

**Volume 3 of Minutes of the
Courts of Swainmote and Attachment
held before the
Verderers of the New Forest
1891-1895**

Transcribed from the original by volunteers for the
New Forest Commoners Defence Association
as part of the **Through Our Ancestors Eyes** project
part of the **Our Past Our Future Landscape Partnership**
with kind permission from the **Verderers of the New Forest**
Hosted on the **New Forest Knowledge** website
managed by the **New Forest Heritage Centre**
and **New Forest National Park Authority**

Editorial notes.

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

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 of the 'Ctrl+F' function to find words or phrases, bearing in mind variability in spellings that may have been used.

[contemporary index]

A

Agisters' Accounts. 8, 14, 39, 61.
Adjournment of Court. 15.
Alteration of Bye Law. 17, 51.
Attorney Genl. & Munro: v. Verderers & Chandler. 21, 44.
Allotments. 48, <88>.
Addresses of Condolence. 82, 93.
Accounts, Verderers. 91, 124.

B

Bridges & Drains, 5-7, 11, 13, 41.
Bye Law amendment. 11.
Balmer Lawn Races. 12.
Bance's application. 14, 20, 39, 58.
Beach W., payment refunded. 57<8>.
Briefs Counsel. 116, 118.
Blackdown Rifle Range, re. 120.

C

Chandler's Report. Re. Rhinefield. 3.
Correspondence with Lymington Highway Board. 18.
Clerks Report re Cricket & Tennis Grounds. 53.
Con: Dis: (Anls) Acts. 59.
Crown Lands Bill. 71, 83, 96, 105.
Corresp^{ce} re C.L. Bill. 72.
Clerk's report re. Non Comrs: Licences. 74.
Clerk's a/cs. 75.
Correspondence, re Henry Thomas. 75.
Correspondence re Blackdown Rifle Range. 120.

D

Directions to Clerk. 9, 65, 74<4>, 116, 119.
Driving. 34.
Dates for Courts. 59.
Death of Duke of Clarence. 67.

E

Evemy v. Warne. 16.
Enclosure under 1. & 2 W^m. IV c.59. 33.
Election of Verderers. 59, 66, 97.
Esdaile, Col: bereavement of. 68.
Eyre, M^r Report of re C[ontagious]. D[iseases]. Bill. 121.

F

Foote, M^r (indors^t of Brief). 2.
Financial Statements. 7, 38, 60, 80, 125.

G

Gould M^r (Mare). 14.
Glass on Forest. 38.
Gates. 41.
Golf. 54.

H

Holmsley Station – Rubbish at. 14.
Highways thro' Inclosures. 43.
High Sheriffs a/c. 67.

I/J

Injunction Munro. 46.
Joint opinion of Counsel. 65.
Illness of Col: Esdaile. 83.
Inquiry, Hon: Pelham. 101, 112.

L

Lascelles, Hon. Aff^t Re. Munro. 5.
Lymington Highway Board. 13, 18.
Lyndhurst Gas &c Coy. 35, 47, 68.
Letter from Hon: Pelham. 113.

M

Munro, Lieut. 2, 4, 5, 9, 10, 30, 44.
Memorandum of Suggestions re. Munro. 27.
Moody. Change of residence. 37, 61.
Moody's Report re Thomas. 79.
Montagu, Lord. Letter to Sec. of War. 95.
Minute. Meeting of Verderers. 117.
Map of Range. 119.

N

Non Commoners Licences. 58.

O

Ober Bridge. 32.
Officl. Verd^s absence. 61.

P

Phillips, John, M^r 11.
Petition re Moody. 35.
Ponies impounded. 41.
Pannage time. 42, 92.
Parry, W. Letter. 69.
Pikes Hill Aloolements. 96, 98.
Phillips, Col. 116.

R

Rigby, M^r John. 3.
Rubbish, Tins &c. on Forest. 14.
Resolution re. Bance. 20.
Register of Commoners. 40.
Roadway across Forest. 43.
Reservoir at Emery Down. 47.
Resolution as to signing Cheques. 61.
Ranges Act, 1891. 62, 68, 87, 94, 101, 108, 118.
Resolution approving action of O[fficial]. V[erderer]. re. Rifle Range. 64.
Return of High Sheriff. 66.
Resolution re death of Duke of Clarence. 67.
Rees & Frere. (corresp^{ce} &c). 71.
Returns by Agisters. 116.
Report of Agisters "re Burning Heath". 125.

S

Special Constables. 1.
Soffe, Mr. ("Rig"). 10.
Sparks, re Roadway. 43.
Sheriff's Expenses. 97.
Stotherd, General. 116.
Scott, Col: Lothian. 116.
Smith, M^r Bowden. 116.

T

Turbary. 17.

V

Volunteers. 37.
Verderers' Bill. 70.
Verderers' a/cs. 91.
Verderers' Clauses. 105, 111.
<Col. Vandeleur. 325.>

W

Warne, William. 1.
War Office, Letters to, &c. 70, 84, 95, 103.
Wort, Charlotte, Application of. 123.

[p.1] At a Court of Swainmote and Attachment held in the Verderers Hall at the Queens House Lyndhurst on Monday the 25th day of May 1891.

Present.

Col: William Clement Drake Esdaile Chairman
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
George A.E.T.G. Meyrick Esquire
John Jeffreys Esquire

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

It was resolved that the Deputy Chairman be Chairman in the absence of the Official Verderer.

The Minutes of the last Meeting were read and confirmed.

George Bumstead, a Forest Keeper, who was too ill to attend the last Court, was sworn in in the form prescribed by 1 & 2 W^m IV Cap: 41 to act as a Special Constable, within the limits of the New Forest, for twelve months.

Charles Every }
———v——— } Adjourned from last Court.
William Warne }

[p.2]

The Defendant did not appear, and the Case was ordered to stand over until the next Court.

The Court then proceeded to consider the present position of the action “The Attorney General and Edward Lionel Walker Munro v. The Verderers and Alfred Chandler Agister” and the steps (if any) to be taken to protect its interest.

The Chairman handed in, and read, communications he had received from the Official Verderer and M^r Eyre on the subject.

The Clerk explained the result of his Consultation with M^r Temple Cooke (through his deputy M^r Foote M^r Temple Cooke being ill with influenza) by order of the Court prior to the argument of the Rule and M^r Buckley and their advice and the subsequent proceedings in the Court of Queen’s Bench, and produced M^r Foote’s endorsement of his Brief, as follows:—

“On this case coming on for argument, in the absence of The Attorney General, I undertaking on behalf of the Verderers not to proceed with the Summonses until after the hearing of the action, the rule ordered to stand over *sine die*. Either party to be at liberty to apply to have the Case restored to the paper. All questions of costs reserved”

J. Alderman Foote for M^r Cooke. 13.5.91.

He further produced the Agister Chandler's report as to the alteration in the nature of the works carried out by M^r Munro on the 12th instant the day after the holding of the last Court of Swainmote, as follows:—

The Weirs, Brockenhurst
May 18th 1891.

Dear Sir,

This day I was near Rhinefield Lodge and saw [p.3] the Waterworks and found that the concrete wall round the Reservoir had been levelled to a level of the ground a cover had been placed over it and covered over with mould also the Ram had been covered in and a mound of mould had been covered over it also the inlet drain where the pipe was laid on had been covered or filled in up to the fence of Clumber Enclosure. Also that there has been a drain dug and pipes laid down or in from Clumber Fence to Rhinefield Fence and nearly all filled in and the turf laid down. The Ram from what I can hear was pumping the Water in to Rhinefield, all the other works are the same, as when I saw you.

I remain,

Your obedient Servant.

A. Chandler. Agister

G.F.W. Mortimer Esq.

The Clerk further produced copies of M^r Bennett's and The Hon: G. Lascelles' Affidavits and stated that M^r John Rigby Q.C. required a Special Fee of Fifty guineas and Fifty guineas on his Brief if he went into Court as Leader for the Verderers.

A long and special discussion took place on the subject and it was considered fully by the Court, plans being referred to and Minutes and correspondence read on the various points under consideration.

On the motion of the Chairman seconded by Mr Roy it was determined that the Court should not employ M^r Rigby, and the Clerk was directed to ascertain who was the leading Queen's Counsel practising in the Queen's Bench Division having a knowledge of the law on Commons and to retain and employ him as Leader. [p.4] He was further directed to place a Case before him seeking advice on the following questions:—

- (1) Whether having regard to the fact that the whole character of the works has been altered since the last Court so as to make them correspond with the description contained in M^r Bennett's Affidavit filed the 7th May 1891 on which the Order for the Injunction was founded and the purpose for which the original works mentioned in the Summonses were designed had been accomplished and the works were now in full operation and use. This proceeding on the part of the Plaintiff Edward Lionel Walker Munro entitled the Verderers to have the Injunction dissolved.
- (2) If not, what other steps the Verderers should take (if any) in the event of Counsel being of opinion that their acquiescence in the above proceedings will prejudice their Case at the hearing of the Information Summonses or Bill and Information.
- (3) What steps Counsel advises the Verderers to take under the altered state of the works and the present position of matters.

The Court then proceeded to consider whether they could arrange a compromise on the basis of M^r Munro (with the assent of the Commissioner of Woods Forests &c.) pleading Guilty to the

Summons charging him with encroaching and trespassing on the unenclosed Land by erecting a Reservoir and Ram thereon and by opening and breaking up the said land &c. which enclosures, by means of the erection of the Reservoir and Ram are now destroyed, and the Verderers without prejudice withdrawing the Summons as to the erection [p.5] of the Dam.

The matter was fully discussed but it was decided not to approach Lt. Munro's Solicitors, Mess^{rs} Caprons Dalton and Coy. on this subject until after the receipt of Counsel's opinion on the above matters. The Clerk being directed in consultation to seek Counsel's advice on this subject.

The Court then proceeded to consider M^r Lascelles' Affidavit Clause by Clause directing the Clerk to take note of the various mis-statements and mistakes therein, and to report fully at an adjourned Court on the works stated to have been carried out by the Crown in the New Forest in the Affidavit of M^r Lascelles.

The Clerk was further directed to obtain a copy of the Plan exhibited thereto, and, if possible, of the Licence referred to therein and to communicate with Mr Munro's Solicitors thereon.

The Clerk read the following correspondence with the Office of Woods and Forests relative to the repair to Bridges &c.

No 507

Office of Woods &c
Whitehall Place S.W.
15 May 1891

Sir,

New Forest.

Adverting to the Official letter to you dated 5th September and to your reply of the 26th September 1888, I am directed by M^r Culley to state that he understands a bridge at Butts Lawn, which is one of the Bridges the subject of the arrangements come to by the above letters [p.6] is in a bad condition and needs repair but that the Verderers have no funds at their disposal for the purpose.

If the Verderers are no longer able to carry out their undertaking M^r Culley would be glad of a communication to the effect as contemplated by that letter of the 5th September above referred to.

I am, Sir,

G.F.W. Mortimer. Esq.
Clerk to the
New Forest Verderers.

Your obedient Servant
George Bennett.

Clerk's Office
Romsey. Hampshire.
20th May 1891.

Sir,

New Forest

Referring to my letter to the Deputy Surveyor of the 28th April last, which was based upon the correspondence on the subject, which took place in September 1888, I have little doubt, but that the intention of the Verderers was that it should be considered as a Notice to the Department, that the Verderers are at this moment unable to deal with the Bridges on the terms laid down in the correspondence alluded to; but that it was not intended to apply to the open Drains and Crossings, which the Verderers would desire still to maintain in such a state as to effect the purpose of carrying

off surplus water, but I will lay your letter of the 15th inst. before the Verderers at their next Meeting on Monday next.

I am, Sir, Your obedient Servant

George Culley Esq
Office of Woods &c.

G.F.W. Mortimer
Clerk to the Verderers

[p.7]

The letter sent by the Clerk was approved, and he was directed to write to the Commissioners of Woods Forests &c. to so inform him and to add that it appears to the Court that the Bridge at Butts Lawn was most dangerous to the public and to Commoners Animals and ought to be removed at once, and that so far as the Verderers are concerned a Ford in the position is all that they consider necessary, and that they are prepared to make it if the proceeds of the sale of the old Bridge are allowed to them.

M^r Lovell mentioned a Bridge at Balmer Lawn which was erected for the purposes of the annual Races held there and which was unsafe. The Clerk was directed to call M^r Lascelles' attention to it; and to see that the Verderers sanction was given before the Races were held at Balmer Lawn this year.

Copy Financial Statement

1891		£	s	D	1891		£	s	D	
May 12	By Cash received of Agisters at Court yesterday for marking Commoners' Cattle				May 11	Overdraft from last a/c	19	14	11	
	Chandler 23.10. 6				12	To Drake & Co for stationery	4	3	11	
	Evemy 19.13. 0					" Hon G. Lascelles, amount paid in } error for sale of Debris from Ober } Bridge }		7	6	
	Moody 17.11. 0					" H. Counsell Shorthand Writer's } Fees in Lyndhurst Gas &c Case }	4	12	8	
	Newbolt 3. 8. 6	64	3			Balance	49	13	2	
	" D ^o Pannage						£	78	12	2
	Moody 9/8 Evemy 7/-		16	8						
	" D ^o from Non Commoners for Licences to this time									
	Licenses 3.17. 6									
	Head Money 6.10. 0									
	Marking Fees 3. 5. 0	13	12	6						
		£	78	12	2					

[p.8]

The Agister Chandler paid over for marking Fees £12:10:6 and for Pannage 9/8.

This terminated the business of the Court at 3.30pm.

[signed] *Montagu*

[p.9] At an adjourned Court of Swainmote and Attachment held in the Verderers' Hall at the Queen's House, Lyndhurst on the 8th day of June 1891.

Present

The Right Hon. Lord Montagu, Official Verderer
Col. William Clement Drake Esdaile, Deputy Chairman
William Gascoigne Roy [correct] Esquire
Francis Frederick Lovell Esquire
John Jefferys Esquire

The Minutes of the last Court were read and confirmed, the letters of the Official Verderer and M^r Eyre referred to therein being ordered to be filed for reference.

The Clerk was directed in future not to enter letters from absent Verderers on business before the Court unless specially directed at the Court to do so.

The Clerk produced the Case submitted to Counsel and the joint opinion of M^r Jelf Q.C., M^r Temple Cooke and M^r Edmund J. Buckley thereon, and by order of the Court read the latter.

A discussion took place thereon in which each member of the Court took part and finally:

It was resolved that the Clerk prepare such a letter as is referred to in the joint opinion of Counsel on the basis of the terms mentioned in the opinion and submit it to M^r E.J. Buckley for Settlement and when settled despatch it to M^r Gorst and Mess^{rs} Caprons & Co, and submit the replies that he may receive to an adjourned Court.

[p.10]

The Clerk reported that the motion of the Verderers to vary the Draft of the Registrar's Order in the action against Lyndhurst Gas and Water Company by reinstating the portion thereof that he had struck out relative to payment of compensation for the laying of the Gas and Water Pipes had been brought out before M^r Justice Chitty who had ordered the words to be restored and had by Consent of all parties directed that a sum of Ten pounds should be inserted in the Order as the amount of Compensation to be paid by the Company to the Verderers in respect of the acquisition of the Commoners' Rights referred to therein.

That the Company had been further ordered to pay the costs of the motion.

The Court approved this Settlement.

The Agisters were in attendance.

The Agister Newbolt reported that he had received an order from the Clerk to see that a "Rig" belonging to M^r Soffe of Canterton was removed from the Forest and had done so.

The Clerk reported that in consequence of a complaint he had received, that the Horse in question had attacked and driven off from a herd of Mares the Scotch Stallion "Hebridean" purchased by the New Forest Pony Association from Lord Arthur Cecil; He had at once written to the Agister and to M^r Soffe to remove the Horse, and reported to the Official Verderer.

M^r Jefferys stated that he had seen the Horse again in the Forest yesterday.

The Clerk was directed to write to M^r Soffe again and to order the Agisters to impound the Horse if turned ~~put~~ on to the Forest again.

[p.11]

A similar complaint was made by Agister Chandler as to a Horse belonging to M^r John Phillips of Beaulieu Rails which was driving the young stallions away from the Mares in his district.

M^r Lovell stated that “Hebridean” would have been turned out at Beaulieu if it had not been for the Horse in question.

The Clerk was directed to take similar steps with reference to M^r Phillip’s [*sic*] Horse.

It was resolved in consequence of these complaints to amend the New Forest Bye Law No.2 by inserting the words “or other” in the first line of the subsection after the words “male entire” and the words “and animals” in the second line thereof after the words “cause injury to any person”.

The Clerk was directed to take the necessary steps to have the Bye Law amended (if possible) at the next Court of Quarter Sessions – and to have the Bye Law as so amended duly passed at such Court of Quarter Sessions.

The Clerk read the following communication from the Deputy Surveyor as to the Bridge at Balmer’s Lawn, and a copy of his letter of the 28th ulto: as follows:

(Copy)

Romsey, Hampshire.
28th May, 1891.

Dear Sirs,

You will doubtless remember that at the Swainmote Court held on the 11th inst. the Agister Chandler reported that a Bridge at Balmer’s Lawn erected for the Race Meeting was rotten, and dangerous to Cattle crossing it; and you kindly promised to see to it.

Mr Lovell mentioned this matter again [p.12] to the Court on Monday last when I was directed by the Verderers to call your attention to it and ask you to have the same attended to or removed at once.

Yours faithfully,

The Hon. G. Lascelles

G.F.W. Mortimer
Clerk to the Verderers

Queen’s House. Lyndhurst.
May 30th 1891.

Dear Sir,

I have to acknowledge the receipt of your letter of the 28th inst. I should prefer to wait and see what steps are likely to be taken with regard to holding Brockenhurst races again, before I decide on my alterations at Balmer Lawn, but the matter will have my attention

Without however suggesting that your letter was intended to convey any such meaning, I think I ought to say that I cannot admit that there is any responsibility on the part of the Crown for any risks incurred by cattle turned out on the waste of the Forest owing to the nature of the property.

In this case however I am persuaded that the “danger” is imaginary, for after visiting the ground and inspecting it, I am really unable to discover what it is that can have given rise to any such complaint!

G.F. Mortimer Esq.

I am, Yrs very truly,
Gerald Lascelles.

M^r Lovell reported that the Bridge was dangerous several planks were missing or loose and that there were holes in some of the planks dangerous to Animals that there was a drop of quite 18 inches from the Bridge into the ditch below.

The Agister Chandler confirmed this report.

The Clerk was directed to write to the Deputy Surveyor that the Verderers from the above Reports feared that he must have visited the wrong bridge and after pointing out the Report given by M^r Lovell and the Agister to state that the Court cannot wait until after the question of the holding of Brockenhurst Races has been decided and request that the Bridge may be repaired or removed at once and that after this notice the Crown would be responsible in case of damage or injury to any Commoners' Animals.

The Agister Chandler reported that the Lymington Highway Board were proposing to cut a Drain from the Road after passing Moudge's [*sic* – Mudge's] Road near the fence of the ground laid out for new Buildings at the Weirs Brockenhurst thro' the pasturage of the Forest by means of an open cutting to take off the surface water from the Road.

The Clerk was directed to write and ask for a Plan of the proposed Drain for the information of the Court.

The Clerk read a letter from M^r Bance as follows and produced the Plan therein referred to.

(copy)

Estate Agency Offices
Queen's Chambers
59 Above Bar
Southampton. 29 May 1891.

My dear Sir,

Forest Land

Being away for a few days prevented my complying with your letter of the 19th inst. but I now send Plan showing the Place X X [p.14] between which I am applying for access as the entrance on the East is over another man's property and is very inconvenient.

G.F.W. Mortimer Esq.
Romsey

Yours sincerely,
E. Bance

He was directed to write M^r Bance for a further Plan and for full particulars and details of his proposed works and to suggest that he should attend the next Court and explain to the Verderers what he proposed to do.

Mr Jeffery called the Agister Moody's attention to a Bay Mare about 14 hands with tail docked which he had seen on the Forest and believed to be unmarked.

The Agister stated that from the description he believed the Mare belonged to M^r Gould, Veterinary Surgeon of Southampton and was marked.

The Agister Chandler reported that the Railway Authorities at Holmsley Station had been wheeling Rubbish consisting of old tins, Dirt &c. on to the open Forest near the station.

He was directed to speak to the Officials and inform them that they must discontinue the practice and find a place of their own to shoot their rubbish.

The Agisters paid over the following fees received since last Court for marking Commoners' Animals.

Newbolt	£3. 14. 6
Evemy	17. 17.
Chandler	5. 14. 6
Moody	7. 18. 6

[p.15]

This terminated the business of the Court which was formally adjourned till Monday the 22nd June instant at 11.30 o'clock.

[signed] *W. Clement D. Esdaile*

[p.16] At a Court of Swainmote and Attachment held at the Verderers' Hall in the Queen's House Lyndhurst on the 6th day of July 1891.

Present.

Lieut. Col. William Clement Drake Esdaile, Chairman
George Edward Briscoe Eyre Esquire }
William Gascoigne Roy Esquire } Verderers
Francis Frederick Lovell Esquire }

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

It was resolved that the Deputy Chairman be Chairman in the absence through illness of the Official Verderer.

A communication was received from M^r Meyrick excusing his absence on the ground of ill health.
The Minutes of the last meeting were read and confirmed.

Charles Evemy } Adjourned from the Court held on the
-v.- } 11th May 1891 for Defendant to appear.
William Warne } Defendant did not appear.

Charles Evemy sworn. I am an Agister of the New Forest [p.17] residing at Burley. Proof of service of the Summons on Defendant was given at the Court held on the 11th May last and he has been directed to attend here today. He is not present. On the 1st April last I was in the Forest near Burley I saw a Cow in a very poor condition. The condition was such that the Owner has since been summoned before Ringwood Bench and fined 15/- and costs for cruelty to it. It was very emaciated and half starved. It belonged to Defendant who has a License for 5 Cows which I have marked. The Cow in question was not included in the License and has not been marked and is wholly unfit to go into the Forest.

The Defendant was fined 7/- and 9/- Costs.

The Clerk reported that owing to there not being the time required by sub section 4 of section 25 of the New Forest Act 1877 between last Court and the last Quarter Sessions during which notice of intention to apply for confirmation of the proposed alteration in Bye Law 2 had to be advertised. He had seen the Clerk of the Peace and confirmed with him as to placing the subject on the Agenda Paper at the adjourned Quarter Sessions. The Court however considered the matter should stand over till the next General Court of Quarter Sessions to be held on the 20th October next and approved the further alterations in the wording of the Bye Law.

The consideration of the steps (if any) to be taken to enforce Bye Law N^o 6 (Turbarry) was ordered to stand over until the November Court.

[p.18]

The Clerk produced and read a correspondence with the Clerk to Lymington Highway Board which was ordered to be entered onto the Minutes

(copy)

Clerk's Office
Romsey Hampshire
12 June 1891

Sir,

A report was laid before the Verderers of the New Forest sitting in their Court of Swainmote on Monday the 8th instant that the Lymington Highway Board contemplated opening a new Drain about 90 feet long 3 feet broad and 18 inches to 2 feet deep at the boundary of the lawn adjoining the Weirs Brockenhurst to carry the water from the main Road from Brookley Bridge to Wilverley Lodge into the River above the next Road recently made through Brookley to the Main Road.

I am directed to point out that the Sanction of the Verderers is required before the open waste of the Forest can be dealt with and I am to ask for plans particulars and details of the proposed Drain for information and sanction of the Verderers before the works are put in hand.

Your early attention is requested.

The Clerk
to the
Lymington Highway Bd.

Yours faithfully,
G.F.W. Mortimer
Clerk to the Verderers.

Lymington Highway Board
Lymington
June 16. 1891

Sir,

I am in receipt of your letter of the 12th inst. and I will lay the same before the Highway [p.19] Board at their Meeting fixed to be held on the 4th proximo and take their instructions thereon.

I am, Sir,

G.F.W. Mortimer, Esq.
Clerk's Office
Romsey. Hants.

Your obedient Servant
J. Davis Rawlins
Clerk

Clerk's Office
Romsey. Hampshire.
2nd July. 1891.

Dear Sir,

Referring to my letter of the 12th ulto. and your letter of the 16th ulto., as there is a Verderers' Court on Monday next the 6th inst. I shall be obliged if you will favor me with a reply to my letter after your meeting takes place on the 4th inst.

Yours faithfully

J. Davis Rawlins Esq.
Clerk to the
Lymington Highway Bd.
Lymington

G.F.W. Mortimer
Clerk to the Verderers.

Lymington Highway Board
Lymington July 4. 1891.

Dear Sir,

I am directed by the Highway Board for the District of Lymington to inform you in answer to your letter of the 12th ultimo that they have no intention of doing the work referred to by you.

The Board at the same time desired me to take this opportunity of stating that [p.20] they have received a report from their Surveyor that there are many water courses in the Forest which it is necessary should be cleared out especially the one at Waters Green Brockenhurst and I am directed to ask that instructions be given for the necessary work in connection therewith to be carried out forthwith.

Yours faithfully.

G.F.W. Mortimer Esq.
Clerk's Office
Romsey. Hants

J. Davis Rawlins
Clerk

The Clerk produced a plan and a letter which letter he read from M^r E J. Bance as to a road he desired to make across the waste of the Forest over which Commoners' Cattle have a right of Pasturage near Brockenhurst.

M^r Bance being present fully explained his Plan and proposals and produced the correspondence he had had with the Office of Woods Forests &c containing the terms upon which that office had granted permission to him.

The Court having heard M^r Bance's explanations and fully considered the same. Resolved that the Clerk inform M^r Bance that leave would be given to him on similar conditions including the payment of an annual acknowledgment [*sic*] of Five shillings the concession to be coterminous with that granted by the Office of Woods Forests &c.

The Court then proceeded to consider the position of the negotiations relative to the Information and [p.21] Bill filed by the Office of Woods, Forests &c and M^r Munro against the Verderers and their Agister Chandler, and to the consequent Injunction upon the Verderers against hearing the Case against M^r Munro in their Court of Swainmote.

The Chairman read a letter from the Official Verderer on the subject <which> was ordered to be filed.

The Clerk read the Correspondence and a Memorandum of Suggestions at an interview he had had with M^r Gorst, Solicitor to the Office of Woods, Forests &c. which were ordered to be entered on the Minutes.

(copy same)

Romsey. Hampshire
15. June. 1891.

Dear Sir,

Attorney General & Another

—v—

Verderers and another

I am directed by the Right Honourable the Lord Montagu the Official Verderer and the Verderers present at a Court of Swainmote and Attachment held in the Verderers' Hall Queens House Lyndhurst on the 8th June instant to address you with reference to the present position of the questions raised by this Information and Bill.

After the order obtained *ex parte* by the Plaintiffs in these proceedings was served on the Verderers and their Agister Chandler and before even the Verderers had time to appear and answer the Rule obtained against them by such Order the whole character of the works complained of and in respect of which [p.22] the Plaintiff was summoned to appear before them was entirely altered.

The building referred to in M^r Cowley's letter of the 11th Sepr 1890 and M^r Lascelles' affidavit sworn on the 11th day of May 1891 as about to be placed over the Ram has been apparently abandoned and the Ram has been earthed over. The portion of the Reservoir which was above the level of the surrounding open Forest has been removed and the top of the Reservoir has been earthed over on the natural level. The fences which were placed round the Reservoir and Ram have been removed. The Dam in the river has been lowered several inches and the Trenches leading therefrom with the pipes therein have been <filled in &> earthed over. These alterations were it appears carried out on the very day after the Verderers in their Court had refused to proceed on the summonses against Lieut. Munro consequent on the order of the Queen's Bench Division of the High Court granting the injunction, with the result that Lieut. Munro by completing the works *pendente lite* has obtained the full fruition of the works which he was summonsed to abate, under cover of the injunction prohibiting the Verderers in their Court from punishing the trespass if they found it to be one.

Under the circumstances the Verderers were of opinion (1) that the Injunction obtained against them should be dissolved (2) that the Summons [p.23] against Lieut. Munro in respect of the erection of the Ram and Reservoir which as originally constructed were clearly enclosing within the recent decision of M^r Justice Chitty in the case of the Verderers v. The Lyndhurst Gas and Water Company should be proceeded with, Lieut. Munro pleading guilty to this summons and paying a nominal acknowledgment [*sic*] by way of fine in respect of these works and the costs thereof (3) that on this being done the Verderers should allow the summons in respect of the Dam to be withdrawn reserving the right to take such proceedings if any, as they may be advised in the event of serious deprivation of water below the Dam or appreciable flooding of pasturage above it in the future (4) that the Information and Bill should be withdrawn and that the costs of the Verderers and their Agister occasioned thereby should be provided for.

I shall be glad to know if you are willing to agree to these terms, or terms of a similar nature.
Awaiting your reply,

I am Dear Sir,

Yours faithfully,

G.F.W. Mortimer

Clerk to the Verderers

Thomas Gorst Esq.

and

Messrs Caprons, Dalton & Co.

[p.24]

Office of Woods &c.
1 & 2 Whitehall Place. S.10
17. June. 1891.

Dear Sir,

Rhinefield

I have received your letter of the 15th inst; and it shall receive due consideration.

If you are in Town at any time it will be a pleasure to me to see you on these matters.

Yours faithfully,

G.F.W. Mortimer Esq.

T.W. Gorst.

Savile Place. Conduit Street
London. W.
17th June 1891.

Dear Sir,

Munro. Rhinefield.

We are in receipt of your letter of the 15th inst.

We are communicating with the Woods and Forests and M^r Walker Munro thereon, and will write you when we hear from them.

Yours faithfully,

G.F.W. Mortimer Esq.

Caprons, Dalton, Hitchins & Brabant

Romsey. Hampshire.
29th June. 1891.

Dear Sir,

As it is most important that only an accurate Statement of the result of our interview on Monday last should be placed before the Verderers on the 6th *proxo*: I have reduced into writing what I believe to be a concise memorandum [p.25] thereof.

Will you be good enough to look at it, and if correct, as I think it is, return it approved. We are both desirous to bring this matter to a peaceful solution, and it would be a pity if I was to state anything on Monday next which was not in accord with the suggestions made at our meeting.

Will you at the same time favor me with a reply to my letter of the 15th instant I would venture to suggest that such reply might be to the effect that you are ready to settle the terms of a compromise and to further discuss a Settlement on the basis of my memorandum.

I am, Dear Sir,

Yours faithfully

G.F.W. Mortimer

Clerk to the Verderers.

Thomas Gorst Esq.
Office of Woods &c.

Office of Woods &c.
1 & 2 Whitehall Place
1st July 1891.

Dear Sir,

New Forest Verderers

I have received your letter of 29th ulto: and accompanying Memorandum.

The latter does not seem to me to state what I think the Commissioner would agree to with sufficient clearness, and this I will endeavour to do, and this letter may be taken as my reply to yours of the 15th ulto.

I think that if the proceedings between [p.26] the Crown and the Verderers are to be discontinued, this must be upon the footing of the status before the Verderers gave instructions to summon M^r Munro being restored, that is to say that the summons should be withdrawn if the proceedings on the Information are to be discontinued.

I do not think that technically any Injunction against the Verderers exists but I should raise no objection to the removal of the same if it does.

As regards costs, I have considered what you advanced on the subject, and I think all parties must bear their own costs: the Crown desire to avoid litigation with the Verderers and if a settlement can be arrived at will not ask them to pay the costs of the Information, but the Verderers, on the other hand, should themselves bear such costs as they have incurred.

I do not propose to take any further step in the suit till after I hear from you after the 6th instant, but unless there is then a fair prospect of a Settlement which will avoid all litigation the Crown will have to proceed with the suit.

I am, Dear Sir,
Yours faithfully

G.F.W. Mortimer Esq.
Romsey,
Hants.

T.W. Gorst

[p.27]

In the High Court of Justice
Queen's Bench Division
Queen's Remembrancer

Her Majesty's Attorney General
on behalf of Her Majesty . . . Informant
———-and———
Edward Lionel Walker Munro . . . Plaintiff
———-and———
The Verderers of the New Forest
and Alfred Chandler . . . Defendant

Memorandum of suggestions made as a basis of the Settlement for the Rhinefield Case and the withdrawal of this Information and Bill at an interview between M^r Thomas Gorst Solicitor to the

Office of Woods Forests and Inland Revenue and M^r Westmacot his Assistant on the one part and the Clerk to the Verderers on the other part held at Mr Gorst's Office 1 Whitehall Place, London on the 22nd June 1891. The letter of the Clerk to the Verderers dated the 15th June 1891 and addressed to Mr Gorst was put in and read.

On the question of the present position of the proceedings, the Clerk to the Verderers stated that the endorsement on his Counsels' Brief ran as follows:—"On this Case coming on for argument in the absence of the Attorney General – I undertaking on behalf of the Verderers not to proceed with the Summonses until after the hearing of the action. The Rule ordered to stand over *sine die*. Either party to be at liberty to have the Case restored to their paper – all question of costs reserved" – That this coupled with the Order of 8th May 1891 served upon the [p.28] Verderers in the above Information and Bill practically amounted to an Injunction until the hearing of the Case and that such an Injunction was, if permitted to remain standing menace to the jurisdiction of the Verderers' Court of Swainmote and Attachment.

M^r Gorst stated that the Crown was satisfied with the present position of matters and did not propose to take any further steps to bring on the Information and Bill to a hearing unless the Verderers first moved and compelled the Crown to do so when the Case would be fought out to the Highest Tribunal.

On this state of circumstances, after conferring M^r Gorst agreed that steps should be taken to remove the Injunction on the grounds pointed out by the Clerk and that he would agree to its being dissolved.

On the question of the Verderers proceeding, on the Injunction being dissolved to try either of the Summonses and M^r Munro pleading "Guilty" to the Summons with respect to the erection of the "Ram and Reservoir" and the Verderers withdrawing the Summons with respect to the Dam – M^r Gorst stated that he would not consent to the hearing by the Verderers of either of the Summonses and that if the Injunction was dissolved it must be on the terms of the Verderers entirely abandoning any proceedings on the existing Summonses.

The question of any arrangement with M^r Munro to pay to the Verderers a small annual sum by way of a nominal acknowledgement of the Right of the Commoners to the feed over [p.29] the Lands enclosed by M^r Munro on the open waste of the Forest was to be left to the Verderers and M^r Munro to settle between themselves.

The Verderers to be at liberty hereafter to take such proceedings as they may be advised in the event of serious deprivation of Water below the Dam or appreciable flooding of pasturage above it in the future.

On these terms being agreed the Information and Bill to be withdrawn.

The question of the payment of all the Verderers' and their Agister's costs occasioned thereby to be further considered by M^r Gorst. Having in view the fact that in any event these costs could be recovered against M^r Munro he having altered the whole character of the works under cover of the Injunction obtained against the Verderers and even before the Rule could be argued and thus, *pendente lite*, obtained the full fruition of the works he was summoned to abate under cover of the Injunction prohibiting the Verderers from punishing his trespass if they found them to be such.

M^r Gorst undertaking to see how he could provide for their payment. The Clerk to the Verderers pointing out that the payment of these costs would be insisted upon – It was suggested that the best way to deal with the question would be to move the Court to dismiss the Information and Bill by consent with costs in favor of the Verderers.

[p.30]

Clerk's Office
Romsey. Hampshire.
2nd July. 1891.

Dear Sir,

Attorney General & Munro

v.

Verderers and Chandler

I am in receipt of your letter of the 1st instant and am obliged.

With reference to my memorandum, it does not purport to state what the Commissioner would agree to but simply to record our interview. I believe that it is in every respect accurate and states what took place thereat with sufficient clearness, but if you will return it, stating where it is not sufficiently clear with any suggestions you may make, to make it more so, I shall be obliged.

If however the object of your letter is to withdrawn [*sic*] entirely from the position taken and suggestions made at our interview, as set out in the memo: please so state; that the Verderers and I may fully understand that what took place thereat is entirely withdrawn and superseded by your present letter.

Yours faithfully.

Thomas Gorst Esq.
Office of Woods &c.

G.F.W. Mortimer
Clerk to the Verderers

Office of Woods &c.
Whitehall Place. S.W.
4th July. 1891.

Dear Sir,

New Forest Verderers

I have received your letter of the 2nd [p.31] instant, I think that the Memorandum which I return is generally correct as to what you advanced at our interview, but I was not able to agree to all that you advanced.

I stated that the Crown had no occasion to take any step as to the Injunction unless the Verderers first moved, but I did not state that the Information would not be proceeded with.

The general result I believe to be this that, if the Verderers will abandon the Summonses, the Crown will abandon the Information, that any question between the Verderers and M^r Munro which may be settled between themselves need not affect the Crown unless either party seek to bring in the Crown thereto, and that the Crown will not ask for costs from or pay costs to the Verderers.

I am, Dear Sir,

Yours faithfully,

G.F.W. Mortimer Esq.
Romsey.
Hants.

T.W. Gorst.

A long discussion took place on the subject and It was resolved that the Court having heard the above letters and memorandum is of opinion that the Clerk should lay the same with a Case before M^r Buckley with a view to obtaining an opinion upon the steps which ought to be taken by the Court in the interests of the Commoners, such case to embrace the question whether a motion

should be made against M^r Munro to dissolve the Injunction as far as he is concerned, also the question whether there is any middle course between the terms suggested by the Verderers in their letter of the 15th June [p.32] and the terms suggested by M^r Gorst in his letter of 1st July the Verderers feeling that the suggestions so made by M^r Gorst amounted to complete submission to the Crown also the question whether the continuance of the Injunction on the Verderers not to hear the Case against M^r Munro in their Court of Swainmote would affect the general jurisdiction of their Court unfavourably in any future dealing with Enclosures in the open Forest.

The Clerk reported to the Court that he has seen M^r Culley the Commissioner in charge of the New Forest on the 20th June relative to a letter written by the Office of Woods as to the Item of 7/6 cash received from the sale of Debris of Ober Bridge and to the answer by the Clerk, to the same, and that in view of his explanation The Commissioner had desired to withdraw the letter from his Department and to return the Clerk's reply. The Clerk had agreed to this and M^r Culley had now substituted the communication which the Clerk read. This communication was directed to be entered upon the Minutes.

(copy)

Office of Woods &c.
1. Whitehall Place. S.W.
9th June 1891.

No. 637.

Sir,

New Forest

I am directed by M^r Culley to acknowledge receipt of your letters of 20th & 26th ulto. stating that the Verderers are unable at present to carry out the arrangement entered into in 1888 with regard to the repair of certain Bridges constructed out of the Southampton and Dorchester Railway Fund. The arrangement [p.33] referred to under which the Verderers had a general permission to enter on the Crown lands for the purpose of repairing the bridges, the Crown granting timber in the rough for such repairs, is therefore necessarily suspended for the present, and it is presumed that application will be made to this Department in any case in which the Verderers may desire to enter upon Crown Land for the purpose of repairing any of the bridges.

With regard to the Bridge at Butts Lawn which you report in a dangerous state, I am to remind you that this one of the Bridges the repair and maintenance of which the Verderers undertook under the arrangement in 1888 above referred to.

M^r Culley will communicate with the Deputy Surveyor as to the further steps to be taken. From a perusal of the Verderers Account for last year it appears that only £22.9.7 was expended on account of repairs to Bridges and Drains.

I am, Sir,

Your obedient Servant,

G.F.W. Mortimer Esq.

George Bennett.

Clerk to the New Forest Verderers.

<Copy extract from Minutes of proceedings of Verderers New Forest Court held 6 July 1891>

The Chairman mentioned the propose Enclosure of not exceeding 50 acres of the New Forest under the Act of 1 & 2 W^m IV Cap. 59 at Lyndhurst for the purpose of allotments for the poor. M^r Roy stated what [p.34] the Guardians were doing in the matter.

M^r Lovell stated that if every Parish adjoining the Forest required the same accommodation over 2000 acres of the Forest would be enclosed.

It was resolved that the Clerk address a letter to the Office of Woods and Forest asking that Plans of any Land proposed to be dealt with under the above Act and information as to the manner in which that office was dealing with the subject may be supplied to the Court before the Act was put into force and pointing out that the Verderers on behalf of the Commoners were directly interested in the matter especially in seeing that no more land is inclosed [*sic*] than is absolutely necessary.

M^r Lovell mentioned that the Deputy Surveyor had recently caused Wood Fidley to be driven and that the following Commoners who has Animals thereon had been each fined 12/- in respect of every Animal driven – M^r Bradford, 5. Horses – M^r Bramble, 2. Horses – M^r Fred Young, 2. Horses – M^r Arthur Burton, 1. Horse – M^r. Levi Gray, 1. Horse.

He complained that the Fences were insufficient and the Gates to the Enclosure were left open and a great hardship was thus inflicted on the Commoners.

The Agister Chandler reported that the Fences of the Enclosure has been made up just before the Enclosure was driven – that the Gates were frequently open and that Commoners' Cattle in consequence wandered into the Enclosure.

Captn. Roberts in the absence of the Deputy Surveyor stated that in a recent Case where the Fences to the Enclosure were not proof against Animals the Fines inflicted by the Crown had been returned to the Commoners.

The Court instructed the Clerk to write and <suggest> that [p.35] during the summer months all Gates to Enclosures might so far as possible be made to close automatically.

The Agisters were instructed to watch all the Enclosures in their Districts carefully and report at once if the Fences were not Animal proof or the Gates were systematically left open.

The Clerk presented a Petition forwarded to him by M^r Dominey in favor of Moody being continued in his office of Agister. The consideration of the matter was ordered in the Official Verderer's absence to stand over.

The Clerk produced the original Order in the Case of the Verderers v. Lyndhurst Gas and Water Works Company, which he was ordered to have printed at the foot of the Judgment [*sic*], which was delivered by M^r. Justice Chitty.

(copy Order)

In the High Court of Justice
Chancery Division
M^r Justice Chitty

1850.V.528
Friday the 5th day
of June 1891.

M^r Jackson, Reg^r

Between the Verderers of the New Forest constituted by the New Forest Act 1877 and William Clement Drake Esdaile on behalf of himself and all other persons having Right of Common on the Wastes of the New Forest (added by amendment under Order date the 13th [p.36] January 1891[])

. Plaintiffs

The Lyndhurst Gas and Water Company Limited Defendants

Upon Motion for an Injunction on the 11th March 1891 made unto this Court by Counsel for the Plaintiffs and upon hearing Counsel for the Defendants and upon reading the Writ of Summons issued in this action on the 31st July 1890 an affidavit of George Ferris Whidborne Mortimer filed the 5th August 1890 and the Exhibits therein referred to an affidavit of Charles Newbolt filed the 13th November 1890 and an Affidavit of George Ferris Whidborne Mortimer filed the 13th November 1890 and the Exhibit therein referred to an Affidavit of Gerald William Lascelles filed the 25th October 1890 an Affidavit of William Randall Lacey filed the 29th October 1890 and Affidavit of Reginald Pelham Bolton filed the 1st November 1890 an Affidavit of Henry Frederick Kite filed 3rd November 1890 and the Exhibits therein referred to and the Affidavit of William Randall Lacey filed the 21st November 1890 And the Plaintiffs and Defendants by their Counsel agreeing to treat this Motion for Judgment [*sic*] and the Plaintiffs by their Counsel agreeing to accept from the Defendants the sum of Ten Pounds as compensation for the Common Rights of the Plaintiffs and all other Commoners in the Lands mentioned in Schedule B to the Provisional Order of the Defendant Company scheduled to the Act of 49 and 50 [p.37] Victoria Chapter 59 under the terms of the said provisional order and in the Lands under which the pipes are laid as mentioned in section 30 of the said Provisional Order This Court doth order that the Defendants the Lyndhurst Gas and Water Company Limited their Servants and Agents be hereby restrained from disturbing the Common Rights of the Plaintiffs and all other persons having rights of Common over such Lands And it is ordered that the Defendants the Lyndhurst Gas and Water Company Limited do pay to the Plaintiffs their Costs of this Action including this application to be taxed by the Taxing Master.

The Agister Moody stated that he had the offer of a House at Cadnam, the present Tenant of which was leaving shortly; the house was just outside his District, but easily accessible from many places, and he desired to know whether the Verderers would approve the same – the consideration of this was ordered, in the absence of the Official Verderer to stand over until the next Court.

The Agister Evemy reported that the 5th Hants Rifle Volunteers had remade eight squares on the open waste of the Forest in his District, about 18 inches deep, in connection with their rifle practice but the mould had been filled in and re-turfed.

[p.38]

The Agister Chandler reported that there had been deposited two wheelbarrows full of Glass at Old Slade Pond, either by the Railway servants from Brockenhurst Park after the Fête there, or from the Club. He was directed to bury it.

Chandler also reported that a piece of Ground at Penderley Lodge has been fenced in with Hurdles pending the Building of a Wall.

The Clerk produced the usual financial statement which was ordered to be entered on the Minutes.

(copy)

1891		£	s	d	1891		£	s	d
May 26	Balance from last a/c.	49	13	2	May 25	To Tylee & Mortimer, Law Costs, 1889	8	7	6
	By Cash received of Agister Chandler at Court yesterday for marking Commoners' Cattle to this date	12	10	6	June 24	To Clerk's quarter's salary due this day	37	10	
	D ^o Pannage		9	8		To Agisters D ^o			
June 9	By Cash received of Agisters at Court for marking Commoners' Cattle					Newbolt 17.10. 0			
	Evemy 17.17. 0					Evemy 17.10. 0			
	Moody 7.18. 6					Chandler 17.10. 0			
	Chandler 5.14. 6					Moody 17.10. 0	70		
	Newbolt 3.14. 6	35	4	6					
	By Cash received of Non-Comrs. for Licences to this time								
	Licences 1. 5. 0								
	Head Money 2.12. 6								
	Marking Fees 1. 3. 6	5	1						
20	By Mr H. Herbert's acknowledgmt.			1					
	Over Draft	12	17	8					
		£ 115	17	6			£ 115	17	6

[p.39]

The Agisters attended and paid over the following Fees they had received for marking Commoners' Animals since last Court, viz.

	£	s	d
Chandler	26	10	6
Moody	24	7	0
Evemy	15	19	0
Newbolt	13	18	0

This terminated the business of the Court at 3 o'clock p.m.

[Signed] M

Copy of the letter from the Office of Woods &c to M^r Bance

N^o655

Office of Woods &c

Sir,

New Forest

10th June 1891.

M^r. Lascelles the Deputy Surveyor of the New Forest, has reported to me that you desire to have permission to make a path across the waste of the Forest between your property near Brockenhurst Weirs and the Brockenhurst Wooton Road.

Subject to your signing and returning the enclosed letter, I am willing to allow you to gravel and maintain a track (not to exceed 12 feet in width) between the points A and B on the enclosed tracing during the pleasure of this Department, and on payment in advance an acknowledgment of 5/- on the 1st May in each year during which the permission continues. It must be understood that no fence of any kind must be erected along the Track and that permission is strictly during pleasure.

I am, Sir,

Your obedient servant

M^r Alderman Bance.

George Bennett.

[signed] *Montagu*

[p.40] At a Court of Swainmote and Attachment held at the Verderers' Hall in the Queen's House Lyndhurst on Monday the 9th day of November. 1891.

Present

The Right Hon: The Lord Montagu. Official Verderer.
Lieut: Col: William Clement Drake Esdaile. Deputy Chairman.
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
George A.E.T.G. Meyrick Esquire
John Jeffreys Esquire.

The Court was opened with the usual proclamation by the Crier
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 Elective Verderers. The following Claims were placed on the Register –

from M^r Henry Osias Ship, of Fawley, in respect of 733

M^r Edward Sims of Lyndhurst, in respect of 321

M^r Henry Beazley of Freemantle, in respect of 306

M^r Thomas Bunday of Fawley, in respect of 808

M^r T. Matthews of Beaulieu Rails, in respect of 349

M^r George Thomas Savage of Pilley, in respect of 75

M^r Percy Edward Sankey of Lyndhurst in respect of pt. 947

and M^r William Sykes of Lyndhurst in respect of part 958.

[p.41]

The Official Verderer stated that he thought Bills should be issued another year before the Verderers' Court calling public attention to the fact that the Register of Claims to be placed in the Commoners' list would be taken into consideration, so that more notice should be given.

The Register was finally settled and signed and the Clerk was directed to have it copies and circulated, as usual.

M^r Moens, on behalf of a Deputation of Commoners, which was present, addressed the Court, first, with reference to the Drain between Green Moor and Rossen Gutter in the Parish of Boldre which had become stopped, and required to be opened and cleaned, so as to prevent serious flooding which now occurred.

The Court informed him that it had no power in the matter, as it was not a Drain made from the Dorchester Railway Fund and referred him to M^r Lascelles the Deputy Surveyor on the subject.

Secondly, M^r Moens addressed the Court on the subject of Ponies being impounded when found in the Crown Inclosures by the Servants of the Crown, a poundage fee of 2^s 6^d and 6^d a day keep being demanded from the owners, with notices to the owners that if the ponies were not taken out and such fees paid, the Ponies would be sold.

The Court requested M^r Moens to inform them under what statutory power they had a right to interfere. M^r Moens in reply stated he was not able to refer to any Statute but considered that it was part of the Duty of the Verderers generally to protect the rights of the Commoners.

[p.42]

The Official Verderer directed the Minutes of the last Court to be read on the subject, and a long discussion took place upon such Minute and as to the feasibility of using Gates closing automatically. A further discussion took place between the Court and the Deputy Surveyor as to the liability of the Crown to keep up the Fences round the Inclosures.

The Deputy Surveyor stated that he did not admit any such liability and that it was for the Commoners to keep the Cattle within the Commonable parts of the Forest, and to prevent their straying into the Crown Inclosures, whether the railings were broken down, or the Gates left open or not.

In answer to the allegations of the Commoners that they never received any Notice that the Enclosures would be driven, or that their Cattle were trespassing the Deputy Surveyor said that the Agisters could go through the Enclosures and if they found ponies therein give the owners notice to remove them; and he further stated that it was not his custom to drive any Inclosure where the Fences were bad. Having heard other Commoners on the subject, the Court informed the Deputation that it had no legal power to interfere.

Thirdly M^r Moens addressed the Court as to the desire of the Commoners that the present date for Pannage time viz. from 14th September to the 11th November should be altered by postponing it for one month thus merely altering the time but not increasing the period for Pannage, and stated that a Petition was being signed and would be sent to the Office of Woods Forests &c. asking that an alteration might be made in Pannage time in any Bill which might be introduced into Parliament next Session dealing with [p.43] Forest matters.

He requested the Court to support the Petition. The Court informed him that on receipt of a copy of the Petition every attention would be given to it.

The Official Verderer stated that it would be necessary that the Court should be informed that the proposed change was the general or unanimous wish of the Commoners – at present the Court only knew the views of M^r Moens and those he represented.

Fourthly, M^r Moens addressed the Court on the question of Highways through the Inclosures. It was felt widely, he said, that many Highways passing through Enclosures were now illegally closed by locked Gates, but he was informed by the Court that this was a question quite outside the powers and duties of the Court of Swainmote, however well founded the complaint might be, and however desirous the Court might be to consider any alleged grievance suffered by the Commoners.

M^r Moens at once accepted this decision and thanked the Court for the patient attention given to the points which he, on the part of the Deputation had ventured to bring before them.

M^r Sparks addressed the Court with reference to a Roadway he wished to make across the Forest at Brockenhurst. He was directed to submit a plan and particulars of this proposal after they had been approved by the Crown.

[p.44]

The Court then proceeded to consider the position of the proceedings in the matter of the “Attorney General and Munro v. The Verderers”

The Clerk read the correspondence that had taken place between himself and M^r Munro’s Solicitors which was ordered to be entered on the Minutes.

(Copy same)

Clerk’s Office
Romsey. Hampshire
18th August. 1891.

Dear Sirs,

Attorney General and Munro

v

The Verderers and another

The Verderers have received a letter from M^r Gorst the Solicitor to the Office of Woods Forests &c. dated 4th July in which he writes as follows:– “that if the Verderers will abandon the Summonses against M^r Munro the Crown will abandon the Information in the above proceedings that any question between the Verderers and M^r Munro which may be settled between themselves need not affect the Crown unless either party seek to bring in the Crown thereto and that the Crown will not ask for Costs from or pay Costs to the Verderers”.

This letter has been receiving the attention of the Verderers with a view to their seeing their way to end the above litigation in manner suggested by M^r Gorst.

To this end I am directed by the Official Verderer to communicate to you the terms upon which the Verderers will be ready to arrange a Settlement with M^r Munro not affecting the Crown’s interests.

[p.45]

These terms are

(a) The withdrawal of both Summonses against M^r Munro on his paying the costs thereof 9/- and entering into an arrangement to pay to the Verderers annually the sum of Two shillings and sixpence by way of nominal acknowledgment of the Right of the Commoners to the Feed over the Lands enclosed by M^r Munro.

(b) That the proceedings instituted by the Attorney General and M^r Munro by way of Information and Bill be abandoned and all other the Verderers’ costs thereof and consequent thereon be paid by M^r Munro.

Having regard to the Circumstances connected with the complete alteration of the works carried out by M^r Munro immediately upon the Injunction being granted against the Verderers on the joint application of the Crown and M^r Munro, the Verderers believe themselves to be entirely within their rights in making these proposals.

On receiving your answer to this letter I will at once communicate with M^r Gorst as to the arrangement having been made or otherwise.

If you agree these terms the litigation can terminate otherwise it must proceed.

Awaiting your reply.

Yours faithfully
G.F.W. Mortimer.

Mess^{rs} Caprons Dalton Hitchen & Brabant.
Savile Place
Conduit Street
London.

[p.46]

Savile Place. Conduit Street.
London. W.
26th August. 1891.

Dear Sir,

Rhinefield.

We have submitted your letter of the 18th instant to M^r Walker Munro and are instructed by him to say that he declines to pay any costs whatever.

It appears to be a question of Title between the Verderers and Commissioners which should be settled between them.

Yours faithfully

G.F.W. Mortimer Esq.

Caprons Dalton Hitchin & Brabant

Clerk's Office
Romsey. Hampshire
4th September. 1891.

Dear Sirs,

In reference to your letter of the 26th ulto: I will lay it before the Verderers at their next Court of Swainmote, which will be held on Monday the 9th November next.

Yours faithfully,

G.F.W. Mortimer.

Mess^{rs} Caprons Dalton & Co:

On the motion of M^r Roy seconded by M^r Eyre it was resolved:— That the Court of Queens Bench should be moved to dissolve the Injunction subject to the approval of Counsel <as> to the course proposed and to Counsel's advice as to any alternative course which should be taken.

Counsel's opinion to be taken at once, Mr. Jelf Q.C. to be employed. Clerk to call a Special Court when [p.47] the opinion was received.

The Official Verderer desired a Minute made that he dissented and considered no action should be taken prior to any movement by the Crown.

The Clerk read a Report from the Agister Newbolt, as follows:—

Bank, Lyndhurst
Nov^r 7. 1891.

Gentlemen,

I beg to report to you of the dangerous way the Lyndhurst Water Coy have left their Reservoir at Emery Down they have now removed all their Hurdles and Planks and have left some very dangerous holes uncovered for Cattle – and the Inhabitants of Emery Down complain very much of the Reservoir being left open – they consider their children are in great danger of falling in – More particular as the School is situated so very near.

From, your obedt. Servant
Charles Newbolt.
Agister.

The Clerk stated that the Lyndhurst Gas and Water Company had not paid their Damages and Costs and that he was taking steps before M^r Justice Chitty to obtain a Sequestration.

[p.48]

The Clerk produced and read the correspondence with the Office of Wood & Forests as to the Grant of Allotments in the Forest under 1 & 2 W^m IV Cap. 59. which was ordered to be entered on the Minutes.

(Copy same)

Clerks Office
Romsey Hampshire
29th July. 1891.

Sir,

By direction of The Right Hon: The Lord Montagu, Official Verderer of the New Forest, I have the honor to forward to you a copy of a communication dated the 9th July inst. addressed by order of the Verderers present at a Court of Swainmote and Attachment held at the Verderers' Hall Queens House Lyndhurst on the 6th July instant to the Chief Commissioner of Her Majesty's Woods Forests &c in charge of the New Forest and of his reply thereto dated the 23rd July instant.

I am directed, with submission, to request that an intimation may be given through me to the Verderers of the New Forest of any consent by the Lords of Her Majesty's Treasury for Enclosures of any land in the New Forest which are subject to the Rights of Common, under the Act of 1 & 2 W^m IV Cap. 59.

I am further to add that the Verderers do not claim any authority to interfere in the matter but are desirous to be afforded an opportunity to make such suggestions on the subject, as may appear to them to be desirable before any final consent in writing is given or warrant issued by My Lords under the above mentioned Act and the Acts amending the same.

I have the honor to be

The Secretary
Her Majesty's Treasury
Whitehall

Sir,
Your obedient Servant
G.F.W. Mortimer
Clerk to the Verderers.

[p.49]

12140.

91.

Treasury Chambers

14. August. 1891.

Sir,

I am directed by the Lords Commissioners of Her Majesty's Treasury to acknowledge the receipt of your letter of the 29th ultimo, and to inform you, in reply that My Lords have received applications for the Enclosure of Land both at Lyndhurst and Brockenhurst under the Act 1 & 2 W^m IV Cap. [sic] but that no decision has as yet been arrived at thereon.

I am,

The Clerk to the Verderers

Sir,

of the New Forest

Your obedient Servant.

Romsey.

R. E. Welby.

Hampshire.

Clerk's Office

Romsey. Hampshire

19 August. 1891.

Sir,

I am directed to acknowledge the receipt of your letter of the 14th instant in which you are good enough to inform the Verderers as to certain applications having been received for the Enclosure of part of the open Lands of the New Forest under 1 & 2 W^m IV C. 59. The Verderers whilst thanking their Lordships for their courtesy, in so far according to their request expressed in their letter of the 29th ulto: trust that their Lordships will be good enough to inform them of any future steps proposed to be taken in relation to these applications.

[p.50]

I am, Sir,

The Secretary

Your obedient Servant

Her Majesty's Treasury.

G.F.W. Mortimer.

Clerk's Office

Romsey. Hampshire

26th October. 1891.

Sir,

Adverting to my communications of the 29th July last, and your reply of the 14th of August, informing me that no decision had been arrived at, with reference to the applications for the Enclosure of Land under the Act 1 & 2 W^m IV Cap 59.

I understand that decisions have recently been come to, relative to the applications above referred, and should my information be correct, may I request that an intimation may be made to me in the matter, on behalf of the Verderers.

I have the honor to be,

Sir,

The Secretary

Your obedient Servant

Her Majesty's Treasury

G.F.W. Mortimer

Treasury Chambers

Clerk to the Verderers

Treasury Chambers

6 November. 1890.<1.>

15691.

91.

Sir,

In reply to your letter of the 26th ultimo, I am directed by the Lords Commissioners of Her Majesty's Treasury to inform you that no decision has yet [p.51] been arrived at in regard to the proposed Enclosures of Land in the New Forest under the Act 1 & 2 William IV Cap 59. but My Lords understand that the Commissioner of Woods in whose charge the Forest is may shortly be in a position to lay before them a recommendation on the subject of the application from Lyndhurst.

I am,

The Clerk to the Verderers
of the New Forest
Romsey.

Sir,

Your obedient Servant
Frank Mowatt.

The Clerk read the following Order of the Court of General Quarter Sessions confirming the alteration in the Bye Law No.2. reenacting the proposed new Bye Law, the same was ordered to be entered on the Minutes and the Clerk was directed to reprint the Bye Laws as amended.

(Copy same)

Southampton to wit – At a 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 eleventh day of October to wit the nineteenth day of October in the fifty 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 [p.52] and in the year of the Lord one thousand eight hundred and ninety-one before William Holding Esquire, Chairman, Captain Albert William Still Barnes, ~~William Still Barnes~~, William Wickham 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 M^r Temple Cooke of Counsel, it is ordered that the amendment of Bye Law No.2. made by the Verderers under The New Forest Act 1877 be confirmed; and that the Bye Law as amended by the Verderers and which as amended reads as follows, viz:

N^o 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, or shall have received Notice from a Verderer or some person or persons appointed or employed by the Verderers that any male entire or other commonable Animal belonging to him or in his charge [p.53] is vicious [*sic*] or likely to cause injury to any person or Animal 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, and shall forthwith remove such Animal from the Forest be and the same is hereby confirmed.

By the Court
G.A. Webb.
Clerk of the Peace.

The Clerk read his Report as to Cricket Tennis and Golf Grounds which was ordered to be entered on the Minutes, also the Agister Chandler's Report and the correspondence with Col: Pott relative to the Brockenhurst Golf Ground which was considered satisfactory.

(Copy same)

Clerk's Office

Romsey.

9th November. 1891.

The Official Verderer
and Verderers of the New Forest.

Gentlemen,

I beg to report that I have this year received the following yearly acknowledgments payable to the Verderers by Commoners and others exercising certain Rights in the Forest by the sanction of the Verderers in consideration of such yearly payment [p.54]

		s	d
June 20	M ^r Auberon Herbert	1	
July 13	M ^r Bance	5	
15	Western Counties Telephone Compy		
Sept 25	M ^{rs} Heathcote	2	6
28	M ^{rs} Matcham	2	6
29	Bramshaw Cricket Club	2	6
Oct ^r 2	Colbury Cricket Club.	2	6
Nov ^r 2	New Forest Cricket Club	2	6

The Brockenhurst Cricket Club have not yet paid their yearly acknowledgment but they generally make the payment late in the year.

I have made three applications to the Secretary of the Minstead Cricket Club for the usual payment, but with no success, and I venture to recommend that, in the event of the last named Club neglecting to pay the amount, the Agister be directed to remove the Fences enclosing the Ground.

I am, Gentlemen,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

Fircroft, Boscombe

29. 9. 91.

Dear Sir,

Our man in charge of the Links informed me this morning that there would be a Meeting of Gentlemen on Thursday next in connection with Forest Rights &c. & that you would bring to their notice the fact of our having cast some Turf. Will [p.55] you please respectfully state that I much regret having done anything of the kind should it be contrary to their wishes or the rule of the Forest, and that having had leave to establish Golf on Balmer Lawn I did not understand that further permission would be required to remove small portions of rough herbage to be replaced by finer turf for the purpose of playing the Game, this is, I may say the plan adopted on all Links when the

surface is not naturally smooth. Some 3 or 4 places of from 15 to 20 yards square is what I should like to be permitted to deal with at present. Hoping soon to have a favourable reply.

I remain, Yours faithfully

W^m. Pott. Captⁿ. Bournemouth Golf Club

Clerk's Office

Romsey.

2nd October 1891.

Dear Sir,

The Agister, Alfred Chandler has been forwarded to me your letter of the 29th ulto:

The next Court of Swainmote is fixed for Monday the 9th November when I will lay your letter before the Verderers for their information, but as I do not anticipate their raising any objection to what has been done, I see no reason why you should not complete what you propose doing – without prejudice – It is the Duty of the Agisters to report to me of any enclosing or breaking of the open wastes of the New Forest, over which the Commoners [p.56] have a right of pasturage.

Yours faithfully

G.F.W. Mortimer

Col. Pott.

Clerk to the Verderers.

Fircroft, Boscombe.

29th October. /91

Dear Sir,

I thank you very much for your letter of the 2nd inst. relative to the Golf Ground at Brockenhurst.

Since making the graves alluded to I have found that owing to so much wet weather and the necessary softness of newly laid turf that the Cattle &c. did great Damage.

I have taken the liberty of running a single rail round till such time as a heavy roller can be used to firm the ground. I trust there will be no objection to the course I have taken.

Yrs vy truly

W^m. Pott

G. Mortimer, Esq.

Captn B. Golf Club

The Weirs

Brockenhurst.

Oct^r 26th 1891.

Dear Sir,

I beg to report that the Link that has lately been returfed at Balmer Lawn B^l Golf Grounds is inclosed by driving in Piles and breeding in Furze making it quite an Inclosure.

Your obedt. Servant.

A. Chandler.

G.F.W. Mortimer. Esq.

Agister.

[p.57]

Clerk's Office

Romsey

30. October. 1891.

Dear Sir,

I am favoured with your letter of the 29th instant. The correspondence will be submitted to the Verderers at their Court on the 9th proxo:

Yours faithfully

G. F. W. Mortimer

Clerk to the Verderers

Col: Pott.

Fircroft, Boscombe.

6. November. 1891.

Dear Sir,

M^r Lascelles having intimated to our Secretary that objection may be taken to the Enclosure alluded to in my letter of the 29th ulto: orders have been given to have them removed at once.

Yrs very truly

W^m Pott.

G.F.W. Mortimer Esq.

Clerk's Office.

Romsey. 7 Nov^r 1891.

Dear Sir

I am obliged by your letter of yesterday's date, which shall be laid before the Verderers on Monday next.

Yours faithfully

G.F.W. Mortimer

7 Nov^r 1891

In the Court of Verderers.

I beg to report that two links or greens at the Golf Ground on Balmer [p.58] Lawn, Brockenhurst has been returfed and the fence that was put round them, has been removed. The third link is being started with. The size of the link is about 6 yards across.

Your obedient Servant.

A. Chandler. Agister.

On the application of Col: Eselaide it was resolved that a sum of 7/6 be refunded to M^r W. Beach in respect of fees paid by him for a License as a Non Commoner he being at the time a Commoner in respect of Claim N^o. 301.

M^r Lovell read his Report as to the Road sanctioned to be made, by M^r Bance at Brockenhurst.

M^r Eyre addressed the Court and referring to the Minutes of the last Court on this subject stated that he was of opinion that the Court could not make any Grant of the land in question, but merely

grant a License to make the Road, upon the same terms as those granted by the Crown (viz) during pleasure, and wished by this Minute that this view be recorded.

The Clerk was directed to sit at Lyndhurst on a convenient date to grant licenses to Non Commoners and he selected Monday the 11th day of January 1892.

[p.59]

The Court also fixed the following dates for holding Courts of Swainmote and Attachment

Monday	January 18 th	1892
”	March 14 th	”
”	May 23 rd	”
”	July 18 th	”
”	November 21 st	”

The 8th day of January 1892 was fixed as the date for the Election of Elective Verderers in the place of George Augustus Elliott Tapps Gervis Meyrick Esq. and John Jeffreys Esquire who go out of office by rotation on the 25th day of January 1892.

The Clerk reported that by order of the Clerk of the County Council approved by Col: Esdaile he attended before the Committee of the Contagious Diseases (Animals) Acts at Winchester, he had explained to such Committee the object of the Verderers in applying to be appointed a Divisional Committee of the New Forest and the Committee stated they would confer with the Members of the Divisions in the Forest on the subject.

The Clerk suggested that the Clerks of those Divisions should be requested to act as his Deputy. He was directed to communicate with them on the subject.

[p.60]

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

		£	s	d			£	s	d
1891					1891				
July 7	By Cash received from Agisters at Court this day for marking Commoners' Cattle to date				July 6	Balance from last A/c	12	17	8
	Chandler 26. 10. 6				13	To Police Fees in following Cases			
	Moody 24. 7.					Evemy v. Warne	1.	6.	
	Evemy 15. 19.					Chandler v. Munro	2.	0.	3 6
	Newbolt 13. 18	80	14	6	Sept ^r .29	To Clerk's Salary due this day			37 10
	D ^o . D ^o From NonCommoners					" Agisters D ^o D ^o			
	Licenses 12. 6					Newbolt	17.	10.	0.
	Head Money 17. 6					Evemy	17.	10.	0.
	Marking Fees 8. 6					Chandler	17.	10.	0.
	" Dividend on Consols	1	18	6		Moody	17.	10.	0.
13	" yearly acknowledgment Bance	31	8	1					70
15	" " Telephone Coy's					" Bennett Bro ^s for advertising			1 1
Augt 7	" Fine & Costs in Case – Evemy v. Warne, Fine 7/- Costs 9/-					" Henry King D ^o			4 6
Sept. 10	" Cash received of Moody for marking Commoners' Cattle	23	16	6		" Drake Driver & Leaver Limited for Stationery			5 19 2
25	" yearly acknowledgment M ^{rs} Heathcote								
28	" " " M ^{rs} Matcham								
29	" " " Bramshaw C.C.								
Oct ^r 1	" Cash received of Agisters for marking Commoners' Cattle								
	Evemy 17 3. 0								
	Newbolt 16. 4. 0								
	Chandler 7. 10. 0	40	17						
2	" Yearly acknowledgment Colbury C.C.								
6	" Dividend on Consols								
November 2	" yearly acknowledgment New Forest C.C.					Balance			84 5
		£	211	16 3			£	211	16 3

[p.61]

The Agisters attended and made their Reports and the Agister Moody stated he had taken a House at Cadnam.

The Court approved his so doing.

The Agisters paid over the following sums, viz.

Charles Newbolt	£ 4. 7. 0.
Charles Evemy	£ 4. 17. 0.
Alfred Chandler	£17. 7. 6.
John Moody	£ 2. 0. 6.

For Pannage

Charles Evemy	£ 2. 0. 0.
Alfred Chandler	£ 2. 18. 8.

The Official Verderer addressed the Court and stated he was obliged to winter abroad and should be absent for six months and regretted therefore his inability to assist the Court in any Parliamentary work which might come before them next Sessions. He stated that it was his intention to inform the proper authority of his proposed absence, so that if it was considered right some other person might be appointed Official Verderer, and took leave of the Court during his enforced absence.

The Court expressed its regret at the communication made by the Official Verderer, resolved that Col: Esdaile as Vice Chairman be requested to sign Cheques during his absence.

(Signed) Montagu

[p.62] At a Special Court of Swainmote and Attachment held at the “Morant Arms” Brockenhurst on Wednesday the 2nd day of December 1891.

Present

The Right Hon: The Lord Montagu. Official Verderer.
Lieut: Col: William Clement Drake Esdaile. Deputy Chairman.
George Edward Briscoe Eyre Esquire.
William Gascoigne Roy, Esquire.
Francis Frederick Lovell, Esquire
John Jeffreys Esquire

The Minutes of the last Meeting were read and confirmed.

