

other rights, for, so long a time as the same shall remain and continue enclosed, to be a nursery for timber only."

This Act and its working forms frequent subject of comment in a report of the Royal Commissioners, dated 22nd July, 1789, from which we learn that the powers vested in the Crown by it had not been exercised, and only 3,300 acres had ever actually been enclosed; whereas, if the 6,000 acres had been enclosed and planted during the first twenty years after the passing of the Act, and the enclosures thrown open when the trees were at twenty years' growth, there would have been at the end of the ninety years which had elapsed when the Commissioners wrote, "at least 24,000 acres of land formerly bare which should now have been covered with trees."

In 1808, an Act, 48 Geo. III. c. 72, was passed, "for the increase and preservation of timber in the New and Dean Forests," authorizing the enclosing of 6,000 acres, including the portions already enclosed, and providing for portions being thrown open from time to time, and others enclosed in lieu thereof.

In 1819, an Act for enforcing the right of the Crown to exclude cattle during the winter season, or "hayning time," became law; and in the session of 1848, a Select Committee of the House of Commons was appointed, "to inquire into the management of the Crown property."

In 1849, a Commission was appointed, of which Lord Portman and Messrs. Dampier and Daly, barristers-at-law, were members, who reported in favour of the removal of the deer from the forest.

This report, and the discussion which ensued, led to the introduction of "An Act to extinguish the right of the Crown to keep deer in the New Forest, and to give compensation in lieu of such right," which eventually became law, and is known as the Act of 1851. By it the Crown acquired the right, in compensation for that of keeping an unlimited number of deer, of enclosing 10,000 acres for planting purposes, to be thrown open when the trees were sufficiently advanced to be out of harm's way, and portions of similar extent enclosed, and, in accordance with its provisions, the deer were removed, and enclosures amounting to about 5,000 acres have been made, or are in course of being planted. To quote Mr. Howard again,—“The provisions of the Act of 1851 were and still are regarded by the officers of the Crown as in the nature of a statutory compact between the Crown and the commoners. It is considered that the commoners are bound by the Act, and that an alteration of its provisions cannot take place without the concurrence of the Crown.” Mr. Howard then proceeds to show that the conditions of the Act have not been fully carried out; that, so far as the commoners are concerned, they are in the full enjoyment of all, and more than all, the benefits secured to them by the Act. The deer have been removed, and each commoner's right investigated and entered in a register, but the Crown is not yet in possession of even the immediate compensation secured to it by the Act, for it has only enclosed one-half out of the 10,000 acres.

The difference betwixt the immediate and the full compensation, as pointed out by Mr. Howard, should not be lost sight of. The immediate compensation was the right to enclose 10,000 acres of the waste; the full compensation was not only the right to enclose 10,000 acres, but the right to throw open such enclosures from time to time, and enclose and plant other portions of the waste of the forest in lieu thereof.

In 1854, Messrs. Matthews, Murton, and Menzies reported in favour of enclosing the entire forest; and in 1868, consequent on petitions complaining of the mode in which the provisions of the Act of 1851 had been carried out, a Select Committee was appointed to inquire into the matter. They recommended "the employment of a Commission for the purpose of allotting to the Crown certain portions of the forest in fee, freed of all common rights, and leaving the residue to the commoners, to deal with in such manner as they may think best."

A Bill to this effect was prepared and introduced into Parliament last session, but withdrawn, owing to the pressure of other business. Thus matters at present rest, on what cannot be considered a satisfactory footing; for it would appear that the more the commoners have yielded to them the more they ask for, and that the Crown—that is the nation and public at large—are worsted, and do not secure the benefits agreed to from time to time in lieu of the concessions made.

Mr. Howard tells us that, of the 63,000 acres of which I have now been writing, "about one half consists of land of a good or tolerably good character, while the other half consists of sandy and heathy or boggy land of an inferior description."

About 5,000 acres are covered with old timber, about 8,500 acres by trees planted under the authority of the Acts of 1698 and 1808, in enclosures now thrown open according to the provisions of the Acts, and about 11,000 acres have been or are being planted in existing enclosures under the provisions of the Acts just referred to and that of 1851. This makes 24,500 acres out of the 63,000 covered with plantations or trees of various ages.

It cannot be too clearly borne in mind that the pasture is very much improved by the planting of trees. I have noticed this in the Report on Scotch Forests, and observed it again in the Royal forests. The larch in particular has a wonderfully fertilizing effect. The shelter afforded by the trees must not either be lost sight of. One is indeed at a loss to conceive why the commoners do not see that it is vastly to their interests that land, almost valueless for any other purpose, should be enclosed and planted at the expense of the State, and thrown open again with the pasturage vastly improved, in fact, in some instances created for their benefit; but such is the tenacity with which they resist any such temporary enclosures, or anything approaching to what they consider, rightly or wrongly, an infringement of their rights, that one ceases to wonder at the objections raised, under very similar circumstances, by the natives of India against measures of conservancy devised really and solely for their welfare and that of the community at large.

The rights of the commoners in the New Forest have been very carefully inquired into, and entered in a register, which forms a most valuable reference for the officer in charge. It includes about 860 proprietors and their tenants. Many of the rights are subject to a payment, generally of some nominal amount, failing which they remain in abeyance, and, I presume, are forfeited after a certain time has elapsed.