



CHAPTER ccxiii.

An Act for the Disafforestation of Epping Forest and the preservation and management of the uninclosed parts thereof as an Open Space for the recreation and enjoyment of the public ; and for other purposes. [8th August 1878.]

A.D. 1878.

WHEREAS Epping Forest is part of the ancient Royal Forest of Waltham :

Epping
Forest.

And whereas in February one thousand eight hundred and seventy the Commons House of Parliament presented an address to Her Majesty the Queen, praying that she would take such measures as in her judgment she might deem most expedient in order that Epping Forest might be preserved as an open space for the recreation and enjoyment of the public :

1870.
Address of
House of
Commons.

And whereas in answer thereto Her Majesty was graciously pleased to express her concurrence in the desire that open spaces in the neighbourhood of the Metropolis might as far as possible be preserved for the enjoyment of her people, and to promise that she would carefully consider how effect might be given to the prayer of the said address :

Answer of
the Queen.

And whereas, in consequence of the said address, the Epping Forest Act, 1871, was passed ; which Act, after reciting the said address and answer, constituted a body of Commissioners, called the Epping Forest Commissioners, and enacted (among other things) to this effect :

1871-6.
Epping
Forest Acts.
34 & 35 Vict.
c. 93.
35 & 36 Vict.
c. 95.
36 & 37 Vict.
c. 5.
38 & 39 Vict.
c. 6.
39 & 40 Vict.
c. 3.

(1.) That the Commissioners should prosecute in relation to the Forest inquiries respecting the boundaries, rights, encroachments, and inclosures of, over, and in the Forest ;

(2.) That they should settle a Scheme for disafforesting the Forest and the preservation and management of its waste lands ;

(3.) That they should have the same powers as if those waste lands were a common within the Metropolitan Commons Act, 1866, and they were the Inclosure Commissioners ;

29 & 30 Vict.
c. 122.

(4.) That they might report any special arrangements with landowners or others in furtherance of the objects of the Scheme ;

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And by Acts passed in the years 1872, 1873, 1875, and 1876, the powers of the Commissioners were continued, and some authorities were conferred on them, and other provisions were made, which powers, authorities, and provisions are spent or expired, or will cease with the present session of Parliament:

1874.
Decree in
Chancery.

And whereas on the twenty-fourth day of November one thousand eight hundred and seventy four, a decree was made by the Master of the Rolls in a suit which had been instituted in the Court of Chancery on the fourteenth day of August one thousand eight hundred and seventy-one, the plaintiffs being the Commissioners of Sewers of the City of London, as freehold tenants of lands in the Forest, who sued at the request and under the indemnity of the Mayor and Commonalty and Citizens of the City of London (in this Act referred to as the Corporation of London), and the substantial defendants being lords of manors within the Forest and two persons selected to represent grantees of lands within the Forest from such lords, which decree declared to this effect:

(1.) That the plaintiffs and the other owners and occupiers of lands within the Forest, other than the waste lands of the Forest, are entitled to a right of common of pasture upon all the waste lands of the Forest for cattle commonable within the Forest;

(2.) That the plaintiffs (having regard to the provisions of the said Acts of 1871, 1872, and 1873) not asking for any injunction as regards lands which, on the fourteenth of August one thousand eight hundred and seventy-one, were actually covered with buildings or actually inclosed and used as the gardens belonging to or curtilages of buildings, or as regards lands which were actually inclosed on or before the fourteenth of August one thousand eight hundred and fifty-one, were entitled to an injunction to restrain the said defendants from permitting to be or to remain inclosed or built upon any of the waste lands of the Forest, except (a) lands which on the fourteenth of August one thousand eight hundred and seventy-one were so actually covered or so actually inclosed and used, or (b) lands actually inclosed on or before the fourteenth of August one thousand eight hundred and fifty-one;

And ordered that inquiries should be made respecting the waste lands, and that the said defendants should pay to the plaintiffs their costs of the suit; and, those inquiries having been made, the said defendants were, by order made on further consideration in the suit, restrained by perpetual injunction accordingly:

No appeal.