The Official Verderer informed the Court of the steps he had taken and which the Court was especially summoned to deal with in respect of the Ranges Act 1891. The Official Verderer stated that he first became aware by a letter from Col: Esdaile on Friday November 20th that he had received a most important communication from M^r Mortimer, Clerk to the Verderers on the previous morning. That he had discovered by an accidental visit to the Office of Woods and Forests that there was a proposal afoot on the part of the War Office to acquire eight hundred acres of the New Forest for a Military Camp and Rifle Range near Beaulieu Road Station on Blackdown under the Ranges Act of 1891. This Act being unknown to him, M^r Mortimer procured a copy of it and Acts relating to it, and having consulted Mess^{rs} Martin and Leslie, Parliamentary Agents had asked Col: Esdaile for authority to give notice of a [p.63] Bill on behalf of the Court of Verderers to be brought in next Sessions to exempt and declare exempt the New Forest from the provisions of the Ranges Act 1891. Col: Esdaile however had informed the Official Verderer that he had declined to take this responsibility upon himself alone, and had he done so there was no time to give the requisite notices in the London Gazette and Local papers.

Immediately on the receipt of Col: Esdaile’s letter the Official Verderer stated that he went to the Office of Woods and Forests and to the War Office and ascertained that not only was such a project on foot but that the Office of Woods and Forests had actually granted a Lease of the acreage mentioned for 21 years to the War Office for the purpose of a Military Camp and a Rifle Range being about eight hundred acres and extending in a South Eastern direction from <the> old Beaulieu Road Station to the High Road leading from Beaulieu to Southampton usually called the North Gate Road the limit of danger actually touching that Road.

The Official Verderer stated that he had represented very strongly both to the Office of Woods and the War Office, the injustice of carrying out a proposal of this kind without notice of any sort or making any communication to him as Official Verderer or to the Court of Verderers, and stated that the Court would be compelled in the interest of the Commoners, which they were bound to protect to take such steps as they could to defend them against the threatened destruction.

The Official Verderer further stated that he immediately summoned the Clerk to the Verderers to London having asked M^r G.E.B. Eyre (the only Verderer available) to meet him, they had consulted together on the best course to adopt. They had decided [p.64] to consult M^r G. Rees, the Parliamentary Agent who had acted for the Commoners while the Act of 1877 was being passed

through Parliament, and having arranged a consultation with him had decided on his advice to give notice of a Bill to be promoted by the Court of Verderers to exempt and declare exempt the New Forest from the Ranges Act 1891 and other Acts bearing on it. Notices had been given in the London Gazette of Friday November 27th and the local papers of same date, the Official Verderer has further directed that a Special Court should be summoned for today to confirm these proceedings.

The Official Verderer also stated that they had instructed M^r Mortimer in conjunction with M^r Buckley to prepare a Case for Counsel, M^r Cosens Hardy, to advise the Court on the Course to adopt under the Ranges Act of 1891, which the Clerk had now in Draft and would lay before the Court for approval.

A long discussion took place in which every Member of the Court took part.

And on the motion of Col: Esdaile seconded by M^r Roy – It was unanimously resolved:

That this Court of Verderers especially Convened for the purpose of considering the operation of the Ranges Act 1891 after hearing the Statement of The Lord Montagu, the Official Verderer as to the steps he in conjunction with M^r Eyre one of the Elective Verderers had taken on Wednesday last the 25th day of November 1891 immediately the Act had been called to his Notice and having regard to the impossibility to call a Court together before today hereby formally approved the action of the Official Verderer and M^r Eyre in consulting M^r Rees Parliamentary Agent and issuing notice of the Verderers' [p.65] intention to bring in a Bill next Session of Parliament declaring exempt or exempting the New Forest from the operation of Section 10 of the Ranges Act 1891 and for amendment of Acts and do hereby adopt such Notices.

By order of the Official Verderer. The Clerk read a Draft Case he had prepared and settled in conference with M^r Buckley to be submitted to M^r Cosens Hardy for advice on the position of the Verderers and the steps they should take to protect the interests of the Commoners should the War Office enter upon the Forest for the purpose of constructing a Range under the License of the Office of Woods Forests &c to do so consequent on the passing of the Ranges Act 1891 and as to the power of the Crown under that Act and the Acts incorporated therewith to acquire land in the Forest for a Rifle Range.

The Case was carefully considered by the Court and altered in one or two respects. And the clerk was directed to place it at once before M^r Cosens Hardy and M^r Buckley for advice.

The Joint Opinion of Counsel on the position of the Bill and Information filed by the Attorney General and M^r Munro against the Verderers and the Agister Chandler and the steps, if any, to be taken to dissolve the Injunction obtained in the matter not being ready.

The Court resolved to take no further steps in the matter for the present.

[signed] *Montagu*

This terminated the work of the Court.

[p.66] At a Court of Swainmote and Attachment held at the Verderers' Hall, Queens House, Lyndhurst on Monday the 18th day of January 1892

Present.

The Right Hon: The Lord Montagu. Official Verderer.
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
George Augustus E.T.G. Meyrick Esquire
John Jeffreys Esquire

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 the return of the High Sheriff with reference to the recent Election of Verderers and the same was ordered to be entered on the Minutes.

(Copy same)

New Forest Act. 1877.

I Lieut. Colonel Sir Frederick Walter Carden 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 George Augustus [p.67] Elliott Tapps Gervis Meyrick Esquire of Beech House near Ringwood in the Said County and John Jeffreys Esquire of Canterton Manor near Lyndhurst in the said County were on the eighth day of January 1892 duly elected Verderers of the New Forest

Dated this eighth day of January 1892

[Signed] F.W. Carden (LS)
Sheriff. Returning Officer.

The Clerk stated that the Sheriff's Account of Expenses had not yet been received.
The Official Verderer welcomed the re-elected Verderers on their unopposed return to office.

The Official Verderer addressed the Court upon the sad loss which had befallen the nation in the premature death of His Royal Highness the Duke of Clarence and Avondale and in feeling terms, moved:

That this Court of Verderers on its own behalf and on that of the Commoners of the New Forest, desires to record its deep sense of the great loss which Her Most Gracious Majesty the Queen, their Royal Highnesses the Prince and Princess of Wales, Her Highness the Princess Victoria Mary, as well as the whole Royal family, and the nation have sustained in the lamentable death of His Royal Highness the Duke of Clarence and Avondale and requests Lord Montagu, as Official Verderer, to convey to Her Majesty the Queen, the Prince and Princess of Wales and the Princess Victoria Mary the expression of their most respectful and heartfelt sympathy.

Mr. Eyre seconded the motion which was carried unanimously.

[p.68]

The Official Verderer then alluded to the absence of Colonel Esdaile and to the great loss he had sustained by the sudden death of M^{rs} Esdaile which event had completely prostrated him.

His Lordship further referred to the work Colonel Esdaile had done since the formation of the Court, and moved.

That this Court desires to convey to William Clement Drake Esdaile Esquire, a Member of this Court, the expression of their sincere sympathy with him in the death of M^{rs} Esdaile, their regret at his own severe illness and earnest hope that he may soon be restored to health.

Mr Roy seconded the motion in suitable terms and it was carried unanimously.

The Clerk reported that the Secretary of the Lyndhurst Gas and Water Company had not paid the costs of the recent suit and that he had not issued Sequestration as he did not think that there were any Goods to sequesterate.

He was directed to make further enquiries and to report fully as to who were the Directors of the Company and as to their personal liability for <the> costs to the next Court.

The Official Verderer addressed the Court with reference to the proposed formation of a Range at Blackdown in the New Forest under the powers of the Ranges Act 1891 and stated that in his opinion the Court had been treated with great discourtesy by the Office of Woods Forests and Land Revenues of the Crown and the [p.69] War Office, as no official communication on the subject had been received from those Offices and that therefore the Court was not officially cognisant of any proposals of the War Office in respect to the matter, they were therefore not in a position to deal with a recent communication that the Clerk received from the Royal Engineers Office Netley, as follows:— which his Lordship desired should be read.

(Copy same)

R.E. Office
Netley. 8.1.92.

Sir,

As the War Office purpose forming a Rifle Range at Blackdown in the New Forest. I have the honor to request you to be good enough to inform me if the Verderers have power to treat on behalf of the Commoners and if so are they prepared to treat for Commoners' Rights.

I have the honor to be

Sir,

Your obedient Servant

W. Parry for

Division Officer R.E.

Netley

Mortimer Esq.

Clerk to the Verders [*sic*]

Romsey

It was resolved with reference to this letter to write to the Secretary of State for War, at the War Office, as follows:—

(Copy letter)

Clerk's Office.
Romsey Hampshire
21st January 1892

Sir,

I am directed by The Right Hon: [p.70] The Lord Montagu, the Official Verderer and Verderers of the New Forest, present at a Court of Swainmote and Attachment held at the Verderers' Hall, Queens House, Lyndhurst on Monday the 18th January instant, to transmit to you a copy of a communication dated the 8th January instant, signed "W. Parry for the Division Officer Royal Engineers Netley" and to state that the Official Verderer and Verderers of the New Forest have no official knowledge upon the subject matter thereof.

I am to add that the Court does not propose to hold any communication with a Division Officer, or his Clerk; but that any communication from the Secretary of State or his Under Secretary will receive due consideration.

I have the honor to be

Sir,

Your most obedient Servant
G.F.W. Mortimer
Clerk to the Verderers
of the New Forest

The Secretary of State for War
War Office, Pall Mall.

The correspondence with the Parliamentary Agents (Messrs: Rees and Frere) relative to the Bill being promulgated by the Verderers was then considered and Mr Eyre undertook to attend before the Examiner on standing Orders on behalf of the Court, so soon as the date was fixed for taking the Proofs before him.

[p.71]

The Official Verderer read a correspondence which had passed between Mr. Culley and himself relative to the proposed Bill to amend the law relating to the management of the Woods Forests and Land Revenues of the Crown, and produced the Copy of the Clause referred to therein as dealing with the New Forest.

It was resolved to enter the correspondence on the Minutes and to adjourn the consideration of the matter until the next Court, or a Special Court to be called when necessary.

(Copy same)

Ditton Park
Slough
January 13. 1892.

Dear Mr. Culley,

As the Court of Swainmote meets on Monday next the 18th and will not meet again Except it is specially summoned to do so, before the beginning [*sic*] of the next Session of Parliament, I shall be obliged to you if you will be good enough to inform me, whether you are

prepared to communicate to me as Official Verderer, or to the Verderers those portions of the Bill of which your Department has given notice which affect the New Forest.

I remain

Yours truly

Montagu.

Office of Woods &c
1 & 2 Whitehall Place
Jan. 14. 92.

Dear Lord Montagu,

As I informed you last time I [p.72] had the pleasure of seeing you here the Crown Lands Bill as originally drawn was simply intended to carry out the recommendations of the Select Committee of 1889 to 1890: but since the first Draft some new Clauses, not in any way affecting the New Forest have been suggested and are still under discussion.

As far as I am concerned I would most gladly send you a copy of the last print of the Bill but it is a Government Bill not even yet settled and I can only refer you to the Secretary to the Treasury if you wish to see it.

This very day we are preparing a report to the Treasury on some suggested provisions and even as I write another addition has been proposed for consideration.

Our desire is that every clause of the Bill should express its meaning as clear as possible, and we seek for no power in dealing with the Crown property beyond that which I think every reasonable man would give us.

Yours truly

Geo Culley.

Jan. 15. 92

Dear Lord Montagu,

I have just seen Sir John Gorst and I am authorised by him to send you a copy of the Clause affecting the New Forest, in the Draft of the Crown Lands Bill which as at present advised the Treasury are disposed to adopt.

Yours truly

Geo. Culley

[p.73]

Bournemouth
19. Janry. 1892

Dear Mr Culley,

I placed the 4th Clause of the proposed Crown Lands Bill before the Verderers yesterday and explained that it was communicated to them in confidence, with a view to our consulting privately, and as you suggested, so that we might be able to advise Sir John Gorst who will have charge of the Bill, as to our views upon it as regards the New Forest.

Finding that in the Draft Bill reference is made in the Schedules to a number of Acts of Parliament not less than 4 of which have direct reference to the New Forest, I mentioned this fact but that I did

not think I was at liberty to do more than communicate the Clause (4) to my colleagues, we felt that it was hardly possible to consider the Clauses in Bill as affecting the New Forest by itself without the power of referring to the Schedules and that it would be best to postpone the consideration of the matter till such time as you will be authorised by the Treasury to place the whole Bill when finally settled at our disposal.

I hope it may be in your power to do this very shortly.

Yours truly
Montagu.

[p.74]

The Clerk produced and read his Report relative to the Licenses granted to Non Commoners on Monday the 11th instant

(Copy same)

Clerk's Office
Romsey, Hampshire
18th January. 1892

To the Official Verderer and Verderers of the New Forest.

Gentlemen,

I have to report that I attended at Lyndhurst on Monday the 11th January instant, and issued 78 Licenses for 195 Animals to Non-Commoners to depasture in the New Forest and collected

	£	s.	d.
License Fees	9.	15.	0
Head Money	24.	7.	6
Marking Fees	<u>11.</u>	<u>3.</u>	<u>0</u>
	<u>£45.</u>	<u>5.</u>	<u>6</u>

This is a falling off of £14.7.6 as against last year's return of 108 Licenses for 253 Animals.

I am, Gentlemen,
Your obedient Servant
G.F.W. Mortimer
Clerk to the Verderers.

On the application of the Clerk the number of Animals to be allowed to run in the Forest, in respect of each acre of land held by a Non-Commoner was increased from one to two head and the limit increased to 12 head.

[p.75]

M^r Roy and M^r Jeffreys were appointed a Sub Committee to report upon the Clerk's Accounts for fees paid to Counsel and for extra work done by his Firm.

The Clerk produced the following Correspondence which had passed between the Deputy Surveyor and himself relative to the number of Animals turned into the Forest by Henry Thomas alias Goff of Fritham, and the Agister's Report thereon.

(Copy same)

Queen's House
Lyndhurst
Nov^r28th 1891.

Dear Sir,

On the 16th inst. I had occasion to drive Slufter Enclosure and impounded certain Ponies, of these Eight were claimed as his own by a man named Henry Thomas alias Henry Goff of Fritham whose Ponies have frequently been impounded before.

This man has I am informed some 40 to 50 ponies in the Forest, he has no land of his own, and I am assured occupies none, and has no Common Rights whatever, his Animals are marked or some of them at any rate by your marksman who refuses to give any information on the subject so I presume that he has laid Claim to a Right but I wish to call your attention to it as a Case that should be looked carefully into.

I am, Yours truly.
Gerald Lascelles.

G.F.W. Mortimer Esq.

[p.76]

Clerk's Office
Romsey. 5. Decr. 91

Dear Sir,

From enquiries made Henry Thomas is owner of N^o. 729 in Register of Claims: This is the reason of his turning out as a Commoner.

Yours faithfully
G.F.W. Mortimer.

Hon. G. Lascelles

Queens House
Lyndhurst
Decr. 6. 91

Dear Sir,

I am obliged to you for your letter giving me the information withheld by Moody, and will make further enquiries but would point out that the Register of Commoners sent me the other day gives another person as owner of Claim 729 and not Henry Goff or Thomas of Fritham.

I am, Yours truly
Gerald Lascelles.

G. Mortimer. Esq.

P.S. Will you kindly inform me if it is correctly stated that Goff has been turning out a large number of ponies in respect of the 4½ acres of land in Claim 729.

Queen's House
Lyndhurst
Decr. 16th. 1891.

Dear Sir,

Claim 729

Before bringing this matter formerly [p.77] before the Verderers I am anxious to arrive at the facts of the Case as nearly as possible and shall be much obliged to you if from the information which must be in your possession you would kindly answer one or two questions on this subject.

It appears that Charles Thomas whose name appears in your Register of Commoners for 1891-2 has been dead for some years. The land 4a. 2r. 35p. is occupied by his Son Alfred Thomas who turns out a considerable number of horned Stock. Does Alfred Thomas turn out in respect of Claim No. 729 as well as Henry Thomas of Fritham?

A son of Alfred Thomas lives close to him and occupies about ½ an acre of land. He turns out I am told some 10 or 12 ponies in the Forest. Does Henry Thomas Junior also turn out 10 or 12 ponies in respect of Claim 729.

Lastly is my information correct that Henry Thomas of Fritham is turning out from 40 to 60 Ponies in respect of Claim 729 under the sanction of the marksman. I regret having to trouble you with so much details but I feel sure you as well as myself desire to prevent abuses of Common rights and I think if you can give me the information I require the time of the Verderers' Court may be a good deal economised.

I am, Yours truly
Gerald Lascelles.

G. Mortimer, Esq.

[p.78]

Clerk's Office
Romsey, Hampshire
17th Decr./91

Dear Sir,

I should prefer your bringing any complaint you have to make as to Thomas's Animals depasturing in the Forest before the Verderers, as I do not feel myself in any way authorised to discuss the questions you raise in your communication of yesterdays date with you without the sanction of the Court of Verderers to do so.

Yours faithfully,
G.F.W. Mortimer.

Hon. G. Lascelles.

Queen's House
Lyndhurst. Dec 22/91

Dear Sir,

In reply to yours of the 17th, may I point out to you, that I have not asked you to discuss any question as to the depasturing of Thomas' Cattle in the Forest but only for information upon certain definite points without which I can form no case to bring before the Verderers, and which I can only substantiate on behalf of the Crown in Cases such as this, by procuring any Order for a

general Drift of the Forest I am loathe to recommend such a step, when the information required is actually in the possession of the Court of Verderers if they choose to make use of it.

I am, Yours truly,

G.F.W. Mortimer Esq.

Gerald Lascelles

[p.79]

Clerk's Office

Romsey

23rd Decr. 1891.

Dear Sir,

It is from no want of courtesy on my part that I have declined to enter into a discussion on the matters referred to in your former letter, but the view I take of my position, as Clerk to the Verderers is that I have no right to do so, without the Orders of the Court.

If you will bring the matter before the Court, I shall no doubt be directed what to do, or if the matter is urgent you can write to the Office Verderer (who is at Ditton Park, Slough till the 28th instant) and his Lordship's orders will receive my prompt attention.

Yours faithfully

G.F.W. Mortimer

Hon. G. Lascelles.

Agister's Report.

The facts with reference to Henry Thomas depasturing Ponies in the Forest are as follows:— Henry Thomas claims as owner of N^o. 729 on the Register of Commoners. N^o. 729 which consists of 4^a 2^r 35^p of land at Ellingham. Henry Thomas has been allowed by me to turn out 35 Ponies in respect to his holding and that is the full number of Animals marked for him. Alfred Thomas claims to turn out in respect to part Claim 724. He turned out 13 Ponies & Horned Stock which usually run on Rockford Common I have never marked any Animals for Hy Thomas Jun^r.

John Moody

Agister.

Dated 30. Decr. 91

[p.80]

The Court approved the course adopted by their Clerk and resolved,

That the Case did not call for the notice of interference of the Court, especially as the Deputy Surveyor who had been in attendance had not presented the subject matter of the correspondence to the Court

The Clerk was directed to submit the Annual Accounts to the Auditor, Mr. G. A. Webb, as usual.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

1891		£	s	d	1891		£	s	d
Nov 10	By balance from last a/c	811		5	Nov 9	To Cash paid Deputy Surveyor, Fence Month &c	1		
	” Cash received of Agisters at Court for marking Commrs’ Cattle					” ” ” T.Shinn, printing	2	15	6
	Chandler 17. 7. 6					” ” ” C.L. Lordan & Co. D ^o	12		9
	Evemy 4.17.					” ” ” Hants Independ ^t	8		8
	Newbolt 4. 7.					” ” ” Salisbury & Winton Journal	4		5
	Moody 2. 0. 6	28	12	0		” ” ” W. Beach, prepayment of Fees as a Non Com ^t		7	6
	D ^o for Pannage				Decr 21	” ” ” Clerk for ¼’s Salary	37	10	
	Chander [sic] 2.18. 0					” ” ” 4 Agisters D ^o			
	Evemy 2.					Newbolt 17.10			
	” yearly ack ^t Minstead C.C.					Evemy 17.10			
	” Cash of Non Commrs for Licences					Chandler 17.10			
Decr 24	” Cash of Agisters for marking Commoners’ Cattle					Moody 17.10	70		
	Newbolt 6.11. 6					” ” ” Newbolt Crier of the Court	1	15	
	Chandler 6. 7. 6					” ” ” Drake & Co. Stationery		19	6
	Moody 3. 3. 6					” ” ” C.L. Lordan & Co.	2	15	
	Evemy 2. 3. 6	18	6						
	” for Pannage								
	Newbolt 7/8 Moody 10/4								
	Chandler 12/8 Evemy 11/4	2	2	0					
	” Cash received of Newbolt for marking Commrs’ Cattle	2	16	6					
	D ^o Pannage		9	8					
1892									
Jan 6	” Dividend on Consols	31	8	1					
12	” Cash received of Non Commrs at Lyndhurst for Licences								
	Licences 9.15. 0								
	Head money 24. 7. 6								
	Marking fees 11. 3. 0	45	5	6					
		£ 218	5	4		Balance	87	17	1
							218	5	4

[p.81]

The Agisters attended but had no Reports to make.

This terminated the business of the Court.

[Signed] *Montagu*

[p.82] At a Court of Swainmote and Attachment held at the “Morant Arms” Brockenhurst in the New Forest on Saturday the 6th day of February 1892.

Present

The Right Hon: The Lord Montagu Official Verderer.
William Gascoigne Roy Esquire }
Francis Frederick Lovell Esquire }
George A.E.T.G. Meyrick Esquire } Verderers
John Jeffreys Esquire }

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

The Minutes of the last Meeting were read and confirmed.

The Official Verderer mentioned that though privately acknowledged to him no formal acknowledgment of the Humble Addresses of Condolence which he had forwarded to Her Majesty the Queen, Their Royal Highnesses, The Prince and Princess of Wales, and to Princess Mary of Teck had yet been received.

The Official Verderer produced a letter from Col: Esdaile in reply to the letter of sympathy and condolence sent to him by his Lordship at the request of the Court which was at his direction read by the Clerk and ordered to be [p.83] entered on the Minutes.

(copy same)

Burley Manor.

2nd February /92

My dear Montagu,

I see that a Court of Verderers is convened for Saturday next (6th). As I am still quite unfit for business, and have not yet left the House since my illness, I am constrained to do that in writing which I should have liked rather to have done in words.

Will you convey to my colleagues of the Court my sincere gratitude for their sympathetic resolution of condolence with me in my sad bereavement, and in the somewhat serious illness that befel me so closely afterwards. This kindly fellow feeling has gone home to my heart, and has strengthened my hope that I may yet for a short time be permitted to resume work in the Court, whose Members have been ever, and specially, now in my distress, so kind and considerate towards me.

Yours most Sincerely

W. Clement D. Esdaile.

The Clerk read the Clause (N^o: 4) proposed to be inserted by the Crown in the proposed “Crown Lands Bill 1892”. The Official Verderer addressed the Court at length upon the Clauses he had ordered the Clerk to prepare and circulate amongst the Verderers.

It was resolved that the Official Verderer be requested to approach the Office of Woods Forests &c, at first in [p.84] writing upon general principles and that as soon as these principles were agreed

that the Verderers should submit Clauses to the Office of Woods Forests &c. embodying those principles as agreed for the consideration of that Office.

It was further resolved that the principles contained in the Clauses submitted by the Official Verderer be approved and he undertook to write a letter to M^r Culley to bring them before him.

The Clauses were then gone through one by one and subject to slight alterations and the postponement of part of Clause 4 were adopted as the basis for final settlement by the Parliamentary Agent M^r Rees and the Clerk with M^r Gorst Solicitor to the Office of Woods Forests &c. of the Clauses to be inserted in the Bill, at an interview to be arranged with the Office of Woods Forests &c.

The Official Verderer produced and read the following communication from the Secretary of State for War, and the Plan referred to therein: He also the [*sic*] read the Draft of his proposed reply thereto which was adopted by the Court.

(Copy Same)

War Office, Pall Mall, S.W.
4th February, 1892.

Portsmouth II

491.

My Lord,

I am directed by the Secretary of State for War to address Your Lordship, as the Official Verderer of the New Forest, for the purpose of removing one or two misconceptions as to the Scheme for establishing a Range at Blackdown, which appear to M^r Secretary Stanhope to have extensively prevailed in the district, and [p.85] which, owing to the postponement of the Deputation, he has not had any opportunity of referring to.

The War Department has no intention whatever of attempting to obtain any other land or any other Rights in the New Forest except what are necessary, for the Establishment of the above Rifle Range. Even in this Case it is not proposed to acquire the ownership or any permanent possession of the Land, but to take a lease and license for 21 years from the Commissioners of Woods and Forests. The land is Crown land subject to Rights of Common. Any interference with these rights of common will be met by fair compensation for any damage done or for curtailment of pasturage. The exercise of rights of common will not be interfered with when the Range is not in use (except as to the portions occupied by the few buildings necessary, on the camping ground, and by the Butts) and the Range will not be in use during the late autumn, the Winter, or early Spring. The Commoners will therefore at all times be either exercising their rights or receiving full compensation for temporary disturbance.

A suggestion has been thrown out that persons using the North Gate Road at the East End of the Range may be in danger. This Road is 3000 yards away from the intended position of the Targets, and is very little used, but ample precautions shall be taken to secure, in the fullest degree, the safety of any traffic upon it.

The object the Secretary of State has in view is obviously a National one – viz – to [p.86] provide adequate Rifle Range accommodation without which the Military training of an important portion of the Army cannot be properly carried on.

I enclose herewith a Map showing the situation of the Ground selected. A and B will be camping grounds. C the ranges. D the area required for firing over. The targets will be between C and D.

I have the honour to be, My Lord,
Your Lordship's obedient Servant
(signed) Arthur L. Haliburton.

The Lord Montagu of Beaulieu
Palace House, Beaulieu
Southampton.

The Imperial.
Bournemouth
Febry. 6th 1892.

Portsmouth II

491

Sir,

I have the honor to acknowledge the receipt of your letter of the 4th which I have today brought to the notice of the Court of Verderers.

The Court has no official knowledge of the proposed Scheme for a Rifle Range on Blackdown in the New Forest.

The Court cannot concern itself with any misconceptions which appear to the Secretary of State for War to prevail extensively in the District with respect to this Scheme whatever these may be and of which it is not cognisant nor are the Verderers concerned in any Deputation to which attention is made.

[p.87]

The Court of Verderers is prepared however to place its views on the proposed Scheme for a Rifle Range on Blackdown before the Secretary of State for War – if it is to understand that the Statements in your letter and the plan to which they refer embody the full proposals of the War Department and are officially communicated to the Court.

I have the honor to be,
Your obedient Servant
(signed) Montagu of Beaulieu
Official Verderer of the New Forest.

To

Sir Arthur Haliburton K.C.B.

The Clerk reported that he had had a Consultation with M^r Cozens Hardy and M^r Buckley upon the question whether the New Forest was not in fact exempted from the operation of section 10 of the Ranges Act 1891 under the 34th Section of 10. George IV Cap. 50, but that their opinion was that it was not exempted and he read their opinion on the subject.

<[Pencil note] Court Held 6th February 1892>

The Clerk read a communication from the Lords Commissioners of Her Majesty's Treasury and produced the Plan referred to therein, as to the Lyndhurst Allotments. He also read the Draft of a

reply that he had prepared to such communication by order of the Official Verderer. The reply was approved by the Court and the correspondence was ordered to be entered upon the Minutes.

(Copy same)

[p.88]

1476.

92.

Treasury Chambers.

29th January 1892.

Sir,

Adverting to your letter of the 29th July last, stating that, while disclaiming any authority to interfere, the Verderers of the New Forest are anxious for an opportunity of making any suggestion that may appear desirable before final consent is given by this Department to the Enclosure of any Land in the Forest, under the Act of 1 & 2 William 4th C.59, for the purpose of allotments the Lords Commissioners of Her Majesty's Treasury direct me to acquaint you for the information of the Verderers that My Lords are proposing, on the recommendation of one of the Commissioners of Her Majesty's Woods and Forests, to authorise the Enclosure, under that Act by the Guardians of the poor of the New Forest Union, for 31 years from 10th October 1891, of about 14 acres of waste land belonging to the Crown; situate at Pikes Hill, subject to all public rights of way thereover.

The rent to be charged for this land, to the Guardians, will be 14s. per annum for the first 5 years, and £7 per annum for the rest of the term.

A tracing of the land in question is annexed. [in left hand margin] Copy

My Lords will be glad to know of any suggestion that the Verderers may desire to make on the subject.

I am,

Sir,

Your obedient Servant

Frank Mowatt.

The Clerk to the Verderers
of the New Forest.

[p.89]

Clerk's Office.

Romsey, Hampshire

2, Febry, 1892.

Sir,

By the direction of The Right Hon: The Lord Montagu, Official Verderer of the New Forest. I return the Plan which accompanied your letter of the 29, January, 1892.

I have to request that the Roads surrounding the plot of land shown thereon may be marked and named and some indication given of the locality in order that it may be identified.

I am to request that the plan may be returned amended in time for the Meeting of the Verderers on Saturday.

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

The Secretary
Treasury Office

2099/92

Treasury Chambers

5th February 1892.

Sir,

As requested in your letter of the 2nd instant, the Lords Commissioners of Her Majesty's Treasury direct me to return herewith the Plan of the proposed allotments at Lyndhurst, with further particulars shown thereon, and at the same time to enclose a portion of the 6-in. Ordnance Sheet with the site marked by a Pink edging. I am to request that the Maps be returned with your reply.

The Clerk to the Verderers
of the New Forest
Romsey.

I am, Sir,
Your obedient Servant
R.E. Welby

[p.90]

The Clerk's Office,
Romsey, Hampshire.

8th February 1892.

1476./92.

Sir,

I am directed by the Right Hon: The Lord Montagu the Official Verderer and Verderers of the New Forest present at a Court of Swainmote and Attachment held at Brockenhurst on Saturday the 6th February instant, to acknowledge the receipt of the communication sent by the Lords Commissioners of Her Majesty's Treasury stating that My Lords are proposing on the recommendations of one of the Commissioners of Her Majesty's Woods and Forests to authorize the Enclosure under the Act of 1 & 2 W^m IV Cap: 59 (for the purpose of allotments) by the Guardians of the Poor of the New Forest Union for 31 years from 10, October 1891 of about 14 acres of waste land belonging to the Crown situate at Pikes Hill subject to all public rights of way thereover. The rent to be charged for this land to the Guardians will be 14/- per annum for the first five years and £7 per annum for the rest of the term. As My Lords invite suggestions from the Verderers I am respectfully to make the following observations.

The Verderers would suggest that in future should the Commissioners of Her Majesty's Treasury be called on to put in force their powers under this Act the Verderers may be consulted as to the land to be selected before a final decision on this head is come to. It must be manifest to My Lords that the Commoners' Rights over some portions of the wastes of the Forest are far more valuable than those over other portions of such wastes. I am further to enquire how my Lords propose to deal with the Rights of the Commoners of the New [p.91] Forest over the Land to be enclosed. I am to point out that the Enclosure now sought to be made is not by any action of the said Act of 1 & 2 William 4 Cap 59 "freed from the rights of common during the period the same remains so enclosed" as the Enclosures authorized by 9 & 10 William 3rd Cap: 36, 48 Geo: III Cap. 72 and 14 & 15 Vict. Chap: 76 (The Acts authorising Enclosures in the New Forest for the increase and preservation of Timber therein) are expressly freed by those respective Acts during the period they remain enclosed. It would appear that such Rights are not extinguished over the land which my Lords propose to deal with in the manner mentioned in your communication.

Referring to your further communication of the 5th instant I now return the Ordnance Sheet as requested and am obliged by amended Plan.

I am,
Sir,

Your obedient Servant
G.F.W. Mortimer

To the Secretary

Treasury Chambers.

Clerk to the Verderers
of the New Forest.

The Clerk produced the Verderers' Accounts for the year 1891 and the Summary thereof for the information of the Court.

The Agisters being in attendance reported that it was the desire of all the Commoners in their [p.92] Districts that the Verderers should have the power to alter the date of "Pannage time" according to the Season of the year.

This terminated the work of the Court.

x^d

[signed] *Montagu*

[p.93] At a Court of Swainmote and Attachment held at the “Morant Arms” Brockenhurst in the New Forest on Monday the 22nd day of February 1892.

Present

The Right Hon: The Lord Montagu. Official Verderer
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
George A.E.T.G. Meyrick Esquire
John Jeffreys Esquire

The Minutes of the last Meeting were read and confirmed.

The Official Verderer handed in a formal acknowledgment by the Home Secretary of the Loyal Address of condolence sent by the Court of Verderers to Her Majesty and a similar acknowledgment by General Sir Dighton Probyn of the address of condolence sent by their Royal Highnesses the Prince and Princess of Wales to be recorded upon the Minutes of the Court.

(copy same)

Secretary of State
Home Department
Whitehall. 15th February 1892.

B118141 A/541

My Lord

I have had the honour to lay before the Queen the loyal and dutiful [p.94] address of the Court of Verderers and of the Commoners of the New Forest on the occasion of the death of His Royal Highness the Duke of Clarence and Avondale K.G. and I have to inform Your Lordship that Her Majesty was pleased to receive the Address very graciously.

I have the honour to be,

My Lord,

Your Lordship's obedient Servant

Henry Matthews.

The Lord Montagu
Official Verderer of the New Forest
The Imperial. Bournemouth.

Sandringham
Norfolk.

General Sir Dighton Probyn is desired to convey to Lord Montagu and, through him, to the Members of the Court of Verderers and the Commoners of the New Forest the thanks of the Prince and Princess of Wales, for the sympathy they have expressed, on the occasion of their Royal Highnesses' bereavement.

10th February 1892.

The Court then proceeded to consider the present position of affairs with regard to the Rifle Ranges Act 1891 and the Reports of the Reply of the Secretary of State for War to the Deputation which waited on him on Thursday last on this subject, and the assurances [p.95] conveyed in the Hon: M^r Brodrick's letter to the Hon: J. Scott Montagu of the manner in which M^r Stanhope was prepared to meet the objections raised to the proposed scheme.

A very long discussion took place and in the result it was resolved that in view of the communication made by the Secretary of War to the Official Verderer Lord Montagu that he was ready to hear the views of the Verderers on the matter - The Court do reply to the Secretary of State, as follows:—

(copy official communication)

(copy covering letter)

[newspaper cutting]

Beaulieu, 23 February, 1892.

Sir, I have the honour, on behalf of the Verderers of the New Forest, to place before you their views in regard to the proposed military camp and rifle range in the New Forest, on Blackdown, which you have now authorised me to communicate officially to the Verderers.

In the first instance, the Verderers, as trustees for the commoners, strongly object to, and earnestly protest against, the proposed appropriation of 800 acres of the open lands of the Forest, under the 10th clause of the Ranges Act, 1891, for the purposes mentioned, as being a distinct violation, in letter and in spirit, of the New Forest Act, 1877.

Secondly, they object to the powers given under the Ranges Act to the Secretary of State for War to appropriate at any time, for similar purposes, further portions – in fact, the whole of the remaining open Forest – by which the commoners might be entirely deprived of their rights of common, and the public of the free enjoyment of the Forest, both most carefully secured under the New Forest Act, 1877.

The Act distinctly guaranteed the commoners against any further interference with the exercise of their rights of common, and prohibited any further enclosure of the open lands of the Forest (section 8 of the New Forest Act, 1877), and secured to the general public and the nation at large the enjoyment of the New Forest as an open space.

This Act was the result of a long and careful inquiry by a committee of the House of Commons in 1875, and of the committee of 1877, to which this Bill was referred, over both of which the late Right Hon. W.H. Smith presided, and it received the sanction of the Crown. In fact, it was a solemn compact and agreement after many years of controversy between the Crown and the Commoners and the public, and ratified by Parliament.

The Verderers object most strongly to, and earnestly protest against, the indirect repeal of this solemn guarantee given to the commoners and the public by Parliament, in the New Forest Act of 1877, by the general words in the 10th section of the Ranges Act, 1891, without any express mention of the New Forest Act.

The attention of the Verderers was, consequently, never directed to the Ranges Bill during its rapid progress through Parliament last session. The title of the Bill was in itself misleading, being as follows:—

“A Bill to facilitate the acquisition of ranges by Volunteer Corps and others.”

The Verderers consider that they have most just cause to complain, that, having been constituted under the New Forest Act as representatives of the commoners of the New Forest, and guardians

and trustees of their rights, no communication of any kind of the intention of the War Office was made to them by the Commissioners of Woods and Forests, nor had any official communication reached them till your letter of February 4th, though they are given to understand that the subject has been for a very long time under consideration. The Verderers believe that had this been otherwise, and had it been in their power to direct the attention of Parliament to the true state of the case, Parliament would not have sanctioned the passing of such a clause as the 10th clause of Ranges Act, affecting in so vital a manner not only the interests of the commoners of the Forest and the rights of the public in it, but the interests of commoners throughout the whole kingdom.

The Verderers observe that you state “that the War Department has no intention of attempting to obtain other land or any other rights in the New Forest, except what is necessary for the establishment of the Rifle Range at Blackdown, or to acquire the ownership or any permanent possession of the land in question, but only to take a license or lease of it from the Crown for 21 years.”

The Verderers, of course, place full reliance on such an assurance on your part, but this does not meet their objection to any portion of the open lands of the Forest being taken for any purpose, as being contrary to the New Forest Act, 1877, and they must point out that so long as the power exists under the 10th section of the Ranges Act to take any portion, or even the whole of the open Forest for similar purposes, any Secretary of State for War could exercise it, and that, therefore, the assurance you have given, however good so far as you are concerned, must be valueless in itself, as it cannot bind any successors in your office. It is to this power that the Verderers object, and they would only be satisfied by its repeal, and they feel confident that you will see that justice required that this should be done.

The Verderers observe that it is stated that, “As the range will not be in use during the late autumn, the winter, or early spring, the commoners will, therefore, at all times, be either exercising their rights or receiving full compensation for temporary disturbance.”

The practically means the suspension of the rights of common during the period of the year when they are most valuable and principally in use. The pasture land which lies in the immediate front of the range, and is included in the proposed plan, is the best in this district, and as the commoners have been deprived of much of the best pasture land in the neighbourhood by the enclosures made under the Deer Removal Act, 1851, their deprivation of this ground will prove very injurious, especially to the poorer class of commoners.

As to the safety of the proposed range, the Verderers consider this to be a point which should have formed the subject of a special public inquiry on the spot, and, although they hold a strong opinion as to its danger, it seems to them that this is not the place in which it would be possible to enter into a detailed discussion upon it. The Verderers could enter further into this matter, but they feel that the very fact of this being in question shows the urgent necessity of a full public inquiry into the matter. The inconvenience of not proceeding by the usual methods of Parliamentary procedure is thus most clearly demonstrated.

The Verderers have no desire to oppose unreasonably an object which you describe as a national one, but the maintenance of the integrity of the open lands of the New Forest is also a national object already solemnly and publicly approved of by the nation. They are of opinion that a national object should be secured in a manner which would be approved of by the nation, and with full publicity, and accompanied by the safeguards by which Parliament has so carefully protected all interests – public and private – in cases where land is required for public purposes. They consider this essential as well in the interests of the nation and of all persons who may be concerned.

In conclusion, the Verderers have been informed that other sites for ranges required for the Army could be found without interfering with the open lands of the New Forest. But, as they have before stated, there has been no public inquiry into the subject beyond that before the committee of last session, which sat for three days only, and in which there are only two slight passing allusions to the New Forest.

I have the honour to be,
Your obedient servant,
(Signed) MONTAGU OF BEAULIEU,
Official Verderer of the New Forest.

The Right Hon. The Secretary of State for War.

Beaulieu, 23rd February, 1892.

Sir, Since the enclosed statement of the views of the Verderers on the proposed Military Camp and Rifle Range in the New Forest was drawn up, in answer to your letter of February 4th, the public assurances of the manner in which you now propose to deal with this matter have become known to them.

The Verderers fully appreciate your endeavour to meet the objections to the proposed scheme, especially in your undertaking to exclude the Forest by legislative enactment from any further operation of the Ranges Act, and to hold a local inquiry into the proposed Range.

They regret, however, to observe that you are not prepared to abandon the appropriation of 800 acres of the open Forest at Blackdown for the Military Camp and Rifle Range, and the Verderers therefore maintain the views expressed in their letter on this point.

With respect to the local inquiry which you have engaged to hold, the Verderers desire most earnestly to point out that in order to satisfy the commoners and the public, apart from the question of the suitability of the site and the safety of the Range, it is essential to prove without doubt that no other site can be obtained in the Southern District for the purposes required.

They venture most respectfully to suggest that it would command general confidence if this were ascertained by a Commission, and that this Commission should not be composed entirely of military officers.

I have the honour to be,
Your obedient servant,
(Signed) MONTAGU OF BEAULIEU.
Official Verderer of the New Forest.

The Right Hon. the Secretary of State for War

[p.96]

The Official Verderer stated that he had received no communications from M^r Culley to his letter addressed to him relative to the principles to be settled and Clauses to be founded thereon for insertion in the proposed Crown Lands Bill.

It was decided to arrange a meeting next week with M^r Culley, and the Official Verderer stated that he should be glad if some of the Verderers would attend a Meeting if such could be arranged and

that Col: Esdaile had offered to do so and that he would be glad if M^r Eyre and M^r Jeffreys would also attend.

The Clerk was directed to send the Draft Clauses as settled at the last Court to M^r Rees for his consideration and to meet him and settle them with him as early as possible.

<Court held 22 Feby 1892.>

In consequence of a telegraphic communication from M^r Howard from the New Forest Union relative to the delay in carrying out the Scheme of proposed allotments at Pikes Hill the Clerk was directed to telegraph in reply that there was no delay with the Verderers, that the matter rested with the Treasury and that the Verderers would do all they could to get the Treasury to make a Settlement.

The Clerk informed the Court that he had received no reply to the Communication send last Court to the Treasury upon this subject and no lease or agreement for a lease had been sent to him. He was ordered to write to the Treasury stating that a communication had been sent to the Court complaining of the delay in obtaining the site for allotments and [p.97] that if it would facilitate matters the Verderers would agree to possession being given at once of the site to the Guardians, without prejudice to the question of the compensation to be paid to the Commoners for their Rights over the land as referred to in the above mentioned letter.

A cheque for the Sheriffs Expenses for conducting the recent Election of Verderers amounting to £15.8.10 was duly signed and ordered to be forwarded to him.

This terminated the business of the Court.

[signed] Montagu

[p.98] At a Court of Swainmote and Attachment held at the “Morant Arms” Brockenhurst in the New Forest on the 29th day of February 1892.

Present

The Right Hon: The Lord Montagu. Official Verderer.
Colonel William Clement Drake Esdaile
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
George A.E.T.G. Meyrick Esquire
John Jeffreys Esquire.

The Minutes of the last Meeting were read and confirmed.

The Clerk produced and read the following correspondence with the Treasury relative to the Allotments at Pikes Hill Lyndhurst.

(copy same)

Treasury Chambers
23rd February 1892

2693
92.

Sir,

In reply to your letter of the 8th instant, respecting the Enclosure of about 14 acres of Crown Lands at Pikes Hill for the purpose of Allotments, I am directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you for the information of the Verderers that My Lords have issued [p.99] their Warrant for the Enclosure, and that they are advised that Rights of Common will not extent over the Enclosure.

I am,

Sir,

The Clerk to the
Verderers New Forest.

Your Obedient Servant
R.E. Welby.

Clerk's Office
Romsey Hampshire
22^d February 1892.

Sir,

I am directed by the Right Hon: The Lord Montagu, Official Verderer and the Verderers of the New Forest this day assembled in their Court of Swainmote and Attachment to inform the Lords Commissioners of Her Majesty's Treasury that a communication has been made to the Court on behalf of the Guardians of the Lyndhurst Union relative to the delay in acquiring the site at Pikes Hill Lyndhurst for allotments, and suggesting that the delay is with the Court and that a Lease has been forwarded by My Lords to the Court for approval and has not been returned to My Lords approved. I am to state the no communication containing any Lease or Agreement for a Lease has

been received by me on behalf of the Verderers nor has any reply been sent to my letter to you of the Eighth day of February instant.

I am further directed to add that the Court will raise no objection to My Lords handing over the site at once subject to the [p.100] question of the dealing with the Rights of the Commoners of the New Forest over the Land to be enclosed for allotments being dealt with hereafter and without prejudice in any way to such rights as set forth in my former letter.

I am,
Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

To the Secretary
Treasury Chambers

Clerk's Office

Romsey Hampshire.

24th February. 1892

2693

92

Sir,

I beg to acknowledge the receipt of your letter of the 23rd instant informing me that the Lords Commissioners of Her Majesty's Treasury have issued their Warrant for the Enclosure of 14 acres of the waste of the New Forest at Pikes Hill, and that My Lords are advised that Rights of Common will not extend over the Enclosure.

I will bring your communication before the Verderers.

I am,
Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

To the Secretary
Treasury Chambers.

M^r Roy addressed the Court on the subject and after remarks by the Official Verderer:—

It was resolved that the Clerk be ordered to send a copy [p.101] of such correspondence to the Chairman of the New Forest Union and the Clerk (M^r Coxwell) with a covering letter, as follows:—

Dear Sir,

I am directed by the Right Hon: Lord Montagu the Official Verderer and the Verderers of the New Forest this day assembled in their Court of Swainmote to forward to you copies of two communications to lay before the Guardians of the New Forest Union at their next Meeting.

I am to add that these communications are forwarded consequent upon the Telegram addressed to the Official Verderer on 22 instant by M^r Howard a Guardian of the New Forest, while the Court was last sitting, and a copy of which is also forwarded.

The Verderers desire to place it on record that no Lease or Agreement for Lease of Allotments at Pike's Hill Lyndhurst has been communicated or sent to them for consideration up to this date and <therefore> that any Statement that the Lease or agreement for the Lease has been delayed by the Court of Verderers is entirely unfounded.

Yours faithfully,

W. Coxwell. Esq.
Clerk to the N.F. Union

G.F.W. Mortimer
Clerk to the Verderers

The Court then proceeded to consider the steps that should be taken with reference to the proposed inquiry, by the Hon. T.H.W. Pelham into the safety and [p.102] suitability of the proposed Rifle Range at Blackdown.

The Official Verderer addressed the Court on the subject and read a letter that he had received from M^r Pelham stating that he had been appointed to hold the enquiry and that he proposed to do this at Lyndhurst on Tuesday 15th March.

His Lordship stated that the Inquiry would take place on the 15th March *proxo*: at the Queen's House Lyndhurst. A long discussion took place and ultimately, it was resolved:

- (1) That the Court be represented before M^r Pelham at the Inquiry.
- (2) That Counsel be employed and that the Clerk do ascertain whether M^r Candy Q.C. can take the Case, and if so, what his Fees would amount to.
- (3) That the Clerk be directed to prepare the necessary Brief for Council and the Evidence to be placed before M^r Pelham, as follows:—
 - (a) That of Expert Military Men.
 - (b) That of Engineers or Surveyors
 - (c) That of local Witnesses as to the danger to the Cattle ponies &c: the movements of persons generally over the land proposed to be used for Rifle Range and to the public Roads and Trackways across the proposed Range.
- (4) That the Clerk to the Verderers do write a letter to the Secretary of State for War requesting the postponement of the enquiry to a fortnight beyond the 15th of March as in their opinion it was quite impossible to have the Case adequately prepared by that time also requesting the Secretary of State to inform the Court as to the nature and Scope of the proposed Inquiry, the mode in which he proposes to bring this matter before M^r Pelham and the nature of the evidence it is proposed to lay before him. Also that the Clerk do write to The Hon: M^r Pelham requesting him to inform the Court [p.103] as to the position which the War Office and the Verderers and others would occupy before him, whether as "Plaintiffs" and "Defendants" and who would be called upon to begin in the inquiry. Also to state that the Verderers had applied to have the inquiry postponed for a fortnight beyond the 15th of March as they found that they could not possibly prepare their Case by the time fixed for the inquiry.

Draft Letters to be sent to the Official Verderer for approval.

The Official Verderer undertook to support the Verderers' request for a postponement by letter to the Secretary of State for War and M^r Pelham.

(Copy letters)

Clerk's Office
Romsey Hampshire
2nd March 1892.

Sir,

I am directed by The Lord Montagu the Official Verderer and the Verderers of the New Forest to request, in order that the Court of Verderers may be prepared with the necessary evidence upon

the Enquiry to be held before the Hon: T.H.W. Pelham into the suitability and safety of the proposed Range at Blackdown, that you will be good enough to inform the Court as to the nature and scope of the inquiry, and the mode in which the Secretary of State for War proposes to bring the matter before M^r Pelham also as to the nature of the evidence it is proposed to place before him.

As it will not be in the power of the Court to be prepared in so short a time as between this and the 15th of this Month [p.104] with their Case and Evidence, I am desired to request that the Secretary of State will be good enough to arrange for a postponement of the inquiry for two weeks beyond the 15th.

I have the honour to be,

Sir,

Your obedient Servant.

G.F.W. Mortimer

Clerk to the Verderers.

The Under Secretary
of State for War.

Clerk's Office

Romsey. Hampshire.

2nd March 1892.

Sir,

I am directed by The Right Hon: The Lord Montagu, Official Verderer, and the Verderers of the New Forest, to request, in order that the Court of Verderers may be prepared with the necessary evidence to lay before you upon your proposed Inquiry that they may be informed whether the War Office for the purposes of the Enquiry may be considered as "Plaintiffs" to use a technical expression, and the Verderers and others as "Defendants" and whether the War Office will as "Plaintiffs" begin the inquiry and call witnesses to establish their Case before you.

It will be impossible for the Verderers adequately to prepare their Case and Evidence so as clearly and fully to place it before you on the 15th instant. They have therefore requested the Secretary of State for War to postpone the Inquiry for a [p.105] fortnight beyond that date.

[in margin] See copy letter enclosed

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

The Hon: T.W.H. Pelham

(5) That the Clerk do communicate with the Official Verderer as soon as his Draft Brief is ready that a Court may be at once called to consider the same.

The Official Verderer produced the following communication from M^r Culley the Commissioner in charge of the New Forest – re. Crown Lands Bill.

(copy same)

(See pages 106. 107. 108. 109. and 110)

The matter having been fully discussed, the Official Verderer stated he had as requested arranged for an interview with M^r Culley of himself and the Verderers named at the last Court for tomorrow

at 2 o'clock, and it was resolved that they should press upon M^r Culley as far as it was in their power, the principles laid before him in their letter of February 10th and laid down in the Draft amendments which had been drawn up to get inserted if possible into the Crown Lands Bill, these being briefly:—

That the Verderers should in some manner be consulted as to the selection of the Land for the purposes proposed in Clause 4 of Crown Lands Bill.

The omission of the proviso to that Clause and substitution of the Verderers' proposal.

The insertion of what are known as the Verderers' (To page 111)

[p.106]

Copy

The Imperial. Bournemouth
Feb'y 10th 1892.

Dear M^r. Culley,

A meeting of the Court of Verderers was held on Saturday 4th & the Clause (4) of the Crown Lands Bill & schedule as affecting the New Forest were carefully considered. It appeared to the Court that perhaps the most convenient course would be that they should place their views generally before you in the first instance with the object of arriving at an agreement as to certain general principles which they would desire to have embodied in the Bill and which they would then be ready to submit in the form of amendments for your consideration. For this purpose they would suggest that a conference might be arranged when these could be discussed.

The first point is, That the Verderers were of opinion that some limitation should be fixed as to the quantity of land which might under the clause be enclosed in any one place for any of the objects named – viz. Allotment, Recreation & Amusement, drainage, gas, sewage, waterworks and that this should not exceed 20 acres, but that it was not possible to fix any limit for Roads and Tramways.

2^{ndly} That the Verderers as representing the Commoners, should have some voice in the selection of the land for the purposes named in the clause & that this would be best attained by a Commission of whom two should be nominated by the Crown two to be Verderers of the New Forest and two Justices of the Peace for the County of Southampton, following as near as possible the precedent laid down in the 14 and 15 Victoria Cap. 76 Sec. 3 and prior Acts.

3^{rdly} That the proviso to Clause 4 should be omitted, and in lieu of it proviso should be inserted by which where any land is sold or leased by the Crown for any of the purposes named in the Clause the Commoners should be entitled to receive compensation in the same manner as they have already obtained it in the case of the lands sold or leased to Railway, Waterworks or other works of a like nature.

Lastly, with a view to enable the proviso to be carried into effect that the Clauses known as the Verderers clauses which have been embodied in the Railway Acts and in the Lyndhurst Gas & Water Provisional order should be inserted in the Crown Lands Bill.

The Verderers trust that you will accept and consider these proposals in the spirit in which they are made with a view to facilitate the carrying out of the objects of the Clause and to provide as carefully as possible against the difficulties & contentions which they think would most surely arise if the Clause were to be carried through in its present form.

Believe me, Yours truly,
Montagu of Beaulieu

Official Verderer of the New Forest

To George Culley Esq C.B.
Comm^r. of Woods & Forests.

[p.107]

Copy

Office of Woods & Whitehall Place. S.W.
22nd February 1892.

My Lord,

Before discussing the points in your letter of the 10th inst. as to the provisions, so far as they affect the New Forest, of the proposed Crown Lands Bill, it may be well to call your attention to the circumstances which led to the introduction of Clause 4 of that Bill.

In the report of the Select Committee of the House of Commons on this Department, dated 30th July 1890, after stating, as regards the New Forest that they had found nothing in the evidence given to shew that there had been any departure in the administration of the Forest from the principles laid down in the Act 1877 the Committee made certain general recommendations amongst which was the following:

“It is expedient that the powers given by s.97 of 10 Geo.4. C.50 should be extended to the grant of leases for ordinary roads and tramways, for allotment gardens, and for sewage, gas and waterworks or other works of public utility.

The necessity for this extension is much felt. Towns villages and hamlets within the ambit & close on the borders of a Forest find themselves wholly, or partially, surrounded by Crown land, and, if they cannot secure accommodation on it, have great difficulty in providing the conveniences which are requisite for the comfort of the inhabitants.

The owners also of private property in, or abutting on, the Forest sometimes desire a right to make roads across the Crown land in order to get to a public road, and it is frequently desirable that they should have this right, in order to prevent the cutting up of the Forest by undefined tracts [*sic*]. The extended powers might be limited and guarded so as to prevent any undue exercise of them; and in order to provide a guarantee against an invasion of the rights of commoners, it should be declared that all unenclosed waste land granted by the Crown in pursuance of the extended power is to be taken to be part of the land which the Crown is at the time authorised to enclose, so that the total quantity which the Crown is empowered to enclose shall not be increased, but only that in regard to the land enclosed under the extended power the Commissioners of Woods shall be freed from any obligation to appropriate it for the growth of timber and trees”.

Clause 4 of the Crown Lands Bill as suggested by the Commissioners of Woods was strictly confined to providing the means of carrying out the recommendations of the Select Committee, that is to say, it only gave power to the Commissioners of Woods to lease land in the forests for the subjects referred to by the Select Committee and subject to the limitation as to area suggested by the Committee.

At a later stage a power of sale was added, not as the suggestion of the Commissioners of Woods but as that of certain owners of property in the forests.

[p.108]

A power of sale freed from some of the restrictions of S.10 of the Act of 1877 would no doubt be convenient in dealing with intermixed lands: but as Commissioners of Woods in charge of the Forests I was anxious to confine the power given by the Section to what appeared to the Select

Committee to be necessary to the comfort of the inhabitants of the forests and in no way, even in sentiment inimical to the interests of the general public.

In the evidence given before the Select Committee it transpired that of the area which the Crown is entitled to enclose and hold in severalty in the forest a considerable portion, sufficient to meet all the requirements of the case, is unenclosed & hence the proviso contained in the latter part of the recommendation of the Committee.

You are aware that the 16,000 acres which the Crown has power to enclose for the growth of timber in the New Forest only about 10,500 acres are so enclosed, leaving a margin of 5,500 acres which the Commoners now enjoy the use of in addition to the 47,000 acres or thereabouts to the grazing of which they are entitled.

It is true that the 16,000 acres which the Crown is entitled to enclose are confined to certain areas which in the aggregate only amount to about 18,000 acres & that the powers given under the Clause if they are to be of any use must remove the restrictions both as to special areas and growth of timber.

It is true also that some of the limited areas required in the neighbourhood of villages for works of public utility may from their position be of greater value to the Commoners than the special areas which the Crown might enclose for planting: but I must ask you to bear in mind that the enclosure of such areas, very limited in extent, is not sought by the Crown but is proposed for the benefit of inhabitants of the Forest.

Land enclosed for allotments, for example, can only be of use in the neighbourhood of villages while regulations as to position & quantity will be much better carried out under the Clause of the Crown Lands Bill than by the revival of a Statute of William the 4th under which upwards of 20 parishes whatever their requirements may be, might, if the legal position is sound, lay claim to say, 1200 acres of the best parts of the Forest.

Or, on the other hand take what is needed for water supply and drainage of Lyndhurst. The positions of the reservoir for supply of water and land required for outfall sewage works are fixed by the requirements themselves and happily do not involve the taking of land of any unusual value to the Commoners.

Or, take again the much vexed question of a Rifle Range. I hold now as I have always held that if a Camp and Rifle Range in the New Forest [p.109] is required by the War Office it should be granted by the Office of Woods subject to the same limits as other grants for works of public utility, i.e. that the 800 acres asked for by the War Office should be held to form part of the 5500 acres available for grants under Clause 4 of the Crown Lands Bill.

The establishment of another rifle range (for there are already 3 ranges used under licence by Volunteer Corps) in the New Forest is for me advantage to the Crown as Owner of the Forest and if granted as I have suggested it would reduce the area which the Crown has power to enclose but has not yet enclosed by 800 acres of the poorest land in the Forest.

This brings me to the first proposal contained in your letter of the 10th, viz^t, "That the Verderers were of opinion that some limitation should be fixed as to the quantity of land which might under the Clause be enclosed in any one place for any of the objects named, viz^t Allotments, recreation and amusement, drainage, gas, sewage, waterworks, and that this should not exceed 20 acres but that it was not possible to fix any limits for roads and tramways".

Besides the difficulty of fixing a limit as to roads (upon which subject the Crown has just made an offer to incur a large additional expenditure), there is the question of the rifle range for which a

much wider area than 20 acres would be required and again the question of allotments which on the lines of the Act of Will: IV might extend to 50 acres.

With regard to the Rifle range there should I think be a special proviso making it clear that in the case of the Forest the powers given by section 10 of the Ranges Act shall only apply to land which the Crown is entitled to enclose under the Crown Lands Bill. As to Allotments judging from what has taken place in the Case of Lyndhurst, I don't suppose that more than 20 acres will for long enough be required in any one place in the New Forest but as the Crown Lands Bill applies beyond the New Forest and keeping in view of the Act of Will. IV I hardly think it would be wise to suggest to Parliament [p.110] to limit the power of enclosure for Allotments to 20 acres.

With regard to the other subjects named in the Crown Lands Bill I dare say the limit of 20 acres would be quite sufficient.

Looking at the subject generally, including the uncertainty of what future public requirements may be, I think that if a local limit is made a provision of the Bill it should not be confined to 20 acres.

The 2nd & 3rd points in your letter I must take together as they involve the whole principle on which it is proposed by clause 4 of the Bill to provide for public & private wants.

To omit the proviso to clause 4 would be to put an end to all connection between areas granted under the Clause and the area which the Crown is entitled to enclose.

There would be no limit to the aggregate area granted except the will of such a Commission as is suggested in your letter, while the Crown would still retain the power of enclosing for planting the 5,500 acres which I have already referred to.

The Commission appointed under 14 and 15 Vic. C.76 to which you refer had to select 10,000 acres not only from "such parts & places in the said Forest as shall be found or ascertained by the said Commissioners or any three or more of them to be most convenient to be enclosed" but also "best adapted for the growth and produce of Timber and other Trees and may be best spared from the Commons and Highways of the said Forest."

What we are dealing with now are small areas for special purposes which themselves determine the position.

For myself I am so convinced that the action contemplated by the Select Committee will entirely fail unless it is left in the hands of the Crown as owner of the Forest & the Commissioners of Woods to whom the management & direction have been confided that I would rather see the Forest clause, as far as the New Forest is concerned, withdrawn from the Bill than have any part in trying to carry it out if altered as suggested in points 2 and 3 of your letter. Any power of Sale given under Clause 4 of the Crown Lands Bill ought in my opinion to be confined to Sales of limited areas for the purpose of providing sites for Churches, Chapels, Schools and Burial Grounds or for other purposes of distinctly public utility. Some such provision appears to be desirable, as the Bill proposes to repeal the 45th Section of 10 Geo. IV & the limitations of that section as to quantity & value might be followed.

In one of your letters to me you referred to a power of Sale as a desirable feature in the Bill in order to facilitate a better arrangement of boundaries between private Estates and the Forest. Any power of sale for this purpose should I think be entirely outside clause IV and should take the form of a modification of section 10 of the Act of 1877 with reasonable but strict limitations as to quantity & value.

Believe me, Yours truly

The Right Hon: Lord Montagu

Geo Culley

[p.111 – continued from p.105]

Verderers's Clauses into the Bill to enable the Verderers to accept and receive compensation in any Cases of sale or lease of lands in the Forest.

The Court to be called together again or soon as the Official Verderer was in a position to consider it necessary.

This terminated the business of the Court.

[signed] *W Clement D Esdaile*

[p.112] At a Meeting of the Verderers of the New Forest held at The Morant Arms Brockenhurst on the 5th day of March 1892.

Present

The Right Hon: The Lord Montagu. Official Verderer
William Gascoigne Roy Esquire.
George A.E.T.G. Meyrick Esquire.
John Jeffreys Esquire.

The Lord Montagu, Official Verderer explained that he had called the Verderers together to settle two important questions which must be at once settled consequent upon the refusal of the Right Hon: the Secretary for State for War to postpone the local Inquiry before M^r Pelham namely who should be employed by the Verderers as their Counsel upon the Inquiry and the course the Verderers were to adopt consequent upon the refusal to postpone.

The Official Verderer stated that he had not been able to secure unanimity as to the employment of the Counsel mentioned at the last Court, he would not take upon himself the responsibility of selecting Counsel and therefore had felt obliged to call the Verderers together at once to do so as time was pressing. M^r Esdaile had sent him a list of Counsel he had obtained and having made inquiries as to them he had been informed that the two best in the list were M^r Bucknill Q.C. or M^r Bigham Q.C.

It was resolved to instruct the Clerk at once to communicate with M^r Bucknill Q.C. to ascertain if [p.113] he would take the Case, and if so, his fees and failing obtaining his services to communicate with M^r Bigham Q.C. M^r Temple Cooke being retained as Junior.

On the second subject. The Official Verderer directed the Clerk to read the following letter from M^r Pelham.

(copy same)

Palace Chambers.
Westminster.
4th March. 1892.

Sir,

I only received your letter of the 2nd inst. this morning as it was addressed to 8 Richmond Terrace which I left three years ago, I at once replied to you, "Only just received your letter Inquiry cannot now be postponed but you can ask for adjournment after War Office Case completed."

I heard yesterday from Lord Montagu asking for a postponement, and I wrote to His Lordship (the letter being delivered at his Hotel last night) That I had been to the War Office and found out that M^r Stanhope had already written to say that the Inquiry could not be postponed. The Notices have already been advertised in local papers and posted through out the New Forest. The War Office will be asked to present their Case to me first, and I understand that they will be represented by Counsel [p.114] and will call Witnesses. It is not necessary for me at the present time to express any opinion as to whether the War Office will to any further extent be considered as Plaintiffs, and the Verderers and others as Defendants. I must wait to see what parties are represented and in any case the

Inquiry will be a public one and any person will be at liberty to give evidence whether legally represented or not.

I should think that the War Office Case must last two days at least; and I shall of course require to visit the locality.

I shall be prepared then to consider any application which may be made for an adjournment. In conclusion I must express my regret that I was not able to communicate with you before. I understood that Lord Montagu in every way represented the Verderers. His Lordship came to see me on 25th February and gave me a list of all the local authorities and persons who ought to be communicated with, but he did not give me your name and address. I may add that it was suggested at first that the Inquiry should take place next week but in my opinion and in that of Lord Montagu, the notice was too short and Lord Montagu agreed in thinking that the 15th would suit all parties. I enclose copy of notice of Inquiry which I think has already been sent to you in another capacity.

G. Mortimer Esq.
Verderers' Office

Yours faithfully
T.H.W. Pelham

[p.115]

3^d March 1892

Dear Lord Montagu,

On receipt of your letter I went at once to the War Office and found M^r Stanhope had already decided that it was too late to postpone the Inquiry. I understand that the War Office will be represented by Counsel and I propose to call upon them to give evidence as to their proposals first. If after their Case is completed the Verderers or any other party wish for an adjournment, I will give the application every consideration and would certainly not close the Inquiry until everybody had been heard.

The Notices were all sent out last night and I am sure it is the best plan to open the Inquiry and at any rate hear the War Office Case and as much of your Case as possible. When I saw you last week I certainly thought you were the Verderers, although I understood that you had your own separate interests. I did not know that there was a Clerk to the Verderers or I would most certainly have written at once to him.

Believe me, Yours very Truly
(signed) T.H.W. Pelham.

The Verderers considered what in view of the letters, it would be advisable to instruct Counsel to ask, on the close of the War Office Case, for an adjournment for so long a time as possible (also to ask leave to postpone the cross examination of the War Office Witnesses) and to get up the Reply to the War Office Case during the adjournment.

[p.116]

In the meantime the Clerk was directed to approach General Stotherd with whom he was personally acquainted to ask his advice and assistance, also as to obtaining the same from either Col: Heale Col: Phillips and Col: Lothian Scott with a view to obtaining the assistance of one or more of those Gentlemen at the Inquiry, and subsequently the Clerk was directed to pledge them their Expenses on behalf of the Verderers, should they, or any of them, agree to assist, and further was ordered to go to Camberley to see General Stotherd and Col: Scott as soon as possible and ascertain whether they would assist or not.

The Official Verderer who requested to write a letter of introduction for M^r Mortimer to show that he was accredited by the Verderers to approach these Officers.

M^r Bowden Smith being present undertook to survey the site and be prepared to give Evidence as to the danger to the Roads and byeways or tracks and the Clerk was directed to furnish him with a plan of the site of the proposed Range.

The Agisters were called in and instructed by the Official Verderer as to the returns they were required to make and they were ordered to see the Clerk on Friday morning to settle their proofs of Evidence.

The Clerk was directed to get on as far as he could with the Brief for Counsel and to be as forward as possible with his papers on the 15th instant.

<Read to the Court of Verderers>

14th March 1892

[signed] W Clement D Esdaile

Chairman

[p.117] At a Court of Swainmote and Attachment held at the Verderers' Hall Queens House Lyndhurst, on Monday the 14th day of March 1892.

Present.

Lieut. Col. William Clement Drake Esdaile. Deputy Chairman
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
John Jeffreys Esquire

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

It was resolved that the Deputy Chairman be Chairman in the absence, through illness, of the Official Verderer.

A communication was received from M^r Meyrick excusing his absence on the ground of ill health. The Minutes of the last Court were read and confirmed

A Minute of the proceedings of a Meeting of the Verderers at Brockenhurst on the 5th day of March instant was read and it was resolved that it be adopted and entered [p.118] on the Minutes of the Court.

The Court then proceeded to consider their present position with reference to the local Inquiry to be held tomorrow relative to the safety and suitability of the proposed Rifle Range at Black Down. The Clerk stated that he had delivered a Brief to M^r Temple Cooke to attend tomorrow but that acting on a letter from the Official Verderer he had not delivered a Brief to M^r Bucknell Q.C. as His Lordship did not consider his attendance necessary until after the adjournment of the Inquiry.

An extract from a communication was read from M^r Pember Q.C. to M^r Hobart, as follows:—

“If the adjournment is to some day in Easter week I will attend, after that I shall be at work again here and could do nothing for you. But in Easter week you may command me but I must do the thing as a friend if I do it at all I offered myself in the first place. In the next place I could not take the New Forest money.”

This offer was discussed and in view of a Statement by the Clerk that from information received that an adjournment of the Inquiry to Tuesday in Easter week would probably be, he was directed to telegraph to M^r Pember Q.C. as follows:— “Pember Q.C. 32 Great George Street, Westminster, London. Verderers gratefully accept your kind offer for themselves and Commoners. Mortimer, Clerk's Office, Romsey.”

The necessity of delivering a Brief to M^r Bucknell Q.C. in view of the offer of M^r Pember Q.C. was discussed and the matter was left in the Clerk's hands for the present to report upon in due course.

The Clerk stated that no “Retainer” had been [p.119] paid to Mr. Bucknell.

The Court then fully considered the position to be taken up at the Inquiry tomorrow.

The Clerk was directed to write to Mr Pelham as follows:—

Clerk's Office,
Romsey, Hampshire.
14th March, 1892.

Dear Sir

At the Court of Swainmote & Attachment sitting this day, at the Queens House Lyndhurst I was directed by the Verderers that as they are interested tomorrow in the Inquiry to communicate with you relative to the arrangements to be made in the Hall for the convenience of themselves and their Counsel and they would respectfully suggest a T shape Table at which seats should be allotted to them and their Counsel and that the Witnesses should whilst giving their evidence stand at one end of T. If you thought it best to sit at the Table, the Reporters could then sit upon the Bench above or otherwise a Table could be placed for them in the Eastern Window of the Hall. These suggestions are made with due submission to your own judgment and only with the object of assisting you in the arrangements.

Yours faithfully

The Hon. T.H.W. Pelham.

