass in front of my property at the point in question and the soil of the metalled road up to the crown belongs to me. The strip of grass is not as I have said connected with the Forest [p.317] at either end; and I submit that there is nothing to rebut the presumption of the law to which I have referred, and which will be familiar to the Court. On the contrary I can produce evidence of acts of ownership which, I submit, would be sufficient (if there were any doubt) to prove the propriety of my view beyond dispute. The whole of the strip up to the edge of the metalled road was kept gravelled over by me for years, indeed until the school-house was burned down 20 years ago. It has only become grass grown since that time. Further, an ancient gate and the doors of a coach house an ordinary wicket and a wicket about five feet wide, for many years, opened over this plot and brickwork has been laid upon it in front of a door without any objection on behalf of the Crown or any claim for the Forest dues usual in such cases, in respect of what would, according to the contention of the Deputy Surveyor, be easements over the "Waste of the Forest".

I would also refer the Court to the map of 1789, as published by the Select Committee of the House of Commons in 1849, which shews (1) that the boundary of this property extended at this point beyond the site of the buildings upon it, and (2) that, so far as can be judged from a map of moderate scale, no waste at that date existed between the boundary of my property and the turnpike road, and that there is no room for any (3) that the boundary of my inclosed property was continuous at this point, and in accordance with what I would term now the natural direct line of connexion across the gap which line I have adopted in making the ditch complained of.

I confidently contend therefore, that I have established beyond question my ownership of the soil of the whole strip of grass in question, (subject of course to any rights of way which may be possessed by the public over it in connexion with the adjacent turnpike road).

Even however, if it could be assumed that my property did not comprise the whole strip, it would be, I submit, an extravagant assumption that it did not include the width of the ditch which I have made.

That ditch in no way projects beyond the natural direct line of the ancient ditch on each side of it. Further, I am prepared to [p.318] call witnesses to shew (1) that the paling recently removed stood in part on the inside edge of a mud wall erected by my father in (about) 1820, when he converted a cart-house of wide span into the first National School, and (2) that the new ditch has been cut through moved and made soil.

If I establish the first point it follows that, inasmuch as the wall must have had a foundation at least 2½ to 3 feet in width, the gates and doors on it must have opened over a greater width of the waste strip than that now occupied by the ditch, strong evidence of ownership as I have before mentioned against the Crown.

As to the second point, the soil removed to make the ditch was sprinkled with brick rubbish, and at the bottom of the ditch was found a quantity of potshards and the fragment of a whetstone. The conclusion is obvious. The site of the present ditch must have been formerly occupied either by the foundations of a building or by a former ditch, which was filled up by the debris of a building on the adjoining land. In either case the treatment of the site by my predecessors in title as part of their property is proved.

If I had any doubt upon the question which the Deputy Surveyor has felt it his duty to raise, I should be the first to give the benefit of the doubt to the Forest. But the case is, I submit, so clear in all its bearings, that I should be doing myself an injustice did I not defend, to the utmost of my ability, the act which has been done.

I need hardly say that I shall be happy to assist the Court in coming to a decision by any means in my power.

I am,

Yours faithfully,

George Edward Eyre

The Verderers having considered the subject resolved without calling M<sup>r</sup> Eyre's witnesses that in their opinion it was unnecessary to go into the question of ownership of the strip of land now occupied by the new ditch, but that *prima facie* the ditch being drawn in a continuous line between existing ditches at either end may in this case be presumed to have been properly dug with the view of substituting a bank continuous with existing banks at either [p.319] end for the wooden fence which has for the last 20 years represented the boundary line.

Lord Henry Scott moved the omission of all the words of the resolution after the word "dug" but, on a division being taken, the resolution was carried in its entirety.

The Clerk was directed to send copies of the above resolution to the Honorable Gerald Lascelles and M<sup>r</sup> Eyre respectively.

The Clerk produced the following Report from Evemy.

———— Copy ————

Burley.  
January 23<sup>rd</sup> /84

Sir,

I find the Foot and Mouth Disease has broken out in the Cattle at Bashley Manor Farm situated about a Mile from the Forest. There are 96 head of Horn Stock and 200 sheep diseased.

I was in the Forest yesterday near Major Murray's Farm at Wootton and saw a Furrow ploughed as a mark intending to enclose a portion of the Forest adjoining the Manor about half an acre. I saw the Steward M<sup>r</sup> Tucker who informed me that Major Murray had bought it and intends fencing it in. I thought I had better report it to you.

I remain Sir,  
Your obed<sup>t</sup> Servant  
Charles Evemy

To

G.F.W. Mortimer Esq<sup>re</sup>

With respect to the report it appeared on the information of the Honorable Gerald Lascelles that in the Year 1865 Major Murray's predecessor in title M<sup>r</sup> John Bulkley Thelwall purchased the land in question from the Crown. M<sup>r</sup> Lascelles produced a copy of the Conveyance dated the 4<sup>th</sup> July 1865 with a plan attached thereto for the information of the Court.

The Clerk produced the following letter from M<sup>r</sup> [p.320] Esdaile.

———— Copy ————

Burley Manor  
Ringwood  
26 Jan:/84.

My dear Sir,

There is again a risky break-out of Foot & Mouth Disease on the edge of the Forest; the infected area touching the Forest along the boundaries of Ossemley Manor. Evemy will be able to give all particulars.

As far as I know at present (I hope to see the Vet. Inspector at Lyminster this afternoon) the margin between the infected area where the animals are, and the adjoining lands free from disease is very narrow, and as cattle and ponies pass along the Forest boundaries of the infected area, the risk of thus spreading the disease is serious.

Our powers as Verderers under s.25 (Bye Laws) (1.) seem confined to dealing with cattle "coming from a place infected or suspected of being infected". Are we bound to interpret the word "place" with reference to a declared infected area? If so, we have no power to exclude cattle being turned out from places adjoining infected areas.

At all events the question is important, whilst at the same time exclusion of animals from the Forest could never cause less inconvenience than at this moment.



As I cannot attend the Court on Monday, I write this note to ensure that the subject is brought to the attention of the Court.

Yours truly

W. Clement D. Esdaile

G.F.W. Mortimer Esq<sup>e</sup>

Clerk to the Verderers of New Forest

The Clerk stated that he had already taken the necessary steps in respect of the outbreak of Foot and Mouth Disease mentioned therein.

In reply to the Official Verderer the Clerk stated that he had [p.321] not received the draft case as to the Crown Tenants, back from M<sup>r</sup> Dart and he had received no further correspondence relative to the Railway matters. He was directed to write to M<sup>r</sup> Dart for the case.

The Agisters attended but had no further Reports to make.

The following dates were fixed for inspecting Stallions.

Burley (Queen's Head) Monday February 11<sup>th</sup> at 10 a.m.

Brook (Bell Inn) Monday February 18<sup>th</sup> at 10.30 a.m.

Brockenhurst (Rose & Crown) Tuesday February 19<sup>th</sup> at 11.30 a.m.

Lyndhurst Pound – Thursday February 21<sup>st</sup> at 11 a.m.

Beaulieu (Montague Arms) Monday February 25<sup>th</sup> at 12 noon.

This terminated the business of the Court.

x<sup>d</sup>

[signed] *G. Sclater Booth.*

[p.322]

At a Court of Swainmote held at the Queen's House, Lyndhurst, on Monday the 21<sup>st</sup> day of April 1884.

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———— Present ————

The Right Honorable G. Sclater Booth. M.P. Official Verderer.  
Sir Henry Charles Paulet Bart. }  
George Edward Briscoe Eyre Esq<sup>re</sup>. } Verderers.  
Lieut. Col. William Clement Drake Esdaile. }  
Joseph Henry Dart Esq<sup>re</sup>. }

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The Court was opened with the usual proclamation by the Crier.

The Honorable Gerald William Lascelles Deputy Surveyor of the New Forest attended the Court and reported that numerous felonious fires of Gorse Heath and Furze growing in the New Forest had occurred of late and were constantly occurring and that very serious damage was caused thereby.

He made application to the Court for the appointment of seventeen Forest Keepers and Caretakers as Special Constables in pursuance of 1 and 2 William IV Chapter 41 for the purpose of the prevention of these acts of Felony and the detection and apprehension if possible of the offenders, and made deposition in the necessary form of affidavit according to the said act as follows:—

New Forest in the County of Southampton. I Gerald William Lascelles of Lyndhurst in the New Forest in the County of Southampton Deputy Surveyor of the said New Forest upon my oath say:— That on the twentieth, twenty second, twenty sixth and thirtieth days of March One thousand eight hundred and eighty four a series of felonious acts have been committed in various parts of the said New forest by some person or persons unknown, whereby very serious injury might have arisen to the plantations and other property of Her Majesty situate in the said New Forest and that I apprehend that such offences will continue to be repeated. That the ordinary constables for preserving the peace in the several parishes and townships within the perambulation of the said New Forest are not [p.323] in my opinion sufficient in number for the detection and discovery of the offender or offenders for the preservation of the peace and for the security of the property of Her said Majesty within the said New Forest

Sworn by the said Gerald William Lascelles before us at a Court }  
of Swainmote holden at Lyndhurst in the New Forest in the } Gerald W. Lascelles  
County of Southampton this twenty first day of April 1884 }

G. Sclater Booth, O.V.  
J. Henry Dart  
W. Clement D. Esdaile

The Verderers thereupon determined that M<sup>r</sup> Lascelles' application should be granted and the following Forest Officers being in attendance were accordingly sworn in in the form prescribed by 1

and 2 William IV Cap. 41 as Special Constables to act within the limits of the New Forest for a Twelve Months next ensuing.

George Bumstead.	Ashley Lodge, Fordingbridge.	Keeper.
Frank Harrington.	Brook, Lyndhurst.	Caretaker.
Henry Smith.	Holly Hatch Cottage, Broomy Township.	Caretaker.
Arthur Parnell.	Fritham, Lyndhurst.	Caretaker.
John Wilkins.	Ironshill Lodge, Lyndhurst.	Keeper.
George Gale sen <sup>r</sup> .	Church Place Cottage, Totton.	Caretaker.
Joseph Fielder.	Bramshaw, Lyndhurst.	Caretaker.
James Coles.	Wilverley Lodge, Wootton, Lymington.	Keeper.
Samuel Gulliver.	Burley, Ringwood.	Caretaker.
John Flightam [ <i>sic</i> ].	Holmsley, Ringwood.	Caretaker.
John Bumstead.	Denny Lodge.	Keeper.
Joseph Tuck.	New Copse Cottage, Brockenhurst.	Caretaker.
Charles Thorn.	Aldridge Hill Cottage, Rinefield Township.	Caretaker.
George Gale Jun <sup>r</sup> .	Kings Hat Cottage near Beaulieu.	Caretaker.
Francis Lane.	Boldrewood, Lyndhurst.	Keeper.
William Bumstead.	Linford Cottage, near Ringwood.	Caretaker.
Charles Bessant.	Norley Wood, Boldre.	Caretaker.

The Clerk was directed to give the necessary notices to the Home Office and Lord Lieutenant of the County of their appointment.

[p.324]

The Court then proceeded to hear the case of:—

Alfred Chandler v James Foster Sen<sup>r</sup>, James Foster Jun<sup>r</sup> and Frederick Pressey – The Defendants were charged that they on the 21<sup>st</sup> day of February 1884 at Hinchelsea in the New Forest in the County of Southampton did unlawfully damage and destroy part of the feeding Land of the said Forest by then and there cutting digging and making certain holes trenches or ditches to wit one hundred and twenty or thereabouts and then and there cutting and removing a quantity of green clots having grass and herbage growing thereon and by then and there paring the ground and clearing the same thereby doing damage to the said feeding lands to the amount of Ten shillings contrary to the customs and usages of the said Forest and the rights of the Commoners thereof and to the statute in that case made and provided.

James Foster sen<sup>r</sup> appeared and pleaded guilty. The other two Defendants did not appear.

Laurence McCaul on his oath saith as follows:—

I am a Police Constable stationed at Brockenhurst. On the 16<sup>th</sup> of April instant I served a copy of the summons in this case on James Foster junior and Frederick Pressey personally. I read it through to each of them. They said nothing.

Alfred Chandler on his oath saith as follows:—

I am an Agister of the New Forest. On the 21<sup>st</sup> February last past, I was at Hinchelsea in the New Forest. I saw the three defendants at work there digging and removing clots covered with herbage from the feeding ground of the forest. I watched them and saw them also digging trenches in the

feeding ground round trees the majority of which had recently been planted by them. The trenches averaged from two feet to Ten feet in length about one foot to fifteen inches in width and about twenty inches in depth. The top soil of the feeding ground of the Forest had been pared off and put round these and other trees. The trenches had gorse over the tops so that they could not be seen and in such a way that an animal might easily put its foot into them and injure itself. I spoke to them and they said that M<sup>r</sup> Lovell had ordered them to do this work. The damage done amounted to about ten shillings. The [p.325] greater part of the trenches were dug to keep the animals off the Trees and where there was gorse growing no holes had been dug.

Col. Esdaile explained that he had seen M<sup>r</sup> Lovell who had ordered the trenches to be filled up and expressed his regret at what had been done.

The Defendants were fined £1 and 10/- damage and 12/- costs. The amount of which was paid.

The Minutes of the last Meeting were read and confirmed.

The death of John Lane Shrubbs Esquire late a Member of the Court of Verderers on the 14<sup>th</sup> February last having been brought before the notice of the Court by their Clerk. It was resolved unanimously:

That the Clerk be directed to write to M<sup>rs</sup> Shrubbs a letter expressive of the sense entertained by the Court of the greatness of the loss which they have sustained by the death of their late colleague M<sup>r</sup> Shrubbs and their sympathy with M<sup>rs</sup> Shrubbs and her Family in their own private affliction.

The Election of a Verderer in the place of the late John Lane Shrubbs Esq<sup>re</sup> under section 21 of the New Forest Act 1877 was then proceeded with.

The Official Verderer stated that he had received letters from M<sup>r</sup> Stevenson of Foxlees [*sic*] and M<sup>r</sup> Pember Q.C., stating their willingness to serve if elected. He had also been in communication with Sir Edward Hulse who had no desire to stand but would be well pleased if his son could be elected. It was stated however that he was not eligible.

Col. Esdaile stated that he had received a communication from M<sup>r</sup> Roy and he also mentioned in addition to the gentlemen whose names the Official Verderer had mentioned those of M<sup>r</sup> Lovell and M<sup>r</sup> Hargreaves as gentlemen willing to serve if elected.

Sir H.C. Paulet moved that William Gascoigne Roy Esq<sup>re</sup> be elected as an Elective Verderer under sec. 21 of the New Forest Act 1877 in the place of John Lane Shrubbs Esq<sup>re</sup> deceased.

Col. Esdaile seconded the motion. [p.326]

M<sup>r</sup> Eyre moved that M<sup>r</sup> Pember Q.C. be elected an Elective Verderer under the said section in the place of John Lane Shrubbs Esq<sup>re</sup> deceased.

The amendment was put and lost.

The original motion was then put and carried and M<sup>r</sup> Roy was declared elected.

The Clerk was directed to give M<sup>r</sup> Roy formal notice of his election.

On the question of further repairing the Drains and Bridges. It was resolved that Col. Esdaile be authorized to expend upon the repair thereof a sum not exceeding One hundred pounds during the current year.

Col. Esdaile undertook to bring up a report on the subject to the next Court.

It was resolved to alter Bye Law N<sup>o</sup> 3 by substituting the words “to depasture” and “depasturing” for “to roam at large” and “roaming” therein. Thus:–

“No person other than a Commoner acting in the due exercise of his rights [*sic*] or rights of common in the Forest shall cause or allow any cattle or other animal “to depasture” in the Forest unless a License from the Verderers for such cattle or other animals to depasture in the said Forest shall have been obtained by such person and shall be in force at the time when such cattle or other animal shall be so “depasturing” as aforesaid.”

The following from the Honorable Gerald Lascelles was read.

“Copy”

Queen’s House, Lyndhurst.  
Jany, 31<sup>st</sup> /84

Dear Sir,

I have to thank you for your letter of yesterday’s date. The Verderers’ resolution seems far from clear; May I ask if it was decided that the old fence, and now the bank which replaces it, constituted M<sup>r</sup> Eyre’s boundary, and that he “properly dug” a ditch which was not on his property, or that he was entitled to claim a “ditch” outside his fence, as his property, although [p.327] no such ditch existed before?

In this latter case it is difficult to see how any single boundary fence in the Forest can be prevented from being converted into a “rolling fence”.

I am

Yrs truly

Gerald Lascelles

The Clerk to the Verderers. New Forest.

It was discussed and the Clerk was directed to inform M<sup>r</sup> Lascelles that his letter had been submitted to the Verderers according to his request but that the Verderers do not feel disposed to reopen the question or to discuss the decision at which they had arrived.

M<sup>r</sup> Gates attended to complain of Alfred Chandler, and stated that on the 26<sup>th</sup> day of February I went to Chandler’s house and asked him to come over and mark some Colts for me at Henry Saunders. He said he would do so, but that the Colts were in M<sup>r</sup> Moens Marsh, as they had gone astray and that he had turned them on to Hinchelsea Road. I stated that on returning home I might see the Colts. Chandler did not know the mare that I have lost through his neglect was at that time damaged. He came over and drove the mare with others the same day into Henry Saunders Yard. He turned them out again the same day. On the 28<sup>th</sup> he saw the mare on Weirs Lawn, and on the 7<sup>th</sup> March he told me that she was up under Ridge Shoot very lame. On the following Saturday I found the mare damaged, she has since died. He ought to have informed me of her state on the 7 March or immediately after.

Alfred Chandler having been asked to explain stated that he did not see and had no reason to believe the mare was damaged on the 7<sup>th</sup>. Immediately he found her damaged he informed M<sup>r</sup> Gates.

The Verderers were satisfied with his statement and considered he was in no wise to blame and so informed M<sup>r</sup> Gates.

The Agister Evemy presented the following report which was ordered to be entered on the Minutes.

[p.328]

Burley  
April 16<sup>th</sup> /84

Sir,

I beg to report to you that the Burley Cricket Club have removed the fence, which they had placed round the Cricket green on Burley Lawn.

I remain, Sir,  
Your obed<sup>t</sup> Servant  
Charles Evemy

G.F.W. Mortimer Esq<sup>re</sup>

The Agister Moody presented the following report which was ordered to be entered on the Minutes.

(Copy)

Woodlands  
March 30<sup>th</sup> 1884

Dear Sir,

In accordance with instructions on Feby 8<sup>th</sup> in the presence of John Puntland, Gardener to M<sup>rs</sup> Glynn of Bramble Hill Lodge, I removed Hurdles at either end of the enclosure and walked over the ground.

On February 13<sup>th</sup> in the presence of George Cordery Gardener to M<sup>rs</sup> Heathcote at Fritham, I removed Hurdles at either end of the enclosure and walked over the ground.

I am Sir,  
Your obedient Servant  
John Moody  
Agister, North District.

G.F.W. Mortimer Esq<sup>re</sup>

The Clerk was authorized in cases of applications by non-commoners for the renewal of any licenses after the 31<sup>st</sup> January of any year, to renew the same in all cases in which the application had been delayed for some reasonable cause, and the excuse offered for allowing the time to go by was in his opinion reasonable and to report such renewals to the next Court.

[p.329]

It was resolved that when a Mare is known to an Agister if she is shewn to him and the mark upon her is still plain, The Agister need not re-mark her and the Mare may be allowed to roam in the Forest provided the fees are paid for her. No Mare to be allowed to roam in the Forest for more than two years without being re-marked.

The Clerk presented the Financial Statement as follows:–

1884	By Balance from last account	477	14	9	1884		£	s	D
Jan 28	” Cash received of non-commoners at Court this day for Licenses viz’ Licenses 1 0 0 Head Money 3 10 0 Marking fees <u>1 10 0</u>				Jan 28	To paid 4 Witnesses in cases “Re Epps” and Telegrams to Evemy	1	2	-
					” ”	” F.L. Lordan, Printing &c	1	18	-
					” ”	” B. Bedford, Binding		2	6
	” Cash received of John Moody (Agister) for marking Commoners Cattle to this time		16	6	” ”	” M <sup>r</sup> Mortimer, Bill of Costs to end of 1883	45	16	-
” 31	” Cash received of non-commoners (by Clerk) for Licenses to this time viz’ Licenses 17 6 Head Money 2 5 0 Marking Fees <u>19 0</u>	6	0	0	March 25	” paid M <sup>r</sup> Mortimer Quarters Salary to this day	37	10	-
					” ”	” Agisters Salaries D <sup>o</sup> viz’: Charles Newbolt 17 10 0 John Moody 17 10 0 Alfred Chandler 17 10 0 Charles Evemy <u>17 10 0</u>	70	-	-
Feb 29	” Cash received of non-commoners (by Clerk) for Licenses to this date viz’ Licenses 10 0 Head Money 15 0 Marking Fees <u>7 0</u>	4	1	6		Balance in Hand	389	12	6
April 8	” Dividend on £3800 Reduced 3% due 5 <sup>th</sup> Instant	<u>65</u>	<u>16</u>	<u>3</u>					
	£ 546	1	0				£ 546	1	0

The Clerk stated that he had sent a copy of the Case laid before M<sup>r</sup> Austin and his opinion thereon to each member of the Court.

M<sup>r</sup> Dart stated that he differed from the opinion.

[p.330]

The Agisters attended and paid the following amounts for marking Commoners Cattle:–

Newbolt	£ 7.13. 6
Chandler	£18. 3. 2
Evemy	£14.11. 8
Moody	<u>£13. 8. 0</u>
	<u>£53.16. 4</u>

Some applications for Licenses by Non-Commoners were granted.

This terminated the business of the Court.

<See page 322>

On the arrival of the Verderers <in the “Verderers Hall”> at the Queen’s House wherein their Courts have been held from time immemorial they found it occupied by the Bench of Magistrates.

Sir Henry Paulet however as the oldest Verderer having served that office not far short of Twenty Years claimed a right of priority over all others, and said that the Verderers sat there “as of right” and that the Bench of Magistrates occupied it only “on sufferance”. Sir Henry cited two occasions when he was present when the Bench had ceded the Court to the Verderers as to officers of the Crown.

After some discussion the Magistrates yielded the Court under protest, and the business of the Day was then transacted.

x<sup>d</sup>

[signed] *H.C. Paulet.*  
*Chairman.*





The Verderers present after discussing the purport of the above letter approved the following reply thereto which the Clerk was directed to forward.

(Copy)

Romsey, Hampshire.

17<sup>th</sup> May 1884.

N<sup>o</sup> 690.

Sir,

I am directed by the Right Hon. George Sclater Booth M.P. the Official Verderer, and the Verderers of the New Forest to acknowledge the receipt of your letter of the 5<sup>th</sup> May addressed to me by direction of Sir Henry Loch and to express their satisfaction with its terms in so far as it recognises their contention of a right of precedence to the use of the "Verderers Hall" at the Queen's House, Lyndhurst.

The Verderers cannot but consider that the privilege which they enjoy of holding their Court in the Verderers Hall might properly be regarded in a very different light from the arrangement under which the Magistrates hold their meetings in the same building.

In accordance with your suggestion they will endeavour to give the longest possible notice of their days of meetings; but indeed this has always been their practice and notice of the meeting of the 21<sup>st</sup> day of April last was, in fact sent to M<sup>r</sup> Lascelles and to his first assistant on the 31<sup>st</sup> day of March previously.

I beg to remain, Sir, Your obedient Servant,

G.F.W. Mortimer

Clerk to the Verderers.

George Bennet Esq<sup>re</sup>

Office of Woods &<sup>c</sup>, Whitehall Place.

[p.333]

This terminated the business of the Court the Minutes and other business being left until the next meeting.

[signed] *H:C: Paulet:*

*Chairman*

[p.334]

At a Court of Swainmote held in the Verderers Hall, at the Queen's House, Lyndhurst, on Saturday the 28<sup>th</sup> day of June 1884.

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Present.

Sir Henry Charles Paulet Bart.	}	
George Edward Briscoe Eyre Esquire.	}	
Lieut. Col. William Clement Drake Esdaile.	}	Verderers.
Joseph Henry Dart Esquire	}	
William Gascoigne Roy Esquire.	}	

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The Court was opened with the usual proclamation by the Crier.

On the motion of Lieut. Col. Esdaile seconded by M<sup>r</sup> Joseph Henry Dart, Sir Henry Charles Paulet Bart. was unanimously chosen Chairman of the Court in the absence of the Official Verderer.

The Minutes of the last meeting were read and confirmed.

Charles Newbolt v William Saunders – The Defendant was charged for that he being one of the Commoners of the New Forest unlawfully did allow two Mares, with forged tail marks to roam at large in the Forest without having caused such Animals to be marked by an Agister contrary to the Bye Laws of the said Forest.

The Defendant pleaded Guilty to the offence of forging the tail marks and turning the Mares into the Forest.

Charles Newbolt sworn, said, I am an Agister of the New Forest. On the 5<sup>th</sup> June instant I was at Beaulieu. The Defendant passed me riding a Mare and leading another Mare and a Colt. I saw the two Mares were tail marked. The mark was not mine, [p.335] but a forgery. I went on to Pennerley Gate, and at Hill Top I saw the Defendant walking. He said to me I have marked the Ponies and turned them out, and I would pay you but I have not the money with me. I replied I should not take the money if you had it with you.

The Defendant was fined the full penalty Forty shillings inclusive of costs.

Col. Esdaile reported that he had engaged Laborers to commence drainage works at Burley Walk and Warwick Slade as soon as the Hay Harvest was over.

The Clerk read the following report from the Agister Newbolt.

(Copy)

Bank, Lyndhurst.  
6<sup>th</sup> June 1884.

G.F.W. Mortimer Esq<sup>re</sup>  
Clerk to the Verderers.

Sir,

I beg to report that several men have been employed, as I am given to understand by the Crown, during the Winter months of last season planting Lime Trees Elm Trees, Beech and other Trees in the open wastes of the Forest thereby diminishing the feeding ground of the Forest. Large branches of Furze and Thorns have been placed round the Trees to keep the Cattle off.

In particular Trees have been planted beside the Lyndhurst Road a clump of Trees opposite the Police Station on the Hill there at Folds Gate Hill and Allum Green the latter place has been very much interfered with.

Your obedient Servant  
Charles Newbolt  
Agister of the New Forest

In reply to questions of members of the Court he stated that several Commoners had called his attention to the planting of Trees by the Crown and he had received similar complaints from other Commoners likewise.