And whereas no appeal has been brought against the said decree, and the time for appeal is expired:

1877. Final
Report and
Scheme of

And whereas the Commissioners made their Final Report, dated the first day of March one thousand eight hundred and seventy-

seven, and set out in the schedule thereto their Scheme, to be confirmed by Act of Parliament :

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And whereas the forestal rights of the Crown are still exerciseable over a large part of the waste lands of the Forest, and the Commissioners Scheme proposed that the Forest should be disafforested, and that the forestal rights of the Crown therein should cease; and it is expedient that provision to that effect be made, and Her Majesty has been graciously pleased to signify her assent thereto for the benefit of the public :

Commissioners.

Forestal rights of Crown proposed to be given up for public.

And whereas with respect to rights of common of pasture and of mast, the Commissioners Scheme proposed that the same should continue, subject to their Scheme; and it is expedient that the same should continue, subject to this Act :

Right of pasture and mast proposed to be preserved.

And whereas there exist such rights of cutting fuel from trees, digging gravel, and other rights of a like nature, and such rights of office and other rights of a like nature, as are specified in the First and Second Schedules to this Act, and the Commissioners Scheme proposed in effect that those rights should be compensated or compounded for; and it is expedient that provision to that effect be made :

Other rights proposed to be compounded for.

And whereas with respect to the soil of the waste lands of the Forest the Commissioners Scheme contained a series of proposals :

Proposals as to soil.

And whereas, if the Commissioners Scheme were confirmed in its entirety by Act of Parliament, those proposals would inadequately preserve an open space for the recreation and enjoyment of the public, particularly as regards lands held by grantees from lords of manors, and not being sites of buildings or house-gardens or curtilages :

Difficulties of the proposals.

And whereas with reference to those proposals doubts are entertained as to the Commissioners authority to make such proposals under the Epping Forest and Metropolitan Commons Acts :

And whereas, if the Commissioners Scheme were confirmed in its entirety by Act of Parliament, effect could not be given to those proposals without great delay and expense :

And whereas, on the other hand, if no binding arrangement respecting the unlawful inclosures and the ownership of the soil is made, great hardship may follow, particularly in the case of grantees from lords of manors under conveyances made within twenty years before the institution of the said suit, inasmuch as those grantees will be liable in pursuance of the decree in that suit to be ousted from the beneficial user of lands purchased by them, although (as it is alleged) they purchased the same for full value in the belief that the lord of each manor in the Forest with the consent of the homage could, after having obtained a conveyance or

Position of grantees.

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release of the Crown's forestal rights, lawfully grant away portions of the waste lands of the manor, and that the grantees might inclose the same and hold the inclosures discharged of rights of common :

Settlement
by arbitra-
tion expe-
dient.

And whereas it is just and expedient and desirable in the interest of all classes of persons concerned and of the public that effectual provision be now made for the final settlement of all questions remaining unsettled relative to the Forest :

And whereas, with a view to the effecting of such a settlement with as little delay and expense as circumstances admit, it is expedient that all necessary and proper powers and discretion in that behalf be vested in an arbitrator specially constituted for that purpose :

Consent of
arbitrator.

And whereas the person named and appointed arbitrator in this Act has consented to be so appointed :

Corporation
of London
proposed to
be Con-
servators.

And whereas the Corporation of London have made great exertions to preserve the Forest as an open space for the recreation and enjoyment of the public, and for that purpose they have purchased and hold a large proportion of the waste lands, and have expended large sums of money, as well in those purchases as in the prosecution of the said suit and in the proceedings before the Commissioners, and otherwise :

And whereas the Corporation of London are desirous of being constituted Conservators of the Forest, and are willing and able to defray such expenses as are to be borne by the Conservators, and the Commissioners Scheme proposed and it is expedient that they be so constituted :

Queen Eliza-
beth's Lodge.

And whereas there is in the Forest an ancient lodge, known as Queen Elizabeth's Lodge, and Her Majesty has been graciously pleased to signify her assent that the same be vested in the Conservators to be always preserved by them :

Quieting of
titles.

And whereas on some of the said purchases by the Corporation of London it formed part of the contract that the vendors should be at liberty to retain some specified inclosures and pieces of land, parts of the waste lands of the Forest, and should in respect of those inclosures and pieces be quieted in title against and be released from rights of common, and it is expedient that those agreements be confirmed and carried into effect :

Further
provisions.

And whereas it is expedient that such further provisions for purposes connected with the Forest as are in this Act contained be made :

Act of Par-
liament
necessary.