G.F.W. Mortimer.

To prepare and have ready for the adjournment a 25 inch Map of the Range with all the Roads Tracks and Paths colored. The Farms marked and all the Enclosures colored thereon.

[p.120]

The Clerk fully reported the result of a journey to Camberley by order of the Verderers present at the Meeting of the 5th Inst. and interview with Genl. Stotherd R.E. and Col: Hale R.E. and stated that the last named Officer had undertaken to advise the Court and would be present tomorrow to do so, being engaged today in going over the Range with M^r Morton K. Peto. That he had guaranteed him all his Expenses.

The Court approved the arrangements made by the Clerk with Col. Hale. R.E.

The Clerk read the following letter addressed to him by the War Office. (copy same)

Portsmouth II

518

War Office

3rd March 1892

Sir,

I am directed by M^r Secretary Stanhope to acknowledge the receipt of your letter of the 2nd instant relative to the inquiry which it is proposed to hold as to the objections of the Commoners to the Rifle Range in the New Forest.

In reply I am to acquaint you for the information of the Verderers, that it would be very inconvenient to alter the day fixed for holding the Inquiry, as all arrangements have now been made, and public notice has been given. M^r Stanhope is sure that the Verderers will concur with him in thinking that it is very desirable that the question should be settled as soon as possible.

The scope of the Inquiry, will be, as stated by M^r Stanhope to the Deputation which waited upon him to hear and report upon any objections which may be [p.121] made by Commoners and other residents in the locality as to the suitability and safety of the Rifle Range which it is proposed to establish in the New Forest; and as he understands that the Commoners are to be represented by Counsel, this Department will also be so represented. It will be for M^r Pelham to arrange the course of procedure of the Inquiry.

I am, Sir,

G.F.W. Mortimer Esq
Clerk to the Verderers.

Your obedient Servant
Ralph Thompson

It was resolved to instruct Counsel tomorrow to apply for leave to postpone cross-examination of the War Office Witnesses and to ask that the adjournment should be to the Easter week.

At the request of the Chairman, M^r Eyre reported that Lord Montagu the Official Verderer The Chairman M^r Jeffreys and himself had called on M^r Culley the Commissioner in charge of the New Forest at his office on the 1st March, there was present in addition to such Deputation and M^r Culley M^r Russell Sowray his assisstant [*sic*]. That before proceeding to discuss the terms of the Crown Lands Bill, M^r Culley had been anxious to fully explain that his office was innocent of any complicity in passing Section 10. of the Ranges Act, 1891 and that he had the authority of the Treasury to make this statement to the Verderers. He further stated his disapproval of any<such> kind of legislation and he wished it to be understood that this statement was for the information of the Court solely. He further stated that the subject of this particular Range had [p.122] been brought to the Notice of his Department about 2 years prior to the passing of the Act of last sessions. Also that the War Office was under the impression that they had obtained power to acquire the Range under the terms of the Barracks Act, 1890.

That the Deputation had then proceeded to discuss the proposed Crown Lands Act 1892.

That it had been pointed out to M^r Culley that if he took power to deal with small cases of exceptional character that the ordinary law might be allowed to operate in all larger cases. That it would now appear that the Commissioner of Woods Forests &^c were taking extensive powers for small effects. That M^r Culley seemed to fall in with this suggestion.

It was further suggested that the power of sale sought to be acquired under the Bill should be limited to those powers which the Office of Woods Forests &^c had been deprived of by the repeal of 52 Geo. III cap.161. sec.27. so far as it affected the New Forest and that every thing else should go by Provisional Order.

That M^r Culley had stated that with reference to all Grants Sales or leases of land in the Forest he declined to be subject to any second opinion or to accept anything in the shape of a Veto from the Verderers and that rather than submit to any interference which would be the source of delay and difficulties he would place a Clause in the proposed Bill exempting the New Forest from its operation altogether.

That the Deputy Chairman had thereupon stated that he had known the Forest for 40 years and that he believed that most if not all the friction that from time to time had existed between the Office of Woods &^c and the Verderers had arisen from the want of confidential communications with the Court of Verderers [p.123] and that if he would consult them more, things would work more smoothly. M^r Culley however declined to accept the proposed Clause as to the appointment of a Commission but he would consider the suggestion made that he should give notice to the Verderers of which he proposed to do in the same way as is provided in the New Forest Act 1877 as to flinging open and re-enclosing plantations.

M^r Culley further stated that if Clauses were submitted to him appointing the Verderers the authority for receiving money and with respect to the reverter of the Common Rights which Clauses are known as the "Verderers' Clauses" and a Clause giving the Verderers power to lease on similar

terms as the Office of Woods Forests &^c, He would consider whether he could adopt them and place them in his Bill.

The Clerk read the following letter from M^{rs} Wort.

(copy same)

Balmer Lawn, Brockenhurst.

February 26. 92.

Sir,

I have applied for a Road in a small space of Waste Forest very boggy near Culverley Green 90 feet from the Main Road to my property adjoining M^r H. Saunders – M^r Chandler wished me to name it to you – I received a letter from the Office of Woods and M^r Culley, has granted the permission to make a Road to gravel and maintain it near Culverley Green. It has good Forest Rights and no doubt the Verderers will kindly grant me the small piece of Waste Ground and so I kindly ask the favor of you.

Your obedient Servant

Charlotte R. Wort.

[p.124]

The Deputy Surveyor stated that the Crown had given leave to make the Road.

The Clerk was directed to write M^{rs} Wort that leave would be given to her on similar conditions as those granted by the Crown including the payment of an acknowledgment of 5/- to the Court the concession to be continuous with the Grant by the Crown.

Mr. Lovell stated that his Report as to the improvements of the breed of Forest Ponies was not ready.

The Clerk produced the audited Accounts for the Court for the year ending 31st December 1891 duly signed by the Auditor they were ordered to be entered on the Minutes.

[printed accounts]

New Forest Acts, 1877 and 1879.

Summary of an Account of the Fines and other Monies recovered or received by the Verderers under the above Acts and carried by them to the Account of the General Fund, and of the application thereof, under Section 38 of the New Forest Act, 1877.

1891.			£	s.	d.	1891.			£	s.	d.	
To Cash received of Non-Commoners for Licenses, viz.:-						By Deficit brought from last Account			37	2	9	
Licenses	23	5	0			Cash paid Clerk for one year's salary			150	0	0	
Head Money	52	2	6			Cash paid four Agisters for one year's salary			280	0	0	
Marking Fees	23	18	6			Cash paid "out of pockets" on behalf of the Verderers			32	14	4	
				99	6	0	Cash paid Agisters for Postages, 1890, and for Burying Dead Animals			3	11	2
Cash received of Commoners by Agisters for Marking their Cattle, viz.:-						Cash paid Hon. G. Lascelles (Fence Month and Winter Heyning)			1	0	0	
Alfred Chandler	105	10	0			Cash paid for Auditors' Fees and Expenses, 1890			4	9	0	
Charles Evely	83	17	0			Cash paid High Sheriff for expenses of Election of Verderers 1890			89	17	10	
John Moody	79	12	0			Cash paid for Law Costs 1890			8	7	6	
Charles Newbolt	53	6	0			Cash paid for Shorthand Writer's Fees			4	12	8	
				322	5	0	Cash paid for Advertising			16	10	3
Cash received of Commoners by Agisters for Pannage, viz.:-						Cash paid for Printing and Stationery			17	9	9	
Alfred Chandler	4	10	4			Cash paid for Police Fees			0	3	6	
Charles Evely	3	9	4			Cash paid to Crier of the Court			1	15	0	
John Moody	1	12	8			Cash paid for Costs of Power of Attorney on Sale of Consols			0	15	0	
Charles Newbolt	1	0	8			Cash paid to Hon. G. Lascelles in repayment of proceeds of Sale of Debris of Ober Bridge			0	7	6	
				10	13	0	Cash paid to W. Beach (Commoner) in repayment of Fees paid as a Non Commoner			0	7	6
Dividends on £4684 18s. 4d. 2¼% New Consols			126	6	2	Balance			11	3	6	
Cash received as yearly acknowledgments (9) of Commoners' rights to feed over lands enclosed for Cricket, Tennis, and other purposes			1	1	1							
Cash received on sale of £102 19s. 8d. Consols at 19¼			100	0	0							
Cash received for Fines and Costs inflicted during the year			0	16	0							
			£	660	7	3			£	660	7	3

Examined and found correct this 10th day of March, 1892.

G.A. Webb,

Auditor appointed by the Court of Quarter Sessions of the County of Southampton.

[p.125]

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

1892		£	s.	D	1892.		£	s.	D	
January 18	By balance from last a/c.	87	17	1	January 18	To Cash paid Clerk for "out of pockets" 1891.	8	12	2	
19	" Cash received of Non-Commoners for licenses to this date, viz.				22	To Cash paid Agisters Postage & 91.	3	16	4	
	Licenses	1	7	6		" " " T.H. Woodham Esq Sheriffs Expenses Election of Verd ^s 92.	15	8	10	
	Head money	3	12	6						
	Marking Fees	1	12	6	March 12	Balance	66	12	3	
		6	12	1			£	94	9	7
		£	94	9	7					

The Agisters reported that Burning was required in the Forest. Agister Newbolt stated that some Heath at Longwater and some round the outside at Matley Wood would require burning.

The Agister Evely mentioned about 2 or 3 acres between Holmsley Station and Burley also a piece between Buckley and Oakley near the Shade Green also a piece between Pug Pits Enclosure and Ocknell Arch.

The Agister Chandler mentioned Holm Hill, Apsley Ford, Priddits Bridge, Cators Cottage, also a piece of rough Ground on the Sway side of the branch of the Railway to Lymington and Lymington side of the Ringwood Road as requiring burning.

The Deputy Surveyor declined to burn at Holm Wood.

The Agister Evemy reported that the Bog near Bistern Close Farm was very dangerous and required Draining.

[p.126]

That it was last drained under Stephen Sims a Crown Servant in June 1881 by leave of the Crown. The Agister Chandler reported two Bogs one at Hinchleslea near the Bridge, and the other between Red Hill and Culverley Green required draining.

The Deputy Surveyor stated that no leave had been given to drain the Bistern Bog in his time and that he deprecated any Drainage being done without the leave of the Crown, and was informed that in all Cases permission had been obtained from the Crown prior to the commencement of any works of Drainage.

The Chairman stated that there was no intention of dealing with such work without communication with and permission of the Crown.

This terminated the business of the Court.

x^d

[signed] Montagu

[p.127] At a Meeting of the Verderers held in the Verderers Hall Queens House Lyndhurst on the 3rd May 1892

Present.

The Right Hon: The Lord Montagu. Official Verderer.
Lieut. Col. William Clement Drake Esdaile.
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
George A.E.T.G. Meyrick Esquire

The Clerk stated that he had received a letter from M^r G.E. Briscoe Eyre stating that it was impossible for him to leave London and attend the proposed Meeting of Verderers today.

The Official Verderer explained the reason of the Meeting being called for today and that it was for the purpose of

- (a) Considering the position of the Ranges Inquiry and pass votes of thanks to M^r Pember Q.C. M^r Candy Q.C. M^r Temple Cooke, Col. Hale R.E., Col. Burton R.E. and M^r Morton K. Peto for their assistance.
- (b) To consider the position of the Crown Lands Bill and a letter from M^r Gorst on the subject.
- (c) To consider the position of the Military Lands Consolidation Bill.
- (d) To consider the position of the New Forest Bill introduced into the House by the Verderers.

[p.128]

The Official Verderer then reviewed the proceedings before M^r Pelham, and expressed the great obligation the Verderers were under to those who had assisted in placing before him the Verderers' Case; and first and foremost to M^r Pember Q.C. for his great services placed by him so kindly at the disposal of the Verderers for the protection of the rights of his brother Commoners, and this without solicitation and entirely gratuitously and he moved that a special vote of thanks be passed to M^r Pember for his valuable help and assistance.

The motion having been seconded by Col: Esdaile was most cordially and unanimously passed. It was further resolved that votes of thanks be recorded to M^r Candy Q.C. M^r Temple Cooke Col. Heale R.E., Col: Burton R.E. and M^r Morton K. Peto for their able assistance and services.

The Official Verderer further moved: That a special record be entered on the Minutes of the appreciation of the Verderers of their Clerk's services in the manner in which he had managed the Case on their behalf and a vote of thanks be passed to him in respect thereof.

Col. Esdaile having seconded this motion – it was carried unanimously.

The Official Verderer at the request of the Verderers undertook to convey to the Gentlemen above mentioned the Votes of thanks so passed to them respectively.

The Official Verderer then introduced the question of Finance and the steps to be taken to save further outlay if possible, and after a full discussion by those present of the position of the various Bills before Parliament above referred to and of the Expenses already incurred and likely still to be incurred.

It was resolved that the Official Verderer, M^r Eyre and M^r Roy be requested to meet M^r Beach M.P. M^r Jefferey M.P., M^r Compton M.P., and Col: Cornwallis West M.P. on Friday next to discuss the position of these Bills and arrange the [p.129] steps to be taken in the House or before any Committee thereof to secure the maintenance of the New Forest in its integrity.

The Clerk was directed to attend the above meeting if in London.

The Agister Chandler reported that M^r Donald Knight had removed the manure heap and dead Animal complained of by M^r Hugh Wilkinson.

The Clerk stated that he had written to M^r Lascelles the Deputy Surveyor on the subject but that he had declined to present the matter to the Court unless the Court would deal with all Enclosures in the open wastes by other Commoners placing Manure heaps thereon.

As the nuisance was abated it was not considered necessary to discuss the matter further.

The Clerk read the following report from the Agister Chandler

(copy same)

The Weirs
Brockenhurst
May 2 1892.

Dear Sir,

A line to say that Brockenhurst Races are to be held on Balmer Lawn on Thursday next the 5th inst. I did not know whether leave had been given by the Verderers as J.R. Bradford is giving orders to cut and level the ground as the Course is being altered thereby destroying pasture. I also hope you will be able to make the Committee or Secretary responsible for any Glass or refuse that might be left on the Ground.

Your obed^t Servant

G.F.H. Mortimer Esq

A. Chandler, Agister

[p.130]

M^r Lovell undertook to see to the matter tomorrow and the Agister Chandler was requested to have M^r Bradford on the Ground to meet M^r Lovell there at 2 o'clock [sic] tomorrow.

The Clerk was directed also to write to M^r Bradford pointing out that he had no right to take up the Turf without permission and that though the Verderers did not desire to interfere with the holding of the Races or with anything likely to improve the sport thereat yet they must request him to see that the Turf cut was relaid in a green state so soon as the Races were over, and calling his special attention to the removal of the broken glass from the locality as soon as the Race Meeting was finished.

The Agister Chandler paid over for marking fees £14.19.

The other Agisters were not <ready> to pay over any Fees.

[signed] *Montagu*

[p.131] At a Court of Swainmote and Attachment held at the Verderers' Hall Queen's House, Lyndhurst on Monday the 23rd day of May 1892.

Present

The Right Hon: The Lord Montagu. Official Verderer.
Lieut: Col: William Clement Drake Esdaile.
Francis Frederick Lovell Esquire
John Jeffreys Esquire.

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

The Minutes of the last Meeting were read and confirmed.

Letters were read from M^r Eyre and M^r Roy excusing their absence respectively on account of illness, and the Official Verderer mentioned that he had heard from M^r Meyrick who was unable to attend.

The Hon: Gerald Lascelles, The Deputy Surveyor made application to the Court for the appointment of 16 Forest Keepers and Underkeepers as Special Constables in pursuance of the Act of 1 & 2 William IV cap.41. for the purpose of detecting and apprehending offenders committing felonious Acts within the New Forest and he made the necessary deposition in support of his application as defined by the said Act.

[p.132]

New Forest in } I Gerald William Lascelles of Lyndhurst in the New Forest in the
the County of } County of Southampton Deputy Surveyor of the said New Forest
Southampton } upon my oath say:—

That on the 9th 11th 12th 14th 19th 23rd days of April and 18th day of May 1892 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 of Swainmote and Attachment holden at Lyndhurst } Gerald W. Lascelles.
in the County of Southampton this 23rd day of May 1892. }

W. Clement D. Esdaile.

John Jeffreys

Francis F. Lovell.

The Deputy Surveyor having been duly sworn and having addressed the Court in support of his application.

The same was granted and The Court directed the [p.133] the [sic] following Forest Officers to be sworn in in Form prescribed by the Act of 1 & 2 William IV cap:41 as Special Constables to act within the New Forest for 12 months next ensuing and they were accordingly duly sworn in

George Bumstead, Ashley Lodge, Fordingbridge, Keeper.
Frank Harrington, Minstead, Lyndhurst, Under Keeper.
Harry Coles, Holly Hatch Cottage, Broomy Township, Under Keeper.
Arthur Parnell, Fritham, Lyndhurst, Under Keeper.
Charles Hurst, Ironshill Lodge, Lyndhurst, Keeper.
George Gale, Church Place Cottage, Totton, Under Keeper.
John Slightam, Wilverley Lodge, Wootton, Lymington, Keeper.
Samuel Gulliver, Burley, Ringwood, Under Keeper.
Charles Bessant, Denny Lodge, Keeper.
James Blake, New Copse Cottage, Brockenhurst, Underkeeper.
Francis Lane, Boldrewood, Lyndhurst, Keeper.
Charles Young, Linford Cottage, near Ringwood.
John Thorn, Fritham, Lyndhurst, Underkeeper.
Charles Croucher, Holmesley, Ringwood, Underkeeper.
Arthur Brooks, Kings Hat Cottage near Beaulieu, Underkeeper.
Henry Gulliver, Aldridge Hill Cottage, Rhinefield Township, ” .

The Clerk was directed to give the necessary Notices to the Home Office and Lord Lieutenant of the County of the above appointments.

M^r Dunkason of Furzy Lodge addressed the Court relative to certain Horses running on Beaulieu Heath which had been recently cut and which chased the young Stallions away from the Mares and did other serious injury to the Commoners' Animals depasturing there. He stated further that he had a Mare recently so injured there by one of these Horses six of her ribs having been broken that he was obliged to destroy her she was just about to drop a foal by one [p.134] of the Association Stallions. There was about six of these Horses there three at least having shoes on. He could not say if they had been cut clean. He had spoken to his neighbours about it and reported to the Agister. The matter was serious also in this respect that no Commoner would turn out a ~~Commoner would turn out~~ a Stallion in the locality for fear of injury to it.

Harry Phillips of Pilley Boldre supported the statement of the last speaker and suggested that these Horses should be chained or a Clog put on their feet if turned out.

M^r J.I. Burden of Beaulieu Veterinary Surgeon <stated> that the Horses had been properly cut and approved the suggestion of the last speaker.

The Agister Chandler reported that the Horses in question belonged to John Drodge, Edward Egg, Robert Harvey, Joseph Peckham, and John Phillips. The latter had turned in the Grey Horse excluded by order of the Court last year.

The Clerk stated that he had ordered John Phillips to take his Horse in again and not to turn it into the Forest.

The Agister stated that the Horse was now in the Forest he saw it depasturing at Beaulieu Heath yesterday.

The Court ordered a Summons to issue against John Phillips for breach of Bye Law N° 2.

M^r Lovell stated that he was prepared to turn out on behalf of the Pony Association two or three Stallions in the locality but could not do so while this state of things existed.

M^r Donald Knight of Brockenhurst stated the same thing.

The Agister Chandler was ordered to enquire fully into the matter. The Horses to be excluded from the Forest if vicious unless their owners agreed to chain or [p.135] or [*sic*] clog them, and inform Owners that they would be summoned before the Court if further complaints were made.

A complaint was made as to the injury done by pigs in the locality of Cadnam such pigs not being “ringed”. It was pointed out that Pigs could not legally be turned into the Forest except in Pannage time but the matter after discussion was left in the hands of the Deputy Surveyor to deal with.

M^r Lovell produced the Judges’ Report relative to the recent Stallion Show and read the same to the Court. The Report was adopted and a vote of thanks to the Judges duly passed and recorded.

(copy same)

Report of the Judges. Pony Show. April 27/92.

The Judges are glad to be able to state.

1. That there was an increase in the number of Ponies shewn.
2. That there was a considerable improvement in the quality as well as in the condition of the Ponies shewn.
3. That more Horses were passed as fit to run In the Forest (82) than in any previous year. The highest premium was £3 awarded to the 20 best 3 year olds and upwards. The second premium was £2 awarded to the 15 next best 3 year olds and upwards. The third premium was £1.10. awarded to the 15 best 2 year olds.

Fifty ponies therefore received premiums [p.136] amounting to £112.10.

The Judges would be glad to see an increase in the value, and in the number of the prizes given as many Ponies are brought a considerable distance with some expense and labor.

The Association gave premiums amounting to.	50
M ^r Scott Montagu D ^o D ^o	<u>6</u>
Total premium winners	56
Passed to run in the Forest in addition to the winners	<u>26</u>
Total to run in the Forest	82
Not Exhibited at the Show	3
Rejected by the Verderers as unfit to run on the Forest	<u>5</u>
Total entered in Catalogue	<u>90</u>

Horses to run in the Forest in summer of 1892.

As shewn above	82
Passed at the last Pony Show but not in Catalogue	8
The property of the Four Pony Association	<u>7</u>
Total Horses	<u>98</u>

The following Premiums were also given by M^r Moens.

Three to section A }
One to section B } in Class I
Two to Two next in Class II

(Signed) Francis F. Lovell
George Meyrick
Fred^k J. Strange
J.P. Baird
Henry Saunders

M^r Lovell then read the Report of the Four Pony Association which was adopted.

[p.137]

M^r Strange having spoken on the improvement in the Stallions shown, thanked the Court for vote of thanks to the Judges.

M^r Lovell subsequently addressed the Court relative to the appointment of the Judges, and urged the necessity of the Court keeping their present position in this matter.

The Court considered this should be done and determined if necessary to require that the arrangement that had been made on the subject should stand.

M^r Littledale addressed the Court relative to the Gates erected by the leave of M^{rs} Vaudrey across certain Roads leading to the Forest from her Estate and specially with reference to the Gate at Longdown Road which he had received Notice to remove. He requested the Court to arrange with the Deputy Surveyor for this Gate to be removed higher up on to Crown Land and to take over the obligations the Crown would place upon the Commoners if it assented to the removal of the Gate on to Forest land. He produced a Plan and the correspondence and explained the same to the Court.

The Deputy Surveyor considered the Gate was in its proper position at present as its removal would involve the fencing in of about 80 yards of the Forest from or by the side of the highway and before the Crown would assent to its removal to the position indicated it would require an assurance from a responsible authority that the fencing when erected would be kept in repair and that a yearly acknowledgment should be paid in respect thereof.

M^r Littledale stated that M^{rs} Vaudrey had promised posts and wire for the fence and he would undertake to erect it.

The Official Verderer thought a wooden fence would be [p.138] preferable to a wire fence in which the Court agreed but stated that the matter should receive attention and the Court resolved that the Clerk be instructed to communicate to the Deputy Surveyor. That this Court is willing that that Gate at Longdown Road should be removed to the position indicated on the Plan produced to the Court on the open Forest. That the space between the position of the Gate as it now stands and the position it will stand in on removal be fenced along the side of the Road for the whole distance (stated to be 80 yards) with a proper and substantial wooden fence to be approved by and to be made to the satisfaction of the Court and that when so erected the Commoners in the District would keep it in repair, and will also on behalf of the Commoners pay a yearly acknowledgment to the Crown of 1/- in respect of the Gate standing on the open Forest.

The Official Verderer reported that the Military Lands Consolidation Bill would today be referred to a Select Committee consisting of M^r Beaufoy, Col: Blundell, M^r Penrose FitzGerald, General Goldsworth, M^r Gourley, Sir Henry Havelock Alla, M^r Jeffreys, Sir John Kennaway, M^r Shaw Lefevre, Viscount Newark, Colonel Nolan, M^r Paulton, M^r Stevenson and M^r Broderick.

That Sir John Kennaway would probably be Chairman.

That the Committee would have power to send for persons papers and records and to hear Petitions presented against the Bill.

That after consulting the Parliamentary Agent (M^r Rees) he [p.139] did not think it would be necessary to employ Counsel unless the War Office did so, but if necessary M^r Pember Q.C. had again most generously placed his services at the disposal of the Court and M^r Temple Cooke would then have to be retained to assist him.

The Clerk was directed to write and enquire of M^r Chance if the War Office proposed to appear by Counsel and to intimate that the Verderers would not do so unless the War Office did, and the Official Verderer undertook to make the same communication to M^r Broderick.

In view of the Committee sitting on Monday the 30th it was decided to elect a Committee to sit in London viz:– The Official Verderer, Col: Esdaile M^r Roy and M^r Lovell – and it was decided that those Gentlemen or some of them should give evidence before the Committee adding Lord Thring also as a Witness if he would consent to give evidence.

It was Resolved to endeavour to get the Petitions in favor of the Verderers New Forest Bill referred to this Committee.

It was resolved to Petition against the Crown Lands Bill and the Clerk was directed to prepare the necessary Petition and to include in it an application if the Bill is passed to include in it the Verderers' Clauses.

A communication was read from M^r Eyre giving his formal assent to the Sale of Consols to pay the costs of the recent Inquiry.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

[p.140]

1892			£	s	D	1892			£	s	D
March 14	By Balance from last A/c.		66	12	3	March 14	To Cash paid Bennett Brothers for advertising		2	7	8
15	By Cash received of Non Commoners for Licenses to this date: viz.						” ” ” M ^r G.A.Webb for auditing		4	9	
	Licenses	2. 2. 6				May 3	” ” ” for new cheque			5	
	Head Money	6. - - -					” ” ” Clerk's ¼s salary due				
	Marking Fees	<u>2.12. -</u>	10	14	6		Lady day		37	10	-
April 5	” Dividend on Consols		31	8	1		” ” ” Four Agisters D ^o				
May 14	” Cash received from Agister Chandler for marking Commoners' Cattle to this time.		14	19	-		Charles Newbolt 17.10.				
	” Cash received from NonCommoners for Licenses to this time						Charles Evemy 17.10.				
	Licenses	1. 7. 6					Alfred Chandler 17.10.				
	Head Money	2. 5.					John Moody <u>17.10.</u>	70			
	Marking Fees	<u>1. 2. -</u>	<u>4</u>	<u>14</u>	<u>6</u>		Balance	<u>13</u>	<u>16</u>	<u>8</u>	
			128	8	4			128	8	4	

The Agisters attended and paid over the following Fees for marking Commoners' Cattle.

Charles Evemy	£34. 7. 0
Alfred Chandler	17.14. 0
John Moody	14. 8. 0
Charles Newbolt	5. 7. 0

[signed] *Montagu*
Official Verderer

[p.141] At a Court of Swainmote and Attachment held at the Verderers' Hall, Queens House, Lyndhurst on the 18th day of July 1892.

Present

The Right Hon: The Lord Montagu. Official Verderer
Lieut Col. William Clement Drake Esdaile. Deputy Chairman
William Gascoigne Roy Esquire
John Jeffreys Esquire.

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

The Minutes of the last Meeting were read and confirmed.

The Official Verderer mentioned that he had heard from M^r Lovell and M^r Meyrick who were unable to attend.

The Deputy Surveyor stated that he had no presentments to make.

The Court proceeded to hear the following Case presented for trial.

[p.142]

Alfred Chandler	}	
	}	Charged with a breach of Bye Law N ^o 2 at Beaulieu Heath on
v.	}	the 27 th May 1892.
	}	
John Philips	}	

Defendant did not appear.

James Mears sworn. I am a Police Constable stationed at Brockenhurst. I served the Defendant personally with a copy of the Summons on the 14th July instant.

Alfred Chandler sworn. I am an Agister of the New Forest. I know the Defendant's Horse. He received Notice last year to remove it on account of its being vicious and he has received similar Notice this year through the Clerk dated 19th May 1892. His wife told me on the 21st May that he had received Notice from the Clerk but would not remove the Horse. In consequence of orders I again saw the Defendant on the 25th May last and he then promised to get the Horse in on the 26th but he did not do so and I saw it at large on the 27th May. I then saw the Defendant but he defied any one there to touch the Horse and refused to remove it. It is a vicious Horse and has kept young Stallions away from the Mares on several occasions to my own knowledge. It has been removed since the Summons was served.

Fined 15/- to include the costs which were stated to be 11/6.

M^r Soffe applied to the Court for liberty to turn his Horse into the Forest again. He denied that it was vicious. The Clerk stated that on 19th May he had sent to M^r Soffe a Notice to remove his Horse as it was reported as dangerous to the Animals in the locality and the Pony Association refused to turn any Stallions into [p.143] the locality till it was removed. M^r Soffe had at once removed it. After examining the Agister – The Court ordered the Clerk to withdraw the Notice on

the 30th of this month (Saturday) and to allow the Horse to be turned into the Forest after that date.

The Clerk was directed to send Notice of motion to be placed on the Agenda Paper of the next Meeting of the County Council, as follows:—

That the County Council delegate to the Verderers of the New Forest the powers and duties relating to the Contagious Diseases (Animals) Act within the perambulation of the New Forest (Such Verderers being constituted under the provisions of the New Forest Act 1877 Justices of the Peace within and for the New Forest with the same powers and jurisdiction therein when sitting in their Court of Swainmote as Justices sitting in Petty Sessions.

It was resolved on the motion of M^r Roy seconded by M^r Jeffery that M^r W.H. Davis of the Firm of Messrs Davis and Bennett be ~~appointed~~ <nominated> Auditor for the future in the place of M^r G.A. Webb the Clerk to the County Council who was prohibited by his appointment to that office from continuing to act as Auditor.

The Clerk was directed to see that a Notice was placed on the Agenda Paper of the next Court of Quarter Sessions to the above effect.

[p.144]

The Clerk was further directed to issue the usual Notices to Commoners to send in their Claims to be placed on the Register of Commoners entitled to vote on the Election of an Elective Verderer in due course.

This terminated the public business but before the Public and Reporters retired the Official Verderer – Lord Montagu then stated

[newspaper cutting]

THE OFFICIAL VERDERER RESIGNS.

Lord MONTAGU, the Official Verderer, who had shortly before this stage of the proceedings arrived, said he wished to bring a matter of considerable importance forward before the court rose. It was that he wished to make them aware that he considered it to be his duty to place the resignation of the office which he held as Official Verderer in the hands of those who were authorised to receive it, and hand it over to Her Majesty the Queen for her acceptance. He might say that he pressed this resignation, and gave it in some time ago, and he only appeared before them now for the last time. He thought that perhaps the taking of this step might be a matter of surprise to some of them, though it would not be to others, who well knew the peculiar position which he occupied there – a position which had been both peculiar and difficult. The fact of his being so large a commoner and his holding the position of Official Verderer at the same time had appeared to him from the very first to be a very difficult position, which would have been made intolerable if the members of that court had acted in a manner different to what they had done. When he had received so much support in the action he had taken in various matters which had come before the court in the interests of the public, he felt that, in deference to the court and the public generally, he should state the reasons why he felt it absolutely necessary to resign the office of Official Verderer. In the first place, he should like to explain that there appeared to be some misapprehension as to the

position, and this might be in some way due to the reading of the Act of 1877. There was nothing in the clause under which the Official Verderer was appointed by Her Majesty to show exactly what position he was intended to occupy. While the Official Verderer was nominated by the Crown, there was nothing really to explain his peculiar position – whether he was to be considered a special representative of the Crown, or of the court, but he took it that the duty of the Official Verderer, as chairman, was to weigh very carefully the position of affairs, and to advise the court to act for the general benefit ~~according as his actions should be guided by~~ <of> the Crown – of the commoners, and the public. At the same time the Official Verderer was practically nominated in a sort of judicial position, to advise the court very carefully upon what took place from time to time. He could say, as far as himself was concerned, that he had taken great care and pains to conform to that view, and, when he took office, he made it perfectly understood that he took it with that intention, and that he was not to be considered as actually any more the representative of the Crown than of the court. With respect to the court itself, he could only thank them cordially for the courtesy he had received from all its members from time to time, for, although on two or three occasions he had differed from the court as to their line of action, it could not be said that he had forfeited their confidence on any occasion; but, as he had said before, what he felt particularly had been this – that he was in a position of having to discharge duties which were both delicate and difficult, and which would have been rendered much less delicate and difficult if he had received the general confidence of the Commissioners of Woods and Forests and the Crown officials. It was perfectly plain to him that the confidence had been absolutely withheld. He had never been consulted practically in any matter of importance previous to its being brought before the court : and, in fact, he considered that his position as Official Verderer had been studiously and, he thought, designedly, ignored, and he thought he might even go further than that and say that he considered the position of the Official Verderer in the Verderer's Court had been most completely and prejudicially ignored. Nothing could have illustrated that more clearly than the whole of the proceedings which took place in reference to the question of the proposed rifle range in the New Forest. He considered that it was a gross injustice for a matter of that kind to be brought forward which would have tended seriously to injure the common rights, without any intimation having been previously given to the Court of Verderers, who were charged with the regulation, preservation, and maintenance of the common rights. It was a project which affected most seriously the rights of the commoners, and, in his opinion, ought not only to have been communicated to him, and his advice asked upon the subject, but communicated to the court. He had to take up a position, which, though not commented upon publicly and adversely, yet had been commented upon privately in other quarters, which was not unknown to the Crown, representing that it was not his duty to take the part he did in the matter. Looking at the position of himself as chairman of that court, and to the fact that he was bound to maintain its honour, integrity, and rights, so far as he could do he had maintained those rights, and he believed it was generally considered that he had taken the course he ought to have done. He thought, however, that it was not quite the whole business in respect to which the Woods and Forests Department had ignored their position. He had sat in that court long enough to know that there had been a policy to set aside the position of that court, and to ignore its existence. Even when Parliamentary engagements were made with them they had not been supported in the way they might have assumed they would be. Had he been consulted upon the question of the proposed rifle ranges he should certainly have expressed his opinion as freely to those representing the Crown as he did to the commoners, and he thought it would have been far better had they consulted him. It struck him very forcibly that his peculiar position as a great commoner in the Forest might have been the means of preventing his being treated with the confidence he otherwise would have been.

He, therefore, felt it would be far better for someone to sit in that chair like their late official verderer, Lord Basing, who had no actual interest in the affairs of the Forest. Having come to the conclusion that it was advisable for him (Lord Montagu) to make room for someone else, he felt it was his duty to give his reasons which had actuated him in taking such a step; and, appearing there as he did for the last time in the capacity of official verderer, he wished to express his acknowledgments to his colleagues, to Mr. Mortimer (the Clerk), and to the different officials connected with the court, for the unvarying kindness they had shown towards him, and which he could assure them he received with the greatest possible appreciation, with a full recognition of the zeal and ability with which they had severally discharged their various duties. It might, at some future day, be in his power to join the court as an elective verderer, and if his services were wanted in that capacity, he should be glad to place them at the disposal of the commoners. While he should ever be anxious in acknowledging the possession by the Crown of that magnificent property – the New Forest – and in exalting that possession, to, also at the same time, see the policy which had been adopted towards the commoners for nearly forty years – and which, to that extent, had become historic – materially altered. He thought that a more generous and large-minded policy would result in more harmonious action between the Crown and the commoners. He should be always glad to do anything in his power to promote that end, but at the same time, as long as health enabled him to do anything for the Forest, he was prepared to stand out boldly against any attempt to set aside the position of that honourable court, or to override the just uses of that court. He wished again to acknowledge the courtesy and kindness which he had received at that court ever since he had occupied the position of official verderer.

Colonel ESDAILE remarked that as the present was a comparatively small meeting of Verderers he would not say much on that occasion, especially as they would have the opportunity of referring to it more fully when they met again. Moreover, he did not feel himself competent to deal with the subject that day, but as a man who had for forty years past given the greatest possible attention to matters connected with the New Forest, he yielded to none in his attachment to the Forest, and to his appreciation of the great duties cast upon that court, to see that the grand place was continued to be maintained as a valuable acquisition to the Crown and an equally valuable property to the commoners. He trusted that the loss they would sustain by the resignation of Lord Montagu as their chairman, which they all deeply regretted, would have this effect, at all events, for the future there would be greater confidence between the officials of the Crown, and everyone using the name of the Crown, and that court, and so through that court to the commoners. He looked upon the maintenance of the New Forest as a national question, and he trusted that this grand possession would be handed down unimpaired for many generations without any curtailment of the rights and privileges conferred. At the next Verderers' meeting, he repeated, they would have adequate opportunity of expressing their feelings towards Lord Montagu.

The Hon. GERALD LASCELLES (Deputy-Surveyor of the New Forest) said he wished personally to express his extreme regret at the loss of the courteous, kind, and considerate chairman, who had occupied that position during the last two years, though he (the speaker) had always said that his lordship, as the largest commoner, and the very important action he had taken for some years past, would find himself as Official Verderer occupying a somewhat difficult position. Having regard to the great personal qualifications of Lord Montagu, he (Mr. Lascelles) always felt that he would find the position surrounded with great difficulties, therefore he was not altogether surprised at his retirement from it, and he might say, without being considered impertinent, that he respectfully congratulated his lordship upon his withdrawal from the post which he had occupied with so much

dignity and credit. As to what his lordship had said on the question of the rifle range, he thought Lord Montagu was aware that the Commissioners of Woods and Forests were no more consulted in that matter than the Verderers themselves. It was known to many that the War Department inspected the site some few years ago, but beyond that comparatively little was known, and he (Mr. Lascelles), as also the Commissioners of Woods and Forests, knew nothing of it until October last.

Lord MONTAGU said he simply stated that it was in the power of the Office of Woods and Forests to have given them information, and the evidence given before the House of Commons showed that it was perfectly well known what position must be taken up.

The Hon. GERALD LASCELLES continued that the War Department did not consult the Commissioners of Woods and Forests. Then, as to the policy which had been adopted with regard to the Forest generally, he would ask whether the policy of that court for the last four or five years had not been a policy of aggression on the rights of the Crown?

Lord MONTAGU stated that he must interpose. He was perfectly ready to meet Mr. Lascelles upon the point he had mentioned, but he felt that it would be very undesirable to enter into a discussion upon the question on that occasion. If he had said anything wrong Mr. Lascelles would have the opportunity of controverting it in some way or other.

The Hon. GERALD LASCELLES said he hardly knew how he could do so unless he replied then, but, notwithstanding, he begged to express his extreme regret that the course of events had necessitated his lordship's retirement.

Mr. W.G. ROY remarked that the subject of the Official Verderer's retirement would be placed upon the agenda paper for the next meeting, but he thought with the Official Verderer that they had cause for regretting the policy adopted by the Commissioners of Woods and Forests towards the commoners and that court, as the representatives of those commoners, as their partners in a large and important property. They were partners in a large and important property to be managed and governed for the mutual benefit of the landlords and tenants.

Lord MONTAGU expressed the hope that the Deputy-Surveyor of the New Forest would not think that he had unduly exercised his authority in stopping his remarks, as what he (the Official Verderer) stated was not introduced with any intention of provoking controversial discussion. He only wished to show that in taking up a very difficult position his holding of that position could only be rendered tenable by his possessing the confidence of the Commissioners of Woods and Forests. He thanked the members of the Court for the kind expressions they had made use of with regard to himself, and he could assure them that, while desirous of maintaining the interest of the Crown, the position which he had taken up was one which he felt he could not depart from if he conscientiously performed his duty. He should have failed in that respect if he had not acted upon his experience, and that experience had rendered his resignation of the position of Official Verderer absolutely necessary. He trusted that whoever succeeded him would receive the confidence, not only of the Crown officials, but of the court.

The CLERK expressed the thanks of himself and those associated with him for the extreme kindness which had been manifested towards them.

The court then proceeded to deal with other matters in private.

[p.145]

It was Resolved not to proceed further as to the Commoners Rights over the Land selected for Allotments at Pikes Hill, Lyndhurst.

The Clerk was directed to write to M^r Gorst on the subject of the payment by the Crown of the costs incurred by the Verderers in their action against the Lyndhurst Gas and Water Company with a view to obtaining their payment.

The Clerk was further directed to write to M^r Chance as to the payment of the costs of the recent Inquiry as to the safety and suitability of the proposed Rifle Range at Blackdown by the Crown and to press for a reply.

It was resolved to recommend the New Forest Association to forward to M^r Rees a cheque for Two hundred pounds on account of his costs incurred in various Parliamentary matters entrusted to him last Session.

The Clerk was directed to write to M^r Gorst stating that if the Crown as represented by the Office of Woods Forests &c. were so disposed the Verderers would agree to suspend all proceedings in the action of the Attorney General and Munro v. the Verderers and Chandler but without prejudice to their Rights and any future action they might be advised to take.

[p.146]

The Clerk was directed to take the necessary steps to obtain an Order protecting the Forest in case of the Existence of Swine Fever rendering it necessary.

The Clerk was directed to obtain a general Report from each Agister as to the amounts of Turf cut in his District The manner in which it was cut and the position of the various places allotted for Turf cutting in his District – and to give any further information he may deem necessary or useful on the subject.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

1892		£	s	d	1892		£	s	d
May 23	By Balance from last A/c.	13	16	8	June 24	To Cash paid Clerk ¼'s salary due			
25	By Cash received from Agisters at Court for marking Commoners' Cattle					Michaelmas	37	10	
	Every 34. 7. 0					Four Agisters			
	Chandler 17.14. 0					Newbolt 17.10. 0			
	Moody 14. 8. 0					Every 17.10. 0			
	Newbolt 5. 7. 0	71	16			Chandler 17.10. 0			
24	Cash of Non Commonrs for Licences to this time					Moody 17.10. 0	70		
	Licences 1.17. 6								
	Head Money 4.15. 0								
	Marking Fees 2. 2. 6	8	15						
July 6	By Dividends on Consols £4687	31	8	1					
7	" yearly acknowledgment of M ^r H. Wilkinson (late Bance)		5			Balance	18	10	9
		£ 126		9			£ 129		9

[p.147]

The Agisters attended and made their Reports and paid over the following sums.

Newbolt	£14.19
Every	£26.18. 6
Chandler	£15.18. 6
Moody	£27.10. 0

This terminated the business of the Court.

[signed] *Evelyn Ashley*

[p.148] At a Court of Swainmote and Attachment held in the Verderers' Hall at the Queen's House Lyndhurst on Monday the 31st day of October 1892.

Present

The Right Hon: Evelyn Ashley. Official Verderer
Lieut. Col. William Clement Drake Esdaile Deputy Chairman.
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
George A.E.T.G. Meyrick Esquire
John Jeffreys Esquire

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

The Minutes of the last Meeting were read and confirmed.

The Official Verderer read a communication addressed to him by the Lords of Her Majesty's Treasury containing his Official appointment under the sign manual to the position of Official Verderer of the New Forest.

It was resolved that the Letter and appointment be entered upon the Minutes.

[newspaper cutting]

THE NEW OFFICIAL VERDERER

The OFFICIAL VERDERER said he saw by the notice paper that the first business was for the Official Verderer to read himself in. He, therefore, produced his appointment, which he read. He did not believe that court was one for making orations, but at the same time he thought as that was the first occasion under that appointment he appeared before them as Official Verderer, he might be allowed to say just a few words. In the first place, he need hardly say he considered it a very high honour to occupy the position, not only from its inherent dignity and the associations connected with the district under their care, but also from the distinguished persons who had preceded him in the office. It would fall to the lot of another Verderer to move a vote of thanks to the nobleman he had succeeded, but he could not take the place without saying he had before him two, at least, who had filled the office with success and dignity, and it would be a great difficulty for him to follow in the footsteps of those who had gone before. With relation to the Official Verderer and his duties they were undoubtedly of an undefined character, but of this he felt convinced – that the Official Verderer being the direct appointment of the Crown and representative of the Sovereign, it was incumbent on him from a sense of responsibility and for the sake of those coming after him to assert the full dignity of that office. Now, certainly, there were other gentlemen connected with the administration of the New Forest, and who were responsible for what went on there, who were more directly representative of the Crown than the Official Verderer, and he was thinking how he could recognise the duties of the representatives of the Crown, and allot to each their respective functions. If they looked to the Cabinet they could see two important officers. One was the Chancellor of the Exchequer, who thought he held a brief to make as much as he could out of the revenues of the Empire, and that it was his business to oppose expenditure. There was another important member

of the Cabinet called the Prime Minister, or sometimes he occupied the position of First Lord of the Treasury. His duty was to look at matters rather more from a general point of view, as it concerned the community, the general habits and the interests of the Empire. He had had some experience as private secretary to Lord Palmerston as Prime Minister, and had seen these better phrase, a selfish interest in seeing that great Forest preserved for the kingdom at large, he did not see that there was any necessity for antagonism between the representatives of the Crown on this point, and he hoped everything would continue as harmonious as possible. Though they might have different views, it was compatible with reason that they should work in harmony. Having said this much they would proceed to the next business.

[p.149]

(Copy Appointment.)

Victoria. Ro.

Whereas we are graciously pleased to exercise the authority vested in us by the New Forest Act 1877 of nominating a person during our pleasure to the Office of Official Verderer of the New Forest.

We do therefore by these presents in pursuance of the said Act nominate and appoint Our Right Trusty and well beloved Councillor The Right Honourable Evelyn Melbourne Ashley to be the Official Verderer of the New Forest to hold that Office during Our Royal Pleasure with all its powers rights duties and privileges.

Given at Our Court at Osborne in the fifty-sixth year of our Reign this 2nd day of August 1892.

(signed) W.H. Wabrond Sidney Herbert

[newspaper cutting]

THANKS TO THE RETIRING OFFICIAL VERDERER.

Mr. W.G. ROY stated that he gave notice of a resolution, which it gave him great satisfaction and pleasure to propose, but under the circumstances of losing a valued colleague in Lord Montagu his words would be few. He could not too strongly express the feeling of the members of that court of regard and esteem of their late Chairman and Official Verderer (Lord Montagu) for his untiring courtesy to them, and also for the indefatigable industry which so pre-eminently distinguished him in the discharge of his duties, and securing not only the maintenance of the privileges of the Crown but the ancient rights of the commoners. He did not think he need say more, but would conclude by proposing "That on the occasion of the retirement of the late Official Verderer, Lord Montagu, this court desires to express its regard and esteem for his lordship on account of his unvarying courtesy to the members of the court, his untiring industry in discharging the duties of his office, and his unflagging devotion to the protection of the interests of the commoners consistent with the preservation of the rights of the Crown."

Colonel W.C.D. ESDAILE, in seconding the proposition, said he was sure that they all agreed with Mr. Roy in the expressions he had used as to their regard and esteem for their late Official Verderer. No man could, he knew, have at heart more earnestly and thoroughly the good management of the Forest, the welfare of the commoners, and the true and proper feeling that ought to exist between the Crown and that body. All the time that he could spare was ever at their disposal and most willingly given; all the influence of his position, which naturally was great, was thrown on the side of the management of the Forest, so that it should be satisfactory to the nation at large and the

commoners, who, as was so well said by the Official Verderer, represented the public interest in the Forest. Lord Montagu had many things to contend with. He accepted the office as he (the speaker) knew, with great diffidence, because he felt that he was succeeding a man – Lord Basing – who was in that proper position of not having an interest in Forest matters, and so commanding what was necessarily the respect of everyone, as an unbiased man presiding over that court. Lord Montagu had the difficulty to meet the fact that he was the largest commoner, and it was that, he (the speaker) knew, which made the duties of his office extremely irksome to him from time to time. But he yielded his personal feeling to the desire that his talents and time should be used for the good of the country. He (Colonel Esdaile) was the oldest there, and had seen what Lord Montagu did from the first day he knew him in 1868 down to the time when he felt obliged to give up office, and he knew that his lordship never relaxed in his efforts to do what he thought right for the preservation of the Forest and the good of the commoners. Lord Montagu, at last, felt himself obliged to relinquish a position which had become intolerable. He (the speaker) did not intend to go into the details of what made that position so extremely irksome. There were circumstances which happened of late years, into which his lordship entered when he bade them farewell, as they might have seen reported in the newspapers, and they knew what they were, and that he was justified in giving up the position. They would have thought less well of him and his personal dignity if he had not taken that opportunity of retirement to which the position of affairs drove him. They owed a debt of gratitude to Lord Montagu for his past services, and therefore he seconded the proposition with pleasure.

The proposition was carried unanimously.

The Deputy Surveyor, The Hon: Gerald Lascelles presented William Bright of Emery Down Lyndhurst in the County of Southampton for that he on and previously to this 31st day of October instant at Emery Down in Irons Hill Walk in the New Forest did unlawfully make a certain trespass and Enclosure by then and there depositing and continuing on the open wastes of the said Forest a stack of Timber and Faggots and placing a fence of Faggots around the same thereby taking possession of and occupying about half a Rod of Land part of the said Forest the property of Her Majesty the Queen.

The Court ordered a Summons to be issued against the said William Bright to appear at the next Court to answer thereto.

[p.150]

M^r Moens called the attention of the Court to a Notice Board recently affixed upon the Allotment Lands at Bank Lyndhurst which contained the following Notice.

(copy same)

Notice

Any Allotment holder who desires as Crown Tenant to obtain a License to turn out Pigs in the Forest during the Season of Pannage can apply at the office at the Queens House.

Gerald Lascelles.

The Official Verderer informed M^r Moens that the Verderers were giving their attention to the matter.

The Court subsequently considered the subject and the Case submitted to Counsel and his opinion thereon having been read by the Clerk.

It was resolved to take no further action in the matter.

The Clerk read the correspondence with M^r Culley as to the removal of a Gate at Longdown and its erection on the Forest and the maintenance of certain fencing in connection therewith; as follows:—

(copy same)

Office of Woods &c.

1 Whitehall Place. S.W.

19th September. 1892.

N^o 1387

Sir,

The Deputy Surveyor of the New Forest forwarded to this Department your letter of the 28th June last relative to the proposal to erect a fence and gate on Crown Land near Longdown with a view to prevent the straying of Commoners' Cattle.

As the proposed Gate might affect the [p.151] highway, M^r Culley has been in communication with the Highway Authority and they now inform him that they will not raise any objection to the Gate being up provided it forms no obstruction to the public highway.

I am therefore to inform you that subject to the Gate being no obstruction to the public highway, M^r Culley is willing to allow the Verderers to erect a Gate at the point marked B on the tracing herewith and to erect a fence from the point A to the corner of the School or to the point B as may be found most convenient on condition that a Gate is provided in the fence at the point C to give access to the Forest track there and that the Verderers undertake to keep the Fence and Gates in good condition and to pay a yearly acknowledgment of 1/- during the continuance of the permission.

The permission to continue during the pleasure of this Department.

I am, Sir,

Your obedient Servant

Jell. Duncan.

The Clerk to the
New Forest Verderers

Clerk's Office.

Romsey. Hampshire.

20. Sept^r 1892.

N^o 1387/92

Sir,

Your communication of the 19th inst. has just arrived having by accident been mis-directed to Lyndhurst.

I will place the same before the Official Verderer and Verderers at their next Court.

I would venture to point out that on reference to my letter to the Deputy Surveyor of the 28th June 1892 now under acknowledgment [p.152] you will observe that the Fence when erected is to be kept in repair by the Commoners in the District.

I have the honor to be,

Sir,

Your obed^t Servant
G.F.W. Mortimer
Clerk to the Verderers.

Geo: Culley. Esq.

Office of Woods &c.
1 Whitehall Place S.W.
24th September. 1892

N^o 1428.

Sir,

New Forest

Proposed Fence and Gates near Langdown.

With reference to your letter of the 20th Inst: I am directed by M^r Culley to state that the Crown must have some responsible person or body who will undertake that the Fence and Gates shall be properly maintained and it would seem to be most convenient that the Verderers to whom the permission is granted should give the undertaking on behalf of the Commoners.

I am, Sir,

Your obedient Servant

G.F.W. Mortimer, Esq.

J.M. Duncan.

After discussion and observations by the Deputy Surveyor:

It was resolved That the Court do undertake to maintain the Gates and Fences when erected and that the Clerk be instructed to so inform M^r Culley.

[p.153]

The Clerk read the correspondence with the Treasury as to the payment of the costs incurred by the Verderers in the recent Inquiry as to the proposed Rifle Range at Blackdown.

(copy same)

Clerk's Office
Romsey Hampshire
9th Aug^t 1892.

Dear Sir,

Referring to your communication of the 23rd June last past in which you acknowledge the receipt of my letter (written by order of the Verderers) as to the Costs of this Inquiry and state you have laid it before the War Office and requested instructions, I shall be glad to learn on behalf of the Verderers the instructions you have received which I trust will be in every way favorable to the application made in my former communication under date the 22nd June last.

Yours faithfully

J.F. Chance, Esq.

G.F.W. Mortimer.

Solr's. Dept. Treasury.

Solicitor's Department

Treasury

11. August, 1892.

Dear Sir,

New Forest Inquiry

In reply to your letter of 9 August (received here today) I have to state that I have not yet received any instructions from the War Office respecting the payment of the Costs incurred by the Verderers.

Yours truly

G.F.W. Mortimer Esq.

J.F. Chance.

Treasury

20th September 1892.

Dear Sir,

New Forest Inquiry

With reference to your letters of the 22nd June [p.154] and 9th August last I am now instructed that your application was laid before the Lords of the Treasury by the Secretary of State for War.

In reply, their Lordships state that it appears to them that if the Verderers were justified in their official opposition to the Scheme pending the official Inquiry, and in representing their Case before the Commissioner, they were performing a duty within the meaning of Sec: 23 of the New Forest Act 1877.

Their Lordships do not, at present, understand why the Verderers do not avail themselves of the powers conferred by that section.

Yours faithfully,

The Clerk to the Verderers.

H. Cuffe.

Clerk's Office.

Romsey Hampshire

6th October 1892.

Dear Sir,

I am directed by the Right Hon: Evelyn Ashley, the Official Verderer and the Verderers of the New Forest to acknowledge your letter of the 20th September ulto: in which you say that "their Lordships state that it appears to them that if the Verderers were justified in their official opposition to the Scheme and in representing their Case before the Commission they were performing a Duty within the meaning of Section 23 of the New Forest Act 1877 their Lordships do not at present understand why the Verderers do not avail themselves of the powers conferred by that section on behalf of the Verderers I am to submit through you to their Lordships.

(1) That the third sub-section of section 23 (to which I assume their Lordships refer) applies only to the [p.155] duties of the Verderers enumerated in that section and that the opposition to the proposed Range before the Commissioner does not come within that section.

(2) That the Verderers are advised that they have no legal power to levy a Rate for the purpose of paying the costs in this matter. Even if they had such power looking to the number and diversity of the holdings of the Commoners of the New Forest it could be very difficult even if possible to levy

such a Rate and for the reasons hereafter stated a great hardship would be inflicted by such a levy especially on the smaller Commoners.

(3) The Verderers of the New Forest to the use of the Commoners and the public is the especial duty of the Verderers, and they felt and now submit that after receiving due notice that the Commission was to be held and of its date and place assigned for holding it had they neglected to appear before the Commission it would have been taken as a tacit acquiescence on their part to the proposed Scheme. It was absolutely necessary for them to prevent this as they always considered the proposed site unsuitable for its purpose, a view indorsed by the learned Commissioner himself appointed by the War Office.

(4) The Verderers further submit that in appearing before the Commission they adopted the only course open to them which the action of the War Office compelled them to take in the interests of the Commoners and that in placing the views of the Commoners before the Commissioner they also placed the views of the public at large as unanimously expressed in the press and elsewhere.

(5) That the evidence submitted by the Agency of the Verderers to the learned Commissioner was of the gravest interest to all concerned in the Inquiry and without it it would have been impossible for the [p.156] learned Commissioner to make a Report to the War Office.

(6) The Verderers submit that the result of the Inquiry justified the course which they pursued in the discussion of what was termed by the promoters of the Scheme as "a national question". A national question from the stand point of either side and seeing that the Inquiry was one which however properly instituted was itself forced upon the Verderers, one which they neither courted on the one hand nor could ignore on the other, they respectfully, but at the same time with confidence ask that the costs unnecessarily incurred by them in preparing and submitting their Case to the Commissioner should be paid by the Government and not left to be borne by the Verderers personally by some of the Commoners.

Yours faithfully

G.F.W. Mortimer

Clerk to the Verderers of the
New Forest.

J.F. Chance Esq.

Treasury

7 October 1892.

New Forest Inquiry.

Dear Sir,

I have to acknowledge the receipt of your letter of 6. October, in reply to M^r Cuffe's letter of 20. September, respecting payment of the costs incurred by the Verderers in this matter. It will be laid before their Lordships, whose decision shall be duly communicated to you.

Yours truly

G.F.W. Mortimer Esq.

J. F. Chance.

[p.157]

It was Resolved to forward a further communication to the Treasury asking for the amount expended by the Court at such Inquiry in defending the Commoners' interests. And the Clerk was directed to prepare such letter, putting the actual figures expended on the Inquiry, and subsequent

proceedings before the House of Commons Committee, and forward it to the Official Verderer who stated he would see M^r Hibberd at the Treasury thereon.

It was further Resolved to sell out £1000. worth of Consols and pay the Accounts due to Mess^{rs} Rees & Frere and to their Clerk's Firm for costs incurred on behalf of the Verderers. The costs due to Mess^{rs} Tylee & Mortimer in the actions against The Lyndhurst Gas & Water Company, and in The Attorney General v. Verderer (Munro Case.) to be first taxed by M^r Edward Farries of The Temple and submitted to the Court at their next meeting for payment.

The Clerk was further directed to write to M^r Rees and ask him to put on paper for the information of the Verderers the opinion he expressed to M^r Eyre and M^r Roy that the Verderers could expend their funds in payment of Parliamentary costs.

The Clerk presented the Agisters' Reports on Turf Cutting which were ordered to be inserted on the Minutes.

The Clerk was directed to write to the Deputy Surveyor and request his attention to the mode in which Turf cutting was now carried out in the Forest with a view to his taking steps to prevent illegal cutting and cutting at places not "viewed" and allowed by his Keepers.

[p.158]

Report of Agister as to Turf Cutting

North District of the New Forest

The following are the different places mostly used within my district.

Longcross plain
Ocknell plain
Plain between Fritham and Sloden
Latchmore Bottom
Ditch End
Milliford

There are several smaller places where turf is cut near the holdings to save cartage.

All the places I have viewed are cut very hard and the feed is partly destroyed.

The number of tenements having turbary rights within my district are about 330, as far as I can learn about 100 tickets have been issued to those having turbary rights numbering from 2 to 6000 each.

The turf cut at Longcross goes to Bramshaw
Ocknell and Fritham to Fritham.

Latchmore to Gorley and Fordingbridge

Ditch End to Godshill and Fordingbridge

Milliford to Woodgreen and Breamore

The Cutters are Henbest for Bramshaw

Sivier and Collins for Godshill & Fordingbridge

There are several who cut their own turf.

I do not know of any Case where turf has been sold Crown tenants and servants have turf.

Not having had any instructions to enforce the fee of 6^d per thousand I have not gave turf cutting my attention as I should have done if the fees had been enforced.

[p.159]

Injury to the feed is increasing as the turf is cut too near the Lawns and the interior of the Forest not much used.

I am not able to say with accuracy the numbers cut at the different places but the most cut in one place is at Longcross.

I remain Sir,
Yours Obediently
John Moody

South District

The following is the position of the different places usually used within my District

Ober Heath	Black Knowl	The Weirs
Markway	Hinchelsea Bottom	
Latchmore and Beaulieu Heath		

Of these places the best and most used are Ober Heath, Black Knowl, Beaulieu Heath, and the feed on these grounds has been partly destroyed by too much cutting.

The turf at these places has not been cut in accordance with the custom of the Forest viz: one cut and two left.

The amount cut at Ober Heath is about 55500

The amount cut at Black Knowl is about 38000

The amount cut at Beaulieu Heath is about 15000 turves

The amount cut at Hinchelsea Bottom, Latchmoor and Markway the Weirs 15000

The number of Commoners having Turbary rights in my District is 315 about 110 of this number exercise the right

These Commoners exercise the right of turbary usually cut or have cut for them about 2000 to 6000 turves.

The Bye Law as to the payment of 6^d per 1000 turves to an Agister has not been enforced up to this date.

[p.160]

The injuiury [*sic*] to the feed would not be so great if the turf was cut properly but as this has not been regarded lately with care the injury is increasing.

The turf cut at Ober Heath and Black Knowl mostly go to Brockenhurst (about 5000 go to Hordle and Milford) The turf cut at Markway mostly to to Wootton

The turf cut at the Weirs and Latchmore go to Brockenhurst

The turf cut at Hincheselea Bottom mostly go to Sway

The turf cutters in my district are G. House, J. Gates and Foster they cut at Ober Heath Black Knowl and Latchmore J. Collins W. Collins, M. Phillips J. Renyard E. Kitcher C. Kitcher and H. Stickland cut at Beaulieu Heath. Other Commoners cut their own turves.

This turf is taken to the Cottage of the person having right to it.

I may add that Crown tenants & servants have turf

(I left out Beaulieu Heath, the turf cut at Beaulieu Heath go to Beaulieu, Beaulieu Rails East End, Norley, Portmore, Pilley and Boldre)

Yours Obediently

A. Chandler

Agister New Forest

G.F.W. Mortimer Esq^{re}

East District

The following are the position of the different places in my district which have been usually used for the purpose of Turf Cutting.

The principal places most used are at Stoney Cross, Fair Crop, Long Water, Matley, Longdown, Ipley, Blackdown, Dibden Bottom, The Noads, Hill Top Forest, and Blackfield Common.

[p.161]

The places marked are most used, and in my opinion have been cut too hard and in some places have been cut too close to the Lawns which partly destroys the feed.

The number of Commoners having Turf Rights in my district is about 520. I dont think one half of that number exercise the right.

The Bye Law as to payment of 6^d per 1000 has not been enforced up to this time.

If more care was taken in cutting the injury to the feed would not be so great and of late years has been on the increase.

The names of some of the Turf Cutters are G. Taplin, S. Bright, W. Phillips, W. Cull, F. Gailor, J. Soffe, J. Blake, S. Webb, and R. Rawlins.

Most of them cut them at so much per 1000 some of the Commoners cut their own or send their own men to do it at odd times.

The Turves are usually carted to the places entitled to them I dont know of a Case where any were ever sold. I would also add that most of the Crown Tenants and Servants uses Turf,

Cha^s Newbolt

Agister

West District

The following is the position of the different places within my district which has been mostly used for the purpose of Turf Cutting since 1875.

White Moor (near Burley)

Picket Plain

Goats pen, near Holmesley Station.

[p.162]

Turf Hill (near Burley)

Vale Moor Bottom

and Harvest Slade Bottom.

Of these places, the best and most used is White Moor, and the feed on this ground has been partly destroyed, by too much cutting.

The Turf on these places has not been cut in accordance with the custom of the Forest viz: one cut and two left.

The amount of Turf cut at White Moor is about 50000. The amount cut at Picket Plain is about 10,000. The amount cut at Goats Pen is about 20,000. The amount cut at Turf Hill is about 20,000. The amount cut at Harvest Slade is about 10,000. Turves and Vales Moor Bottom about 10,000.

The number of Commoners having Turbary Rights in my district are about 2500 of this number exercise the right are about 50.

These Commoners who exercise the right of Turbary mostly have from 3000 to 4000 Turves cut for them. A few cut their own.

The Byelaws, as to the payment of 6^d per 1000 Turves to an Agister, has not been enforced up to this date.

The injury to the feed would not be so great if the Turf was properly cut.

The Turf cut at White Moor, Turf Hill, and Goats Pen, mostly go to Burley. The Turf cut at Picket Plain and Harvest Slade mostly go to Powner, and Hightown. Vales Moor Bottom to Crow and Ringwood.

The Turf Cutters in my district are John King, Richard Gulliver and Aaron Lester. The Turf is usually taken to the cottage of the person entitled to it, but I do not know of any case where Turf has been sold to a person who has no rights of Turbary.

Crown Tenants and Forest Keepers and Woodmen usually have turf.

[p.163]

I may add that the injury to the feed is on the increase owing to the Turf Cutters working the bottoms and so near the Lawns.

Charles Evemy
Agister

G.F.W. Mortimer Esq^{re}

M^r Lovell brought up the question of the repair to the Bridge at Ober.

It was resolved not to undertake the repairs thereto.

The Agister Newbolt was directed to report as to the formation of a Link for Golf at Wood Green Bartley at next Court.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

(copy same)

see next page.

[p.164]

1892		£	s	d	1893		£	s	d
July 18	By balance from last A/C.	18	10	9	July 18	To Cash paid M ^r Mortimer being }			
	” Cash received of Agisters at Court for marking Commrs’ Cattle					Agisters Expenses }			
	Moody 27. 10. 0					attending Courts }			
	Evemy 26. 18. 6					of Inqy. }	2		
	Chandler 15. 18. 6				Septemb ^r 29	” ” ” Police Fees in Case }			2
	Newbolt 14. 19. 0	85	6			” ” ” Clerk ¼s salary due this day }	37	10	
	” Fine and Costs in Chandler v. Phillips Fine 3/6 Costs 11/6		15			” ” ” Four Agisters Ditto			
	” Cash received of Non Commrs for Licence to this time					Newbolt 17. 10. 0.			
	Licenses 15. 0					Evemy 17. 10. 0.			
	Head money 1. 17. 6					Chandler 17. 10. 0.			
	Marking fees 17. 6	3	10			Moody 17. 10. 0.	70		
September 8	By yearly acknowledgt. of Telephone Coy.			1					
10	” ” ” M ^{rs} Matcham		2	6					
13	” ” ” M ^r A. Herbert		1						
15	” ” ” M ^{rs} Heathcote		2	6					
	” ” ” Bramshaw C.C.		2	6					
	” ” ” New Forest C.C.		2	6					
24	” ” ” Colbury C.C.		2	6					
October 6	Dividend on Consols £4684.18.4	31	8	1		Balance	30	11	5
		140	3	5			140	3	5

The Clerk stated that the Agister Chandler had met with an accident while in execution of his duty having been thrown from his Horse and broken his collar bone and therefore he was unable to attend. The Verderers expressed their regret at the accident that had befallen him.

[p.165]

The other Agisters being present paid over the following sums.

	<u>In marking Commoners’ Cattle</u>			<u>For Pannage</u>		
	£	s	d	£	s	d
C. Newbolt	14.	8.	6			
C. Evemy	14.	7.	0	3.	5.	4
J. Moody	30.	.		—.	6.	4

This terminated the business of the Court.

[signed] Evelyn Ashley

[p.166] At a Court of Swainmote and Attachment held in the Verderers' Hall at the Queen's House Lyndhurst on Monday the 21st day of November 1892.

Present.

The Right Hon: Evelyn Ashley. Official Verderer.
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire.
John Jeffreys Esquire

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

A communication was received from M^r Lovell excusing his absence on the ground of ill health.

A Telegram was received from M^r Meyrick regretting his inability to be present.

The Minutes of the last Court were read and confirmed.

The Hon: Gerald Lascelles	}	The Defendant was charged that on the 26 th October last
_____ v _____	}	at Emery Down he did unlawfully make a certain Trespass
William Bright	}	and Enclosure by then and there depositing and continuing
_____	}	on the open wastes of the said Forest a Stack of Timber and

Faggots and placing a Fence of Faggots around the [p.167] same there taking possession of and occupying about half a Rod of Land part of the said Forest the property of Her Majesty the Queen contrary to the Statute &c. and to the Laws and usages of the Forest.

The Defendant pleaded not guilty.

The Hon: Gerald Lascelles sworn, saith, I am the Deputy Surveyor of the New Forest. On the 26th October last I visited the place where the Defendant had stacked a quantity of Faggots in a corner piece of the open Forest under an oak tree in the fork of the two roads at Emery Down Lyndhurst. The Stack is bounded on two sides by roads and on the other by a pathway and a row of Cottages in one of which Defendant lives. The Defendant had fenced in the Stack with Faggots. He has been allowed a Stack there for years past but lately he has increased it very much and it appears to me to nearly encroach on the Highway and to be dangerous in case of Fire and I have received complains about it from those living in the Cottages on account of this Danger and its obstructing their windows. I saw Defendant sometime since and requested him to remove the Stack he declined, although I offered another site for it, so I had to Present him for the trespass and enclosure which are both unlawful.

The Defendant pleaded that he had had a Stack there for 50 years and his Father and Grandfather before him; and having regard to this fact and to observations made by M^r Lascelles –

The Court ordered the case to stand adjourned to the next Court in January 1893 in order that the Defendant might come to terms with M^r Lascelles failing which the Court would proceed at that Court to deal with the Case further.

Charles Newbolt } The Defendant was charged for that he on the 4th July 1892 at Balmer
 _____ v _____ } Lawn being one of the Commoners of the said New Forest unlawfully
 Thomas Coward } did allow certain Animals to wit Six Heifers to depasture in the Forest
 _____ } without having caused such Animals to be marked prior to the 24th June,
 contrary to the Statute &c.

Defendant pleaded Not Guilty.

[p.168]

Alfred Chandler, sworn – I am an Agister of the New Forest. On the 4th July I saw Six Heifers at Balmer Lawn in the New Forest, they were unmarked and unpaid for. One seemed to be suffering from Red Water. I communicated with my brothers Agisters to find the Owner and took orders to impound them, but from what we could learn we thought they belonged to a Crown Tenant so did not do so. On 6th October I met Defendant and from what I had learnt asked him if the Heifers were his and he replied that they were his. In company with the Agister Newbolt I visited Defendant’s Farm a few days afterwards and saw the Heifers there on the Farm.

The Court considered the case proved and fined the Defendant 12/- (double marking Fees) and 9/- costs, which was paid.

The Verderers then proceeded to settle the Register of Commoners entitled to vote at an Election of Elective Verderers.