[p.336]

The Agister Evemy stated that Trees had been planted in his District from Emery Down to Boldre Wood, and from Brockenhurst to Lyndhurst.

A long discussion took place in which all the members of the Court present joined.

Col. Esdaile moved:—

“That in the opinion of this court the planting of Trees in the open Forest so far as it has been carried out during the last two years and referred to in the report of Newbolt has not been shewn to call for the intervention of this Court.”

M<sup>r</sup> Dart seconded this motion.

M<sup>r</sup> Roy moved as an amendment:—

“That the Agisters are directed to report on all the spaces on which the Crown has recently planted Trees in the open Forest and to give the approximate number and description of Trees in each case.”

M<sup>r</sup> Eyre seconded the amendment.

The amendment having been put was carried, the original motion was therefore lost.

A discussion next arose upon the provisions of Bye Law 4 and it was unanimously resolved to alter the date from 1<sup>st</sup> July to 15<sup>th</sup> March for marking Horses Donkeys and Mules and to retain the 1<sup>st</sup> July for Horned Cattle.

The Clerk was directed to bring up a draft of the Bye Law as altered to the next Court for the approval of the Verderers.

The Clerk was directed to consider the question of a Bye Law dealing with persons forging the Agisters marks.

The question of repairs to the Pounds having arisen, M<sup>r</sup> Lascelles attended the Court and stated that he would write and enquire if the Crown would supply timber for the necessary repairs to the Pounds. He declined however to state whether the erection of a small pound within the existing Forest pounds would be objected to by the Crown.

It was reported that the holes near Hinchelsea which Capt. Lovell undertook to fill up had only been partly filled up. Col. Esdaile undertook [p.337] to see Capt. Lovell thereon.

The Agister Chandler reported that a new road from Hinchelsea to Wilverley Common was being made and several loads of gravel had been placed upon it.

The Agister Moody was on his application allowed further time to complete the marking in his District.

The Agister Moody presented the following report.

(Copy)

North District, June 28<sup>th</sup> 1884.

To the Verderers of the New Forest.

Gentlemen,

I beg to report the erection of a wood shed at Burn Furze in Bramble Hill Walk, erected for the purpose of a scoring and dressing shed near an enclosed cricket ground.

I am Gentlemen,

Your obedient Servant

John Moody

Agister

A discussion arose thereon and in the result the Agisters were ordered to report upon all Cricket Grounds and Lawn Tennis Grounds in their District.

The Agister Evemy applied for permission to impound a Donkey in his district. Leave was given to him.

The Clerk produced the usual Financial Statement.

(Copy)

1884		£	s	D	1884		£	s	D
	By Balance from last a/c	389	12	6	April 22	To paid Police fees in case Chandler			
April 22	” Cash of Agisters at Court yesterday				” 23	v Forton & others (Powell)		2	6
	for mark <sup>s</sup> Comm <sup>s</sup> Cattle viz.					” paid Lordan, Printing & <sup>c</sup>	1	7	6
	Chandler 18 3 2					” ” Drake & Co. ”		12	6
	Evemy 14 11 8								
	Moody 13 8 0								
	Newbolt 7 13 6	53	16	4					
	Carr <sup>d</sup> for <sup>d</sup> £	443	8	4		Carr <sup>d</sup> for <sup>d</sup> £	2	2	6

[p.338]

1884		Brought forw <sup>d</sup> £	443	8	10	1884		Brought forw <sup>d</sup> £	2	2	6
April 22	By Fines, Damages & Costs in case Chandler v Foster & others (Powell) viz <sup>t</sup>					April 23	To paid Bennett Brothers (Advertising)		2	8	6
	Fines	1 0 0									
	Damage	10 0									
	Costs	<u>12 0</u>	2	2	0		” Balance in hand	451	19	4	
”	”	” Cash received of non-comm <sup>s</sup> for Licensees to this time viz <sup>t</sup>									
		Licensee	2	7	6						
		Head Money	5	17	6						
		Marking fees	<u>2 15 6</u>								
			<u>10</u>	<u>19</u>	<u>6</u>						
		£	456	10	4			£	456	10	4

Cheques for the Clerk’s and Agisters Salaries were drawn.

The Agisters attended and paid the following amounts for marking Commoners Animals.

Charles Newbolt	£30 12 6
Charles Evey	£26 8 8
Alfred Chandler	£34 10 6
John Moody	£34 18 6

The Clerk reported that he had renewed eight old Licenses to Non-Commoners since last Court.

Sir Henry Paulet gave notice of his intention to move at the next Court:—

“That the Clerk be empowered to grant a new License to any non-commoner in such case as he may think deserving of receiving it and report the name and amount of stock for which such license has been given at the next Court.”

[signed] *W. Clement D. Esdaile*  
(Chairman)

[p.339]

At a Court of Swainmote held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the 15<sup>th</sup> day of September 1884.

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Present.

George Edward Briscoe Eyre Esquire	}	
Lieut. Col. William Clement Drake Esdaile.	}	
The Lord Henry Scott.	}	Verderers.
William Gascoigne Roy Esquire.	}	

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The Court was opened with the usual proclamation by the Crier.

On the motion of Lord Henry Scott seconded by M<sup>r</sup> Eyre, Lieut. Col. Esdaile was unanimously chosen Chairman of the Court in the absence of the Official Verderer.

The Minutes of the last meeting were read and confirmed.

The Clerk explained the reason that the Court had been hurriedly summoned by order of the Official Verderer, was on account of two outbreaks of Foot and Mouth Disease at Shirley near Ringwood.

The Clerk read a letter from the Clerk of the Peace as follows:—

(Copy Letter)

Office of the Clerk of the Peace  
County Hall, Winchester  
8<sup>th</sup> Sept. 1884.

Dear Sir,

Foot and Mouth Disease.

I think it right to acquaint you that two cases of Foot and Mouth Disease have been detected at Shirley near Ringwood and the Veterinary Inspector of the District M<sup>r</sup> J.B. Goodall of Christchurch, mentioned that both cases are very close to the New Forest.

He ascertained yesterday that the animals affected as also [p.340] one or two others that have all the appearances of having suffered from this Disease, had been running in the Forest, and that they had occasionally been known to herd with animals that had been turned into the Forest from other localities viz. from Thorney Hill and Burley.

The Inspector informs me that he had written to one of the Agisters to meet him today to give him some information as to whom the animals in question belonged that he might examine them to ascertain whether there are any other cases that have not been detected.

You will probably have a report from the Agister but in case he should be unable to make it today I write this to give you the earliest intimation.

You will probably think it advisable to instruct the Agisters to keep a sharp look out for any Cattle showing any signs of being affected and also on the movement of animals in the neighbourhood of the Infected Circles.

The first case discovered was in some cows belonging to a M<sup>r</sup> Burt of Shirley near Ringwood and these had been grazing with others on a Common adjoining the New Forest.

I am, Dear Sir,

Yours faithfully

G.A. Webb  
for, Clerk of the Peace

G.F.W. Mortimer Esq<sup>re</sup>

Clerk to the Verderers of the New Forest  
Romsey.

also a Telegram which he had received from Major Tennant,

(Copy Telegram)

With reference to the outbreak of Foot and Mouth disease in the New Forest I propose to call on you at your office tomorrow Wednesday morning at ten thirty, please telegraph if any other time would be more convenient;

and explained the purport of the interview he had had with Major Tennant Chief Travelling Inspector of the Privy Council, which was to the effect that in consequence of suspicion that Contagious Disease was latent in the Forest a suggestion had been made that a Veterinary Surgeon should go through the Forest with the Agisters and inspect the Horn [p.341] stock there.

The Clerk explained that he at once telegraphed to the Official Verderer for instructions but that he was absent from home, and he read a letter that he had received from the Official Verderer on the subject.

Col. Esdaile reported that he had taken on himself to send Agister Every round the neighbourhood of Shirley with a written notice to the owners and occupiers of land there, whether Commoners or holding Licenses from the Verderers requesting them not to send their horned Cattle out into the Forest at present which they had all cheerfully agreed to.

The Agisters were examined on the subject and the whole matter was taken into consideration.

1. It was resolved that the circumstances of the outbreak of Foot and Mouth Disease at Shirley near Ringwood are not such as to render it expedient to declare the whole of the Forest an infected area.
2. It was resolved that the Clerk write to the Committee of the Division of Ringwood (Contagious Diseases Animals Act) requesting that they would at once apply to the Privy Council for an order declaring an infected area, to embrace all land adjacent to the line of the Forest Boundary extending from Sir George Meyricks Forest extreme gate opening upon the Forest, westward until the Forest boundary is cut by the Railway Line.
3. It was lastly resolved that in accordance with Bye Law N<sup>o</sup> 1 Notices be set up and continued along that portion of the New Forest boundary adjacent to the proposed infected area so soon as the order was made forbidding any animal to enter the Forest from the proposed infected area.



The Agisters reported that Swine Fever was prevalent in the immediate neighbourhood of the Forest.

The Verderers considered the subject and resolved to apply to the Privy Council for an order declaring the Forest an Infected Swine Fever area, in order to prevent pigs being turned into the Forest during Pannage time without a license granted by a Verderer for that purpose.

The Clerk was directed to write M<sup>r</sup> Lascelles and ask his hearty cooperation in this matter.

The Clerk read a Report that he had received from the Agister Chandler as to the works being carried out by the Contractor for the London and South Western new Bournemouth Direct Line at Marlpit Oak and the correspondence [p.342] that had passed between him and Mess<sup>rs</sup> Bircham & Co.

(Copy Report and Correspondence)

9<sup>th</sup> Sept<sup>r</sup> 1884.

G.F.W. Mortimer Esq<sup>re</sup>,

Sir,

I was in the neighbourhood of Marlpit Oak in my District yesterday and saw that the Contractor for making the Bournemouth Direct Line is making a new Road. They are cutting and digging and destroying the pasture of the Forest for the Road they are making is to be 30 feet wide and say 4 or 5 hundred yards long besides lots of cross Roads or Tracks to take the soil to the proposed Line. I saw the Contractor and talked to him and he informed me that he was working in strict compliance with the plans but the Contractor had not got the plans of the bridges with him, or he would have let me see them.

Sir, it seems that they are making this new piece of Road so as to make the Railway cut square across the Road.

Sir, I thought it best to report.

I am Sir, Your obed<sup>t</sup> Servant,  
A. Chandler  
Agister.

46 Parliament Street  
Westminster S.W.  
22<sup>nd</sup> Sept. 1884.

Dear Sir,

Bournemouth Act 1883 & New Forest.

In July last Her Majesty's Commissioners of Woods & Forests directed their Assistant Surveyor M<sup>r</sup> Lascelles to give the Company vacant possession of this Land and this was accordingly done, the Company's agreement with the Commissioners being for vacant possession we assumed that there would be no further interest to compensate. You now state that the Verderers have a claim on behalf of the commoners and if this is so the usual advertisements & notices convening meetings in each parish will have to be given, unless you can suggest any other course.

Assuming a sum to be agreed on without this [p.343] machinery could the Verderers give a valid receipt & extinguish the commonable rights?

Yours faithfully

Bircham & Co.

G.F.W. Mortimer Esq<sup>re</sup>  
Solicitor,  
Romsey.

The Verderers did not consider it necessary to take any hostile steps at present in the matter but if the Clerk did not receive a satisfactory reply from Mess<sup>rs</sup> Bircham & Co he was directed to report at once to the Official Verderer.

The Clerk was directed to take the necessary steps for the publication of the instructions for Commoners to make application to have their names inserted in the Register of Commoners in accordance with the provisions contained in the second schedule of the New Forest Act 1877.

The following dates were fixed viz.:— Saturday the 4<sup>th</sup> and 11<sup>th</sup> of October for the insertion of the advertisements in the Hampshire Advertiser and Winchester Journal.

The Court also fixed the 18<sup>th</sup> October as the last day for sending in such claims, and the 25<sup>th</sup> of October and the 1<sup>st</sup> of November for inserting the advertisements stating that the amended Register was prepared and ready for inspection at the Clerk's Office, Lyndhurst, and the 17<sup>th</sup> of November as the day on which the Verderers would meet for the revision and correction of the Register.

The Clerk produced the sessional order confirming the alteration in Bye Law N<sup>o</sup> 3

(Copy Order)

Southampton to wit:— At the General Quarter Sessions of the Peace of our Sovereign Lady the Queen, holden at the Castle of Winchester in and for the said County of Southampton, on Monday in the first Week after the twenty fourth day of June to wit the thirtieth day of June in the forty eighth year of the reign of our Sovereign Lady Victoria by the grace of God of the United Kingdom of Great [p.344] Britain and Ireland Queen, Defender of the Faith, and in the year of the Lord one thousand eight hundred and eighty four before Melville Portal Esquire Chairman The Right Honorable George Sclater Booth M.P. John Pares Esquire and others their Fellows, Justices of our said Lady the Queen, assigned to keep the Peace of our said Lady the Queen, in the County aforesaid, and also to hear and determine divers Felonies, Trespasses, and other misdeeds committed in the same County.

On the Motion of the Right Honorable George Sclater Booth M.P. Official Verderer of the New Forest It is ordered that the alteration made by the Verderers in Bye Law Number 3 by substituting the words “to depasture” for the words “to roam at large” in line 2 and the word “depasturing” for “roaming” in the last line thereof, be confirmed.

By the Court

T. H. Earle

Clerk of the Peace.

A cheque was directed to be drawn in favor of Col. Esdaile for the sum of £5 in respect of Drainage works done by his order.

M<sup>r</sup> Roy introduced the question of the proposed local enquiry by an Inspector from the Local Government Board as to the drainage of Lyndhurst, and the Clerk was directed to attend the enquiry on behalf of the Verderers with Col. Esdaile & M<sup>r</sup> Roy.

The Agisters were directed to bring up amended Reports as to the spaces in which the Crown had recently planted Trees in the open Forest with the approximate number and description of trees planted.

M<sup>r</sup> Roy drew the attention of the Agisters to the damage done to the feeding lands of the Forest by the Purchasers of Timber from the Crown depositing and cutting up timber thereon.

The Agisters were directed to bring up reports [p.345] on the matter.

[signed] *H. C. Paulet*  
*Chairman*

[p.346]

At a Court of Swainmote held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the 17<sup>th</sup> day of November 1884.

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Present.

Sir Henry Charles Paulet Bart.	}	
George Edward Briscoe Eyre Esquire.	}	
Lieut. Col. William Clement Drake Esdaile.	}	
Joseph Henry Dart Esquire.	}	Verderers.
The Lord Henry Scott.	}	
William Gascoigne Roy Esquire.	}	

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The Court was opened with the usual proclamation by the Crier.

It was resolved that Sir Henry Charles Paulet Bart. be chosen Chairman of the Court in the absence of the Official Verderer.

The Clerk read two letters he had received from the Official Verderer explaining his absence and giving his views on the subjects to be discussed at the Court.

The Minutes of the last Meeting were read and confirmed.

The Verderers proceeded to settle the Register of Commoners entitled to vote at an election of an Elective Verderer.

The only application on the subject was one by M<sup>rs</sup> Chamberlain for whom M<sup>r</sup> Fulton appeared to expunge the name of James Brothers from the Register in respect of claim 782 on the Register of Commoners of 1854 and to insert her name in respect of the claim.

M<sup>r</sup> Fulton addressed the Verderers and put in the Title Deeds of his Client and called:—

William Smith who stated on oath, I reside at Woodgreen and am a Laborer. I am a Tenant of the house and land owned [p.347] by M<sup>rs</sup> Chamberlain. The property consists of a cottage with one chimney and an acre and a half and two rods of land. I have been Tenant six years come Christmas. I have known the property for Fifty years at least. In the year 1850 Isaac White lived in the house and was in occupation of the land. Isaac White and his father George White were reputed owners of the property. I was working with Isaac White at the time he tried his rights out. He informed me that he had proved his rights. Isaac White has been dead some years and after his death his wife occupied the property and since she left I have lived in the Cottage. I have paid seven pence a year in respect of the rights except for the last two years. I have cut Turf. Isaac White had a false roof to his mouth.

By the Court, Isaac White lived at Woodgreen. Isaac White lived at Breamore.

Cross-examined by M<sup>r</sup> Brothers. I was living in 1854 at Godshill and working at Barnes Farm. Isaac White occupied the premises when the rights were proved. I knew Joseph Trim. He was dead when the rights were settled. Isaac White and George White bought it from his people.

M<sup>r</sup> Fulton then called the keeper Bumpstead who however was not in attendance.

The Court did not consider that a *prima facie* case had been made out and did not call upon M<sup>r</sup> Brothers to reply.

The Court then next proceeded to hear the cases presented for Trial.

Alfred Chandler v William Wells the younger – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of Common did cause or allow a certain animal to wit a Donkey to depasture in the Forest without having previously obtained a License from the Verderers for such animal to depasture in the Forest contrary to the Bye Laws of the said Forest.

Alfred Chandler sworn:– I am an Agister of the New Forest. On the 8<sup>th</sup> of October last I was at Shirley Holmes. I saw three donkeys there [p.348] depasturing in the Forest. I went to some tents that were pitched there and saw a boy about three years old and asked if the Donkeys belonged to them. He told me one belonged to William Wells senior, one to William Wells junior and one to Louisa Wells.

The Court did not consider the evidence sufficient and dismissed the Case.

Alfred Chandler v Louisa Wells – Defendant was charged with a similar offence in respect of a Donkey at the same date.

The evidence being similar the Case was dismissed.

Alfred Chandler v William Wells the elder – Defendant was charged with a similar offence in respect of a Donkey at the same date.

Defendant pleaded Guilty and was dismissed with a caution.

Alfred Chandler v Job Shelley – Defendant was charged with a similar offence at Beaulieu Rails on the 8<sup>th</sup> October in respect of one Donkey.

Defendant pleaded Guilty and was fined 10/- and 8/8 costs.

Alfred Chandler v Harry Renyard – Defendant was charged with a similar offence at the same time and place in respect of a Donkey.

Defendant pleaded Guilty and was fined 10/- and 8/8 costs.

Alfred Chandler v George Renyard – Defendant was charged with a similar offence at the same time and place in respect of a Donkey.

Defendant did not appear.

Lawrence McCaul P.C. being sworn proved service of summons at the Defendants residence on the 3<sup>rd</sup> of November on the Defendants wife.

Alfred Chandler sworn:– I am an Agister of the New Forest. On the 8<sup>th</sup> of October I was at Beaulieu Rails and saw the Defendants Donkey plugged out in the Forest. I went to Defendants wife about it. She owned it was his.

Defendant was fined 6/- and 12/8 costs.

John Moody v Frank Newman – Defendant was charged with a similar offence in respect of seven horses at Godshill and elsewhere on or about the 16<sup>th</sup> of October.

Defendant pleaded Guilty in respect of three horses viz<sup>t</sup> a Grey Mare and [p.349] Grey Colt and a Bay Mare.

John Moody sworn:– I am an Agister of the New Forest. I withdraw the charge in respect of one horse. On the 7<sup>th</sup> November I attended a sale at Godshill called by the Defendant. I there saw six horses and two yearling colts. Two of these I had marked for the Defendant who had a license as a non-commoner in respect of them. The others were unmarked. Those I had marked were a Grey Mare and a brown horse. On the 5<sup>th</sup> of November I saw a black horse belonging to the Defendant unmarked. In the month of July I saw a Grey Mare belonging to the Defendant which I had not marked in the Forest.

Charles Moulard sworn:– I live at Godshill and am a Dealer. About a month ago the Defendant came to me and asked me to get in some Colts for him. I went that day with him and drove in four colts. Two were feeding in the Forest and two were feeding in a Purlieu belonging to Squire Bruen. The two that were feeding in the Forest were a Grey Mare and a Grey Colt. Those in the Purlieu were a Bay Mare and Colt. He paid me for getting them in. Neither was marked. I had seen the Grey Colt and Mare in the Forest before the day I helped drive them in.

William Trim sworn:– I live at Woodgreen and am a Dealer. About a month ago the Defendant asked me to get a mare and colt in from the Forest for him. It was a Bay mare and a sucker. I did not see any mark on the Mare. Since that I got in a Black Mare for the Defendant. It was not marked.

The Court considered the case proved in respect of four animals and fined the Defendant £3.0.0., 15/4 costs and ordered him to pay 10/- witnesses expenses.

Alfred Chandler v George Gibbs – Defendant was charged for that he on the 8<sup>th</sup> day of October 1884 being one of the Commoners of the New Forest unlawfully did allow a certain animal to wit a horse to roam at large in the said New Forest without having caused such animal to be marked by one of the Agisters of the said New Forest contrary to the Bye Laws of the said New Forest made in that behalf and to the form of the Statute in that case made and provided.

The Defendant pleaded Guilty and was fined 10/- and costs 7/-.

[p.350]

Alfred Chandler v George Bennett – Defendant was charged for that he on the 17<sup>th</sup> day of October 1884 being the owner thereof did unlawfully cause to be moved certain animals to wit ten pigs from Sway to Brockenhurst both in the New Forest such animals not being accompanied by a movement License granted in such a manner as is required by the New Forest (Swine Fever) Order of 1884 and contrary to the form of the Statute in that case made and provided.

Alfred Chandler sworn:– On the 17<sup>th</sup> of October at Marl pit oak I met a man named Gates driving 10 pigs. I asked him whether he had his movement license with him. He handed me a license for Bampton to move 8 pigs to Southampton for immediate slaughter. I told him the license was out of date. I asked him who authorized him to move pigs and who they belonged to and he said George Bennett of Brockenhurst. I told Gates I should report the case to the Verderers and no doubt he would hear further of it. In the evening Bennett came to me and told me that the pigs did not belong to him. I told him if he took the responsibility of Bampton he must stand the consequences.

Defendant was fined 10/- and 9/- costs.

Alfred Chandler v George Gates – Defendant who was servant to George Bennett was charged with the offence of moving the same at the same time and place.

Defendant pleaded Guilty and was fined -/1 and 7/- costs.

This terminated the public business of the Court which was then cleared.

The Verderers proceeded to consider the question of having fixed dates for holding their Courts in the future.

M<sup>r</sup> Lascelles being present addressed the Court on the subject. He referred to his letter of the 21<sup>st</sup> July of which the following is a copy,

Queen's House, Lyndhurst  
July 21<sup>st</sup> /84.

Dear Sir,

I have to thank you for your letter of the 19<sup>th</sup> inst. and can [p.351] only say, in reply, that it will be of material assistance to the Crown Officers (should they have cases, which can be dealt with by the Verderers, to bring before the Court of Swainmote) that there should be fixed times at which the Courts are held and that those times should not be so far apart, as to allow the details of the matter to become forgotten by the witnesses.

At present there is so much uncertainty as to when the Verderers will meet, and as to whether some special business connected with the affairs of the Commoners will not occupy the whole of their time when they do meet that the Court practically, is hardly available for any of the public business which in former years was regularly brought before it, and consequently it is felt that under the new regime the Crown loses the benefit of what was formerly its chief assistance in the management of the New Forest, which is I think to be much regretted.

I believe that it would save some amount of misunderstanding if the Crown officers and the Verderers were as in former times, to work together on the question of dealing with Forest offences &c, instead of working upon independent lines, as at present and I believe that some such arrangement would strengthen the hands of both and conduce to the former establishment of a state of order throughout the Forest. The management of Commoners' interests and of their cattle could be left solely in the hands of the Verderers without the semblance of interference.

I trust you will pardon my having gone rather beyond the strict letter of the question you put to me, but I think the two subjects are rather intermixed and may be dealt with together.

I am

Yours very truly

Gerald Lascelles

G. Mortimer Esq<sup>re</sup>

and referred to the old form of procedure by presentment made by the Crown officers and requested that in all cases coming before the Court dealing with the soil of the Forest the Clerk should be instructed to give him notice in order that the Crown might decide in the first instance whether they would present the cases or not and in default of the Crown so doing then that the Verderers should instruct their officers to prosecute, his object being that the Crown should have cognizance of all trespasses encroachments and purprestures about to be brought under [p.352] the attention of the Verderers and might have the opportunity of offering any information or assistance to the Court that was in the power of its officers.

The Verderers having thanked M<sup>r</sup> Lascelles for the information he had given on the subject, requesting him to communicate in writing to the Verderers adjourned the matter for consideration at the next Court.

The Clerk presented his Report on the alleged pollution of Allum Green Cutting as follows:—

(Copy)

Acting upon orders from the Official Verderer I visited the alleged nuisance created by M<sup>r</sup> Maxwell at or near Allum Green of which a complaint had been made by a Commoner of the Forest and beg to report as follows:—

On Saturday the 4<sup>th</sup> October in company with the Agister Newbolt I inspected the drains in connection with the recently erected House and Stables and the Cottages purchased by M<sup>r</sup> Maxwell at Allum Green. These erections stand on the high ground and in order to dispose of the Sewage from the house stables and Cottages the same have been connected by drain pipes which are connected with about 100 yards length of nine inch drain piping laid down across the open Forest and having a considerable fall towards and terminating with an outfall in a cutting known as Allum Green Cutting being one of those cleared out last year at the expense of the Verderers and originally formed out of the “Dorchester Railway Fund”. The pipe enters the cutting about a quarter of a Mile above the Junction of the cutting with the New Forest River.

I found a slight filthy liquid coming out of this pipe and the mouth of the pipe and the bottom of the cutting near the outfall were very filthy shewing indications of sewage matter the water in the cutting at this point being contaminated by sewage some particles of which I saw, while watching, float down the stream. The water in the cutting was at the time very low.

Originally the pipes were carried into a smaller cutting above the Allum Green cutting above referred to, which was also cleaned out last year.

[p.353]

In order to get to the Allum Green cutting and lay the pipes from those connecting the House Stable and Cottages it has been necessary to take up part of the feeding ground of the Forest



for the distance of about 100 yards across the Forest and although the turves taken up have been replaced part of the grass has been destroyed during the progress of the works.

In my view of the case the complaint is made out and M<sup>r</sup> Maxwell should at once be prevented from polluting the cutting in question out of which Forest Cattle drink and should be summoned for destroying the feeding Ground of the Forest.

M<sup>r</sup> Lascelles explained that Mr Maxwell had applied to the Crown for leave to make a Drain from the Cottages he had lately purchased at Bank to take away the overflow of the drains and had promised that only surface water should go through the Drain and that no foecal [*sic*] matter should pass through it. That the Crown had given leave on the express condition that no sewage matter should go down the Drain and that if any sewage matter was going down it he trusted the Verderers would at once proceed against Mr Maxwell.

