

3rd. A return to an order of the honourable the House of Commons, dated 16th June, 1871, containing copy of a Report by the Hon. J. K. Howard, Commissioner of Woods, on the New Forest, ordered by the House of Commons to be printed 16th June, 1871.

The above are parliamentary papers and can be easily obtained.

I forward also an abstract statement of the extent of Royal forests, &c.

The New Forest was afforested by William the Conqueror, and was at one time of much greater extent than it is now. It must not, however, be supposed that there was therefore a greater quantity of timber, or extent of what we now understand by the word forest; on the contrary, I believe that it is all but indisputable that there is now a greater stock or crop of useful timber, or what will eventually become useful timber, than at any former time. It cannot be too clearly borne in mind that the original meaning or signification of a forest in England was nothing more than a park for deer, a meaning which we still find attached to it in Scotland, where we have deer forests without a tree in them, so to speak.

The words "afforesting" and "disafforesting" are also apt to mislead an amateur or novice, and the latter has, I believe, been misunderstood by at least one of our forest officers, and treated as synonymous with disforestation, *i.e.*, clearing or destruction of forests, or the trees which constitute the forest as we now understand the word, whereas, in reality, the disafforesting of the so-called Crown forests in this country is the first step towards their conservancy, as timber-producing areas. Disafforestation, in short, means a separation of the rights of the Crown and the commoners, and appears to be exactly what is required in Madras to put an end to any doubts as to the legal status of the Forest Department, or clashing betwixt the Government, through its officers, and the people or commoners. The arguments in favour of a disafforestation are stated clearly and forcibly at page 9 of Mr. Howard's report of 1871, and appear to be equally applicable to India. After alluding to the financial considerations resulting from the possession of forestal rights over a large extent not in the exclusive possession of the Crown, which "undoubtedly entails upon the Crown a large amount of unremunerative expenditure in management and supervision, which would be saved if the Crown rights were commuted for an allotment in severalty," Mr. Howard proceeds to point out how much the value of the property or rights would be increased to each party by their being definitely separated and divided, and concludes, "But these considerations are of scarcely so much importance as that of the unsatisfactory position which the Crown occupies with reference to those who have rights over the forest, which rights are subject to the paramount rights of the Crown, and the difficulty which is experienced, under the existing arrangements, of guarding and enforcing the Crown rights, and of watching, controlling, and regulating the conflicting and intermixed rights of others, without creating ill-feeling, and exciting hostility towards the Crown and its representatives."

I proceed to state briefly the steps which have been taken towards "disafforestation" and commutation of common rights in the New Forest.

As stated under the section devoted to "Extent and Divisions," the total area of the forest may be stated as 91,000 acres, but of this only 2,100 acres is freehold of the Crown, and even of this extent 668 acres are let to tenants, and a considerable portion occupied by the Queen's house at Lyndhurst, lodges within the forest, &c., leaving the actual area of freehold forests or plantations, over which there are no common rights, as little more than 1,000 acres.

Again, 26,000 acres are the property of private landowners. On this point there is some little ambiguity or discrepancy in the reports alluded to. In No. 1 it is distinctly stated that "the Crown has no right to enclose or plant such land or to keep deer thereon; both the soil and the timber are the property of private landowners." In No. 2, the 26,000 are described as "private property subject to the forestal rights of the Crown;" and in the third and last report it is merely stated that "as regards about 26,000 acres of that quantity (the 91,000 total area), the soil is the property of private landowners." I shall not, therefore, attempt to describe or allude further to those 26,000 acres, and turn to the remaining 63,000 acres, of which the soil and freehold is the property of the Crown, in which the Crown has also certain forestal rights and certain rights of enclosure and planting, under the authority of Acts of Parliament passed in 1698, 1808, and 1851, but in which, subject to these several rights, numerous persons are entitled to and exercise certain rights.

The forest, as already stated, was formed as a deer park by William the Conqueror, but certain of the neighbouring proprietors and their tenants appear always to have exercised certain rights or privileges within its limits. These rights may be stated as,—

1st. Common of pasturage, to take, by the mouths of the commoners' cattle, so much pasturage as was left after providing food for the sovereign's deer.

But this right was hampered with an obligation on the part of the commoners to remove their cattle during "the fence month" (*viz.*, from 20th June to 20th July) and "winter hayning" (*viz.*, from 22nd November to 4th May), in fact, for six months out of the twelve. Again, it must be borne in mind that the right of the Crown to keep an unlimited stock of deer was paramount to the right of the commoners, and that, if the number of deer were indefinitely increased, the commoners' right to pasturage during six months of the year would become virtually of no value.

2nd. Common of mast (feeding of pigs) from 25th September to 22nd November.

3rd. Common of turbary (cutting turf), "to be exercised by the view and allowance of the foresters of the forest."

4th. Certain rights of fuel, and getting marl from the forest.

The first legislation which we find recorded on the subject is in the reign of William the Third, when Act 9 & 10 Will. III. c. 36, afterwards called "The Act, 1698," was passed, empowering the enclosure of 2,000 acres, part of the waste lands in the New Forest, "as a nursery for wood and timber only," and further authorizing the enclosing of 200 acres yearly for twenty years for a like purpose, and providing for all such enclosures being thrown open again whenever the trees were "past danger of browsing of deer, cattle, or other prejudice," and that, in lieu of so much as should be laid open, "a like quantity might be enclosed and holden free of all manner of common herbage, pannage, or