The following Claims were allowed and entered on the Register:–

- Hugh H.G.W.C. Massy, part of N^o 883 Claim.
- John Sheering. Church St. Fordingbridge. N^o of Claim 832.
- Joseph Judd. Rock Cottage Burley ” ” ” 325.
- Charles Evemy. Burley. Ringwood ” ” ” 340.
- Henry Smith Wright. Esq. M.P. 4. Chelsea Embankment. London N^o of Claim 982.

Several names of deceased Commoners were removed, and the Clerk was directed to communicate with several Gentlemen whose names were on the Register but who it was stated had sold their properties and thus lost their qualifications.

The Register was finally settled and the Clerk was directed to have it recopied and signed and circulated as usual.

[p.169]

The Clerk read a communication that he had received from Lord Montagu in acknowledgment of the letter sent to his Lordship with the resolution passed at the last Court of thanks to him on his retirement from the office of Official Verderer for the services he had rendered to the Court during his tenure of that Office.

It was resolved that the communication be entered on the Minutes.

(copy same)

14 Nov^r 1892.

Dear Sir,

I have much pleasure in acknowledging the copy of the Resolution the Court of Verderers was good enough to adopt expressing their kind appreciation of my services to the Court and to the Commoners of the New Forest with due regard to the interests of the Crown during the time that I had the honour to hold the office of Official Verderer. Will you express on my behalf to the Court

of Verderers my sincere acknowledgments for their goodness in thus recording in so handsome a manner the expression of their appreciation of such services as I was able to render, and to assure the Court that I shall at all times be happy to render any assistance in my power in furthering the important objects for which the ancient Court of Verderers was reconstituted by Act of Parliament.

May I be permitted to congratulate the Court on the appointment of the Right Hon: Evelyn Ashley as Official Verderer I feel sure that the Court will find in him an admirable Chairman whose position and great experience of public life will enable him to claim that respect and attention which belongs to his office.

I remain,
Yrs. faithfully
Montagu.

To G.F.W. Mortimer Esq.
Clerk to Verderers.

[p.170]

The Clerk read a letter he had received from Mess^{rs} Rees & Frere in answer to the letter sent to them by order of the Court.

It was resolved that this correspondence be entered on the Minutes.

(copy correspondence)

Romsey, Hampshire.
12th November. 1892.

Dear Sir,

I am directed to write and ask you to put on paper for the information of the Verderers the opinion you expressed to M^r Eyre and M^r Roy that the Verderers could legally expend their funds in payment of Parliamentary costs under 40. & 41. Vict. cap. 121. sect. 22. sub. sec.5 and the others sections thereof.

Yours faithfully
G.F.W. Mortimer

J.C. Rees. Esq.

13 Great George Street,
Westminster, S.W.
14th November. 1892.

Dear Sir,

I reply to your letter of the 12th inst. I beg to say that I remain of opinion that the Verderers could legally expend their funds in payment of Parliamentary and other costs in opposing the Bills introduced at the instance of the War Office, and in promoting the New Forest Bill last Session.

I think it would have been the duty of the Verderers if section 10 of the Ranges Act 1891 had been brought to their notice, to oppose the Bill with a view to having it made clear that the New Forest was not to be taken to be "lands" within the meaning of section 10, and that they could have lawfully paid the expense of such an opposition out of their funds.

On the same ground I think that the [p.171] Verderers were entitled, and in a sense bound to introduce their New Forest Bill for the same purpose.

I think the expenses of the Verderers in relation to all these matters are not only within the words of sub section 5 of section 22 of the Act of 1877, but are also covered by the words in section 38 of that Act authorizing the application of the funds of the Verderers "in defraying their other expenses

under this Act.”

I am dear Sir,
Yours faithfully
John Ch^s Rees.

G.F.W. Mortimer Esq^r

The Court then considered financial business:

It was resolved to pay the Clerk his fixed costs in the Lyndhurst Gas and Waterwork and Munro cases and a small Account re Bye Laws.

It was resolved to pay the Clerk £100 on account of his out of pocket expenses in the Blackdown Range Inquiry.

It was resolved to pay Mess^{rs} Rees & Frere’s Parliamentary Bills amounting to £322.2.0

In consequence of the following communication from M^r Chance:– The Clerk was ordered to draft the Bill of costs for the Inquiry above named and submit it to M^r Chance for payment.

(copy letter)

Treasury
4 Nov^r 1892.

Dear Sir

New Forest Rifle Range Enquiry

With reference to your letter of 6th October last, I shall be glad if you will now be good enough to furnish me with a detailed account of the Costs incurred by the Verderers with reference to this matter.

Yours faithfully

The Clerk to the Verderers.

J. F. Chance

[p.172]

The Clerk was directed to write to M^r Morton K. Peto – That the Court did not release the New Forest Association from the liability that it had undertaken in respect of the Parliamentary costs <and other costs> the Verderers and Association had incurred during the recent Sessions of Parliament and of the litigation recently carried through.

The Clerk read the following letter from M^r Culley which was ordered to be recorded on the Minutes.

(copy same)

Office of Woods &c.
Whitehall Place S.W.
16th November 1892.

1714

Sir,

New Forest
Proposed Gates and Fence at Longdown.

I have to acknowledge the receipt of your letter of the 12th inst: and in reply to convey to the Verderers my permission to them to erect a Gate at Longdown at the point B on the enclosed tracing and to erect a fence from the point A to the Northern corner of the School or to the point B as may

be found most convenient subject to the Gate at B being no obstruction to the Highway, and also subject to a Gate being provided in the Fence at the point C to give access to the Forest track there.

The Verderers to keep the Fence and Gates, when erected, in repair, and to pay an annual acknowledgment of 1/- to the Crown during the continuance of the permission.

The permission to continue during the pleasure of this Department. I have to request that you will be good enough to acknowledge the receipt of this permission.

I am, Sir

Your obedient Servant

G.F.W. Mortimer Esq.

Geo Culley

[p.173]

The Agister Newbolt presented the following written Report

(copy same)

Bank Lyndhurst

Nov. 18. 1892.

Sir,

I beg to report as to the formation of a Link for Golf playing at Bartley Cricket Green, where the usual holes have been made in the Ground for the game – from Yours obediently

Chas. Newbolt

Agister

The Clerk was directed to obtain payment of 2/6 from all Golf Clubs in the Forest using any part of the open wastes thereof by way of acknowledgment of the right of the Commoners to the feed over the Land used for Golf.

The Clerk read his report as to Cricket and Tennis Grounds which was ordered to be entered on the Minutes.

(copy same)

Clerk's Office

Romsey Hampshire

11th Nov^r 1892

To the Official Verderer and Verderers of the New Forest.

Gentlemen,

I beg to report that I have this year received the following yearly acknowledgments payable to the Verderers by Commoners and others exercising certain rights in the Forest by the sanction of the Verderers in consideration of such yearly payment

		s	d
1892. Sept ^r 8 th	Western Counties &c. Telephone Coy	1	
10 th	M ^{rs} Matcham	2	6

[p.174]

1892. Sept ^r 13 th	M ^r Auberon Herbert	1	0
15 th	M ^{rs} Heathcote	2	6
	M ^r Henbest. Bramshaw Cricket Club	2	6
	New Forest Cricket Club	2	6
	Colbury Cricket Club.	2	6

I have made three applications to the Secretary of the Minstead C.C. for the usual payment, but with no success, and I venture to recommend that in the event of the last named Club neglecting to pay the amount the Agister be directed to remove the Fences enclosing the Ground.

I am, Gentlemen,
Yours obedient Servant
G.F.W. Mortimer
Clerk.

The Agister Evemy reported that one acre of the Lawn near Holmesley Station was being destroyed by the erection of an Engine for sawing the Timber.

The Clerk was directed to write to the Deputy Surveyor calling his attention to the serious damage and loss of pasture at the place in question and to request him to take steps at once to stop the further destruction of Pasturage and to have the Engine removed.

The Agister Chandler reported that a quantity of Glass had been left on Balmer Lawn and at Whitley Ridge on the open Forest and it was dangerous to Animals. The former was the result of shooting at Glass balls; and a Gipsy called Ayres was responsible. The latter was placed there by men in the employ of Major Talbot of Whitley Ridge, Brockenhurst. He was ordered to have the Glass at Balmer Lawn buried [p.175] and the Clerk was directed to write to Major Talbot on the subject of the second complaint.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

(copy same)

		£	s	D			£	s	D
1892.					1892.				
October 31	By balance from last A/c.	30	11	5	October 31	To Cash paid Mess ^{rs} Drake Driver & Leaver for Stationery	5	9	6
	” Cash received of Agisters at Court for marking Commoners’ Cattle					To Cash paid expenses of sale of £1000 Consols			
	Moody 38. 0. 0				November 16	Power of Attorney 11. 6			
	Evemy 14. 7. 0					Contract Stamp 6			
	Newbolt 14. 8. 6	67	5	6		Commission 1. 5. 0	1	17	
	” Ditto Pannage								
	Evemy 3. 5. 4								
	Moody 6. 4	3	11	8					
November 16	” Cash received from Non-Commoners for Licenses to this time:— viz								
	Licenses 7. 6								
	Head money 1. 5								
	Marking fees 11. 6	2	4						
	” proceeds of sale of £1000 2¾ % Consols at 97 ¹ / ₈	971	5				1067	11	1
		£ 1074	17	7			1074	17	7

The Clerk was directed to sit at Lyndhurst on a convenient day to grant Licenses to Non-Commoners and he selected as a convenient day for him to do so Tuesday the 10th day of January 1893.

[p.176]

The Court also fixed the following dates for holding Courts of Swainmote and Attachment:— viz.

Monday January	16
Monday March	13
Monday May	8
Monday July	17
Monday November	20.

An order was given the Clerk to pay the Deputy Surveyor the sum of Twenty shillings the amount payable to the Crown under Section 9 of the New Forest Act 1877 and a cheque was signed for this amount.

The Agisters being present paid over the following sums:—

	£	s	D		For Pannage.
C. Newbolt . . .	8.	19.	6	C. Newbolt . . .	£ — . 5. 4
A. Chandler . . .	43.	12.	6	A Chandler . . .	14. 8
J. Moody . . .	1.	11.	6	J. Moody . . .	1. 3.

Cheques were ordered to be drawn for the following Accounts:—

Mess ^{rs} Rees & Frere	£322.	2.
Mess ^{rs} Mortimer Scotter & Co (Brokers)	3.	10.
Hampshire Independent	4.	11. 9
Salisbury & Winchester Journal	3.	13. 6
Mess ^{rs} Drake Driver & Leaver Lt ^d	1.	16.
Mess ^{rs} C.L. Lordan & Co	15.	
Mess ^{rs} Tylee & Mortimer	100.	

This terminated the business of the Court.

[Signed] *G.E. Briscoe Eyre*
(Chairman)

[p.177] At a Court of Swainmote and Attachment held at the Verderers' Hall Queens House Lyndhurst on Monday the 16th day of January 1893.

Present

George Edward Briscoe Eyre Esquire in the Chair.
William Gascoigne Roy Esquire
John Jeffreys Esquire

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

The Minutes of the last Meeting were read and confirmed.

The Clerk reported that he had that morning seen the Official Verderer who was suffering from illness and had directed him (the Clerk) to express to the Court his regret that he was prevented from attending in consequence thereof. The Court recorded the fact with much regret. The Clerk stated that he had a letter from M^r Lovell and a telegram from M^r Meyrick excusing themselves from attendance on the ground in each case of illness. The fact was again recorded with regret.

In the absence of the Official Verderer through illness :-

It was resolved that M^r George Edward Briscoe Eyre be Chairman of this Court

[p.178]

The Hon. Gerald Lascelles.	}	
	}	
_____ v. _____	}	Adjourned Case from last Court.
	}	
<u>William Bright</u>	}	

On being called the Defendant did not appear.

The Clerk informed the Court that the Defendant had been sent Notice to attend.

The Deputy Surveyor stated that the Defendant (Bright) had not been to see him and that no settlement had been come to and was proceeding to address the Court when the Court directed that the Defendant should be resummoned for next Court and the consideration of the Case was adjourned to that date.

At the request of Col. Martin Powell the Clerk read the following correspondence.

(Copy same)

Brooklands

Lyndhurst. 14 Jan. 1893.

Dear Sir,

I wish to complain to the Verderers at their Court on Monday next that I have been prevented from exercising my rights of pasture in peace and quietness by having had my colts pounded in Denny New under circumstances over which I have no control. I am prepared to prove that the Enclosure gates have been seen propped open.

I am also prepared to suggest a practical remedy if allowed by the Court to do so. There is a very general feeling amongst Commoners that they have been unfairly treated with regard to the

pounding of their Colts.

Yours faithfully
W. Martin Powell

F. Mortimer Esq.
[p.179]

Southfield. Louth.
Jan. 15.

Dear Col. Powell,

I hope you may get this letter before you go to the Verderers Court. I agree with you entirely in what you say and think about the pounding of our ponies for trespassing in places which we can't keep them out of.

I have no complaint against their being pounded when they so trespass and am ready to send and get them away at once when informed that they are in and pay the expense of their keep. But I do protest against a fine of 2/6 being levied it is a fine which must fall with great severity on some of the poorer Commoners who may be asked to pay ½ a weeks wages at one swoop, and as we have the Agisters word for it that there were 2 Gates in this very Enclosure propped open on this very day that our ponies were pounded it is clear that it is not the carelessness of hunting men but the deliberate action of the carters which leads to this difficulty and no one can have any right to fine us for that. Please say at the Meeting that I am of your way of thinking and quote what you please from this letter. I am only sorry not to be able to attend with you.

Yrs truly,
W.F. Ramsley [*sic* – Rawnsley]

Col. Martin Powell addressed the Court on the subject and suggested as a practical remedy That the Crown Servants should be instructed by the Deputy Surveyor to inform the Agister of the District when Ponies were in the Enclosures prior to any Enclosures being driven and Ponies impounded therein and that the Agister of the District should at once obtain the assistance of his Co-Agisters and drive the Ponies out of the Enclosure.

He called the Agister Newbolt to prove that the two Gates of [p.180] Denny New Enclosure were propped back with Sticks on the 17th November 1892 as poles were being carted from the Enclosure and that his Ponies were subsequently impounded therein and released on payment of Costs and Fine on 26th November 1892.

The Deputy Surveyor made a general Statement that the Gates of the Enclosures were opened on purpose by Commoners to turn in their Animals for better food and shelter therein and also by those interested in hunting especially by persons who followed the hounds on foot and in <pony> carriages. That the Agisters though repeatedly invited to do so refused to drive the Enclosures and therefore the Commoners' Ponies had been impounded and the Owners fined the fines not being sufficient to pay for the expenses of the driving to pound.

Col. Martin Powell denied that hunting men left the Gates of Enclosures open and stated that the Fences to most Enclosures were broken down in numerous places.

The Chairman pointed out that it was quite impossible for four Agisters to drive an Enclosure and asked if the Crown Servants would co-operate with the Agisters in driving should the Verderers give the latter orders to do so.

The Deputy Surveyor stated he would give the Notice suggested by Col. Martin Powell and would consider the other subject raised by the Chairman. Subsequently the Agisters were questioned.

Newbolt stated that he had never received any application to drive an Enclosure but that he had been called in after Ponies had been driven within an Enclosure and impounded to identify them.

Every stated the same.

Chandler stated the same.

Moody stated he had received no such application of any description.

It was resolved: – That the Agisters report to the next Court the number of Cases in which the fences of the Enclosures in their Districts are broken down sufficiently to admit Cattle and Ponies, distinguishing the name of the Enclosure and stating roughly the length of the broken fence and giving the date on which the particulars were obtained.

[p.181]

It was further resolved that the Agisters report separately the number of Cases in which Gates to Enclosures when closed will not remain shut.

The Clerk presented a Petition that he had received from M^r Bull relative to the proposed Gate at Longdown and read the copy letter from M^r Culley to M^r Bull which accompanied it.

The Clerk was directed to enter the Petition and communication from M^r Culley forwarded therewith upon the Minutes, the Court deciding to take no further action in the matter for the present.

The Agister Newbolt identified the bulk of the signatories as Licensees under the Act of 1879 and reported that the local Owners of Ponies were in favour of the Gate and the Owners of Cattle <were> opposed to it.

(copy Petition)

To the Verderers of the New Forest.

Gentlemen,

We the undersigned Farmers and Carters of Longdown, humbly beg of you to prevent the replacing of a Gate near Longdown School, because when it was first fixed there some time ago we found it to be very inconvenient in many ways.

We venture to invite your attention to a copy of Mr Culley's letter which we have enclosed, and to remain

Your humble & obedient Servants.

M^r Chas. Bull

E. Payne

M^r Joseph Webb

E. May

M^r George Pearce

M^r S. Butt

W. Mintram

T. Drake

Thomas Mansbridge.

A. Penney

M^r F. Cooper

C. Stevens

A.E. Eldridge

C. Cook

M^r W. Pearce Jun^r

J. Longman

M^{rs} M. Mansbridge

William Pearce Sen^r

G.W. Tarrant

A. Marshall

[p.182] William Pearce Sen^r

J. Green

M. Broomfield

F. Fryer

S. Reeves
Thomas Webb
J.H. Harper
James Osman
Thomas Green

S. Smith
Jesse Blake
James Martin
Harry Sibley
Mary Abraham

N^o. 1763

Offices of Woods &c.
1. Whitehall Place S.W.
25th November. 1892.

Sir,

New Forest

I am directed by M^r Culley to acknowledge the receipt of your letter of the 17th Inst. Complaining of the proposal of the Verderers to erect a Gate at Longdown, in reply I am to inform you that permission to erect the Gate in question was given to the Verderers who were acting for a number of Commoners to whom a Gate at that point is a convenience and any complaint you have to make should be addressed to the Verderers of the New Forest.

I am, Sir,

Your obedient Servant

M^r C. Bull

W. Russell Sowray

The Clerk produced and read his Report relative to the Licenses granted to the Non Commoners by him on Tuesday the 10th January Inst.

(copy same)

Clerk's Office. Romsey.
16th January. 1893.

To the Official Verderer & Verderers of the New Forest.

Gentlemen,

I have to report that I attended at Lyndhurst on Tuesday the 10th January instant, and issued [p.183] 79 Licenses for 198 Animals to Non Commoners to depasture in the New Forest and collected

	£	s	d
Licenses . . .	9.	17.	6.
Head money . . .	24.	15	
Marking Fees . . .	<u>11.</u>	<u>8.</u>	<u>6.</u>
	£ <u>46.</u>	<u>1.</u>	<u> </u>

This is an increase of 16/6 as against last year's return of 78 Licenses for 195 Animals.

I am, Gentlemen,

Your obedient Servant.

G.F.W. Mortimer.

Clerk to the Verderers.

The Clerk upon the report of M^r Roy in the absence of the Official Verderer reported that M^r W.H. Davis had been appointed Auditor of the Verderers' Accounts by the Justices assembled at the recent Quarter Sessions for this County.

The Clerk produced the annual accounts and was directed to submit them to the auditor before next Court.

The Clerk was directed in future to send each Verderer a copy of the Summary prior to the January Court in each year.

The Clerk read the following communication from M^r Chance the Solicitor of the War Office relative to the payment of the costs of the Blackdown Range Inquiry.

(copy same)

Treasury
29. December. 1892.

New Forest Inquiry

Dear Sir,

With reference to previous correspondence I have to inform you that the Secretary of State for [p.184] War has, with Treasury sanction, decided to pay the sum of £300 towards the costs incurred by the Verderers in this case.

I enclose an official draft for that amount in your favor, and return the Vouchers recently sent to me.

Yours truly,

G.F.W. Mortimer. Esq.

J.F. Chance.

The Clerk was directed to submit at once a Summary of the costs payable and of the Sums received, including therein all costs whether payable by the Verderers or New Forest Association, and sums received from the Verderers, Association, and War Office.

The consideration of the Financial position of the Court was postponed to the next Court.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

(copy same)

See next Page N^o 185.

[p.185]

1892		£	s	d	1892		£	s	d
Nov ^r 21	By balance from last A/c	1067	11	1	November 22	To Cash Paid Police fees in			
22	" Cash received from Agisters at Court for marking Commoners' Cattle					Newbolt v Coward		1	6
	Chandler 43. 12. 6					" " " Hon. G. Lascelles.			
	Newbolt 8. 19. 6					Fence Month &c.	1		
	Moody 1. 11. 6	54	3	6		" " " Mess ^{rs} P. Mortimer & Co. Costs of Transfer	3	10	
	" Ditto Ditto Pannage					" " " Hampshire Indep ^t for advertising	4	11	9
	Moody 1. 3.					" " " Mess ^{rs} Bennett Bros. Ditto.	3	13	6
	Chandler 14. 8	2	3			" " " Mess ^{rs} Drake & Co for stationery.	1	16	
	Newbolt 5. 4					" " " Mess ^{rs} Lordan for printing		15	
	" Fine & Costs in Case Newbolt v. Coward	1	1			" " " Mess ^{rs} Rees & Frere. Parliamentary costs	322	2	
	" yearly ackng' of Minstead Cricket Club.		2	6		" " " Mess ^{rs} Tylee & Mortimer on a/c of costs	100		
23	" Ditto Bournemouth Golf Club		2	6		" " " Mess ^{rs} Tylee & Mortimer. Taxed Bills	506	2	4
December 9	" Ditto M ^r Howard. Bartley		2	6		" " " M ^r E. Farries.	11	12	10
	" Ditto New Forest Golf Club (2)		5			" " " Mess ^{rs} Tylee & Mortimer. Law Costs	16	6	
17	" Cash received from Agisters for marking Commoners' Cattle				December 7	" " " Mr Mortimer ¼'s salary due Xmas	37	10	
	Chandler 11. 10.					" " " Four Agisters Ditto			
	Evemy 10. 15.					Newbolt 17. 10.			
	Newbolt 5. 13. 6					Evemy 17. 10.			
	Moody 2. 5. 6	30	4			Chandler 17. 10.			
	" Ditto for Pannage				21	Moody 17. 10.	70		
	Moody 2. 17. 8					" " " Crier of the Court			
	Evemy 1. 6. 8					Fees for 1892	2	10	
	Newbolt 19.	5	3	4		" " " Mess ^{rs} Lordan for printing	2		
	" Ditto Newbolt, marking Commoners' Cattle	3	5	6					
	" " " Pannage	1	15			Balance	153	8	6
	" Dividend £3684 ¹⁸ / ₄ ² / ₄ %.	24	14				1236	13	11
	" Cash received from Non Commoners for Licenses at Lyndhurst								
1893.	Licenses 9. 17. 6								
January 6	Head money 24. 15.								
	Marking fees 11. 8. 6	46	1						
11		£ 1236	13	11					

[p.186]

The Agister Evemy handed in the following written Report.

(copy same.)

West District

Report of Sawing Machines.

There has been a Steam Sawing Machine working (off and on) for the last Two Years on the Lawn near Holmesley Station and in consequence of so much Timber being carted to the Engine, and Saw Dust left about, there is nearly an acre of Pasture damaged. About July last another steam sawing engine was brought and placed on another part of the Lawn and was worked for about three months thereby completely damaging quite another half an acre of pasture.

Both the engines are now removed but there still remains a quantity of Timber and Sawdust. The Engines were placed on the very best summer feeding ground in that neighbourhood.

There are also two or three holes dug out and left open.

There is also a quantity of coal carted in the open Forest, and put down for the use of the Machines, some of which is still there.

Charles Evemy
Agister
Dec^r 15th 1892.

The Clerk read the correspondence with the Deputy Surveyor on the subject.

It was resolved to direct the Clerk to summon the Owners of the Engines for the damage done. The form of Summons to be settled by the Clerk.

[p.187]

The Agister Chandler handed in the following Report.

(copy same)

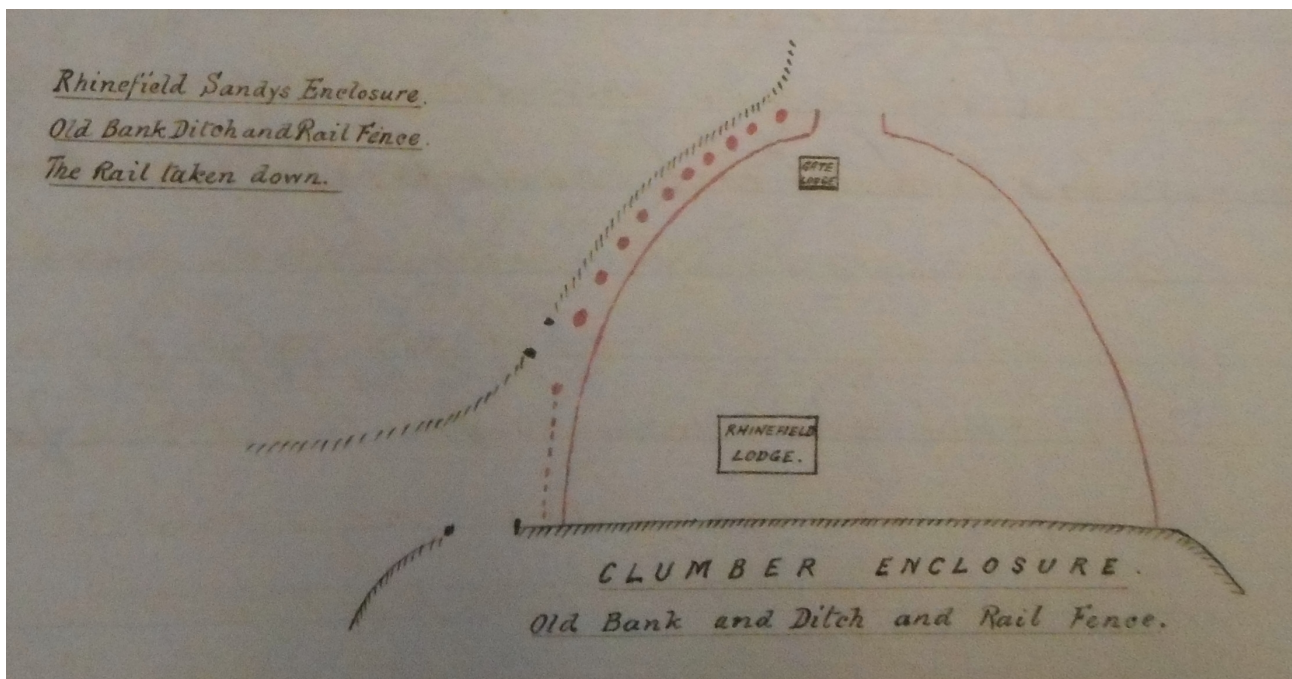
To the Right Hon: Evelyn Ashley Official Verderer and the Verderers of the New Forest.

Referring to my former Report, The Drain therein referred to has been carefully covered over, and it is made for the purpose of conveying water to a Forest Gutter from Rhinefield Enclosure. The effect of this will in my opinion, be to prevent a Swamp on the open Forest which might in time prove a nuisance.

I have further to report an apparent encroachment. I venture to submit a Plan to explain what I submit to the Court. The Plan shows the fencing of Rhinefield Lodge as let to M^r Munro and the red line is the original fencing which has existed for time immemorial and consisted of a Buck pen fence of oak posts and rails intended to permit the Deer to pass freely under the rail but to prevent Commoners' Animals from doing so. There was no ditch to this fence, and therefore the fence would have probably been placed at the Extreme limit of the boundary of the Enclosure.

Where the small red dotted line is marked on the Plan a ditch has recently been dug which would appear to be an encroachment, while where the larger red dotted line is so marked the ancient ditch of Sandy's Enclosure has been cleaned out and a nuisance has been created thereby as rubbish of all sorts has been thrown on to the Forest soil including broken bottles to the danger of Commoners' Cattle and Ponies. It may be that this Ditch will be extended to the Eastward side. [p.188] I do not know if the permission of the Crown has been obtained for this to be done but deem it my duty to report it to you.

Your obedient Servant.
Alfred Chandler.
Agister.



The Court discussed the matter fully and directed the Clerk to forward a communication to the Deputy Surveyor calling his attention to the encroachment and asking him if the same was done with the sanction of the Crown or not.

The Clerk reported that the Official Verderer had taken the question of the application to the County Council to make the Verderers the Local Authority in the Forest under the Contagious Diseases Animals Acts in hand and he was unaware in the Official Verderer's absence of the position of the matter.

The Clerk produced the West Hampshire Water Bill.

The Chairman stated that he had seen the Plans deposited by the Company and at present there was nothing therein which went outside the Parish of Christchurch although various Parishes within the New Forest including the Parish of Lyndhurst were specified in the Bill.

[p.189]

The Clerk was directed to send to the promoters of the Bill a copy of the usual Verderers' Clauses and to request their insertion in the Bill as a future protection to the Commoners' interests.

This terminated the business of the Court.

[signed] *Evelyn Ashley*

[p.190] At a Court of Swainmote and Attachment held in the Verderers' Hall at the Queen's House Lyndhurst on the 13th day of March 1893.

— Present. —

The Right Hon: Evelyn Ashley. Official Verderer
George Edward Briscoe Eyre Esquire
William Gascoigne Roy Esquire
Francis Frederick Lovell Esquire
John Jeffreys Esquire
George A.E.T.G. Meyrick Esquire

The Court was opened with the usual proclamation by the Crier.
The Minutes of the last Meeting were read and confirmed.

The Hon: Gerald Lascelles }
 }
 — v. — } Adjourned Case
 }
William Bright }

The Deputy Surveyor asked whether this Case was coming on for trial. The Official Verderer stated in reply that he had viewed the place and all that had been complained of had been rectified. The Deputy Surveyor however pointed out that the Poles placed by the Defendant against the Oak Tree had not been removed and added in reply to the question from the Official Verderer that Poles had been allowed to rest against the Tree from time immemorial.

[p.191]

The Official Verderer thereupon stated that the Court was of opinion that the encroachment complained of had been rectified by reducing it to its original dimensions, and though the Defendant had no legal right and had been so informed by the Court yet the encroachment as it now stood had been permitted so many years by the Crown, the Court thought the presentment should be withdrawn.

The Deputy Surveyor then asked for the Presentment to be withdrawn which was acceded to.

Charles Evemy } The Defendant was charged for that he not being a Commoner
 } of the New Forest on the 14th February 1893 at Holmsley in the
 — v. — } New Forest did cause or allow three Heifers to depasture in the
 } New Forest without previously having obtained a License from
Job Phillips } the Verderers of the New Forest.

The Defendant did not appear.

Charles Evemy, sworn:— I am an Agister of the New Forest. On the 14th February last I was in the Forest near Holmsley Enclosure and saw three Heifers feeding. I watched them and saw them go through a Gate up a Lane towards Defendants house. They stood about ten minutes at Defendant's gate and he then came and let them in. I rode up to him and asked him if they belonged to him, he

said yes. I asked him if he had a License he said he had not but was going to get one. I asked him if he had seen the Bills that had been put about as to obtaining Licenses he said – yes – but he had forgotten about it, he added in reply to a question from me that he had no Land with rights. To my knowledge he is not a Commoner.

Defendant was fined £1 13/- fees for License & 10/6 costs. Defendant afterwards appeared and stated he was a Commoner and the Case was adjourned till next Court for him to produce evidence thereof.

[p.192]

Charles Evemy } Defendants were charged for that they between the 15th September 1892 and
 } the 14th November 1892 at Holmsley Lawn in the New Forest did unlawfully
 — v — } make a certain trespass and destroy part of the pasturage of the New Forest by
 } then and there depositing and continuing on the feeding grounds of the said
Longley & Sons } Forest a certain Steam Sawing Machine and certain Timber and by then and
 } there sawing up certain Timber thereby causing a certain quantity of Coal and
Sawdust to be deposited on such feeding ground thereby about one acre of pasturage was damaged
or destroyed thereby doing injury to the extent of 2/6:

Charles Evemy }
 } Defendant was charged with like
 — v — } offence at the same place between the
 } 12th July 1892 to the 30th August 1892.
James Orman }

On these Cases being called on the Clerk produced and read the following letter from M^r Gorst, Solicitor to the Woods Forests &c.

(copy same)

Office of Woods etc. 1 & 2 Whitehall Place S.W.

28th February 1893

Dear Sir,

Verderers v. Longley

Mr Lascelles has handed to me a Summons against Mess^{rs} Longley & Son taken out on behalf of the Verderers for Trespass on waste land, belonging to the Crown in the New Forest. The Commissioner intends to apply to the High Court for an Injunction in the matter, unless in the meantime (that is prior to the return of the Summons) the proceedings in [p.193] in the Court of Swainmote are withdrawn.

Yours truly,
F.W. Gorst

G.F.W. Mortimer Esq.

Clerk to Verderers of New Forest.

The Official Verderer stated that in consequence of the above letter he had directed the Summonses to be adjourned to the next Court and ordered the Clerk to so inform the Defendants who had undertaken to appear on the adjournment.

M^r Lovell requested that the Clerk might read the following letter from M^r Moens.

(copy same)

Tweed, Lymington.

March 10, 1893.

My dear Lovell,

The Commoners find it very inconvenient, difficult and costly to catch the Stallions running wild in the Forest and to bring them up every Season to be remarked at the April Stallion Show at Lyndhurst. Many come from a considerable distance. Those meant for exhibition at this Show are cared for as a rule in hand until turned out in May. I have been requested at one of the New Forest Pony Association Committees to represent this matter to the Verderers' Court and to ask whether it could not be arranged for Stallions that have been once passed and marked to run afterwards without being marked each year unless a Presentment were made by an Agister that they were no longer fit for service of the Mares. The coming Court on Monday next clashes with the Statutory Meeting of the County Council where I must attend. May I therefore ask you kindly to bring this matter before the Court as one of some importance to those Commoners who provide Stallions for the use of Mares running in the Forest. This is not a question of paying marking fees as Stallions I believe run free.

Yours very truly

W.J.C. Moens.

[p.194]

He then proceeded to address the Court on the subject and stated that in his opinion it was most undesirable to allow any Stallions to roam in the Forest without first being passed and marked.

A general discussion on the subject having taken place it was resolved:— That one or more Verderers with a Veterinary Surgeon and the Agister of the District shall meet at some place within the Agisters District on an appointed day in the months of March April or May for the purpose of marking and passing Stallions to range within the district at least one fortnight's notice to be given for the place and time in which Stallions are to be brought for inspection.

M^r Lovell and M^r Meyrick were requested to act on behalf of the Verderers at the forthcoming Pony Show, and having accepted the position, were thanked by the Court for having done so.

M^r Powell handed in the following letter which was read by the Clerk

(copy same)

Brooklands, Lyndhurst.

12 March 1893.

Dear Sir,

I propose to appeal to the Verderers at their Court tomorrow for their protection and advice under the following circumstances. I received a letter from Office of Woods dated Feb. 28th 1893, stating that M^r Culley had been informed that the Fuel wood assigned to Pinkney Farm House had been conveyed to Wilverley House instead of being burnt and expended in the ancient messuage above referred to and demanding payment of 24/- viz. 12/- a Cord. On 2nd March I wrote in reply to say that M^r Culley had been imperfectly informed that the property is at present let to the Earl of Gosford and that his Servants by mistake conveyed the fuel wood to Wilverley House, within a few days (before any of it had been burnt or expended) the [p.195] mistake was corrected and the fuel was conveyed to Pinkney Farm House. I asked if under these circumstances the 24/- would still be

demanded. On March 11th I again heard from Office of Woods informing me “that M^r Culley will not insist upon payment of 24/- but as it appears that only 1½ cords were taken back to Pinkney Farm House, I must therefore pay 6/- for the half cord which has been improperly used. I am prepared to prove by the Evidence of Lord Gosford’s Steward and the Carters who drew the fuel wood that the whole of the wood received from the Forest has been taken to Pinkney Farm House and that none of it has yet been used. I may add that the assignment Ticket was not left at Pinkney Farm House nor delivered to me. Also that the 2 cords of fuel wood were not delivered to the Carters by the Woodman Sims personally, he at the time being sick and unable to attend.

Your obedient Servant

Clerk to the Verderers

H. Martin Powell.

P.S. I will bring the whole correspondence and the Witnesses to the Court tomorrow.

The Official Verderer informed him that the Court had no jurisdiction in the matter as now presented and if M^r Powell had any presentment to make within the Court’s jurisdiction the Court would hear it in the usual way.

The Agisters reported that burning was required in the Forest, as follows:

The Agister Newbolt reported that some Heath required burning at Longwater.

The Agister Evemy reported that some burning was required at Fulford Bottom and Harvestlade Bottom.

[p.196]

The Agister Chandler reported that owing to recent accidental fires no burning was required in his District.

The Agister Moody stated that no burning was required in his District.

The Clerk was directed to write the Deputy Surveyor recommending the above places for burning and the Commoners were prepared to assist upon having the dates fixed for burning.

M^r Jeffreys asked the Clerk whether he had received any report as to an outbreak of “Ringworm” amongst the Cattle at Broomy. The Clerk replied in the negative.

The Agister Moody was required to thereupon search into the matter and report to the Clerk.

The Clerk produced the audited Account of the Court for the year ending 31st December 1892 which was ordered to be entered on the Minutes.

NEW FOREST ACTS, 1877 and 1879.

SUMMARY of an ACCOUNT of the FINES and other MONIES recovered or received by the VERDERERS under the above Acts and carried by them to the ACCOUNT of the GENERAL FUND, and of the application thereof, under Section 38 of the New Forest Act, 1877.

1892.	£	s.	d.	1892.	£	s.	d.
To Balance brought from last Account	11	3	6	By Cash paid Counsels' Fees and Law Costs, 1890 and 1891	622	2	10
Cash received from Non- Commoners for Licenses, viz.:-				Cash paid Parliamentary Costs	322	2	0
Licenses	17	12	6	Cash paid Clerk for one year's salary	150	0	0
Head Money	44	2	6	Cash paid four Agisters for one year's salary	280	0	0
Marking Fees	20	1	0	Cash paid "out of pockets" on behalf of the Verderers	8	12	2
	81	16	0	Cash paid Agisters for Postages, 1891, and for Burying Dead Animals, and Attending Courts of Inquiry.	5	16	4
Cash received from Commoners by Agisters for Marking their Cattle, viz.				Cash paid Hon. G. Lascelles (Fence Month and Winter Heyning)	1	0	0
Alfred Chandler	103	14	0	Cash paid for Auditor's Fee and Expenses, 1891 Accounts	4	9	0
Charles Evemy	86	17	6	Cash paid High Sheriff for expenses of Election of Verderers 1892	15	8	10
John Moody	83	15	0	Cash paid for Taxing Master's Fees	11	12	10
Charles Newbolt	52	13	0	Cash paid for Advertising	10	12	11
	326	19	6	Cash paid for Printing and Stationery	10	0	6
Cash received from Commoners by Agisters for Marking their Cattle, viz.				Cash paid for Police Fees	0	3	6
Charles Evemy	4	12	0	Cash paid to Crier of the Court	2	10	0
John Moody	4	7	0	Cash paid for Costs of Powers of Attorney and Broker's Commission	5	7	0
Charles Newbolt	2	19	4	Cash paid for Cheque Book	0	5	0
Alfred Chandler	0	14	8	Balance	82	13	6
	12	13	0				
Cash received from sale of £1000 2¾% Consols at 97⅞	971	5	0				
Dividends on £4684 18s. 4d. 2¾% Consols	125	12	4				
Cash received as yearly acknowledgements (12) of Commoners' rights to feed over lands enclosed for Cricket, Tennis, Golf, and other purposes.	1	11	1				
Cash received for Fines and Costs inflicted during the year	1	16	0				
	£ 1532	16	5		£ 1532	16	5

Examined and found correct this 16th day of February, 1892. W.H. DAVIS, F.C.A.

Auditor appointed by the Court of Quarter Sessions of the County of Southampton.

[p.197]

The Clerk was directed to have the Bill submitted to the War Office taxed by M^r E. Farries before the next Court.

The Agisters produced the following reports as to the condition of the Fence of the various Enclosures in their District, which were ordered to be entered on the Minutes.

(copy same)

Burley 9th March 1893.

Report of Enclosure Fences

During the months of January & February of the present year the Fences round Dameslough Enclosure was in a very bad state and Cattle could go in and out very easily, but now there are men repairing the Fences. On January 30th some of the Fences round Oakley Enclosure was down but

now it is repaired. On February 10th one of Lyndford Enclosure Gates was wide open and the Fences in a very bad state, several perch of fence completely down, also some of Slufler [*sic*] Enclosure Fence was down on the same date.

Charles Evemy
Agister. West District.

Report as to Enclosure Gate and Fences

- January 23^d Was about Park Hill and Woodfidley Enclosures, found 3 Hunting Gates not fastened and Hunting Gate at the lower corner of Stubby leading into Woodfidley wide open.
- 31st Went through drift way between Park Hill and Woodfidley Enclosures, found large gate part way open, quite open enough to allow any Animal to pass through into Stubby, which is part of Woodfidley.
- February 21st Went round Woodfidley Enclosure. Hunting Gate unfastened at Woodfidley Bridge, the next Hunting [p.198] Gate towards Dinney Lodge open Hunting Gate in the corner of Drift way open and the next Hunting Gate towards Balmer Lawn open, two hoop iron off between two Gates near Whitley Ridge.
- February 23rd Impounded 19 Ponies from Woodfidley Enclosure.
- 24th Hunting Gate nearest Dinney Rails open.
- 25th Went round Pound Hill Enclosure found only one Hunting Gate little way open and that was under repair.
- 28th Went round Frame Enclosure found two large Gates open and fence down at a by road which had been used for carting Timber out of the Enclosure. Fences to all the Enclosures have lately been repaired in the South District.

Alfred Chandler
Agister. South District.

March 10th Went through Frame Wood today the Fence at the by road down.

North District
March 13th 1893.

Agister's Report

I beg to report that on February 2nd I examined the Fence at Sloden Enclosure and found it broken in four different places, I found it in the same state on Febr. 9th, I examined it again on March 9th it was then repaired but the whole of the Fence is in a bad state. On February 13th I examined Island Thorn Enclosure and found two places broken and several places with only one rail and the Bank gone enough to allow Cattle to creep under. May I be allowed to add from my knowledge of Cattle if they are once allowed to trespass it is difficult to prevent them afterward.

I remain.
Your obedient Servant
John Moody
Agister.

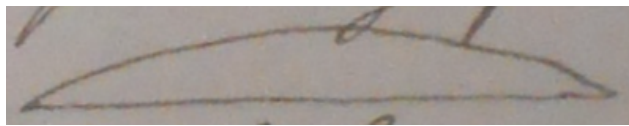
[p.199]

The Clerk read his Report as to the damage done at Holmsley Lawn and produced a Plan of the locality.

(copy same)

To the Right Hon: Evelyn Ashley. Official Verderer and the Verderers of the New Forest.

Acting upon the orders of the Official Verderer I visited Holmsley Lawn on Friday the 3rd March instant. I was accompanied by the Agisters Every and Chandler and with them I viewed Holmsley Lawn. I found two sites there which had been occupied and used by owners of the Engines taken there to be used for sawing Timber. The first site I understand has been used for some two or three years past and it occupies 50 yards by 50 yards of the Lawn close to the Road, on this site is a quantity of Sawdust raised in this manner



to about an average of 2 feet and part of the site is covered with chips of wood and leather and india rubber tubes (I understand Cows will eat this stuff to their injury) I produce a piece of the leather with the rivets in. There is also a hole about 3 foot deep made to catch water for the Engine. Two small stacks of wood are on this site, which amounts to an Enclosure. The second site is a new one formed last year and it covers a space of 75 yards by 65 yards and there are about 6 loads of Sawdust on it, three holes have been formed for Water and 9 stacks (one being small) of Timber and posts averaging where the posts are placed upright about 70 upright Timbers per Stack and where they are cut and placed above each other from 4 to 8 feet in height and occupying about three square yards each. This site is partly covered with chips. The ground to and from these sites is much cut up by the Timber Waggons drawing Timber there.

[p.200]

The effect of these Engines and Men and Waggons being at work for months on the Lawn beside the serious damage done to the feed over the Land is to drive the Ponies and Cattle away from the best feeding ground and one of the best shades in this part of the Forest is thus rendered useless to the Commoners. I visited two other sites close adjoining which have been used for the same purpose and found that the effect of the chips and Sawdust was to completely destroy the grass on which they remain. The Timbers cut and drawn from what was formerly Holmsley Enclosure which adjoins and which is now thrown open to the Forest. There are plenty of places in this Enclosure where an Engine could stand without doing so much harm, the road in the Enclosure has been recently gravelled in some part and if it was made up it could be made all that is required for the use of the Engine and Waggons passing over it. I have ordered an Ordnance Sheet and as soon as I obtain it, I will have the position of the Sites indicated upon it. The delay in getting it is owing to a new regulation which with submission seems an unwise one as my letter stated there would be a delay I sent to Southampton today to try and get a Plan from the Office direct but am told by the Agents (Mess^{rs} Cox & Sharland[]) that they have first to transmit the Order to London, the London Authorities then send to Southampton for the Plans which are sent from there to London and are then again returned to Southampton to the Agents who supply the Purchaser.

Yours ffly
GFWM

The Official Verderer reported that he had had an interview with M^r Culley the Commissioner in charge of the New Forest upon this subject. He gathered that M^r Culley contended that the Crown as freeholder [p.201] of the New Forest had a right to exercise over the New Forest all Freeholders rights and, as it was necessary to saw up the Timber, to place the Timber upon the most convenient places in the Forest as could be found for that purpose. The Official Verderer in reply had pointed out that the wastes of the Forest were subject to the Commoners' rights thereover and if it was required to use these wastes something should be paid to the Representatives of the Commoners both as compensation and as an acknowledgment of their rights. That M^r Culley had rejoined that it was purely a question of sufficiency of the Pasturage for Commoners of the New Forest and that so long as the Verderers licensed Non-Commoners' Cattle to depasture in the Forest so long they could not raise the question of sufficiency. That he the Official Verderer pointed that this in his opinion was not the legal view. That the rights of the Commoners were over all the wastes of the Forest and were not limited to such and such a number of Beasts and was entirely independent of any question of sufficiency of pasture at any given date.

The Official Verderer stated to the Court that in his view it would have been better to have demanded compensation before issuing Summonses against Messrs Longley & Sons & M^r Orman and he suggested a letter should be written to M^r Culley demanding compensation. The Court adopted this suggestion and the Official Verderer undertook to settle the letter and see that it was duly despatched.

The Clerk brought up a Report upon the recent encroachment at Rhinefield and it was ordered to stand over.

On the application of the Clerk sanction was given to him to purchase all the parts of the Ordnance Maps of the New Forest 6 inch scale which he had not got and have them mounted in a most convenient way for the use of the Verderers.

[p.202]

The Clerk reported that the Crown Lands Bill was not yet printed, and that he had arranged with M^r Jeffreys. M.P. for Basingstoke Division to block the second reading of the Bill until it was printed and circulated.

The Clerk brought up and read the Clause which the Parliamentary Agents of the West Hampshire Water Bill had agreed to insert in the Bill to protect the Verderers' Rights.

M^r Eyre suggested that an alteration should be made by substituting the words "the Verderers of the New Forest in their Court assembled" for the words "the Verderers of the Forest or any three of them". The Clerk was directed to request that this substitution might be made in the Clause.

The Clerk read the following correspondence which had taken place with M^r Burrough Hill and produced the Plan of the property. It was resolved to sanction the works upon M^r Burrough Hill agreeing to make an annual payment to the Verderers of Five shillings by way of acknowledgment of the Commoners Rights.

(copy correspondence)

Clerk's Office, Romsey.
16th February, 1893.

Dear Sir,

I am directed by the Official Verderer the Right Hon: Evelyn Ashley to write to you relative to certain works which are being carried out it is understood by your order on the open Forest adjoining the Lyndhurst and Southampton Road near Lyndhurst.

The Agister reports that a Drain has been filled in there and that it is proposed to make a Road over a portion of the open Forest to certain Land which it is understood you are about to lay out for building [p.203] purposes. I am directed to point out to you that before you undertook any works affecting the open Forest the leave of the Verderers should have been obtained. I am therefore to request that the work may be discontinued and nothing further done until Plans and Particulars of the proposed works have been submitted to the Verderers and their approval (on such terms as they may think expedient) obtained.

I shall be at Southampton tomorrow afternoon and at your disposal at 3 o'clock if you wish to see me and will wire with an appointment I am to add that should the works be proceeded with after this notice the Verderers may be forced to take steps to stop them.

I am, Dear Sir,
Yours faithfully

W. Burrow Hill, Esq.

G.F.W. Mortimer.

Clerk's Office, Romsey
18th February 1893.

Dear Sir,

Referring to our interview of yesterday herewith I forward a copy of my letter to the Official Verderer and a copy of the Official Verderers letter received this morning in reply. On a receipt of a communication from you complying with his requirements you will be at liberty to act upon his letter.

Yours faithfully

Wm. Burrough Hill Esq.

G. F. W. Mortimer.

62 Above Bar, Southampton.
18th February 1893.

Dear Sir

"Crown Wastes" Lyndhurst

I must first of all thank you for your great [p.204] promptitude in this small matter; but I was quite under the impression that in obtaining the assent of the Crown in connection with Roadway over waste I had done and obtained all that was necessary however relying on your Statement that the Verderers have the power which you have put forward on their behalf I am quite "willing to agree to a reasonable quit rent or corresponding compensation as referred to in the Rt. Hon: Evelyn Ashley's letter to you of this day's date.

Yours faithfully

G.F.W. Mortimer Esq.

William Burrough Hill.

Clerk's Office, Romsey.
19 Feby. 1893.

Dear Sir

I have communicated your letter to the Official Verderer. You are now at liberty to act upon the terms of his letter of which I forwarded a copy to you.

Yours faithfully

Wm. Burrough Hill. Esq.

G.F.W. Mortimer.

The Clerk read the following correspondence with M^r Wilkinson and his Solicitors and it was resolved to sanction the works upon M^r Wilkinson agreeing to make an annual payment to the Verderers of five shillings by way of acknowledgment of the Commoners' rights.

(copy same)

Observer Chambers

G.F.W. Mortimer Esq.

Bournemouth. 25th Feb, 1893.

Sir,

We are instructed by M^r Hugh Wilkinson of Oak House, Brockenhurst Hants to make application on his behalf, to the Verderers of the New Forest for their consent to his continuing the Road which is in course of construction in the field N^o. 112 upon the enclosed Plan [p.205] for a short distance across the waste of the Forest as indicated upon the Plan by dotted lines and by the letters "A & B". It will be seen that M^r Wilkinson's object is to effect a junction between the road in his field with that leading from Brockenhurst to Rhinefield. The reason for his making this request is, that Houses are about to be erected upon the property marked 152 on the Enclosed Tracing.

We shall be much obliged if you will kindly bring this application before the Verderers at their next Court and we trust they will receive it favourably. We should point out that there is already a Gate and Cart track from the Field N^o. 112 out into the Road.

We have the honor to be,

Sir,

Yours obediently

Preston & Francis.

P.S. A similar application to this is before the Commissioners of H.M's Woods Forests and Land Revenues.

P. & F.

Clerk's Office, Romsey.
27th February 1893.

Dear Sirs,

Your communication and Plan shall be submitted to the Verderers at their next Court of Swainmote to be held on the 13th March next.

Yours faithfully

Mess^{rs} Preston & Francis

G.F.W. Mortimer

[p.206]

Oak House. Brockenhurst.
3, March 93.

Dear Sir,

Pending the decision of the Court of Verderers upon my application for leave to make a road of about 25 yards in length across the strip of waste from my property to the "Ober" road I have, both in your interest and my own, laid down a temporary crust of heather and gravel, so as to allow my carts to pull across without causing injury to the waste by cutting through the soft and spongy soil. I hope in doing this I have not been guilty of any impropriety. In the event of my application being refused I of course undertake to at once remove the gravel I have placed upon the waste.

I am, Dear Sir,
Yours very faithfully
Hugh Wilkinson

G.F.W. Mortimer Esq.

The Agisters attended and paid over the following sums for marking Commoners' Cattle:—

Every	£8.15.
Chandler	1.18
Newbolt	1. 3. 6

and for Pannage

Chandler	7/4
Every	3/4

Cheques were ordered to be drawn for the following Accounts.

Bennett Bros.	£2. 7. 8.
W.H. Davis	4. 4.

This terminated the business of the Court.

[signed] *E. Ashley*

[p.207] At a Court of Swainmote and Attachment held at the Verderers' Hall in the Queen's House Lyndhurst on Monday the 8th day of May 1893.

Present

The Right Hon: Evelyn Ashley, Official Verderer.
George Edward Briscoe Eyre Esquire }
Francis Frederick Lovell Esquire } Verderers
John Jeffreys Esquire }

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

The Minutes of the last Court were read and confirmed.

Letters from Col: Esdaile, M^f Roy and a Telegram from M^f Meyrick excusing their absence were read.

Charles Evemy }
 }
 ___ v ___ } Adjourned Case from last Court of Swainmote.
 }
Job Phillips }

Defendant addressed the Court and produced his receipt for rent paid for Land having Forest Rights. The Court remitted the Fine of £1 imposed upon the Defendant at the last Court on condition that he agreed to pay the costs of the Summons 10/6 as they considered [p.208] that he had misled the Agister and the whole trouble was caused by his not stating when asked that he was renting Land with Rights viz. P^t N^o 1029 on the Register, of Henry Taylor. The Defendant duly paid the costs accordingly.

The Hon: Gerald Lascelles made application to the Court for the appointment of 16 Forest Keepers and Under Keepers as Special Constables in pursuance of 1 & 2 Will. IV Cap. 41. for the purpose of detecting and apprehending if possible the offenders who committed felonious Acts in the New Forest and he made the necessary deposition in accordance with the Act, as follows:—

(copy same)

New Forest }
in the } I Gerald William Lascelles of Lyndhurst in the New Forest in the County of
County of } Southampton Deputy Surveyor of the said New Forest upon my oath say:—
Southampton }

That on the 27th day of March the 7th and 9th days of April the night of the 9th day of April and the 15th day of April 1893 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 [p.209]
of Her said Majesty within the said New Forest

Sworn by the said Gerald William Lascelles before }
us at a Court of Swainmote and Attachment holden }
at Lyndhurst in the County of Southampton this 8th } (Signed) Gerald W. Lascelles
day of May 1893. }
}

Evelyn Ashley
Official Verderer
G.E. Briscoe Eyre
John Jeffreys

The Court thereupon directed the following Forest Officers to be sworn in in the Form prescribed by 1 & 2 Wm. IV C.41 as Special Constables to act within the limits of the New Forest for 12 months next ensuing and they were sworn accordingly:-

1. George Bumstead. Ashley Lodge. Fordingbridge. Keeper.
2. Frank Harrington. Minstead. Lyndhurst. Underkeeper
3. Harry Coles. Holly Hatch Cottage. Broomy Township. Ringwood Underkeeper
4. Arthur Parnell. Fritham. Lyndhurst. Underkeeper.
5. Charles Hurst. Ironshill Lodge. Lyndhurst Keeper
6. George Gale Church Place Cottage. Totton. Underkeeper.
7. John Slightam. Wilverley Lodge. Wootton Lymington. Keeper
8. Samuel Gulliver. Burley Ringwood Underkeeper.
9. Charles Bessant. Denny Lodge. Keeper.
10. James Blake. New Copse Cottage. Brockenhurst. Underkeeper
11. Francis Lane. Boldrewood. Lyndhurst. Keeper.
12. John Thorn. Fritham. Lyndhurst. Underkeeper.
13. Charles Croucher. Holmsley. Ringwood. Underkeeper.
14. Arthur Brooks. Kings Hat Cottage, near Beaulieu. Underkeeper.
15. Henry Gulliver. Aldridge Hill Cottage. Rhinefield Township Underkeeper
16. Charles Webb. Norley Wood. Boldre Parish. Underkeeper

[p.210]

The Clerk was directed to give the necessary Notices to the Home Office and Lord Lieutenant of the County of their appointment.

M^r Lovell addressed the Court on the recent Pony Show at Lyndhurst and handed in the Verderers' Reports and a copy of the Judges' Report which were ordered to be entered on the Minutes.

(copy same)

[printed paper]

THE VERDERERS appointed to pass Stallions for the Season 1893, beg to lay before the Court their Report of the Pony show held at Lyndhurst, and of those held at Beaulieu, Burley, and Fritham, and they have to thank the Court for giving them the services of a Veterinary Surgeon, Mr GOODALL, who was a very valuable assistant to them at the General Show and other Shows.

CLASS I. – Showed an improvement on past years. Several very good Ponies were shewn.

Class II. – Some of the Ponies were very good, some very inferior. As a whole this class was not so good as that of last year, while it offers too limited a supply for the service of future years.

Ponies Nos.75, Lords A. & L. Cecil }

79, do. do. } were extremely clever.

82, Mr. Jones, of Bank, Lyndhurst, showed a very clever Pony by Sprig of Shillelagh.

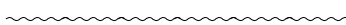
92, Mr. A. Peckham, of Minstead, a good Pony.

We are all under the deepest obligations to Lords A. & L. Cecil for lending 4 extremely clever Ponies to run loose in the Forest, – it is impossible to over estimate this very valuable, and very kind assistance to our Stud.

The supplement enclosed completes our statement, and we beg to call your utmost attention to the remarks in it.

F. F. LOVELL,

GEORGE A. E. T. G. MEYRICK.



Supplement to Report of Judges as to Ponies and Pony Show, May 4th, 1893.



As the General Show and the three Local Shows have now been held, the Verderers are able to report as to the prospects for the coming year.

At the General Show 38 Ponies of 4-years-old and upwards (that is of mature age) were passed. 18 3-year-old Colts, and 22 2-year old Colts were also passed.

At the Local Shows there were passed, at

Beaulieu { 2 4-years old and upwards.
 { 1 3-years-old.
 { 7 2-years-old.

Burley { 2 4-years-old.
 { 1 2-years-old.

Fritham { 2 4-years-old and upwards.
 { 2 3-years-old.
 { 2 2-years-old.

Shewing a total, at the Local Shows, of 19, made up as follows:– 6 4-years-old and upwards, 3 3-years-old, and 10 2-years-old, and making a Grand Total, at General and Local Shows, of

{ 44 4-years-old and upwards }
{ 21 3 ” ” } 97.
{ 32 2 ” ” }

[p.211]

This while it is held that the services of at least 100 Horses are required there are required there are only 44 matured animals available. As to the rest, very little can be expected of the 21 3-years-old; some, indeed, are in such poor condition as to be utterly unreliable.

Theo whole of the remainder are under 2-years-old; some of them are in a state of semi-starvation; the majority are in very low condition, and none of them reliable for present use for Stock purposes.

Purewell Cross,
Christchurch, Hants.
4th May, 1893.

Sir,

Agreeably to your request, I return you herewith the copy of the report you were good enough to submit to me for revision, which I hope you will find expresses clearly and concisely an idea of the prospects of the coming year so far as they may be judged by the results of the recent Shows.

In the interest of the Commoners and of all who would like to encourage the propagation of a *hardy* and *useful* breed of Ponies in the New Forest, the folly of breeding from immature, or not fully developed stock, cannot be too strongly impressed. It is impossible for an immature parent to beget healthy stock, *because he has not in him the elements of maturity*.

From my own observations of the recent Shows I should say that there is little to fear in this respect from the 2-yr.-olds, for, with the exception of some three or four, they were in such a backward state from poverty, that they will have quite enough to do to keep the park of life burning in themselves, without passing it on to others. This remark applies also to many of the 3-yr.-olds and to some of the older ponies, so that, I take it, you have but from thirty-five to forty ponies at all reliable as stock getters.

As the result of my Professional scrutiny of the Stallions at the Shows I rejected one for unsound feet, one for ring-bones, and one for bad curbs, and one two-years-old was entered as a three-years-old. Though so many of the Ponies were in backward condition, I think, on the whole, the promoters of the scheme for the improvement of the breed may congratulate themselves on a steady advancement since last year. Some *few* of the ponies show would hold their own in any company.

I beg to remain, Sir,

Yours obediently

THOS. B. GOODALL, F.R.C.V.S.