The Court pointed out to M<sup>r</sup> Lascelles that the cutting in question was made from the Dorchester Railway Fund and was kept in order at the expense of the Verderers and that therefore the Crown had no right to give M<sup>r</sup> Maxwell leave to drain into it.

The further consideration of the matter was adjourned for the next Court.

The Clerk read his Report as to the proposed alterations in the works required by the Verderers to be constructed during the marking of the London and South Western Railway Company's Bournemouth Direct Line and produced the plan and correspondence on the subject.

(Copy Report)

Herewith are submitted for the information of the Court two letters from Mess<sup>rs</sup> Bircham & Co dated respectively the 15<sup>th</sup> October 1884 and the 27<sup>th</sup> October 1884 and a plan shewing the line and the proposed works so far as the New Forest is interfered with by this scheme.

The works required by the Verderers are at A, B, C, and D, on the plan and those they have power to demand are at E, F, G, and H, on the plan.

[p.354]

These letters were originally shewn in red ink in the plan, but on checking the plan with the working plan of the Engineer constructing the Line it was discovered that the letters were not correctly placed on it and their positions as now indicated in blue ink are correct, the measurements being three chains out.

The proposed diversion in the Road at or near "C" is shown in brown on the plan. The existing road being shewn in Yellow.

It is proposed that the existing road should be diverted as shewn in brown and assuming the Company obtain power to carry the road along the northeast side of the Railway as shewn in brown on the plan then the request of the Company to do away with the proposed bridge under the Railway (of 25 feet between the Walls and fifteen feet headway) at point "C" and to substitute a smaller Cattle Creep similar to the suggested Creep at "G" seems reasonable. The proposed Cattle Creep at "G" seems from an inspection of the *locus in quo* necessary, but that at "H" is unnecessary in any event.

The South Western Railway Company have given notice of their intention to apply for powers during next session of Parliament for "The diversion and alteration in the Parish of

Boldre in the County of Southampton of the Road numbered 3 in that parish on the plans of the Bournemouth Direct Railway deposited and referred to in the South Western Bournemouth Direct Act 1883 and the stopping up of so much of the said Road as will be rendered unnecessary by such diversion and alteration”.

M<sup>r</sup> Lascelles being present stated that the Crown would object to the proposed diversion of the Road as shewn in Brown on the plan. The Verderers having considered the matter directed the Clerk to write to the Solicitors to the Railway Company that they should dissent to the proposed alteration in the size and construction of the Bridge at point “C” but that they might be prepared to give up the Cattle Creep at point “H” if the old Road under the Bridge at “C” was maintained and all matters were carried out to the satisfaction of the Verderers.

Col. Esdaile produced the correspondence between himself [p.355] and M<sup>r</sup> Lascelles and a copy of the minute of the Court of Swainmote of 23<sup>rd</sup> January 1882 dealing with the question of repairs to the various Forest Pounds.

The correspondence was ordered to be entered on the minutes.

(Copy.)

Burley Manor, Ringwood.  
10<sup>th</sup> November /84.

My dear Lascelles,

I think what you said to me on Saturday as to the repairs done to the railings of the Burley Forest Pound so important that I ask you to write to me, so that I may bring the question before the Verderers at their Court on the 17<sup>th</sup> inst.

What I understood you to say was this:—

That you were surprised to see that the Verderers had repaired the Pound without communication with you.

That in so doing they had enclosed a part of the New Forest, without any more legal right to do so than if they had taken on themselves to repair the rails of any of the Forest Lodges.

That the Verderers had no right concurrently with the Crown or otherwise to use Forest Pounds at all.

That they had no right to make any drift of the Forest and so could not claim to use the Forest Pounds to carry out that purpose.

This view of the Verderers position in relation to the Forest Pounds and to Forest Drifts took me so by surprise that I did not then think of asking you to put your opinion in writing.

I should lament very much any collision between the Verderers and the Crown on such a matter and I think the sooner we know our true position towards each other as to this material point of Forest discipline the better.

I keep a copy of this note that with your answer, the point you have raised may appear in definite shape.

Yours very truly  
W. Clement D. Esdaile

The Honb<sup>le</sup> G. Lascelles

Londesborough Park  
Market Weighton  
Nov<sup>r</sup> 13<sup>th</sup> 1884.

My dear Esdaile,

New Forest Pounds.

I quite agree with you that this not very important matter has, owing to the action taken by the Verderers, become a somewhat serious affair, and I have therefore some days ago reported to M<sup>r</sup> Culley upon the matter, and I await his instructions before I can take any further steps, but I cannot say whether he will have decided what action to take before your Meeting on Monday. It is of course open to you to bring the subject forward then, but as from your letter I see that I failed to make myself clearly understood to you on one or two points I will express my views to you as follows:—

The pounds were made and maintained by the Crown for the use of its officers alone, and were so used by them for annual drifts, (for the winter heyning) without either sanction or concurrence of the Verderers. This is proved by many documents in my office.

But there is no instance of the pounds being used by the Verderers without the concurrence of the Crown, nor indeed can I find (though I have looked through an enormous mass of papers on the subject of drifts) that one has been ordered by the Verderers for very many years, except in 1861 when for reasons I need not go into now the Crown's concurrence was withheld and no drift was made.

The right of the Verderers to make drifts is of course settled by the clause in the Act of 1877 relating to that matter but I see nothing in that clause to give them any right to make use of Crown pounds for that purpose, nor is there any evidence of a right of user, and therefore, or indeed in any case, to remove a Crown fence, and to break the soil in order to erect a new one in Crown land, without even going through the form of asking leave, is, I think an unprecedented course on the part of the Verderers, and cannot but give rise to an apprehension that encroachment on the Crown's rights is to be feared from the body to whom we look to protect them.

I certainly think that the Verderers or commoners [p.357] have no more right to meddle with or use the Crown pounds than any other Crown enclosure in the Forest, without permission.

Should you bring the matter before the Verderers I will ask you to be kind enough to state that every assistance which I can give in the way of recommendation will be given to enable the Verderers to make any use of the Crown pounds which may be deemed advisable by such an arrangement as may also preserve and protect the Crown's existing rights.

In speaking of "pounds" throughout this letter, I restrict myself to those pounds which stand on Crown lands. To those which stand on private land the Crown has only a right of user, as I suppose, and it will probably be left to the Verderers to make what arrangements they think fit with the owners of the land on which these latter pounds are situated.

I am, Yours truly,  
Gerald Lascelles.

W.C. Esdaile Esq<sup>re</sup>

Col. Esdaile reported as to the repairs to the Bridges and Drains which he had carried out this Year and produced two accounts for payment viz:—

Mr Daniel Lunn	£29 10 0
”	£ 5 11 0

The Court ordered these accounts to be paid.

The proposed new Bye Laws were considered and approved, and the Clerk was directed to take the necessary steps to have the same passed at the next Court of the Quarter Sessions of the County & to have N<sup>o</sup> 4 Bye Law rescinded.

(Copy Bye Laws)

No. 4. No commoner shall in the exercise of any right of Common cause or allow any cattle or other animal to depasture in the Forest unless or until such cattle or other animal being a Horse Mule or Donkey has prior to the 23<sup>rd</sup> day of March and being a Cow Heifer or Calf has prior to the 24<sup>th</sup> day of June in the year in which the same shall so depasture as aforesaid or in some one or more later day or days specially allowed [p.358] for that purpose by one of the Verderers in writing under his hand been duly marked by one of the Agisters nor unless nor until the proper payment shall have been made to the Agister for marking such cattle or other animal.

New Bye Law. No Commoner or other person shall cause or allow to depasture or be in the Forest any commonable animal bearing or distinguished by any mark devised by way of copy or in imitation wholly or in part of any mark for the time being used by any Agister of the New Forest for marking the same description of animal nor shall within the Forest, mark, or be party to the marking of any commonable animal with any mark devised by way of copy or in imitation as aforesaid.

The Clerk explained the steps he had taken for the introduction of clauses in the London and South Western Railway Companys and the Midland and South Western Junction Railway Companys proposed Bills for the session 1885.

The matter having been discussed, the Verderers unanimously approved what had been done and directed the Clerk to carry out the matter as agreed upon.

The Clerk was directed to take all necessary steps to have the New Forest Swine Fever Order 1884 cancelled on or before the 23<sup>rd</sup> instant.

The Agisters reports as to planting Trees in the Forest and damage done to the feeding ground by cutting up Timber thereon were adjourned to next Court.

The Clerk reported that he had forwarded a cheque to the Honorable Gerald Lascelles, Deputy Surveyor of the New Forest in pursuance of Section 9 of the New Forest Act 1877 and had obtained the usual receipt.

[p.359]

The Clerk produced the usual Financial Statement.

(Copy)

1884		£	s	D	1884		£	s	D
June 3 <sup>rd</sup>	By balance from last account	451	19	4	June 30	To police fees in case "Newbolt v Saunders"		4	-
	" Cash received of Non-Commoners for Licenses to this time viz <sup>t</sup>				" "	" M <sup>r</sup> Mortimer ¼'s salary to 24 <sup>th</sup> Instant as Clerk to Verderers	37	10	-
	Licenses £1. 2. 6				" "	" Agisters ¼'s salary to 24 <sup>th</sup> Instant viz <sup>t</sup>			
	Head Money £2.17. 6					Charles Evemy £17.10. 0			
	Marking Fees <u>£1. 4. 6</u>	5	4	6		Alfred Chandler £17.10. 0			
" "	" Cash received of Agisters at Court on the 28 <sup>th</sup> Instant for marking Commoners Cattle viz <sup>ff</sup>					Charles Newbolt £17.10. 0			
	John Moody £34.18. 6				July 3	John Moody <u>£17.10. 0</u>	70	0	0
	Alfred Chandler £34.10. 6					" Drake Driver & Leaver for Printing & <sup>c</sup>	3	15	9
	Charles Newbolt £30.12. 6				Sept 27	" Cheque Book		5	0
	Charles Evemy <u>£26. 8. 8</u>	126	10	2	" 29	" M <sup>r</sup> Mortimer ¼'s salary to this day as Clerk to Verderers	37	10	0
" "	" Fine in case "Newbolt v Saunders" (including costs)	2	0	0	" "	" Agisters ¼'s salary to this day viz <sup>t</sup>			
Oct 8	" Dividend on £3000 Reduced £3 per cents	55	16	3		Alfred Chandler £17.10. 0			
" 14	" Cash of C. Newbolt (Agister) for marking Commoners Cattle from 27 <sup>th</sup> June to 25 <sup>th</sup> September 1884	17	1	6		Charles Evemy £17.10. 0			
					" "	Charles Newbolt £17.10. 0			
					Nov <sup>r</sup> 5	John Moody <u>£17.10. 0</u>	70	0	0
						" Col. Esdaile, James Barnes' Bill for clearing out Drain near Railway "120 Rod at 10 <sup>th</sup> "	5	0	0
						" Honble G. Lascelles yearly payment under New Forest Act 1877	1	0	0
						Balance in Hand	433	7	0
		£ 458	11	9			£ 458	11	9

[p.360]

The Clerk was directed to fix his own dates for the granting of Licenses to non-commoners and to sit at Lyndhurst, Beaulieu and Godshill in accordance with the arrangement come to for the past two years.

The Agisters attended and paid the money they had received for marking Commoners cattle and for pigs since the last Court viz<sup>t</sup>

Charles Newbolt	£12.13. 6
Charles Evemy	£45. 8. 4
Alfred Chandler	£44. 7. 0
John Moody	£49.16. 2

The Clerk was directed to supply the Agisters with Stationery.

This terminated the business of the Court.

x<sup>d</sup>

[signed] J. [sic] Sclater Booth

[p.361]

At a Court of Swainmote held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the 22<sup>nd</sup> day of December 1884.

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Present.

The Right Honorable George Sclater Booth M.P. Official Verderer.  
Sir Henry Charles Paulet Bart. }  
George Edward Briscoe Eyre Esquire. }  
Lieut. Col. William Clement Drake Esdaile. } Verderers.  
The Lord Henry Scott. }  
William Gascoigne Roy Esquire. }

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The Court was opened with the usual proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

The Reports of the Agisters as to the places where the Crown had recently planted Trees in the open Forest with the approximate number and description of the Trees planted were read.

(copy reports)

To the Court of Swainmote.

There are planted at Hinchelsea in the open Forest about 30 Scotch Fir Trees, about 10 oak and about 10 elm.

I am Gentlemen

Your Servant

A. Chandler

Agister, South District.

To the Verderers of the New Forest.

I beg to report to you a number of Trees planted in the open Forest, viz:— 200 oak at Vineyridge; 100 not known, 60 Elm each side of road from Emerydown to Boldrewood, 77 not known, 3 Beech, 20 Horse Chesnut on west side of Alum Green by Holliday Hill; 20 Birch, 25 Holly, 15 Fir, 15 Thorn, 15 Furze [p.362] Bushes each side of road leading from Capt. Beaumonts house to Wootton.

Charles Evemy

Agister. Burley.

Bank, Lyndhurst

November 15<sup>th</sup> 1884.

The names of the places, and the number of Trees planted in the East District of the New Forest by the Crown.

150 at Denney Wood	}	
70 at Matley Wood	}	mostly oak
100 by the side of Lyndhurst Road.	}	
40 at Folds Gate Hill.	}	
63 at Alum Green.	}	Fancy Trees, Names not known.
<u>15</u> at James's Hill, Emery Down.	}	
<u>438</u> Total		

Charles Newbolt  
Agister.

(Evey's further Report)

To the Verderers of the New Forest.

I beg to report that 235 trees have been recently planted at Redrice near Burley in the open Forest viz:— 100 Beech, 100 Oak, 12 Sycamore, 8 Horsechesnut, 10 lime and 5 not known. No damage has been done to the Pasture in planting as they are planted in a large furzebrake.

Dated this 22<sup>nd</sup> day of December 1884.  
Charles Evey.  
Agister.

A long discussion took place on the subject in which all the members of the Court took part and in the result, Mr Roy gave notice that he should move at the next Court:—

“That a legal opinion be taken on the right of the Crown to plant Trees in the open Forest as reported in the reports of [p.363] the Agisters laid before the Court this day.”

The Agisters reports as to damage done to the Feeding Lands of the Forest by Purchasers of Timber from the Crown depositing and cutting up Timber thereon were read.

(copy same)

To the Court of Swainmote.

Sawmills.

M<sup>r</sup> D. Lunn at Brockenhurst.

Mess<sup>rs</sup> Martin Wells and Co have been at Piddles Bridge.

M<sup>r</sup> Longley has been at Warrixley

M<sup>r</sup> Rowland has been at Markway Bridge.

I am Gentlemen  
Your Servant  
A. Chandler.  
Agister, South District.

To the Verderers of the New Forest.

Report of Sawing Machines damaging the pasture in the West District of the New Forest. One at Lucehill near Burley, one at Backleys, one at Avon Water and one has been at

Holmesley.

Charles Every.  
Agister.

The Reports were fully considered by the Court and it was resolved that the consideration of the matter should be postponed until the Deputy Surveyor attended and should then be mentioned to him with a view to some understanding being come to on the subject. Subsequently Mr Lascelles attended and the Official Verderer having explained the purport of the reports to him and explained the Verderers views thereon. He stated for the information of the Court:—

(a) That he had received no report as to any injury having been caused to the feeding land of the Forest by reason of Timber which the Crown had sold to different Merchants having been placed on the Forest.

(b) That the Crown gave from time to time special leave to [p.364] Merchants to place engines in certain parts of the Forest carefully selected for the use of those Merchants who purchased timber from the Crown in converting it.

(c) That to limit this right of the Crown would be most injurious to the sale of timber as it could not be converted in the Enclosures as Engines could not with safety be taken into the Enclosures, and there was no water supply for the use of the engines in the Enclosures.

(d) That he did not consider that the Sawdust made in the conversion of the Timber was any practical injury to the grass.

(e) And lastly that he did not consider that Hull of Swan Green had any right to stack Timber there or use any part of the Forest there as a Timber Yard for the purpose of his business.

The following dates were fixed for the holding of Courts of Swainmote and Attachment next year.

Monday, January 26<sup>th</sup> at 11.30.

Monday, March 9<sup>th</sup> at 11.30.

Monday, May 4<sup>th</sup> at 11.30.

Monday, July 13<sup>th</sup> at 11.30.

Monday, November 16<sup>th</sup> at 11.30.

It was understood that if the Deputy Surveyor required a Court or the Clerk considered one to be necessary during the month of August or September the Official Verderer would summon one on a convenient day in one of those months. And this was explained to M<sup>r</sup> Lascelles.

The Clerk read the following letter from M<sup>r</sup> Lascelles:—

(copy letter)

Queen's House, Lyndhurst.  
24<sup>th</sup> November 1884.

Dear Sir,

The Verderers very courteously in a letter from you dated July 19<sup>th</sup> invited my views as to the holding of Courts at fixed dates, and in my reply I stated that as far as the Crown Officers were concerned, if they should have any business to bring before the Court of Verderers it would be a convenience to know that they could do so at certain regular times. I



also ventured to say in addition though perhaps thereby I presumed upon the courtesy [p.365] that had been shown to me, that in my opinion it would prevent mis-understanding if the Crown Officers and the Verderers were to work together as in former times in the matter of dealing with the Forest offences instead of working upon independent lines, and after listening with great patience to my remarks in support of this view on the 17<sup>th</sup> instant, I was requested to state my views in writing, which I will endeavour to do as briefly as possible.

I would therefore lay before you that although the former practice of Verderers' Courts is sufficiently well known, the practice of the Court as now constituted seems to be a matter of great uncertainty and consequently the Crown officers do not know how to act in order to make use of the Court to protect Her Majesty's property.

That the former practice was that all encroachments or other trespasses concerning the soil of the Forest which were not immediately abated on notice being given were presented by the keeper of the Walk and the Verderers then took charge of the case and issuing summons dealt with it as they thought right.

That this practice has fallen into disuse, and that an information and summons takes the place of the presentment, throwing the onus and expense of a prosecution upon some individual, or the Crown whose interest in the matter is sometimes of very trifling value, thereby assimilating the practice of the Court to that of a Court of Petty Sessions and so reducing as I have heard alleged the jurisdiction of the Verderers' Court to that of a petty sessional one. That many cases which closely concerned Crown interests have during the last year or two been brought before the Verderers and dealt with by them, without knowledge of the Crown Officers, nor even any report being subsequently made to the Commissioner of Woods in charge of the New Forest (who alone is responsible for its management) through the Official Verderer or otherwise, and the result of the cases is as yet unknown to the Crown. That in consequence of this mode of action various cases have been brought before the Court of alleged trespasses on the Crown soil which had been made by leave and license of the Crown, and that consequently no trespass had been committed, but the Verderers would have been [p.366] brought into direct conflict with the Crown had penalties been enforced.

That some persons have been summoned and fined whose trespasses had been repaired or encroachments abated by direction of the Crown Officers, who consequently did not present the case, and that such persons have met with unnecessarily hard treatment, while on the other hand in some precisely similar cases no person has happened to lay an information, and cases of even serious encroachment, abated as stated above, have escaped the knowledge of the Court altogether for reasons which I cannot explain.

That consequently the present system has worked unevenly and not well. And I would with very great respect submit to the Verderers:— That the keepers of the walks and Crown Officers have always been and still are responsible for the protection of the Crown lands over which the rights of the New Forest Commoners exist, against encroachment and trespass, and consequently that they are the proper persons to bring before the Forest Court any cases where the authority of that Court is needed to enforce order.

That it is unfair upon these men when doing their duty upon the old lines, and endeavouring to fulfil it with as little harshness and litigation as possible, that cases of trespass which they have already dealt with and put a stop to should be brought before the Court as it were behind

their backs and without giving them even an opportunity to state why they have not themselves done so, and to explain that they have not failed in their duty. That it is perfectly competent for the Verderers in the event of the neglect of the Crown Officers to bring forward any case, at the first Court possible, to deal with it in any manner they think fit, and to require an explanation as to why the case is not laid before them in the usual manner, which explanation would in most cases save the time of the Court, and the necessity of trying cases.

I trust that nothing in these remarks will be mis-construed into an indication of any desire on my part to induce the Verderers to abrogate any part of their functions or to curtail their jurisdiction. It is precisely the contrary that I am aiming at, in the hope that [p.367] such a course of procedure will be decided upon as will enable cases in the Forest in which the Crown is concerned to be brought before the Forest tribunal instead of having recourse to the ordinary Courts of Law.

I am, Yours faithfully,  
Gerald Lascelles.

The Clerk to the Verderers,  
New Forest.

which was next considered and the following reply to it was approved and the Clerk was directed to forward it in due course.

(Copy Reply)

Clerk's Office. Romsey.  
January 1885.

Sir,

I am directed by the Right Honorable George Sclater Booth M.P. the Official Verderer of the New Forest and the other Verderers present at the Court of Swainmote held on the 22<sup>nd</sup> December 1884 to acknowledge the receipt of your letters of the 12<sup>th</sup> July and 24<sup>th</sup> November last and in reply to state that while they desire to guard themselves from acquiescence in many of the statements and contentions therein they are happy to be able entirely to agree with you as to the expediency of having certain permanently fixed Courts of Swainmote say Five in each year and I am to enclose for your information a table shewing the days proposed for meetings during the year 1885 which they trust will meet your convenience.

They are of opinion also, with you, that it would be undesirable that action should be taken in matters affecting the interests of the Crown without the knowledge of the Forest Officials and that therefore full notice should be given to you of any other Courts which may be appointed from time to time besides those held on the fixed days.

The former practice of the Verderers Court alluded to in your letter is based upon Statues whereby it would appear that it is the duty of Forest Officials to present to the Verderers Court all cases of "unlawful enclosures purprestures encroachments and trespasses [p.368] whatever".

The Verderers therefore agree with you that a revival of the former practice of the Court might usefully take place and that the Forest Officials should be informed that they are expected to make presentments of all such offences as to the parts of the Forest which are under their care respectively at each of the fixed Courts. This in itself will bring to your notice all cases of this nature which from time to time may arise, and prevent also any such

offences escaping the notice of the Court, but it must be obvious that the fulfilment of those duties on the part of the Crown Officials cannot interfere with the concurrent right of the Verderers to take action on informations laid or furnished by their Agisters Officers and servants or by other parties.

The Verderers desire also to express their entire accord in the principle so well laid down by you, that the Officials of the Crown and the Court of Verderers should work together harmoniously for the establishment of order in the Forest.

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

The Hon. G. Lascelles

Queen's House, Lyndhurst.

The Clerk read the following letter from the Office of Woods and Forests

(Copy)

Office of Woods &<sup>c</sup>

Whitehall Place. S.W.

12<sup>th</sup> December 1884.

Sir,

It has been brought to M<sup>r</sup> Culley's notice that a strip of land at Burley forming part of the wastes belonging to the Crown in the New Forest and extending from Pound Farm to Pound Lane Farm, has recently been enclosed by the rebuilding or strengthening of [p.369] some fences at each end which were originally put up by the Crown to impound Cattle when a drift of the Forest was made by the Crown Officers.

It is reported to M<sup>r</sup> Culley that the fences in question have been repaired or rebuilt by direction of the Verderers of the New Forest, and I am to request that you will be good enough to inform him whether he has been correctly informed as to the authority under which the work has been done.

I am, Sir,

Your obedient Servant

J. Russell Sowray.

G.F.W. Mortimer Esq<sup>te</sup>

which was considered. Colonel Esdaile explained what he had done in reference to the repair of Burley Pound, and the following reply to it was approved and the Clerk was directed to forward it in due course.

(Copy)

Clerks Office, Romsey.

7<sup>th</sup> January 1885.

Sir,

I am directed by the Right Hon. George Sclater Booth M.P. the Official Verderer and the other Verderers of the New Forest present at a Court of Swainmote held in the Verderers Hall, Queen's House, Lyndhurst, on the 22<sup>nd</sup> December last to acknowledge the receipt of a letter from the Office of Woods dated the 12<sup>th</sup> ulto requesting to know whether H.M. Commissioner in charge of the New Forest has been rightly informed that certain works of repair to the Burley Pound have been carried out by the direction of the Verderers of the New Forest.

In reply, I am directed to state that the repairs to the Pound at Burley have been made under the following circumstances:—

In consequence of certain reports from the Verderers Officers as to the bad state of the ancient and accustomed Forest Pounds which rendered a drift of the Forest impossible. At a Court of Swainmote held on the 28<sup>th</sup> November 1881 the Verderers directed their Clerk to apply to the Crown authorities to ascertain if they would [p.370] supply Timber for the repairs of the various Forest Pounds which the Verderers considered ought to be repaired.

At a Court of Swainmote held on the 23<sup>rd</sup> January 1882 the Deputy Surveyor being present was asked whether the Crown authorities would supply timber for the various Forest Pounds which the Verderers considered required repairing also whether the Crown would supply timber for the repairs of the Forest Bridges. He replied that he would obtain instructions as to supplying timber for the repairs of Pounds but that he was already instructed to supply timber for the present repairs of the Forest Bridges which timber has since been supplied to the Verderers and such repairs have been executed by them.

No communication having been received from the Deputy Surveyor on the subject of supplying timber for the repairs of the Forest Pounds. At a Court of Swainmote held on the 12<sup>th</sup> November 1883 the Clerk was directed by the Verderers present to write to him enquiring if he had received any instructions for the supply and in accordance a letter was written to him dated the 15<sup>th</sup> November 1883.

Again as recently as the 28<sup>th</sup> June 1884 the matter was once more brought under the attention of the Deputy Surveyor by the Verderers present at a Court of Swainmote held on that day when he again stated that he would write and enquire whether the Crown would supply timber for the necessary repairs to the Pounds.

As the Verderers received no reply to these several applications to the Crown for timber to repair the Pounds, they have recently repaired the Burley Pound with timber provided by themselves.

No enclosure of any land has been caused by the repairs so carried out to Burley Pound which did not previously exist and the whole of the cost thereof has been defrayed by the Verderers.

It would therefore appear that no claim such as that supported in the enclosed copy letter addressed to Col. Esdaile (one of the Verderers of the New Forest) by the Deputy Surveyor has been made during the last three years notwithstanding the knowledge by the Deputy

Surveyor of the purpose of the Verderers and I am directed to ask whether the Commissioners adopt the views [p.371] and opinions expressed in that letter.

The Verderers having power entrusted to them by the New Forest Act 1877 for making Drifts had no reason to suppose that any objection could be raised to the use by them of the ancient Forest Pounds without which such Drifts could not be carried out, nor could their statutable duty be performed, especially as they can have but one object in view namely to use that and every other power conferred upon them for the establishment and maintenance of order in the Forest for the benefit of the Crown as well as the Commoners thereof.