But the objects aforesaid cannot be attained without the authority of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows : A.D. 1878.

Extent of Epping Forest.

1.—(1.) Epping Forest shall for the purposes of this Act be, as ascertained by the Epping Forest Commissioners, the lands delineated on the plan annexed to their Final Report, but with the colouring thereof altered, so that the green colour thereon indicates such of the waste lands of the Forest as are now open and uninclosed (which are in this Act at times referred to as the green lands), and so that the pink colour thereon indicates such of those waste lands as having been unlawfully inclosed within twenty years next before the passing of the Epping Forest Act, 1871, that is to say, since the twenty-first day of August one thousand eight hundred and fifty-one, still remain inclosed (which are in this Act at times referred to as the pink lands).

Epping Forest defined on plan deposited with town clerk of city of London and elsewhere.

34 & 35 Vict. c. 93.

(2.) Within fourteen days after the passing of this Act that plan, with the colouring so altered, authenticated by the signature of the Right Honourable Stephen Cave, the Chairman of the Committee of the Commons House of Parliament to whom the Bill for this Act was referred, shall be deposited by the solicitor of the City of London in triplicate as follows, namely, one plan with the town clerk for the city of London at his office in the Guildhall, one with the clerk of the peace for the county of Essex, and one at the Office of Land Revenue Records and Inrolments (which plan is in this Act and the schedules thereto referred to as the deposited plan).

(3.) A copy of or extract from the deposited plan purporting to be certified as a true copy or extract by the said town clerk or clerk of the peace or the proper officer of the Office of Land Revenue Records and Inrolments shall be received in all courts and elsewhere as evidence of the contents of the deposited plan; and the said town clerk and clerk of the peace and such proper officer shall permit all persons interested in the Forest at all reasonable times to inspect and take copies of or make extracts from the deposited plan, on payment of a fee not exceeding in the case of the town clerk and clerk of the peace five shillings, and in the case of such proper officer as aforesaid of such amount as the Commissioners of the Treasury from time to time direct.

Ranger of Forest.

2. It shall be lawful for Her Majesty, her heirs and successors, from time to time, by warrant under the Royal Sign Manual, to appoint during pleasure a Ranger of Epping Forest, who shall

Power for Crown to appoint Ranger.

A.D. 1878. — have such powers and perform such duties as are conferred and imposed on him by this Act, and such other powers and duties, not inconsistent with the objects or provisions of this Act, as may from time to time be prescribed by any such warrant; and he is in this Act referred to as the Ranger.

Conservators.

Forest to be managed by Corporation of London as Conservators.

3. Epping Forest shall be regulated and managed under and in accordance with this Act by the Corporation of London, acting by the Mayor, Aldermen, and Commons of the said city in Common Council assembled, as the Conservators of Epping Forest (in this Act referred to as the Conservators).

Crown and other Rights in Forest.

Disafforestation and consequences.

4. Epping Forest is hereby disafforested; and Her Majesty's rights of vert and venison within the same, and the several forest courts, and all letters patent, grants, appointments, and warrants of any offices, bailiwicks, walks, and lodges, and all salaries, allowances, gratuities, and fees payable or allowed in respect of the same, and all burdens and restrictions arising out of the forest laws or customs, shall, as regards Epping Forest, on and by virtue of the disafforestation thereof by this Act, cease; and the deer therein are hereby transferred to and shall belong to the Conservators, to be preserved as objects of ornament in the Forest.

Rights of common of pasture and pannage to continue.

5. All rights of common of pasture and of common of mast or pannage for swine on or over Epping Forest, as they exist at the passing of this Act, shall continue, without prejudice, nevertheless, to the provisions of this Act (which rights are in this Act comprised under rights of common).

Certain rights to be subject to Act.

6. All rights of cutting down trees, of digging gravel, clay and loam, of cutting turf, common of turbary, common of estovers, rights of lopping and topping and cutting underwood, assignments of fuel or wood, and other rights subsisting in or on Epping Forest, at the passing of this Act, either in respect of any office, or by virtue of the forest laws, or of any licence, prescription, custom, or usage therein, shall be subject to the provisions of this Act.

Preservation of Open Space.

Conservators to keep Forest uninclosed.