To,

F. Lovell, Esq.

~~~~~

Stallion Pony Show held at Lyndhurst on Friday, April 28th, 1893.

—:—

### REPORT OF THE JUDGES.

*Class I.* 54 Ponies appeared before the Judges to compete for the 35 Premiums of £2  
*3-years-old* each offered by the Association, and in addition the 3 Special Prizes offered  
*and upwards.* by The Hon. John Scott Montagu, for the three best Ponies in the Class.

The Judges consider the Class a good one, and an improvement upon former years.

The average size of the Ponies is increased and the quality improved, though in this latter respect there is still considerable room for improvement in many cases.

The condition of some of the exhibits was very bad indeed, due, no doubt, to shortness of keep during the winter and spring.

[p.212]

The winners of the three Special Prizes were animals of merit and well deserved their honours.

*Class II* In this Class 21 ponies faced the Judges to compete for the 15 Premiums of 2-years-old £1. 10s. each offered by the Society, and for the 2 Special Prizes of £1. each given by the Hon. John Scott Montagu.

In this Class there were a few good Ponies, but generally the Class was a poor one, many of the exhibits having evidently suffered greatly from want of food in the winter and spring, and consequently being dwarfed in size and in miserable condition.

The two-years-old would naturally suffer more from these conditions than would older animals.

The 2 Special Prizes were awarded to Nos. 79 and 82, the property respectively of Lord A. Cecil and Mr. W. Jones, of Bank, Lyndhurst, two very good Ponies indeed. Lord A. Cecil declining to take the prize it was awarded to the next best animal No. 92, the property of Mr. A. Peckham, of Minstead.

(Signed) J. P. BAIRD  
HENRY C. TALBOT.

The Judges took it to be their duty to award all of the premiums offered by the Society, viz.— 35 in Class I and 15 in Class II, to the 35 and 15 best Ponies in either Class: though in both Classes some of the premium takers were not of great merit. The Judges considering the purpose of these premiums to be to prevail upon the Pony Breeders to retain entire for service in the Forest their best Colts, and the supply of Stallions being hardly sufficient for the requirements of the Forest did not deem it advisable to recommend the withholding of any of the premiums for want of sufficient merit.

If the Judges might be allowed to offer a suggestion it would appear to them that the system of giving a number of equal premiums of £2. may not offer a sufficiently great incentive to the Breeders to keep their *best* Colts for service in the Forest, nor, as shewn by the condition of a great many of the Ponies exhibited (especially in Class II) to give them sufficient food in winter to keep them in a growing state.

The Judges would respectfully suggest the possibility, if the funds would admit of it, giving two classes of premiums in each division, say of £3. and £1. 10. 0. in Class I, and of £2. and £1. in Class II, with the view of more adequately rewarding the Exhibitors of the Best Ponies in a proper state of condition to meet their season's work, and yet subsidizing about the same number of animals as at present.

(Signed) J. P. BAIRD,  
HENRY C. TALBOT.

[p.213]

The Clerk being directed to get them printed for circulation.

Harry Phillips addressed the Court relative to the refusal of the Verderers to pass two Stallions one N<sup>o</sup>36 in Catalogue belonging to Mr C. Kitcher and the other N<sup>o</sup>30 belonging to Levi Gray and urged that as Stallions were so scarce at Pillely these two should be allowed to go out in that District.

The Court refused to interfere with the Verderers' decision founded upon their Veterinary Inspector's Report.

At the request of Col: Powell the Court fixed the 1<sup>st</sup> June as the last day for turning Stallions into the Forest so far as the Verderers were concerned.

On the application of M<sup>r</sup> Blethwayt the Honorary Secretary of the Association for the improvement of the breed of New Forest Ponies.

It was Resolved to pay £1.1.0 from the Verderers' Funds towards the expenses of the Veterinary Inspector (M<sup>r</sup> Goddall F.R.C.V.S.) for inspecting the Ponies at the recent Show, but not to entertain that part of the application which asked for payment of half the cost of the Ring.

The Clerk read the following letter from M<sup>r</sup> W. Frank Perkins Hon: Secy: of Local Committee of Royal Counties Agricultural Society.

(copy same)

Southampton. 4. May. 1893.

Dear Sir,

I am instructed by the Local Committee to ask you to bring to the notice of the New Forest Verderers that we have voted a sum of Twenty Pounds to be offered in Prizes for New Forest Ponies shown at the forthcoming Meeting: and that in view [p.214] of the many demands upon our available Funds, we should be greatly obliged if the Verderers would vote us a contribution towards this special Prize Fund. Perhaps if in their corporate capacity the Verderers are unable or unwilling to vote us anything, some of them who have not already contributed to our local Fund may as individuals be induced to send us a subscription.

I am, Sir,

Yours very Truly

W. Frank Perkins

Hon: Sec:

G.F.W. Mortimer Esq.

It was resolved that the Clerk reply thereto stating that the Court have no Funds available for the purpose referred to therein.

M<sup>r</sup> Lovell called the attention of the Court to the state of Ober Bridge near Fletcher's Thorns repaired in 1889 by the Verderers under the supervision of M<sup>r</sup> Roberts at the cost of about £60. He stated that so much gravel had been taken from the River that the concrete abutments thereof were undermined and had no footings.

The Agister Newbolt called the attention of the Court to the state of the Bridge at the top of Allum Green, there being a large hole in one of the covering planks thereof which was dangerous to Horses and Cattle passing over it.

The Agister Chandler reported that the Cart Bridge near Samber's Cottage and Bridge over the Weirs at Brockenhurst required attention.

The Court referred these matters to the consideration of their Bridges and Drains Committee, Directing the Clerk to report the danger in the case of the Ober Bridge forthwith to the Deputy Surveyor.

(copy correspondence)

[p.215]

Clerk's Office. Romsey.  
8<sup>th</sup> May 1893

Dear Sir,

I am directed to call your attention to the dangerous state of the Ober Bridge over the River near Fletcher's Thorns. This Bridge was renewed in 1889 under the kind supervision of M<sup>r</sup> Roberts, but owing to the gravel that has been taken out of the River above and especially below the Bridge for repairs to the Road, the bed of the River has been so interfered with that the concrete abutments put to the Bridge by order of the Court of the 22<sup>nd</sup> July 1889 in consequence of your suggestions have now no footings at all to rest upon, and if rains come it is feared that the Bridge will be destroyed, and very serious consequences result. I am to request you to have this attended to at once, and to take the necessary steps to prevent the probable destruction of the Bridge should the rains come.

Yours faithfully

The Hon: Gerald Lascelles.

G.F.W. Mortimer

Queen's House, Lyndhurst.  
10/5/93.

Dear Sir,

In reply to your letter of the 8<sup>th</sup> which was I presume written by direction of the Official Verderer, I beg to say that as it would seem probable that he was not in full possession of the facts governing the case you refer to, I would remind you for his information that the Bridge mentioned is one of those erected out of the money of the "Tilery & Drainage Fund" established about the year 1848. That this fund was broken up in the year 1879 at the instance of the present Court of Verderers [p.216] That the capital of the fund was then paid over by the Land Revenue and that from that time no funds existed which were applicable to the maintenance of the existing works, which had up to that time been maintained out of the revenue of the fund thus terminated. That for some years the Verderers in consideration of having obtained a moiety of the fund, did maintain the existing works which were for the benefit of the Commoners alone, though no doubt the public suffer inconvenience in some cases by the neglect of their proper repair. That for some time past the Verderers have declined to continue to keep these works in order, and consequently the arrangement under which they had permission from the Crown to do so was terminated. There are many bridges and drains part of the system abandoned by the Verderers which are in far worse order than the one referred to, and some are impassable; But I am not prepared to say that the Crown is willing, to be saddled with the burden of the maintenance of this system of drainage, or that if the Verderers do not desire to continue it, the Commoners will not have to suffer from the decay thereof. At any rate I am not prepared to incur any expense with regard to any of these drains or bridges without receiving special instructions. As regards the particular bridge referred to I cannot tell whence the Verderers obtained their information on matters of this kind, but it is a fact and a recent inspection confirms what I say, that no gravel digging that could interfere in the least with the bridge has taken place. All that has been done is to clear the centre arch [p.217] of the bridge from a shoal of gravel drifted down by floods, so as to relieve the sides from wash, a most necessary precaution. If the bed of the stream had been "interfered with" obviously the piers of the bridge must have shifted or been affected but nothing of the sort is apparent. If the abutments had "now no



footings at all” they must have fallen down long since. But these abutments (which form no part of the structure of the Bridge, and could be removed without affecting its stability) have foundations carried down 3.ft. 6.in. below the level of the Stream! It is obvious that no gravel digging could affect them done in the bed of the Stream. However I can myself see nothing calling for attention of any special kind, but if the Verderers would desire to effect any repairs to this Bridge, I have no doubt that permission will be given to them to do so, on application in the proper quarter.

I am, Sir,

The Clerk to  
The Verderers New Forest.

Yours faithfully  
Gerald Lascelles.

Clerk's Office  
Romsey Hampshire  
11<sup>th</sup> May 1893.

Dear Sir,

The communication sent to you was forwarded by order of the Court. The Members of which are quite aware of the arrangements made for the division of the Dorchester Railway Fund and are well acquainted with the correspondence and Minutes on the subject to which you refer in your letter of yesterday's date. As to the 3<sup>rd</sup> paragraph I will submit your views to the Bridges & Drains [p.218] Committee to whom the subject has been referred I may say that I have not had the advantage of seeing this Bridge, and wrote to you from instructions given at the last Court which were deemed of so urgent a nature that I was ordered to write at once it being feared that in case of rain the Bridge might be carried away. I am not in a position therefore to answer your letter without further instructions.

Yours faithfully

The Hon. G. Lascelles.

G.F.W. Mortimer

Clerk's Office  
Romsey. Hampshire.  
7<sup>th</sup> June 1893.

Sir,

In reply to your letter of the 10<sup>th</sup> ulto: which owing to preparations for and absence at Camp has remained unanswered. I am directed to point out that Ober Cutting below Fletcher's Thorns is for about  $\frac{3}{4}$  of a mile quite straight and has a gravel subsoil. The gradient is very steep and the fall therefore rapid with heavy flooding in the winter the width of the Stream at the particular point being already doubled the water overflowing the Banks not unfrequently.

The Engineer who laid out the works having all this in view took care to place many cross baulks of Timber over the Stream to act as breaks to impede the flow of the water. All or nearly all of these baulks have gone and nature then found its own remedy by forming many shingle or gravel banks and dams to the flow of the water but these dams are removed nearly as soon as they are formed by Carts.

In 1889 the Verderers erected a new Bridge at considerable expense. The water now is very low [p.219] and the result of this work very visible. The abutments (proper) are protected on the upper side by two concrete wings put at your suggestion to prevent the water getting behind them. That one on the South side either never had any proper footings at all or the floods have undermined it

and it must soon be carried away. That on the North is erected on a baulk of Timber and has no footings sunk in the gravel bed of the Stream.

A bed of shingle or gravel had formed itself close above the Bridge about a foot deep – this has been removed and carted away and so endangered it further.

The Cutting was paid for from the Dorchester Railway Fund, it has been repaired and the new Bridge erected thereon by the Verderers, and any such interference by the Stream as mentioned must naturally affect the work.

The Verderers therefore can only look to those who have removed the Gravel, to accept the responsibility of their action & if the Bridge is injured thereby to repair or replace it in due course.

Yours faithfully

The Hon:

G.F.W. Mortimer

Gerald Lascelles.

Clerk to the Verderers

Queen's House

Lyndhurst 12/6/93.

Dear Sir,

I beg to acknowledge the receipt of your letter of the 7<sup>th</sup> Inst. containing a description of the Stream near Fletcher's Thorns, for which I thank you, but am very familiar with the locality.

I must demur to several of the Statements contained in your letter which are at variance with my knowledge of the Stream and observation of what work has been done there & its results, however [p.220] I will not go into that matter further than to remark that you seem to have been misinformed altogether.

In reply to your letter I beg to refer you again to my letter of the 10<sup>th</sup> ult. in which I explained the position of the Verderers & of the Crown as regards the works done out of the "Tilery & Drainage Fund" and repeat that if the Verderers desire to ensure the maintenance of this or any other Bridge made out of that fund, or to effect any present repairs to them, they should apply to M<sup>r</sup> Culley for his permission to do so. Unless they are prepared to take some such step I do not understand what they conceive to be their *locus standi* in the matter or why they should favor me with a correspondence on such matters.

I am,

Yours truly

G. F. Mortimer. Esq.

Gerald Lascelles.

The Clerk produced the Report of the Verderers present at a Meeting of Verderers in London on the 12<sup>th</sup> April last, as follows. It was ordered to be entered on the Minutes, as was the correspondence with M<sup>r</sup> Culley on the subject.

(copy same)

At a Meeting of the Verderers held at the office of Mess<sup>rs</sup> Rees and Frere. N<sup>o</sup> 13. Great George Street, Westminster London on the 12<sup>th</sup> day of April 1893.

Present

The Right Hon: Evelyn Ashley. Official Verderer  
Col: William Clement Drake Esdaile. Deputy Chairman.  
George Edward Briscoe Eyre Esquire  
Francis Frederick Lovell Esquire

The Official Verderer having given his reasons for calling the Meeting and introduced the Hon: John Scott [p.221] Montagu M.P. as being present at his request for the purposes of preliminary consultation proceeded to read the correspondence that had passed between him (thro' the Clerk) and Mr Culley on the subject of the Crown Lands Bill, as follows:—

(copy same)

23<sup>rd</sup> March 1893

Sir,

I am directed by the Right Honorable Eveleyn Ashley the Official Verderer and the Verderers of the New Forest to place the views of the Court of Verderers before you relative to the Crown Lands Bill as reintroduced by your Department into Parliament this year with certain alterations and extensions thereto, and especially as to certain clauses in such reintroduced Bill to which they feel compelled as the Guardians of the rights of the Commoners to take exception to —

The views of the Court of Verderers are as follows:—

1. That the words “or for the purposes of recreation or amusement” should not appear in clause 5. The Verderers observe that these words do not appear in the Report of 30 July 1890 of the Select Committee of the House of Commons on Crown Lands &c. to which you refer in your letter of the 22<sup>nd</sup> February 1892 addressed to the then Official Verderer (Lord Montagu) as a justification for your action in introducing the Crown Lands Bill of last year and the elasticity of the words quoted might lead to very extensive interference with the Commoners rights and to considerable enclosures of the wastes of the Forest.

2. That some limitation should be fixed as to the quantity of land which might under the said clause 5 be enclosed in any one place from the wastes of the Forest for any of the objects named in the Bill (omitting recreation and amusement) and that this should not exceed 50 acres — It does not appear possible to fix any limit for Roads and Tramways.

[p.222]

3. That a proviso should be inserted in the Bill by which any land is sold or leased by the Crown for any of the purposes named in the Bill the Commoners should be entitled to receive compensation in the same manner as they have obtained compensation in the case of lands sold or leased by your Department to Railways Waterworks or other works of a like nature.

Lastly — That with a view to enable this proviso to be carried into effect the clauses known as the Verderers clauses which have been embodied in the Railway Acts and other acts affecting the

wastes of the Forest (with some slight alterations or additions as may be necessary) should be inserted in the Crown Lands Bill.

The Court trusts these suggestions will be favourably considered by you and I am to add that all opposition on the part of the Verderers will be withdrawn if clauses embodying these provisions were accepted.

I have the honor to be,

Sir,

Your obedient Servant,

G. F. W Mortimer

Clerk to the Verderers

G. Culley Esq<sup>re</sup>  
Office of Woods

[p.223]

Office of Woods &c  
1 Whitehall Place S.W.  
30<sup>th</sup> March 1893

Sir,

I am directed by Mr Culley to acknowledge the receipt of your letter of the 28<sup>th</sup> inst. stating that you are directed by the Official Verderer and the Verderers of the New Forest to place the views of the Court of Verderers before him relative to the Crown Lands Bill now before Parliament. These views are then stated by you.

In reply I am to inform you that the Bill has not any special or exclusive reference to the New Forest and therefore no amendments or additions exclusively relating to that Forest would seem to be called for.

1. M<sup>r</sup> Culley is not disposed to omit the words "or for the purposes of recreation or amusement" from Clause 5 of the Bill as he considers that it is only reasonable and proper that the Crown should be empowered to grant privileges for recreation and amusement in its Royal Forests.

2. M<sup>r</sup> Culley has however no objection to insert words limiting the area to be dealt with in granting these and the other privileges mentioned in the Clause to fifty acres on each occasion, as he does not suppose that more than that will ever be wanted.

3. The Bill does not seek to authorize the Crown to sell any land in the Royal Forests and as it provides that any land leased for any of the purposes mentioned in Clause 5 is to be taken to be part of the total quantity which the Crown is entitled to enclose and hold in severalty freed from all rights of Common, the introduction of any clauses for compensating the Commoners in respect of such land would be inappropriate and unwarranted.

[p.224]

If therefore the Verderers of the New Forest seek to prevent the passing of the Bill unless "Verderers Clauses" are inserted in relation to the New Forest, M<sup>r</sup> Culley will have to advise the Government to introduce words excepting the New Forest from the operation of the Bill, as the provisions of the Bill generally are of too much importance to the Land Revenues of the Crown to be postponed.

I am, Sir,

Your obedient servant,

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

J. Russell Sowray

At the request of the Official Verderer the Hon: John Scott Montagu proceeded to explain the purport of the negotiations he had carried on with the Chancellor of the Exchequer and the Secretary to the Treasury as to the omission of certain parts of the Bill objected to by the Verderers and the addition of Clauses framed by them for the protection of the Commoners' Rights in the New Forest and payment of compensation to the Verderers upon any disturbance of such Rights under Clauses 5 & 8 of the Bill. He expressed himself favourable to giving the Crown the power sought to be acquired by Clause 5 of leasing lands in the Forest for the purposes of "Recreation and amusement" and explained his reasons for being favourable thereto. The Official Verderer replied pointing out the objections to the retention of these words in the Bill.

Mr Scott Montagu then proceeded to put forward the Claim of Lyndhurst Brockenhurst and other places in the Forest to be assisted thro' this Bill in acquiring Land for Sewage Gas Water & other works and urged that the Bill should be allowed to pass through the House for the reason of the benefit it would be to various places or towns in the Forest. Mr Rees at the request of the Official Verderer pointed out that there were in existence adequate means [p.225] provided by Parliament for obtaining lands for works of this nature namely under the Public Health Act 1875 and the Acts incorporated therewith by Private Bill or Provisional Order.

A long discussion took place in which the Verderers present all joined.

It was resolved that in face of M<sup>r</sup> Culley's distinct refusal to insert in the Bill Clauses for compensating the Commoners and the other Clauses required to be placed therein by the Verderers for the protection of the Commoners' Rights that the Verderers continue their opposition to the Bill leaving M<sup>r</sup> Culley to insert a Clause as he stated he should do exempting the New Forest from the operation of the Bill.

The Official Verderer was requested to have a letter prepared to M<sup>r</sup> Culley embodying these views and the Clerk was directed to write to M<sup>r</sup> Scott Montagu M<sup>r</sup> Jeffreys M.P. M<sup>r</sup> Beach M.P. asking them to block the Bill in the meantime.

M<sup>r</sup> Scott Montagu having been thanked by the Official Verderer for his attendance here retired.

The Official Verderer read the correspondence with M<sup>r</sup> Culley and M<sup>r</sup> Gorst relative to the Summonses issued against Mess<sup>rs</sup> Longman & Co and M<sup>r</sup> Orman for injuring Holmesley Lawn by cutting up Timber sold to them by the Crown thereon.

(copy same)

Clerk's Office.

Romsey Hampshire.

23<sup>rd</sup> March 1893.

Sir,

I am directed by the Right Hon: Evelyn Ashley the Official Verderer and Verderers of [p.226] the New Forest assembled in the Court of Swainmote and Attachment on the 13<sup>th</sup> instant to address you with reference to the damage done by Messrs Longley & Sons and M<sup>r</sup> Orman with their Sawing Machines and Timber to the feeding grounds at Holmesley Lawn in the New Forest whereby for some time and to a small degree permanently the pasture on that part of the Waste of the Forest has been destroyed.

The Court in view of the report made by the Official Verderer of his recent interview with you on the subject has instructed me to ask that directions should be given by the Office of Woods for payment of compensation for the damage done. This compensation was fixed by the Summonses

issued at the small sum of Two shillings and sixpence in each case, and the Court is therefore willing to accept this sum through inadequate to the injury sustained and so to terminate this matter.

On payment of the above sum the Court will direct the Summons above referred to to be withdrawn and will remit the costs thereof as its sole present desire is to secure that the rights of the Commoners should be considered.

I have the honor to be,

Sir,

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers.

George Culley Esq.  
Office of Woods

[p.227]

Copy

Office of Woods &c

1, Whitehall Place S.W.

30<sup>th</sup> March 1893

Sir,

New Forest

I am directed by M<sup>r</sup> Culley to acknowledge the receipt of your letter of the 23<sup>rd</sup> instance, on behalf of the Official Verderer of the New Forest, with reference to the alleged damage done by Mess<sup>rs</sup> Longley and Son and M<sup>r</sup> Orman with their sawing machines and timber to the feeding grounds at Holmesley Lawn in the New Forest, whereby (as alleged) for some time, and to a small degree permanently, the pasture on that part of the waste of the Forest has been destroyed.

You state that, in view of the report made by the Official Verderer of his recent interview with M<sup>r</sup> Culley on the subject, the Court has instructed you to ask that directions should be given by this Department for payment of compensation for damage done and that this compensation was fixed by the Summonses issued at the small sum of 2/6 in each case, and the Court is therefore willing to accept this sum, though inadequate to the injury sustained, and so to terminate the matter.

You further state that on payment of the above sum the Court will direct the Summons, above referred to, to be withdrawn and will remit the costs thereof, as its sole present desire is to secure that the rights of the Commoners should be considered.

In reply, I am to state that M<sup>r</sup> Culley cannot admit the claim or right, which has been made by the Verderers in the present instance, he must decline to authorize payment of the Verderers' claim for compensation and will have to take [p.228] such steps, as he may be advised to adopt in order to vindicate the Crown's rights as owner of the Forest.

Had any complaint been made to M<sup>r</sup> Culley that unnecessary damage was being committed by persons acting under the authority of the Crown, M<sup>r</sup> Culley would have made enquiries on the subject and would have endeavoured to put a stop to it, but he is not aware that what has been done has occasioned any such damage.

I am, Sir,

Your obedient servant,

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

J. Russell Sowray

The Clerk stated that he had that morning seen Counsel (M<sup>r</sup> Temple Cooke) who in consequence of his <the> Clerk's report on the damage done at Holmesley advised that the present Summonses be withdrawn and that fresh Summonses alleging further damage by digging Holes in the pasturage be issued against the Defendants.

The Verderers determined to issue fresh Summonses against the Defendants and directed the Clerk to see that this was done.

M<sup>r</sup> Temple Cooke to settle the Form of Summonses so (if possible) as to avoid the question of Trespass being raised thereon and thus to oust the plea of leave and license granted by the Crown being raised on the pleadings.

The question of fighting out the Case was ordered to stand over for the future consideration of the Court.

The Clerk was directed to inform M<sup>r</sup> Gorst the Sol<sup>r</sup> to the Office of Woods &c that the present Summonses would be withdrawn and fresh ones issued for Trial at the next Court of Swainmote.

This terminated the business of the Meeting.

[p.229]

The Official Verderer stated that he understood that since the receipt of the last letter from M<sup>r</sup> Culley the Commissioner had intimated that the New Forest would be excluded from the operation of the Crown Lands Bill.

It was resolved to send a reply to the said communication of M<sup>r</sup> Culley in the following terms.

Romsey. Hampshire  
18<sup>th</sup> April. 1893.

Sir,

I am directed by the Right Hon: Evelyn Ashley Official Verderer and the Verderers present at a meeting held on the 12<sup>th</sup> inst: to acknowledge the receipt of your communication of the 30<sup>th</sup> March 1893 in reply to the letter I had the honor to address to you by order of the Court on the 28<sup>th</sup> March last relative to the Crown Lands Bill now before Parliament.

With reference to your statement that you are not disposed to omit the words "for the purposes of recreation or amusement" from Clause 5 of the Bill as you consider that it is only reasonable and proper that the Crown should be empowered to grant privileges for recreation & amusement in its Royal Forests, the Verderers would observe (in addition to their former remarks in their communication of the 28<sup>th</sup> March) that the proposed power of leasing does not seem to be necessary in order that the Crown should be impowered to grant such privileges in its Royal Forests.

A Power of giving annual licenses would be sufficient for the purposes named.

The Verderers note that you consider that the introduction of any clauses for compensating the Commoners in respect of lands which may be compulsorily taken for the purposes named in section 5 and section 8 of Bill would be inappropriate and unwarranted and that you conclude by saying that if the Verderers of the New Forest seek to prevent the passing of the Bill unless Verderers clauses are inserted in relation to the New Forest you will advise the [p.230] Government to introduce words excepting the New Forest from the operation of the Bill.

In view of this definite refusal to introduce any clauses into the Crown Lands Bill for compensating the Commoners in respect of lands to be taken under the provisions of the Bill the

Verderers are of opinion that they cannot withdraw from the position they have taken up in the interests of the Commoners of the New Forest.

Parliament has ever recognized the New Forest as standing in an exceptional position and consequently legislation dealing with it has for a long series of years been by separate enactment. The Verderers as the constituted authority in the Forest by the New Forest Act of 1877 desire that this course should, as a general rule, be followed, although they might be disposed to waive this preliminary objection in this instance were the interests of which they are the Guardians fairly recognized and properly safeguarded.

Whether as individuals or as a Court the Verderers yield to no one in the earnest desire to promote “the recreation and amusement” afforded to the Public by the open Forest as their past action amply testifies. Indeed they venture to affirm that to the exertions of the Commoners whose interests the Verderers represent it is alone due that the Public still do enjoy the privileges afforded by an open Forest.

Again the Verderers claim to have at heart equally with the Office of Woods the local advantages mentioned in the 5<sup>th</sup> and 8<sup>th</sup> clauses of the Bill but Parliament has provided adequate means by which Promoters of public works of utility can obtain Land for the purposes of their Undertakings under the Public Health Act 1875 and the Acts incorporated therewith [p.231] and by private Bill or provisional order.

In any proceedings taken in pursuance of these regular methods as provided by Parliament in such cases the Verderers have the opportunity of insisting upon the Commoners being properly compensated in respect of any rights which are sought to be compulsorily acquired by the Promoters.

The Verderers must therefore leave you to advise the Government to introduce words into the Bill exempting the New Forest from its operation.

I am,

Sir,

Yours faithfully

G.F.W. Mortimer

George Culley Esq<sup>e</sup>

It was further decided upon M<sup>r</sup> H.L. W. Lawson’s motion on the second reading of the Crown Lands Bill – That this House is not prepared to assent to a Bill to enable to Commissioners of Her Majesty’s Woods Forests and Land Revenues to authorize the appropriation of parts of the New Forest and Dean Forest for the purposes involving enclosure or any restriction of the rights of the Commoners to request M<sup>r</sup> Jeffreys M.P. to make a statement of the Verderers’ position and to prepare and forward to him a concise statement thereof for his information and subsequent publication. A similar statement to be sent to M<sup>r</sup> Scott Montagu M.P.

The Clerk reported that the Parliamentary Agents of West Hampshire Bill had agreed if this Bill went on to insert [p.232] the Verderers’ clauses therein in the place of the present clause objected to by the Crown and that the Crown had threatened to stop the Bill unless the Company either struck out Lyndhurst from the District to be supplied or agreed to supply water to that Town within two years.



The Clerk produced and read the Case submitted to M<sup>r</sup> Temple Cooke re the Trespass by Mess<sup>rs</sup> Longley & Son and M<sup>r</sup> Orman at Holmesley, and a draft letter Counsel had prepared.

The Clerk also produced the Bill and Information filed against the Verderers by the Attorney General and the correspondence with M<sup>r</sup> Gorst the Solicitor to the Woods & Forests on the subject.

It was resolved to take at present no further action beyond entering a protest against the course pursued by the Crown as represented by the Office of Woods Forests &c and the Clerk was directed to write the following letter to M<sup>r</sup> Gorst

(copy letter)

Clerk's Office  
Romsey, Hampshire  
10<sup>th</sup> May 1893.

Dear Sir

Attorney General v Verderers & anor:

Re Longley & Son & Orman

I submitted the correspondence in this matter to the Official Verderer and Verderers present in their Court of Swainmote on the 8<sup>th</sup> instant. The Verderers are still of opinion that they, as representing the Commoners, are entitled to receive compensation in respect of the injury done to their rights of Common over the wastes of the Forest. But as the injury actually done [p.233] is so small they do not in view of the hostile position taken up by the Commissioner of Woods Forests &c consider it worth while proceeding further in the matter and so spending their limited funds in litigation. They therefore content themselves with a formal record of Protest against the attitude assumed by the Commissioner.

I am, Dear Sir,

Yours faithfully

Thomas Gorst Esq.

G.F.W. Mortimer

On the question of fighting the Bill and Information – The Clerk was directed not to enter an appearance to the Bill and Information or take any additional steps in the matter without further orders.

It was resolved that the Agisters keep a Diary in the future the Form to be settled by M<sup>r</sup> Jeffreys.

The Agisters attended and paid over the following sums:–

|                   |          |
|-------------------|----------|
| C. Newbolt . . .  | £ 5. 2.  |
| C. Evemy . . .    | 18. 15.  |
| A. Chandler . . . | 25. 4. 6 |
| J. Moody . . .    | 8. 5. 6  |

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

(copy same)

[p.234]

| 1893    |                                                                                            |    | £   | s | D  | 1893                               |                                        |     | £  | s | D |
|---------|--------------------------------------------------------------------------------------------|----|-----|---|----|------------------------------------|----------------------------------------|-----|----|---|---|
| Jan 16  | By Balance from last Account                                                               |    | 153 | 8 | 6  | Jan 26                             | To Cash paid Clerk Agisters' Ratages } |     |    |   |   |
| Mar 14  | " Cash received from Agisters at Court for marking Commoners' Cattle                       |    |     |   |    |                                    | for 1892 }                             | 4   | 12 | 2 |   |
|         | Evemy 8. 15.                                                                               |    |     |   |    |                                    | " " " "out of pockets."                | 14  | 16 | 2 |   |
|         | Chandler 1. 18.                                                                            |    |     |   |    | Mar. 13                            | " " Bennett Bros. for printing         | 2   | 7  | 8 |   |
|         | Newbolt 1. 3. 6.                                                                           | 11 | 16  | 6 | 20 | " " W.H. Davis Auditors' Fee &c    | 4                                      | 4   |    |   |   |
|         | " " Pannage                                                                                |    |     |   |    | " Clerk's ¼ salary due Lady Day    | 37                                     | 10  |    |   |   |
|         | Chandler 7. 4.                                                                             |    |     |   |    | " " " Four Agisters D <sup>o</sup> |                                        |     |    |   |   |
|         | Evemy 3. 4.                                                                                |    | 10  | 8 |    | Charles Newbolt 17. 10             |                                        |     |    |   |   |
|         | " cash received from Agister }                                                             |    |     |   |    | Charles Evemy 17. 10               |                                        |     |    |   |   |
|         | Chandler being Fee paid by }                                                               |    | 10  |   |    | Alfred Chandler 17. 10             |                                        |     |    |   |   |
|         | Lunn for Pony impounded }                                                                  |    |     |   |    | John Moody 17. 10                  | 70                                     |     |    |   |   |
|         | " cash received for Licenses from Non-Commrs: to this time                                 |    |     |   |    |                                    |                                        |     |    |   |   |
|         | Licenses 3. 10.                                                                            |    |     |   |    |                                    |                                        |     |    |   |   |
|         | Head Money 8. 12. 6.                                                                       |    |     |   |    |                                    |                                        |     |    |   |   |
|         | Marking fees 3. 17. 0.                                                                     | 15 | 19  | 6 |    |                                    |                                        |     |    |   |   |
| 18      | " acknowledgment of M <sup>r</sup> W. }                                                    |    |     |   |    |                                    |                                        |     |    |   |   |
|         | Burrough Hill }                                                                            |    |     | 5 |    |                                    |                                        |     |    |   |   |
| Apl. 6. | " Dividend on £3684 <sup>18</sup> / <sub>4</sub> . 2 <sup>3</sup> / <sub>4</sub> % Consols | 24 | 14  |   |    |                                    |                                        |     |    |   |   |
| 7       | " acknowledgment (2 <sup>d</sup> ) of M <sup>r</sup> H. }                                  |    |     |   |    |                                    |                                        |     |    |   |   |
|         | Wilkinson }                                                                                |    |     | 5 |    |                                    |                                        |     |    |   |   |
|         |                                                                                            | £  | 207 | 9 | 2  | Balance                            |                                        | 73  | 19 | 2 |   |
|         |                                                                                            |    |     |   |    |                                    | £                                      | 207 | 9  | 2 |   |

This terminated the business of the Court.

[signed] *Evelyn Ashley*

[p.235] At a Court of Swainmote and Attachment held at the Verderers' Hall, Queen's House Lyndhurst on Monday the 31<sup>st</sup> day of July 1893.

---

Present.

The Right Hon: Evelyn Ashley. Official Verderer.  
Col: William Clement Drake Esdaile. Deputy Chairman  
George Edward Briscoe Eyre Esquire. }  
William Gascoigne Roy Esquire. }  
Francis Frederick Lovell Esquire. } Verderers  
George A.E.T.G. Meyrick Esquire. }  
John Jeffreys Esquire }

---

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

The Minutes of the last Meeting were read and confirmed.

The Deputy Chairman explained that the two Summonses against Harry Phillips and John Phillips had been brought to him for signature but as he had learned that these Defendants had appeared on the 16<sup>th</sup> instant to answer the Informations laid against them, they having received no notice of the postponement of the Court fixed for that date, He had declined to re-summons them to appear today. The Court upheld his decision and directed the Summonses to be dropped.

[p.236]

Alfred Chandler. }  
                              }   
\_\_\_\_ v. \_\_\_\_ } Defendants were charged that they on the 14<sup>th</sup> July 1893 at  
                              } Greenmoor in Lady Cross Walk in the New Forest did unlawfully  
  Levi Gray        } commit a breach of Bye Law N<sup>o</sup>2. in force in the New Forest.  
\_\_\_\_ and \_\_\_\_ }   
Harry Phillips }

Defendants pleaded not guilty.

George Ferris Whidborne Mortimer sworn, I am Clerk to the Verderers I was officially present at the Inspection of Stallions at Lyndhurst on the 28<sup>th</sup> April. The Pony referred to in the Summons was produced there by Levi Gray and inspected by M<sup>r</sup> Goodall on behalf of the Verderers. He refused to pass it and this Report was made to the two Verderers acting at the Show on behalf of the Court who thereon directed me to inform the Defendant Gray that the Pony would not be passed or marked or allowed to roam in the Forest. I at once saw Gray and so informed him and directed him to take the Pony away. I further directed the Agisters not to mark it.

Alfred Chandler, sworn:— I am an Agister of the New Forest for the Southern District. I received orders from last Witness that Defendant Gray's Pony was not to be marked for the Forest. On the 14<sup>th</sup> of July instant I saw the Pony in the Forest and saw Gray the same evening and told him that it was in the Forest. He said that he had hired it to Phillips and it must have got out. I told him I should report it on the following Wednesday. I saw it in the same part of the Forest and again on the 19<sup>th</sup> instant. I understood from Gray that the Horse was in Defendant's Phillips charge. Gray said

he agreed with Phillips to take the Horse and feed it, it was just in the “rough” and <got> out without his consent or knowledge.

Phillips said: – The Pony was just in the Rough which was well fenced but in a place the Bank was knocked down and the Horse got out under the Rails. It was now in M<sup>r</sup> [p.237] Pember’s Marsh at Lymington.

The Court dismissed the Case against Gray and remitted the Costs.

Phillips was fined 2/6 and costs 11/-.

Charles Newbolt }

v. } Defendant was charged that on the 25<sup>th</sup> July 1893 at Blackdown in the  
} New Forest not being one of the Commoners did allow Two Ponies  
} to depasture without having previously obtained a License for them.

John Low }

Defendant pleaded Guilty.

Fined 16/- and costs remitted. Defendant paid 10/- and was allowed until after Lyndhurst Fair in which to pay the balance.

Arthur Read of North Gate Beaulieu made application for a Summons against John Low for stealing his Jinny Donkey and Colt after he had stated the circumstances. The Court directed the Summons to issue.

Harry Phillips addressed the Court as to the want of Stallions in the district. M<sup>r</sup> Lovell said he went into the District himself and passed ten entire ponies there to run in that part of the Forest but he supposed that they would not stay. In reply to the Court Phillips admitted that ten ponies would be sufficient for the district if they would stop. The subject then dropped.

The Clerk produced and read the Draft Minutes of a Meeting of the Verderers which took place in London on the 5<sup>th</sup> July instant which he was ordered to enter upon the Minutes.

[p.238]

(copy same)

At a Meeting of the Verderers held at the residence of the Official Verderer 62 Lowndes Square London on the 5<sup>th</sup> day of July 1893.

---

Present

The Right Honorable Evelyn Ashley. Official Verderer  
Col: William Clement Drake Esdaile. Deputy Chairman  
George Edward Briscoe Eyre Esquire }  
William Gascoigne Roy Esquire } Verderers  
Francis Frederick Lovell Esquire }  
John Jeffreys Esquire }

---

The Official Verderer stated that he had had an interview with Lord Montagu relative to the West Hampshire Water Bill and proceeded to inform the Verderers of the purport thereof.

The Clerk thereupon produced a letter that he had received the night before from the Parliamentary agents Mess<sup>rs</sup> W & W.M. Bell in which they altered their position once more and which ran as follows.

(copy same)

27, Great George Street,  
Westminster. S.W.  
1<sup>st</sup> July 1893.

Dear Sir,

West Hampshire Water

We propose to leave out M<sup>r</sup> Gorsts clause for extending the Leasing powers of the Commissioners of Woods under 10 Geo: IV and to confer no further powers as to leasing or otherwise on the Commissioners.

We quite admit that if the Bill conferred new powers on the Commissioners the objection to conferring similar powers on the Commissioners or Verderers would hardly be tenable but we do not propose to confer new powers upon any [p.239] party nor to interfere with the provisions of any public act.

The Water Co: may never want any land in the New Forest. They have no power to take any, but they are not precluded from acquiring by Agreement 2 or 3 acres from any one able and willing to sell or lease it to them. In that case the Commoners rights in over or upon the 2 or 3 acres must be compensated for, and a short clause to secure compensation and pay it to the Verderers is all we propose to insert.

Yours truly  
W & W.M. Bell

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

In view of this communication the Clerk was directed to write and ask for a copy of the proposed amended clause for the approval of the Verderers and the matter was ordered to stand over until this was obtained.

The Official Verderer then introduced the subject of the Crown Lands Bill.

M<sup>r</sup> Jeffreys stated that he had received information that the Office of Woods Forests &c were willing to exempt the New Forest from the operation of Clause 5 of the Bill if the Verderers would assent to the passing of clause 8 of the Bill.

After full consideration – It was resolved that the Verderers would assent to this course subject to their receiving in behalf of the Commoners compensation for any lands sold under the operation of the clause such compensation to be based upon and estimated under the Lands Clauses Consolidation Act and the Verderers clause or clauses dealing with the compensation under that Act to be inserted in the Bill for this purpose.

Failing this arrangement that the Bill be opposed so far as it seeks to deal with Land in the New Forest.

[p.240]

The Official Verderer next explained the position of the Information of The Attorney General v The Verderers and Mortimer and produced the Interrogatories and the Clerks draft replies thereto.

It was resolved that the action of the Official Verderer in ordering the Clerk to enter an appearance to the Information be confirmed and approved.

It was resolved that the Clerk send copies of the Interrogations and draft replies to the Verderers for their observations thereon.

It was resolved that M<sup>r</sup> Buckley be instructed to settle the replies in due course.

The Clerk reported that he had received a communication from Mess<sup>rs</sup> Rees & Frere the Parliamentary Agents that the Crown Lands Bill had been withdrawn. It was resolved that the thanks of the Court be tendered to M<sup>r</sup> Jeffreys M.P. for Basingstoke Division and to M<sup>r</sup> Scott Montagu M.P. for New Forest Division for their assistance in preventing the passing of this Bill without compensation being provided therein for the Commoners for injuries done to their rights of Common.

The Clerk reported that a Clause had been inserted in the West Hampshire Water Bill protecting the Commoners right in and over the wastes of the Forest and requiring compensation for any disturbance of the same. He read the Clause which was approved by the Court.

On the question of the position of the proceedings in the Information filed by the Attorney General against the Verderers and their Clerk. The Clerk stated that M<sup>r</sup> Eyre and he had attended a conference with M<sup>r</sup> Buckley upon the Interrogatories administered on behalf of the Crown and M<sup>r</sup> Eyre explained M<sup>r</sup> Buckley's opinion to the Court and The Clerk called the attention of the Court to the short time given by M<sup>r</sup> Gorst to answer the Interrogatories.

Col: Esdaile addressed the Court on the subject and called [p.241] attention to the clause 5 of the Act of 9 and 10 William the III (1698.) as to the Verderers having the authority to assign places for Charcoal burning and argued that they should have the same power assigned to them to prevent Steam Sawing Machines injuring the pasturage of the Forest.

A further discussion was raised as to the Crowns claim to possess Forestal rights paramount to the Commoners rights.

It was resolved to write M<sup>r</sup> Gorst as follows

Romsey Hampshire  
2<sup>nd</sup> August 1893.

Dear Sir,

I am directed by the Official Verderer and Verderers present at a Court of Swainmote held at the Verderers Hall Queens House Lyndhurst on the 31<sup>st</sup> ulto: to address to you this communication with reference to the Information filed against them by Her Majestys Attorney General and to the Interrogatories served upon them and their Clerk under cover of this process of law now almost obsolete.

The Verderers consider these proceedings unnecessary and vexatious since the Summonses against Mess<sup>rs</sup> Longley & Son and M<sup>r</sup> Orman were abandoned of which fact you had notice long before the Information filed by the Attorney General was amended, and the Interrogatories delivered.

The Verderers further consider that they have cause of complaint that they are called upon by these Interrogatories to furnish information which will take them personally some time to collect and that by the last of said Interrogatories they are required to set out a Schedule of Letters patent Deeds, Maps, surveys, books, paper writings documents &c in their possession relating to the matters in question and to trace the whereabouts of such as are not in their possession. This expensive and in their view unnecessary work is of such a nature that it must occupy their Clerk's time for most of the Long Vacation and yet he is expected to do it in ten days which is all the extra time you have agreed to give. The Verderers desire to point out that the papers in this unnecessary [p.242] litigation are still before Counsel and as the hearing of the Information in any event cannot come on until after the Long Vacation they consider it most oppressive to try and limit their time in this way.

The Verderers now ask for an extension of the time for answering Interrogatories until the end of this month at least and on the assumption that this request will be granted no further expense will be incurred in making application by summons for further time.

Yours faithfully

G.F.W. Mortimer

Clerk to the Verderers

Thomas.W. Gorst Esq<sup>re</sup>

It was further resolved to ask both Mr Jeffreys and Mr Scott Montagu to assist by moving in the House, For the production of the whole correspondence between the Office of Woods Forests &c and the Verderers of the New Forest relative to an application for compensation for injury done to the Commoner's Rights by the placing of Steam Sawing Machines and the conversion of Timber upon Holmsley Lawn in the New Forest and for the papers relative to the Information filed by Her Majesty's Attorney General against the Verderers and their Clerk in respect of proceedings originally taken against the persons committing such injury to the wastes of the Forest but subsequently abandoned by the Verderers.

M<sup>r</sup> Lovell requested that the further correspondence with the Deputy Surveyor as to Ober Bridge be entered on the Minutes and reported that the Deputy Surveyor had caused the wing of the Bridge notwithstanding his letter to be repaired.

The Clerk reported that the correspondence was already on the Minutes.

It was resolved That the Court having read M<sup>r</sup> Lascelles letter notes with satisfaction that as to that part which refers to the winging of the Bridge M<sup>r</sup> Lascelles has regarded the Verderers application and repaired the Bridge but that there still remained the other portion of the letter to be attended to.

[p.243]

The Agister Chandler handed in the following Report.

(copy same)

The Weirs

Brockenhurst

July 29<sup>th</sup> 1893.

I beg to report that the Bridge over the Warrexley cutting is in a very bad state of repair, several of the planks are broken and some of them are not nailed and the ends are raised up. The post which carries the guide rail is broken away. It is the first bridge above green meadow.

There are two cart bridges which cross the cutting at the Weirs Brockenhurst getting out of order for the want of gravel.

Your obedient Servant,  
A. Chandler  
Agister

The Clerk was directed to forward a copy to the Deputy Surveyor and state the Verderers would have the repairs done unless he objected to their so doing.

The Agister Newbolt reported that the Bridge at Emery Down had been repaired at a cost of Five shillings and that this sum had been remitted by the Clerk to him and paid over to the Contractor.

M<sup>r</sup> Jeffrey reported that a Bridge at Deer Leap required repair and the matter was referred to the Bridges and Drains Committee.

The Agister Newbolt reported that the Gravel Pit at Stoney Cross was dangerous to Animals depasturing near it. The Clerk was directed to write to the Deputy Surveyor and request him to take means by <sloping> it down to prevent any danger arising to animals.

The Clerk referred to the proposal to make a Road from Longbeech Enclosure through Oxnall to Broomy and Ellingham, which would be about  $2\frac{3}{4}$  miles across the Forest and must destroy a certain amount of pasturage. M<sup>r</sup> Eyre explained that the Road was an old Forest Highway and after a further [p.244] explanation by M<sup>r</sup> Roy It was resolved to note the matter upon the Minutes and that the Verderers seeing no objection to the proposed road are prepared to give their consent to its construction.

A discussion upon Finance took place and the Clerk was directed to see M<sup>r</sup> Peto and arrange a further statement of account with him. Also to have the Bill submitted to the New Forest Association taxed for payment.

M<sup>r</sup> Jeffrey brought forward his draft proposed Diary to be kept by the Agisters and the same was approved.

At the request of M<sup>r</sup> Jeffreys Leave of absence was given to him from the November January and March Courts of next year, He being about to sail for Australia. It being resolved that it is expedient that such Verderer shall not vacate his office through his absence.



The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes  
(copy same)

See next page 245

[p.245]

| 1893   |                                                                      | £  | s   | d  | 1893   |                                                                                            | £  | s   | d  |   |
|--------|----------------------------------------------------------------------|----|-----|----|--------|--------------------------------------------------------------------------------------------|----|-----|----|---|
| May 8  | By Balance from last Account                                         | 73 | 19  | 2  | May 10 | To paid Police fees in Cases                                                               |    |     |    |   |
| 9      | ” cash received from Agisters at Court for marking Commoner’s Cattle |    |     |    |        | Evemy v Longley 2 – 6                                                                      |    |     |    |   |
|        | Evemy 25 – 4 – 6                                                     |    |     |    |        | Same v Orman 2 – 6                                                                         |    |     |    |   |
|        | Chandler 18 – 15 –                                                   |    |     |    |        | Same v Phillips 2 – 6                                                                      |    | 7   | 6  |   |
|        | Moody 8 – 5 – 6                                                      |    |     |    | June 5 | To Cash paid M <sup>r</sup> Blathwayt half the } expenses of Vety’s attce at Pony } Show } | 1  | 1   | -  |   |
|        | Newbolt 5 – 2 –                                                      | 57 | 7   |    | 8      | ” ” ” M <sup>r</sup> Goodall Veterinary’s fees                                             | 4  | 14  | 6  |   |
|        | ” Cash received for licenses from Non-Commoners to this time viz:-   |    |     |    |        | ” ” ” John Pierce repairing } Bridge at Allum Green }                                      |    | 5   |    |   |
|        | Licenses 2 – 15 – 0                                                  |    |     |    | 24     | ” ” ” Clerks ¼s salary due today                                                           | 37 | 10  | -  |   |
| 10     | ” costs in case Evemy v Phillips                                     |    | 10  | 6  |        | Four Agisters D <sup>o</sup>                                                               |    |     |    |   |
| July 6 | ” Dividend on £3684 18/4 2¾% Consols                                 | 24 | 11  | 11 |        | Newbolt 17 – 10                                                                            |    |     |    |   |
| 28     | ” Cash received for Licenses from Non Commoners to this time viz:    |    |     |    |        | Evemy 17 – 10                                                                              |    |     |    |   |
|        | Licenses 1 – 12 – 6                                                  |    |     |    |        | Chandler 17 – 10                                                                           |    |     |    |   |
|        | Head Money 5 – 12 – 6                                                |    |     |    |        | Moody 17 – 10                                                                              | 70 | -   | -  |   |
|        | Marking fees 2 – 10 – 6                                              | 9  | 15  | 6  |        | Balance                                                                                    | 63 | 1   | 7  |   |
|        |                                                                      | £  | 176 | 19 | 7      |                                                                                            | £  | 176 | 19 | 7 |

The following Bills were ordered to be paid.

Edward Stamford     £5 – 10 – 6  
C. L. Lordan & Co     2 – 13 – 6

The Agisters being in attendance paid over the following sums for marking Commoners cattle.

Newbolt             £21 – 7 – 2  
Evemy                 24 – 14 – 0  
Chandler             43 – 3 – 6  
Moody                47 – 7 – 6

Pannage

Chandler             2 – 4  
Moody                1 – 4

[signed] *W. Clement D. Esdaile*  
(Chairman)

[p.246] At a Court of Swainmote and Attachment held at the Verderers Hall Queens House Lyndhurst on Monday the 20<sup>th</sup> day of November 1893.

---

---

Present

Lt. Col: William Clement Drake Esdaile – Deputy Chairman  
George Edward Briscoe Eyre Esquire }  
William Gascoigne Roy Esquire }  
Francis Frederick Lovell Esquire } Verderers  
George A.E.T.G. Meyrick Esquire }

---

---

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

The Minutes of the last Meeting were read and confirmed.

The Clerk read a communication from the Official Verderer informing the Court of the reason of his unavoidable absence.

John Moody } Defendant was charged for that he not being a Commoner of the New  
\_\_\_\_\_ v \_\_\_\_\_ } Forest on the 28<sup>th</sup> October 1893 did cause or allow one mare belonging  
} to him to depasture in the New Forest without first having obtained a  
Henry Shergold } License from the Verderers for the same so to do.

The Defendant pleaded Guilty and excused himself on the grounds of poverty. Fined 13/- and 7/- Costs and ordered to pay half the fine and costs at once and the balance in one months time.

M<sup>r</sup> Phillips of Beaulieu presented a Petition to the Court in favor of the application of the London & South Western Railway Company to acquire the Common rights over 1½ acres of land at Blackdown to make a Station there.

M<sup>r</sup> Burden addressed the Court as to the constant pounding of Animals [p.247] straying on the Highways within the Perambulation of the Forest and from the Forest on to the adjoining Highways and of the injury and loss sustained by Commoners in consequence. The Chairman explained the law on the subject to M<sup>r</sup> Burden and the other Verderers present having expressed their views M<sup>r</sup> Burden thanked them and retired.

The Verderers then proceeded to settle the Register of Commoners entitled to vote at an election of elective Verderers.

The following Claims were allowed and entered on the Register.

Guy William Knaves Ash Ringwood  
Smith The Rev<sup>d</sup> E.B. The Vicarage Hordle  
Street James Crowe Ringwood  
<Street Henry Blashford House Ringwood.>  
Trill James Upper Kingston Ringwood  
Warn James High Street Poole Dorset

Several names of deceased persons were struck off the list and the Register as altered was finally settled the Clerk being directed to have it copied and signed and circulated in the usual manner.

The Clerk read the following report as to the receipt of acknowledgements from the various Cricket, Golf and Tennis Clubs and others for the Commoners rights over the lands used or occupied by them respectively.

(Copy same)

Verderers New Forest

Clerk's Office,  
Romsey, Hampshire.  
20<sup>th</sup> November 1893.

To

The Official Verderer and Verderers of the New Forest.

Gentlemen,

I beg to report that I have this year received the following yearly acknowledgments payable to the Verderers by Commoners and others exercising certain rights in the Forest by the sanction of the Verderers in consideration of such yearly payment

|                                    |       |
|------------------------------------|-------|
| Colbury Cricket Club               | 2 – 6 |
| [p.248] Bramshaw Cricket Club      | 2 – 6 |
| New Forest Cricket Club            | 2 – 6 |
| M <sup>rs</sup> Heathcote          | 2 – 6 |
| Miss Glyn                          | 2 – 6 |
| Auberon Herbert Esq <sup>re</sup>  | 1 – 0 |
| Western Counties Telephone Company | 1     |
| Hugh Wilkinson Esq <sup>re</sup>   | 5 – 0 |
| Minstead Cricket Club              | 2 – 6 |
| Bournemouth Golf Club              | 2 – 6 |
| – Howard Esq <sup>re</sup>         | 2 – 6 |
| New Forest Golf Club               | 5 – 0 |
| W. Burrough Hill Esq <sup>re</sup> | 5 – 0 |

I am not aware of any outstanding yearly acknowledgment.

Yours faithfully

G.F.W. Mortimer

Clerk to the Verderers

Col: Esdaile addressed the Court on the subject of the death of M<sup>r</sup> George Culley the late Commissioner in charge of the New Forest and read a Memorandum as the ground work of two resolutions which he would be prepared to move respecting the same and the appointment of M<sup>r</sup> Edward Stafford Howard as his successor and dealing with the mode of communication between the Court and the Commissioner in charge of the New Forest.

It was resolved that in the absence of the Official Verderer the consideration of such resolutions had better be postponed until the next Court.

Mr. Lovell read the report the Bridges and Drains Committee as follows:

(Copy same)

Report of Bridge Committee

November 1893.

The Court is aware that some years since it agreed to [p.249] repair certain Bridges, List enclosed.

Several of these have been repaired, one (Fletcher's Thorns) on very difficult ground, with loose gravelly soil, with a too steep gradient, and exposed in winter to extremely rapid flood currents, its state should be looked to every year.

Some two years since M<sup>r</sup> Lascelles reported Brickhill Bridge Upper N<sup>o</sup> 1. as requiring repair, there are 3 Bridges within 500 yards of this spot (Butts Lawn). The Court replied it had no money to expend, and M<sup>r</sup> Lascelles declared the whole agreement was at an end. This Bridge remains impassible, is closed, and is a great eyesore. Your Committee are of opinion so large a bridge even if any is not wanted, the run of water is very limited at all seasons, there is a pond close by, and a pipe drain would be amply sufficient for all commoners purposes.

There is a bridge over Warwickslade cutting Lowest Bridge N<sup>o</sup> 5 that must be renewed next year at unprobable cost to the Verderers of £10, the Crown finding timber, your Committee suggest that instead of endless bulk piles and posts and underplanking, two side walls of concrete should be erected, they would scarcely add to the expense, and would endure for centuries.

The Bridge of Fulliford is in a very bad state and should be closed. This bridge was useful before the making of Deer Leap Enclosure now it leads only into it, a few Fern and heath carts only use it, there is a good pond close by, and it is not needed by the Commoners. If an open Bridge is erected it should be some 30 yards lower down the stream.

The Bridge at Withycombe was lately in a very bad state, but quite recently it has been repaired. This Bridge is not over a cutting, but over a natural rivulet which runs from Longdown into the Ipley river near the railway at Fulliford passage, it does not appear to be a Verderers Bridge.

One of the 3 Bridges at the Weirs Brockenhurst [p.250] is no longer needed, a new road to some new houses gives a better approach.

The centre Bridge of the 3 at Butts Lawn N<sup>o</sup> 2 in list is not required, it leads only into Brickhill enclosure.

The enclosed list will show the number of Bridges, their situation, and their state. Your Committee think that [blank] can well be done away with, thus reducing the number to [blank]. From these deduct Fletcher's Thorns Bridge lately repaired at a cost of £70 and the 4 it is proposed to do away with and this leaves [blank] bridges to repair, all built of oak, and of similar construction and size, all of which could be repaired (when it becomes necessary) at a cost of about £10 each to the Verderers Total [blank].

The Court can now see the liability they have accepted.

It would be well if a fixed annual sum say for the present £20 for 1894 be set apart for the purpose of repair.

It is very advisable an improved agreement should be come to with the Office of Woods, as to a corrected list, and as to a settled mode of proceeding when repair is necessary.

- A. There is often friction with the Deputy Surveyor.
- B. The Court has no agent or stock of Timber to reply upon.
- C. It is not desirable that a Crown servant should be employed.

D. Gravel is constantly wanted.

E. Spare hand rails, Gravel boards, a few planks & piles should always be at hand.

The existing bridges have many faults of construction, and of material, and in several cases are placed on boggy ground, which might have been avoided, and should not be repeated they appear to have been built by contract.

Your Committee would advise where the ground is hard, or gravelly the use of concrete walls as the best mode of carrying the superstructure of the bridges, and that one uniform class of bridge is not desirable under all the varying circumstances that is to say 1<sup>st</sup> off soil, 2<sup>nd</sup> of flood water, or of none, 3<sup>rd</sup> of position in respect to enclosures made since the bridges were originally erected.

We would urge

1. That the agisters should have lists, and description of all the [p.251] Bridges.
2. That they should immediately report to the Bridge Committee any Bridge in a dangerous state.
3. That they should send in annually by Feb: 28, a statement of all bridges requiring repair.
4. That this report be taken into consideration at the next Court which can then decide as to all repairs to be effected during that year.

A Bridge book should be kept with many spare leaves to each Entry detailing exactly all repairs carried out to each Bridges, The Cost, and by whom effected and date.

Francis F. Lovell.

W. Clement D. Esdaile.

### Drains

There are six open drains in the Forest.

A list is given on the back.

Some require attention.

The total length is roughly estimated at 7,400 yards a portion should be looked to every year.

Correct measurement should be taken for future guidance.

If we estimate the cost of cleaning out 7,400 yards at 3<sup>d</sup> per yard, The Total amounts to £93.

Much would cost less than 3<sup>d</sup>. Some more.

1000 yards per annum equal to one seventh would need an expenditure of £12-10 per annum.

A Drains Book should be kept, with many blank leaves to each entry, Giving,

- A. Exact measurement of each drain.
- B. The sum paid per yard at each cleaning.
- C. Name of Workman, and if urgent.
- D. These accounts not to be mixed with others.

The Weirs drain should be looked in 1894.

[p.252]

Two oak cess covers on Balmer Lawn, and one at Big Beechen Hat are in a dangerous state.

There are many underground pipe drains which should be tabulated, and depths, and size of pipes given.

The vents of all these should be cleared annually, plans are necessary.

Francis. F. Lovell.  
W. Clement. D. Esdaile.

|                              |   |                          |
|------------------------------|---|--------------------------|
| Warwickslade, rough estimate |   | 2,300                    |
| Alum Green,                  | ” | ” 1,000, to upper Bridge |
| Butt’s Lawn,                 | ” | ” 800                    |
| Camel Green,                 | ” | ” 900                    |
| Fulliford,                   | ” | ” 1,200                  |
| The Weirs,                   | ” | ” <u>1,200</u>           |
|                              |   | 7,400                    |

The Clerk stated that there was a plan of the Drainage now in the Queens House which was handed to him by the Treasury Officers and which M<sup>r</sup> Lascelles had offered to take charge of for the Verderers and it had therefore been handed to him for safe custody on their behalf.

The Clerk was directed to write M<sup>r</sup> Lascelles a courteous letter asking for such plan as it was now required for use.

It was resolved that the further consideration of the Report be deferred until the next Court.

The Clerk reported that in the action of the Attorney General against the Verderers, The Crown had recently amended their Information and Bill by striking out the words “Fern and Heath” from paragraph one thereof and he read the following letter from his London agents on the subject and containing M<sup>r</sup> Buckleys advice.

(copy same)

48, Lincolns Inn Fields,  
London, W.C.  
7<sup>th</sup> Nov<sup>r</sup> 1893.

Dear Sir

[p.253]

Attorney Genl: v Verderers

We enclose re Amended Information.

The only amendment is that of striking out the words “fern and heath”.

We have seen M<sup>r</sup> Buckley as to the necessity of amending the Verderers’ Answer, but he is unable to advise without first seeing the papers. We presume that the Commoners right to cut fern and heath is shown by the New Forest Act 1877. s.3. If not please send the Acts, the Report of the Commission, as the Register of Decisions which deal with the question.

Yours faithfully

Whitehouse & Etherington

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

It was resolved to adopt M<sup>r</sup> Buckleys advice.

The Clerk read the following supplemental Report on the matter.

(Copy same)

To the Official Verderer and Verderers of the New Forest.

---

Gentlemen,

Acting on orders I visited Holmsley on the 1<sup>st</sup> November instant and in company with the Agister Evemy went to view the site at present occupied by M<sup>r</sup> Orman's Sawing Engine in Wilverley Enclosure and what was being done there. I have indicated on the accompanying plan in Red about the position of the Engine. I found that about a quarter of an acre of land was occupied by the Engine and about 20 small stacks of oak, Larch, and Scotch Fir converted. The oak is mostly cut into oak posts and slabs. There are two piles, one of large Sleepers for Railway purposes and the other of small sleepers, also stacks of fir boards and spokes for Wheels and piles of blocks for fire wood but the Stacks and piles are not large ones. I should estimate that there was from 6 to 8 loads of Sawdust there. The Engine is standing in a hollow near to a carrier for water which had been damed [*sic*] so as to give sufficient head of water for a bucket to be dipped into [p.254] it. Standing by the Engine is a large cask and this cask is filled as required with water from the Carrier and which is used for the purpose of driving the Engine. I do not think what is being done is likely to cause any serious injury to the Commoners though as Wilverley Enclosure is now thrown open of course the Sawdust and Chipping must injure the feed in the enclosure to a certain extent. The Hounds were in the locality when I was there and I counted 8 cows and about 17 ponies pass me while I was standing at the site showing that there were animals in the locality. I was informed by the Foreman that the Machine had been in work since the 25<sup>th</sup> September and would in due course be moved to Holmsley Enclosure and to Oakley Enclosure. He stated that they were looking out for suitable places to stand within the enclosures but that he regretted he was not allowed to stand it on the open Lawn as that was far more convenient for him to work the Engine upon.

I then visited the Lawn and viewed the old sites. I found that all the timber had been removed therefrom and that some part of the Sawdust on the smaller site shown on the map which was where M<sup>r</sup> Orman's engine stood had also been removed enabling me to measure the depth of the pile of sawdust remaining which measurement should form the Crown of the highest part of the heap of sawdust as remaining at the point where it had been dug out to the natural soil a depth of 4 feet and in other parts from 3 feet to 2 feet depth but it did not appear to me that the actual highest crown of the heap had been yet reached. I understand that the Sawdust has been removed by M<sup>rs</sup> Withy of Lower Pennington Farm by permission of M<sup>r</sup> Orman who sells it to her at 1/- per wagon and that she has removed about Six waggons [*sic*] full from this site and that had she known she could have had it before she would probably have removed the greater part but that owing to the wet weather she would not remove any more at present.

I am

Your obedient Servant

G.F.W. Mortimer

[p.255]

P.S. Since the above report was made out I have received information from the Agister Evemy that he found Orman's engine on the 7<sup>th</sup> November at work in its old position on Holmsley Lawn sawing up Timber being carted there from Holmesley Enclosure.

Romsey

November 1893.

It was resolved that a strong protest be sent to M<sup>r</sup> Gorst at the action of the Crown in permitting the Sawing Engines to be again placed on Holmesley Lawn while the whole question was subjudice and the Clerk be instructed to forward such a protest.

The Clerk read the following correspondence with M<sup>r</sup> Scotter and produced the plan referred to therein.

(copy same)

London & South Western Railway.  
General Manager's Office,  
Waterloo Station,  
London, S.E.  
October 28<sup>th</sup> 1893

Dear Sir,

We are considering the advisability of erecting a new Station for Passengers and Goods traffic at or near the site of the old Beaulieu Road Station about midway between Lyndhurst and Brockenhurst.

In preparing the plans we find that it will be necessary to obtain a small piece of land – about one acre and a half on the East side of the Railway and the object of my present application is to ascertain through you, whether the Commoners would be willing to sell their interest in the land to the Company on the same terms as on previous occasions when the Company have acquired small portions of land in the New Forest.

A reply at your convenience will [p.256] oblige.

Yours faithfully  
Chas. Scotter

G.F.W. Mortimer Esq<sup>re</sup>  
Romsey,  
Hants.

London & South Western Railway  
General Manager's Office,  
Waterloo Station,  
London, S.E.  
4<sup>th</sup> November 1893.

Dear Sir,

I am in receipt of your letter of the 1<sup>st</sup> inst. for which I am obliged.

I enclose for the information of the Verderers a sketch shewing the land that will be required by the Company to enable them to erect the proposed new Station at Beaulieu Road.

It has not yet been determined whether the Station shall be erected on the East or West side of the public road crossing the Railway at that spot but the Company only require about one and a half acres of land altogether.

Yours faithfully,  
Chas. Scotter

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



After remarks by M<sup>r</sup> Eyre and M<sup>r</sup> Roy on the subject It was resolved that the Verderers assent to the terms of M<sup>r</sup> Scotter's proposal and that the Clerk ascertain if it is proposed to acquire the Land by Bill or under the Railway Clauses Act and that he take all necessary steps to protect the Commoner's interests.

The Clerk read the following letters from Mess<sup>rs</sup> Preston & Francis.

(copy same)

Observer Chambers,  
Bournemouth,  
16<sup>th</sup> Nov<sup>r</sup> 1893.

Dear Sir,

As owners of the property at Brockenhurst known as "Lower Aimers" we beg to lay the following facts before you.

[p.257]

The property has a considerable frontage to the Road leading from Brockenhurst to Rhinefield. In parts of this frontage there is a strip of Forest Land between our property and the Road. We are desirous of having a house built upon our property in the position approximately shown upon the accompanying tracing. It is necessary to have an approach to this house from the Brockenhurst Rhinefield Road.

We propose to make a Roadway into the Field at the corner nearest to Brockenhurst where there is a small strip of Waste intervening between our property and the Road. The point is shewn upon the accompanying Plan by a Red X.

May we ask you to kindly lay this letter before the Verderers at their next Court of Swainmote as an application for leave to make the necessary gravelled Roadway across the very narrow strip of waste?

Yours faithfully  
Preston & Francis

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

It was recorded that the Verderers assent be given to the construction of the Road upon the payment of an annual acknowledgment of 5/- as paid in other cases of a like nature.

The consideration of the trespass and encroachment of the Schultze Powder Works Company Limited was ordered to stand over until the next Court. The Clerk having informed the Court that the Official Verderer was in communication with M<sup>r</sup> Howard Her Majestys Commissioner in charge of the Forest on the subject.

The 8<sup>th</sup> day of January 1894 was fixed as the date for the Election of Elective Verderers in the place of William Gascoigne Roy Esquire and Francis Frederick Lovell Esquire who go out of Office by rotation on the twenty third day of January 1894.

[p.258]

The Clerk was directed to sit at Lyndhurst on the 8<sup>th</sup> day of January 1894 to grant Licenses to Non Commoners.

At the request of Col: Esdaile leave of absence was given to him from the January and March Courts he being about to sail for the East Indies. It being resolved that it is expedient that such Verderer shall not vacate his office through his absence.

The Agister Newbolt reported that the Members of the Lyndhurst Golf Club had been re-turfing the Ground at Lyndhurst. It was resolved to take no action in the matter.

The Agister Evemy reported that a valuable Heifer belonging to M<sup>r</sup> Henry Young of Burley had been drowned in Wilverley Enclosure consequent on the damaging of one of the drains by M<sup>r</sup> Orman to obtain Water for his sawing engine therefrom.

The Clerk read a communication from M<sup>r</sup> Pemberton as follows.

Manor Office,  
Beaulieu,  
Southampton,  
Nov<sup>r</sup> 13<sup>th</sup> 1893.

Dear Sir,

Lord Montagu's tenant of Ipley Farm in the Parish of Eling wishes to apply for leave to improve the track from the Northgate road to his farm: is it necessary to apply to the Verderers for leave to do this if so would you kindly make the application on his behalf.

Yours truly  
R.H. Pemberton

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

[p.259]

It was resolved that the Clerk ask for a plan of the track referred to therein and information as to how it was proposed to be made up and improved.

The Clerk produced the usual Financial Statement which was ordered to be entered on the Minutes.

(copy same)

| 1893                |                                                                                                                                                                                | £     | s         | d  | 1893                |                                                                                                           | £     | s  | d |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-----------|----|---------------------|-----------------------------------------------------------------------------------------------------------|-------|----|---|
| July                | By balance from last Account                                                                                                                                                   | 63    | 1         | 7  | July 31             | To cash paid Mr Edward Stanford for maps of Forest & mounting same                                        | 5     | 10 | 6 |
| Aug 1 <sup>st</sup> | ” Cash received of Agisters at Court for marking Commoners Cattle viz:-<br>Moody £47. 7. 6<br>Chandler 43. 3. 6<br>Evemy 24. 14. 0<br>Newbolt <u>21. 7. 2</u>                  | 136   | 12        | 2  |                     | ” ” ” Lordan & Co. for printing (March to June)                                                           | 2     | 13 | 6 |
|                     | ” Ditto re Pannage<br>Chandler 2. 4<br>Moody <u>1. 4</u>                                                                                                                       |       | 3         | 8  | Aug 18              | ” ” ” Police fees in case “Chandler v Phillips[?]”                                                        |       | 1  | 6 |
|                     | ” Costs in case Chandler v Gray and another . . . . .                                                                                                                          |       | 13        | 6  | Sep 29              | ” ” ” Clerk’s Salary due this day                                                                         | 37    | 10 |   |
| 26                  | ” yearly acknowledgment of A Herbert                                                                                                                                           |       | 1         |    |                     | ” ” ” Four Agisters D <sup>o</sup><br>Newbolt £17 – 10 – 0<br>Evemy £17 – 10 – 0<br>Chandler £17 – 10 – 0 | 70    |    |   |
| 28                  | ” Fine in case “Newbolt v Low”                                                                                                                                                 |       | 16        |    |                     | Moody <u>£17 – 10 – 0</u>                                                                                 |       |    |   |
| 29                  | ” yearly acknowledgment of Western Counties Telephone Co. . . . .                                                                                                              |       |           | 1  |                     | ” ” ” Tylee & Mortimer Law Costs as taxed by Mr Farries re Inquiry & Pannage                              | 74    | 16 | 2 |
| Oct 6               | ” Consols                                                                                                                                                                      | 24    | 11        | 11 |                     | ” ” ” Hon: G. Lascelles Fence Month & Winter Heyning                                                      | 1     |    |   |
| Nov <sup>r</sup>    | ” yearly acknowledgment of<br>Colbury Cricket Club 2 – 6<br>” ” Bramshaw Cricket Club 2 – 6<br>” ” New Forest Cricket Club 2 – 6<br>” ” M <sup>rs</sup> Heathcote <u>2 – 6</u> |       | <u>10</u> |    | Nov <sup>r</sup> 16 |                                                                                                           |       |    |   |
|                     | Carried Forward                                                                                                                                                                | £ 226 | 9         | 11 |                     | Carried forward                                                                                           | £ 193 | 2  | 2 |

[p.260]

| 1893             |                                                                                                                                                                                                                                                                                       | £            | s         | d        | 1893 |                 | £            | s         | d        |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-----------|----------|------|-----------------|--------------|-----------|----------|
| Nov <sup>r</sup> | Brought Forward                                                                                                                                                                                                                                                                       | 226          | 9         | 11       |      | Brought forward | 193          | 2         | 2        |
|                  | By yearly acknowledgment of<br>Miss Glyn . . . . . 2 – 6<br>” ” ” Hugh Wilkinson Esq <sup>re</sup> . 5 – 0<br>” ” ” Minstead Cricket Club . 2 – 6<br>” ” ” Bournemouth Golf Club 2 – 6<br>” ” ” Howard Esq <sup>re</sup> . . . . . 2 – 6<br>” ” ” New Forest Golf Club . <u>5 – 0</u> | 1            | 0         | 0        |      |                 |              |           |          |
|                  | By Cash received for License viz :<br>License 2 – 6<br>Head money 5 – 0<br>Marking fees <u>2 – 0</u>                                                                                                                                                                                  |              | <u>9</u>  | <u>6</u> |      | Balance         | <u>34</u>    | <u>17</u> | <u>3</u> |
|                  |                                                                                                                                                                                                                                                                                       | £ <u>227</u> | <u>19</u> | <u>5</u> |      |                 | £ <u>227</u> | <u>19</u> | <u>5</u> |

The Agisters being in attendance paid over the following sums.

|                          |              |
|--------------------------|--------------|
| Newbolt for marking fees | £12 – 14 – 0 |
| Evemy Ditto              | £17 – 3 – 6  |
| Chandler Ditto           | £17 – 11 – 6 |
| Moody Ditto              | £16 – 19 – 0 |
| <br>                     |              |
| Newbolt for pannage fees | £ 6 – 8      |
| Evemy Ditto              | £ 1 – 7 – 4  |
| Chandler Ditto           | £ 13 – 8     |
| Moody Ditto              | £ 16 – 4     |

This terminated the business of the Court.

[Signed] *E. Ashley*  
Chairman

[p.261] At a Court of Swainmote and Attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 16<sup>th</sup> day of December 1893.

---

---

Present

The Right Hon<sup>ble</sup> Evelyn Ashley. Official Verderer.  
George Edward Briscoe Eyre Esq. }  
William Gascoigne Roy Esq.        } Verderers.  
Francis Frederick Lovell Esq.       }

---

---

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

The minutes of the last meeting were read and confirmed.

Mr Edward Stafford Howard Commissioner in charge of the New Forest attended the Court, and was present during the transaction of public business.

Mr R. Brown of Middle Ripley Farm complained to the Verderers that a mare of his died in the Forest, and that its body had been removed by a man called Bailey without his sanction and in consequence he had lost the Colt which was running by the side of the mare.

The Agister Every having explained the circumstances, the Court considered that Mr Brown should summon Bailey for Larceny.

Mr Lovell brought up the Report of the Committee on Bridges and Drains, but in the absence of the Plan of the Drainage referred to in the correspondence, which was read by the Clerk it was referred back to the Committee for amendment.

[p.262]

The Clerk was directed in future to obtain reports from the Agisters as to the state of repair of Bridges and Drains in their Districts in February of every year and bring up such reports at the March Court.

The Agister Evemy handed in the following report.

Copy same

West District  
New Forest.  
Decr. 1893

The Verderers New Forest.

Gentlemen,

I beg to report that a portion of the Ridley Lawn is getting in a very boggy state, owing to the cutting which goes through the centre of the bog being blocked up.

If the drain was cleared out about 150 yards it would prevent the water from over-flowing the Lawn.

Charles Evemy  
Agister

It was referred to the Committee to deal with.