Under the above circumstances I am directed to ask for the views of the Commissioner in charge of the New Forest on the whole subject for the information of the Verderers.

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

J. Russell Sowray Esq<sup>re</sup>

The Clerk reported that the Midland and South Western Junction Railway Company had accepted the clauses settled by Counsel on behalf of the Verderers giving the Verderers leasing powers co-extensive with the Crown's powers of leasing, and produced the Company's Bill with the clauses in as follows:—

34. As regards the Commoners of the New Forest in the county of Southampton and their interests or rights in or over any lands required for the purposes of the Swindon Act of 1882 be it enacted as follows:—

1. The Verderers of the New Forest as constituted by the New Forest Act 1877 or any two or more of them shall be deemed to represent the Commoners of the New Forest for the purposes of this Act and it shall be lawful for the Verderers as so constituted or any two or more of them to grant and enter into any agreement for granting to the Company a lease of the interests and rights of the Commoners in or over any lands required or taken for the purposes of the Swindon Act of 1882 [p.372] for any term not exceeding Nine hundred and ninety nine years from the date of any lease or agreement for a lease which now has been or may at any time hereafter be granted or entered into by the Commissioners of Her Majesty's Woods and Forests and Land Revenues or either of them to or with the Company of the lands in or over which such interests or rights exist.

2. In every lease or agreement for a lease to be granted or entered into by or on behalf of the Verderers or any two or more of them under the authority of this Act there shall be reserved and made payable during the whole of the term thereby granted or agreed to be granted an annual rent and every such lease or agreement shall contain all such powers conditions stipulations and provisions so far as the estates interests and rights of the Commoners will allow as may be contained in the lease or agreement for a lease made or to be made by the Commissioners of Her Majesty's Woods and Forests and Land Revenues or either of them to or with the Company under the authority of the Act of 1882 of the lands in or over which the interests or rights of the Commoners so to be leased or agreed to be leased as aforesaid exist.

3. No term granted or agreed to be granted by any lease or agreement made or to be made by or on behalf of the Verderers or any two or more of them shall continue beyond the duration of any lease or agreement for a lease made or to be made by such Commissioners of the lands in or over which the interests or rights so to be leased or agreed to be leased by any such lease or agreement by or on behalf of the Verderers or any two or more of them exist And in the event of the determination of the term granted by any lease or agreement which now has been or may at any time hereafter be granted or entered into by such Commissioners or either of them to or with the Company in pursuance of the Swindon Act of 1882 then all the interests and rights of the Commoners of the New Forest as enjoyed by them prior to the passing of the Swindon Act of 1882 in or over the lands comprised in any such lease or agreement shall thereupon revive and take effect and revert in the Commoners for the time being and be thereafter enjoyed by them as fully and effectively as the same were [p.373] enjoyed by the Commoners before the passing of such Act.

He further reported that the London and South Western Railway Company had not adopted these clauses and had sent the following one to him for the Verderers approval:—

(Copy)

28. It shall be lawful for the Verderers of the New Forest or any two of them from time to time to assign or release or to enter into any contract or agreement for assigning or releasing to the Company any contract or agreement for assigning or releasing to the Company any of the rights or interests referred to in Section 38 of the South Western (Bournemouth &c) Act 1883 for any term co-extensive with the term created or to be created by any lease of the lands in or over which such rights or interests exist to the Company by the Commissioners of Her Majesty's Woods Forests and Land Revenues and the consideration for any such assignment or release may be by way of a sum in gross or of an annual or other payment as the Company and the Verderers may agree: Provided that all such sums shall be payable and paid to the Verderers and shall be applicable by them to and for the purposes and in the manner to for and in which the same would be applicable by them in case the same were money coming to their hands under or by virtue of the New Forest Act 1877 and the receipt of any two of the Verderers shall be a sufficient discharge to the Company for the payment of any such sum.

That he had submitted this clause to Counsel who could not approve it. And he produced Counsels opinion thereon.

The Clerk was directed to write to the Solicitor to the London and South Western Railway Company and insist on the Verderers Clauses as settled by their Counsel being inserted in the Bill and if necessary to take steps to be heard against the Bill by petitioning against it.

The question of the alleged pollution of Allum Green cutting was considered. M<sup>r</sup> Lascelles explained that leave had been given to M<sup>r</sup> Maxwell to drain into the cutting on payment of a Quit Rent to the Crown, and on the express condition that there should be nothing but surface water [p.374] conveyed through the drain into the cutting.

It was decided to leave the matter in the hands of any Commoner who was aggrieved by the alleged pollution to take his remedy under the provisions of 39 and 40 Victoria Cap. 75 in the County Court.

The agisters attended and paid the money they had received for marking Commoners Cattle and for pigs since the last Court viz:—

Charles Newbolt	£16 13 4
Charles Evemy	£ 6 4 10
Alfred Chandler	£ 6 1 10
John Moody	£ 4 18 8

The Agister Moody reported that a Drain required opening and cleaning adjoining a Bog at Ashley Lodge. This drain however was not one constructed out of the Dorchester Railway Fund, and the Court decided that they could not entertain the matter but that the Commoners aggrieved should apply to the Crown authorities on the subject.

The Agister Evemy's report as to the repair of Burley Pound and the making of a new Road at Collins Hill was read.

(Copy Report)

To the Verderers of the New Forest.

I beg to report that the Pound at Burley has been thoroughly repaired with oak posts and rails 13 perch of rails 4 deep at one end and 2 perch at the other, which has been done at the cost of the Verderers.

I also beg to report that a temporary Shed has been built on the Forest at Sway by Michael Forester for the purpose of working in to make hurdles and split wood and he has a quantity of timber on the Forest near the Shed.

Also of a road being made across the open Forest at Collins Hill by William Broomfield from the main road from Burley to Picket Post to a cottage, about 114 yards long, 3 yards wide. A portion of the Turf has been removed and other places filled in.

Dated this 22<sup>nd</sup> day of December 1884.

Charles Evemy, Agister.

The matter was considered and ordered to stand over.

[p.375]

The Clerk produced the Financial Statement as follows:–

1884		£	s	D	1884		£	s	D	
	By Balance from last account	433	7	0	Nov' 18	To paid Police, Fees for service of summonses in cases viz:–				
Nov' 18	” Cash received of non-commoners for Licenses to this time viz:–					Shelley	2	2		
	Licenses	5	0			Renyard	2	2		
	Head Money	7	6			Renyard	2	2		
	Marking Fees	4	6			Gibbs	2	6		
	” Cash received of Agisters at Court yesterday for marking Commoners Cattle viz:–		17	0		Wells	1	6		
”	Charles Evemy	45	8	4		Wells Jn <sup>r</sup>	2	6		
”	Alfred Chandler	44	7	0		Wells Louisa	2	10		
”	Charles Newbolt	12	13	6		Bennett	1	6		
”	John Moody	49	16	2	”	Gates	1	6		
”	” Fines and Costs received at Court yesterday viz:–	152	5	0	”	Newman	4	10	8	
	Gibbs Fine 10/- costs 7/-		17	0	”	” Paid Witnesses in case “Moody v Newman”		10	0	
	Shelley ” 10/- ” 8/8		18	8	”	” paid Drake & Co. printing & stationery	8	10	-	
	Renyard ” 10/- ” 8/8		18	8	”	” 22 ” ” Lunn, Repairs to Bridges &°	29	10	-	
	Renyard ” 6/- ” 12/8		18	8	”	” 24 ” ” Bennett Bros Advertising	5	16	-	
	Bennett ” 10/- ” 9/-		19	0	”	” 27 ” ” H. King, Advertising	6	1	-	
	Gates ” 1 <sup>d</sup> ” 7/-		7	1	Dec' 1	” ” Lunn, Repairs to Bridges &°	5	11		
	Newman on a/c of Fine & Costs	3	10	0						
“	” Cash of John Moody (Agister) for poundage fee for Donkey belonging to J. Newman					Balance in hand	538	6	5	
			10	0						
		£	595	8			£	595	8	1

He also produced the drafts of the yearly account and of the Summary thereof.

[p.376]

Lord Henry Scott gave notice of his intention at the next Court to call the attention of the Verderers to the fees now charged for marking Commoners Cattle and to move a resolution reducing the same.

Cheques for the following Salaries and Bills were ordered to be drawn.

Clerk's salary to 25 <sup>th</sup> December and the four Agisters and Criers salaries to the same date.	
Mess <sup>rs</sup> Drake Driver & Leaver, Stationery	£4 15 9
M <sup>r</sup> Lordan, Printing	3 19 0
Agisters for postage	1 0 0
M <sup>r</sup> Millard, materials	4 0

The Clerk produced the High Sheriff's account in respect of the last election of Verderers which was ordered to be paid, also M<sup>r</sup> Webbs account for auditing the last account viz:–

High Sheriff's account	£15 8 6
Mr Webb's account	£ 3 8 0

The Clerk reported that the Forest was now clear of Swine Fever.

This terminated the business of the Court.

[signed] *G.E. Briscoe Eyre.*  
(Chairman)



[p.377]

At a Court of Swainmote and Attachment held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the 26<sup>th</sup> day of January 1885.

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Present.

George Edward Briscoe Eyre Esquire.  
Lieut. Col. William Clement Drake Esdaile.  
Lord Henry Scott.  
William Gascoigne Roy Esquire.

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The Court was opened with the usual Proclamation by the Crier.

It was resolved that M<sup>r</sup> George Edward Briscoe Eyre be chosen chairman of the Court in the absence of the Official Verderer.

The Minutes of the last meeting were read and confirmed.

The Clerk mentioned that he had received communications from the Official Verderer and Sir Henry Charles Paulet stating that they could not be present at the Court.

M<sup>r</sup> Lascelles attended the Court and stated that there were no presentments to be made on behalf of the Crown at this Court.

M<sup>r</sup> Roy moved in accordance with the notice of motion given by him at the last Court:—

“That a legal opinion be taken on the right of the Crown to plant Trees in the open Forest as reported in the reports of the Agisters laid before the Court on the 22<sup>nd</sup> December last”.

and addressed the Court fully on the subject.

M<sup>r</sup> Eyre seconded the motion.

[p.378]

Col. Esdaile having addressed the Court moved as an amendment:—

“That the consideration of the matter be postponed until the next Court.”

This amendment was seconded by Lord Henry Scott and on being put was lost by the casting vote of the Chairman.

The original motion was then put and carried by the casting vote of the Chairman.

Col. Esdaile moved “that the case be drafted by the Clerk and submitted to the next Court with an estimate of the cost of taking Counsels opinion upon it.”

This motion was seconded by Lord Henry Scott.

M<sup>r</sup> Roy moved as an amendment:—

“That M<sup>r</sup> W.R. Fisher be appointed as Counsel and his opinion be taken if possible before the next Court.”

This amendment was seconded by M<sup>r</sup> Eyre.

Col. Esdaile and Lord Henry Scott protested that M<sup>r</sup> Roy's amendment was not an amendment on the motion now before the Court.

The Chairman ruled that it was.

The amendment was then put and carried by the casting vote of the Chairman.

Lord Henry Scott and Col. Esdaile then handed in the following written protest and retired from the Court.

Copy

Lord Henry Scott and Col. Esdaile in consequence of the ruling of the Chair as to M<sup>r</sup> Roy's amendment nominating Counsel without notice being an amendment (and which amendment he had also seconded himself) to the motion made by Col. Esdaile and seconded by Lord Henry Scott, withdrew from the Court. They enter also their protest on the ground that the freedom of action of the Court of Verderers was thus unduly fettered on a matter of serious moment and which should only be decided upon proper notice and due consideration.

signed { W. Clement D. Esdaile  
{ Henry J. Scott

[p.379]

The Chairman took exception to the wording of the protest as being inaccurate. His ruling being that M<sup>r</sup> Roy's amendment (taken as a whole) was an amendment on Col. Esdaile's motion.

After Col. Esdaile and Lord Henry Scott had retired it was decided although the Clerk pointed out that the practice of the Court had been based on the principle of "once a quorum always a quorum" not to proceed with the other items of the Agenda paper but to wind up the business of the Court so far as it had gone. Mr Esdaile assented to remain to hear the Agisters Reports.

The Clerk handed to the Chairman two Petitions which he had received from Commoners one having been received that very morning against the encroachment made upon lands of the Forest by the planting of a large number of Trees thereon by the Crown which by oversight he had not presented while the subject was under discussion. He was ordered to enter them on the minutes.

———— (Copy) ————

To the Verderers of the New Forest.

The humble Petition of the Commoners and others having rights in the New Forest.

Sheweth,

1. That of late encroachments have been made upon the open lands in which the Commoners take their share of the Forest, by the planting of a large number of Trees thereon by the Crown.
2. That such trees if allowed to grow will in the course of a few years occupy and spoil many acres of pasture to the detriment of the Commoners.

Your Petitioners therefore pray that steps may be at once taken to prevent any further encroachments being made.

And your Petitioners will every pray &°.

Michael Thomas	Charles Tanner x	John Robberts
Cain Osman	James Tuck	James Street

[p.380]

William Shutler	Morrice Lawlaford	George Cole
Thomas Tanner	George Young	W <sup>m</sup> Staples
James Hayter	Frederick Tarrant	Thomas Morgan
John Mist	Vincent Witt	James Collins
John E. Watts	James Hutchins	William James
Charles Warne	George Ayles	Theophilus Lydford.
Aaron Baker	John Thomas	George Lambert.
Thomas Biles	John Seymour	Daniel Cake.
Charles Warne	John Trill	Francis Bastable
Charles Ayles	William Barnes	W.H. Waters
F.J. James	William Ayles	Frederick Ayles.
Isaac Wright	Charles Cheater	Charles Faulkner
William Cox	George Faulkner	Sarah Brewer
Walter Tanner	Hy. Street	Henry Witt
Alfred S. Dunn	William Lyne	Charles Thomas
George Wort	John Broomfield	G. Norris
<hr/>		
Henry Fugett		

To the Verderers of the New Forest

The humble Petition of the Commoners and others having rights in the New Forest.

Sheweth,

1. That of late encroachments have been made upon the open lands in which the Commoners take their share of the Forest, by the planting of a large number of Trees thereon by the Crown.

2. That such Trees if allowed to grow will in the course of a few years occupy and spoil many acres of pasture to the detriment of the Commoners.

Your Petitioners therefore pray that steps may at once be taken to prevent any further encroachments being made.

And your Petitioners will every pray &°.

Peter Biles	William Moores, Rising Sun Inn, Wootton	
S. Mintey	John Tanner	R. & W. Sears

[p.381]

Cha <sup>s</sup> Clarke	William Hookey King	Egbert E. Elliott
Alfred Brown	W <sup>m</sup> A. Ellison	Ja <sup>s</sup> Budden
Frank Budden	Rob <sup>t</sup> Seymour	G. Lyne
Isaac Wright	Henry Woodford	James George Coles.

Henry Head	J. Sparks	James Curtis
John Burroughs	H. Briant	G. Hatchard
G. Holloway	T. Parker	Noah Parker
Jane Roberts	A. Broomfield	E. Burroughs
John Maynard	William Wiseman	John Etheridge
Frederick Lambert	A. Guy	Henry Young
Henry Sims	Tho <sup>s</sup> Phelps	M <sup>rs</sup> Hatchard
Louis Kock	William Troubridge	William Broomfield
James Tucker	Charles King	John Thomas
George Brooks	_____	Edward Tanner

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The Clerk reported that he had attended on the days and at the places ordered by the Verderers to issue licenses to non-commoners and that the attendance of non-commoners had been good except at Beaulieu.

He reported that he had issued 19 new licenses and had transferred three licenses to new Tenants of properties in respect of which licenses had been yearly granted.

The Agisters attended but had no reports to make and paid over the following amounts:—

Alfred Chandler	Pannage	£1. 8. 0
D <sup>o</sup>	Marking Commoners Cattle	10. 6
Charles Newbolt	Pannage	8. 4
D <sup>o</sup>	Marking Commoners Cattle	7. 0

A new License was ordered to be granted to William Collins and two old Licenses were renewed and the fees £1.3.6 were paid.

The Court then rose.

x<sup>d</sup>

[signed] *G. Sclater Booth.*

[p.382]

At a Court of Swainmote and Attachment held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the 9<sup>th</sup> day of March 1885.

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Present.

The Right Honorable George Sclater Booth M.P. Official Verderer  
Sir Henry Charles Paulet Baronet }  
George Edward Briscoe Eyre Esquire }  
Lieut. Col. William Clement Drake Esdaile. }  
Joseph Henry Dart Esquire. } Verderers  
The Lord Henry Scott. }  
William Gascoigne Roy Esquire. }

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The Court was opened with the usual proclamation by the Crier.

The Minutes of the last meeting were read and confirmed.

The Clerk produced and read a letter of which the following is a copy from M<sup>r</sup> William Coxwell, Clerk to the Guardians of the New Forest Union.

(copy)

New Forest Union.  
Totton. Southampton  
4<sup>th</sup> March 1885.

Dear Sir,

I am requested by the Board of Guardians of this Union to call the attention of the Verderers of the New Forest to the quantity of Gipsies that encamp in the Forest around Bartley Green and other places as they cause considerable nuisance to the inhabitants besides becoming chargeable to this Union through sickness the Board trust the Verderers will exercise their power [p.383] and prevent them from encamping.

I am Yours truly

William Coxwell  
Clerk

G.F.W. Mortimer Esq<sup>re</sup>  
Clerk to Verderers of New Forest  
Romsey.

M<sup>r</sup> Roy explained that the letter had been sent in consequence of a child of one of the families of the Gipsies encamped in the Forest having been taken ill and become chargeable to the Union, and the allegation having been made that the Verderers allowed the Gipsies to remain in the Forest as long as they liked and their Cattle to depasture therein while on the other hand they summoned those whose Cattle strayed into the Forest.

M<sup>r</sup> Lascelles being present explained the orders that he had given to the keepers with reference to the removal of Gipsies and stated that his orders were that they were not to be allowed to remain more than two days at any one of the usual camping grounds in the Forest. He further stated that Gipsies had been allowed to encamp at certain places from time immemorial and that as soon as one company were removed another came to the same spot and explained that for this reason the Guardians might have formed a wrong estimate as to the time which each Family remained at the different camping grounds.

Wilkins the keeper of Bartley Walk stated that his orders were always to remove the Gipsies and he always moved them after 24 hours except in case of Sunday intervening when they were allowed 48 hours or in the case of sickness, and if they did not move when ordered he obtained assistance and moved them.

The Agister Newbolt reported that no Gipsies had remained at the spot in question more than the usual time of 24 hours nor had any of their Cattle depastured in the Forest at the expiration of that time or he would have summoned the owners.

It was resolved that the Clerk should send the following reply to the letter:—

(Copy on next page)

[p.384]

Clerks Office

Romsey. Hampshire.

13<sup>th</sup> March 1885.

Dear Sir,

I am directed by the Right Hon. George Sclater Booth M.P. the Official Verderer and the Verderers of the New Forest to acknowledge the receipt of your letter of the 4<sup>th</sup> instant written at the request of the Guardians of the New Forest Union calling the attention of the Verderers to the quantity of Gipsies that encamp in the Forest around Bartley Green and other places who it is therein stated cause considerable nuisance to the Inhabitants besides becoming chargeable to the Union through sickness, and requesting that the Verderers will exercise their powers and prevent them (the Gipsies) from encamping.

In reply I am directed to state that from time immemorial Gipsies have been permitted by the Crown to encamp at certain places in the Forest for 24 hours or when a Sunday intervenes for 48 hours, after which time the Crown keepers have orders to move them on.

The Verderers have enquired of their Agister, as of the Crown keeper of the Walk in question, who was in attendance at their last Court, and find that this rule has been invariably acted upon at Bartley Green and elsewhere except in case of sickness.

I am directed to add that the Agisters have orders to summon all Gipsies whose cattle are found depasturing in the Forest after the expiration of the 24 or 48 hours, as the case may be, (except in case of sickness) and have frequently done so.

The Agisters have received no complaints of any nuisance being caused by any encampment of Gipsies in the Forest.

Yours faithfully

G.F.W. Mortimer

W. Coxwell Esq<sup>re</sup>

Clerk to the Guardians of the New Forest Union.

[p.385]

M<sup>r</sup> Lascelles stated that there were no presentments to be made on behalf of the Crown at this Court.

On the question of the notice of motion given by Lord Henry Scott to call the attention of the Verderers to the Fees now charged for marking Commoners Cattle and to move a resolution reducing the same, the Official Verderere pointed out the Fees could not be altered this year and suggested that his Lordship should move that a Committee be appointed to consider the matter.

Lord Henry Scott having acquiesced in his suggestion withdrew his motion, and gave notice to move at the next Court:

“That a Committee be appointed to consider the fees now charged for marking Commoners Cattle, Horses, Donkeys, Sheep and pannage of pigs with a view to their reduction. The Committee to consist of Lord Henry Scott, Lieut. Col. Esdaile and M<sup>r</sup> W.G. Roy and to report to the Court”.

The Court next proceeded to consider M<sup>r</sup> John Russel Sowray’s letter of which the following is a copy:—

Office of Woods &<sup>c</sup>  
Whitehall Place. S.W.  
21<sup>st</sup> January 1885.

Sir,

I am directed by M<sup>r</sup> Culley to acknowledge the receipt of your letter of the 7<sup>th</sup> inst. explaining on behalf of the Verderers the enclosure by them of a part of the Crown waste land in the New Forest near to Burley for the purposes of a Pound.

In reply, I am to express M<sup>r</sup> Culley’s regret that a subject of so much importance as connected with the duties of the Verderers and the rights of the Crown should have been treated in such an irregular manner involving on the part of the Verderers the use of an apparently private letter addressed by the Deputy Surveyor of the New Forest to one of the Verderers.

M<sup>r</sup> Culley has no objection on the part of the Crown to the use by the Verderers of such Pounds as may be [p.386] necessary for drifts of the Forest if such Pounds are on the waste of the Forest and are kept inclosed from the Forest for such time only as may be requisite for the purposes of the drifts but as regards any freehold property of the Crown any easement which the Verderers may desire to obtain upon or over it either for Pounds or otherwise must be a matter of special agreement.

I am, Sir,  
Your obedient Servant  
J. Russell Sowray

G.F.W. Mortimer Esq<sup>re</sup>

The following reply to it was approved and the Clerk was directed to forward it in due course.

(Copy)

Clerk's Office. Romsey.  
13<sup>th</sup> March 1885.

N<sup>o</sup> 60.

Sir,

I am directed by the Right Hon. George Sclater Booth M.P. the Official Verderer, and the Verderers of the New Forest to acknowledge the receipt of your communication of the 21<sup>st</sup> January 1885.

I am directed to state that the Verderers must decline to enter into the controversial points raised therein, but at the same time I am to add that there was nothing in the letter to which you refer in Paragraph 2 of your communication as having been addressed by the Deputy Surveyor of the New Forest to one of the Verderers to indicate that it was of a private nature, it was, at all events, the only written document which the Verderers have received in reference to the repeated communications which they have submitted to the Office of Woods during the last two years, on the subject of repairs to Forest Pounds.

I am directed to demur altogether to the imputation therein contained of irregularity as applicable to the Verderers proceedings and to point out that your letter contains no answer to the one I addressed to you [p.387] by order of the Verderers under date the 7<sup>th</sup> January 1885 and to express a hope that I may be favored with a reply to that letter in due course.

I have the honor to be,

Sir,

Your obedient Servant  
G.F.W. Mortimer

J. Russell Sowray Esq<sup>re</sup>

The Clerk produced the correspondence with the South Western Railway Company relative to the clauses sought to be introduced by the Verderers into their various powers Bill of this Session, and the clauses as resettled by Counsel on behalf of the Verderers.

He stated that the Solicitors to the South Western Railway Company had approved these clauses with the exception to certain additions which they had made and which he objected to for the reasons he stated.

He was directed to negotiate with a view to having these additions struck out and to enter the clauses as settled on the minutes.

(Copy Clauses)

28. It shall be lawful for the Verderers of the New Forest or any two of them from time to time to lease or to enter into any agreement for leasing to the Company any of the rights or interests referred to in Section 38 of the South Western (Bournemouth &c) Act 1883 for any term coextensive with the term created or to be created by any lease of the lands in or over which such rights or interests exist to the Company by the Commissioners of Her Majesty's Woods Forests and Land Revenues and in every such lease or agreement there shall be reserved and made payable during the whole of such term such annual rent (or other payment)



as the Company and the Verderers may agree. Provided that such annual rent (or other payment as aforesaid) shall be payable and paid to the Verderers and shall be applicable by them to and for the purposes and in the manner to for and in which the same [p.388] would be applicable by them in case the same were money coming to their hands under or by virtue of the New Forest Act 1877 and the receipt of any two of the Verderers shall be a sufficient discharge to the Company for the payment of any such rent.

29. Any term granted or to be granted by any lease or agreement made or to be made by the Verderers or any two of them as aforesaid shall not continue beyond the duration of any lease or agreement for a lease made or to be made by such Commissioners of the lands in or over which the interests or rights comprised in such lease or agreement by the Verderers or any two of them exist, and in the event of the determination of the term granted by any lease or agreement which now has been or may at any time hereafter be granted or entered into by such Commissioners or either of them to or with the Company in pursuance of the Act of 1883 then all the interests and rights of the Commoners of the New Forest as enjoyed by them prior to the passing of the Act of 1883 in or over the lands comprised in any such lease or agreement shall thereupon revive and take effect and revert in and be thereafter enjoyed by the Commoners for the time being as fully and effectually as the same were enjoyed by the Commoners before the passing of such Act.

M<sup>r</sup> Roy enquired what steps had been taken to assess the amount of rent payable under the proposed clauses to the Verderers.

The Clerk replied that he had asked for the same amount to be paid to the Verderers as the Company had agreed to pay to the Crown as ordered by the Court.

The Clerk produced the Financial Statement which was ordered to be entered on the Minutes.

(Copy Statement, next page)

[p.389]

1885		£	s	D	1885		£	s	D	
	By balance from last Account	563	19	2	Febry 6	To paid Mess <sup>rs</sup> Stead & Co account for 1884 (as arranged)	100	0	0	
Janry 27	” Cash received of Agisters at Court on the 26 <sup>th</sup> instant for marking Commoners cattle viz:—									
	Charles Newbolt      7 0									
	Alfred Chandler     10 6		17	6		Balance in hand	469	4	6	
”	”									
”	” Cash received of Agisters at Court on the 26 <sup>th</sup> instant for pannage viz:—									
	Charles Newbolt      8 4									
	Alfred Chandler     1 8 0	1	16	4						
”	”									
”	” Cash received of non-commoners (by Clerk) for Licensee to this time viz:—									
	Licenses                12 6									
	Head Money          1 7 6									
	Marking Fees        11 6	2	11	6						
		£	569	4	6		£	569	4	6

The Clerk was directed to invest so much of the present Balance at the Bank as would augment the sum of £3800 reduced £3 per cent annuities now standing in the names of the Official Verderer the

Right Honorable George Sclater Booth M.P. of the Priory, Odiham, Hants Sir Henry Charles Paulet Bart. of Little Testwood Totton Hants and Lord Henry Scott of the Palace Beaulieu, Hants, to the sum of £4000 like annuities.

The Clerk explained that his draft Case relative to the Tree planting had been sent to several Verderers and was with M<sup>r</sup> Dart [p.390] who had that day returned it to him.

He produced Ten further Petitions from Commoners on this subject viz<sup>t</sup>:—

Two from Bramshaw, one from Fritham, one from Hampworth, one from Burley, Ringwood and the neighbourhood, one from Cadnam, Bartley and the neighbourhood, one from Ashurst Bridge, Marchwood, Hythe and the neighbourhood, one from Downton, one from Lyndhurst and one from Minstead as follows:—

(Copy)

N<sup>o</sup> 1

To the Verderers of the New Forest,

The humble Petition of the Commoners having rights in the New Forest.

Sheweth,

That of late encroachments have been made upon the open lands in which the Commoners take their share of the Forest by the planting of a large number of Trees therein by the Crown.

That such Trees if allowed to grow will in the course of a few years occupy and spoil many acres of pasture to the detriment of the Commoners.

Your Petitioners therefore pray that steps may be at once taken to prevent any further encroachments being made.

And your Petitioners will ever pray &<sup>c</sup>

Stephen Purkess	Minstead.
Harriet G.G. Etheridge	Forest House, Bartley.
Harry Newbolt	Bank, Lyndhurst.
G.G. White	Bank, Lyndhurst.
Charles Broomfield	Bank, Lyndhurst.
Robert Veal	Bank, Lyndhurst.
J.W. Jones	Bank, Lyndhurst.
William Samber	Custards, Lyndhurst.
John Hiscock	Lyndhurst.
W.B.E. Bendle	Woodlands Farm, Eling.
Joseph Edney	Bartley.
Henry George Marsh	Bartley.
William Gradidge	Manor Farm, Winsor.

## — N° 2. —

Similar Petition to N° 1.

Henry Broomfield.	Minstead.	Mark Howells	Minstead.
Gabriel Golden	Minstead.	John Smith	Minstead.
Walter Dunnings	Minstead.	Samuel Stares	Minstead.
Henry Stares	Minstead	John Grayer	Minstead.
Ann Whitehorne	Minstead	John Witt	Minstead.
Henry Davis	Emery Down.	George M. Golden	Emery Down.
Charles Thomas Keeping	Emery Down.	Harry Broomfield	Minstead.
William Bright	Lyndhurst.	Charlotte Veal	Emery Down.
Richard Penny	Minstead	John Ballard	Lyndhurst
Arthur Scorey	Minstead	Alexander Grayer	Minstead.
Charles Read John Stent	Minstead.	George Matthews	Minstead.
James Bright	Emery Down.	Henry Gailor	Minstead.
John Jones	Minstead.	Silas Cull	Minstead.
Joseph Compton	Minstead.	Peter Peckham	Minstead.
Henry Broomfield	Minstead.	Robert Eckton	Minstead.
George Soffe	Minstead.	Charles Peckham	Minstead.

———— Aaron Cull, Minstead ————

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## — N° 3. —

Similar Petition to N° 1.

W. Domoney	Bramshaw.	J. Neale	Bramshaw.
H. Marshall	Bramshaw.	H.W. Henbest	Bramshaw.
Ann Henbest	Blood Oaks, Bramshaw	A. Reynolds	Barford, Bramshaw
C. Biddlecombe	Bramshaw.	H. Kemish	Bramshaw.
G. Mills	Bramshaw.	Caroline H. Heathcote	Penn, Bramshaw
W <sup>m</sup> King	Rowhill, Bramshaw	Wm Kemish	Barford, Bramshaw
Joseph Dibden	Dazehill	Henry Hatch	Bramshaw Wood.
Wm Grayer	Bramshaw	Chas. Dibden	Dazel Wood.
G.W. Girling	The Marsh, Bramshaw	E.M. Massey	Welton.
James Bungy	Welton	F. Reynolds	Landford.
R.J. Troke	Landford.	G. King	Landford.
Charles Babey	Bramshaw.	Edward Dibden	Bramshaw.
J. Moody	Bramshaw.	G. Bassett	Bramshaw.

———— James Dibden, Dazel Wood. ————

— N<sup>o</sup> 4. —Similar Petition to N<sup>o</sup> 1.

Harry Miller	Burley	Alfred Watts	White House Burley.
John Batten	Freeholder, Nea Croft, Ringwood	William Spicer	Pound Farm, Burley
W.D. Holloway	Ringwood, Commoner	H. Viney	Godshill.
C. Lockyer	Godshill	W. Olding	Woodgreen
J.F. Holloway	Ogdens	T. Burt	Rockhampton [ <i>sic</i> ]
William Bromfield		John Haggett Gould	Sandlehill Farm
Lewis Williams	Burnt Farm	Alfred Crocker	Commoner, Black Bush, Burley.
M <sup>rs</sup> Scammell	Freeholder, Burley.	M <sup>rs</sup> W <sup>m</sup> Blake	Commoner
Elizabeth C. Pike	Freeholder, Burley	John Philpott	Freeholder, Burley
M <sup>rs</sup> J. Smith	Freeholder, Burley.	Edwin Sims	Commoner
Robert Vincent	Commoner, Burley.	George King	Commoner, Burley
Geo. Harris	Freeholder, Burley	William Harris	Freeholder, Burley
Charles Garrett	Commoner, Burley	James Garrett	Commoner, Burley
William Warne	Thorney Hill Farm.	W <sup>m</sup> White	Godshill, Freeholder
Sam Andrews	Bagnum Common	Charles Vatcher	Milton, Commoner
Walter Moures	East Wootton, Commoner	James Dear	Commoner, Highwood
Edward Bramble	Commoner, Ripley	Isaac Sims	Herne, Ringwood, Commoner.
Benjamin Guy	Freeholder, Poulner	M <sup>rs</sup> E. August	Freeholder, N <sup>r</sup> Picket, Ringwood.
William Jones	Lindford Farm, Ringwood	Sansom Cutler	Commoner, Hightown, N <sup>r</sup> Ringwood.
John Miller	Burley Farm	George Sims	Freeholder, Burley
William Taylor	Freeholder, Burley	Eli Marchant	Freeholder, Burley
James Barnes	Commoner	Samuel Blake	Burley, Freeholder
John Hillier	Storm Bushes, Burley	M <sup>rs</sup> Marchant	Freeholder, Burley
George Marchant	Freeholder, Burley	James Davis	Freeholder, Burley Grange
George Lester	Freeholder, Burley	M <sup>rs</sup> Stephen Sims	Bisterne Close, Burley
Frank Sims	Commoner	James Holloway	Commoner, Burley
Samuel Dear	Freeholder, Burley	Charles Young	Freeholder, Burley

—— William Cookman, Commoner, Burley ——

—— Edwin R.J. Wigram, Commoner, Burley ——

N<sup>o</sup> 5.Similar Petition to No 1.

William Davies	Manor Farm Cadnam	John Lovell	
William Durham	Whitmarsh Farm	George Light	James Farm, Winsor
George Emery	Scammells Farm	George Rogers	Pollards Moor Farm
Mary Catherine Osman	Netley Marsh, Eling	Joseph Cane	Netley Farm, Totton
Robert Broomfield	Netley Marsh	George Light	Woodlands
William Butt	Westwood Farm, Eling	John Ashley	Winsor
Frederick Barnes	Netley Marsh Eling	William Dunning	Bartley
Edward Dunnings	Bartley	George Newman	Bartley
Charles Humphry	Bartley	George Gailor	Bartley
James Newman	Bartley	Joseph Stainer	Bartley
Henry Dunnings	Bartley	David Meader	Bartley
Charles Andrews	Barney Hayes Farm	William Thompson	Bartley
Henry Rebbeck	Kents Farm, Winsor	George Moody	Whitchers Farm, Winsor
Mark Elford	Lanesbridge Fm, Woodlands	Thomas Wilkins	Woodlands.
William Hinvest	Woodlands	John Whetren	Newbridge, Eling.

William Grove	Bartley	George Kent	Minstead.
Charles Cull	Minstead	Isaac Dunnings	Bartley.
William Purkess	Minstead	John Broomfield	Minstead Mill.
George Stares	Minstead	Sarah Jane Gain	Minstead.
John Kimish	Malt House Farm, Winsor	James Judd	Winsor.
Levi Dunning	Bartley	Silas Martin	Lyndhurst.
William Gray	Bartley	Mary Dunnings	Bartley.
Walter Stride	Sillences Farm, Bartley	Jerry Dunnings	Woodlands
Joseph Henry Stride	Bartley	Walter Curtis	
George Dunnings	Bartley	Charles Lovel	Cadnam
James Taylor	Newlands Winsor	Richard Taylor	Witchers Farm, Winsor.
	—— Joseph Hunt, Money Hill Farm, Winsor. ——		

[p.394]

N<sup>o</sup> 6.

Similar Petition to N<sup>o</sup> 1.

Abigail Hood	Hamptworth	Charles Hood	Hamptworth
Charles King	Hamptworth	Joseph Dibden	Hamptworth
William Hatch	Hamptworth	James Grayer	Hamptworth
Josiah King	Hamptworth	John Grayer	Hamptworth
William Rawlins	No Mans Land	Noah Dibden	No Mans Land
John Bailey	No Mans Land	George Mills	No Mans Land
Charles Whitehorne	No Mans Land	Harry Dibden	No Mans Land
Peter Hatch	No Mans Land	Jno Robt Giddings	No Mans Land
Asher Winter	No Mans Land	Samuel Dibden	No Mans Land
Henry Cordery	Hamptworth	Arthur Dibden	No Mans Land
Isaaca Hatch	No Mans Land	Louisa Hatch	No Mans Land
Henry King	No Mans Land	George Dibden	No Mans Land
James Dibden	Hamptworth	Robert Dibden	Hamptworth

N<sup>o</sup> 7.

Similar Petition to N<sup>o</sup> 1.

George Henry King	Manor Farm, Hamptworth	George Moody	Bohemia, Redlynch
W. Eyre Mitcham	Newhouse, N <sup>r</sup> Salisbury	James Plastkett	Pensworth Farm, Downton
George Cozier	Ceskford Farm, Downton	John Hardiman	New House Farm, Downton
John Taunton	Downton, N <sup>r</sup> Salisbury	Albert Snelgrove	Redlynch, N <sup>r</sup> Salisbury
Mark Bryant	Woodfalls, Downton	William Chalk	Woodfalls, Downton
William Green	Woodfalls, Downton	Frederick Mitchell	Woodfalls, Downton
George Batten	Woodfalls, Downton	Ambrose Shelley	Redlynch, N <sup>r</sup> Salisbury
William Plaskett	Redlynch	W <sup>m</sup> Taunton	Redlynch, Downton
S.C. Lumsden	Barford Parks Fm, Downton	John R. Taunton	Standlynch, Salisbury
John Read	New Court Fm, Downton	Paul Snelgrove	Downton
	—— George Batchelor, New Inn, Downton ——		

N° 8.Similar Petition to N° 1.

George Henbest	Ashurst Bridge	John Beard	Ashurst Bridge
Francis Willengen	Ashurst Bridge	Richard Terry	Ashurst Bridge
Jane Crook	Housdown	Philip Swinden	Housdown
Thomas Dawkins	Housdown	William Charles Lowe	Housdown
Thomas Penney	Housdown	George Crook	Eling
John Playes	Eling	John W. Smith	Eling
Henry Browning	Marchwood Farm, Eling	James Philpott	Tomlins Farm, Marchwood
Mark Payne	Parkes Farm, Marchwood	Henry Freebody	Poplar Cottage
John S. Eldridge	Marchwood Green Farm	Edwin John Hinwood	Blacksmith, Marchwood
William Gulliver	Yeoman, Dibden	Thomas Bundy	Dibden Cottage, Carpenter
Sarah Ann Prince	Home Farm, Dibden	Charlotte Hart	Clay Pits Farm, Dibden
Thomas Webb	Dibden Bottom Farm	Maria Philpott	Mullins Farm, Dibden
Francis Senior	Bakers Farm, Dibden	Richard Pearce Ford	Mousehole Farm, Dibden
William Welland	Hythe	Edward Bray	Hythe
George Bray	Hythe	Frederick Sweeting	Langdown Brewery, Hythe
Jesse Waterman	Ippers Bridge	Frederick King	Bulles Bridges
John Godfrey	Frost Lane Farm, Hythe	David Hawkworth	Frost Lane, Hythe
J.T. Rojet	Butts Ash Farm, Hythe	Harry White	Hardley, Hythe
M <sup>rs</sup> Mintrim	Hardley, Hythe	John Foss	Roughdown
John Musselwhit	Roughdown Farm	Joseph Musselwhit	Hardley Green, Fawley
Thomas Burnett	Rowdown, Fawley	Philip Tillyer	Rowdown
George Blow	Rowdown	Albert Musselwhite	Rowdown
Charles N. Philpott	Manor Farm, Dibden	Peter Kingham	White Horse Inn, Marchwood
	—— Morris Rider, Marchwood ——		

N° 9.Similar Petition to N° 1.

W. Andrews	Fritham, Hants	Frank Reeves	Fritham, Hants
Stars	Fritham, Hants	Frederick Broomfield	Fritham, Hants
James Brockway	Fritham, Hants	Henry Taylor	Fritham
Azor Page	Fritham, Hants	Harry Smith	Fritham, Hants
	—— William Noyce, Fritham, Hants ——		

N° 10.Similar Petition to N° 1.

Arthur Cooper	Bramshaw	William Weeks	Bramshaw
William Scovell	Bramshaw	Thomas Dibden	Bramshaw
Edwin Fry	Bramshaw	Dan Winter	Bramshaw
Henry Hatch	“	George Cordery	Bramshaw
Henry Davies	Bramshaw	Robert Fielder	Post Office, Bramshaw
Moses Mills	Bramshaw	Charles Young	”

Robert Hill	“	W. Guterage	Bramshaw
J. Loader	Bramshaw	E. Bassett	Bramshaw
Robert Whitehorn	Stoney Cross	Frank Phillips	Stoney Cross
Ann Soffe	Stoney Cross	Charles Ganlen	Stoney Cross
Sarah Soffe	Stoney Cross	Joseph Lawford	Cadnam, Totton
George Egerton	Cadnam, Hants	Jude Bradford	Cadnam, Totton

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Col. Esdaile addressed the Court and handed in the following protest viz:—

Against a case being submitted to Counsel as to the power of the Crown to plant Trees in the open Forest as being an extravagant and useless expenditure of the Commoners money because in 1868 the opinion of the Counsel of the greatest eminence at that time namely M<sup>r</sup> Mellish Q.C. and M<sup>r</sup> Kingdon Q.C. was taken upon that express point and because the opinion given upon the point is as follows:—

“We are of opinion that the Crown has a right in respect to the Forestal rights a right of soil reserved to it by the 7<sup>th</sup> section of the Deer Removal Act 1851 to plant Fir or any other trees in the open Forest.”

At the request of the Court M<sup>r</sup> Dart undertook to go through the draft Case before the next meeting and settle it in such form as he considered it should assume when laid before Counsel.

[p.397]

The Clerk presented two reports from the Agisters as follows:—

(Copy)

To the Official Verderer, and Verderers of the New Forest.

We beg humbly to submit for your consideration the extra work thrown upon us by the passing of the Two Swine Fever Orders of last year, which obliged our being daily on the watch to see the health of the pigs in the Forest, and that no diseased pigs were brought into it. We humbly ask for an extra Grant of Ten pounds or such other sum as you may think fit to give each of us in respect of this extra work.

We remain, Sir,

Your obedient Servants

Charles Newbolt  
Charles Every  
Alfred Chandler  
John Moody.

Crown Tenants Cattle.

We would beg to submit to the Court the impossibility of rightly carrying out the work of marking cattle unless the Cattle of the Crown Tenants are marked so that all Cattle in the Forest may be known.

Charles Newbolt  
Charles Every  
Alfred Chandler  
John Moody.

On the latter one the Official Verderer stated that he had seen M<sup>r</sup> Cully [*sic*] Her Majesty's Commissioner in charge of the New Forest on the subject matter thereof and he would make enquiries thereon with a view to assisting the Verderers in carrying out their provisions for marking cattle in the Forest.

On the former one, it was resolved to make an extra grant of Five guineas to each of the Agisters in respect of the extra work referred to therein.

[p.398]

The Official Verderer being obliged to leave the Court, it was resolved that Sir Henry Charles Paulet Bart be chosen Chairman in his absence.

The Clerk was directed to write to M<sup>r</sup> Gorst, Solicitor to the Woods and Forests to ascertain what course the Crown intended to pursue with reference to the proposal of the South Western Railway Company as mentioned by Col. Esdaile to diver the Highway in connection with their new Bournemouth Direct Line.

On the question of the annual burning of part of the Forest, the Agisters were directed to go through their Districts and report to the Clerk what portions thereof would be benefitted by Burning.

The Clerk was directed as soon as he had these Reports to communicate with any Verderer whose District the same might affect to ascertain his views before communicating with the Deputy Surveyor on the subject.

The Agister Chandler reported that John Phillips of Beaulieu Rails had a Grey Stallion which he was anxious to turn into the Forest but which had been complained of by the Commoners. He was ordered to take it to Lord Henry Scott for inspection.

The Agisters paid over the following sums:—

John Moody (Marking Commoners Cattle)	£3	10	6
Charles Newbolt (D <sup>o</sup> )	£1	17	6
Alfred Chandler (D <sup>o</sup> )		7	6
D <sup>o</sup> (Pannage)		5	4

This concluded the business of the Court.

x<sup>d</sup>

[signed] *H:C: Paulet. Verd. N: Forest*



[p.399]

<Pages 400 to 403 taken as pattern for new book. Drake Driver & Leaver

7 April 1885.

[signed] *H.C. Paulet*>

At a Court of Swainmote and Attachment held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the fourth day of May 1885.

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Present.

Sir Henry Charles Paulet Baronet.	}	
George Edward Briscoe Eyre Esquire.	}	
Lieut. Col. William Clement Drake Esdaile.	}	
Joseph Henry Dart Esquire.	}	Verderers
The Lord Henry Scott.	}	
William Gascoigne Roy Esquire.	}	

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The Court was opened with the usual Proclamation by the Crier.

It was resolved that Sir Henry Charles Paulet Bart. be chosen Chairman of the Court in the absence of the Official Verderer.

The Minutes of the last Meeting were read and confirmed.

The Honorable Gerald William Lascelles Deputy Surveyor of the New Forest attended the Court and reported that numerous felonious fires of Gorse, Heath and Furze had occurred of late and were constantly occurring and that very serious damage was caused thereby.

He made application to the Court for the appointment of seventeen Forest Keepers and Underkeepers as Special Constables in pursuance of 1 and 2 William IV Cap. 41 for the purpose of the prevention of these Acts of Felony and the detection and apprehension if possible of the offenders and made deposition [p.404] in the necessary form of affidavit according to the said Act as follows:—

New Forest in the County of Southampton – I Gerald William Lascelles of Lyndhurst in the New Forest in the County of Southampton Deputy Surveyor of the said New Forest upon my oath say:—

That on the twentieth and twenty sixth days of March and one [*sic*] the fourth fifth fifteenth and twentieth days of April one thousand eight hundred and eighty five a series of felonious acts have been committed in various parts of the said New Forest by some person or persons unknown whereby very serious injury might have arisen to the Plantations and other property of Her Majesty situate in the said New Forest and that I apprehend that such offences will continue to be repeated.

That the ordinary Constables for preserving the peace in the several Parishes and Townships within the perambulation of the said New Forest are not in my opinion sufficient in number

for the detection and discovery of the offender or offenders for the preservation of the peace and for the security of the property of Her said Majesty within the said New Forest.

Sworn by the said Gerald William Lascelles before us at a Court }  
Court of Swainmote holden at Lyndhurst in the New Forest in the } Gerald W. Lascelles.  
County of Southampton this 4<sup>th</sup> day of May 1885 }

H.C. Paulet Verd' N: Forest.  
W. Clement D. Esdaile, Verderer.  
Henry J. Scott, Verderer.

The Verderers thereupon determined that M<sup>r</sup> Lascelles application should be granted and the following Forest officers being in attendance were accordingly sworn in, in the form prescribed by 1 and 2 William the IV Cap. 41 as Special Constables to act within the limits of the New Forest for Twelve months next ensuing.

[p.405]

George Bumstead, Ashley Lodge, Fordingbridge, Keeper.  
Frank Harrington, Brook, Lyndhurst, Underkeeper.  
Henry Smith, Holly Hatch Cottage, Broomy Township, Ringwood, Underkeeper.  
Arthur Parnell, Fritham, Lyndhurst, Underkeeper.  
John Wilkins, Ironshill Lodge, Lyndhurst, Keeper.  
George Gale Senior, Church Place Cottage, Totton, Underkeeper.  
Joseph Fielder, Bramshaw, Lyndhurst, Underkeeper.  
James Coles, Wilverley Lodge, Wootton, Lymington, Keeper.  
Samuel Gulliver, Burley, Ringwood, Underkeeper.  
John Slightam, Holmsley, Ringwood, Underkeeper.  
John Bumstead, Denny Lodge, Keeper.  
Joseph Tuck, New Copse Cottage, Brockenhurst, Underkeeper.  
Charles Thorn, Aldridge Hill Cottage, Rhinefield Township, Underkeeper.  
George Gale Junior, Kings Hat Cottage, Near Beaulieu, Underkeeper.  
Francis Lane, Boldrewood, Lyndhurst, Keeper.  
Charles Bessant, Norley Wood, Boldre, Underkeeper.  
Charles Hirst, Linford Cottage, Near Ringwood, Underkeeper.

The Clerk was directed to give the necessary notices to the Home Office and Lord Lieutenant of the County of their appointment.

M<sup>r</sup> Lascelles called the attention of the Court to the frequency of fires at Hill Top and the neighbourhood and explained that the fires in other parts of the Forest had almost ceased and that he was therefore led to the opinion that a regular gang of Incendiaries existed in the neighbourhood above referred to and suggested that Captain Forrest should be addressed on the subject with a view to the capture and punishment of the members of the gang.

Superintendent White being asked to do, explained that several Policemen were specially told off for the work of prevention of Fires in the Forest and the steps he had taken in the neighbourhood in question to try and detect the persons setting fire to the Forest.

The Clerk was directed to write Captain Forrest on the subject as suggested by M<sup>r</sup> Lascelles.

M<sup>r</sup> Lascelles produced and read the following letter:–

(Copy)

[p.406]

Bull Hill.

May 2<sup>nd</sup> /85.

Gentlemen,

I beg to inform you that William Thorn living close to Jordans Farm is frequently giving his Turf away to a woman whom he visits, during the summer months when her Husband is at Sea, also where there is no rights in the months of August last I saw him wheel 7 barrows of Turf to her house, not in the day but early in the morning and from 7 o'clock and after in the evening. Also my Husband spoke to him about it, he replied, I shall do as I like with my own. I can assure you gentlemen there is quite a stir among the neighbours about it, for it this is not put a stop to, we can all claim turf.

Your ob<sup>t</sup> Serv<sup>t</sup>

J. Savage.

He called the Keeper of Denny Walk, who presented William Thorn for disposing of the Turf attached to his premises and not using the same upon his premises.

The Verderers directed the presentation to be taken and directed the Clerk to look into the matter and report thereon.

M<sup>r</sup> Lascelles expressed his desire on the part of the Crown to leave the matter in the hands of the Court to deal with it.

The Court then proceeded to hear the cases presented for Trial as follows:–

Alfred Chandler v George Kitcher – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of common did cause or allow a certain Animal to wit a Donkey to depasture in the Forest without having previously obtained a License from the Verderers for such Animal to depasture in the Forest contrary to the Bye Laws of the said New Forest.

Defendant did not appear.

[p.407]

George James, sworn. I am a Police Constable stationed at Beaulieu. On the 30<sup>th</sup> April last I served the Defendant personally with a copy of the summons. I read it through and explained it to him.

Alfred Chandler, sworn. I am an Agister of the New Forest. On the 26<sup>th</sup> April last I was at Hill Top Forest. I saw a Donkey belonging to the Defendant. It was depasturing in the Forest. I saw Defendant and called his attention to it. He said he did not know he was doing any harm. I told him he had no license for the Donkey. He has a license for a Cow and his acreage only covers one animal. I went to Hill Top in consequence of complaints I had received. I had previously warned the Defendant. I saw the Donkey last year in the Forest but it was tied on to a tree then.

Defendant's wife was heard in explanation.

Defendant was fined 2/6 and costs 12/6 which was paid.

Alfred Chandler v Benjamin Nutbeam – Defendant was charged with a similar offence.

George James sworn. I am a Police Constable stationed at Beaulieu. I served a copy of the summons on the Defendant on the first of May last. I read it through and explained it to him. He was ill and I believe he is too ill to attend today.

Alfred Chandler, sworn:– I am an Agister of the New Forest. I saw a Donkey belonging to Defendant depasturing in the Forest at Hill Top on the 26<sup>th</sup> April last. I know it was his. He has no license. I have warned him more than once this year.

Defendant was fined 2/6 and costs 12/6 and an order made for payment.

Alfred Chandler v Charles Kitcher – Defendant was charged with a similar offence on the 16<sup>th</sup> March.

Alfred Chandler v Charles Kitcher – Defendant was charged with a similar offence on the 24<sup>th</sup> March.

[p.408]

George James, sworn:– I am a Police Constable stationed at Beaulieu. I served a copy of the two summonses on the 20<sup>th</sup> of April on the Defendant personally. I read them through and explained them to him.

Alfred Chandler sworn. I am an Agister of the New Forest. I was in the Forest on the 16<sup>th</sup> of March at Beaulieu Rails. I saw a Donkey belonging to Defendant. I know it was his. I called his wife's attention to it and she took it out of the Forest. The Defendant has no license. I have warned him before during the year. He had a license two years ago. I was also in the Forest on the 24<sup>th</sup> March. I saw another Donkey belonging to the Defendant, a different one from that in the last case. I know it is his as I have seen his wife working with it.