The Official Verderer reported that he had had an interview with M<sup>r</sup> Howard as to dropping the pending litigation between the Crown and the Verderers with a view to obtaining such a general and binding declaration of the respective rights of the Crown and Commoners as would obviate such disputes in the future and that the subject was under the consideration of the Commissioner.

The Clerk reported that Mr Gorst was pressing the suit on and asked for instructions as to the evidence being taken *viva voce* as desired by Mr Gorst or by affidavit in the usual way.

[p.263]

He stated that Counsel advised the latter course and it was resolved to adopt Counsels advice.

The Court resolved to postpone the consideration of the recent trespass and encroachment by the Schultze Powder Company at Eyeworth to the next Court.

The Correspondence in the meantime being ordered to be entered on the minutes.

Copy same

Romsey,  
Hampshire,  
24<sup>th</sup> Oct<sup>r</sup> 1893.

Dear Sir,

I am instructed by the Right Hon. Evelyn Ashley the Official Verderer of the New Forest to call your immediate attention to the trespass and encroachment now being committed by you as the Manager of the Schultze Powder Works at Fritham in the New Forest and to the serious injury caused thereby to the rights of the Commoners of the New Forest.

I am to refer you to your letter of the 10<sup>th</sup> November 1883 to the late Sir Henry Paulet and to the interview and correspondence that then passed between Sir Henry Paulet on behalf of the Verderers and yourself resulting in the Verderers sanctioning the making of a Pond and Dam of the

dimensions and on the terms laid down in your letter and the letter addressed to Sir Henry Lock the then Commissioner in charge of the Forest by the Verderers and in accordance with the lines indicated upon a plan submitted by the Commissioner of the New Forest to the Verderers and altered and approved at the time of giving their assent by the Verderers on behalf of the Commoners and which plan was altered and [p.264] modified in the further interests of the Commoners and approved by the Verderers after correspondence with Mr Culley the late Commissioner of Works in January 1884.

I am to express the surprise of the Verderers that any alteration or extension should have been made in the works thus sanctioned without communication with them, and that you have trespassed and encroached upon and destroyed part of the feeding ground of the open Forest without their having first been consulted with a view to ascertain whether they would on behalf of the Commoners sanction any alteration of the Works and enlargement of the Pond, & if so, on what terms.

The Verderers will await your answer,  
Yours faithfully  
G.F.W. Mortimer.

B. [sic] W.S. Griffiths [sic] Esq./  
Eyeworth Lodge/  
Lyndhurst.

Eyeworth Lodge.  
Lyndhurst S.O.  
Octr 26<sup>th</sup> 1893.

Dear Sir.

I beg to acknowledge the receipt of your letter of the 24<sup>th</sup> inst respecting the work now being carried on in connection with our reservoir.

I will communicate with the Commissioners of Woods and Forests under whose authority we have acted.

Yours truly  
R.W.S. Griffith.

G.F.W. Mortimer Esq.  
Romsey.

[p.265]

Eyeworth Lodge  
Lyndhurst S.O.  
Nov<sup>r</sup> 4<sup>th</sup> 1893.

Dear Sir.

I have been unable to get our surveyor here until today, and I wished to have the levels taken again exactly, so that in writing to you further on your letter of the 24<sup>th</sup> ult.

I could do so with certainty. The letter of the 10<sup>th</sup> December 1883 to the late Sir Henry Paulet appears to me immaterial, as the plan then formulated was dropped and nothing was done for six years, and the plan was modified before being carried out in 1889.

The correspondence in this <matter> which you refer to as having passed between the Verderers & the Commissioners of Woods & Forests, I have not seen, but the one point specially noted by Sir Henry Paulet, that of keeping Iron Well intact, has been carefully kept in view.

In deepening the reservoir, no soil has been dug from the bed of the reservoir except that which was covered with water at high water (with the exception of a very small strip in one corner, and this I have refilled and turfed over). Consequently any destruction of feeding grounds “as a new thing”, is, I submit impossible, and further I submit that as we are acting in this excavation with the consent of the Crown, “trespass and encroachment” upon the lands of the Crown is equally impossible

I remain

Yours truly

R.W.S. Griffith

G.F.W. Mortimer Esq.

Clerk to the Verderers.

Romsey.

[p.266]

Romsey,

Hampshire.

6<sup>th</sup> Novr 1893.

Dear Sir.

I have submitted to the Official Verderer your letter of the 4<sup>th</sup> inst & he has directed that it shall be laid before the Court of Verderers at their meeting on the 20<sup>th</sup> inst: and trusts that it may be considered satisfactory.

He desires me at the same time to point out to you that the last paragraph of your letter which implies that in your opinion the Office of Woods & Forests can by their sole action override the rights of pasture vested in the Commoners states an opinion which is absolutely erroneous.

Yours faithfully

G.F.W. Mortimer

R.W.S. Griffith Esq.

The Clerk read the further correspondence with Mr Scotter as to the land required by the London & South Western Railway C<sup>o</sup> at Blackdown.

In answer to M<sup>r</sup> Eyre, M<sup>r</sup> Roy stated:

that the South Western Railway C<sup>o</sup> had taken over the Southampton and Dorchester Railway Company's powers, and that the Lands Clauses Consolidation Act 1845 was incorporated <with such powers & therefore compensation> for the Commoners Rights of the land required could be paid under that Act without the necessity of the Company going to Parliament for a fresh Bill.

Copy same

Waterloo Bridge St<sup>n</sup>  
London, S.E.  
29<sup>th</sup> Nov<sup>r</sup> 1893

Dear Sir.

Blackdown

I received your letter of the 23<sup>rd</sup> inst. in due course [p.267] for which I am obliged.

With reference to your enquiry we shall not have any Bill in Parliament next Session, but we propose to acquire the small piece of land required to re-open the Beaulieu Road Station by agreement if possible, and we are now in communication with the Commissioner of Woods and Forests upon the subject.

Yours faithfully  
Cha<sup>s</sup> Scotter.

G.F.W. Mortimer Esq.  
Romsey,  
Hampshire.

M<sup>r</sup> Eyre brought up and read certain resolutions passed at the Parliamentary Committee of the New Forest Association at a meeting held on the 15<sup>th</sup> December inst.

M<sup>r</sup> Eyre moved that the Court instruct 2 Verderers to meet two of the members of the above Parliamentary Committee to report to the Court as to the re-adjustment of accounts between the Verderers and the Association.

It was resolved that M<sup>r</sup> Eyre & M<sup>r</sup> Roy be appointed to represent the Verderers.

The Clerk was instructed to write to the Lymington Sanitary Authority relative to the nuisance created at Rhinefield by the overflow of drains from Rhinefield Lodge.

The Agisters being in attendance paid over the following sums viz:—

| For marking Commoners Cattle |            | For Pannage |
|------------------------------|------------|-------------|
| Chandler                     | £ 26. 6. 0 | £ . . 3. 8  |
| Evemy.                       | 11. 6. 0   | . 7. 0      |
| Newbolt.                     | 4. 8. 6    | . . .       |

This terminated the business of the Court.

*x<sup>d</sup>*

[signed] *G.E. Briscoe Eyre (Chairman)*



[p.268] At a Court of Swainmote and Attachment held at the Verderers Hall Queens House Lyndhurst on Monday the 29<sup>th</sup> day of January 1894.

---

---

Present.

George Edward Briscoe Eyre Esq in the Chair  
William Gascoigne Roy Esq }  
Francis Frederick Lovell Esq } Verderers

---

---

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

It was resolved that George Edward Briscoe Eyre Esquire be Chairman in the absence of the Official Verderer.

The minutes of the last meeting were read and confirmed.

The Clerk read a communication from the Official Verderer informing the Court the reason of his unavoidable absence.

The Clerk read a communication from Mr Meyrick excusing his absence on the ground of illness.

The Clerk produced and read the return of the High Sheriff with reference to the recent election of Verderers and the same was ordered to be entered upon the minutes of the Court. He also drew the attention of the Court to the removal from the door of the Verderers Hall and from the usual place for notices within the Hall of the Sheriff's notice as to the foregoing election and the notices of the Courts to be held during the current year.

[p.269]

Copy same

Country of Southampton

The Forest Act 1877.

Election of Verderers

I hereby give notice that William Gascoigne Roy Esq. of Byams Marchwood near Southampton in the said County and Francis Frederick Lovell Esquire of Hinchelsea Lymington on the said County were on the eighth day of January 1894 duly elected Verderers of the New Forest.

Dated this 8<sup>th</sup> day of January 1894.

J.W. Bavendale  
Sheriff  
Returning Officer

There were no presentments, (the Deputy Surveyor not being present) and no cases for trial.

The Clerk read the letter of the Official Verderer with reference to the position of the Action of the Attorney General against the Verderers and the correspondence between the Official Verderer and Mr Stafford Howard followed by that between Mr Gorst and the Clerk as to agreeing the statement

of facts or special case upon which to try the question of Law at issue between the Verderers and the Office of Woods Forests &c as representing the Crown and Counsels opinion thereon.

In view of Counsel's opinion the Clerk was directed to write to the Official Verderer suggesting an immediately meeting in London to consider the evidence to be given by the Verderers in support of their case & the means of obtaining money to fight the case out, and the postponement of the trial thereof until after Col: Esdaile's return to England.

[p.270]

Mr Lovell brought up the report of the Bridges and Drains Committee and the same was considered.

Copy same

| Bridges.     | <u>not required by the Commoners</u> |                                                                                                                                                                                                        |
|--------------|--------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|              | No <sup>s</sup>                      | even in flood time a 3 inch pipe sufficient                                                                                                                                                            |
| Warwickslade | Upper                                | 12 inch pipe properly laid far more durable                                                                                                                                                            |
|              | 3<br>4                               | and about ¼ the cost of Oak<br>Fords amply sufficient for the Commoners                                                                                                                                |
| Butts Lawn   | Upper                                | Reported in 1891 unfit for use.<br>A Ford within 50 feet                                                                                                                                               |
|              | Middle                               | Leads only into Brickhill enclosure<br>The lower bridge within 300 yards                                                                                                                               |
| The Weirs    | Lower                                | A new road to new buildings renders it needless some gravel wanted to connect old and new roadway avoiding the Bridge                                                                                  |
| Fulliford    | Upper                                | In very bad state – not needed.<br>A ford within 200 yards                                                                                                                                             |
|              | No 2.                                | not known                                                                                                                                                                                              |
| Withycombe   | 1                                    | not known                                                                                                                                                                                              |
| Ober.        | 1                                    | Repaired in 1889 cost £75.<br>Erected about 1850 The gradient being steep very many dams were placed across to check the flow of floods.                                                               |
|              | 10                                   | These are wasted away.<br>The drainage of Pond Hill Dames Slough Oakley and Slufton enclosures have brought the water down in the form of cataracts and no Bridge can stand for more than a few years. |

[p.271]

|                |                                                                                                         |                                                                                                                       |
|----------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|
| <u>Bridges</u> | Larger than the Commoners require<br>useful to them<br>Very useful to the Crown<br>Useful to the public |                                                                                                                       |
| Warwickslade   | No 2.                                                                                                   | a 12 or 18 inch pipe would cost less than half the cost of Oak<br>and far more durable if properly laid               |
| ”              | No 5                                                                                                    | Must be repaired in 1894<br>Concrete side walls would not add to the expense and would<br>be four times more durable. |
| Allum Green    | Upper<br>Lower                                                                                          | Must remain such as now<br>Repaired in 1889<br>must remain such as now.                                               |
| Butts Lawn     | Lower                                                                                                   | Very useful must remain such as now.                                                                                  |
| The Weirs      | Upper<br><br>Middle<br>7                                                                                | must remain such as now<br>Some repair & gravelling necessary in 1894.<br>Foot Bridge<br>Same as upper in 1894        |

The Clerk read the correspondence that had taken place between him and the Treasury Office as to the plans of the Drainage made out of the Dorchester Railway fund which Mr Lascelles declined to give up

Copy same

Romsey, Hampshire

7<sup>th</sup> February 1894

Sir.

I am directed by the Official Verderer of the New Forest in consequence of a communication from Mr W. Dalrymple Hay to write to you relative to a set of plans handed to me on behalf of the Verderers in the end of 1881 being plans of the Drainage of the New Forest made from the Dorchester Railway Fund.

These plans were I believe originally made in duplicate and on the division of the Fund in 1881 between the [p.272] Verderers and Office of Woods, one in a tin box was handed to me for the use of the Verderers and I gave a receipt for the same on their behalf.

I now desire to see this receipt as unfortunately the Deputy Surveyor of the New Forest to whom by arrangement the plans were handed for safe custody at the Queens House Lyndhurst states he does not recollect the transaction and refuses to hand them over to me for the Verderers inspection who require them for immediate use.

Awaiting your early reply.

I am Sir,

Your obedient servant,

G.F.W. Mortimer

Clerk to the Verderers.

J.M. Duncan Esq.

Office of Woods &  
London S.W.

13<sup>th</sup> February, 1894.

Sir

New Forest

I am directed by Mr Stafford Howard to acknowledge the receipt of your letter of the 7<sup>th</sup> inst relative to the plans of the Drainage in the New Forest executed out of the Southampton and Dorchester Railway Fund and in reply to state that no trace can be found here of the receipt referred to and there is no reference to the handing over of any plans amongst the official papers.

So far as the information here goes, it appears that only one set of the plans was made and that was made by direction of the then Commissioner of Woods for the use of the Crown Officers.

Mr Howard is, however quite willing that the Verderers should have access to the plans for the purpose of consulting them at all reasonable times, and should also be allowed to borrow [p.273] them on giving a receipt and undertaking for redelivery to the Deputy Surveyor within a period to be specified not exceeding a month.

I am, Sir,

Your obedient servant.

J.M. Duncan

G.F.W. Mortimer Esq.

Romsey, Hampshire.

17<sup>th</sup> February 1894.

Sir

I beg to acknowledge the receipt of your letter of the 13<sup>th</sup> February relative to the plans of the Drainage in the New Forest executed out of the Southampton and Dorchester Railway Fund.

I note that the receipt I gave (and which by a communication I have received from Mr Halrymple [*sic* – Dalrymple] Hay it is admitted by the Treasury was given for the plans) cannot be found.

No doubt Mr Higginbottom the late Registrar if he is still alive could easily say where it was put.

I only desire to add that I have now ample testimony [*sic*] as to my having produced the plans at the Court and handed them to Mr Lascelles for safe custody which I can produce if my word on the subject is still doubted.

I beg that meanwhile the instructions named may be given to the Deputy Surveyor by the Office of Woods &c.

I am Sir

Your obedient Servant

G.F.W. Mortimer

E Stafford Howard Esq.

Comm<sup>r</sup> in charge of the New Forest.

[p.274]

He was directed to bring up to the next Court his own and the Agisters written statements of the subject and in the meantime to inform the Official Verderer fully on the matter.

The Clerk produced and read the notice from the London Gazette of the 21<sup>st</sup> November 1893 of the intention of the Office of Woods Forests &c to introduce a Bill into next Parliament dealing with Crown Lands and produced his summary of the various Acts to be dealt with as follows.

He pointed out what were in his opinion mistakes in the descriptions of the Acts scheduled to the Notice.

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Qy Cap 36.</p>                          | <p>19 and 20 Charles II Cap.8<br/>9 William III Cap 33 New Forest Timber Act.<br/>9 &amp; 10 William III Cap 36 New Forest Timber Act<br/>48 George III Cap 77 Ditto</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>Qy 116 last no.119</p>                  | <p>50 George III Cap 218 qy 116 " Crown Lands Forests<br/>52 George III Cap 72 Alice Holt Crown Lands Forest<br/>10 George IV Cap 50 (in my volume) Crown Lands partly repealed.<br/>11 George IV &amp; 1 W<sup>m</sup> IV Cap 59 Crown Lands not affecting New Forest</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Amended 24 &amp; 25<br/>Vic: Cap 40</p> | <p>5 &amp; 6 William IV Cap 58 Bastardy &amp; Crown Lands<br/>1 &amp; 2 Victoria Cap 43 Forest of Dean Crown Lands Forest<br/>14 &amp; 15 Victoria Cap 76 Deer Removal Act Crown Lands Forest partly amended.<br/>15 &amp; 16 Victoria Cap 62 Crown Lands advowsons Forest<br/>16 &amp; 17 Victoria Cap 18 Deer removal Act proceedings under<br/>16 &amp; 17 Victoria Cap 56 Redemption of Charges in Crown Lands<br/>21 &amp; 22 Victoria Cap 72 Irish Act Partly Crown Lands.<br/>29 &amp; 30 Victoria Cap 62 Sec's 4 &amp; 5 }<br/>power to grand licences to hunt hawk } Crown Lands<br/>fish &amp; fowl in the New Forest . . . }<br/>45 &amp; 46 Victoria Cap 38 Settled Land Act.<br/>48 &amp; 49 Victoria Cap 79 not New Forest Crown Lands Woods and Forests.</p> |

[p.275]

The Court considered that special attention should be paid to Clause five of notice which contained a proposal to apply lands allotted [*sic*] for plantations to other purposes because the Statutes of the Commoners in respect of the enclosures made under the New Forest Acts might prove to be very seriously affected, although in the notice itself the New Forest is not mentioned by name.

The Clerk was directed to get a copy of the Bill as soon as he could and to report further upon the matter as soon as he had any information to place before the Court.

The Clerk produced and read his report relative to the Licenses granted to Non-Commoners by him on Monday the 8<sup>th</sup> of January inst.

Copy same

Clerks Office  
Romsey  
Hampshire  
29<sup>th</sup> January 1894.

To the Official Verderer.  
and Verderers of the New Forest.

Gentlemen,

I have to report that I attended at Lyndhurst on Monday the 8<sup>th</sup> January 1894, and issued 74 Licenses for 172 animals to depasture in the New Forest and collected.

|              | £           | s        | d        |
|--------------|-------------|----------|----------|
| License Fees | 9           | 7        | 6        |
| Head money   | 21          | 12       | 6        |
| Marking Fees | <u>10</u>   | <u>2</u> | <u>6</u> |
|              | <u>£ 41</u> | <u>2</u> | <u>6</u> |

There is a falling off of £4 . 3 . 0 as against last years return of 78 licenses for 195 animals.

I am Gentlemen

Your obedient servant

G.F.W. Mortimer

Clerk to the Verderers.

[p.276]

The Clerk produced the annual account for the year ending 31<sup>st</sup> December 1893 and the Summary thereof. He was directed to submit them to Mr Davis for auditing in the usual manner.

The Clerk produced the usual Financial Statement which was ordered to be entered on the minutes.

Copy same

| 1893                 |                                                                                 | £     | s  | d | 1893                 |                                                   | £     | s  | d |
|----------------------|---------------------------------------------------------------------------------|-------|----|---|----------------------|---------------------------------------------------|-------|----|---|
| Nov 20               | By balance from last a/c.                                                       | 34    | 17 | 3 | Dec 16 <sup>th</sup> | To cash paid Messrs Bennett Brothers for printing | 3     | 13 | 6 |
|                      | ” Cash rec <sup>d</sup> from Agisters at Court for marking Commoners Cattle viz |       |    |   |                      |                                                   |       |    |   |
|                      | Chandler £17. 11. 6                                                             |       |    |   |                      |                                                   |       |    |   |
|                      | Evey 17. 3. 6                                                                   |       |    |   |                      | Drake & Co for stationary                         | 1     | 13 |   |
|                      | Moody 16. 9. 0                                                                  |       |    |   |                      |                                                   |       |    |   |
|                      | Newbolt <u>12. 14. 0</u>                                                        | 63    | 18 |   |                      | Mr Strinn for printing                            |       | 13 | 6 |
|                      | ” D <sup>o</sup> for Pannage                                                    |       |    |   |                      |                                                   |       |    |   |
|                      | Evey £1. 7. 4                                                                   |       |    |   |                      |                                                   |       |    |   |
|                      | Moody 16. 4                                                                     |       |    |   |                      |                                                   |       |    |   |
|                      | Chandler 13. 8                                                                  |       |    |   |                      | Clerks salary due this day                        | 37    | 10 |   |
|                      | Newbolt <u>6. 8</u>                                                             | 3     | 4  |   |                      |                                                   |       |    |   |
| Dec 18 <sup>th</sup> | ” Cash rec <sup>d</sup> from Agisters at court for marking Commoner Cattle viz  |       |    |   |                      | Four Agisters D <sup>o</sup>                      |       |    |   |
|                      | Chandler £26. 6. 0                                                              |       |    |   |                      | Chandler 17. 10. 0                                |       |    |   |
|                      | Evey 11. 6. 0                                                                   |       |    |   |                      | Evey 17. 10. 0                                    |       |    |   |
|                      | Newbolt <u>4. 8. 6</u>                                                          |       |    |   |                      | Newbolt 17. 10. 0                                 |       |    |   |
|                      | <u>42. 0. 6</u>                                                                 | 42    | 0  | 6 |                      | Moody <u>17. 10. 0</u>                            | 70    | .  | . |
|                      | ” D <sup>o</sup> for Pannage                                                    |       |    |   |                      |                                                   |       |    |   |
|                      | Chandler 3. 8                                                                   |       |    |   |                      |                                                   |       |    |   |
|                      | Evey <u>7. 0</u>                                                                |       | 10 | 8 |                      |                                                   |       |    |   |
|                      | Carried forw <sup>d</sup>                                                       | £ 144 | 10 | 5 |                      | Carried forw <sup>d</sup>                         | £ 113 | 10 |   |

[p.277]

| 1893                 |                                                                     | £        | s         | d        | 1893  |                                            | £          | s         | d        |
|----------------------|---------------------------------------------------------------------|----------|-----------|----------|-------|--------------------------------------------|------------|-----------|----------|
| Dec 30 <sup>th</sup> | Brought forward                                                     | 144      | 10        | 5        | Decr. | Brought forward                            | 113        | 10        |          |
|                      | By cash received from Agisters for marking Commoners Cattle to date |          |           |          |       |                                            |            |           |          |
|                      | Chandler £4. 14. 6                                                  |          |           |          |       |                                            |            |           |          |
|                      | Evey 2. 18. 6                                                       |          |           |          |       |                                            |            |           |          |
|                      | Newbolt 5. 14. 6                                                    |          |           |          |       |                                            |            |           |          |
|                      | Moody 9. 2. 6                                                       | 22       | 10        |          |       | To cash paid for Cheque Book               |            | 2         | 6        |
|                      | ” Do for Pannage.                                                   |          |           |          |       |                                            |            |           |          |
|                      | Chandler 8                                                          |          |           |          |       |                                            |            |           |          |
|                      | Evey 2. 8                                                           |          |           |          |       | ” ” ” Mr C. Newbolt Fees as crier of Court | 1          | 10        | 0        |
|                      | Newbolt 2. 4                                                        |          |           |          |       |                                            |            |           |          |
|                      | Moody 9. 8                                                          |          | 15        | 4        |       |                                            |            |           |          |
| 1894                 | ” Yearly acknowledgement of Mess Preston & Frances                  |          | 5         |          |       |                                            |            |           |          |
| Jan 6 <sup>th</sup>  | ” Dividend on £3684.18.4 2 ¾ % Consols                              | 24       | 11        | 11       |       |                                            |            |           |          |
|                      | ” Cash recd at Lyndhurst from Non Commoners for Licenses viz:-      |          |           |          |       |                                            |            |           |          |
|                      | Licenses £ 9. 7. 6                                                  |          |           |          |       |                                            |            |           |          |
|                      | Head money 21. 12. 6                                                |          |           |          |       |                                            |            |           |          |
|                      | Marking fees 10. 2. 6                                               | 41       | 2         | 6        |       |                                            |            |           |          |
|                      | ” Cash received for Licenses from Non Commoners to this time viz.   |          |           |          |       |                                            |            |           |          |
|                      | Licenses £ 2. 12. 6                                                 |          |           |          |       |                                            |            |           |          |
|                      | Head money 6. 7. 6                                                  |          |           |          |       |                                            |            |           |          |
|                      | Marking fees 2. 9. 6                                                | 11       | 19        | 6        |       |                                            |            |           |          |
|                      | ” Time and costs in case Moody v. Shergold                          | <u>1</u> |           |          |       | Balance                                    | <u>131</u> | <u>12</u> | <u>2</u> |
|                      | £ <u>246</u>                                                        |          | <u>14</u> | <u>8</u> |       | £ <u>246</u>                               | <u>14</u>  | <u>8</u>  |          |

[p.278]

The Clerk produced and read the correspondence with the Lymington Rural Sanitary Authority as to the alleged nuisance at Rhinefield Lodge and the Agisters report thereon. In consequence of Mr Lovell stating that Mr Munro was absent but that he had given orders to try and abate the nuisance. The consideration of the subject was adjourned until next Court.

Mr Eyre brought up the report of the Sub-committee as to the readjustment of accounts between the Verderers and the New Forest Association which was adopted.

Copy same

| <u>Statement of a/c between Verderers &amp; Association as agreed to by the Joint Committee 15<sup>th</sup> Jany 1894</u> |           | £     | s  | d   |
|---------------------------------------------------------------------------------------------------------------------------|-----------|-------|----|-----|
| <u>Verderers Liabilities</u>                                                                                              |           |       |    |     |
| Five of Messers Rees & Frere's six accounts.                                                                              |           | 98    | 19 |     |
| Mr Mortimer's a/c including Mr Temple Cooke's fee.                                                                        |           | 556   | 15 |     |
| Part of Mr Mortimer's a/c for £197.16.7                                                                                   |           | 50    |    |     |
| Part of 41.0.6 Association Expenses.                                                                                      |           | 13    | 2  | 9½  |
| Mr Farries a/c for taxing a/c for £556.15.0                                                                               |           | 13    | 16 | 9   |
|                                                                                                                           |           | £ 732 | 13 | 6½  |
| <u>Associations Liabilities</u>                                                                                           |           |       |    |     |
| One of Messrs Rees & Frere's six a/c's (New Forest Bill)                                                                  |           | 242   | 17 |     |
| Part of Mr Mortimer's a/c (New Forest Bill[)]                                                                             | 139. 7. 4 |       |    |     |
| Do Share of doubtful items                                                                                                | 4. 11. 3  |       |    |     |
| Do Belonging strictly to association                                                                                      | 3. 18. —  | 147   | 16 | 7   |
| Part of 41.0.6 charged to War Office belonging to Association                                                             |           | 14    | 14 | 11  |
| Half of remainder of 41.0.6                                                                                               |           | 13    | 2  | 9½  |
| Mr Farries a/c for taxing 197.16.7                                                                                        |           | 4     | 10 | 8   |
|                                                                                                                           |           | £ 423 | 1  | 11½ |

[p.279]

|                                                                                |                  |                    |            |             |
|--------------------------------------------------------------------------------|------------------|--------------------|------------|-------------|
| <u>Claimed by Association from Verderers</u>                                   |                  | 423                | 1          | 11½         |
| Part of Mr Mortimer's a/c for £197.16.7 }<br>connected with New Forest Bill. } | 139. 7. 4        |                    |            |             |
| Messrs Rees & Frere's a/c Do                                                   | <u>242.17. 0</u> | 382                | 4          | 4           |
|                                                                                |                  | £ <u>40</u>        | <u>17</u>  | <u>7½</u>   |
| <u>Settlement as agreed.</u>                                                   |                  |                    |            |             |
| <u>Verderers</u>                                                               |                  | <u>Association</u> |            |             |
| as above                                                                       | £732.13. 6½      | as above           | 423        | 1 11½       |
| half claim                                                                     | <u>191. 2. 2</u> | half claim         | <u>191</u> | <u>2 2</u>  |
|                                                                                | 923.15. 8½       | paid already       | 231        | 19 9½       |
| pd already                                                                     | <u>477. 4. 6</u> | 101.12. 6          |            |             |
|                                                                                | 446.11. 2½       | <u>41. 0. 6</u>    |            |             |
| War Office                                                                     | <u>300. 0. 0</u> | 146.11. 2½         |            |             |
|                                                                                | £146.11. 2½      | <u>89. 6. 9½</u>   | <u>89</u>  | <u>6 9½</u> |
|                                                                                |                  | <u>£235.18. 0</u>  |            |             |



The Agisters attended and reported the following places as requiring burning this coming season, and that Commoners resident near the localities mentioned, took a growing interest in these burnings as they found marked benefit to ensue and that they would assist to control the burnings when undertaken by the Crown Officials.

In the Agister Newbolt's district some Heath and Longwater and round the outside of Matley wood.

In the Agister Evemy's District some Heath and Fullford Bottom between Picket Post and Ringwood Manor also at Harvest Slade Bottom between Burley Village and Bistern Farm Burley and also at the bottom between Burley village and Holmsley Station.

In the Agister Chandlers District some Heath between Hinchelsea and Caters Cottage also near Whiteshoot gravelpit Wilverley Hills and also as the Sway side of the Lymington Railway line near Cox Bridge.

[p.280]

In the Agister Moody's District some heath at Crows nest Fritham.

The Agister Newbolt reported that the Faggot pile lately belonging to Mr Bright at Emery Down had been all removed and the ground all made up and a seat placed round the tree and three posts put in to stop the Cartway in rear thereof. The consideration of the matter was adjourned until next Court.

The Agister Evemy reported that the new gravel pits had been opened on the top of Pikes Hill and that upon the new road from Burley to the Holmsley Station a great quantity of the turf had been destroyed in making the surface drainage to take the water off the road.

He further reported that at Mark Ash certain posts had been placed round a beech tree in the open Forest to prevent driving round it.

The Court directed this, and the last report, to be noted on the minutes.

This terminated the business of the Court.

*[signed] E. Ashley*

[p.281] At a meeting of the Verderers held at the offices of Messrs Whitehouse & Etherington No 48 Lincolns Inn Fields London W.C. on Friday the 3<sup>rd</sup> day of February 1894.

Present

The Right Hon Evelyn Ashley Official Verderer  
George Edward Briscoe Eyre Esq }  
William Gascoigne Roy Esq } Verderers

The Official Verderer stated that in consequence of communications between Mr J. Stafford Howard and himself and the Clerk (by his order) and Mr Gorst with a view to the Settlement of a "Special Case" on agreed facts upon which the legal rights of the Crown and Commoners could be quickly an [*sic*] inexpensively decided. He had attended a Conference with Mr Buckley to place the matter before him to obtain his opinion whether the Verderers could admit the statements contained in the Information as required by Mr Gorsts letter of the 3<sup>rd</sup> January 1894 as the basis of an agreement upon a special Case.

The Clerk then produced and read the opinion of Mr Buckley that the statements made in the Information filed by the Attorney General against the Verderers should not be admitted further than they are admitted by the Answer filed on behalf of the Verderers for the reasons therein more fully set forth.

It was recorded to report to the Court that in view of the opinion thus given there was no alternative but to meet the attack being made by the Office of Woods and to take steps to prepare for it.

It was considered that a Rate would probably be necessary under Section 1 of the New Forest Act 1877 in order to raise the necessary funds to carry on the defence of the Rights of the Commoners but it was determined to recommend the Verderers to hold a public meeting in April next of representative Commoners from all parts of the Forest to consider whether a voluntary rate could be obtained or a [p.282] Compulsory rate should be enforced and to gather their views upon the question of raising funds to fight the Action.

In the meantime the Clerk was directed to collect from the Register of 1854 the various properties in respect of which Forest rights attach and to schedule them all under their various Parishes and when this was done, to consult the overseers of the parishes as to the valuation of the various properties in their parishes for rating purposes.

The Clerk was further directed to write to Mr Gorst pointing out that Col: Esdaile was travelling in the West Indies for the benefit of his health and that he was a very material witness for the defence and requesting him not to bring the Action on till after Col: Esdaile's return in May next.

It was resolved to recommend that Mr Alfred Hopkinson Q.C. be engaged as leader and that he be at once consulted as to the evidence to be obtained by and given on behalf of the Verderers.

[signed] *E. Ashley*

[p.283] At a Court of Swainmote and attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 17<sup>th</sup> day of March 1894.

Present.

The Right Hon: Evelyn Ashley, Official Verderer  
George Edward Briscoe Eyre Esquire }  
Francis Frederick Lovell Esquire } Verderers.  
John Jeffreys Esquire }

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

The minutes of the last meeting were read and confirmed.

Communications were read from Mr Roy and Mr Meyrick the former excusing his absence on account of illness, the latter on account of the change of the day of the Court.

The Clerk reported that he had a long interview with his London Agent (Mr Birkett) as to the conduct of the defence of the Action "Attorney General v Verderers" and also as to the proposed amendments to be made to the Answer filed by the Verderers in such action.

On the first point, it was suggested a Committee of Verderers be appointed to give such instructions as may be necessary to the Clerk and his London Agent for the conduct of the action during its progress. This suggestion being approved by the Court it was resolved that such committee be appointed and consist of The Official Verderer Mr Eyre and Mr Jeffreys Two to form a quorum.

On the second point the clerk read a memorandum from Mr Birkett explaining the nature of the amendments proposed to be made in answer together with such amendments and with a few alterations the same were approved and the Clerk directed to place same before the Counsel for their advice thereon, [p.284] and to employ Mr Kirk to make all necessary searches at the Public Record Office on behalf of the Verderers.

The Court then proceeded to consider the Sub-Committee's report on repairs Bridges and drains. The Clerk produced and read the following letter from Mr. Howard on the subject.

Copy same

Office of Woods &c  
S.W 12<sup>th</sup> March 1894

Sir,

New Forest

I am directed by Mr Stafford Howard to acknowledge the receipt of your letter of the 15<sup>th</sup> ulto and to thank you for the two prints of the Verderers Accounts for 1893.

Mr Howard notices in the account a payment for the repair of a bridge at Alum Green, but is not aware that any application was made to this Department for permission to repair it.

In itself the repair seems to have been but a small mater and possibly on that account it was overlooked that the consent of this Department should before executing any repairs or works on

Crown Land according to the arrangement made in 1891 when notice was given that the Verderers could no longer repair bridges.

As long as that arrangement is in force in all cases of proposed repairs to works executed out of the drainage fund a communication should first be made to this Department.

If the Verderers are now prepared definitely to undertake the repair of any of these bridges on the same terms as subsisted before 1891 in accordance with the arrangement made in 1888 Mr Howard will be glad to consider any proposal they may make [p.285] but in the absence of any fresh agreement he must ask that the terms arranged in 1891 be strictly complied with.

I am

Sir

Your obedient Servant

J.M. Duncan.

He also read the following reports from the Agisters.

Emery Down

Lyndhurst

17 March 1894

Sir

I beg to report that I have six Verderers Bridges in my district – two of them are very much out of repair viz:– one at Butts Lawn & one near Ashurst Rails.

The others are situate – two at Alum Green – two at Butts Lawn.

Charles Newbolt

Burley

17 March 1894

Sir

I beg to report that I have only one Verderers Bridge in my District which is situate at the top end of Warwickslade.

Yours obediently,

Charles Evemy

Cadnam

17 March 1894

Sir

I beg to report that I have no Verderers bridges in my district.

Yours obediently

John Moody.

[p.286]

Report of Bridges & Drains in the South District The Weirs Brockenhurst – The 2 cart bridges & one foot bridge are out of repair especially the approach to the bridges. The drain or cutting is in a very bad state and requires cleaning out. Warrexley – The Bridge nearest Queen meadow over the cutting is in a very bad state, several of the planks are broken & the side rails gone the other 3 bridges over the cutting are in a fair state of repair.

Balmer Lawn – The Drain pipes which are put in the surface Drains most of the end pipes are broken, the covers of the Cespools or wells of the underground drains are very much out of repair three. Yours obediently A Chandler.

He further produced the plans of the Drainage and a copy receipt required by the Deputy Surveyor for the same and his (the Clerk’s) report as to the disputed point of the ownership of such maps.

The receipt having been amended by the Official Verderer all the above documents were ordered to be recorded on the minutes. Mr Lovell was requested after he had seen the plans to make out a list of the Bridges he considered it was absolutely necessary to keep in repair for the interest of the Commoners and the Clerk was directed to circulate it amongst the Verderers before the next Court.

The Clerk produced and read the correspondence that had taken place between himself and Mr Rees relative to the clauses sought to be placed in the South Hants Water Bill. He was instructed to take the necessary steps to have the Verderers Clauses inserted in the bill and to support them in the House.

The Clerk produced the Audited accounts for the year ending 31<sup>st</sup> December 1893 which were ordered to be entered on the minutes.

[printed accounts]

NEW FOREST ACTS, 1877 AND 1879.

SUMMARY of an ACCOUNT of the FINES and other MONIES recovered or received by the VERDERERS under the above Acts and carried by them to the ACCOUNT of the GENERAL FUND, and of the application thereof, under Section 38 of the New Forest Act, 1877.

| 1893                                                                                                                                               | £     | s  | d  | 1893                                                                                            | £     | s  | d  |
|----------------------------------------------------------------------------------------------------------------------------------------------------|-------|----|----|-------------------------------------------------------------------------------------------------|-------|----|----|
| To Balance brought from last Account                                                                                                               | 82    | 13 | 6  | By Cash paid Law, Parliamentary, and other Costs                                                | 74    | 16 | 2  |
| Cash received from Non-Commoners for Licences, viz.:-                                                                                              |       |    |    | Cash paid Clerk for one year’s salary                                                           | 150   | 0  | 0  |
| Licences ... .. 17 17 6                                                                                                                            |       |    |    | Cash paid four Agisters for one year’s salary                                                   | 280   | 0  | 0  |
| Head Money ... .. 44 15 0                                                                                                                          |       |    |    | Cash paid “out of pockets” on behalf of the Verderers for 1892 ... ..                           | 14    | 16 | 2  |
| Marking Fees ... .. 20 8 6                                                                                                                         |       |    |    | Cash paid for Agisters Postages, &c., 1892 ...                                                  | 4     | 12 | 2  |
|                                                                                                                                                    | 83    | 1  | 0  | Cash paid Hon. G. Lascelles (Fence Month and Winter Heyning) ... ..                             | 1     | 0  | 0  |
| Cash received from Commoners by Agisters for Marking their Cattle, viz.:-                                                                          |       |    |    | Cash paid for Auditor’s Fee and Expenses (1892 Accounts) ... ..                                 | 4     | 4  | 0  |
| Alfred Chandler ... 118 18 0                                                                                                                       |       |    |    | Cash paid for Advertising ... ..                                                                | 2     | 7  | 8  |
| Charles Evemy ... 83 12 0                                                                                                                          |       |    |    | Cash paid for Printing and Stationary ... ..                                                    | 10    | 4  | 0  |
| John Moody ... .. 81 4 6                                                                                                                           |       |    |    | Cash paid for Police Fees ... ..                                                                | 0     | 9  | 0  |
| Charles Newbolt ... 50 9 8                                                                                                                         |       |    |    | Cash paid for Crier of the Court ... ..                                                         | 1     | 10 | 0  |
|                                                                                                                                                    | 334   | 4  | 2  | Cash paid Mr. Goodall, Fees as Veterinary Inspector ... ..                                      | 4     | 14 | 6  |
| Cash received from Commoners by Agisters for Pannage, viz.:-                                                                                       |       |    |    | Cash paid Mr. Blathwayt, Half Expenses of Veterinary Inspector’s attendance at Pony Show ... .. | 1     | 1  | 0  |
| Alfred Chandler ... 1 7 8                                                                                                                          |       |    |    | Cash paid Mr. Pierce, Repairing Bridge at Allum Green ... ..                                    | 0     | 5  | 0  |
| Charles Evemy ... 2 0 4                                                                                                                            |       |    |    | Cash paid Mr. Stanford for Maps of Forest and mounting same ... ..                              | 5     | 10 | 6  |
| John Moody ... .. 1 7 4                                                                                                                            |       |    |    | Cash paid for Cheque Book ... ..                                                                | 0     | 2  | 6  |
| Charles Newbolt ... 0 9 0                                                                                                                          |       |    |    |                                                                                                 |       |    |    |
|                                                                                                                                                    | 5     | 4  | 4  |                                                                                                 |       |    |    |
| Dividends on £2684 18s. 4d. 2¼% Consols                                                                                                            | 98    | 11 | 10 | Balance ... ..                                                                                  | 52    | 18 | 3  |
| Cash received as yearly acknowledgments (15) of Commoners’ rights to feed over lands enclosed for Cricket, Tennis, Golf, and other purposes ... .. | 2     | 6  | 1  |                                                                                                 | 608   | 10 | 11 |
| Cash received for Fines and Costs inflicted during the year ... ..                                                                                 | 2     | 0  | 0  |                                                                                                 |       |    |    |
| Cash received from Agister Chandler, being Fee paid by Mr. Lunn for Pony impounded.                                                                | 0     | 10 | 0  |                                                                                                 |       |    |    |
|                                                                                                                                                    | £ 608 | 10 | 11 |                                                                                                 | £ 608 | 10 | 11 |

Examined and found correct this 12th day of February, 1894. W. H. DAVIS, F.C.A.

Auditor appointed by the Court of Quarter Sessions of the County of Southampton.

[p.287]

Mr Eyre called attention to what he considered to be an inadequate return of fees by the Agister Moody being supported in his observations by Mr Jeffreys. The Clerk was directed to go through the accounts and make a return of each Agisters takings since the appointment of the Agister Moody, and the further consideration of the matter was adjourned until the next Court.

Mr Harvey Phillips of Pilley addressed the Court on behalf of himself and others in the locality on the question of burning Heath in the Forest and suggested the burning of some heath between Edge Corner and Pilley and Palmers Water and Lady Cross.

The Clerk having referred to some letters from the Deputy Surveyor on the subject Mr Phillips was asked to send to the Clerk the names of ten Commoners in the locality who would be prepared on receiving notice from the Deputy Surveyor to assist in keeping the burning under control.

The Agisters handed in their further reports as to burning and were directed to send to the Clerk a similar list as above of Commoners in the locality willing to assist.

Copy same

West District

I beg to report that Foulford Bottom requires burning  
The lower part of Harvest Slade Bottom  
About two acres between Bistern Close Farm and Burley Lawn  
Also the bottom between Holmesley Station and Burley.

C Evemy Agister.

East District

I beg to report that a portion of the heath requires burning at Longwater.

Charles Newbolt.

South District

I beg to report that the following places require burning  
Piece near Humpy and Catons Cottage.  
Piece between Cocks Hill and Ringwood Road  
Piece round Red Hill and Holm Hill  
Piece between the Hill Top Inn & Peppers Gate between the Road & Manor Bank [p.288] and  
above between Hythe Road and the Manor Bank

A Chandler  
Agister.

Mr Lovell addressed the Court upon the system of burning and took exception to the burning of Gorse. He further objected to any burning being done at Catons Cottage and the Clerk was directed to omit this in place in the list of the return to be sent to the Deputy Surveyor and to make a return of the fresh places to the Deputy Surveyor and to inform him at the same time that a list of the Commoners in the different localities had been asked for who would be willing to assist in keeping

the burning under controls on receiving sufficient notice from him on the date which he proposed to burn.

A long discussion took place as to the best date for allowing Stallions to be turned into the Forest and Mr Golden and Mr Phillips were invited to express their view upon the subject. Mr Lovell having expressed his opinion that nothing should be done till after the meeting of the New Forest Association had taken place it was resolved that the Verderers are ready to mark Commoners Stallions on and after 15<sup>th</sup> April next on receipt of a communication from the Association and the Clerk was directed to write the Secretary thereof and ask that the show might be held as early as possible this year. Mr Lovell and Mr Meyrick were again requested to act on behalf of the Verderers in passing Stallions at the approaching show.

The Clerk produced and read the following communication from Mr Stafford Howard.

Copy same

Office of Woods  
S W 10 February 1894.

Sir

New Forest

With reference to your letter of 6<sup>th</sup> inst. I am directed by [p.289] Mr Stafford Howard to state that what he still desires to know is the number of cattle marked for each Commoner by the Agisters and he presumes that there will be no difficulty in giving this information at the latest marking.

Mr Lascelles has been instructed to pay you your charge of £1.1.0 for the lists already furnished.

I am Sir

Your obedient Servant,  
J. M. Duncan.

G.F.W Mortimer Esq.

Office of Woods &c  
S.W. 8 March 1894.

Sir

New Forest.

Referring to your letter of the 14<sup>th</sup> ulto, I am directed by Mr Stafford Howard to state that he will be glad to receive a reply to the Official letter of the 10<sup>th</sup> ulto at your early convenience

I am Sir

Your obedient Servant  
J.M. Duncan

G.F.W Mortimer Esq

He was directed to state in reply that such communications had been placed before the Verderers who regretted they were unable to give the information required.

The Clerk produced the usual Financial Statement which was ordered to be entered on the minutes.

Copy same.

[p.290]

|                      |                                      | £   | s          | d        |        |                                             | £         | s          | d        |          |
|----------------------|--------------------------------------|-----|------------|----------|--------|---------------------------------------------|-----------|------------|----------|----------|
| 1894                 | By Balance from last a/c             | 131 | 12         | 2        | 1894   | To cash paid Agisters for Postage and for   |           |            |          |          |
| Jan 16 <sup>th</sup> | Cash received from Non-Commoners for |     |            |          | Jan 30 | Burying dead animals 1893 . . . . .         | 7         | 16         | 11       |          |
|                      | Licences to this date viz.:-         |     |            |          |        | To cash paid Mr Goodall Veterinary          |           |            |          |          |
|                      | Licences      £1· 2· 6               |     |            |          |        | Inspectors fee for attendance on Pony       |           |            |          |          |
|                      | Head Money   4· 2· 6                 |     |            |          |        | at Burley Lodge . . . . .                   | 1         | 11         | 6        |          |
|                      | Marking Fees  1·16· 6                | 7   | 1          | 6        |        | ” Mr Farries taxing masters fees . . . . .  | 13        | 16         | 9        |          |
|                      | By acknowledgement of Burley Cricket |     |            |          |        | ” Messrs Lordan & Co for printing . . . . . | 4         |            |          |          |
|                      | Club                                 |     | 2          | 6        |        | ” Hon G. Lascelles Fee for Gate at Langley  |           |            |          |          |
|                      | By Cash received from Chief          |     |            |          |        | agreed to be paid by Verderers 2 years      |           | 2          |          |          |
|                      | Commissioner of Woods Forests &c     |     | 10         | 6        |        | 1894 in advance . . . . .                   |           |            |          |          |
|                      | for copy Register of Commoners       |     |            |          |        | ” G.F.W. Mortimer Esq. Out of pocket        |           |            |          |          |
|                      |                                      |     |            |          |        | Expenses paid on behalf of Verderers . .    | 30        | 3          | 7        |          |
|                      |                                      |     |            |          |        | ” For Waterman repairing Warwickslade       |           |            |          |          |
|                      |                                      |     |            |          |        | Bridge N <sup>o</sup> 5. . . . .            |           | 7          | 6        |          |
|                      |                                      |     |            |          |        | Balance                                     | <u>81</u> | <u>8</u>   | <u>5</u> |          |
|                      |                                      | £   | <u>139</u> | <u>6</u> |        |                                             | £         | <u>139</u> | <u>6</u> | <u>8</u> |

The Agister being present had no further reports to make.

This terminated the business of the Court.

*[signed] E. Ashley*



[p.291] At a Court of Swainmote and attachment held at the Verderers Hall Queens House Lyndhurst on Monday the 7th day of May 1894.

Present.

|                                    |                   |
|------------------------------------|-------------------|
| The Right Hon. Evelyn Ashley.      | Official Verderer |
| Lieut Col: W Clement D. Esdaile. } |                   |
| George Edward Briscoe Eyre Esq. }  |                   |
| William Gascoigne Roy Esq. }       | Verderers         |
| Francis Frederick Lovell Esq. }    |                   |
| John Jeffreys Esq. }               |                   |
| G.A.E.T.G. Meyrick Esq. }          |                   |

---

---

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

The minutes of the last meeting were read and confirmed.

The Hon: Gerald Lascelles made an application to the Court for the appointment of 17 Forest Keepers <and underkeepers> as special Constables in pursuance of 1 & 2 William IV Cap 41 for the purpose of protecting and apprehending if possible the offenders who committed felonious acts within the New Forest and he made the necessary deposition in accordance with the Act as follows.

Copy affidavit.

New Forest        } I Gerald William Lascelles of Lyndhurst in the New Forest in the  
in the County     } County of Southampton Deputy Surveyor of the said New Forest  
Southampton     } upon my oath say:—

That on the fifth day of April the twenty ninth day of April and the night of the sixth April One thousand eight hundred and ninety 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 [p.292] 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 the said Majesty within the said New Forest.

Sworn by the said Gerald William Lascelles before }  
me John Jeffreys of Canterton in the County of }  
Southampton this fourth day of May One thousand } [signed] *Gerald W. Lascelles*  
eight hundred and ninety four\_\_\_\_\_ }

[signed] *John Jeffreys.*

*Verderer*

*J.P. for Hants.*

The Court thereupon directed the following Forest Officers to be sworn, in the form prescribed by 1 & 2 William IV Cap 41 as Special Constables to act within the limits of the New Forest for the 12 months next ensuing and they were sworn in accordingly.

Copy List

1. Frank Harrington Minstead Lyndhurst Underkeeper
2. Harry Coles Holly Hatch Cottage Broomy Township Ringwood Underkeeper.
3. Arthur Parnell Fritham Lyndhurst Underkeeper
4. Charles Hurst Ironshill Lodge Lyndhurst Keeper
5. George Gale Church Place Cottage Totton Underkeeper.
6. John Slightam Ashley Lodge Fordingbridge Keeper.
7. Samuel Gulliver Burley Ringwood Underkeeper.
8. Charles Bessant Denny Lodge Keeper.
9. George Blake New Copse Cottage Brockenhurst Underkeeper.
10. Francis Lane Boldrewood Lyndhurst Keeper
11. John Thorn Fritham Lyndhurst Underkeeper
12. Charles Croucher Wilverley Lodge Lymington Keeper.
- [p.293] 13. Arthur Brooks Kings Hat Cottage Near Beaulieu Underkeeper.
14. Henry Gulliver Aldridge Hill Cottage Rhinefield Township Underkeeper
15. Harry Gale Norley Wood Boldre Parish Underkeeper.
16. Charles Young Linford Cottage Nr Ringwood Underkeeper
17. Charles Webb Holmesley Cottage Ringwood Underkeeper.

The Clerk was directed to give the necessary notices to the Home Secretary and Lord Lieutenant of the County of their appointment.

Mr Lovell addressed the Court upon the recent Pony Show and handed in the Verderers written report.

Copy same

Sir,

We beg to report the result of the Pony Show held at Lyndhurst April 24th last. Mr Goodall assisted us very much to our satisfaction.

|                       |                        |    |
|-----------------------|------------------------|----|
| The ponies shown were | M.                     |    |
| In Class I            | 3 year old and upwards | 49 |
| Class II              | 2 yr olds              | 19 |
|                       | Total                  | 68 |

Of these Mr Bramble showed 12  
Lord A Cecil 4

The number is less than in former years.

The quality except in the case of Lord A Cecil's four not so good.

Mr T Baird of Somerley and Mr H Saunders of Brockenhurst acted as premium judges.

Lord A Cecil's contribution of 4 very superior ponies of mature age is most valuable and merits our special thanks. It is a proof that the association is doing good. The 4 ponies of the 4 Pony Association are also a valuable addition to our stock of Stallions are ready for use and are not

included in the above list.

Francis F. Lovell  
George Meyrick.

[p.294]

He stated he had received no copy of the Judges report and proceeded to address the Court as to an alteration he desired made in the mode in which 2 year olds were passed and suggested in future Ponies under 3 years old should be passed by the Agisters with an appeal to a Verderer and he presented a petition by some of the largest pony owners in the Forest in support of his views.

copy same

To the Official Verderer and Verderers of the New Forest at their Court of Swainmote.

The Petition of the undersigned large pony Breeders having rights of pasturage in the New Forest Sheweth.

Your Petitioners are all large Breeders of Ponies and are accustomed to turn out Stallions and Mares into the Forest for breeding purposes.

Your Petitioners much appreciate the efforts of the Verderers to improve the breed of Forest Ponies by securing thus, better stallions are turned into the Forest.

Your Petitioners, however, object to two year old Stallions being excluded from the Forest as they have no place to keep them and considerable loss is thus occasioned to them.

Your Petitioners submit that two year olds should be allowed to run in the Forest under the charge of the Agisters who should be empowered by the Verderers to pass them and mark them for this purpose.

That if an Agister refuses to pass any two year old as unfit to run in the Forest the owner thereof should have an appeal from the Agisters decision to a Verderer.

That no two year old Stallion should be required to pass a Veterinary Examination unless in case of an appeal against the refusal of an [p.295] Agister to pass one to a Verderer. The Verderers orders such an examination.

Your Petitioners pray that these suggestions may be favorably received and considered and the necessary orders given thereon to the Agisters.

E Bramble Ripley Ringwood  
J Bramble Shirley Ringwood  
George G. Lander Purewell Farm Christchurch  
Herbert Reeks Beckhampton Ringwood  
John Burry Godwincroft Nr Ringwood  
Charles Lander Burton Farm Christchurch  
W. Burry Burton Christchurch

After a discussion in which most of the members of the Court took part, the further consideration of the matter was postponed until next Court.

The Clerk read a correspondence which had taken place with reference to the site for a Cricket ground at Brockenhurst which was ordered to be entered on the minutes.

copy same.

Brockenhurst.  
13 April 1894

Sir,

The members of the Brockenhurst Cricket Club wish to have use of the ground by Brockenhurst Bridge for their matches and practice as they did in former years & they have wished me to write for your permission to do so & also to know if you will kindly grant us permission to enclose the pitch as formerly. I have enclosed P.O. for 2/6 which I believe was the yearly fee for the use of it.

An early reply will oblige.

Yours truly

G.J.W. Mortimer Esq.  
[p.296]

A. Martin Hon. Sec.

Romsey Hampshire  
17 April 1894.

Dear Sir

I enclose formal receipt. The Verderers have no objection to the pitch being enclosed as formerly.

Yours faithfully.

Mr A Martin.

G.F.W. Mortimer

Office of Woods &c  
1 Whitehall Place  
24 April 1894.

No 597

Sir

Mr Lascelles the Deputy Surveyor of the New Forest has reported to this Office an application made by you for permission to level and use a piece of waste land near Brockenhurst Bridge as a Cricket ground and in reply to this application I am directed by Mr Stafford Howard to state that subject to your forwarding to the Deputy Surveyor within a fortnight from this date the enclosed letter signed by you undertaking to pay an annual acknowledgment of 5/- and to keep the ground in a condition satisfactory to the Deputy Surveyor Mr E Stafford Howard grants you permission to level and drain and to use as a cricket ground a piece of land as outlined in red on the plan attached to this letter.

This permission will continue during pleasure only and will be conditional on the payment of the acknowledgment of 5/- on the 1st April in each year and on the ground being maintained to the satisfaction of the Deputy Surveyor of the New Forest. The ground will remain subject to all rights of Common and other rights which now exist over it.

I am Sir Your obedient Servant  
J.M. Duncan.

Rev. Pain.

[p.297]

The Vicarage  
Brockenhurst Hants.  
27 April 1894.

Dear Sir,

Seeing in the papers your intention of using the pitch on Balmer Lawn for your cricket I beg to inform you that I have obtained the exclusive right of that piece of land from the Crown with the permission to renew it annually.

Yrs faithfully  
Sydney Pain.

Mr A Martin.

Brockenhurst  
29 April 1894

Sir,

I am writing to know what I am to do about the Cricket Ground by Brockenhurst Bridge that you gave us permission to enclose nearly a fortnight ago as there appears to be some mistake for I have received a letter from Mr Pain (which I have enclosed) also claiming the ground – Would you kindly telegraph to me tomorrow if I am to enclose it tomorrow to keep off the traffic to and from the Race Course that takes place here next Thursday or it may get damaged.

I certainly think we ought to have the first offer of the ground as the old original Cricket Club.

I have enclosed stamps for the cost of the telegram

I am

Sir

Yours truly

Arthur Martin

Hon Sec B.C.C.

G.F.W. Mortimer Esq

[p.298]

Romsey Hampshire  
30 April 1894.

Dear Sir,

It was impossible to telegraph in reply to your letter as I was unaware until I received it that there was any dispute as to the Cricket Ground between you and the Vicar.

I will refer the matter to the Verderers but as the Crown has authorised the Vicar to use the ground if your club and he cannot use it jointly it seems to me that it would be better to return you your 2/6 and let him occupy it.

Yours faithfully,  
G.F.W. Mortimer

Mr A. Martin.

Romsey Hampshire  
8 May 1894.

Dear Sir

Referring to my letter of the 30th April 1894. I am directed by the Verderers to return the fee of 2/6 you sent and to say that the land having been licensed for cricket by the Office of Woods Forests &c to the Vicar the Verderers have addressed a communication to him upon the subject of his occupying it, and therefore I am to withdraw the leave given to you to enclose the site and to return your fee as aforesaid.

Please return my receipt,

Yours faithfully,  
G.F.W. Mortimer

Mr Martin

[p.299]

The Court directed the Clerk to return the 2/6 sent to him by Mr Arthur Martin and to inform him that as the Office of Woods had granted permission to the Rev R.W. Pain to use the ground the Verderers thought it better that the Rev gentleman should have the use of it.

The Clerk was directed to write the Rev R.W. Pain to demand of and in future obtain from the various Clubs and other grounds the same fee as was demanded by the Crown.

The Clerk produced and read the following correspondence from Mr Burrough Hill and produced the plans referred to therein.

copy same

Brockenhurst S.O.  
26 April 1894

Dear Sir

I beg to report that Mr Burrough Hill has opened a new roadway from a field, and has taken a small part of the open Forest near Culverley Green Brockenhurst. I spoke to the men employed and they say that Mr Hill had got permission to do what they were doing – I understand from them that he had purchased that part of the Forest that is required for an entrance into this field. The size of the piece they are now using is less than half a rod.

Yours obediently  
A. Chandler

G.F.W. Mortimer Esq.

Romsey Hampshire  
27 April 1894

Dear Sir

I understand that you have taken a small part of the open Forest to make an entrance to your New Road at Culverley Green Brockenhurst.

Permit me to remind you that on the last occasion you did this I explained fully to you the [p.300] mistake you had made in not consulting the Verderers and obtaining their permission to use the piece. I now beg to inform you that there will be a Court on Monday the 7th May and any communication you desire to lay before the Court on the subject can then be considered.

In the meantime I must request you to discontinue the works until after the Court has decided to give leave or refuse it to you.

Yours faithfully,  
G.F.W. Mortimer.

W Burrough Hill Esq.

62 Above Bar Southampton  
28<sup>th</sup> April 1894.

Dear Sir

Forest Waste      Culverley Green

Will you and the Verderers please accept my humble apologies as I should be the very last to do what could be considered as dis-courteous – I wrote to you as long ago as the 17th March last asking permission & the long silence I was hoping signified acquiescence & in my great desire not to lose a good season for work I fear I have been indiscreet feeling that you would accept a small acknowledgment rental as in former case.

May I ask as a great favor that I may continue the use of the small track quite without prejudice till 7th May when I hope to receive your official reply.

Yours faithfully  
William Burrough Hill

G.F.W. Mortimer

Romsey Hampshire  
30 April 1894.

Dear Sir

Your former letter came too late for the last Court of Swainmote & the matter is on the Agenda for the Court to be held on Monday week next, [p.301] but in view of your letter received this morning I do not anticipate any objection being raised and you might as suggested carry on the works without prejudice until the Court is held.

Yours faithfully,  
G.F.W. Mortimer.

Mr Burrough Hill Esq

Southampton  
1<sup>st</sup> May 1894.

Dear Sir

New Forest Waste      Brockenhurst

I am much obliged for your courteous letter herein of yesterday – truly sorry my application missed your last meeting – more especially as the corner site is sold for the New Church and I have been urged to proceed with the road and had I carted out of my own gateway I should have destroyed the turf on Church site.

Yours faithfully  
William Burrough Hill

G.F.W. Mortimer Esq

In view of the apology offered by Mr Burrough Hill the Clerk was directed to write to him and state the Verderers would grant him the privilege he required in consideration of an annual payment of 5/- by way of an acknowledgment of the right of the Commoners in and over the portion of the waste land in the future to be used as a Roadway.

The Clerk reported that he has send a list of the places the Verderers thought might with advantage be burnt to the Deputy Surveyor together with a list of the Commoners who would assist in burning and keep the fire under control as directed at the last Court.

The Agister Chandler reported that about 30 acres had been burnt at Lady Cross and about 20 acres at Hill Top for [p.302] the protection of certain thatched Cottages but the rest of his application had not been attended to. The Agisters Newbolt Moody & Evemy reported that none of the places mentioned in their list had been burnt. Moody added that a piece between Hasley and the Old Sladen Wood had been burnt.

The Agister Chandler reported that while the Officials of the Railway were burning a portion of the waste they had burnt a yearling colt belonging to Mr Charles Bennett of Tile Barn Farm. He could not say how the accident occurred.

The Agisters stated the number of ponies still remaining to be passed in their districts. Mr Lovell undertook to pass those at Brockenhurst and Beaulieu & Col Esdaile those at Burley. Mr Jeffreys stated he had passed those at Fritham & Bramshaw & would pass any that were brought to him from Lyndhurst. It was decided not to employ a Veterinary Surgeon.

The Official Verderer produced a letter that he had received from Mr E. Stafford Howard, together Clause 5 which he proposed should be placed in the Crown Lands Bill and the alterations and additions thereto he was prepared to make. The Clause was most fully considered by the members of the Court and approved conditionally on an addition to the clause of words requiring previous notice (say three or two months) to be given to the Verderers by the Commissioners of Woods of their intention to make any such sale as therein mentioned. An alteration was also suggested in line 40 Sub. Sec. 2. by striking out the word "such" & substituting for it the words "religious or educational purposes.

The Clauses as amended were directed to be forwarded to Mr Rees with a request that he would see that the same were introduced into the Bill.

The Clerk reported formally that a Petition had been presented against the Crown Lands Bill on behalf of the Verderers.

[p.303]

The Clerk formally reported the position of the action Attorney General against the Verderers and produced the proofs that he had taken and it was resolved to add Col Esdaile to the Sub-Committee appointed to superintend the carrying out of the Verderers defence to this action.

The Clerk read the recent correspondence with Mr Rees as to the Clauses to be inserted in the South Hants Water Bill and the course he had adopted was approved.



Mr Lovell read his report relative to the repairs to bridges.

(Copy same.)

Bridges.

Ap26/94.

Old list 16

Struck off as useless to Commoners while in many cases a Ford or pipe drain would be equally good.

---

1 Warwickslade Upper. Ford or pipe equally good.  
1 Do No 3 Do Do Do.  
1 Do 4 " " "  
1 Ober recently repaired at cost of £75.  
1 Brickhill Upper Ford or pipe  
1 Do Middle Into Brickhill only.  
1 Fulliford Close to Ashurst fence Not repaired  
1 Do Not known  
1 The Weirs Lower not repaired  
9.

To retain

1 Allum Green Upper  
1 Do Do Lower  
1 Warwickslade No 2  
1 Do 5  
1 The Weirs Upper  
1 Do Footbridge  
1 Brickhill Lower  
7

[p.304]

It was resolved that no money be expended in the repair of Bridges unless the amount be very small and the case be very urgent from a Commoners point of view or the Verderers were under an engagement with the Office of Woods Forests &c to repair them.

The matter was referred back to the Committee to bring up the cost of the repairs of Warwickslade and the Weirs Upper Footpath Bridge for the consideration of the next Court.

Mr Lovell reported that several drains in the Forest required cleaning out. It was resolved to grant the Committee a sum of £15 to do this work.

The Agister Moody was called in and addressed by the Chairman as to the unsatisfactory nature of his returns and of his conduct as an Agister. He was given to understand that the matter would be taken into consideration at the next Court with a view to his dismissal.

The Clerk was directed to put a notice of motion of the subject on the next Agenda paper.

The Clerk reported that he had rearranged the Register of Commoners of 1854 as directed by the Sub Committee and requested instructions as to proceeding to make a Rate.

It was decided that a Special meeting of the Court be held when necessary to consider the subject.

The Clerk produced the account of the takings of each Agister in his district as ordered at the last Court.

Copy same.

(See over)

[p.305]

South District

Chandler

|      | £          | s           | d           |
|------|------------|-------------|-------------|
| 1884 | 80         | 15          | 4           |
| 1885 | 91         | 16          | –           |
| 1886 | 104        | 10          | 6           |
| 1887 | 101        | 19          | –4          |
| 1888 | 103        | 5           | –           |
| 1889 | 96         | 19          | 2           |
| 1890 | 96         | 3           | 6           |
| 1891 | 105        | 10          | –           |
| 1892 | 103        | 14          | –           |
| 1893 | <u>118</u> | <u>18</u>   | <u>–</u>    |
|      | £          | <u>1003</u> | <u>10 6</u> |

West District

Every

|      | £         | s          | d           |
|------|-----------|------------|-------------|
| 1884 | 78        | 9          | 6           |
| 1885 | 111       | –          | 10          |
| 1886 | 101       | 13         | 6           |
| 1887 | 93        | 6          | 6           |
| 1888 | 84        | 17         | –           |
| 1889 | 74        | 2          | 6           |
| 1890 | 72        | 18         | –           |
| 1891 | 83        | 17         | –           |
| 1892 | 86        | 17         | 6           |
| 1893 | <u>83</u> | <u>12</u>  | <u>–</u>    |
|      | £         | <u>870</u> | <u>14 4</u> |

North District  
Moody's returns

|      | £         | s          | d           |
|------|-----------|------------|-------------|
| 1884 | 85        | 18         | 6           |
| 1885 | 102       | 1          | –           |
| 1886 | 84        | 17         | 6           |
| 1887 | 85        | 9          | –           |
| 1888 | 74        | 11         | 6           |
| 1889 | 76        | 9          | –           |
| 1890 | 72        | 13         | –           |
| 1891 | 79        | 12         | –           |
| 1892 | 83        | 15         | –           |
| 1893 | <u>81</u> | <u>8</u>   | <u>6</u>    |
|      | £         | <u>826</u> | <u>15</u> – |

East District  
Newbolt

|      | £         | s          | d           |
|------|-----------|------------|-------------|
| 1884 | 64        | 18         | –           |
| 1885 | 78        | 18         | 4           |
| 1886 | 74        | 5          | –           |
| 1887 | 54        | 5          | –           |
| 1888 | 55        | 16         | –           |
| 1889 | 55        | 5          | 6           |
| 1890 | 50        | 19         | –           |
| 1891 | 53        | 6          | –           |
| 1892 | 52        | 13         | –           |
| 1893 | <u>50</u> | <u>9</u>   | <u>8</u>    |
|      | £         | <u>590</u> | <u>15</u> 6 |

The Clerk produced and read the Financial Statement which was ordered to be entered on the minutes.

Copy same

[p.307]

| 1894  |                                                                           | £   | s  | d  | 1894  |                                                                                             | £   | s  | d  |
|-------|---------------------------------------------------------------------------|-----|----|----|-------|---------------------------------------------------------------------------------------------|-----|----|----|
| Ap 6  | By balance from last a/c.                                                 | 81  | 8  | 5  | Ap 5. | To cash pair for Clerk for ¼'s Salary due Lady Day.                                         | 37  | 10 |    |
| Ap 6  | " Dividend on £3684.18.4 2/3 % Consols.                                   | 24  | 11 | 11 |       |                                                                                             |     |    |    |
| May 3 | " Proceeds of sale of £147.7.5 2/3 % Consols @ 100 less 16/3 Brokers Fees | 146 | 11 | 2  | Ap 5. | " " Four Agisters Do.                                                                       |     |    |    |
|       | " Cash received from Non Commoners for Licenses to date viz.:-            |     |    |    |       | Chandler 17.10. 0                                                                           |     |    |    |
|       | Licenses 2.17. 6                                                          |     |    |    |       | Evemy 17.10. 0                                                                              |     |    |    |
|       | Head Money 7. 5. 0                                                        |     |    |    |       | Newbolt 17.10. 0                                                                            |     |    |    |
|       | Marking fees 3. 7. 0                                                      | 13  | 9  | 6  | 27    | Moody 17.10. 0                                                                              | 70  |    |    |
|       | " Acknowledgement of Brockenhurst Cricket Club                            |     | 2  | 6  | 28    | " " Messrs Tylee & Mortimer Balance of Law and Parliamentary Costs re Blackdown Rifle Range | 146 | 11 | 2  |
|       | Balance                                                                   | 3   | 4  | 4  |       | " " Under Sheriff costs of returning Officer of election of Verderers in January last       | 15  | 6  | 8  |
|       |                                                                           | 269 | 7  | 10 |       |                                                                                             | 269 | 7  | 10 |

[p.308]

The Agister Evemy handed in the following report report.

Copy same

Burley  
28 April 1894

Sir

I beg to report that the Railway Company's men have taken out a new drain from the Station to the River. About 200 yards Long 18 inches wide and about the same depth.

It is on the West side of Holmsley Station across the open Forest.

Charles Evemy  
Agister

West District.

The Agisters being present handed over the following sums

|          |                   |
|----------|-------------------|
| Chandler | £ 18. 5. 6        |
| Evemy    | 14. 4. 6          |
| Newbolt  | 3. 4. 6           |
| Moody    | <u>11.18. 6</u>   |
|          | £ <u>47.13. 0</u> |

This terminated the business of the Court.

[signed] *Evelyn Ashley*

[p.309] At a Court of Swainmote and attachment held at the Verderers Hall Queen's House Lyndhurst on Monday the 16<sup>th</sup> day of July 1894.

Present.

|                                    |   |                    |
|------------------------------------|---|--------------------|
| The Right Hon: Evelyn Ashley       |   | Official Verderer. |
| Lieut: Col: W. Clement D. Esdaile  | } |                    |
| George Edward Briscoe Eyre Esquire | } |                    |
| William Gascoigne Roy Esquire      | } | Verderers.         |
| Francis Frederick Lovell Esquire   | } |                    |

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

The minutes of the last meeting were read and confirmed.

The Official Verderer stated he had received an intimation that Mr Jeffreys was abroad and unable to attend, and a telegram from Mr Meyrick to say that he had stated to attend the Court but had to return owing to indisposition.

The Clerk produced and read the following letter from Mrs Browning.

Copy same.

Burley  
9 July 1894.

Sir,

Will you kindly oblige me by laying the following complaint before the Court of Verderers on Monday next. I am a small commoner with the right of pannage for pigs. Last season there were a nice lot of acorns round Burley and I ovasted my pigs but was obliged to keep them in owing to Mr C. Tanner Chubbs Farm having bad fences and they are still in the same very bad state of repair. I let y pigs out and they trespassed on his land and then he impounded them in his yard. [p.310] It was a very serious loss to me and what made the case harder was, his having no right of pannage. He could drive every morning from his place a large drove of pigs roughly speaking from 50 to 100, he being a dealer in pigs on his own account. He was constantly bringing home pigs all through the pannage and turning them into the Forest. After I complained, he said "They were his Fathers" I never saw his Father or any of his men have anything to do with them and I live near to him.