Defendant's wife was heard.

Defendant was fined 5/- and costs 12/6 in the first case and given a month to pay in.

The judgment in the second case was adjourned to see if the Fine and costs in the first case were duly paid and if paid it was ordered to be withdrawn.

On the motion of Sir Henry Charles Paulet Bart. It was resolved that the Clerk be empowered to grant a new license to any non-commoner in such case as he may think deserving of receiving it and report the name extent of acreage and amount and description of stock for which such License has been given at the next Court.

The Clerk was directed to send a copy of the letter he had addressed to M<sup>r</sup> Coxwell to the press for publication relative to the encampment of Gipsies on the Waste of the Forest.

Lord Henry Scott reported that he had passed the Grey Stallion which he was requested to look at, at the last Court as there was no other Animal in the neighbourhood but he did not consider it a useful or good stallion.

The Clerk read a letter from M<sup>r</sup> Gorst and the clause therein referred to.

[p.409]

(Copy Clause)

London and South Western Railway (Various Powers) Bill 1885.

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Suggested Amendments.

Page 3 omit lines 10 to 16 and insert:—

And whereas it is expedient to amend the provisions contained in the South Western (Bournemouth &<sup>c</sup>) Act 1883 (hereinafter referred to as “the Act of 1883” with reference to the rights of the Commoners upon and over any open lands of the New Forest which may be required for the purposes of the Act of 1883”

Page 16 omit Sec. 28 and insert instead:—

28. Notwithstanding the payment to the Verderers of the New Forest in pursuance of Sec. 38 of the Act of 1883 of any compensation in respect of the rights of the Commoners of the New Forest upon or over any of the open lands of the New Forest required for the purposes of the Act of 1883 such rights shall in the event of and immediately upon the expiration or sooner determination (by reentry [*sic*] under any power of reentry [*sic*] that may be contained therein but not otherwise) of any Lease of the open land required as aforesaid that may be granted by the Commissioners of Her Majesty’s Woods Forests and Land Revenues or either of them in pursuance of Sec. 39 of the Act of 1883 revive and be capable of being again enjoyed and exercised upon and over such land by the persons (if any) who may then be entitled to enjoy and exercise common rights upon or over the open lands of the New Forest.

It was resolved to accept the clause.

M<sup>r</sup> Roy handed in the following protest against the correctness of the minute on this subject passed at the last Court viz.:—

That he had stated that his opinion was that the compensation for the common rights in the Railway Land should amount to several times the amount of that payable for the soil and not merely be equal thereto.

[p.410]

The Clerk produced and read a letter from M<sup>r</sup> Culley to the Official Verderer and the proposed communication to the Chief Commissioner of Woods and Forests thereon.

It was resolved to discuss the latter letter paragraph by paragraph. Paragraph 1 and 2 were agreed to.

It was resolved to omit paragraph 3 as to Tree planting.

Lord Henry Scott moved that the subject be not mentioned in the letter.

Colonel Esdaile seconded this motion.

Sir Henry Charles Paulet moved a new clause to be substituted for the third which was agreed to be omitted.

M<sup>r</sup> Roy seconded the amendment.

The amendment was put and carried by the casting vote of the Chairman.

It was resolved to adopt the rest of the communication except the last Clause.

The letter as settled is as follows:—

(Copy)

Clerk's Office,  
Romsey, Hampshire.  
May 15<sup>th</sup> 1885.

Sir,

I am directed by the Verderers of the New Forest to communicate with you on the following subjects in order that some mutual agreement with reference to the same may if possible be arrived at which shall at once be acceptable in the interests of the Crown, and of the Verderers as representing the Commoners of the New Forest.

The first subject is that of the right of user of the Forest Pounds. The Verderers consider such right of user involved in their Statutory right to make drifts but without entering upon the question of strict legal rights, would not be unwilling in consideration of an unfettered user thereof to undertake the repair of all the Forest Pounds on the open wastes of the Forest and also to [p.411] enter into an arrangement, the terms whereof shall be mutually agreed upon, as to the user of the Pounds attached to the Crown Lodges.

The second subject is that of Tree planting. Though the advisers of the Crown and the dwellers in the New Forest may be to a very great extent interested in the maintenance of the picturesque character of the New Forest the Verderers do not consider themselves in any measure justified in concurring in any plan as to planting in the open wastes.

And lastly with reference to the Animals belonging to the Crown Tenants in the Forest. The Verderers would be willing to arrange that Animals belonging to Crown tenants which the owner or owners shall desire to depasture in the Forest should yearly before being turned out, be marked by one of the Agisters at his or their premises, with the mark approved by the Verderers, free of expense to the owner or owners thereof. The advisability of such an arrangement would appear from the fact that at the present time if a drift were ordered by the Verderers the animals of Crown Tenants would necessarily be driven and pounded as they would be unmarked and no means would exist of knowing to whom they belonged.

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

Geo. Culley Esq<sup>e</sup>  
Office of Woods &<sup>c</sup>

A discussion arose on the proposed case to be laid before Counsel as to Tree planting in the open wastes of the Forest.

M<sup>r</sup> Eyre complained that he had not seen the Case since M<sup>r</sup> Dart had settled it, but after a vote of thanks had [p.412] been given to M<sup>r</sup> Dart. It was resolved that the case as settled by M<sup>r</sup> Dart be sent at once to Counsel (M<sup>r</sup> Fisher).

On the question of burning parts of the Forest. The Clerk read his letter to M<sup>r</sup> Lascelles and the reply thereto.

(Copy same.)

Clerks Office,  
Romsey, Hampshire.  
30<sup>th</sup> March 1885

Dear Sir,

I am requested to submit to you following names of places for your approval which in the opinion of the Verderers would benefit the pasturage of the Forest by being burnt over.

Near Redrice Hill. A valley between Wilverley post and Holmsley Station. About 8 acres near Whittenpond. Between Matley Wood and the Railway. A patch of heath at Stare Head and Deepmore. A patch of heath at Green Bottom by Norley Enclosure in Lady Cross Walk. A patch of heath at Whitefield Moor near the Rifle Butts in Rhinefield Walk. Mudmoor Bottom in Ashley Walk. Rakes Brake in Eyeworth Walk and Broomy Bottoms in Broomy Walk. A patch of heath between Hedge Corner and Irons Hill Enclosure and a patch of heath very rough between Boldre Ford and Fletchers Enclosure, both sides of the River.

I am to submit these places in accordance with the arrangement made at a Court held on the 4<sup>th</sup> April 1881.

Yours faithfully  
G.F.W. Mortimer

The Hon Gerald Lascelles  
Queen's House,  
Lyndhurst.

[p.413]

Queen's House, Lyndhurst  
March 31<sup>st</sup> /85.

Dear Sir,

I have already burned some places in the Forest at the request of certain commoners who were willing to attend and give the necessary assistance to prevent the fire from spreading, and they appear to coincide nearly with some of the spots indicated by your letter.

I should be much obliged if in future I could receive notice of any places desired to be burnt early in March as it is now getting on to the nesting season when it is hardly fair to expect the Crown to encourage burning.

I will endeavour to have those places which can safely be burnt finished before it is too late, but there are two or three which I do not think it will be desirable, in Crown interests, and having consideration for the scenery of the Forest, to have burnt at all.

I am,

Yours very truly

Gerald Lascelles.

G.F.W. Mortimer Esq<sup>re</sup>  
Clerk to the Verderers.  
Romsey.

On the motion of Lord Henry Scott. It was resolved that a Committee be appointed to consider the fees now charged for marking Commoners Cattle, Horses, Donkeys, Sheep and Pannage of Pigs with a view to their reduction. The Committee to consist of Lord Henry Scott, Lieutenant Colonel Esdaile and M<sup>r</sup> W.G. Roy and to report to the Court.

The Clerk produced the Financial Statement and reported the investment of £194 in reduced £3 per cents at 97 producing £200, as ordered by the Court.

(Copy)

[p.414]

1885		£	s	D	1885	£	s	D		
1885	By balance from last a/c	469	4	6	1885					
March	” Cash received of non-commrs (by clerk) for Licenses to this date viz:—				March	To Lordan, Printing & <sup>c</sup>	2	2	6	
	Licenses	1	12	6		” amounts granted by Court on the 9 <sup>th</sup> instant to Agisters for special services during 1884 viz:—				
	Head Money	2	7	6		Charles Newbolt	5	5	0	
	Marking fees	1	0	6		Charles Every	5	5	0	
	” Cash of Agisters at Court on the 9 <sup>th</sup> instant for marking Commoners Cattle viz:—	5	0	6		Alfred Chandler	5	5	0	
	John Moody	3	10	6		John Moody	5	5	0	
	Charles Newbolt	1	17	6		” Bennet Brothers, Advertising & <sup>c</sup>	21	0	0	
	Alfred Chandler	7	6			” Bedford, Draft Minute Book & <sup>c</sup>	2	14	9	
	” Cash of Charles Newbolt (Agister) at Court on the 9 <sup>th</sup> instant for Pannage	5	15	6		” M <sup>r</sup> Mortimer, ¼ <sup>s</sup> Salary to 25 <sup>th</sup> inst.	37	10	0	
	” Dividends on £3800 Reduced 3 per cents	55	6	9		” Agisters ¼ <sup>s</sup> Salary to 25 <sup>th</sup> inst. viz <sup>l</sup>				
						Charles Newbolt	17	10	0	
						Charles Every	17	10	0	
						Alfred Chandler	17	10	0	
						John Moody	17	10	0	
						” G. Wheeler Junior for oak chest	70	0	0	
						” Wheeler & Co (Brokers) to purchase £200 Reduced 3 per cents (at 97) and costs	1	12	6	
						Balance in hand	194	5	0	
		£	535	12	7		206	2	8	
							£	535	12	7



[p.415]

On the question of charging sixpence per 1000 for Turves being raised by the Agisters. It was resolved to refer the matter to Lord Henry Scotts Committee for consideration, the Agisters being told not to enforce the payment this year.

The Agisters attended and paid over the following amounts viz:—

Charles Newbolt	£ 5 9 6
Charles Evely	£68 16 6
Alfred Chandler	£30 7 10
John Moody	£17 4 0

This concluded the business of the Court.

x<sup>d</sup>

[signed] *H.C. Paulet Verd*

*N.F.*

[p.416]

At a Court of Swainmote and Attachment held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the 13<sup>th</sup> day of July 1885.

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Present.

Sir Henry Charles Paulet Baronet.  
George Edward Briscoe Eyre Esquire.  
Lieut. Colonel William Clement Drake Esdaile.  
Joseph Henry Dart Esquire.  
William Gascoigne Roy Esquire.

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The Court was opened with the usual proclamation by the Crier.

It was resolved that Sir Henry Charles Paulet Bart. be chosen Chairman of the Court in the absence of the Official Verderer.

The minutes of the last meeting were read and confirmed.

Alfred Chandler v Joseph Foss – Defendant was charged with causing or allowing on the 29<sup>th</sup> of May 1885 to depasture in the Forest certain commonable animals to wit Four horned Cattle bearing or distinguished by a mark devised by him by way of copy or in imitation of a mark for the time being used by an Agister of the New Forest contrary to the Bye Laws of the New Forest.

Defendant pleaded Guilty and was fined £2 and 9/8 costs.

The Fine and Costs were paid.

Charles Evemy v James Davis – Defendant was charged for that he being a Commoner of the New Forest did allow a certain animal to wit a horse to depasture in the Forest on the 30<sup>th</sup> of June 1885 without having caused such animal to be marked by an Agister of the New Forest contrary [p.417] to the Bye Laws of the New Forest.

Defendant did not appear.

Lawrence McCall. I am a Police Constable stationed at Brockenhurst. On the 20<sup>th</sup> of June 1885, I served a copy of the summons in this case on the Deft. personally.

Charles Evemy sworn. I am an Agister of the New Forest. I saw a horse belonging to the Defendant in the New Forest on the 30<sup>th</sup> of last month. It was not marked and had not been paid for. I had seen the horse several times previously and had seen the Defendant and asked him to have it marked. He said he would get it in when he was ready to get his hay in and would then have it marked. He however hired another horse to get in his hay when the one in question was still in the Forest. He tendered me the money for marking the horse but I refused it as I had not marked it. The second time I spoke to him about the horse he said it had broken out of his field.

Defendant was fined £1 and 13/3 costs. In default of payment distress in seven days.

The fine and costs were paid.

Charles Every v Alexander Toms – Charged with a similar offence in respect of a Mare on the nineteenth of May.

Lawrence McCall. I am a Police Constable stationed at Brockenhurst. On the 7<sup>th</sup> of this month I left a copy of the summons in this case at Defendants residence with his wife.

Charles Every sworn. I am an Agister of the New Forest. On the 19<sup>th</sup> of May with the assistance of the other Agisters I drove the Mare to the Pound. She was unmarked and was owned by the Defendant on the 21<sup>st</sup> May. He paid the poundage 10/- and at this request I marked her and he paid the marking fees 1/6. I had seen the animal several times before in the Forest.

Defendant was fined in the mitigated penalty of 10/- and 15/- costs, as he had paid 10/- poundage. The 10/-poundage was paid over by the Agister Every less 3/- the Haywards fees.

The Verderer proceeded next to consider the presentment made by the Keeper of Denny Walk against William Thorne at the last Court for disposing of the Turf allotted to his holding and not consuming the [p.418] same on his premises.

The Clerk produced the only Case of a similar kind he could find recorded on the minutes of the Court viz.:- At a Court held on the 24<sup>th</sup> day of July 1875 and read the minute in question.

The Deputy Surveyor being in attendance explained that he had written to the Office of Woods and Forests as soon as he had heard from the Clerk drawing his attention to the minute in question and had seen a copy of M<sup>r</sup> Watson's letter referred to therein.

He further explained his views on the matter fully and trusted the Court would deal with the offence notwithstanding M<sup>r</sup> Watson's opinion.

It was resolved to adjourn the consideration of the matter to the next Court, M<sup>r</sup> Roy undertaking to look fully into the legal requirements of the subject in the meantime.

It was resolved that the Office of Woods and Forests be informed in reference to the presentment in question that the Court is prepared to concur with the Crown in the issue of a warning notice on the subject and the Clerk be instructed accordingly.

The Clerk brought under the attention of the Court the case of Benjamin Nutbeam who was fined at the last Court for breach of Bye Law N<sup>o</sup> 4 and informed the Court that Sup<sup>r</sup> White had stated that Nutbeam was dying and was in a very bad circumstances being in receipt of parish relief and request them to consider whether they would not remit part of his costs.

The Court considered the matter and decided to remit 10/- part of the costs.

The Clerk produced the Case laid before M<sup>r</sup> Fisher and his opinion which was read and ordered to be entered on the minutes.

(Copy same)

Case for the Opinion of Counsel.

Counsel is requested to advise the Verderers of the New Forest on the following Case:-

The Soil of the open wastes of the New Forest is the Freehold of the Crown subject as hereinafter mentioned and the Forest is thus [p.419] defined by 40 and 41 Victoria Chapter 121 section 3 to which Act Counsels attention is most particularly directed.

“The Forest means for the purposes of this Act the unenclosed lands whereof Her Majesty is seised in her domain as of fee subject to the rights of Commoners therein and thereover situate within the boundaries of the New Forest in the County of Southampton including all such lands as may at the commencement of this Act be enclosed in pursuance of any commission issued in pursuance of the Act of 1698 the Act of 1808 and the Act of 1851 or any of such Acts.”

The acreage coming within the above definition includes above 65000 acres of which 63,500 acres or thereabouts are at present unenclosed and the number of persons having rights of common of pasture over the said 63,500 acres is very numerous probably 1000 or thereabouts.

The rights of the Commoners referred to in the above section as will be seen on reference to the Register of Commoners of 1854 were defined and registered on or about the 5<sup>th</sup> November 1857 in pursuance of the provisions of 17 and 18 Vic. Cap. 49 and of the Acts amending the same and consist of “Rights of Common of Pasturage” “Common of Turbary” “Common of Estovers” and certain rights of “Pannage” and to dig gravel sand and marl and cut fern, heath and furze.

The management of the rights of the Commoners in and over the unenclosed portion of the said Forest is now by the 40 and 41 Vic. Cap. 121 above referred to vested in an Official Verderer and six Elective Verderers each of whom as a qualification for the office is required to hold not less than 75 acres of land conferring rights of Common.

The present Official Verderer is the Right Honorable George Sclater Booth M.P. representing the Crown.

The Elective Verderers are:—

Sir Henry Charles Paulet Baronet.

George Edward Briscoe Eyre Esquire.

William Clement Drake Esdaile Esquire.

Joseph Henry Dart Esquire

Lord Henry Scott.

William Gascoigne Roy Esquire, who represent or protect the interests of the great body of Commoners of whom they themselves are members.

The management of the Forest in all matters exclusively [p.420] appertaining to the Crown and of all enclosures made in pursuance of the Acts which will now be referred to is vested in the Commissioners of Woods and Forests and they have a large staff under them.

Counsels attention is now directed to the Acts above referred to. As to the Act of 1698 viz:— 9 and 10 William III Cap 36 intituled “An Act for the increase and preservation of Timber in the New Forest in the County of Southampton”. By the preamble of this Act it is recited as follows:—

“Forasmuch as the Woods and Timbers not only in the said New Forest but in this Kingdom in General hath of late years been much wasted and impaired and the said Forest that might be of great use and convenience for supply of His Majestys Royal Navy is in danger of being

destroyed &” Be it enacted & that 2000 acres part of the waste lands of the said New Forest shall be enclosed and kept in severalty for the growth and preservation of Timber for the supply of His Majesty’s Navy Royal &”.

Power is then given to enclose sever and improve within and out of the parts or places of the waste lands of the said New Forest the full quantity of 2000 acres and a commission is directed to certain persons directing them out of such part and places in the New Forest as shall be found or esteemed by the Commissioners to be most convenient to be enclosed and to be most apt and meet to produce wood and Timber for the future benefit of the Kingdom and which can be best spared from the Commons and Highways of the County to set out and enclose such 2000 acres in manner therein more particularly set forth.

Power is further given to enclose 200 acres annually for 20 years.

There is also the following clause:—

“3<sup>rd</sup>. And it is hereby further enacted and declared that at all times hereafter whensoever the Lords Commissioners of the Treasury Lord Treasurer of England or Chancellor of the Exchequer for the time being shall be satisfied and shall determine that the woods and trees which shall be grown on the said 2000 acres or any part thereof within the Inclosures which shall afterwards be made are past danger of browsing of Deer Cattle or other prejudice the same may be laid open and in common and the King may enclose the like number of acres for so much as is laid open free from all [p.421] manner of Common rights.

The next Act that it is necessary to call Counsels attention to, is the 39 and 40 George III Cap. 86 clause 19 whereby it is enacted that His Majesty may cause 400 acres of land to be enclosed for producing Hay for the Deer which shall be deemed part of the land authorized to be enclosed by the last mentioned Act of 9 and 10 William III and clauses 28 and 29.

Counsels attention is now called to 48 George III Cap 72 intituled An Act for the increase and preservation of Timber in Dean and the [*sic*] Forests. The preamble of which and clauses are founded on that and those of 9 and 10 William III and by which Act it is rendered lawful to enclose 6000 acres of the New Forest.

It is not necessary to go through the clause but Counsels attention is called to the object of the Act to obtain a supply of Timber for the “use of the Navy” and to the almost identical wording of the sections with those contained in the Act of William III.

This Act was continued by 51 George III Cap 94 and finally Counsels attention is drawn to 14 and 15 Vic. Cap. 76 intituled An Act to extinguish the right of the Crown to Deer in the Forest and to give compensation in lieu thereof and for other purposes relating to the Forest. By the preamble it is recited:—

“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 benefitted 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 hereinafter 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 III Chapter 36 and of the Act of Parliament of the 48<sup>th</sup> year of King George the III Chapter 72, or one of them Her Majesty is empowered to inclose and keep inclosed in severalty in her actual possession freed and discharged from all Rights of Common and from all manner of rights titles or pretences or privileges or [p.422] claims whatsoever such quantity of land in the said Forest as shall amount to 6000 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.”

And power is given to Her Majesty in lieu of Her right to keep Deer in the New Forest to inclose 10000 acres of waste Lands of the Forest in addition to the 6000 acres already inclosed under a Commission or Commissions from time to time to be granted by the Crown. Such inclosures to remain in severalty in the possession of the Crown freed from all rights of common and other rights and “shall be made and reputed a Nursery or Nursery's for Timber or Trees only.”

Prints of the above cited Acts accompany this case and it will be seen from a study of them that every acre of Inclosure for the purpose of planting Trees since 1698 has been made by virtue of an Act of Parliament and of a Commission granted under such Act and that the Commoners rights have been always recognized by the directions therein given to the Commoners. The acts of William and George clearly define their objects as being to obtain “a supply of Timber for the Navy” and that of Victoria as being to supply a Nursery or Nurseries for Timber or Trees only.

At the same time it will not be overlooked by Counsel that the general right of the Crown as owner of the Soil to plant trees in the open that is unprotected by enclosure assuming such right to have existed is not expressly interfered with by the above recited Acts or any of them the only right expressly dealt with is the right of Inclosure for the purpose of planting, a right the unlimited exercise of which is however destructive, *pro tanto* of the rights of Common.

In 1877 the Act of 40 and 41 Vic. Cap 121 a print of which accompanies was passed. Counsels attention is drawn to clauses 5, 6, 7 and 8 thereof dealing with the Crowns rights to inclose lands.

By this Act the right of Her Majesty to inclose any lands in the Forest for the [p.423] growth of Timber or Trees in pursuance of the above quoted Acts is to be exercised only on such lands as are at the date of the passing of the now reciting Act inclosed or as have previously to such date been inclosed by virtue of commissions issued in pursuance of 9 and 10 William III 48 George III or 14 and 15 Vic. or some of them and the whole quantity of lands under Inclosure is not to exceed 16000 acres.

By clause 8 it is enacted that subject to authorized enclosures the Forest is to be kept open and unenclosed.

By clause 12 it is enacted that nothing in the Act shall abridge or prejudicially affect any estate right title power claim or privileges of Her Majesty in over or to the Forest (except so far as it is by the Act provided in relation to the exercise of the right of inclosure).

By section 23, the powers of the Verderers are enumerated.

Much dissatisfaction has recently been and is felt and expressed by a large number of the Commoners at the action of the Crown and its officials in respect to the planting of Trees in the open parts of the Forests (that is in those parts over which the Crown has admittedly no rights of Inclosure under any of the Acts above referred to) and numerous petitions have been presented to the Court of Verderers soliciting their interference in protection of the alleged rights of the Commoners. Rights which it is the wish of the Verderers and (as regards the Elective Verderers) to their personal interests to maintain so far as lies in their power so to do.

Inquiries made by the Verderers (through their officers) have led them to the following conclusions which for the purposes of the present case may be taken to be facts viz':—

Many (about 1300) trees some of which are of a merely ornamental character and not such as will ever become timber nor such as are recognized in any of the Acts of Parliament above referred to as being such as ought to be preserved for the public benefit have been planted by the Crown in the open parts of the Forests and in many cases have been and are protected from injury by the Cattle of Commoners depasturing in the Forest by cages or small inclosures of bushes or thorns arranged round the individual trees, (as is usually done in the case of young trees which are planted in places where they would otherwise be exposed to the bite of Cattle.

This planting constitutes a practical and not a merely sentimental [p.424] grievance and, if perservered in, may prove destructive of the rights of the Commoners. Each tree so planted is an increasing evil, destroying and souring the herbage by the shadow of its branches, and exhausting the soil by its roots, both of which of course spread over an ever widening area as the tree continues to grow.

It is strongly pressed upon the Verderers that a course of action which would or might destroy *in toto* the rights which they are constituted by Parliament to protect cannot be within the saving clause in favor of the Crown contained in the New Forest Act of 1877. At the same time they are quite aware that there may be wrongs for which there are no available remedies.

It appears that a similar question arose in the year 1868 and a case was laid by the then Verderers before M<sup>r</sup> Mellish Q.C. (afterwards Lord Justice Mellish) and M<sup>r</sup> Kingdon Q.C. for their joint opinion, among other points not material to present case whether,

1<sup>st</sup> “Are the Commoners right in their construction of these Acts of Parliament and what are their remedies for any exercise of excessive powers by the Crown or any infringement of their rights?

2<sup>nd</sup> “Has the Crown the power under sections 3, 4 and 5 of the Deer Removal Act 1851 to plant trees of any kind, and to make the Inclosures authorised thereby “as a nursery for Timber and Trees only” with the primary object of sale, or only for the purposes required for the use of the Royal Navy? and can any Trees lawfully be planted, which are not Timber?

3<sup>rd</sup> “What meaning would now be attached to the words “may be best spared” and assuming the existing rights of Common of pasture and Turbary to be of such extent, that no land “may

be spared” for further Inclosures, can such Inclosures nevertheless be made under any of the before mentioned Acts?

4<sup>th</sup> “Has the Crown the right to devote large portions of the old Inclosures made under the Acts of W<sup>m</sup> 3<sup>rd</sup> and Geo. 3<sup>rd</sup> to the growth of Fir Trees exclusively?

5<sup>th</sup> “Has it the right to plant Fir Trees, in either old or new Inclosures to act as nurses for the younger oaks, and if so, should not such Firs be removed when the Inclosures are thrown open and what is the remedy of the Commoners, respecting the self sown Firs, coming from these Inclosures?

6<sup>th</sup> “Has the Crown any rights or power to sow or plant Fir or any other Trees in the open Forest to the manifest injury of the Commoners, and if not, what is the remedy of the Commoners?

[p.425]

7<sup>th</sup> Can the Crown be required to clear the underwood before throwing open an Inclosure and what, if any, is the remedy of the Commoner.

8<sup>th</sup> Has the Crown or their Tenants any rights to turn out into the Forest and thus claim common of pasture in respect of any portion of the Crown Freehold Lands? and if so to what extent?

And these gentlemen gave their opinion as follows:–

1<sup>st</sup> & 2<sup>nd</sup>. We are of opinion that the Crown has the power under sections 3, 4 and 5 of the Deer Removal Act 1851 to plant trees of any kind and to make the Inclosures authorised thereby as a nursery for timber and trees only with the primary object of sale and not simply for the use of the Royal Navy, and that trees may be lawfully so planted which are not timber, and we also think that this power of the Crown is not limited to the 10,000 acres authorised to be inclosed by that Act, but is by section 5 of that Act extended to any inclosures which may be made from time to time in lieu of inclosures made under the previous Acts and laid open to the Common.

3<sup>rd</sup>. We are of opinion that the Crown has the power to make the Inclosures authorised by the several Acts of Parliament, notwithstanding that the existing rights of common may be of such extent that no land can be conveniently spared for such Inclosures. The power given to the Crown to make the Inclosures is absolute, subject only to the discretion of Commissioners as to the precise locality of such Inclosures.

4<sup>th</sup>. We assume that the Fir Trees planted in portions of the old Inclosures made under the Acts of W<sup>m</sup> 3<sup>rd</sup> and George 3<sup>rd</sup> were planted with a view to the protection of the oak trees in the Inclosures, and we are of opinion that the Crown has a right to plant Fir Trees for this purpose.

5<sup>th</sup>. We are of opinion that the Crown has the right to plant Fir Trees in either old or new Inclosures to act as nurses to the young oaks, and that the Crown is not bound to remove such Fir Trees when the Inclosures are thrown open, and that the Commoners have no remedy in respect of the self sown Firs coming from such Inclosures.



6<sup>th</sup>. We are of opinion that the Crown has a right in respect of the forestal rights and right of soil reserved to it by the 7<sup>th</sup> sec. of the Deer Removal Act 1851 to plant Fir or any other Trees in the open Forest.

7<sup>th</sup>. We are of opinion that the Crown cannot be required to clear the underwood before throwing open an Inclosure.

8<sup>th</sup>. We are of opinion that as the rights of the Crown are not bound by an Act of Parliament unless expressly mentioned therein for that purpose the [p.426] 15<sup>th</sup> Section of the Deer Removal Act 1851 does not affect the right of the Crown in respect of the Crown freehold lands in the Forest, notwithstanding the power given to the Commissioners of Woods and Forests under sec. 28 of that Act to prefer any claim on behalf of the Crown, and notwithstanding that that power has not been exercised and we therefore think that the Crown still retains in respect of the Crown freehold lands in the Forest whatever right it was entitled to at the time of the passing of that Act.

In the year 18 [blank] (before the passing of the New Forest Act 1877) the same question arose and planting again commenced on the part of the Crown in the open parts of the Forest. It does not appear that any notice of this was taken by the then Verderers as a body, but a private representation was made by one of their number, (the late M<sup>r</sup> Henry Compton) to M<sup>r</sup> Cumberbatch and the Hon. James Howard (the then Officers of the Forest) as to the hardship of the practice and its alleged illegality on the part of the Crown, and in consequence of such representation the planting complained of was discontinued and has only been recently renewed. It does not however appear whether there was any acknowledgement of right on the part of the Officers of the Crown that the practice was illegal or a mere concession of what they felt to be a reasonable objection or in fact that they had any power to bind the Crown by acknowledgement or admission.

The Verderers with a view to the proper discharge of the duties of their office desire to be advised by Counsel:—

1. Whether the Crown has any right to plant Trees in the open wastes of the Forest.
2. Assuming such right whether it is general or restricted to any and if so to what extent.
3. Assuming such right whether the trees can be enclosed by Furze brakes and Thorn cages.
4. Assuming such right whether any restriction can be placed on the sort description or nature of the Trees planted.
5. What steps if any can the Verderers be advised to take to protect the interests of the Commoners in respect to the matters aforesaid?

#### Opinion.

In order to answer the 1<sup>st</sup> and 2<sup>nd</sup> questions it is necessary to consider what are the rights of the Forest commoners, and of the Crown in [p.427] its double character of owner of the soil and of the right of Forest.

The right of the Commoners upon the wastes of a Royal Forest are in my opinion precisely like those of the Commoners on the wastes of a private Manor, except that they are liable to be suspended at certain times of the year, and that the Crown has a right to feed its deer on the wastes. It may be that the latter is, in theory, a paramount right to the right of the Commoners, but it is well known that for practical reasons it cannot be used by the Crown in such a manner as to deprive the Commoners of their pasture rights (see Report 1875 Evidence Esdaile 142 Clutton 163) and neither in the records of Waltham Forest which extend over about 700 years, nor elsewhere, have I been able to find a case in which a conflict has arisen between the rights of the Crown deer and the Commoners Cattle, or in which the Crown has attempted to interfere with the Commoners, so long as they were not surcharging the pasture by putting on it more than their proper number of beasts, or uncommon animals.

The rights of Forest Commissioners are recognised in *Charta de Foresta* and other ancient laws as well as in the proceedings of the Forest Courts. They were also established by the judgment in the case of the Commissioners of Sewers v Glasse L.R.19 Eq.134; and in the New Forest they are recognised by the several statutes mentioned in the case, one of the objects of which was to bind these rights in the portions of waste which were authorised to be enclosed.

The Crown Forest rights are rights of venison and vert; the principal right of venison is to keep and feed deer on the wastes; in the New Forest this was given up in 1851 in consideration of a power to enclose 10,000 acres from the wastes in addition to 6000 acres which the Crown had already power to enclose, and both by the Act of 1851 and by that of 1877 which dealt with the fencemonth and the winter heyning, all other forest rights of the Crown were reserved.

These other rights are described by witnesses on behalf of the Crown who were examined before the Commissioners of 1868 and 1875 as rights of keeping foxes hares and fowls of warren and as being also paramount to the rights of the commoners (see Report 1875 Evid<sup>ce</sup> Howard 55,77 Clutton 163 Re 1868 Evid<sup>ce</sup> Gardner 101) but in what respect they are so I cannot find it stated; and certainly they cannot authorise the Crown to plant Trees upon the waste to the injury of the Commoners.

The Crown has also as part of its Forest rights a special interest in the [p.428] vert that is to say in all trees underwood and shrubs which bear leaves or fruit fit for the food and shelter of the deer. When the ownership of the Forest lands is not in the Crown, this right enables the Crown by means of the Forest Courts to prevent the vert from being injured by its owner or by any other person. But I have found no authority to show that it enables the Crown to plant trees in the Forest, either in its own soil or in that of any other person. I am therefore of opinion that the Crown cannot by virtue of its forest rights plant trees upon the wastes of the New Forest.

The planting of which the Commoners now complain is as I understand not done under the authority or in the manner prescribed by the statutes mentioned in the case.

In answer therefore to the 1<sup>st</sup> and 2<sup>nd</sup> questions I am of opinion that the Crown has in respect of the <its> ownership of the waste and not of its Forest rights, a *prima facie* right to plant trees upon the wastes of the Forest, but that it is bound like any other owner of commonable land to exercise its rights so as not to injure the Commoners (Kirby v Sadgrove 1B. & P. 13);

and if the wastes are already insufficient to provide pasture for the Commoners cattle the Crown cannot lessen them more by planting trees. Having regard to the evidence of M<sup>r</sup> Esdaile (Rep. 1875 p.141) and of M<sup>r</sup> Squarey and M<sup>r</sup> Pink (Id. p.183) that there are rights of pasturage over the Forest wastes in respect of 65,000 acres of land and that there are less than 64,000 acres in the whole Forest including 30000 acres of heath; so that including these heath lands, and the enclosures thrown open there are but 3r. 9p. of waste for each acre from which the right arises, it seems clear that the wastes are already insufficient for the Commoners Cattle.

3. The enclosure of trees by furze brakes and thorn cages takes up so much more of the ground and is therefore an aggravation of the encroachment upon the Commoners rights.

4. Some trees may of course be more injurious than others but if there is a deficiency of pasture all planting of trees on the wastes is improper. I think it makes no difference whether the trees planted are indigenous or not.

5. The proper remedy in my opinion is an action against the Crown to restrain further planting to the injury of the Commoners, and praying for an injunction against the continuance of trees which have already been improperly planted; but as to the latter it may require consideration whether the grievance has not in some cases continued so long that the Commoners [p.429] have lost their right to have the trees removed.

The Verderers cannot in my opinion remove the trees themselves under section 23 subsection (4) of the New Forest Act 1877, because the planting is not in law matter of abatement, but only of action (see *Cooper v Marshall* 1 Bur 259 *Kirby v Sadgrove* 1 B. & P. 13). And as to subsec (5) and sec. 24 the functions of Courts of Attachment and Swainmote do not under the Forest law extend to the redress of grievances. The Verderers however have power under Sec. 22 (1) to sue and be sued for the purposes of their constitution (which means I suppose, the purposes for which they are constituted) and as one of those purposes is the prevention of encroachments in the Forest I am of opinion that the Verderers may and ought to be plaintiffs in the action suggested. But I think it very desirable that one or more of the Commoners should also be plaintiffs on behalf of themselves and the other Commoners so as to prevent the case from being prejudiced by any technical objection or difficulty arising from the official position of the Verderers, or from any doubt as to their ability to maintain the action alone.

(signed) W. R. Fisher

9 Old Square Lincolns Inn

5<sup>th</sup> June 1885.

M<sup>r</sup> Eyre moved that M<sup>r</sup> Fisher's opinion being clear upon the Case submitted to him the Verderers should take immediate steps to protest against the planting which has already taken place and to prevent further like planting in future.

M<sup>r</sup> Roy seconded this motion.

M<sup>r</sup> Dart moved by way of amendment that the opinion of M<sup>r</sup> Fisher being favourable to the objections taken by the Commoners to the planting of the wastes the Clerk be instructed to communicate the purport of such opinion to the Office of Woods and Forests and to suggest the discontinuance of such planting.

M<sup>r</sup> Eyre withdrew his motion and M<sup>r</sup> Roy thereupon seconded M<sup>r</sup> Darts amendment which was put and carried.

The Clerk produced the South Western Railway Company's Bill (Bournemouth Direct) and read the clause therein as finally settled on behalf of the Verderers.

[p.430]

(Copy Clause)

22. Notwithstanding the payment to the Verderers of the New Forest in pursuance of Section 38 of the South Western (Bournemouth &<sup>c</sup>) Act 1883 of any compensation in respect of the rights of the Commoners of the New Forest upon or over any of the open lands of the New Forest required for the purposes of the said Act of 1883 such rights shall in the event of and immediately upon the expiration by lapse of time or upon the sooner determination (by reentry [*sic*] under any power of re-entry that may be contained therein but not otherwise) of any lease of the open lands required as aforesaid that may be granted by the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them in pursuance of Section 39 of the said Act of 1883 revive and be capable of being again enjoyed and exercised upon and over such land by the persons (if any) who may then be entitled to enjoy and exercise common rights upon or over the open lands of the New Forest.

The Clerk read the following letter from the Office of Woods and Forests:—

(Copy)

N<sup>o</sup> 736.

Office of Woods &<sup>c</sup>  
Whitehall Place. S.W.  
29<sup>th</sup> May 1885.

Sir,

M<sup>r</sup> Culley has had under consideration your letter of the 15<sup>th</sup> inst. stating the views of the Verderers of the New Forest on the subject of Pounds, Tree planting in the open Forest, and the marking of Cattle belonging to Crown Tenants.

I am directed by M<sup>r</sup> Culley to inform you that as regards Pounds in the open Forest he sees no objection to the Verderers having the use of them when making drifts of the Forest on condition that the requisite fencing is done by them, and that when not in use as Pounds free access to them is left open. If however the Verderers require to make or use any Pounds on the inclosed lands of the Crown it will be necessary that they should make application to M<sup>r</sup> Culley for authority to do so, and M<sup>r</sup> Culley will then consider whether the application can be granted and if so upon what terms.

[p.431]

M<sup>r</sup> Culley notes your remark that the Verderers do not consider themselves in any measure justified in concurring in any plan as to planting in the open wastes.

As regards marking the Animals belonging to Crown Tenants which are turned out into the Forest, M<sup>r</sup> Culley concurs in thinking that it would be an assistance to the Verderers if the animals were marked and he has no objection to their being marked by the marksman employed by the Verderers on the following conditions:—

- 1<sup>st</sup> That the animals be marked at the residence of their owners.
- 2<sup>nd</sup> That the mark be such as is approved by the owners or by the Deputy Surveyor.
- 3<sup>rd</sup> That no charge whatever is made for marking.

On learning that the Verderers agree to these conditions M<sup>r</sup> Culley will cause the requisite notice to be given to the Crown Tenants.

I am, Sir,  
Your obedient Servant  
J. Russell Sowray.

G.F.W. Mortimer Esq<sup>re</sup>.

He was directed to reply as follows:—

Clerks Office, Romsey  
July 18<sup>th</sup> 1885.

Sir,

I am directed by the Verderers of the New Forest present at a Court of Swainmote and Attachment held on the 13<sup>th</sup> inst. at the Verderers Hall, Queen's House, Lyndhurst, to acknowledge the receipt of your letter of the 29<sup>th</sup> May 1885 and to inform you that they duly note M<sup>r</sup> Culley's views with reference to the Forest Pounds.

The Verderers have been carefully advised by Counsel as to the alleged right of the Crown to plant Trees in the open wastes of the Forest. The opinion given is quite adverse to the Crown's claim so to plant Trees and the Verderers therefore express the hope that M<sup>r</sup> Culley will give orders to discontinue such planting in the future in order that no action by the Verderers may hereafter be rendered necessary for the protection of the Commoners rights.

As regards the marking of Animals belonging to Crown Tenants:—

The Verderers concur in M<sup>r</sup> Culley's wish that any Animals shall be marked at the residence of their owners and that no charge whatever be made for marking them, but as to the second suggestion, they are of opinion that great difficulties [p.432] would inevitably arise if any marks other than those now in use in the Forest should be permitted to be introduced therein and they therefore trust that their existing marks will meet with M<sup>r</sup> Culley's approval and that this desirable arrangement may be so brought to a conclusion satisfactory both to the Crown and the Commoners as requested by the Verderers.

I have the honor to be, Sir, Your obedient Servant  
G.F.W. Mortimer, Clerk to the Verderers

J. Russell Sowray Esq<sup>re</sup>

The Clerk produced the Financial Statement as follows:-

1885 May 6	By Balance from last A/c " cash received of non-comm <sup>s</sup> for Licenses (by Clerk) to this time viz <sup>t</sup> Licenses 1 12 6 Head moy 3 0 0 Marking fees 1 3 0	206	2	8	1885 May 6	To paid Police fees viz <sup>t</sup> Chandler v G. Kitcher" 1 6 " v B. Nutbeam" 1 6 " v C. Kitcher" 1 6 " v D <sup>o</sup> " 1 6				
	" Cash rec <sup>d</sup> of Agisters at Court on the 4 <sup>th</sup> inst for marking Comm <sup>s</sup> Cattle viz <sup>t</sup> Newbolt 5 9 6 Evey 68 6 6 Chandler 30 7 10 Moody 17 4 0	5	15	6	" 9	" G.A. Webb Esq. for auditing /84 accounts and expenses	3	8	0	
	" Cash rec <sup>d</sup> of Non Comm <sup>s</sup> at Court on the 4 <sup>th</sup> inst for Licenses viz. Licenses 17 6 Head moy 17 6 Marking fees 10 6	121	17	10	June 24	" Mr Mortimer ¼'s salary to this day " Agisters ¼'s salary to this day viz <sup>t</sup> Charles Newbolt 17 10 0 Charles Evey 17 10 0 Alfred Chandler 17 10 0 John Moody 17 10 0	37	10	0	
	" Fine & costs in case Chandler v G. Kitcher viz:- Fine 2/6 Costs 12/6		15	0	July 4	" Drake Driver & Leaver, Printing	8	1	9	
July 1 <sup>st</sup>	" Cash rec <sup>d</sup> of Agisters for marking Comm <sup>s</sup> Cattle to this time viz <sup>t</sup> Newbolt 28 10 0 Evey 18 19 0 Chandler 30 10 2 Moody 38 3 0	116	2	2		Balance in hand	344	11	5	
	" Cash of C. Evey for poundage of a Horse belonging to Alexander Toms		10	0						
	" Fine & costs in case "Chandler v Chas. Kitcher" viz <sup>t</sup> Fine 5/- Costs 12/6		17	6						
	" Cash rec <sup>d</sup> of Non-Comm <sup>s</sup> for Licenses to this time viz:- Licenses 1 17 6 Head money 4 12 6 Marking fees 2 0 6	8	10	6						
July 4	" Fine & Costs in case "Chandler v B. Nutbeam" viz <sup>t</sup> Fine 2/6 Costs 12/6 Warrant 5/6	<u>1</u>	<u>0</u>	<u>6</u>						
	£ 463	17	2			£ 463	17	2		

[p.433]

The Agisters attended and paid over the following amounts viz:-

Charles Newbolt	£13 0 0
Charles Evey	£ 6 14 6
Alfred Chandler	£10 2 6
John Moody	£17 16 6

This terminated the business of the Court.

[signed] *G. Sclater Booth*

[p.434]

At a Court of Swainmote and Attachment held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the twenty eighth day of September 1885.

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Present.

The Right Honorable George Sclater Booth M.P. Official Verderer.  
Sir Henry Charles Paulet Baronet.  
George Edward Briscoe Eyre Esquire.  
Lieutenant Colonel William Clement Drake Esdaile.  
The Lord Henry Scott.  
William Gascoigne Roy Esquire.

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The Court was opened with the usual Proclamation by the Crier.

The Minutes of the last Meeting were read and confirmed.

A deputation consisting of Mess<sup>rs</sup> Absalom, Dominey, King, Woodford, Briant, Knight and other Commoners attended and presented the following Petition:—

(Copy)

To the Verderers of the New Forest.

Gentlemen,

We the undersigned Commoners of the New Forest, do humbly pray the Verderers of the said New Forest to take into their earnest consideration the advisability of the following proposals:—

1<sup>st</sup> To do away with Tail-Marking of all Cattle, owing to the unnecessary expense and inconvenience of driving in their ponies.

2<sup>nd</sup> We would humbly recommend that a rate should be levied in place of the present fee enforced upon all who pasture cattle in the Forest making no limit as to the number of cattle and making some distinction between [p.435] Commoners and Non-Commoners.

3<sup>rd</sup> We would also recommend the Verderers to employ one Agister only whose duty it would be to collect all monies due, and to prosecute all persons who refuse payment.

By so doing we venture to state the Verderers would be conferring a great boon upon all the Petitioners and enriching its own exchequer with less expense to all Commoners and Non-Commoners alike.

John Morant, Brockenhurst Park  
Hay Morant, Manor House, Ringwood  
George Churchill, Alderholt.  
Frederick Fane, Moyles Court.  
Peter Biles, Freeholder.  
&<sup>c</sup> &<sup>c</sup> &<sup>c</sup> &<sup>c</sup> &<sup>c</sup> &<sup>c</sup> &<sup>c</sup> &<sup>c</sup> &<sup>c</sup>

Signed as alleged by about 450 Commoners.

M<sup>r</sup> Dominey addressed the Court on the subject of the Petition and stated that the principal object that the Petitioners had in view was to do away with the marking of Animals and by this means prevent their being driven. The driving was the injury complained of, particularly in respect of mares in foal, and as Animals herded together it often happened that an Animal might be driven several times, although it had been already marked, as it might be in company with Animals that it was necessary to get in to mark, but the Commoners had no objection to the existing tail marks or the fees payable therefor, but desired that the Verderers would consider whether they could not adopt better means for carrying out the existing regulations as to marking.

The Deputation was interrogated by the members of the Court, as to the manner in which the Petition was got up and as to the precise meaning of the Clauses contained therein, especially the one having reference to rating.

The Official Verderer having explained the legal difficulties the Court as under and promised that the Petition should have attention, the deputation thanked the Verderers and retired.

The Deputy Surveyor being present stated that there were no [p.436] presentments to be made at this Court and withdrew the one made by him on the 4<sup>th</sup> May 1885 against William Thorn for disposing of the turf attached to his premises and not using the same upon his premises.

The Court then proceeded to try and following case:—

John Moody v Samuel Cooles – Defendant was charged for that he being a Commoner of the New Forest did allow certain animals to wit 4 Cows to depasture in the Forest on the 16<sup>th</sup> July without having caused such animals to be marked by an Agister of the New Forest Contrary to the Bye Laws of the New Forest.

Defendant pleaded not guilty.

John Moody sworn. I am an Agister of the New Forest. On July 16<sup>th</sup> I was at Latchmoor in the Forest and saw Four Cows then depasturing in the Forest and unmarked. I drove them to the Defendants house and asked him if they were his Cows. He owned them to me. I told him I should take proceedings against him. I had previously called on the Defendant to ascertain if he had any cattle to mark, and he said he had none and should not have his cattle marked if others did not.

The Defendant was fined 5/- and 12/- costs which he paid.

The following letter from the Deputy Surveyor was produced and read by the Clerk.

(Copy)

Queen's House, Lyndhurst.  
Sept<sup>r</sup> 17<sup>th</sup>/85.

Sir,

There is an open drain near "Butts Lawn" in open Forest, which was made out of the "New Forest Tillery and Drainage Fund". It is in a foul state being nearly choked up. Will you kindly tell me if the Verderers propose to have it cleared out?

I am, Yours truly  
Gerald Lascelles

G.F.W. Mortimer Esq<sup>re</sup>



[p.437]

Col. Esdaile was requested to have the matter attended to.

M<sup>r</sup> Eyre handed in the following letter from M<sup>r</sup> Strange and addressed the Court on the matter.

(Copy)

Valetta House,  
Fritham, Lyndhurst.  
Sept<sup>r</sup> 26<sup>th</sup> 1885.

Dear M<sup>r</sup> Eyre,

The Commoners would esteem it a great favour if you would bring the dangerous nature of some 8 or 9 very treacherous bogs, existing in “Ocknell Black Hole” “Copse St Linwood” and “Anser's Pits” before your Court sitting on Monday next, and would pray you to use your utmost influence, to have them cut through and drained.

We never see a Winter pass without the loss of several head of cattle (mostly ponies) and therefore we feel entitled to ask the Verderers, if possible, to remedy this very serious matter.

Yours very faithfully  
Fred<sup>k</sup>. J. Strange

G.E.B. Eyre Esq<sup>re</sup>

He was informed that the works in question did not come within those originally constructed out of the Dorchester Railway fund.

The Court next proceeded to consider the correspondence with the Office of Woods Forests &<sup>c</sup> as to Forest Pounds, Tree planting by the Crown, &<sup>c</sup>.

The Clerk read the following letter from the Office of Woods Forests &<sup>c</sup>.

(Copy)

N<sup>o</sup> 1100

Office of Woods &<sup>c</sup>  
Whitehall Place, S.W.  
30<sup>th</sup> July 1885.

Sir,

I am directed by M<sup>r</sup> Culley to acknowledge the receipt of your letter of the 18<sup>th</sup> inst stating the views of the Verderers of the New Forest respecting the use of Pounds, the planting [p.438] of trees in the open Waste of the Forest and the marking of Cattle belonging to Crown Tenants when turned out to graze in the Forest.

M<sup>r</sup> Culley has attentively considered your communication with a desire to meet the views of the Verderers as far as he can do so consistently with what he conceives to be his duty to the Crown, and he is glad to think that on the subject of Pounds there is practically an agreement.

As regards the marking of Cattle belonging to Crown tenants, M<sup>r</sup> Culley had hoped that the concession communicated in the official letter of the 29<sup>th</sup> May last would be satisfactory to the Verderers as having regard to the small number of Cattle likely to be turned out by Crown tenants, it seems to him that if those tenants were to submit to the servants of the Verderers whatever Cattle they may turn out in order to be noted by such servants the probability of a

mistake arising would be very small. M<sup>r</sup> Culley regrets that he does not feel able to modify the conditions mentioned in his communication of the 29<sup>th</sup> of May.

With reference to the planting of trees in the open Forest, M<sup>r</sup> Culley is unable to comply with the wish of the Verderers that he should give orders to discontinue such planting in the future in order that no action by the Verderer may hereafter be rendered necessary for the protection of the Commoners rights, nor can he admit that the rights of the Commoners are prejudiced by what has been done.

I am, Sir,

Your obedient Servant

J. Russell Sowray

G.F.W. Mortimer Esq<sup>re</sup>

The Court decided for the present to agree as to the Pounds.

That at present nothing further be done as to Tree planting by the Crown, but, that the following letter be put on record, and that the Clerk reply to the rest of the letter as follows:—

Copy Letter for record (next page)

[p.439]

Yew Tree Cottage, Lyndhurst  
5<sup>th</sup> March 1885.

Dear M<sup>r</sup> Roy,

Your letter of the 28<sup>th</sup> Feby being directed Brockenhurst did not reach me till today.

I do not think you will find any minute in the Verderers proceedings about the planting oaks in Hollands Wood as my impression is that M<sup>r</sup> H.C. Compton made a private communication to M<sup>r</sup> Howard that he thought the Crown had no right to plant trees in the open Forest in addition to the right to enclose 16,000 acres for planting, and M<sup>r</sup> Howard in consequence directed me not to plant any more in the open Forest and I did not do so.

I planted these oaks in the Winter of 1858-9 as I see by my diary and it is probable that M<sup>r</sup> Compton spoke to M<sup>r</sup> Howard within a year or so of that time.

Yours very truly

L.H. Cumberbatch

W.G. Roy Esq<sup>re</sup>

N<sup>o</sup> 1100.

Romsey, Hampshire  
6<sup>th</sup> October 1885.

Sir,

I am directed by the Right Hon. George Sclater Booth M.P. the Official Verderer of the New Forest and the Verderers present at a Court of Swainmote held at the Verderers' Hall Queen's House, Lyndhurst, on the 28<sup>th</sup> September 1885 to acknowledge the receipt of your communication of the 30<sup>th</sup> July 1885.

With reference to the paragraph therein dealing with the question of marking the Cattle of Crown Tenants, I am to ask whether M<sup>r</sup> Culley has any objection to the present marks used by the Agisters for marking cattle in the New Forest and should he have any objection thereto, if he will suggest to the Verderers a mark which would be satisfactory to him for their approval. It does not appear to them satisfactory to dispense with marks altogether.

I am directed to add that the Verderers have [p.440] duly noted the other paragraphs of your letter.

I have the honor to be,

Sir,

Your obedient Servant  
G.F.W. Mortimer

J. Russell Sowray Esq<sup>re</sup>  
Office of Woods &<sup>c</sup>  
Whitehall Place. S.W.

The Agisters were given general instructions to report in future as to any Tree planting in the open wastes of the Forest by the Crown or any other persons.

The Clerk reported that the Privy Council Authorities were of opinion that a special order to protect the Forest from Swine fever as passed last year was not this year necessary.