After the acorns were gone outside he took them in his own fields and some of them he took to Ringwood market and some of them he kept on. It is useless having a right of pannage if people can let their fences down and pound your pigs as mine are not the only ones that trespass. It is a hard case for small Commoners.

Yours respectfully  
Catherine Browning

G.F.W. Mortimer Esq

After investigating the complaint the Court directed the Clerk to write to Mr Tanner to put and keep his fences in the Forest side in repair in anticipation of the next pannage season.

Mr Moens addressed the Court with reference to the non-marking an non-payment of Fees for 2 year old Stallions and urged that the fees should be given up.

Mr Lovell having brought up his report upon the subject in connection with a petition by Mr Bramble and others presented at the last Court and the consideration of which was deferred until this Court [p.311] the same was taken into consideration and after full consideration the Court decided to grant the prayer of the petition and the Clerk was directed to carry out the necessary arrangements.

The Clerk brought up his report upon the arrangements of the recent pony show.

Copy same.

To the Official Verderer and Verderers of the New Forest

24 May 1894

Gentlemen,

In accordance with your orders & after consulting with Mr Goodall I beg to report that both he and I are very dissatisfied with the mode in which the recent Pony Show was carried out. The first point I desire to call attention to was what I venture to think was the marked lack of courtesy shown to the two Verderers who were requested by the Court to pass the ponies at the show. There was no attempt made to consult their convenience in any way. No parade of ponies was made for them as heretofore in the Ring and they were left to inspect a portion of the 1<sup>st</sup> class in the ring while the Judges were engaged in judging the other portion and then had to wait to inspect the other portion till the Judges had done the second class. The Verderers were left to inspect outside the ring, altogether surrounded by the Exhibitors who were with difficulty kept back and whose remarks especially those of Mr Burden from Beaulieu were made so loud as to be meant to be heard by the Verderers. I had personally to order Mr Burden back as I did not desire his rude remarks to be heard by the Verderers. No police were in attendance as heretofore. The next matter was the employment of the Agisters to do all the work of the ring. They were ordered here and there by the [p.312] Secretary and Judges when they were required by the Verderers to be in attendance on them to take notes as to the ponies they were passing. There was a complete lack of anything like management displayed which caused much annoyance and unpleasantness to Commoners and I had so much discontent expressed to me that I asked permission of the Verderers to retire so soon as my work was completed in order that it might be made manifest that the mismanagement was no fault of the Verderers' Officers.

The Officers have always been ready to assist in every way and will always be ready when directed by the Verderers to attend but I venture to suggest that if the Verderers intend to be and their Officers (including Mr Goodall[]) are requested to be in attendance at a future show the former should be consulted as to arrangements to be made for their convenience as was done in former years and that their Officers should as in former years be in the Ring that the result of the competition for the premiums may be known to the Verderers and their officers.

Mr Goodall has expressed to me his intention not to act again if the show is to be managed as it was recently.

The Agisters received no acknowledgment for their services and even their luncheons were not paid for by the Association.

No list of premium winners was supplied till written for as I was not in the ring to take it having quickly ascertained when I entered into the Ring from the manner of those in it that my presence was not required there.

I am Your obed<sup>t</sup> Servant  
G.F.W. Mortimer.  
Clerk.

[p.313]

He was directed to send a copy to Mr Henry St Barbe the Secretary of the Association for the Improvement of the Breed of New Forest Ponies and ask for his observations thereon for the Court of Verderers.

The Clerk produced and read the following letter from the Secretary of the Emery Down Cricket Club:

Copy same

Mycroft Villa  
Lyndhurst  
July 15<sup>th</sup> 1894

Gentlemen,

I beg most respectfully to ask if (after paying the sum of 2/6 as a quit rent to be allowed to play Cricket on the Swan Green) Mr Lascelles has the power to prevent that. The Club has been informed that no more play can take place there.

In the interests of Cricket & on behalf of the Emery Down Cricket Club I crave your kind consideration of this matter and trust you will use your power and give your kind permission for the Club to use the Swan Green.

Awaiting your kind reply.

I am Gentlemen  
Your obed<sup>t</sup> Servant  
Thomas Hawtin

The New Forest Verderers.  
Queens House.

The Agister Newbolt reported that the Deputy Surveyor had forbidden the Club to play on the pitch until they had heard from the Office of Woods &c.

The Clerk explained that all that had been asked for was leave to roll and use the pitch which had been prepared and used some years ago by Lord Londesborough and that he had been specially informed that no inclosure would take place.

[p.314]

The Clerk was directed to write to the Secretary that the Verderers could not interfere between the Crown and the Club.

The Official Verderer reported the communication he had received from Mr Stafford Howard relative to the erection of a New Range for the use of the Local Volunteers at or [*sic*] Godshill/

The Clerk reported that by order of the Official Verderer he had inspected the site and thought it a suitable <one for the> Range. Col Vandeleur being present explained the nature of the proposed

Range and stated that the Local Commoners approved of its erection. It was decided that any Verderer desiring to view it should do so and a Special Court should be held on the 3<sup>rd</sup> August at 11:30am notice of which was to be inserted in the papers and by handbills distributed through Fordingbridge and Godshill at which Court any Commoners interested for or against the Range would be heard.

The Clerk was directed to make the necessary arrangements for the proposed view by the Verderers.

The Official Verderer reported that he had heard from Mr Stafford Howard that the Pheasantry recently erected at Ashley lodge was merely a temporary enclosure made owing to the very great wetness this spring of the ground formerly used for the purpose.

The Clerk was directed to enter this on the minutes.

Mr Lovell brought up the report of the Bridges and Drains Committee and especially desired to know whether the Bridge at Warwickslade cutting should be repaired. He pointed out that it was of more use to the Crown than to the Commoners and in view of the correspondence that had taken place upon the matter last year the Court decided not to repair it.

[p.315]

The Court proceeded to consider the position of the action of the “Attorney General v The Verderers”. The Clerk reported that the action was not set down for trial and would not now be reached before the long vacation.

The Consideration of the position and correspondence of the Crown Lands Bill was next taken. The Clerk read the correspondence including a letter that he had received that morning from Messrs Horne & Birkett as follows:—

Copy same.

4 Lincolns Inn Fields  
W.C. 14<sup>th</sup> June 1894

Dear Sir

Crown Lands Bill

Referring to the previous correspondence initiated by you with reference to this Bill we have heard that the Commissioners of Woods & Forests will drop for this Session that part of Clause 5 which would empower the Commissioners to sell portions of the Royal Forests.

Yours faithfully

Horne & Birkett

G.F.W. Mortimer Esq.

A long discussion upon the subject took place and it was resolved “That this Court having been informed that the Office of Woods had withdrawn that part of Clause 5 of the Crown Lands Bill which would empower the Commissioners to sell portions of Royal Forests therein set forth regrets that this should be so accompanied as it was by certain concessions made by the Office of Woods for the revision of the Clause so as more effectually to assert and safeguard the rights of the Court of Verderers and the Commoners of the New Forest.



Mr Eyre dissented from the above resolution and desired to record his protest against it on the [p.316] ground that in his opinion no public necessity has been shown to exist for any grant of powers of sale to the Crown as proposed in Clause 5 of the Crown Lands Bill 1894, and that no equivalent has been proposed to be granted to the Commoners for any such concession of new powers to the Office of Woods & Forests as representing the Crown.

The Clerk reported that the South Hants Water Bill with the Verderers amendments had received the Royal assent.

The question of retaining the Agister Moody in the Verderers employ stood over for a fuller Court. The Clerk was directed to see him and suggest to him whether it would not be worth his consideration to send in his resignation on or before the next Court.

The question of raising money for legal expenses by means of a rate was discussed. It was decided not to raise money by a rate at present.

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

Copy same

| 1894                |                                                                                                                                                         | £  | s  | d | 1894  |                                                                                               | £ | s | d  |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----|----|---|-------|-----------------------------------------------------------------------------------------------|---|---|----|
| May 8 <sup>th</sup> | By Cash recd from Agistes at Court for marking Commoners Cattle viz.<br>Chandler £18. 5. 6<br>Evey 14. 4. 6<br>Moody 11.18. 6<br>Newbolt <u>3. 4. 6</u> | 47 | 13 | – | May 8 | Blice from last account<br>To cash paid Mr A Martin Fee by Brockenhurst Cricket Club returned | 3 | 4 | 4  |
|                     | Carried Forward £                                                                                                                                       | 47 | 13 | 0 |       | Carried Forward £                                                                             | 3 | 6 | 10 |

[p.317]

| 1894                |                                                                                                                                                                                                                                             | £   | s  | d | 1894    |                                                                                                                                                              | £   | s  | d  |
|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|----|
| May 8 <sup>th</sup> | Brought forward                                                                                                                                                                                                                             | 47  | 13 | – | June 21 | Brought forward                                                                                                                                              | 3   | 6  | 10 |
|                     | By cash recd. for Licenses viz.<br>Licenses 7. 6<br>Head Money 1. 5. 0<br>Marking fees <u>10. 0</u>                                                                                                                                         | 2   | 2  | 6 | June 21 | To cash paid Clerk for ¼s salary due<br>Midsummer<br>" Four Agisters Do.<br>Chandler £17.10. 0<br>Evey 17.10. 0<br>Moody 17.10. 0<br>Newbolt <u>17.10. 0</u> | 37  | 10 | 0  |
| June 25             | " Acknowledgment of Brockenhurst Cricket Club<br>(New) Emery Down.<br>" Mr Burrough Hill re Roadway at Wilverley Green<br>" Cash recd from Non-Commoners for Licenses viz:-<br>Licenses 7. 6<br>Head Money 7. 6<br>Marking fees <u>4. 0</u> |     |    |   |         |                                                                                                                                                              | 70  | –  | –  |
|                     | " Agisters for marking Commoners Cattle viz:-<br>Chandler £25.16. 4<br>Evey 29.14. 0<br>Moody 17. 2. 0<br>Newbolt <u>10.12. 0</u>                                                                                                           | 83  | 4  | 4 |         |                                                                                                                                                              |     |    |    |
|                     | " Dividend on £3684.18. 4 <3539.10.11> 2¾% Consols                                                                                                                                                                                          | 23  | 10 | 2 |         | Balance                                                                                                                                                      | 47  | 4  | 8  |
|                     | £                                                                                                                                                                                                                                           | 158 | 1  | 6 |         | £                                                                                                                                                            | 158 | 1  | 6  |

[p.318]

The Agisters being present asked leave to make as drift of Donkies in the Forest and leave was given to them.

The Agister Every reported that Col: Esdaile had passe 4 ponies to run in the Forest since the Pony Show.

The Agister Chandler reported that Mr Lovell had passed 32 ponies for the same purpose.

The Agister handed over the following fees viz:—

|          |            |
|----------|------------|
| Chandler | £15. 15. 6 |
| Every    | 15. 17. 0  |
| Moody    | 13. 13. 0  |
| Newbolt  | 1. 6. 0    |

The terminated the business of the Court.

[signed] *GE Briscoe Eyre.*  
(Chairman)

[p.319] At a Special Court of Swainmote and attachment held at the Verderers Hall Queens House Lyndhurst on Friday the 3<sup>rd</sup> day of August 1894.

---

Present.

Col. William Clement Drake Esdaile    Deputy Chairman  
William Gascoigne Roy Esquire    }  
Francis Frederick Lovell Esquire    }    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 a letter received from the Official Verderer Mr Eyre & Mr Meyrick excusing their absence.

The Clerk read the notice convening the Court & stated that 250 Circular copies had been distributed in the New Forest and advertisements placed in the local papers.

Copy same

New Forest Act 1877. To the Commoners of the New Forest.

Notice is hereby given. That a special Court of Swainmote and Attachment will be held at the Verderers Hall Queen's House Lyndhurst on Friday the 3<sup>rd</sup> day of August 1894 at 11.30 o'clock am to consider an application by Col: Vandeleur for permission to make a Volunteer Rifle Range (for the use of the local Volunteers) at Longbottom near Godshill at which Court all Commoners interested are invited to attend & they will be heard.

Dated this 19<sup>th</sup> day of July 1894.

By Order

G.F.W. Mortimer.

Clerk to the Verderers Romsey.

[p.320]

The Chairman stated that he had together with Mr Eyre at the request of the Court viewed the locality of the proposed Rifle Range for the Local Volunteers at Longbottom near Godshill.

The Clerk by order of the Chairman read Mr Eyres written report on the subject.

Copy same

Not being satisfied with what I heard and saw on Friday I visited this site again on Monday last.

The site is parallel with and about a couple of hundred yards distant from the enclosed lands or fields of Godshill & extends from Mr Coventry's Farm along the foot of the high ground to a slope of the high ground about 1000 yards distant. Provision seems to be made for a Range of 800 yards but the last firing point at Flag N<sup>o</sup>8 is at a much greater elevation than the rest & the high ground offers in consequence, from this point, a much diminished obstacle or Butt.

Immediately behind this Butt, a level ridge about a mile long extends, rising almost imperceptibly to Ashley Cross (a group of Oak trees) & to Amberwood Cottage where the O.S. Map shows a rise of 54 feet from the Butt. Thence the ridge continues at right angles & rises northward (much as before) to some Barrows known as "The Butts" & eventually to Bramshaw Telegraph about 2 miles from Ashley Cross.

Several well used Forest tracks meet at Ashley Cross including one very much in use from Bramshaw Telegraph to Frogham & the Avon Valley along the level ridge aforesaid being at right angles to the Butt as far as Ashley Cross & then running towards the Butt & very slightly across it until the road descends to Frogham. There are numerous hollows or folds in both sides of this ridge and several tracks across and along it.

[p.321]

The importance of all these tracks is largely increased by the block of Enclosures (Statutory plantations) which extends from near Bramshaw Telegraph past Ashley Cross to Sloden Old & close up a large piece of the Forest. All are well within Range of <even> inferior Rifles. The local Inspecting Officer declares that all these tracks will be safe but it is plain that if (by ricochet or otherwise) a bullet passed on either side of the Butt or over it the bullet would continue its flight along the ridge unchecked & it is easy to understand that neither the Commoners whose business takes them in all directions along & across this ridge nor the public which use the roads will feel secure.

To efficiently watch all the approaches to this Ridge whilst some of their members were shooting would almost certainly be a task beyond the strength of the local Volunteers.

As regards the exercise of the Common right the site of the Range separates the Bottom from the Ridge & yet both are worked together as one pasturage by the Cattle. On Friday the animals were in the bottoms on Monday they were on the Ridge.

The Bottom is largely grass close fed & has been evidently grazed from the fields outwards. I do not know such an excellent piece of feed in a similar situation in the Forest.

It is a Cow Common i.e. one largely worked by Milch Cows which feed near home & is therefore of exceptional value to the Commoners.

Being situate on the outer edge of the Forest alongside the Manors & close to Settlements of small holders of land the number of local Commoners by whom Longbottom is used is probably considerable.

I certainly think that this busy corner of the Forest is the wrong place for a Rifle Range.

If no other site could be found the objections might be overruled but I heard of two alternative sites on the other side of the Avon & that the number could be increased.

A considerable number of Commoners gradually collected [p.322] upon the site on Friday & became more & more outspoken in their objections. That there is very strong local opposition to the Scheme cannot be denied nor could I detect that those who selected the site were acquainted with the value or with the Exercise of Common Rights either in general or in this particular locality.

Generally Mr Pellham's [*sic*] report to the War Office in 1892 as to Blackdown seems to apply namely that recourse should not be had to the Forest (as being amongst other things a national place of recreation) for military purposes if suitable sites could be obtained elsewhere.

[signed] *G.E.B. Eyre*

Aug-2-1894.

Several Commoners being present Mr Bryant addressed the Court against the proposed Range & handed in petitions against it & proposed alternative Sites.

A letter from Mr Davy the Officer in Charge of the local Company was read and a petition which accompanied it in favor of the Range.

Col: Vandeleur addressed the Court & pressed for permission to make the Range.

The Court having considered Col: Vandeleurs application having in view the inspection of the site by two members of the Court, having heard statements in favor of & against the proposed Range and read the petitions for and against the same resolved as follows that they regret the lateness of the application which has given them no time to consider the suitability of other sites suggested by the Commoners present and stated to be outside the boundaries of the Forest which matter the Court are of opinion they are entitled to have [p.323] brought before them and therefore they recommend the postponement of the application.

This terminated the business of the Court.

[signed] *G.E Briscoe Eyre.*  
(Chairman)

[p.323] At a Court of Swainmote and Attachment held at the Verderers Hall Lyndhurst on Monday the 19<sup>th</sup> of November 1894.

Present

The Right Hon: Evelyn Ashley Official Verderer  
Lieut Col: W. Clement D. Esdaile }  
George Edward Briscoe Eyre Esquire }  
William Gascoigne Roy Esquire } Verderers  
Frederick Francis Lovell Esquire }  
John Jeffreys Esquire }

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

The minutes of the last two meetings were read and confirmed.

The Official Verderer stated that he had received a telegram from M<sup>r</sup> Meyrick stating that he was unable to attend the Court.

Alfred Chandler } Defendant was charged for that he on 3<sup>rd</sup> October 1894 being a Commoner  
v } of the New Forest did unlawfully allow a certain animal to wit a donkey to  
Henry Etheridge } depasture in the New Forest without having caused such animal to be marked  
in accordance with the Byelaws of the New Forest.

Defendant pleaded guilty and was fined 1/- & 7/- costs.

[p.324]

The Verderers proceeded to settle the Register of Commoners entitled to vote at an election of Elective Verderers.

The following claims were allowed and entered on the Register:

|                                       |                         |
|---------------------------------------|-------------------------|
| Lord Arthur Cecil & Lord Lionel Cecil | Mount Pleasant Sway.    |
| <Thos Button                          | Beaulieu Rails Boldre>  |
| Thomas Holley                         | Sway.                   |
| Ellis Cunliffe Lister Kay             | Burley.                 |
| Isaac Keeping                         | East End Boldre         |
| G.F.W. Mortimer                       | Romsey Hampshire        |
| (Trustee Romsey Municipal Charities)  |                         |
| George Phillips                       | Brockenhurst            |
| George Sebright                       | Burley                  |
| Henry Bowden Smith                    | Brockenhurst            |
| Charles Parnell                       | Brockenhurst.           |
| Henry Spring                          | Brockenhurst            |
| Jonathan Robert Taunton               | Netherhampton Salisbury |
| Elizabeth Caroline Young              | Brockenhurst            |

Several names of deceased persons were struck off the list & the Register as altered was finally settled. The Clerk being directed to have it copied signed & circulated in the usual manner.

Col Vandeleur being present accompanied by Lieut: Davy renewed his application with regard to the proposed Rifle Range at Longbottom in the New Forest for the use of the Fordingbridge

Company of the 4<sup>th</sup> V..B. H.R & explained that he had visited all the sites suggested by Mr Bryant at the Special Court held on the 3<sup>rd</sup> August 1894 & he handed in the correspondence between himself & Mr Bryant which was read to the Court & from which it appeared that Mr Bryant declined to assist or to accompany him to the sites. He produced a letter from Capt<sup>n</sup>. Martin District Inspector of Musketry stating that the site was absolutely safe & requested the Court to withdraw any further opposition <to the> use of the site proposed for the Range. Mr Griffiths a Commoner being present explained the reason of Mr Bryants absence & on his & Mr Bryants behalf objected to the Range on the score of danger.

The Court was then cleared & on being reopened the Official Verderer announced that the Court were in no way responsible [p.325] for the grant of a License for the Range. That that rested with the Crown Authorities. The Petition asked the Court to waive the opposition which it might have raised & to allow the Crown to give the License for the Range.

The Court would not on this occasion oppose the granting of the License upon condition

- (a) That the weekly time of firing be fixed & made public.
- (b) That the question of the Verderers consent shall come up again at the end of the first Seasons firing. The Court then to consider & pronounce whether its consent shall or shall not be continued for another twelve months.

The Official Verderer added that he was requested to state that the decision arrived at was not unanimous.

Col: Vandeleur thanked the Court & stated that he accepted the conditions & would see that the greatest care should be exercised & no injury done to the Commoners & that if any damage to man or beast was brought to the knowledge of the General Officer at Portsmouth the Range should be closed at once.

Mr Moens addressed the Court relative to a Drain at Pilley between 2 Bridges Bottom & Rossen Gutter at a point where the Road leading from Pilley Bailey entered the Forest. He stated the drain had been in existence for 60 years & was now stopped by an accumulation of shingle thereby injuring the grass <& flooding the adjoining houses> & preventing the children from going to school. He asked the Court to take the matter into consideration & if necessary to approach the Commissioner of Woods on the subject.

The Official Verderer stated that the matter should be taken into consideration.

At this stage the proceedings Mr Stafford Howard (The Commissioner in charge of the New Forest[]) entered the Court & a private conference took place between him & the Verderers.

On the Court resuming Col: Esdaile took the chair for a short time & he was followed in that position by Mr Eyre.

[p.326]

The Clerk reported the position of the action Attorney General v Verderers & requested instructions as to accepting the 10<sup>th</sup> December as a convenient date for the trial of the Action. He

was directed to state that if the trial came on on the 10<sup>th</sup> the date would be acceptable but that if it was not reached before the 14<sup>th</sup> it must stand over until Col: Esdaile returned from India.

The Clerk read the following report as to the receipt of acknowledgements from the various cricket tennis & Golf Clubs & other persons in respect of Commoners rights in and over the land used by such clubs & persons.

Copy same

To the Official Verderer & Verderers of the New Forest.

Gentlemen,

In accordance with the special orders given to me at the Court of Swainmote held on the 7<sup>th</sup> May 1894, to "In future obtain from the various Clubs & other Grounds the same fee as was demanded by the Crown." I have applied to all Cricket Tennis & Golf Clubs & to the other persons who have heretofore paid acknowledgements to the Court on behalf of the Commoners for & in respect of the user [*sic*] of the wastes of the Forest for payment of a similar fee to that demanded by the Crown with the following result.

Mr Howard has declined to pay anything in respect of the Golf Links at Bartley & states he looks to the Crown for protection. His letter accompanies.

Mr Howard <Lister Kay> refuses on behalf of the Burley Cricket Club to pay any acknowledgement & disputes the Verderers right. His letters accompany.

Mr Wilkinson has not replied.

The Emery Down Cricket Club has not replied.

[p.327]

Mr Burrough Hill states that he pays the Crown £59 but he declines to pay so large an amount to the Verderers & has paid 10/- as heretofore. His letter accompanies and I have seen him.

The Telephone Company pay the Crown £1 a year but have only paid the Verderers this year 1<sup>d</sup>. Their Manager has called on me & his letter accompanies.

The Rev Paine Vicar of Brockenhurst has not paid in respect of the Brockenhurst Cricket Club & has referred me to Mr Lovell (Verderer) on the subject.

The Bramshaw Cricket Club have paid 2/6 as heretofore & have promised if the Club is reorganised to pay the same amount demanded by the Crown viz. 5/- for ground & 2/6 for Cricket Shed. Letter accompanies.

Mr Auberon Herbert has only paid 1/- as heretofore. Several letters from him accompany.

The Colbury Cricket Club have paid 2/6 as heretofore but the ground was not used last season. Letter accompanies.

Minstead Cricket Club have paid 2/6 as heretofore but have not informed me the amount paid to the Crown.

New Forest Cricket Club have paid the same as paid to the Crown viz. 2/6 for shed & 1/- to sink a well.

The New Forest Golf Club have paid £1 as paid to the Crown.

The Bournemouth Golf Club have paid £1 as paid to the Crown.

Mrs Heathcote has paid 2/6 as heretofore. She pays nothing to the Crown. Letter accompanies.



[p.328]

Mrs Eyre Matcham has paid 2/6 as heretofore. She pays nothing to the Crown. Letter accompanies.

Romsey 19<sup>th</sup> November 1894.

Upon the same subject Mr Lovell handed in the following letter & requested that it might be entered upon the minutes.

Copy same

Broadlands, Brockenhurst.  
Nov<sup>r</sup> 16<sup>th</sup> 1894.

Dear Sir,

I herewith send you par[ticular]s of access to New Buildings across Common Waste, permission from the Crown to Broadlands from Burley Road 15 July 1892 annual payment 5/- (B[al]ance 10<sup>th</sup> June 1891.[.])

Cox Field from Ober Road continuation of Broadlands 29 April 1893 – £5.

Lower Aimers – 23 Nov<sup>r</sup> 1893 £1.

South side from Burley Road about 120 yards x 4 – to 480 Sq. yds. Charge 5/- per annum

North West from Ober Road about 40 yards x 4 – 160 Sq. yds. Charge £5 per annum. Charge £150 per acre.

North East to Tower [*sic*] Aimers about 64 Sq. yds. 1/75<sup>th</sup> part of an acre. Rate per acre, £75. Charge £1 per annum per acre.

Yours truly,  
W. Cowley

F.F. Lovell, Esq.

The consideration of the Report and letter was adjourned until next Court.

The following letter from Mr Henry St. Barbe was read and ordered to be entered on the minutes.

copy same

[p.329]

Association for the improvement of the breed of New Forest Ponies.

Lymington  
20<sup>th</sup> August 1894.

Gentlemen,

In accordance with your request conveyed in Mr Mortimers letter of the 23<sup>rd</sup> July last for my observations on his report to you dated 24<sup>th</sup> May 1894 concerning the last April Stallion Show of the Association. I have the honour to inform you that the Verderers who passed the Stallions to run in the Forest are members of the Council of this Association one of whom was present at the meeting when the arrangements for the show were made & Mr Mortimer is the Honorary Solicitor of the Association; & as he has in previous years very kindly assisted the Honorary Secretary of the Association in carrying out these arrangements, so he had most kindly agreed by letters dated the 3<sup>rd</sup> & 20<sup>th</sup> April last to assist me, who had then lately been appointed

Hon: Secretary in the place of Mr R.W. Blathwayt, & I accordingly looked for his assistance at the late Show which was carried out on the same lines as in previous years, with the exception that it was considered unnecessary to have a Veterinary Surgeon as the ponies were passed by the deputed Verderers with the aid of Mr Goodall.

I may further state that the relations of the Association & the Court of Verderers have ever been those of mutual sympathy & goodwill as regards the desire for the improvement of the breed of New Forest Ponies.

The Association took up the work so well commenced by the Court of Verderers & with the encouragement & individual aid of those comprising the latter this improvement has been greatly advanced through the "four ponies" Scheme and their own work.

[p.330]

I am instructed to assure your Honorable Court that the idea suggested by Mr Mortimer's Report of the Association in any way hindering the work of passing the Stallions or of showing any want of courtesy either to those Verderers who were carrying out this duty or to Mr Mortimer your Clerk is non-existent & undreamt of on their part.

Further I am instructed to express their sincere regret that such an idea should ever have crossed the mind of Mr Mortimer & have been made the subject of his report, a Report the shape & tenor of which they cannot but regret.

I have the honor to be

Gentleman

Your obedient Servant

Hy St Barbe

Hon Sec.

N.F.P.A.

The consideration of Mr Lovell's Report on the question of Bridges & Drains was deferred.

Mr Lovell then moved that it was expedient the the [*sic*] burning of Heath should take place earlier in the season & that the Report of the parts of the Forest which was thought desirable to burn should be sent to the Deputy Surveyor as early as possible in order that proper lanes or lines may be cut during the winter to prevent the spread of Fires in the localities selected.

This motion was adopted.

The Agister Chandler reported that the Heath in the Bottom between Home Hill & Ferry Nap required burning to the extent of 10 to 15 acres. That no lanes required to be cut.

The Agister Every reported that the Bottom between Wilverley Post & the Station required burning & that it would be necessary to cut lanes in this case.

[p.331]

The Agister Moody reported that the Heath between Ironswell and Crows Nest Bottom required burning. No lanes required to be cut. Also the upper part of Harvestslade bottom required to be burnt. It would be necessary to cut lanes for this purpose.

The Agister Newbolt reported that some heath near Longwater Ashurst required burning but no lanes were necessary to be cut. Also some more heath at Matley Wood required burning where lanes would be required to be cut.

The Clerk was directed to report the sites to the Deputy Surveyor for burning & to state that the Verderers would be prepared to have any lanes or lines cut that he might approve to prevent the spread of the Fires.

The Clerk was directed to call the further attention of the Deputy Surveyor to the quantity of Glass near the Cemetery & request him to have it buried.

The Agister Chandler was directed to have the glass at Balmer Lawn buried at an expense not exceeding 1/6.

It was resolved that it is expedient to establish a Verderers Library & Mr Lovell was requested to bring up a Scheme on the subject to the next Court.

The Clerk was directed to give the Agister Moody three months' notice to terminate his engagement.

The Clerk read the following letter from Col: Martin Powell

copy same

Brooklands  
Lyndhurst  
17 Nov 1894

Dear Sir,

I have paid 10/- under protest for a sucking Donkey lately driven to pound. I now enclose Agister Newbolts receipt for 5 donkeys & he will tell the Court that this was one of those paid for but too young to tail mark. I now ask the Verderers to refund the 10/- [p.332] & say they they deem it right to do so, may I ask you to be so good as pay it to the parish Coal Club.

I am Yours truly  
W. Martin Powell  
Commoner.

G.F.W. Mortimer Esq  
Clerk to the Verderers.

The Court however did not see its way to comply to <with> his request.

The Clerk was directed to sit at Lyndhurst on a convenient day to grant Licenses to Non Commoners & he selected Monday the 7<sup>th</sup> January 1895 which date was approved.

The Court fixed the following dates for holding Courts of Swainmote & Attachment for the year 1895.

Monday      January 14<sup>th</sup>  
 ”             March 11<sup>th</sup>  
 ”             May 6<sup>th</sup>  
 ”             July 15<sup>th</sup>  
 ”             November 18<sup>th</sup>

An order was given to the Clerk to pay the Deputy Surveyor the sum of 20/- the amount payable to the Crown under Section 9 of the New Forest Act 1877 & a cheque was signed for this amount.

At the request of Col Esdaile leave of absence was given him from the January & March Court he being about to sail for India. It being resolved that <it is expedient that> such Verderer shall not vacate his Office through such absence.

The Clerk produced & read the Financial Statement which was ordered to be entered on the minutes.

copy same

[p.333]

|                        |                                            |     |    |   |      |                                       |     |    |   |
|------------------------|--------------------------------------------|-----|----|---|------|---------------------------------------|-----|----|---|
| 1894                   | By Balance from last a/c                   | 47  | 4  | 8 | 1894 | To Cash paid Clerk for Quaters salary |     |    |   |
| July 16                | ” Cash received from Agisters at Court for |     |    |   | Sept | this day                              | 37  | 10 | - |
| August 3 <sup>rd</sup> | marking Commoners Cattle viz.:-            |     |    |   |      | ” ” Four Agisters Ditto viz.          |     |    |   |
|                        | Chandler      £15.15. 6                    |     |    |   |      | Chandler      £17.10. 0               |     |    |   |
|                        | Eveny          15.17. 0                    |     |    |   |      | Eveny          17.10. 0               |     |    |   |
|                        | Moody          13.13. 0                    |     |    |   |      | Newbolt       17.10. 0                |     |    |   |
|                        | Newbolt       1. 6. 0                      | 46  | 11 | 6 |      | Moody          17.10. 0               | 70  | 0  | 0 |
|                        | ” Cash received from Non Commoners         |     |    |   |      |                                       |     |    |   |
|                        | for License viz.:-                         |     |    |   |      |                                       |     |    |   |
|                        | License        2. 6                        |     |    |   |      |                                       |     |    |   |
|                        | Head Money   5. 0                          |     |    |   |      |                                       |     |    |   |
|                        | Marking Fees 2. 6                          |     | 10 | - |      |                                       |     |    |   |
|                        | ” Agisters at Court for Marking            |     |    |   |      |                                       |     |    |   |
|                        | Commoners cattle, viz.:-                   |     |    |   |      |                                       |     |    |   |
|                        | Chandler      £7.12. 6                     |     |    |   |      |                                       |     |    |   |
|                        | Eveny          2. 5. 0                     |     |    |   |      |                                       |     |    |   |
|                        | Newbolt       9. 0. 0                      | 18  | 17 | 6 |      |                                       |     |    |   |
|                        | ” Agister Chandler being fees paid by      |     |    |   |      |                                       |     |    |   |
|                        | Gregory, Drodge, Etheridge & Col:          |     |    |   |      |                                       |     |    |   |
|                        | Martin Powell for Donkeys impounded        | 2   | -  | - |      |                                       |     |    |   |
|                        | ” Agister Eveny being fees paid by Lester  |     |    |   |      |                                       |     |    |   |
|                        | by Donkey impounded                        |     | 10 | - |      |                                       |     |    |   |
|                        | ” Agister Moody being fees paid by         |     |    |   |      |                                       |     |    |   |
|                        | Peckham (2) & Mills for Donkeys            |     |    |   |      |                                       |     |    |   |
|                        | impounded                                  | 1   | 10 | - |      |                                       |     |    |   |
|                        | ” Agister Newbolt being fees paid by       |     |    |   |      |                                       |     |    |   |
|                        | Payne Egerton & E. Purkiss (2), C.         |     |    |   |      |                                       |     |    |   |
|                        | Purkis, May, W. Broomfield, Taplin, G.     |     |    |   |      |                                       |     |    |   |
|                        | Broomfield, Dore, Haskens (3) for          |     |    |   |      |                                       |     |    |   |
|                        | donkeys impounded                          | 6   | 10 | - |      |                                       |     |    |   |
|                        |                                            | 123 | 13 | 8 |      |                                       | 107 | 10 | 0 |

[p.334]

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |           |          |      |                              |           |           |           |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|----------|------|------------------------------|-----------|-----------|-----------|
| 1894.<br>Oct 6 <sup>th</sup> | By cash received being Dividend on<br>£3684.18.4 <3537.10.11> 2¼% Consols<br>" " " for yearly acknowledgement<br>from Bournemouth Golf Club.<br>Yearly acknowledgement<br>New Forest Golf Club<br>Mrs Heathcote<br>New Forest Cricket Club<br>Mrs Eyre Matcham<br>" Cash rec'd from Agister Chandler being<br>fee paid by H. Hayward for Donkey<br>impounded<br>" Agister Newbolt being fee paid by H.<br>Hayward for Donkey impounded<br>" from Non Commoners for License viz:-<br>License 2/6, Head Money 2/6,<br>M. Fees 1/6<br>" For yearly acknowledgement from<br>Telephone Coy<br>" Minstead Cricket Club<br>" Bramshaw " "<br>" Colbury " "<br>" Mr Auberon Herbert<br>" Mr Burrough Hill (2)<br>" Mr Moodys salary cheque not having<br>been paid in | 123       | 13        | 8        | 1894 | To cash paid for Cheque Book | 107       | 10        | 0         |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 23        | 10        | 2        |      |                              |           | 2         | 6         |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1         | -         | -        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1         | 0         | -        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 2         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 3         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 2         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 10        | -        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 10        | -        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 6         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           |           | 1        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 2         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 2         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 2         | 6        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 1         | -        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |           | 10        | -        |      |                              |           |           |           |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <u>17</u> | <u>10</u> | <u>-</u> |      | Balance.                     | <u>61</u> | <u>14</u> | <u>11</u> |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 169       | 7         | 5        |      |                              | 169       | 7         | 5         |

[p.335]

It was resolved that the Clerk take the instructions of the Official Verderer as to fixing a Special Court for the 3<sup>rd</sup> or 4<sup>th</sup> December to consider the question of raising funds by a rate over the Forest for payment of costs incurred by the Court also of subdividing the Forest into 3 posts & not 4 & only employing 3 Agisters in the future.

The following cheques for payment of accounts were signed.

|                             |          |           |
|-----------------------------|----------|-----------|
| Mr A. Chandler              | £2.18. 9 |           |
| Western Gazette             | 8. 0     |           |
| Hants Advertiser            | 8. 0     |           |
| Bennett Bro <sup>s</sup>    | 6. 9. 2  |           |
| Hants Independ <sup>t</sup> | 9. 7. 9  |           |
| Lordon & Co Messrs          | 8. 5. 6  |           |
| Drake & Co Messrs           | 4. 5. 6  |           |
| James Jenvey                | 3. 3. 0  | £35. 5. 8 |

The Agisters being present paid over the following sums viz:-

|          |           |
|----------|-----------|
| Chandler | £13. 8. 6 |
| Every    | £14.13. 0 |
| Moody    | £24. 2. 6 |
| Newbolt  | £10. 4. 6 |

Ditto for pannage.

|          |           |
|----------|-----------|
| Chandler | £ 2. 4. 0 |
| Every    | 4.15. 4   |
| Moody    | 1. 2. 4   |
| Newbolt  | 18. 0     |

This terminated the business of the Court.

[signed] *E. Ashley*

[p.336] At a Special Court of Swainmote and attachment held at the Verderers Hall Queens House Lyndhurst held on the 8<sup>th</sup> day of December 1894.

Present

|                                            |                   |
|--------------------------------------------|-------------------|
| The Right Hon <sup>ble</sup> Evelyn Ashley | Official Verderer |
| George Edward Briscoe Eyre Esquire         | }                 |
| William Gascoigne Roy Esquire              | }                 |
| G.A.E.T.G. Meyrick Esquire                 | } Verderers.      |
| John Jeffreys Esquire                      | }                 |

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

The Minutes of the last meeting were read and confirmed.

The question of of [*sic*] the re-organisation of the districts of the Agisters was gone into with a view to the employment in future of three Agisters in lieu of four.

It was resolved that Mr Eyre be requested to bring up a scheme to the next Court showing the proposed division of the Forest into three districts & dealing with a small increase of pay for each enlarged district and the locality in which each of the three Agisters should reside for the approval of the Court.

The question of obtaining funds for payment of costs in the litigation instituted by the Attorney General against the Verderers was considered and in view of the expenses up to present date incurred in this matter and in the parliamentary work of last year. It was decided to sell out Consols to produce £400 for present expenses and that a penny rate be declared under Schedule I of the New Forest Act 1877 for the year ending 31<sup>st</sup> December 1894.

A letter from Mr E Stafford Howard addressed to Mr Lovell as follows was read and the following answer directed to be [p.337] sent thereto.

copy same

Romsey Hampshire  
8<sup>th</sup> December 1894

Sir,

I am directed by the Right Hon: Evelyn Ashley Official Verderer and the Verderers of the New Forest sitting at the Verderers Hall Queens House Lyndhurst in their Court of Swainmote and Attachment to inform you that your communication as to repairs to Bridges in the New Forest addressed to Francis Frederick Lovell Esq Verderer was duly read to the Court today.

In reply I am directed to refer you to the correspondence which took place in 1887 and 1888 on this subject with your department & to state that the Court have at present no funds to carry out the repairs of any Bridges & are therefore compelled to disclaim any responsibility for them.

I am further directed to call your attention to a complaint that has been formally made to the Court as to the state of a drain at Pilley between two Bridges Bottom and Rossen Gutter at a point where the road leading from Pilley Bailey enters the Forest.

The drain is reported to be stopped by an accumulation of shingle causing flooding and inconvenience.

I have the honor to be

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

E Stafford Howard Esq.

[p.338]

The Agister Evemy reported that the Burley Cricket Club had enclosed their pitch with a fencing of wood.

The Clerk read the correspondence which had passed with M<sup>r</sup> Lister Kay on the subject of the payment of the acknowledgment to the Verderers in respect of the Commoners rights over the Cricket ground.

The Official Verderer having spoken on the subject & as to the correspondence he had had with Mr Lister Kay. The Clerk was ordered to write and say that the correspondence had been read to the Court as he desired & the Court now hoped he would see his way to pay the 5/- acknowledgment.

The Agister Evemy reported that a Fern Rick with a Cart shed at the end thereof had been placed on the open waste of the Forest near Set Thorns Inclosure. There were now two Carts in the shed which was affixed to the land.

The Clerk was directed to write to the Deputy Surveyor calling his attention to the alleged encroachment and requesting him to give the matter his attention.

The Agister Moody was directed to report if the Pheasantry had been removed at Ashley Lodge.

The Agister Newbolt reported that the South Western Railway had enclosed part of the open Forest at Lyndhurst and at Blackdown. The Clerk was directed to enquire into the matter and insist upon Notice to treat being served by the Company or the fence being removed and also to write to the Office of Woods calling their attention to the matter.

The Clerks report as to payment of acknowledgments by Cricket Clubs Tennis and Golf Clubs and others was read.

[p.339]

The Clerk was directed to write to Mr Howard that the Court could not recognise any immunity on his part which should exempt him from the payment of the usual acknowledgment to the Verderers in respect of the Commoners right over the Golf ground at Bartley.

The Clerk read a communication Messrs Horne & Birkett asking for £200 to pay Counsels and other fees he was requested pending the sale of consols to send them a cheque for that amount.



It was decided to decline the offer of Mr Gorst to share the expenses of a Shorthand writer and of the transcript of his notes. The Clerk being authorised to engage a shorthand writer to take notes at £2 2/- a day and the Verderers reserving the question of having a transcript thereof for further consideration.

The Agisters being in attendance paid over the following sums:

|          |         |                |
|----------|---------|----------------|
| Newbolt  |         | £ 3.12. 6      |
| Do       | Pannage | 1.19. 8        |
| Chandler |         | 18. 7. 0       |
| Do       | Do      | 17. 4          |
|          |         | —————£24.16. 6 |

This terminated the business of the Court.

[signed] *Evelyn Ashley*  
*Official Verderer*

[p.340] At a Court of Swainmote and Attachment held at the Verderers Hall Queens House Lyndhurst on Monday the 14<sup>th</sup> day of January 1895.

---

---

Present.

|                                    |                   |
|------------------------------------|-------------------|
| The Right Hon: Evelyn Ashley.      | Official Verderer |
| George Edward Briscoe Eyre Esq }   |                   |
| William Gascoigne Roy Esquire }    | Verderers         |
| Francis Frederick Lovell Esquire } |                   |
| John Jeffreys Esquire }            |                   |

---

---

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

The Official Verderer stated that he had received a letter from M<sup>r</sup> Meyrick excusing his attendance through illness.

The minutes of the last meeting were read and confirmed.

|                           |                                             |
|---------------------------|---------------------------------------------|
| Harry Phillips }          |                                             |
| v }                       | Larceny at Pilley Bailey in the New Forest  |
| Alfred Doe The Elder }    | of a Donkey of the value of 30/-            |
| and }                     | on or about 23 <sup>rd</sup> December 1894. |
| Alfred Doe the Younger. } |                                             |

Separate depositions were taken and the case was adjourned until next Court for production of the Donkey and Defendants were bound over in £10 to appear and produce the same.

[p.341]

|               |                                                              |
|---------------|--------------------------------------------------------------|
| John Moody }  |                                                              |
| v }           | Charged with breach of Byelaw No 6 during Pannage time 1894. |
| Robert Reid } |                                                              |

John Slightam sworn:— I am Crown Keeper of Ashley Walk and I am here on Subpoena I produce my ticket book and the conterfoil showing the number of Pigs the Defendant had out during Pannage. I ovasted 38 pigs belonging to the Defendant. They were in the Forest most of the pannage time. I gave the Defendant his ticket at the time he came for it.

John Moody sworn:— I am an Agister of the New Forest residing at Cadnam. The Defendant did not bring to me his ticket referred to by the last Witness to mark and has not paid to me the fees under Bye Law N<sup>o</sup>6 amounting to 12/8. I have applied to him for the Fees by letter. I gave him a copy of the Byelaws about two years ago.

The Defendant was fined £1.5.4 & costs 19/11.

An application from the Keeper Slightam for extra travelling expenses was refused.

The Clerk reported that he had received a communication from Mr Stafford Howard as follows:—

copy same

[p.342]

Office of Woods &c  
S.W. 4<sup>th</sup> January 1895

Sir,

Attorney General v Verderers

With reference to the official letter of 2<sup>nd</sup> inst: I am directed by Mr Stafford Howard to inform you that he will be unable to send the heads of the proposed Bill in time for the next meeting of the Verderers as it is essential before submitting them to the Verderers in their official capacity to obtain the provisional approval of the Board of Treasury.

I am

Sir

Your obedient Servant

J.M. Duncan

The Clerk to the  
Verderers of the New Forest.

and that as explained in such letter the Commissioners of Woods had not yet submitted the heads of the proposed Clauses to be placed in a Crown Lands Bill 1895.

The Clerk also produced a letter from Mr Stafford Howard as to the identity of the Lawns in the Forest and his reply thereto. The whole correspondence was ordered to be entered on the minutes,

copy same

Office of Woods &c  
S.W. 8<sup>th</sup> January 1895

Sir,

With reference to the list of "Lawns" which accompanied your letter of 24<sup>th</sup> ultimo. I am directed [p.343] by Mr Stafford Howard to state that the description is insufficient to enable the Deputy Surveyor to recognise them with any degree of certainty. Mr Howard proposes therefore to direct the Deputy Surveyor to observe the spirit of the Solicitor General's undertaking by avoiding anything which he considers can reasonably be called a "Lawn".

If you want more than this a map shewing situation and boundaries of each lawn named by you should be furnished. It is of course to be understood that it is only for the purpose of the Solicitor General's undertaking.

Mr Howard is at present endeavouring to arrive at an understanding as to what are to be regarded as "Lawns"

I am,

Sir,

Your obedient Servant

J.M. Duncan

The Clerk to the Verderers  
of the New Forest.

Romsey Hampshire  
10<sup>th</sup> January 1895

Sir,

In reply to your letter of the 8<sup>th</sup> January inst as to the list of Lawns sent to Mr Gorst in my letter of the 24<sup>th</sup> December ulto the descriptions as given in such list are the descriptions by which the lawns are locally known.

If, however, the Deputy Surveyor has any difficulty in recognising them and will supply a list of those about which he has the difficulty I shall be pleased to render any assistance in my power to remove the same.

I suggest, however, that if you will let me know where you propose (*pendente lite*) [p.344] to permit Sawing Engines to be placed in the Forest there will be no difficulty in deciding whether the positions selected come within the undertaking given by the Solicitor General or not.

It will give me great pleasure to render to you, if you require it, every assistance to enable you to come to an understanding as to what are to be regarded as "Lawns".

I am

Sir

Your obedient Servant.

G.F.W. Mortimer

E Stafford Howard Esq.

The Clerk produced <& read> a correspondence with the Deputy Surveyor as to burning heath in the Forest which was ordered to be entered upon the minutes.

Romsey, Hampshire  
8<sup>th</sup> December 1894

Dear Sir

With a view to the efficient and safe burning of Heath in the New Forest during the Spring of the approaching year I am directed to report to you that the Verderers have selected the following places as suitable places requiring burning viz:—

- (a) The heath in the bottom between Holm Hill and Ferny Knap to the extent of 10 to 15 acres.
- (b) The Heath in the bottom between Wilverley Post and the Holmesley Station.
- (c) The Heath between Irons Well and Crows Nest Bottom.
- (d) The Upper part of Harvestlade Bottom.

[p.345]

- (e) Some Heath near Longwater.
- (f) Some Heath near Matley Wood.

In the second, fourth, and sixth cases, the Verderers suggest that they should be allowed (as you may direct) to cut some lanes or lines in the Heath at proper places to prevent the spread of fires where necessary.

I am therefore directed to add that if you approve these sites and this arrangement [*sic*] the Verderers will be prepared to have such lanes or lines cut during the winter as you may consider necessary but they would be glad to have an answer as early as possible so as to make arrangements.

I am  
dear Sir  
Yours faithfully  
G.F.W. Mortimer.

The Hon: Gerald Lascelles.

Queens House  
Lyndhurst.  
13.12.94

Dear Sir,

I have to acknowledge the receipt of your letter of the 8<sup>th</sup> inst: which you say you have been directed to send to me; I presume by the Official Verderer?

In reply I am not disposed to sanction the burning of any heath land in this forest for the present, except in pursuance of the Scheme commenced last year under which a large area was burnt. I am of the opinion that burning has been carried to an injurious excess of late years & that it has failed in the object [p.346] of which I initiated it in about 1883, of preventing, by the good feeling it was hoped it would induce the frequency of incendiary fires.

I notice further that in the letter you now send those places are included again to which I have on former occasions objected as being undesirable places to burn, having regard to all interests involved other than that of the Common of Pasture solely.

I will ask you to lay my reply before the Official Verderer in due course.

I am  
Yours truly  
Gerald Lascelles.

The Clerk to the Verderers  
New Forest.

The Clerk was ordered to write and ask the Deputy Surveyor at any rate to do what was required to be done under last years scheme.

The Clerk produced and read the correspondence with Mr Stafford Howard as to the Bridges & Drains which was ordered to be entered on the minutes

copy same

Romsey, Hampshire  
8<sup>th</sup> December 1894.

Sir

I am directed by the Right Hon: Evelyn Ashley Official Verderer and the Verderers of the New Forest sitting at the Verderers Hall Queens House Lyndhurst in their Court of [p.347] Swainmote and attachment to inform you that your communication as to repairs to Bridges in the New Forest addressed to Frederick Francis Lovell Esquire Verderer was duly read to the Court today.

In reply I am directed to refer you to the correspondence which took place in 1887 & 1888 on this subject with your department and to state that the Court have at present no funds to carry out the repairs of any bridges and are therefore compelled to disclaim any responsibility for them.

I am further directed to call your attention to a complaint that has been formally made to the Court as to the state of a drain at Pilley between two Bridges Bottom and Rossen Gutter at a point where the road leading from Pilley Bailey enters the Forest.

The drain is reported to be stopped by an accumulation of shingle causing flooding and inconvenience.

I have the honor to be

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to Verderers

E. Stafford Howard Esq.

Office of Woods &c

SW. 18<sup>th</sup> Dec<sup>r</sup> 1894

Sir

New Forest

I am directed by Mr Stafford Howard to acknowledge the receipt of your letter of the 8<sup>th</sup> inst.

Mr Howard reads your communication as an intimation that the Verderers give up altogether [p. 348] any responsibility in regard to the Bridges & on the assumption that he is correct in so regarding your letter he directs me to say that he will be willing to accept the control of the bridges & the Crown will repair such of them as it deems to be desirable to be kept up and will remove those deemed to be unnecessary.

With regard to your complaint as to the watercourse near Pilley, Mr Howard is enquiring into the circumstances & a further communication will be made to the Verderers in due course.

I am

Sir

Your obedient Servant

J.M. Duncan.

G.F.W. Mortimer Esq.

Mr Lovell addressed the Court with reference to his scheme for the formation of a Verderers Library & stated that he had had offers of Books from Lord Montagu and Col: Esdaile. It was unanimously resolved to form a Library & the matter was left in Mr Lovell's hands to carry out.

The Court then proceeded to consider the Scheme for the division of the Forest into three districts and the employment of three Agisters only.

After discussion, the matter was adjourned for a scheme to be prepared showing the Division of the Forest into three parts and for details of the working out of the proposed plan for the employment of three Agisters.

The question of making a rate was post-poned for the present.

[p.349]

The Clerk produced and read the correspondence with the Solicitors of the London & South Western Railway Co relative to the enclosure of part of the New Forest near Old Beaulieu Station and the correspondence with Mr Stafford Howard thereon which was ordered to be entered on the minutes.

copy same

Romsey Hampshire  
8<sup>th</sup> December 1894.

Dear Sirs,

I am directed to call your attention to the recent enclosure of part of the waste lands of the Forest at Beaulieu <Old> Station between Lyndhurst Road Station & Brockenhurst Station which enclosure has been made by your Company & to add that if your Company required any land for station purposes at the place in question they should have served Notice to treat before dealing with any part of the Forest there.

I am to ask you to be good enough to at once put yourselves in order & serve the notice or the Rails, posts &c will be removed.

Yours faithfully  
G.F.W. Mortimer

Messrs Bircham & Co

Solicitors Office  
Waterloo Station S.E.  
11<sup>th</sup> Dec<sup>r</sup> 1894.

Dear Sir,

New Forest  
Beaulieu Road &c

We duly received your letter of the 8<sup>th</sup> inst & in reply thereto have to inform you that the Company [p.350] have taken possession of the waste land under a formal License granted by the Commissioners of Woods & Forests dated in April last on the undertaking by the Company for the necessary Parliamentary Powers when going to Parliament for their next Bill. The Company have now deposited a Bill for the necessary powers, and on the Act being passed we shall do all that is necessary to compensate any parties who may be entitled to compensation.

We trust that this will be a sufficient explanation to you. You will quite understand that had we got proper powers we should have served notice in respect of this land some time ago

Yours faithfully  
Bircham & Co

G.F.W. Mortimer Esq

46 Parliament Street  
SW. 12<sup>th</sup> Dec<sup>r</sup> 1894

My dear Sir,

I thank you for calling & I am sorry I was out at the time.

If we have done anything wrong in fencing off the land which the Crown permitted us to do on the understanding that we were to go to Parliament for proper powers in due course I am quite sure you will believe me when I say that we are quite wishful to put ourselves right & I think the best thing that I can do is to send you on behalf of the Verderers the ordinary notice of our intention to apply to Parliament in respect of the land in question & this will put you in a proper position with a view to making the necessary claim when the time comes.

I trust this [p.351] will be satisfactory to you,

I am, dear Sir,  
Yours faithfully,

G.F.W. Mortimer Esq.

Romsey Hampshire  
17<sup>th</sup> Dec<sup>r</sup> 1895. [*sic*]

Dear Sirs

New Forest Lands

I am in receipt of your letter & observe what you say. The point is not so much the ultimate payment of compensation, but the taking possession without a word to the Verderers & before your Bill became Law – If you wanted possession of the land why did you not apply to the Verderers when you applied to the Commissioners of Woods? No doubt your application would have received favorable consideration.

I suggest even now a formal application being made

Yours faithfully  
G.F.W. Mortimer

Messrs Bircham&Co.

Waterloo Bridge Station  
S.E. 18 Dec<sup>r</sup> 1894.

Dear Sir,

New Forest Land

We beg to acknowledge receipt of your letter of yesterdays date, & are sorry that we omitted to make formal application to the Verderers at the time. We, however, heard from one of the Verderers that the Verderers were very wishful to convey to the company their interest in such land as they might require for the proposed [p.352] Beaulieu Road Station & we suggested at the time that it would be useless to take steps with a body like the Commoners without obtaining special powers.

This we are now doing & a formal notice has been sent to you. When the powers are obtained we shall be able to deal further & we shall ask your good offices when that time arrives.

This letter also applies to the small piece of waste land at Romsey Hants.

Yours faithfully  
Bircham & Co

G.F.W. Mortimer Esq



Romsey Hampshire  
20<sup>th</sup> December 1894.

Dear Sirs,

New Forest Land

I am directed by the Right Hon Evelyn Ashley Official Verderer of the New Forest to acknowledge the receipt of your communication of the 18<sup>th</sup> Dec<sup>r</sup> inst & in reply thereto to state that as you have given assurances therein that a Bill will be forthwith promoted in order to enable your Company to acquire parts of the open wastes of the New Forest at Lyndhurst Blackdown & Woodfidley for the enlargement of your Stations & sidings there & state that when this Bill is obtained you will deal further with the interests of the Commoners in the lands in question.

The Verderers will at present take no further steps as to the enclosures made by your Company to which I have called your attention but they desire Clauses inserted in your Bill similar in all respects to those inserted in your Bournemouth Direct Bill in 1883 & Various Powers Act 1885 & I am to ask your undertaking to [p.353] insert such Clauses in your proposed Bill.

Yours faithfully

G.F.W.Mortimer.

Clerk to the Verderers

Messrs Bircham&Co.

Waterloo Station  
S.E. 21<sup>st</sup> Dec<sup>r</sup> 1894

Dear Sir,

Session 1895  
New Forest Land

We are obliged by your letter of yesterday's date & note that the Verderers will at present take no further steps as to the enclosures made by the Company.

A similar clause to clause 38 of the South Western (Bournemouth &c) Act 1883 has been inserted in the present Bill, & stands clause 34, but we do not see any necessity for inserting in the Bill a similar clause to clause 22 of the Act of 1885.

Very small bits of land are being dealt with & we trust that you will not press for this clause any further.

Yours faithfully

Bircham & Co

G.F.W. Mortimer Esq.

Romsey Hampshire  
22<sup>nd</sup> Dec<sup>r</sup> 1894.

Dear Sirs,

New Forest Lands

I will take instructions upon your letter I do not, however, understand your objections to adding the 22<sup>nd</sup> clause of your Bill of 1885 & shall be glad to know the difficulty you feel about the subject before bringing the matter [p.354] further before the Verderers.

Yours faithfully  
G.F.W. Mortimer

Messrs Bircham & Co.

Office of Woods &c  
S.W.  
20<sup>th</sup> Dec<sup>r</sup> 1894.

Sir,

New Forest

I am directed by Mr Stafford Howard to acknowledge the receipt of your letter of the 14<sup>th</sup> inst: relative to the (alleged) enclosure by the South Western Railway Company of certain parts of the open Forest at Lyndhurst & Blackdown & elsewhere.

The expression "elsewhere" is somewhat indefinite & all Mr Howard can say in reference to it is that he is not aware that the Company have enclosed any open Forest except at Lyndhurst Road Station & at Beaulieu Road Station.

A small strip at Lyndhurst Road Station has been occupied by the Company under license from the Crown for several years & the piece of land at Beaulieu Road which was necessary for the opening of the Station is used under a license from this Department granted on 19<sup>th</sup> April last on the understanding that when the Company next promoted a Bill in Parliament they would seek power to take the land at both places.

Mr Howard understands that Notices have been given for a Bill for next Session.

With regard to your complaint that the Verderers were not consulted, I am [p.355] to state that so far as the Beaulieu Road case is concerned they would seem to have been quite aware of what was proposed as Mr Howard understands that the matter was before the Verderers on Monday 20<sup>th</sup> Nov<sup>r</sup> 1893 & on the 25<sup>th</sup> of that month he was informed by the London & South Western Railway Company that the Verderers would offer no objection to the Company acquiring the Commoners rights over the land required.

There is therefore no ground whatever for your complaint that the Verderers were not consulted in this matter so far as Mr Howard is able to judge.

I am  
Sir

Your obedient Servant  
J.M. Duncan

G.F.W. Mortimer Esq.

Romsey  
Hampshire  
22<sup>nd</sup> Dec<sup>r</sup> 1894.

Sir,

In reply to your communication of the 20<sup>th</sup> day of December inst. I am directed by the Official Verderer to say that in October 1893 a communicat. was received from Mr Scotter Manager of the South Western Railway addressed to the Clerk to the Verderers enquiring whether the Commoners would be willing to sell their interest in a piece of land of about 1½ acres East of the site of the old Beaulieu Road Station to which letter a reply was sent on the 1<sup>st</sup> Nov<sup>r</sup> asking for a plan & on the 4<sup>th</sup> Nov<sup>r</sup> 1894 [*sic*] Mr Scotter wrote with the plan. His letter concludes: [p.356] “It is not yet determined whether the Station shall be erected on the East or West side of the public Road crossing the railway at that spot but the Company only require about 1½ acres of land altogether.”

This letter was considered by the Court on the 20<sup>th</sup> Nov<sup>r</sup> 1893 when the Court assented to Mr Scotter’s proposal & the Clerk was directed to ascertain if it was proposed to acquire the land by Bill or under the Railway Clauses Act & he was instructed to take all necessary steps to protect the Commoners interests.

Since that date no further communication was made to the Verderers.

They wrote therefore recently to know why the Company had enclosed lands at Blackdown without communicating with them.

The reply was that the enclosure was made under license from the Crown.

Under the above circumstances there seems ground for the complaint made by the Verderers as to not being consulted before the land was enclosed.

The expression “elsewhere” was used as at the time my communication was written to you no notice had been served on the Verderers & they were not aware of the exact position of the place or places at which it was sought to acquire land.

It now appears from notice at last received that land has been Scheduled at Lyndhurst Old Beaulieu Road Station & Woodfidley.

As to the former & latter places no communication has been made to the Verderers about any land being required.

[p.357]

As to Old Beaulieu Road Station no consent has been asked to enclose any land & you will see that Mr Scotter did not even know when he wrote, the position of the land he required.

I am

Sir

Your obedient Servant

G.F.W. Mortimer

E. Stafford Howard Esq

Office of Woods &c  
S.W.

2<sup>nd</sup> January 1895

Sir,

New Forest.

I am directed by Mr Stafford Howard to acknowledge the receipt of your letter of the 22<sup>nd</sup> ulto & in reply to state that it would appear from your letter that the Verderers did cause the London & South Western Railway Company to be informed that they assented to the proposal of the Company to acquire the Commoners interest over about 1½ acres of land at the Old Beaulieu Road Station. The Company then applied to the Crown as owner of the soil for license to enclose the land pending their next application to Parliament for further statutory powers & stated that there was no objection upon the part of the Verderers.

The Company are now going to Parliament for powers to acquire the land & have given the Verderers notices of what they propose & Mr Howard does not really see what substantial ground of complaint the Verderers have except it be that the directions of the Verderers given to the Clerk on 20<sup>th</sup> November 1893 do not seem to have been carried out. [p.358] The land at Woodfidley is not subject to any Common or other rights.

I am,

Sir,

Your obedient Servant

J.M.Duncan

The Clerk to the Verderers  
of the New Forest

Romsey

Hampshire

4<sup>th</sup> January 1895

Sir,

I am directed by the Official Verderer to acknowledge the receipt of your letter of the 2<sup>nd</sup> inst: & to say further in justice to myself, that, in his opinion I have accurately carried out the instructions & intentions of the Court of Verderers.

I am

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

E Stafford Howard Esq.

In view thereof it was decided to take no further steps at present.

The further correspondence with Mr Lister Kay was read & in view of the position he took up it was decided to give him ten days notice in which to enable him to pay the acknowledgment informing him that failing this the fence would be removed.

[p.359]

The Clerk produced & read his report relative to Licenses granted to Non Commoners by him on the 7<sup>th</sup> January inst.

copy same

Clerk's Office  
Romsey  
Hampshire  
12 January 1895

To the Official Verderer  
& Verderers of the New Forest

Gentlemen,

I have to report that I attended at Lyndhurst on Monday the 7<sup>th</sup> January 1895 & issued 67 Licenses for 155 animals to Non-Commoners to depasture in the New Forest & collected.

|              |           |
|--------------|-----------|
| License Fees | £ 8. 7. 6 |
| Head Money   | 19. 7. 6  |
| Marking fees | 9. 7. 6   |
|              | £37. 2. 6 |

This is a falling off of £4.0.0 as against last years return of 74 Licenses for 172 animals.

I am

Gentlemen

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

The Clerk produced the annual a/c's for the year ending December 1894 & the Summary thereof. He was directed to submit them to Mr Davis to be audited in the usual manner.

p.360]

The Clerk produced & read the usual Financial Statement which was ordered to be entered on the minutes.

| 1894             |                                                                                                          | £  | s   | d | 1894                 |                                                                                                       | £        | s         | d        |   |
|------------------|----------------------------------------------------------------------------------------------------------|----|-----|---|----------------------|-------------------------------------------------------------------------------------------------------|----------|-----------|----------|---|
| Nov 19           | To cash paid Agister Chandler for Expenses & Keep of 2 Donkeys sold including advertisem <sup>s</sup> &c | 2  | 18  | 9 | Nov 21               | By balance from last a/c                                                                              | 61       | 14        | 11       |   |
|                  | ” Cash paid Western Gazette C <sup>o</sup> for advertising & Printing                                    |    | 8   |   |                      | ” Cash received by Agisters at Court for marking Commoners Cattle, viz:—                              |          |           |          |   |
|                  | ” Hants Advertiser Co                                                                                    |    | 8   |   |                      | Chandler £13. 8. 6                                                                                    |          |           |          |   |
|                  | ” Messrs Bennett Bro <sup>s</sup> Advertising & Printing                                                 | 6  | 9   | 2 |                      | Evemy 14.13. 0                                                                                        |          |           |          |   |
|                  | ” Proprietors Hants Independent Advertis <sup>g</sup>                                                    | 9  | 7   | 9 |                      | Moody 24. 2. 6                                                                                        |          |           |          |   |
|                  | ” Messrs Lordan & Co Printing                                                                            | 8  | 5   | 6 |                      | Newbolt <u>10. 4. 6</u>                                                                               | 62       | 8         | 6        |   |
|                  | ” Messrs Drake & Co Stationery                                                                           | 4  | 5   | 6 |                      | Ditto Ditto Pannge viz:—                                                                              |          |           |          |   |
|                  | ” Mr J Jenvey measuring Drainage plans & preparing book of Reference &c                                  | 3  | 3   |   |                      | Chandler 2. 4. 0                                                                                      |          |           |          |   |
|                  | ” Commissioners in charge of New Forest Fence month & winter Heyning                                     | 1  |     |   |                      | Evemy 4.15. 4                                                                                         |          |           |          |   |
| 21 <sup>st</sup> | [?] Police fees in case Chandler v Etheridge                                                             |    | 1   | 6 |                      | Moody 1. 2. 4                                                                                         |          |           |          |   |
|                  | ” Agister Moody’s salary cheque paid into Bank this day.                                                 | 17 | 10  |   |                      | Newbolt <u>.18. 0</u>                                                                                 | 8        | 19        | 8        |   |
| Dec 14           | [?] Messrs Rees & Frere Parliamentary Costs                                                              | 73 | 5   |   | Dec’ 8 <sup>th</sup> | ” rec <sup>d</sup> from Agister Moody being feed paid by Peckham for third Donkey impounded           |          |           | 10       |   |
|                  |                                                                                                          |    |     |   |                      | ” Fine & costs in case Newbolt v Etheridge                                                            |          |           | 8        |   |
|                  |                                                                                                          |    |     |   |                      | ” rec <sup>d</sup> from Agister Chandler for two donkeys sold that owned (Octr 27 <sup>th</sup> 1894) | 2        | 11        |          |   |
|                  |                                                                                                          |    |     |   |                      | ” Cash rec <sup>d</sup> from Agisters at Court for marking Commoners Cattle viz:—                     |          |           |          |   |
|                  |                                                                                                          |    |     |   |                      | Chandler £18. 7. 0                                                                                    |          |           |          |   |
|                  |                                                                                                          |    |     |   |                      | Newbolt <u>3.12. 6</u>                                                                                | 21       | 19        | 6        |   |
|                  |                                                                                                          |    |     |   |                      | D <sup>o</sup> Pannage viz                                                                            |          |           |          |   |
|                  |                                                                                                          |    |     |   |                      | Chandler .17. 4                                                                                       |          |           |          |   |
|                  |                                                                                                          |    |     |   |                      | Newbolt <u>1.19. 8</u>                                                                                | <u>2</u> | <u>17</u> | <u>—</u> |   |
|                  | Carried Forward                                                                                          | £  | 127 | 2 | 2                    | Carried Forward                                                                                       | £        | 161       | 8        | 7 |

[p.361]

| 1894    |                                                                                                                                                        | £         | s          | d        | 1894                 |                                                                                                         | £               | s          | d        |          |   |
|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|------------|----------|----------------------|---------------------------------------------------------------------------------------------------------|-----------------|------------|----------|----------|---|
| 1894    | Brought Forward                                                                                                                                        | £         | 127        | 2        | 2                    | 1894                                                                                                    | Brought Forward | £          | 161      | 8        | 7 |
| Dec’ 14 | To Messrs Tylee & Mortimer’s Law & Parliamentary Costs re Crown Lands Bill 1892, 1893 & 1894, re South Hants Water Bill & re West Hampshire Water Bill | 131       | 8          | 4        | Dec’ 15              | By Proceeds of Sale of £390.17.4 2¾ % Consols @ 102 <sup>5</sup> / <sub>8</sub> Less Brokers fee £1.2.6 | 400             | 0          | 0        |          |   |
|         | ” Messrs Tylee & Mortimer on a/c of Counsels fees & other expenses in connection with trial of action re Attorney General v The Verderers              | 200       | 0          | 0        | 19                   | ” cash received from Agisters for marking Commoners Cattle viz:—                                        |                 |            |          |          |   |
|         | ” Mr Mortimer ¼ <sup>s</sup> salary due Xmas                                                                                                           | 37        | 10         | 0        |                      | Chandler £4. 0. 0                                                                                       |                 |            |          |          |   |
|         | ” Four Agisters Ditto viz:—                                                                                                                            |           |            |          |                      | Evemy 9. 9. 0                                                                                           |                 |            |          |          |   |
|         | Chandler £17.10. 0                                                                                                                                     |           |            |          |                      | Moody 3.10. 0                                                                                           |                 |            |          |          |   |
|         | Evemy £17.10. 0                                                                                                                                        |           |            |          |                      | Newbolt <u>5.13. 6</u>                                                                                  | 22              | 11         | 6        |          |   |
|         | Moody £17.10. 0                                                                                                                                        |           |            |          |                      | Ditto Ditto Pannage, viz:—                                                                              |                 |            |          |          |   |
|         | Newbolt £17.10. 0                                                                                                                                      | 70        |            |          |                      | Chandler 16. 0                                                                                          |                 |            |          |          |   |
|         | ” Messrs Drake & Co Stationary                                                                                                                         | 2         | 13         |          | 1895                 | Evemy 3. 8                                                                                              |                 |            |          |          |   |
|         | ” Messrs Lordan & Co Printing                                                                                                                          | 1         | 11         | 6        | Jany 6 <sup>th</sup> | Moody 2.18. 0                                                                                           |                 |            |          |          |   |
|         |                                                                                                                                                        |           |            |          | 9                    | Newbolt <u>14. 0</u>                                                                                    | 4               | 11         | 8        |          |   |
|         | —Balance—                                                                                                                                              | <u>78</u> | <u>19</u>  | <u>5</u> |                      | ” Dividend on £3537.10.11 2¾ % Consols                                                                  | 23              | 10         | 2        |          |   |
|         |                                                                                                                                                        | £         | <u>649</u> | <u>4</u> | <u>5</u>             | ” Cash rec <sup>d</sup> at Lyndhurst from Non-Commoners for Licenses viz:—                              |                 |            |          |          |   |
|         |                                                                                                                                                        |           |            |          |                      | Licenes [sic] £ 8. 7. 6                                                                                 |                 |            |          |          |   |
|         |                                                                                                                                                        |           |            |          |                      | Head Money 19. 7. 6                                                                                     |                 |            |          |          |   |
|         |                                                                                                                                                        |           |            |          |                      | Marking fees <u>9. 7. 6</u>                                                                             | <u>37</u>       | <u>2</u>   | <u>6</u> |          |   |
|         |                                                                                                                                                        |           |            |          |                      |                                                                                                         | £               | <u>649</u> | <u>4</u> | <u>5</u> |   |

[p.362]

The Clerk produced and read the correspondence with the Board of Agriculture relative to an outbreak of Anthrax at Ossemsley farm.

He was directed to send a copy of the correspondence to the Local Authority of the District & urge them to have the nuisance abated.

The Agister Evemy reported that the Cart Shed at Set Thorns had been removed.

The Agister Moody reported that the wires round the Pheasantry at Ashley Lodge had been removed but not the posts.

This terminated the business of the Court.

[signed] *E. Ashley*

[p.363] At a Court of Swainmote and attachment held at the Verderers Hall Queens House Lyndhurst on Monday the 11<sup>th</sup> day of March 1895.

Present.

|                                 |                   |
|---------------------------------|-------------------|
| The Right Hon: Evelyn Ashley    | Official Verderer |
| George Edward Briscoe Eyre Esq. | }                 |
| Francis Frederick Lovell Esq.   | }                 |
| G.A.E.T.G. Meyrick Esq.         | } Verderers       |
| John Jeffreys Esquire.          | }                 |

---

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

The Official Verderer read a letter that he had received from Mr Roy excusing his attendance on account of illness.

The minutes of the last meeting were read and confirmed.

|                               |   |                                                                                             |
|-------------------------------|---|---------------------------------------------------------------------------------------------|
| Harry Phillips                | } |                                                                                             |
| v                             | } | Larceny at Pilley Bailey of a Donkey valued 30/- on 23 <sup>rd</sup> Dec <sup>r</sup> 1894. |
| Alfred Doe the Elder          | } | Hearing adjourned from last court for the Donkey to be produced for                         |
| &                             | } | inspection.                                                                                 |
| Alfred Doe the Y <sup>r</sup> | } |                                                                                             |

[p.364]

This adjourned case was called on and after inspection of the marks on the Donkey Defendants were fine £2 and 14/6 costs. To be reduced to 10/- and costs if the Donkey was returned. The Donkey was subsequently returned.

The report of the meeting of the Verderers held at the residence of the Official Verderer Broadlands Romsey on the 8<sup>th</sup> February 1895 was read and ordered to be entered on the minutes.

copy same

At a meeting of the Verderers held at the residence of the Official Verderer Broadlands Romsey on the 8<sup>th</sup> day of February 1895.

---

Present

|                                 |                   |
|---------------------------------|-------------------|
| Right Hon: Evelyn Ashley.       | Official Verderer |
| George Edward Briscoe Eyre Esq. | }                 |
| William Gascoigne Roy Esquire   | }                 |
| Francis Frederick Lovell Esq.   | } Verderers       |
| John Jeffreys Esquire           | }                 |

Also Edward Stafford Howard Esq Commissioner in charge of the New Forest.



Col Stopford, representing H.R.H. The Duke of Connaught Commanding Aldershot Division.

A letter from H.R.H. The Duke of Connaught containing a proposal to hold the autumn manoeuvres in part of the New Forest was read as follows.

copy same.

[p.365]

From

The General Officer Commanding  
Aldershot Division

To

The Court of Verderers New Forest.

Aldershot

28<sup>th</sup> January 1895.

Gentlemen,

I am desirous of exercising the Division under my command in manoeuvres in the New Forest from about the 15<sup>th</sup> August this year until the end of that month and I have received instructions from His Royal Highness the Command<sup>r</sup> in chief to take steps towards ascertaining whether my proposals can be carried out.

I shall be glad therefore to know whether my proposal meets with approval of the Verderers & Commoners of the New Forest.

The number of troops taking part in the manoeuvres would be about 15,000 men. The part of the Forest which I should like to use for exercising the troops is the open ground which lies on the Western portion of the Forest. The troops would be encamped in 3 or 4 standing camps so that there would not be as much traffic through the Forest as if the camps were constantly changed. Every precaution would be taken to prevent damage or hurt to the cattle & ponies of the Commoners & I do not anticipate that any harm would be caused to them. Compensation would be given in any authenticated case of damage or injury caused by the troops or resulting from the manoeuvres.

I should be obliged for the advice of the [p.366] Verderers as to the best method of ascertaining the amount of damage caused (if any) & of awarding compensation & I would ask for their assistance as arbitrators in case of any difference that might arise respecting the compensation to be awarded to a Commoner for alleged injury to his Stock.

I may add that the proposition to use the New Forest for Manoeuvres has been favorably received by the Office of Woods & Forests, who, so far as they are concerned have readily acceded to the application & having regard to the National Character of the object in view I trust that the Verderers & Commoners will concur in putting no obstacle in the way of carrying out my proposal.

I have the honor to be

Gentlemen

Your obedient servant

Arthur

General

Commanding Aldershot Division

Col: Stopford having been asked to explain what was proposed stated that it was proposed to have a standing camp at or near Holmesley another at or near Fordingbridge & a small camp nearer Lyndhurst, that about 15000 troops of all army's would be exercised. That the larger camps would occupy about 50 acres each & the smaller one considerably less. That it was proposed to hold the manoeuvres in the Western part of the Forest and for this purpose a line would be drawn across the Forest from by [*sic*] the Road leading from the Northern corner of Island Thorn to Eastside of Powder Magazine [p.367] back of Fritham to Stoney Cross by the High Road to Brockenhurst but that no portion of the Forest South of Main Line of South Western Railway Company would be occupied and disturbed. That it was proposed to draw rations and forage as far as possible from the locality & compensation would be paid for injury done to any Commoners Cattle or ponies. The compensation to be settled by the Verderers. The Manoeuvres would commence about the 15<sup>th</sup> August and would last about 10 days.

At the suggestion of the Verderers he agreed to exclude a piece of the Northern portion of the Forest near a [*sic*] to retreat for Commoners animals.

He further mentioned that the sum available for compensation would not exceed Five hundred pounds.

A long discussion took place & it was resolved to hold meetings in the locality to consult the Commoners & to defer replying to the Duke's letter until this had been done.

The Official Verderer having thanked Col: Stopford for attending & Explaining so fully, He retired.

Mr Stafford Howard then submitted & discussed certain clauses he proposed to insert in a Crown Lands Bill in pursuance of the suggestions made by the Solicitor General as a means of terminating the litigation in the Action Attorney General v Verderers and another. The Clauses were discussed and certain amendments and alterations suggested and Mr Stafford Howard undertook to consider these amendments & to revise the clauses and submit a revised copy thereof to the Verderers in due course.

This terminated the business of the meeting.

[p.368]

The Official Verderer addressed the Court & Commoners present as to the proposals of His Royal Highness the Duke of Connaught to hold the Autumn Manoeuvres in the New Forest & invited observations & suggestions from the Commoners present on the subject. Previously stating the conditions the Verderers had suggested to Col: Stopford who was sent by the Duke to explain what was proposed to be done & also the upshot of the discussions at the meetings of Commoners at Burley & Fordingbridge.

Mr Moens as spokesman for the Commoners present Messrs Strange, Bramble, Burden, Biddlecombe, Doming, King, Whitehorn, Sparks, Saunders, Barrow, Wort, Johns, Hutchins, Phillips, Early, Gray, Cull, Holloway, Absolom Neal, Horton, & others addressed the Court & handed in the following suggestions for consideration.

- (1.) That a nominal sum be paid for each area subject to common of pasture used as a Camp as an acknowledgment for using such land.

- (1<sup>a</sup>) That compensation be paid for all injuries and loss by death.
- (2.) That a payment be made of 2/6 per week for all milk cows removed from the Forest
- (3.) That all necessary Inclosures shall be available for the Commoners Stock agisted where the movements take place. These to be arranged for after consultation with the Commoners Committee.
- (4) That the expense incurred in driving Stock into such Inclosures & moving stock from area used by the troops be paid at the rate of 8/- per day per horse & man employed.
- (5) That troops will not be permitted to enter the Inclosures where the Stock is placed.
- (5<sup>a</sup>) That no firing take place within 500 yards of such Inclosures.
- (6) That all damage to Stock occasioned by fire in those enclosures be paid for.

[p.369]

- (7) That an organized force under the Court of Verderers be employed at the cost of the authorities to move gently all stock from the area of manoeuvres every day.
- (8) That no dogs shall be allowed to be brought by the troops (officers or privates).
- (9) That all trenches & earth furnaces for cooking &c at the Camp be filled up level and made good.
- (10.) That all debris & glass be buried or removed.
- (11) That all cattle proved to have died from swallowing empty cartridges within the time of one year shall be compensated for.
- (12) That a basis of compensation be arranged beforehand between the Army Authorities & the Commoners represented by the Commoners Committee.
- (13) That a certain number of Commoners act with the Verderers as arbitrators.

Mr Moens stated that the suggestions handed in were the outcome of a meeting of the Commoners Committee & if adopted he thought the Commoners would be satisfied to welcome loyally the troops for the short term they required to stay in the Forest this year for their annual Manoeuvres.

The Official Verderer having thanked the deputation stated that he should have the pleasure to write to His Royal Highness. That the Commoners had no objection to the Manoeuvres being carried out this year subject to certain of the points raised & which would be fully set out in his letter & to an interview with one or two officers as to the best means of carrying them out.

The Deputation having acquiesced withdrew.

The Court then settled the following reply to be sent to His Royal Highness The Duke of Connaught.

copy same.

[p.370]

Broadlands  
Romsey.

To

His Royal Highness  
The Duke of Connaught

Sir

I have the honor on behalf of the Court of Verderers of the New Forest to reply to your Royal Highness' letter of the 28<sup>th</sup> January last. The delay in so doing has been caused by our desire to ascertain the feelings of the Commoners generally, & to give ample opportunity for the expression of their views and wishes.

I am, however, at last in a position officially to convey the assurance that the Commoners as well as the Verderers of the New Forest are prepared to welcome at the date named in the above mentioned communication the number of troops therein stated provided that the following conditions are secured. Some of the points set out below have already been asserted to by your Royal Highness' Representatives.

1. That a small portion of the Forest in its North Eastern Corner be excluded from the proposed sphere of operations, say by a line running from Bramshaw Telegraph to Island Thornes Inclosure & Fritham to the Stoney Cross Road.
2. That the Commissioners of Woods & Forests consent to open a sufficient number of enclosures into which the Commoners may drive their animals during the period of the Manoeuvres & that no Artillery firing shall take place within 500 yards of [p.371] such Inclosures.
3. That while [*sic*] will be given to Commoners (and Licensees under the Act of 1879) for any injury caused by the troops or resulting from the manoeuvres, provision shall, apart from any question of damage be made for a payment at the rate of 3/6 a week for every cow in milk within the area of operations which its owner may wish to take up from the Forest during the time of the manoeuvres.
4. That a sufficient sum shall also be provided to obtain the services of proper and experienced persons to clear the animals off the ground when the troops are manoeuvring & to drive them if necessary into the enclosures.
5. That all trenches in camp be filled up. The ground made good and debris removed & that no dogs belonging to persons engaged in the manoeuvres be allowed to stray outside the camp.
6. That the limit of time beyond which no claim for compensation shall be entertained shall be two months from the date of alleged injury.
7. That in the event of the Verderers being appointed as arbitrators in the matter of claims for compensation there shall also be associated with them in such arbitration representatives of the Commoners.

I have also been requested to ask your Royal Highness to be good enough to allow two staff Officers to be appointed to meet two or three representative Commoners & the Verderers in order to consult and discuss the most practical methods of carrying out the above mentioned provisions.

I beg to remain, Sir,  
Your obedient humble Servant  
Evelyn Ashley  
Official Verderer.

[p.372]

The Clerk stated that he had not received from Mr Stafford Howard the draft clauses for insertion in a Crown Lands Bill. The consideration therefore of this subject was deferred until the clauses were received when a special Court is to be summoned for their consideration. The Clerk stated that he had received no reply to the last communication he was ordered to address to the Deputy Surveyor on the subject of burning Heath in the New Forest from that Gentleman. This matter was directed to stand over.

A Petition was handed in for the consideration of the Court relative to the employment of four Agisters in the New Forest.

copy same.

To the Verderers of the New Forest

We the undersigned Commoners of the New Forest having heard a rumour that you were desirous of keeping three Agisters instead of four, we hereby protest against the same as we consider the is quite sufficient work for four as usual to look after the interests of the Commoners.

| <u>Name</u>    | <u>Abode</u> |
|----------------|--------------|
| John Morant    | Brockenhurst |
| H Bowden Smith | Brockenhurst |
| W.J. Moens     |              |
| R.J. Bradford  | Brockenhurst |
| F.E. Ings      | Brockenhurst |
| G Knotton      | Brockenhurst |
| G Egg          | Brockenhurst |
| A Lujant       | Brockenhurst |
| J.B. Sparks    | Sway         |

[p.373]

|                                 |                     |
|---------------------------------|---------------------|
| James Kitcher                   | Sway                |
| John Ayles                      | Sway                |
| Alfred House                    | Brockenhurst        |
| W.G. Bennett Tile Barn Farm     | Brockenhurst        |
| H Loader                        | Sway                |
| H Sparks                        | Brockenhurst        |
| A Blandford                     | Dilton Brockenhurst |
| Arthur Martin                   | Brockenhurst        |
| Frederick J. Bush Brookley Farm | Brockenhurst        |

|                               |                |
|-------------------------------|----------------|
| George Foot Morant Arms Hotel | Brockenhurst   |
| Richard Carter Railway Inn    | Brockenhurst   |
| Jas Kidgell                   | Brockenhurst   |
| H Burden                      | Brockenhurst   |
| E.H. Bennett                  | Brockenhurst   |
| Charles Pike                  | Brockenhurst   |
| Simon Kingman Slade Farm      | Boldre         |
| Tom Hayter Setley             | Brockenhurst   |
| John Hampton Setley           | Brockenhurst   |
| Henry Simpkins Setley         | Brockenhurst   |
| John Potter Setley            | Brockenhurst   |
| Charles Dukes                 | Brockenhurst   |
| William Smith                 | Brockenhurst   |
| Alfred Plascott               | Brockenhurst   |
| George Bunday                 | Brockenhurst   |
| W Vincent                     | Sway           |
| J Sparks                      | Brockenhurst   |
| J Gates                       | Sway           |
| G Marchant                    | Burley         |
| James Hutchins North Farm     | Burley         |
| Thomas Tanner                 | Burley         |
| Charles Morgan                | Burley         |
| George G Lander               | Purewell ChCh. |
| D D Gibb Ossemsley Manor Farm | Lymington      |
| Henry Wort North Ripley       | Ringwood       |
| Alfred Watts Highcroft Farm   | Burley         |

[p.374]

|                                    |           |
|------------------------------------|-----------|
| Fred Miller Shappen Bottom         | Burley    |
| William Footner                    | Burley    |
| John Bramble Shirley               | Ringwood  |
| Frederick J. Strange Minstead Park |           |
| William Barter                     | Bramshaw  |
| N. Golden                          | Canterton |
| Owen Ockenden "The Bell"           | Brook     |
| William Domoney                    | Bramshaw  |
| William King                       | Bramshaw  |
| William King Rowhill Farm          |           |
| Walter George Davies               | Bramshaw  |
| Frank Reynolds Barford             | Bramshaw  |
| James Dibdin Dazell                | Bramshaw  |
| Frank Reeves                       | Fritham   |
| Henry Thomas                       | Fritham   |
| William Noyce                      | Fritham   |
| Arthur Parnell                     | Fritham   |
| James Richerne                     | Fritham   |
| Alfred Parnell                     | Fritham   |

Mr Lovell having spoken on the subject of the Prayer of the Petition. Mr Moens addressed the Court and urged in the interests of the Commoners the necessity for the appointment of another Agister in the place of the Agister Moody whose term of Office expired under Notice from the Court on the 25<sup>th</sup> March 1895 and that the number of Agisters employed should be increased rather than decreased.

Subsequently the Court took the Petition into consideration and resolved in consideration of the views of the Commoners as expressed therein to grant the prayer thereof and to appoint a fourth Agister, but to meet the expense thereof it was further resolved to increase for the future the marking fees of ponies from 1/6 to 2/-.

[p.375]

The Clerk was directed to advertise for another Agister in the Hants Advertiser and Salisbury & Winchester Journal stating that his salary would commence at £60 per annum and that preference would be given to a man well acquainted with the New Forest and on Moody's time being up to direct the Agister Newbolt to look after the district temporarily.

The consideration of the subject of the formation of a Verderers Library was proceeded with and after various suggestions it was resolved to defer the subject for further consideration to the next Court and Mr Lovell kindly promised in the meantime to prepare a Catalogue of the Books that he had or that were promised to him to submit to the Court.

It was resolved that Mr Lovell Mr Meyrick & Mr Jeffreys be appointed to pass Stallions at the coming Pony Show and that they be authorised to employ a Veterinary Surgeon if they desired to assist them.

The Clerk submitted the New Forest accounts for 1894 as audited which were directed to be entered upon the minutes

copy same  
see next page

[p.376]

NEW FOREST ACTS, 1877 AND 1879.

SUMMARY of an ACCOUNT of the FINES and other MONIES recovered or received by the VERDERERS under the above Acts and carried by them to the ACCOUNT of the GENERAL FUND, and of applications thereof, under Section 38 of the New Forest Act, 1877.

| 1894.                                                                                                                             | £      | s. | d. | 1894.                                                                                                                                      | £      | s. | d. |
|-----------------------------------------------------------------------------------------------------------------------------------|--------|----|----|--------------------------------------------------------------------------------------------------------------------------------------------|--------|----|----|
| To Cash paid Agisters for Postages and burying dead Animals for 1893                                                              | 7      | 16 | 11 | By balance from last Account                                                                                                               | 52     | 18 | 3  |
| Cash paid for Veterinary Inspector's Fees for attendance on Pony at Burley Lodge                                                  | 1      | 11 | 6  | Cash received from Non-Commoners for Licenses, viz.:-                                                                                      |        |    |    |
| Cash paid for Taxing Master's Fees                                                                                                | 13     | 6  | 9  | Licenses                                                                                                                                   | 17     | 0  | 0  |
| Cash paid Clerk for one year's salary                                                                                             | 150    | 0  | 0  | Head money                                                                                                                                 | 41     | 7  | 6  |
| Cash paid four Agister's for one year's salary                                                                                    | 280    | 0  | 0  | Marking fees                                                                                                                               | 19     | 3  | 6  |
| Cash paid for out of pocket expenses on behalf of the Verderers for 1893                                                          | 30     | 3  | 7  |                                                                                                                                            | 77     | 11 | 0  |
| Cash paid for Quit Rent for Gate at Longdown                                                                                      | 0      | 2  | 0  | Cash received from Commoners by Agisters for Marking Cattle, viz.:-                                                                        |        |    |    |
| Cash paid for Repairing Warwickslade Bridge (No.5)                                                                                | 0      | 7  | 6  | Alfred Chandler                                                                                                                            | 103    | 5  | 4  |
| Cash paid for Balance of Law and Parliamentary Costs <i>re</i> Blackdown Rifle Range                                              | 146    | 11 | 2  | Charles Evemy                                                                                                                              | 86     | 1  | 6  |
| Cash paid for Costs of Returning Officer of Election of Verderers                                                                 | 15     | 6  | 8  | John Moody                                                                                                                                 | 70     | 6  | 0  |
| Cash paid for Advertising                                                                                                         | 25     | 1  | 8  | Charles Newbolt                                                                                                                            | 43     | 13 | 0  |
| Cash paid for Printing and Stationery                                                                                             | 6      | 1  | 6  |                                                                                                                                            | 303    | 5  | 10 |
| Cash paid for Police Fees                                                                                                         |        |    |    | Cash received from Commoners by Agisters for Pannage, viz.:-                                                                               |        |    |    |
| Cash paid for Acknowledgment returned to Brockenhurst Cricket Club (old)                                                          | 0      | 2  | 6  | Alfred Chandler                                                                                                                            | 3      | 17 | 4  |
| Cash paid for New Cheque Book                                                                                                     | 2      | 18 | 9  | Charles Evemy                                                                                                                              | 4      | 19 | 0  |
| Cash paid for expenses and keep of 2 Donkeys sold                                                                                 | 3      | 3  | 0  | John Moody                                                                                                                                 | 4      | 0  | 4  |
| Cash paid for Measuring Drainage Plans and preparing Book of Reference, &c.                                                       |        |    |    | Charles Newbolt                                                                                                                            | 3      | 11 | 8  |
| Cash paid Commissioner in charge of New Forest (Fence Month and Winter Heyning)                                                   | 1      | 0  | 0  |                                                                                                                                            | 16     | 8  | 4  |
| Cash for Parliamentary Costs                                                                                                      | 204    | 13 | 4  | Cash received as Dividends on Consols                                                                                                      | 96     | 4  | 2  |
| Cash paid in account of Counsel's Fees and other Expenses in connection with Trial of Action Attorney General <i>v.</i> Verderers | 200    | 0  | 0  | Cash received on account of acknowledgments of Commoner's right to feed over lands enclosed for Cricket, Tennis, Golf, and other purposes. | 4      | 4  | 7  |
|                                                                                                                                   |        |    |    | Cash received for Fines and Costs inflicted during the year                                                                                | 1      | 8  | 0  |
| Balance                                                                                                                           | 18     | 6  | 9  | Cash received from Agisters, Fees paid for Donkeys impounded                                                                               | 12     | 0  | 0  |
|                                                                                                                                   | £ 1113 | 12 | 9  | Cash received from Chief Commissioner of Woods, Forests, &c., for copy Register of Commoners                                               | 0      | 10 | 6  |
|                                                                                                                                   |        |    |    | Cash received, being proceeds of Sale of Consols less Brokers' Fees                                                                        | 546    | 11 | 2  |
|                                                                                                                                   |        |    |    | Cash received for 2 Donkeys sold                                                                                                           | 2      | 11 | 0  |
|                                                                                                                                   |        |    |    |                                                                                                                                            | £ 1113 | 12 | 10 |

Examined and found correct this 13<sup>th</sup> day of February, 1895. W.H. DAVIS, F C.A.

Auditor appointed by the Court of Quarter Sessions of the County of Southampton.



The Clerk submitted the usual Financial Statement which was ordered to be entered upon the Minutes

Copy same  
On next page

[p.377]

| 1895                 |                                                        | £         | s        | d        | 1895  |                                                       | £  | s         | d        |          |
|----------------------|--------------------------------------------------------|-----------|----------|----------|-------|-------------------------------------------------------|----|-----------|----------|----------|
| Jan 14 <sup>th</sup> | To Agisters Postages & Burying dead animals for 1894.  | 6         | 1        | 7        | Mch 4 | By Balance from last account                          | 78 | 19        | 5        |          |
| "                    | Mr Goodall Veterinary Inspectors                       |           |          |          |       | Fine and costs in case "Moody v Reed["] £2.5.3        |    |           |          |          |
| "                    | Fees for attendance at Pony Show.                      | 2         | 2        |          |       | less conduct money paid to witness Slightam 2/6.      | 2  | 2         | 9        |          |
| "                    | Out of Pocket Expenses paid on behalf of the Verderers | 21        | 19       | 10       |       | " Cash received from Non Commoners for Licenses viz:— |    |           |          |          |
| "                    | Agister Newbolt Crier of Court.                        | 1         | 15       |          |       | Licenses £2.10. 0                                     |    |           |          |          |
| "                    | Hon G Lascelles Quit rent for Gate at Longdown         |           |          |          |       | Head Money 7. 3. 0                                    |    |           |          |          |
|                      | Balance                                                | <u>62</u> | <u>6</u> | <u>9</u> |       | Markg Fees <u>3.11. 0</u>                             | 13 | 4         |          |          |
|                      | £                                                      | <u>94</u> | <u>6</u> | <u>2</u> |       |                                                       | £  | <u>94</u> | <u>6</u> | <u>2</u> |

The Agister Evemy reported that Captain Beaumont had planted some trees beside the Road adjoining his premises at Wootton. That he had received notice from the Deputy Surveyor to remove them and had done so but that in their place big Stones had been placed in holes of the grass to prevent horses and traps being ridden or driven over the grass beside the Road. That several Commoners had complained about the stones (which were about 20 in number) being so placed.

The Clerk was directed to enquire into the matter.

He further reported that a Portable Sawing Engine had been placed at Eyeworth Enclosure and was at work near the sand pit. This was not a Lawn and was not [p.378] one of the places Scheduled in the list of Lawns sent to the Commissioner in charge of the Forest.

The Official Verderer stated that it was the intention of the Crown to re-inclose Wilverley Inclosure at once and that he understood that the Deputy Surveyor intended to charge two shillings per head for each animal placed by its owner into one of the enclosures set apart by the Commissioner for the reception of Commoners Animals during the Autumn Manoeuvres. The one payment to cover all the time of the Manoeuvres. The Enclosures to be set apart were Island Thorns, Oakley, Linford and Wilverley.

The Agisters attended but had no further reports to make.

This terminated the business of the Court.

[signed] *Evelyn Ashley*

[p.379] At a Court of Swainmote and Attachment held at the Verderers Hall Queens House Lyndhurst on Monday the 6<sup>th</sup> day of May 1895.

---

---

Present

|                                      |                   |
|--------------------------------------|-------------------|
| The R <sup>t</sup> Hon Evelyn Ashley | Official Verderer |
| Lieut Col: W Clement D Esdaile       | }                 |
| George Edward Briscoe Eyre Esq       | }                 |
| Francis Frederick Lovell Esq         | } Verderers       |
| John Jeffreys Esquire                | }                 |

---

---

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

The minutes of the last meeting were read and confirmed.

The Official Verderer read a telegram that he had received from Mr Meyrick excusing his absence and a letter that he had received from Mr Roy to the like effect.

The Hon: Gerald Lascelles made an application to the Court for the appointment of 17 Forest Keepers and Underkeepers as Special Constables in pursuance of 1 & 2 W<sup>m</sup> IV Cap 41 for the purpose of protecting and apprehending if possible the offenders who committed felonious acts within the New Forest & he made the necessary deposition in accordance with the Act as follows.

copy affidavit.

[p.380]

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 nineteenth day of March the third day of April and the eighteenth day of April One thousand eight hundred and ninety 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 | } | Gerald Lascelles    |        |
| before us as a Court of Swainmote and      | } | Evelyn Ashley       | (L.S.) |
| attachment holden at Lyndhurst in the      | } | W Clement D Esdaile | (L.S.) |
| County of Southampton this sixth day of    | } | GE Briscoe Eyre     | (L.S.) |
| May 1895.                                  | } | John Jeffreys       | (L.S.) |

[p.381]

The Court thereupon directed the following forest Officers to be sworn in in the form prescribed by 1 & 2 W<sup>m</sup> IV Cap 41 as Special Constables to act within the limits of the New Forest for the 12 months next ensuing and they were sworn in accordingly.

copy list

1. Frank Harrington Minstead Lyndhurst Under Keeper
2. Harry Coles Holly Hatch Cottage Broomy Township Ringwood
3. Arthur Parnell Fritham Lyndhurst Under Keeper
4. Charles Hurst Ironshill Lodge Lyndhurst Keeper
5. George Gale Church Place Cottage Totton Under Keeper
6. John Slightam Ashley Lodge Fordingbridge Keeper
7. Samuel Gulliver Burley Ringwood Under Keeper
8. Charles Bessant Sen<sup>r</sup> Denny Lodge Keeper
9. George Blake New Copse Cottage Brockenhurst Under Keeper
10. Francis Lane Bolderwood Lyndhurst Keeper.
11. John Thorn Fritham Lyndhurst Under Keeper.
12. Charles Croucher Wilverley Lodge Lymington Keeper
13. William Humby Kings Hatt Cottage N<sup>r</sup> Beaulieu Under Keeper
14. Henry Gulliver Aldridge Hill Cottage Rhinefield Township Under Keeper.
15. Charles Bessant Jun<sup>r</sup> Norley Wood Boldre Parish Under Keeper.
16. Charles Young Linford Cottage N<sup>r</sup> Ringwood Under Keeper.
17. Charles Webb Holmesley Cottage Ringwood Under Keeper.

Given under our hands and seals at a Court of Swainmote for the said New Forest holden at Lyndhurst in the said New Forest in the said County this sixth day of May One thousand eight hundred and ninety six.

|                     |     |
|---------------------|-----|
| Evelyn Ashley       | (S) |
| W Clement D Esdaile | (S) |
| GE Briscoe Eyre     | (S) |
| John Jeffreys       | (S) |

[p.382]

The Clerk was directed to give the necessary notices to the Home Secretary and Lord Lieutenant of the County of their appointment.

Mr Lovell addressed the Court upon the recent Pony Show and handed in the Verderers written report.

copy same

April 25<sup>th</sup> 1895.

Gentlemen,

We beg to report that as compare with past years we thought the 4 year olds an extremely good class while the great majority of the 3<sup>ys</sup> and still more of the 2<sup>ys</sup> showed far more quality and better shape, legs, feet & condition than those exhibited in any previous year.

The number shown and the premiums given are stated in an appendix.

The Exhibition was a very great success and most encouraging – it is now better understood and appreciated – and in our opinion should be supported by all the means in our power as we feel sure it is doing an infinity of good.

The number of premiums should be increased as it is hard upon men to have the trouble and the labor of sending horses well deserving of a premium (say from Fordingbridge &c) and yet to receive nothing.

The value is perhaps of less immediate consequences, but this can only be done by increased subscriptions on funds. It is quite clear that if in 3 or 4 years the quality of the entire horses bred in the Forest can be so very greatly improved as has decidedly been the case so at some not distant day for the same reasons, that of the mares will follow suit, [p.383] and in this view it is greatly to be hoped Commoners will try to retain the best of their fillies. The value of the show is almost proved by the fact alone that one Gentleman, Lord Arthur Cecil in addition to a donation of £10 to the premiums showed 7 ponies of the very highest merit to run in the Forest during the season and again Mr Bramble showed 13 Stallions of various ages the majority of which gained prized as now it is said some 2000 horses are turned into the Forest and about 100 horses the latter the property of some few very liberal owners who furnish them at their own expense. These men deserve every consideration and support it is not fair or just that they should be put to very great trouble and cost to find what is an absolute necessity to the mare owner. We saw at the recent show as was everywhere admitted a very decided improvement in the 2 year old colts and if such an improvement after only some 3 or 4 years care is possible it proves that the fillies are partaking of the same improvement. We would urge to the utmost of our power that the mare owner should to improve his own prospects be called upon to pay a fair share to the owner of the horse – he will stand to gain in every respect.

1. More horses so much needed will be turned out.
2. They will be of a far better quality
3. The mares will improve as surely as the horses already have
4. The produce will become year by year more valuable – surely it is not too much to ask the mare owning Commoners to agree to this.

George Meyrick.  
Francis F Lovell.

---

[p.384]

The Court ordered a vote of thanks to be recorded on the minutes to the Verderers who acted as Judges.

The Report of the meeting of the Verderers held at the Queens House Lyndhurst on the 29<sup>th</sup> March last was read and ordered to be entered on the minutes.

copy same

At a meeting of the Verderers held at the Verderers Hall Queens House Lyndhurst on the 29<sup>th</sup> day of March 1895.

Present.

|                                |                   |
|--------------------------------|-------------------|
| The Right Hon: Evelyn Ashley   | Official Verderer |
| George Edward Briscoe Eyre Esq | }                 |
| Francis Frederick Lovell Esq   | }                 |
| G.A.E.T.G. Meyrick Esq         | }                 |
| John Jeffreys Esquire          | }                 |

There were also present Col: Miles & Col: Stopford representing His Royal Highness the Duke of Connaught and Mr Moens Mr Strange and Mr Bramble representing a Committee of Commoners.

The Official Verderer explained that the meeting was called to meet the Officers who were kindly attending by desire of His Royal Highness the Duke of Connaught to confer and settle the conditions under which the sanction of the Verderers as acting for the Commoners would be given to the holding of the Autumn Manoeuvres in the Forest and he invited the opinion of the Commoners present upon the various conditions as set out in the official correspondence between His Royal Highness the Duke of Connaught and the Official Verderer.

[p.385]

Col: Miles explained that since the original scheme of Manoeuvres had been submitted at former meetings the area of the proposed Manoeuvres had been greatly contracted and he produced the one inch Ordnance Map and showed upon it the proposed new area. He stated that the number of troops of all arms would be about 15,000 and that they would be marched from Aldershot and would be in two divisions that from first to last they would occupy the ground from about the 12<sup>th</sup> August to the 24<sup>th</sup> or 30<sup>th</sup> and that the Manoeuvres would occupy about 10 days (the other time being required) to pitch the camps and make the necessary arrangements for the troops and in packing up the camps and cleaning up on the termination of the Manoeuvres. That it was proposed to have three camps One about the Long Ridge not named on the Ordnance Sheet but locally called "Hampton Ridge["] near the Fordingbridge Road.

One upon Lord Normanton's Land abutting upon the New Forest near Moyles Court and the third (a smaller camp) for Head Quarter Staff and as a camp for a Brigade on Ocknall Plain near Slufter Enclosure.

Col: Miles then went through the proposals as set forth in the letter of the Official Verderer to the Duke of Connaught and agreed after full discussion with the Verderers & Commoners as follows.

1. That compensation should be paid (subject as hereafter stated) for all animals injured or killed through the Manoeuvres whether in enclosures or not.
2. That a payment of 3/6 per head a week with a maximum payment of 7/- should be made to the owners of cow stock, heifers in calf and stallions which were Bonâ fide taken in and removed by the owners from the area of the Manoeuvres in the Forest for the whole period of the time of occupation of the Forest by the troops.

3. That necessary enclosures should be provided [p.386] into which Commoners animals might be driven during the manoeuvres and after considerable discussion the following enclosures were (owing to the contracted area of Manoeuvres) suggested for the consent of the Office of Woods viz:– Pug pits, Islands Thorns and Oakley.
4. That the expenses of the mounted men connected with the Forest who are to be employed to drive the animals into the enclosures or otherwise (the number employed not to exceed 10) should be paid at 8/- a day for man and horse.
5. That no troops would be permitted to enter the enclosures in which the animals were placed.
6. That no firing should take place within 300 yards of Islands Thorn Enclosure or 500 yards of the other enclosures set apart for the above purposes.
7. That any head money demanded by the Office of Woods for animals turned into the enclosures as stated by the Official Verderer viz 2/- per head for the whole time would be paid.
8. That no dogs should be allowed with the troops.
9. That all trenches should be filled in and the camping grounds be restored as far as practicable to their former state all glass and debris being daily collected and buried and that as far as possible the same course will be taken as to glass and debris left about by parties of civilians.
10. That all claims for the compensation to be paid to any Commoners <or> Licensees whose animals might be killed or injured by the troops shall be addressed to the Court of Verderers who should consider the same and pass on all claims (which in their judgment desire attention) to the Military authorities who should have the right if they were not satisfied in any case to refer the same to arbitration for final decision.

[p.387]

[11.] All claims to be sent in as the Verderers might order.

12. That all injuries to animals should be reported as far as practicable at once to the Military Authorities and the fact of not giving such notice should *protanto militate* against the claim. No claims to be received after the 30<sup>th</sup> October 1895.

A question was raised as to the Bridges that would be used by the troops & might be damaged but the Official Verderer considered this a matter for the Office of Woods &c to consider & attend to. The Official Verderer having thanked Col: Miles & Col: Stopford for their attendance and able assistance & having expressed his obligations for the attendance of the deputation of Commoners & his hope that they were satisfied with the arrangements.

M<sup>r</sup> Moens on their behalf replied stating that they were quite satisfied & would be glad to welcome Her Majesty's troops & loyally assist them to make the manoeuvres a success. Col Miles & Col Stopford thanked the Official Verderer & Verderers and M<sup>r</sup> Moens & the Commoners.

The Clerk was then directed to write to Mr Stafford Howard pointing out that under the new scheme of operations Wilverley Inclosure would now be useless to the Commoners & asking him to substitute Pug Pits for it & to confirm the arrangement for the use of Islands Thorns & Oakley Inclosures.

The Clerk was further directed to issue all necessary notices in due course for the information of the Commoners, & to have a careful return made & sent to Col: Miles of all the Cow Stock in the area of the proposed Manoeuvres.

This terminated the business.

The following correspondence which had taken place with Col: Miles was ordered to be entered on the minutes

copy same

[p.388]

Romsey Hampshire  
3<sup>rd</sup> April 1895.

Sir,

I am directed by the Right Hon: Evelyn Ashley the Official Verderer of the New Forest to forward to you the draft minutes of the meeting of the 29<sup>th</sup> March last at which you and Col Stopford were present for your this & his consideration & approval before entering them on the Court minute books.

Would you ask Col: Stopford to give me the number of the one inch ordnance sheet he showed me as I cannot get one here and must write to London for it! If he has a spare copy perhaps he would have the area of Manoeuvres colored red or green on it and I will then return him a copy when I get the new one. I want it for the return you require.

I am

Sir

Your obedient servant  
G.F.W. Mortimer

Col: Miles.

Head Quarter Office  
Aldershot 9<sup>th</sup> April 1895.

Sir

I have the honor to acknowledge the receipt of your communication of the 3<sup>rd</sup> instant forwarding the draft minutes of the meeting of the 29<sup>th</sup> ultimo, which, with certain exceptions which I have noted in the margin correctly record the proceedings.

There is a misapprehension on (2) as to the time required for the formation of the Camps &c. While as is correctly shown the main body of the force will arrive during the week commencing Monday [p.389] August 12<sup>th</sup> and will leave during the week commencing Monday the 26<sup>th</sup> it will be necessary to send parties of the Royal Engineers, Army Service Corps and Ordnance Store Corps, to prepare the camps, form supply depots of hay etc and these parties will probably arrive sometime in July, and will remain to clear up, etc, a short time after the Troops have left vizt:— after the 31<sup>st</sup> August.

I mentioned this at the meeting, and I have amended the draft minutes accordingly.

Colonel Stopford is now on leave, but on his return I will send you the number or a copy of the map you require.

I have the honor to be

Sir

Your obedient Servant  
H.G. Miles. Colonel  
Assistant Adjutant General

G.F.W. Mortimer Esq

Clerks Office  
Romsey Hampshire

Romsey Hampshire  
10<sup>th</sup> April 1895.

Sir

I have the honor to acknowledge the receipt of your letter of the 9<sup>th</sup> inst: covering the return of draft minutes of the meeting of the 29<sup>th</sup> March last.

I observe your alterations therein and will bring the same under the attention of the Official Verderer and Verderers in due course. In the meantime please let me know the exact number of men that will form the advance parties.

I have sent on to Col: Stopford a plan of the Forest and no doubt upon his return I shall have the pleasure to hear from him [p.390] with the particulars asked for in the letter which accompanies it.

I have the honor to be

Sir

Your obedient Servant  
G.F.W. Mortimer

Col: Miles  
Head Quarter Office  
Aldershot.

Romsey – Hampshire  
23<sup>rd</sup> April 1895.

Sir,

New Forest  
re Manoeuvres

Referring to my letter of the 10<sup>th</sup> April inst: will you kindly let me have the information asked for therein as to the number of men forming the advance parties as the Court will be sitting in a few days time.

I am

Sir

Your obedient Servant  
G.F.W. Mortimer

Col Miles.

Aldershot.  
24<sup>th</sup> April 1895.

Sir,

In reply to your letter of the 10<sup>th</sup> instant and of the 23<sup>rd</sup> instant, I now beg to inform you that the advance party will not exceed 150 men and 150 horses who will be divided between the different camps. These will consist of Army Service Corps, Ordnance Store Corps &c [p.391] who will be employed entirely in forming Depots of supplies at the camps (hay wood camp equipment &c) There will be no manoeuvring or firing by these parties.



A small party of Royal Engineers not exceeding 18 men divided between the camps, would be sent in May to make arrangements as to water boring holes &c &c.

The numbers given would not be necessarily encamped in the New Forest, at the proposed sites of camps the whole of July and up to the Manoeuvre period in August, but only sufficient would be kept to perform the duties required and the numbers would in certain circumstances in regard to the provision of supplies be materially reduced. We shall do our utmost to Keep the detachment as small as possible in view of the pressure of work here

I am

Your obedient Servant

H.G. Miles Col:

A.A. General

Romsey Hampshire

25<sup>th</sup> April 1895.

Sir,

I have the honor to acknowledge the receipt of your letter of the 24<sup>th</sup> instant which shall be submitted to the Verderers at their Court of Swainmote on the 6<sup>th</sup> proxo.

I have the honor to be

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

Col: Miles

[p.392]

The Official Verderer addressed the Court relative to the communication he had received from Mr Stafford Howard enclosing clauses for the approval of the Verderers which he proposed to insert in a Crown Lands Bill 1896.

He informed the Court that by his direction these clauses had been placed before Mr Hopkinson Q.C. and Mr Buckley and a consultation had taken place at which he, Mr Eyre, Mr Birkett and the Clerk were present on Friday last when the clauses were considered but in view of Counsels opinion which he produced to read as follows:—

copy same

The Attorney General v The Verderers of the New Forest

Copy opinion

The Clauses sent by the Commissioners of Woods and Forests deal with a number of important questions quite outside those which are involved in the present litigation and which were not alluded to when it was suggested that the case should stand over for a Clause to be submitted to the Verderers.

In the Verderers opinion it is not desirable to mix up these questions with the consideration of a clause for the purpose of carrying out the suggestion of the Solicitor General at the hearing and the Settlement of the Action.

The pending action stands as part heard before two Judges who may not be available to try it another year and it should now be disposed of definitely if possible by agreeing to such a Clause as

was suggested in Court dealing with the specific matter involved. On such a clause being agreed to and the Crown making some provision as to costs an order to dismiss or stay the Action should be obtained.

The Verderers may then give a full and fair consideration [p.393] on their merits to any clauses which the Commissioners may propose dealing with other questions affecting the Forest.

As regards the clause to be proposed the Verderers in our opinion should not relinquish the position they hold as the proper tribunal for dealing with matters affecting the Forest and should not do anything to recognise an unlimited right of the Commissioners to grant Licenses to do acts injurious to the Commoners on making a money payment to the Verderers.

Under such a clause as the first submitted by the Commissioners it would appear that an unlimited right to grant Licenses would be recognised and might be exercised so as to destroy any lawn and totally deprive the Commoners of their rights thereon.

We think that the Verderers should be able to decide that the erection of mills and machinery in certain spots is improper and to point out others where the Commissioners operations might be conveniently carried on without serious injury to the Commoners and that for any incidental damage caused, a payment should be made which the Verderers could in proper cases apply for the benefit of any Commoners specially interested injured.

We have had the opportunity of considering this matter in consultation and of seeing the suggestion herewith which has since been drafted by Mr Birkett and Mr Mortimer and settled by us and we think that the Verderers might properly assent to a clause embodying these suggestions.

Alfred Hopkinson

Edmund J. Buckley

Linc: Inn

4<sup>th</sup> May 1895.

=====

Mr Birkett and the Clerk had been requested to draw a clause to be submitted to Mr Stafford Howard as one that would carry out the undertaking of the Solicitor General in the suit of the "Attorney General v. The Verderers[?]" & this [p.394] clause had been settled by Counsel and was now placed before the Verderers for their consideration

The Court unanimously approved the course taken by the Official Verderer and proceeded to consider the clause approved by Counsel and settled it as follows.

copy same

Proposed New Clause

– for settling Action –

- 1A. Temporary Licenses to erect Sawing Engines and other necessary machines for converting timber or Licenses for stacking timber upon the open waste of the New Forest shall only be granted by the Commissioners of Woods subject to the following provisions.
- B. Notice of every proposal to grant a License shall be given to the Court of Verderers of the New Forest accompanied by a plan or statement shewing the site upon which it is proposed that an Engine or Machine shall be erected or timber shall be stacked.

- C. It shall be lawful for the Verderers to signify their approval or disapproval of any site proposed as aforesaid.
- D. If the Verderers signify their disapproval of any such site they shall specify some other suitable site in respect of which a License may be granted.
- E. An Engine or machine may be erected or timber stacked upon any site approved by the Verderers notwithstanding any objection of a Commoner thereto provided that if it shall be found by the Verderers that the erection of such Engine or machine or conversion [p.395] or stacking of timber shall have injuriously affected the rights of any person entitled to exercise rights of common upon the waste lands of the New Forest the Commissioners of Woods shall pay compensation in respect of such injuriously affecting and the amount of such compensation shall be settled in case of difference by the Court of Verderers.
- F. Such compensation shall be paid to the Verderers and shall be applicable by them as money coming to their hands by virtue of the New Forest Act 1877. Provided that they may if they think fit pay thereout compensation to any person who shall prove to their satisfaction that any of his rights of common have been injuriously affected by reason of any such License.
- G. It shall not be lawful to convert or stack timber under any such license which has not been grown upon the land within the perambulation of the New Forest.

The Clerk was directed to write the following letter forwarding the clauses to Mr Stafford Howard  
copy same

Romsey  
Hampshire  
11<sup>th</sup> May 1895.

Sir

Attorney General v The Verderers

I am directed by the Right Hon: Evelyn Ashley Official Verderer and the Verderers of the New Forest sitting at the Verderers Hall Queens House Lyndhurst in their Court of Swainmote & Attachment [p.396] on Monday the 6<sup>th</sup> day of May instant to inform you that having fully considered your communication and the surrounding circumstances they have arrived at the conclusion that the litigation now pending must be determined one way or another before they can enter on the subject matters introduced by some of the Draft Clauses.

The Clauses sent by the Commissioners of Woods & Forests deal with a number of important questions quite outside those which are involved in the present litigation and which were not alluded to when it was suggested in Court that the case should stand over for the introduction of a clause relative to the conversion of timber to be submitted to the Verderers.

In the Verderers opinion it is not desirable to mix up these new questions with the consideration of the clause for carrying out the suggestion of the Solicitor General made at the hearing for the Settlement of the Action especially as it is now too late for any legislation this year.

The Verderers will after the Settlement of the Action give a full and fair consideration on their merits to any clauses which the Commissioners may propose dealing with other questions affecting the Forest.

With reference to the draft clauses relating to the conversion of timber the Court of Verderers regret that they are unable after fair consideration to accept them as they stand.

In order to save time and to simplify matters they beg to enclose other draft Clauses which declare their views and they submit them to the Commissioners of Woods & Forests as embodying what they consider the least that the Court of Verderers are justified in demanding [p.397] in any Settlement of the Action which may be arranged.

I have the honor to be

Sir

Your obedient Servant

G.F.W. Mortimer

Clerk to the Verderers

E Stafford Howard Esq.  
Office of Woods &c.

The following resolutions were unanimously adopted by the Court

copy same.

Resolutions

passed by Court

1. That no proposals for fresh legislation with regard to the New Forest other than proposals dealing with the conversion of timber be considered until the suit brought by the Attorney General has been disposed of in a satisfactory manner.
2. That the clause suggested by the Commissioners of Woods to carry out the suggestion put forward in Court by the Solicitor General is not considered satisfactory.
3. That the Clause settled by Counsel be adopted as amended and sent by the Clerk to the Commissioners of Woods for approval.
4. That the Solicitors be instructed to inform the Commissioners that one of the terms for Settlement of the Action will have to be payment of the Verderers costs.

[signed] *E.A.*

[p.398]

The Court then proceeded to consider the London & South Western Railway Co<sup>s</sup> Bill of 1895. The Clerk produced and read a letter from Messrs Bircham & Co undertaking to put the usual Verderers clauses into the Bill.

The Clerk read a letter from Mr Stafford Howard relative to the Brockenhurst Cricket Ground.

copy same

Office of Woods &c  
1 Whitehall Place  
S.W. 16<sup>th</sup> April 1895.

Sir,

New Forest

I am directed by Mr Stafford Howard to acquaint you for the information of the Verderers that he has received an application from the Brockenhurst Cricket Club to enclose the pitch (some 23 or 24 yards square) on Balmer Lawn.

It is no doubt a great advantage to the club if they can keep cattle off the pitch and Mr Howard suggests to the Verderers that the case might be treated for the present on the basis of the proposed agreement for the future – that is, he is willing to grant the permission sought for and to pay over to the Verderers one half of the acknowledgment received from the club. This he proposed to fix at 10/- of which the Verderers would receive one half.

I am, Sir  
Your obedient Servant  
J.M. Duncan

G.F.W. Mortimer Esq

[p.399]

The Court considered the same and directed the Clerk to reply as follows

copy same

Romsey Hampshire  
10<sup>th</sup> May 1895

Sir.

I am directed by the Official Verderer and Verderers present at a Court of Swainmote and attachment held in the Verderers Hall Queens House Lyndhurst on Monday the 6<sup>th</sup> day of May instant to acknowledge the receipt of your letter of the 16<sup>th</sup> April last relative to an application from the Brockenhurst Cricket Club to enclose the pitch on Balmer Lawn and notify that you are prepared to grant the permission sought for and to pay over to the Verderers one half of the acknowledgment received from the Club which you propose to fix at 10/- of which the Verderers will receive one half.

I am further directed to convey the acquiescence of the Verderers to the above proposal.

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

E. Stafford Howard Esq.  
Office of Woods &c.

The Clerk read a letter from Major Ward Jackson relative to the Cricket Pitch on Swan Green.

copy same

[p.400]

Camp Hill  
Lyndhurst  
4<sup>th</sup> May 1895

Dear Sir,

As President of the Emery Down Cricket Club & on behalf of the Club may I ask if you will kindly submit the following facts to the Court of Verderers.

“From time immemorial the Swan Green Emery Down has been used for cricket and village sports.

About 16 years ago the small village Cricket Club was largely assisted by Lord Londesborough.

By arrangement with the Crown Lord Londesborough drained and levelled the ground and gave a light removable fence to protect it from injury.

This fence has been in continuous use during the whole of the above period.”

Last year the usual acknowledgment for the use of the ground was paid to the Verderers and also to the Crown.

Mr Lascelles has further since refused to allow the re-erection of the fence which has been in use for so many years to protect the pitch from careless or wilful injury.

The Emery Down Cricket Club is composed principally of working men & they had this year spent both labor & money in getting the ground into order.

On Easter Monday a coach & four drove over the ground & the late pony show being held upon the ground has so damaged it, thus, practically the whole of the mens labor has been thrown away.

[p.401]

Mr Lascelles was asked the day before the Pony Show for permission to put a rope round the pitch but he refused, and the men at a meeting decided that it was useless to spend any more labor on the ground unless it could be protected.

The Club only seek to be allowed to use the same protection which has for so many years been uninterruptedly permitted & which is at this moment accorded to & enjoyed by other clubs in the District viz:— Lyndhurst Bramshaw Burley &c.

In the hope that the Verderers will kindly take the question into consideration and be able to make some suggestion to meet the difficulty.

I am

Yours faithfully

J.W. Ward Jackson.

G.F.W. Mortimer Esq.

He was directed to forward a copy to Mr Stafford Howard and to say that the Verderers deprecated any interference in the enjoyment of the Cricket Pitch by the Emery Down Cricket Club and desired his assent to its user as heretofore.

The Clerk read a letter from the Rev. R. Bickerdike relative to the Colbury Cricket Ground which was ordered to be entered on the minutes.

copy same

Colbury Vicarage  
Southampton  
2<sup>nd</sup> May 1895

Dear Sir,

I have not been able to find anyone to carry on the Colbury Cricket Ground [p.402] with any prospect of success. It was not used last year & the cattle have been allowed to graze on the ground since I wrote to you on the subject last year.

Yours truly  
R. Bickerdike

G. Mortimer Esq.

M<sup>r</sup> Lovell brought up the question of the Agisters salaries & submitted a scheme for payment to them of a smaller fixed salary & a commission on amount of marking fees collected.

The consideration of the subject was deferred.

Mr Lovell brought up the question of repairs to drains at Brockenhurst Weirs. It was resolved that Col: Esdaile & Mr Lovell be requested to abstain from spending any more money in repairs to drains until a report which Col: Esdaile undertook to bring up was considered by the Court.

M<sup>r</sup> Lovell brought up the question of the sale of the Top Soil by the Crown at Allum Green.

The Clerk handed in the following report by the Agister Newbolt upon the subject

copy same

[p.403]

Emery Down  
Lyndhurst  
22<sup>nd</sup> March 1895.

Sir,

In reply to your letter respecting the soil dug near Alum Green, I find there are about five yards dug and put in a heap – it is from the old Loam pit that has been used for many years.

By anyone applying to the Forest Keeper it is sold for about 6 per yard I believe.

It is not dug on the Lawn but in the wood called Buck Hill.

From  
Your obedient Servant  
Chas. Newbolt  
Agister

The matter was adjourned for the Verderers to view what was being done in the locality.

Mr Jeffreys brought up the question of the mode of publication of the Verderers accounts. The matter was fully discussed and in the end it was resolved that the mode of publishing the accounts in the Salisbury & Winchester Journal be continued.

The Verderers proceeded to consider the applications sent in in answer to the advertisement for an Agister for the North District in the place of Moody dismissed & the choice of the Verderers fell upon that of James Hutchins who was subsequently called in and informed that he had been appointed at a salary of £60 and he was directed to take over the duties after seeing the Clerk and being instructed fully.

[p.404]

Hutchins having thanked the Court retired.

The Clerk was directed to return the testimonials of the other applicants and to inform them of the appointment.

The Clerk was directed to divide the salary which would be payable to Hutchins as from the 25<sup>th</sup> March last until the date of his taking over between the Agisters Newbolt and Evely who had been doing the duties in the North District.

The Clerk was directed to draw cheques for the hire of the Town Hall Fordingbridge on the occasion of the meeting of the Commissioners re Manoeuvres and for Evely's expenses in connection therewith at Burley and in North District.



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

copy same

Financial Statement presented to a Court of Swainmote and attachment held 6<sup>th</sup> May 1895

over

[p.405]

| 1895    |                                                                 | £  | s   | d  | 1895                |                                                                                      | £  | s   | d |   |
|---------|-----------------------------------------------------------------|----|-----|----|---------------------|--------------------------------------------------------------------------------------|----|-----|---|---|
| Mch 21. | To cash pd M <sup>r</sup> W H Davis for auditing a/c. 1893. - 4 | 7  | 2   |    |                     | By Balce from last a/c                                                               | 62 | 6   | 9 |   |
| 23      | for new cheque Book                                             |    | 2   | 6  | Apl 6 <sup>th</sup> | Divd on £3537.10.11 2¾% Consols                                                      | 20 | 18  | 3 |   |
|         | Clerk's ¼ <sup>y</sup> salary due Lady Day.                     | 37 | 10  |    | "                   | Cash rec <sup>d</sup> of Agister Moody for marking Commoners cattle to Lady Day last |    | 11  |   |   |
|         | Four Agisters D <sup>o</sup> viz:-                              |    |     |    | "                   | Fine & costs in case Phillips v Doe Senr & Doe junr                                  | 1  | 4   | 6 |   |
|         | Chandler.   £17. 10. 0.                                         |    |     |    | "                   | Cash rec <sup>d</sup> of Non Commoners for Licenses viz.                             |    |     |   |   |
|         | Evemy.     £17. 10. 0.                                          |    |     |    |                     | Licenses     £1. 0. 0                                                                |    |     |   |   |
|         | Moody.     £17. 10. 0.                                          |    |     |    |                     | Head money   2. 5. 0                                                                 |    |     |   |   |
|         | Newbolt    £17. 10. 0.                                          | 70 |     |    | 9                   | Marking fees   1. 1. 6                                                               | 4  | 6   | 6 |   |
|         | " M <sup>r</sup> E Farries being Masters fees                   | 3  |     | 11 |                     | " Cash rec <sup>d</sup> of Agisters for marking Comm <sup>rs</sup> cattle viz.       |    |     |   |   |
|         | " Messrs Bennett Bros Advertis <sup>g</sup> & Printing          | 2  | 14  | 8  |                     | Chandler     £16.16. 0                                                               |    |     |   |   |
|         | " Police fees in case Moody v Read.                             |    | 4   | 5  |                     | Evemy        14. 5. 0                                                                |    |     |   |   |
|         | " D <sup>o</sup> Phillips & Doe Sen <sup>r</sup> & Doe junr.    |    | 2   |    |                     | Newbolt     3. 0. 0                                                                  | 34 | 1   |   |   |
|         |                                                                 |    |     |    |                     | D <sup>o</sup> for Pannage viz.                                                      |    |     |   |   |
|         |                                                                 |    |     |    |                     | Evemy        5/4                                                                     |    |     |   |   |
|         | —————Balance—————                                               | 13 | 8   | 10 |                     | Newbolt     3/-                                                                      |    | 8   | 4 |   |
|         |                                                                 | £  | 134 | 5  | 4                   |                                                                                      | £  | 134 | 5 | 4 |

[p.406]

The Agisters attended but had no special reports to make.

This terminated the business of the Court.

[Signed] *Evelyn Ashley*

[p.407] At a Court of Swainmote and attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 20<sup>th</sup> day of July 1895.

---

---

Present.

The Right Hon: Evelyn Ashley, Official Verderer  
Lieut. Col. W. Clement D. Esdaile }  
George Edward Briscoe Eyre Esq. }  
William Gascoigne Roy Esquire } Verderers.  
Francis Frederick Lovell Esquire }  
John Jeffreys Esquire }

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

The minutes of the last meeting were read and confirmed.

Charles Newbolt }

v }

John Whitehorne }

Defendant's son appeared and stated that his Father was too ill to attend.

Walter Goodchild sworn:— Stated he was a police Constable Stationed at Lyndhurst & proved service of the Summons.

Alfred Chandler sworn:—

I am an Agister of the New Forest. On the 5<sup>th</sup> June I saw the Stallion in question running at Balmer Lawn not marked. It has not been inspected & passed this year.

Charles Newbolt sworn:—

I am Agister of the New Forest. [p.408] It is the Defendants. He owned it to me. I have seen it running in the Forest since the 5<sup>th</sup> June. It has not been inspected passed & marked this year.

Defendant was convicted & fined 3/- & 13/- costs which he paid.

Mr Briant of Godhill attended & handed in a letter that he had received from the Clerk as to the number of heifers that he had in the Forest in respect of the one acre of land he held from Mr Brune having Forest rights. Mr Briant stated that he rented,

|                                     |        |
|-------------------------------------|--------|
| of Mr Brune                         | 1 acre |
| ” Mr Henning                        | 2 ”    |
| ” Mr Briant (Coventry's Claim 832.) | 4 ”    |
| ” Mr Mitchell                       | 1 ”    |
| Glebe (without rights)              | 2½ ”   |

He was requested to transmit to the Clerk forthwith a Statement of the numbers of the claims in the Register of 1854 & the Tithe numbers in such claims in the respect of which he claimed rights of Common. When the subject would be further dealt with by the Court.

The Clerk produced the Clauses recently sent to by Mr Stafford Howard to lay before the Court as a basis for the Settlement of the Action of the Attorney General v The Verderers & anōr & Counsels opinion thereon given after the consultation held on the 19<sup>th</sup> July inst: at which the Official Verderer & Mr Eyre were present. The Court adopted Counsels views as set out therein & the opinion was ordered to be entered on the minutes.

copy same

[p.409]

We are of opinion that the Clauses submitted by Mr Howard cannot be accepted by the Verderers & that the Commissioners should be so informed.

The Commissioners have offered no criticism on the clauses submitted by the Verderers & we think the best course will be for the Clerk to the Verderers to communicate with Solicitor to the Commissioners stating that the proposed Clauses cannot be accepted that the Verderers would have been glad to have received some criticism upon the clauses submitted by them & suggesting (in the absence of such criticism) as the quickest road to a Settlement an early meeting between the legal advisors of the Commissioners & the Verderers.

Alfred Hopkinson  
Edmund F. Buckley.  
Linc: Inn:  
19<sup>th</sup> July 1895.

The following letter was directed to be sent to Mr Stafford Howard on the subject.

copy same

Sir.

Attorney General –v- The Verderers.

I am directed by the Official Verderer and Verderers present at a Court of Swainmote and Attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 20<sup>th</sup> day of July instant to say that after a careful consideration of the Clauses suggested by you & sent to me on the 1<sup>st</sup> July instant they are unable to accept them as a basis for a Settlement of the proceedings pending between the Commissioners & the Verderers.

The Verderers would have been glad to have received from the Commissioners some expression of their views of the Clauses [p.410] submitted for their consideration by the Verderers.

These Clauses were forwarded to Mr Gorst as long ago as the 11<sup>th</sup> May, but the Commissioners offered no criticism upon them & took no step in the matter until the 2<sup>nd</sup> July inst: on which day in answer to an application of my Agent to Mr Gorst made on or about the 18<sup>th</sup> day of June last I received from you the set of Clauses above referred to having been prepared by you.

The two sets of Clauses differ in so many respects that a discussion of them by means of correspondence must necessarily occupy a considerable time more especially as the Commissioners have not stated their objections to the Verderers Clauses.

The Verderers are anxious that the matter should not be further delayed & as the speediest mode of settling the question I am instructed to suggest that a meeting should be fixed for an early date between the legal advisors of the Commissioners & of the Verderers respectively with a view to discussing the proposed terms of settlement.

I am, Sir,  
Your Obedient Servant  
G.F.W. Mortimer  
Clerk to the Verderers.

E. Stafford Howard Esq

The Clerk submitted the notices he had prepared containing the Verderers regulations for dealing with Commoners animals during the approaching Autumn Manoeuvres which were approved & ordered to be circulated.

On the question of the remuneration of the Clerk & Agisters in respect of the extra duties cast upon them through the holding of such Manoeuvres in the New Forest it was resolved that the Clerk remain in readiness to attend at any place in conjunction with the Military Authorities to see [p.411] & report upon any injury to an animal of which he shall receive notice & that he be allowed £5. <sup>5</sup>/<sub>-</sub> for every day so employed to cover all his charges & expenses for the day & that the Military Authorities be requested to set apart a sum not exceeding £150 to meet all the extra expenses of the Verderers Clerk & servants.

The following letter on the subject was directed to be sent forward.

copy same

Romsey Hampshire  
25<sup>th</sup> July 1895.

Sir.

re Manoeuvres.

I am directed the Official Verderer & Verderers present at a Court of Swainmote & attachment held at the Verderers Hall Queens House Lyndhurst the 20<sup>th</sup> day of July inst. to address you with reference to the extra labor imposed upon their Clerk & servants in connection with the investigation of claims for compensation & other arrangements consequent upon the holding of the Autumn Manoeuvres in the New Forest this year & to request that your department will set aside a sum not to exceed £150 & will allot the same to the Verderers to enable them to satisfy the extra services rendered by such officers. It is clear that the Verderers have no power under their Acts to deal with their funds by way of payment for extra duties cast upon their officers by the Autumn Manoeuvres & which are outside their ordinary work.

I have the honor to be,  
Sir,  
Your Obedient Servant  
G.F.W. Mortimer  
Clerk to the Verderers.

Col. H.G. Miles.

[p.412]

The Clerk produced the London to So: Westn: Ry: C<sup>o</sup> Bill (Session 1895.) containing the Clauses inserted therein by Parliament for the protection of the Commoners rights in & over the New Forest & explained the purpose thereof.

The Court considered the Clauses as satisfactory & directed the Clerk to ascertain from the Solicitors of the Company what sum was to be paid annually to the Crown for its interest in the land acquired under the above Act by the Company at Blackdown & ask for & obtain payment of a similar annual sum to Verderers on behalf of the Commoners.

The question of putting the Agisters into green Uniforms was considered & it was decided not to so do.

The Clerk was directed to have armlets made for the Verderers, the Agisters, & himself to wear during the Manoeuvres Col. Esdaile subsequently settling the design.

Mr Lovell handed in the report of the Verderers appointed to pass Stallions in the Forest showing the number so passed. He stated that the show this year was a much better one & that the foals this year were larger in number & better in quality than in past years.

The Agisters on being requested to give their opinions by Mr Lovell fully agreed with his statement.

Mr Lovell referred to the removal of top soil from the Forest at Allum Green. The matter having been discussed, it was resolved to write to the Commissioners in charge of the New Forest as follows.

copy same

[p.413]

Romsey Hampshire  
25<sup>th</sup> July 1895.

Sir.

I am directed the Official Verderer & Verderers present at a Court of Swainmote & attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 20<sup>th</sup> day of July inst: to call your attention to the removal of the top soil of the Forest at Allum Green for sale to certain persons.

The Verderers desire me to point out that the removal & sale of such top soil is contrary to the interests of the Commoners & cannot be supported by any custom or privilege vested in the Crown by Statute or otherwise.

The Court therefore hopes you will issue orders for the discontinuance of such removal & sale in the future feeling sure that your attention has only to be called to the matter for you at once to take steps to put a stop to the injury of the Forest & the Commoners rights thereon.

I am Sir.

Your Obedient Servant

G. F. W. Mortimer,

Clerk to the Verderers.

E. Stafford Howard.

The Clerk read the further correspondence with Mr Stafford Howard as to the Emery Down Cricket Ground which was ordered to be entered upon the minutes.

copy letter.

[p.414]

Office of Woods &c.

S.W. 31<sup>st</sup> May 1895.

Sir,

New Forest.

With further reference to the official letter to you of the 22<sup>nd</sup> inst. I am directed by Mr Stafford Howard to inform you that he has given permission to Major Ward Jackson on behalf of the Emery Down Cricket Club to protect the pitch by a temporary enclosure. He has fixed the acknowledgement at 10/- per annum & one half of this sum will be paid over to the Verderers as in the Brockenhurst case.

I am Sir,

Your obed<sup>t</sup> Servant,

J.M. Duncan

G.F.W. Mortimer Esq.

The question of placing a case in the Verderers Hall for the reception of their Library & of the best form of case & position for it in the Hall was discussed and the matter was left in the hands of the Official Verderer to deal with.

The Clerk reported that he had received notice of a serious pollution of the water by the Schultz Powder Works at Eyeworth by discharging the effluents into the stream these, thereby polluting it to such an extent that no animal would drink the water & that as this was the only water that the Ponies to be placed in Islands Thorns Enclosure would have to drink – the matter was a serious one. The Clerk stated that he had enquired into the report & found it correct. It was resolved after consideration to write to Mr Griffiths as follows:– and to further consider the subject at next Court.

copy letter.

[p.415]

Romsey Hampshire,

25<sup>th</sup> July 1895.

Dear Sir.

I am directed the Official Verderer & Verderers present at a Court of Swainmote & attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 20<sup>th</sup> day of July inst: to call your attention to a complaint that has been made to the Court of the pollution of Lachmore Bottom by the effluents coming from the Schulz powder works.

The Crown having ~~setting~~ aside Islands Thorns Enclosure for the reception of Commoners ponies during the Autumn Manoeuvres it is as you will see not only important but vital that the supply of water in such Enclosures should be drinkable.

The Agisters report that, as it is at present, the animals will not touch it.

The Verderers therefore putting aside for the moment all legal & permanent questions appeal to you in the interests of the Commoners & of the neighbourhood generally to exert yourself specially prior to & during the approaching Manoeuvres to remove & prevent any pollution of the water in question.

Yours faithfully  
G.W. Mortimer  
Clerk to the Verderers.

R.W.S. Griffiths Esq.  
Eyeworth Lodge  
Lyndhurst  
Hampshire

---

[p.416]

Col: Esdaile reported that a circular order was being set out by the Deputy Surveyor stating that only one gate of the Inclosure set apart for the ponies by the Office of Woods &c would be opened & that a pound would be erected within the Enclosures adjoining such gates into which all ponies would be taken & that each owner would then be required to pay 2/- for the Pony which would be marked by the Crown Officials with some mark devised by the Deputy Surveyor for this special occasion & that a set of books with counterfoils showing the names &c of the owners would be used by the Crown Officials & receipts given for the fees so taken.

The Agister Evemy confirmed the report & stated that Mr Holloway one of the principal assistants to the Deputy Surveyor had informed him that the special mark would be a litch taken from the animals tail which would interfere with the Agisters mark.

The Court considered the matter as a breach of faith & resolved to write to Mr Stafford Howard on the subject as follows.

copy letter

Romsey Hampshire  
July 25<sup>th</sup> 1895.

Sir,

I am directed by the Official Verderer & Verderers present at a Court of Swainmote & attachment held at the Verderers Hall Queens House Lyndhurst on Saturday the 20<sup>th</sup> day of July inst: to inform you that the Court has received a report that certain arrangements are being made by the local Crown Officials for the reception of & payment for ponies to be placed in either of the two Enclosures set apart for the reception of ponies during the Autumn Manoeuvres in the Forest.

The information given to the Court was that:—

- (a) Only one gate in each Inclosure was to be available
- [p.417] (b) That a pound was to be erected near such gate into which the animals were to be directed
- (c) That each animal would be marked by the Crown Official with some new mark.

Whether this is true information or not, the Verderers cannot know & they must express regret that no notice of such new arrangement was given to them – their meeting on the 20<sup>th</sup> instant being the last before the Manoeuvres but on the assumption that this information is correct they feel bound to remonstrate against this unexpected addition proposed to be made to the trouble & inconvenience which the Commoners must in any case incur & they cannot help regarding it as partaking to some degree of a breach of faith in the arrangements which have been made for the use by the Commoners of the Inclosures in question by their representatives who were delegated to meet the





inform you that the attention of the Court has been called to the fact that Mr Morris Fletcher has taken in part of the Forest at Burley Beacon.

The Court is given to understand that permission has been given in the matter by your office & that another piece of land has been thrown out into the Forest by Mr Morris Fletcher in exchange for the above piece in pursuance of such permission. The Court, however, desire me to call your attention to Clause 10 of the New Forest Act 1877 & to request that any proceeding for exchange shall be carried out under the terms of that Act which enacts the formal notice of the proposed proceedings shall be given to the Verderers.

I am Sir.

Your Obedient Servant

G.F.W. Mortimer

E. Stafford Howard Esq.

The question of the re-erection of the fence round the Burley Cricket Club was left in Col. Esdaile's hands.

It was reported that there was a Chestnut Stallion at large unpassed & unmarked at Hatchet Pond which its shoes on. The Agisters were directed to impound it at once.

The Agister Chandler was directed to have a heap of glass at Balmer Lawn buried.

The Clerk produced the usual Financial Statement which was order to be entered on the minutes.

copy same

[p.420]

| 1895                |                                                                                                                    |    |    | 1895 |       |                                                             |    |    |    |
|---------------------|--------------------------------------------------------------------------------------------------------------------|----|----|------|-------|-------------------------------------------------------------|----|----|----|
| May 8 <sup>th</sup> | To cash pain Mr H. Brown for fire of Town Hall Fordingbridge for meeting of Comm <sup>rs</sup> re Manoeuvres       | 1  | 1  | 0    | May 7 | By Balance from last a/c.                                   | 13 | 8  | 10 |
|                     | ” Mr C Evemy out of pocket exps' & hire of room at Burley for Meeting of Commoners re Manoeuvres                   |    |    | 17   | 0     | [?] Cash recd of Non Comm <sup>rs</sup> for Licences viz:—  |    |    |    |
|                     | ” Clerks ¼ <sup>s</sup> Salary due Lady day                                                                        | 37 | 10 | 0    |       | Licences 1.17. 6                                            |    |    |    |
|                     | [?] 3 Agisters ditto                                                                                               |    |    |      |       | Head Money 5.12. 6                                          |    |    |    |
|                     | Chandler 17.10. 0                                                                                                  |    |    |      |       | Marking Fees 2.11. 0                                        | 10 | 1  | 0  |
|                     | Evemy 17.10. 0                                                                                                     |    |    |      |       | ” Cash rec'd of Agisters for Marking Commoners Cattle viz:— |    |    |    |
|                     | Newbolt 17.10. 0                                                                                                   | 52 | 10 | 0    |       | Chandler 8. 5. 6                                            |    |    |    |
|                     | [?] Agister Hutchins proport <sup>n</sup> of Salary due to Lady day at £60 a year                                  | 8  | 2  | 0    |       | Evemy 26.18. 6                                              |    |    |    |
|                     | [?] Agisters Evemy & Newbolt proportion of Salary for work done in North District until appointment of New Agister | 6  | 18 | 0    |       | Newbolt 4. 1. 6                                             | 49 | 5  | 6  |
|                     | Balance                                                                                                            | 12 | 19 | 7    |       | [?] Cash received from Non Commoners for Licences viz:—     |    |    |    |
|                     | £ 119                                                                                                              | 17 | 7  |      |       | Licences 1.17. 6                                            |    |    |    |
|                     |                                                                                                                    |    |    |      |       | Head Money 4.15. 0                                          |    |    |    |
|                     |                                                                                                                    |    |    |      |       | Marking Fees 2. 1. 6                                        | 8  | 14 | 0  |
|                     |                                                                                                                    |    |    |      |       | [?] Dividend on £3537.10.11 2¼ % of Consols . . . . .       | 20 | 18 | 3  |
|                     |                                                                                                                    |    |    |      |       | [?] Agister Newbolt's Cheque not paid in                    | 17 | 10 | 0  |
|                     |                                                                                                                    |    |    |      |       | £ 119                                                       | 17 | 7  |    |

[p.421]

This terminated the business of the Court.

[signed] Evelyn Ashley