The Clerk further reported that M<sup>r</sup> Bovil Smith had not yet agreed the compensation to be paid by the London and South Western Railway Company (Bournemouth District Line) to the Verderers on behalf of the Commoners.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes:—

1885	By Balance from last account	344	11	5	1885	To paid Police fees at Court yesterday	£	s	D
July 14	” Cash rec <sup>d</sup> of Agisters at Court yesterday for marking Commoners cattle viz:—				July 14	viz <sup>t</sup> :			
	C. Newbolt 13 0 0					Evemy v Davis 2 9			
	C. Evemy 6 14 6					Chandler v Foss 2 2			
	A. Chandler 10 2 6				” ”	Evemy v Toms 4 6		9	5
	J. Moody 17 16 6	47	13	6	” ”	” paid C. Evemy (Agister) expenses attending the driving in to Pound of Horse of A. Toms		3	0
	” Fine & costs in case Chandler v Foss viz:— Fine £2 Costs 9/8	2	9	8	Sept 11	” Supt. White, costs remitted in case “Chandler v Nutbeam”		10	0
” 23	” Fine & costs in case Evemy v Davis viz <sup>t</sup> Fine £1 Costs 13/3	<u>1</u>	<u>13</u>	<u>3</u>		Balance in Hand	395	<u>5</u>	<u>5</u>
	£ 396	7	10			£ 396	7	10	

[p.441]

The Clerk was directed to prepare a Financial Statement and estimate of receipts and expenditure to be laid before the Committee appointed to consider the marking fees, with a view to assist their deliberations on the subject of lowering the fees.

Mr Roy was requested by the Court to undertake the preparation of a reply to be sent to the various commoners who had presented petitions to the Court relative to the tree-planting of trees by the Crown in the open wastes of the Forest.

He was further asked to undertake to frame a reply to the Petition presented that morning.

The Agisters were called in and instructed to prepare Reports to be laid before the Court relative to any new Pounds they thought desirable to be erected in their Districts and containing any suggestions they had to make to the Court, to obviate or lessen the complaints alleged in the said Petition as existing in the present mode of marking cattle.

The Clerk was directed to take the necessary steps for the publication of the instructions for Commoners to make application to have their names inserted in the Register of Commoners in accordance with the provisions contained in the 2<sup>nd</sup> Schedule of the New Forest Act 1877.

The following dates were fixed viz:— Saturday the 3<sup>rd</sup> and 10<sup>th</sup> of October for the insertion of the advertisements in the Hampshire Advertiser and Salisbury and Winchester Journal.

The Court also fixed the 17<sup>th</sup> October as the last day for sending in such claims and the 24<sup>th</sup> and 31<sup>st</sup> October for inserting the advertisements stating that the amended Register was prepared and ready for inspection at the Clerk's Office Lyndhurst and the 16<sup>th</sup> of November as the day on which the Verderers would meet for the revision and correction of the Register.

Cheques for the Salaries due to the Clerk and Agisters were [p.442] ordered to be drawn.

The Agisters paid over the following sums for Fees for marking Commoners Cattle.

John Moody	£19.13. 6
Charles Newbolt	£17 12 6
Charles Evemy	£ 9 16 6
Alfred Chandler	£ 4 4 6

This terminated the business of the Court.

Note. The Agisters attended at the Clerks office on the 1<sup>st</sup> July and made the following payments respectively:—

John Moody	£38 3 0
Alfred Chandler	£30 10 2
Charles Newbolt	£28 10 0
Charles Evemy	£18 19 0

[signed] *H.C. Paulet*  
*Verderer N: Forest*

[p.443]

At a Court of Swainmote and Attachment held in the Verderers Hall at the Queen's House, Lyndhurst, on Monday the sixteenth day of November 1885.

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Present.

Sir Henry Charles Paulet Baronet.  
George Edward Briscoe Eyre Esquire.  
Lieut. Col. William Clement Drake Esdaile.  
William Gascoigne Roy Esquire.

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The Court was opened with the usual Proclamation by the Crier.

It was resolved that Sir Henry Charles Paulet Baronet be chosen Chairman of the Court in the absence of the Official Verderer.

The Minutes of the last Meeting were read and confirmed.

Charles Newbolt v Job Sherwood – Defendant was charged that he not being one of the Commoners of the New Forest acting in the due exercise of his right or rights of common in the said New Forest did cause or allow a certain animal to wit one Donkey to depasture in the Forest without having previously obtained a license from the Verderers for such animal to depasture in the Forest contrary to the Bye Laws of the said New Forest.

Defendant pleaded not guilty.

Charles Newbolt sworn:– I am an Agister of the New Forest. On the 15<sup>th</sup> July I was near Brockers Hill in the Parish of Minestead. I saw a Donkey depasturing in the New Forest. There were some Gipsy tents pitched close by. I had seen the Donkey in the possession of the Defendant more than once. I went to the Defendants tent. He was absent. I saw his wife. I asked if the Donkeys-was her husbands. She said yes and took possession of it. I cannot swear that the Donkey belonged to Defendant though I have reason to believe that it was his.

The Court did not consider there was sufficient evidence of ownership and dismissed the Case.

[p.444]

Charles Newbolt v Henry Baker – Charged with a similar offence on the same day and at the same place.

The evidence in this case being similar to the previous one. The Court discharged the Def<sup>t</sup>.

The Clerk was directed to pay the Police fees.

The Verderers proceeded to settle the Register of Commoners entitled to vote at an election of Elective Verderers.

The only applications on the subject were M<sup>r</sup> Henry Bryant in respect of No 414. M<sup>r</sup> Henry Bowden Smith in respect of part 277. M<sup>r</sup> John Maxwell in respect of 911. There was also an informal claim by Major William Charles Ward Jackson of Camp Hill, Emery Down.

The Court admitted the first three claims and directed the last one to stand over till next year.

The Register was finally settled and the Clerk was directed to have it copied and circulated as usual.

M<sup>r</sup> Roy read the following Report in answer to the Commoners Petition presented at the last Court.

#### Copy Report.

In compliance with the request of the Court, that I should collect information on the subject, and report to the Court thereon, I have to submit as follows:—

The petitioners in their petitions request the Verderers:—

1<sup>st</sup> To do away with Tail-marking of all cattle on account of the expense and inconvenience of driving in their ponies.

2<sup>nd</sup> That the Verderers should levy a rate in substitution for the fee now charged on cattle turned out.

3<sup>rd</sup> That the proposed ratepayers should be allowed to turn out an unlimited number of cattle on payment of the proposed Forest rate.

4<sup>th</sup> That a distinction in this matter should be made between Commoners and non-commoners.

5<sup>th</sup> That the Verderers should employ one Agister only, instead of four as at present, and that he should collect all monies and prosecute all offenders.

[p.445]

This Court is no doubt aware that the question of Cattle marking has been frequently considered by the Verderers in past years with a view to its modification or abolition, on account of the trouble, inconvenience, expense, and sometimes injury and danger to the cattle incurred in carrying out a drift of the Forest.

But with the most earnest desire to devise a substitute none has yet been found which shall efficiently protect the Commoners' right of pasturage from being shared by those who do not possess the right.

The Commoners are, of course, aware that their right of pasturage can only be protected from trespass by the distinct identification of their own cattle, and that the plan of marking and driving which has been adopted from time immemorial, together with the employment of agisters to carry it out and to pound unmarked cattle and to prosecute offenders, is a system which exists as a matter of necessity, in the absence of any other equally efficient one, and that it exists wholly and solely for the protection of the Commoners in the enjoyment of their own property and rights.

In considering the substitutes for marking which have been suggested, the first in order which claim attention are those put forward by the Petitioners through their deputation which addressed the Court of Swainmote and Attachment on the subject, at its sitting on the 28<sup>th</sup> September last.

Their suggestions were that the Court should take everybody's word who turned out that they had a right to do so, and as to the number turned out, and should rely for the detection of false statements on individual Commoners informing against those who spoke falsely.

It will be, of course, for the Court to determine whether or not these suggestions are practical, and whether the foundation of the Commoners' rights can safely rest on the mere word of those who are interested in infringing them, and whether the Court could with certainty rely on the office of informer being voluntarily undertaken by the Commoners in the numerous cases of infringement which would be likely to arise.

Another suggestion has been that those who turn out should sign a statutory declaration as to the number and description of their animals and that the breaking of such a declaration being punishable as perjury, the fear of such punishment would secure truth and accuracy of the declaration.

This system would necessitate the knowledge, on the part of the agisters of all the cattle depasturing in their several walks, and knowledge, too, with sufficient certainty to admit of their swearing to them.

[p.446]

If this knowledge could with certainty be relied on it would open to the consideration of the Court whether or not the present practice of marking would be necessary in confirmation of the Agister's memory.

With respect to the Statutory Declaration it should be remarked that it would be only those who had rights, or who desired licenses, who would apply to make them; whereas, it is in restraint of those who are in neither of these classes that the whole system of supervision of the Forest is directed.

The Statutory Declaration is open also to another material comment, namely, whether it can legally contain a promise as to number and kind to be turned out; in other words, if the number and kind of animals actually turned out are in excess or differ from those stated in the Declaration, whether the declarant would render himself liable to a prosecution for perjury.

The Court would probably think it necessary to take legal advice upon these points before entertaining the suggestion of a Statutory Declaration.

It is right that I should bring before the Court some of the suggestions which have reached me on the assumption that the present system of marking is continued.

1<sup>st</sup> That notice of drifts should be given by handbill to ensure a larger attendance and so a more speedy and efficient drift.

2<sup>nd</sup> That additional pounds, or pounding places, should be provided with a view to shortening the distance that cattle have to be driven.

3<sup>rd</sup> That the cattle of Crown tenants should be marked so as to assist in their identification.

4<sup>th</sup> That the marking fee on cows and heifers should be assimilated, and 1/- charged for each.

I have only reported those suggestions which I venture to think the Court would do well to consider.

Before quitting the subject of marking, it should be stated that the number of cattle turned out in 1884, was over 5000 by 764 Commoners, and 650 by 300 non-Commoners, and of these about half were marked before being turned out. The number of horses remaining out during the winter is estimated by the Agisters at 2250, and the number of horned cattle turned out during the day and driven in at night during the winter is estimated by them at 2000.

In addition to the 5700 cattle turned out in 1884, there were turned out about 4500 pigs, making a total head exceeding 10,000. The above number represents animals in respect of which fees were paid. And I may remark that it also represents a very substantial and important property which the Court of Verderers feel is committed to [p.447] their charge.

The Petitioners' second request is that the Verderers should levy a rate in lieu of the fee now charged on cattle turned out.

It will be for the Court to consider and determine whether a rate would, in its incidence, be fairer than a fee, and also whether it would be more or less acceptable to the Commoners than a fee.

Its first effect would be to exclude non-commoners from the Forest, because the power to levy a rate given by the Act of 1877 can only be exercised upon property to which rights of Common attach.

It would appear also to be well worthy of consideration whether a rate would not, except under circumstances of real necessity (such as a deficiency in the Verderers accounts), bear unjustly on the considerable number of owners or occupiers of property to which Forest rights attach, who from remoteness from the Forest, or other cause, never exercise those rights.

The above consideration becomes urgent from the fact that a rate to be legal must be of the same amount, and must be made and levied upon all properties to which Common rights attach, whatever may be the nature of those rights, or whether they are exercised or not.

It will probably appear to the Court that the above consideration render it unnecessary that I should go into details as to the fairness of the incidence of the proposed rate upon the owners and occupiers of properties to which Forest rights attach as regards the return to be received by them in exchange for the rate, whether it be of pasture, turbary, or pannage.

The 3<sup>rd</sup> proposal of the Petitioners is that the proposed Forest ratepayers should be allowed to turn out an unlimited number of cattle on payment of the rate.

It will be obvious to the Court that to accede to this request might work a very great hardship upon the small Commoners, who are the bulk of those who turn out, and on the non-Commoners also numbering 302, who turned out in 1884 642 cattle of all kinds, being less than 2½ head each, while the number turned out by opulent Commoners might, if the number were unlimited, as proposed by them, go far to consume the whole of the pasturage of the Forest.

Other circumstances, which it seems scarcely necessary to bring to the notice of the Court, are that the right to turn out an unlimited number might be exercised on payment of a rate amounting only to a few pence, and the old law of levant and couchant would, if the turnout were unlimited as proposed be entirely set at nought.

The 4<sup>th</sup> request of the Petitioners is that a distinction should, under their proposed system, be made between Commoners and non-Commoners: but, inasmuch as they do not state what that



distinction should be, the materials for discussing it are wanting, and it will probably suffice to state here that the Court has, since the passing of the Act of 1879, observed a distinction between the two bodies, which, on the judgment of the Court, as at present advised, is sufficient.

The 5<sup>th</sup> request of the Petitioners is that the Verderers should in future employ one Agister only, instead of four, and that he should collect all monies and prosecute all offenders.

The Forest is in extent, roughly, ten miles by twelve, or 120 square miles. The four districts respectively [p.448] watched by the four Agisters are estimated to be of the following extent:— N<sup>o</sup> 1, sixteen miles by six; N<sup>o</sup> 2, 20 miles by 8; N<sup>o</sup> 3, 14 miles by 8; and N<sup>o</sup> 4, 12 miles by 5.

The above figures would appear to furnish the best means of judging of the proposal that the four districts comprising the whole Forest should be watched by one Agister, bearing in mind that by no means the least important part of the object of his appointment is deterrent, namely, the prevention of trespasses and depredations which, but for the knowledge on the part of depredators that the agister was supervising his district, would be of infinitely more frequent occurrence than they are at present. Here, again, the Deputation of Petitioners recommended the Court to rely, for the detection of offences, upon the Commoners themselves becoming volunteer informers; but the Court will probably remain of the opinion that the office of volunteer informer is one repugnant to the great majority of people, and that the proper supervision of the Forest can only be secured by paid service.

The Petitioners conclude with the statement that the effect of the Verderers acting upon the above recommendation would be that they would enrich their own exchequer, while conferring a great boon and saving of expense on all Commoners and non-Commoners alike.

It is manifestly to the Commoners' advantage that the funds which the Verderers hold in trust for them should be ample to protect as well as to enforce their right, if unfortunately the necessity for so doing should arise, and it will be for the Court to consider and determine whether or not the system recommended by the petitioners would have that effect, and at the same time whether it would confer a boon or inflict an injury on the great body of the Commoners and non-Commoners, who, on account of the small extent of their privileges and their rights, deserve and will, I am sure, receive at the hands of the Court the care and consideration to which they are justly entitled.

In concluding this report the Court will pardon me for placing on record my conviction, founded on my experience of the Court, that it will most readily avail itself at all times of every suggestion that can be advanced of a practical nature to ensure the identification of the Forest cattle with as little trouble, expense, and injury as is consistent with the efficient protection of the Commoners and non-Commoners in the exercise of their undoubted rights and privileges.

W. Gascoigne Roy.

Byams, Marchwood, 11<sup>th</sup> November, 1885.

The following Commoners were present as a Deputation in support of the Petition viz:— M<sup>r</sup> Absalom, M<sup>r</sup> Dominey, M<sup>r</sup> King, M<sup>r</sup> Woodford, and M<sup>r</sup> Briant and others.

A Deputation consisting of M<sup>r</sup> Strange, M<sup>r</sup> George Golden, M<sup>r</sup> Gabriel Golden, M<sup>r</sup> George John White, M<sup>r</sup> Alfred Peckham, M<sup>r</sup> Charles Peckham and M<sup>r</sup> Silas Cull attended the Court to oppose the prayer of the Petition on behalf of a large number of Commoners.

M<sup>r</sup> George Golden addressed the Court and stated that he considered the present system of marking adopted by the Court a satisfactory one and that he could get [p.449] a Petition signed by over 500 Commoners in support of it.

M<sup>r</sup> Strange also addressed the Court on behalf of himself and his fellow-Commoners in his District and opposed the prayer of the Petition.

Col. Esdaile, M<sup>r</sup> Roy and the Clerk mentioned that Commoners had called upon them stating they had signed the Petition under a misapprehension.

M<sup>r</sup> Briant was heard in reply and urged that Commoners should be made to pay the same sum as fees irrespective of the number of Cattle they turned out so that there should be equality in the payments made by Commoners.

The Verderers having heard the different parties suggested that the Commoners should call a public Meeting by notice and advertisement to fully discuss and consider the question and at such meeting should appoint a Committee of their body to confer further with the Verderers on the subject.

The Clerk was directed to have the report printed.

The Deputation thanked the Verderers and retired.

The Clerk read the correspondence which had taken place between himself and M<sup>r</sup> Rich on behalf of the South Western Railway relative to the construction of the works required by the Verderers during the formation of the Bournemouth Direct Line. He further stated that he had been with M<sup>r</sup> Rich over the whole of the Line who pointed out the difficulties that existed in marking a cattle creep at point "G" on the plan originally submitted to and approved by the Verderers.

The Clerk further read a correspondence between himself and M<sup>r</sup> Bovill Smith on the subject.

The correspondence was ordered to be entered on the Minutes.

(Copy Correspondence)

Clerk's Office, Romsey  
5<sup>th</sup> Nov<sup>r</sup> 1885.

Dear Sir,

Bournemouth Direct

I find that you have made a Cattle Creep near the junction of this line with the London line at Brockenhurst, but have placed a fence round it so as to render it quite useless. I am also informed that the other Bridges and Creeps have not been made as per your Act of Parliament at Sway, but personally I have not inspected this yet. Please attend to the former matter and let me hear what is proposed as to the latter matter & oblige.

Yours faithfully  
G.F.W. Mortimer

H. Rich Esq<sup>re</sup>  
Engineers Office  
Bournemouth Station

[p.450]

London & South Western Railway  
Engineer's Office, Bournemouth Station  
6<sup>th</sup> Nov<sup>r</sup> 1885.

Dear Sir,

Bournemouth Direct Ry.

In reply to your communication of the 5<sup>th</sup> inst, I will have the fence to the cattle creep to which you refer rectified as early as possible. As regards the other bridges mentioned in our Act of Parliament and which you say have not been built, I understand that the Commissioners of Her Majesty's Woods & Forest lands, do not require all the bridges mentioned in the L. & S.W. Ry Co<sup>ys</sup> Act to be built but only a portion of them as otherwise the bridges would be placed unnecessarily close together.

If you would be good enough to make an appointment with me for next Tuesday at 12 p.m. at Brockenhurst Station, I will drive you on to the sites of the bridges mentioned in the Act, and we could talk the matter over.

Yours truly,

G.F.W. Mortimer Esq<sup>re</sup>

H. Rich.

Wykeham House, Fareham, Hants.  
Nov<sup>r</sup> 11<sup>th</sup> 1885.

Dear Sir,

S.W. Ry & The Verderers

I have now heard from the Company who are anxious to get rid of the Bridges and Cattle Creeps referred to in the Act as E. F. & G. If the Verderers consider practicable and will consent to the abandonment, the compensation would of course be very considerably augmented.

The question then arises whether the accommodation works or the compensation in lieu thereof, will be of the greater advantage to the Commoners.

Yours faithfully

C. B. Smith

G.F.W. Mortimer Esq<sup>re</sup>

Clerks Office, Romsey  
November 9<sup>th</sup> 1885.

Dear Sir,

Bournemouth Direct.

I am obliged by your letter and will meet you on Tuesday as you mentioned at Brockenhurst Station at 12 oC. but you will permit me to point out that the Comm<sup>rs</sup> of Woods & c have nothing to do with the matter. The Verderers, require the Bridges & c and the L. & S.W. Ry Coy is under arrangement with the Verderers to supply them.

H, Rich Esq<sup>re</sup>

Yours ffly,  
G.F.W. Mortimer

Wykeham House, Fareham, Hants.  
Nov<sup>r</sup> 11<sup>th</sup> 1885.

Dear Sir,

S.W. Ry & The Verderers.

I have now heard from the Company who are anxious to get rid of the Bridges and Cattle Creeps referred to in the Act as E. F & G. If the Verderers consider practicable and will consent to the abandonment, the compensation would of course be very considerably augmented.

The question than arises whether the accommodation works or the compensation in lieu thereof, will be of the greater advantage to the Commoners.

Yours faithfully  
C.B. Smith.

G.F.W. Mortimer Esq<sup>re</sup>

Clerks Office, Romsey  
12th November 1885.

Dear Sir,

The Verderers do not intend to give up the accommodation works they are entitled to have constructed by the L. & S.W. Ry Co<sup>y</sup>.

If you are in Southampton tomorrow, I should like to see you. I shall be at my office N<sup>o</sup> 7 Bridge Road Southampton tomorrow at two thirty or I could run [p.451] down and see you on Saturday & can then explain what I have done re "Bridges & c."

Yours faithfully  
G.F.W. Mortimer

C. Bovill Smith Esq<sup>re</sup>

Auction & Estate Agency Offices  
Fareham, Hants.  
Nov<sup>r</sup> 13<sup>th</sup> 1885.

Dear Sir,

Bournemouth Direct Railway

I am obliged by yours of yesterday and as the Verderers will not entertain the Company's proposal as to abandonment of some of the accommodation works, the only thing is to send in a claim which I should advise being £660, this is based upon the rent charge paid by the Co. to the Crown, if this should prove to be an incorrect basis, then the calculations must fall back on the annual value capitalized in the usual way, which will be a very small figure.

In my opinion therefore, subject to what I have already stated, I think it is a case for a compromise upon the best terms that can be made with the Company.

I return notice and Form of Claim and regret that previous engagements will prevent my going to Southampton today, or admit of my seeing you tomorrow.

I am, Dear Sir, Yours faithfully,  
C.B. Smith

G.F.W. Mortimer Esq<sup>e</sup>

The Verderers decided to give up the cattle creep at point "G" for a bridge over the Line of not less than 9 feet wide further up towards point "B" subject to the Company constructing the said Bridge and for ever after maintaining it and to the consent of the Crown being obtained to the use of the extra land required for the necessary approaches thereto.

The Clerk was directed to take the necessary steps to carry out this resolution.

The Agisters attended and handed in the following report as to erection of Pounds.

(Copy.)

Having been directed by the Court to consider the places most advisable and advantageous for the erection of Pounds in the New Forest. We beg to report that one could be placed with much advantage in the drove leading from Viney Ridge to Burley Lodge, one at Woodfidley Bridge, one at Stoney Cross, one at Brockenhurst Weirs, one at Greenmore, one at No Mans Land, one at Fritham, one at Linwood and one at Godshill.

We beg also to suggest that in the event of the Verderers deciding to erect Pounds at any of the above named places, it would be most convenient for marking purposes, if a small portion of the Pound was separated from the whole, in fact a smaller pound be [p.452] made in one corner of the pound so that Cattle might be driven into it conveniently for marking.

This 12<sup>th</sup> day of November 1885.

Charles Newbolt  
Charles Evemy  
John Moody  
Alfred Chandler

The Agisters Newbolt and Evemy handed in the following Reports as to Tree planting by the Crown.

(Copy.)

Bank, Lyndhurst  
November 12<sup>th</sup> 1885.

Sir,

I wish to report to the Verderers that a large quantity more Trees have, and now is planting by the Crown in Deney and Ashurst Walks in the New Forest.

from Your obedient Servant  
Charles Newbolt. Agister.

To the Verderers of the New Forest,  
Gentlemen,

Burley. Nov<sup>r</sup> 16<sup>th</sup> 1885

I beg to report that the Crown has planted 50 oak Trees in the open Forest at Viney Ridge, during the past week.

I remain, Gentlemen, Your obedient Servant  
Charles Evemy, Agister

The consideration of these Reports was adjourned to the next Court. In the meantime the Clerk was directed to send a copy to each of the Verderers.

The following dates were fixed for the Clerk to sit at Lyndhurst, Beaulieu & Fordingbridge (this year instead of Godshill) to issue Licenses to non-commoners viz:-

Lyndhurst Monday the 11<sup>th</sup> January.  
Beaulieu Wednesday the 13<sup>th</sup> January.  
Fordingbridge Friday the 15<sup>th</sup> January.

The Court also fixed the following dates for the holding of Courts of Swainmote and Attachment next year viz:- Monday January 25<sup>th</sup>, Monday March 8<sup>th</sup>, Monday May 17<sup>th</sup>, Monday July 12<sup>th</sup> and Monday November 15<sup>th</sup>. Each day at 11.30.

[p.453]

A cheque was ordered to be drawn for Twenty shillings payable to the Deputy Surveyor in pursuance of Sec. 9 of the New Forest Act 1877.

The Clerk produced the usual Financial Statement, as follows:-

(Copy.)

1885.		£	s	D	1885		£	s	D
Sept 29	By balance from last account	395	5	5	Sept 29	To paid Police Fees in case "Moody v Cools"		3	6
	By Cash received of non-commoners for Licenses (by Clerk) to this date viz:-				" "	" M <sup>r</sup> Mortimer Quarters Salary to Michaelmas	37	10	0
	Licenses 2 6				" "	" Agisters Quarters Salary to Michas viz:-			
	Head Money 5 0					C. Newbolt 17 10 0			
" "	Marking fees 3 0		10	6		C. Evemy 17 10 0			
" "	" Fine & Costs in case "Moody v Coles" viz:-					A. Chandler 17 10 0	70	0	0
	Fine 5 0					J. Moody 17 10 0			
	Costs 12 0		17	0					
" "	" Cash of Agisters at Court yesterday for marking Commoners Cattle viz'					Balance in Hand	398	6	5
	J. Moody 19 13 6								
	C. Newbolt 17 12 6								
	C. Evemy 9 16 6								
	A. Chandler 4 4 6	51	7	-					
Oct 8	" Dividend on £4000 Reduced 3 per cents	58	0	0					
		£ 505	19	11			£ 505	19	11

The 11<sup>th</sup> of January was fixed as the date for the election of Verderers in the room of Joseph Henry Dart Esquire and Lord Henry Scott who go out of office in January 1886.

[p.454]

The Clerk was directed to communicate with the High Sheriff on the matter.

The Clerk read a letter he had received from Lord Henry Scott excusing his absence &<sup>c</sup>.

The Agisters being in attendance paid the following amounts for marking Commoners Animals.

Charles Newbolt	£4 9 8
Charles Evely	£5 4 0
Alfred Chandler	£11 3 0
John Moody	£3 18 8

The Clerk produced the following accounts which were ordered to be paid and cheques were accordingly drawn for the same.

Bennett & Son (Salisbury & Winchester Journal)	£7 4 0
M <sup>r</sup> King (Hants Advertiser)	£4 6 0
Drake & Co. (Stationery)	£ - 19 0
J. Digby Esquire (Counsels Fee)	£2 9 6

This concluded the business of the Court.

x<sup>d</sup>

[signed] *H:C: Paulet*

*Verderer N: Forest*