7.—(1.) Subject to the provisions of this Act, the Conservators shall at all times keep Epping Forest uninclosed and unbuilt on, as an open space for the recreation and enjoyment of the public; and they shall by all lawful means, prevent, resist, and abate all future inclosures, encroachments, and buildings, and all attempts to inclose, encroach, or build on any part thereof, or to appropriate or use the

same, or the soil, timber, or roads thereof, or any part thereof, for any purpose inconsistent with the objects of this Act. A.D. 1878.

(2.) Subject to the provisions of this Act, the Conservators shall not sell, demise, or otherwise alienate any part of the Forest, or concur in any sale, demise, or other alienation thereof, or of any part thereof.

(3.) The Conservators shall at all times as far as possible preserve the natural aspect of the Forest, and especially shall preserve and protect the ancient earthworks called Ambresbury Banks and all other ancient remains, and the Purlieu Bank, and such other Forest marks and boundaries, if any, as still exist in the Forest; and shall protect the timber and other trees, pollards, shrubs, underwood, heather, gorse, turf, and herbage growing on the Forest; and, subject to the provisions of this Act, shall prevent all persons from felling, cutting, lopping, or injuring the same, and from digging the gravel, clay, loam, and soil of the Forest.

8. Queen Elizabeth's Lodge, with the garden thereof, is hereby vested in the Conservators, for all the estate and interest of the Crown therein, and shall be preserved and maintained by them as an object of public and antiquarian interest. Queen Elizabeth's Lodge to be preserved.

9. Subject to the provisions of this Act, the public shall have the right to use Epping Forest as an open space for recreation and enjoyment. Right of public over open space.

Arbitrator.

10.—(1.) Sir Arthur Hobhouse, one of Her Majesty's counsel, is hereby appointed the arbitrator for the purposes of this Act; and he is in this Act referred to as the arbitrator. Arbitrator and his powers.

(2.) The arbitrator may settle and determine the matters and questions by this Act referred to him, not only in accordance with the legal and equitable rights of the parties as recognised at law or in equity, but also on such terms and in such manner in all respects as he in his absolute and unfettered discretion thinks most fit, just, and expedient, and as fully and effectually as could be done by Act of Parliament; and the arbitrator's authority shall extend to the settlement and determination by him, on the terms and in the manner aforesaid, not only of the matters and questions by this Act expressed to be referred to him, but also of all such matters and questions as are in his judgment incident thereto or consequent thereon, to the end that this Act and the arbitrator's award or awards thereunder may effect a final settlement of all matters and questions whatsoever relating to Epping Forest, as among all

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classes of persons interested in lands in the Forest, or entitled to or interested in any rent, mortgage, or charge issuing out of, or affecting, or charged on lands in the Forest.

(3.) No pending action or proceeding and no new action or other civil proceeding shall be carried on, brought, or taken, during the arbitration, in respect of the pink lands or of any matter or question by this Act referred to the arbitrator, except by his direction and on such terms as he thinks fit.

Opening of Inclosures.

11.—(1.) The pink lands shall be deemed to have been open waste lands of Epping Forest on the fourteenth day of August one thousand eight hundred and fifty-one.

(2.) Subject to the provisions of this Act, the pink lands shall be thrown open, except such of the same as on the fourteenth day of August one thousand eight hundred and seventy-one were actually covered with buildings, or actually inclosed and used as gardens belonging to buildings or as curtilages of buildings, and except as far as, with respect to any portions of the pink lands, the arbitrator, on the representation of the Conservators, determines that it is unnecessary or undesirable, as regards the recreation and enjoyment of the public, that the same should be thrown open, regard being had to the smallness, situation, or other circumstances thereof; and except as far as with respect to any portions of the pink lands which are used as nursery gardens, the arbitrator on the representation of the owners of the soil thereof determines that it is unnecessary or undesirable as regards the recreation and enjoyment of the public that the same should be thrown open.

(3.) There are hereby referred to the arbitrator the question what sum shall be paid by the Conservators to the owner of the soil of any portion of the pink lands thrown open, as purchase money for the soil thereof, with the minerals thereunder and timber thereon; and the question what leases or other tenancies, and what quit rents, or other payments or obligations, in respect thereof, shall be determined, or otherwise, and how dealt with, and on what terms.

(4.) There is also hereby referred to the arbitrator the question what lands were on the fourteenth day of August one thousand eight hundred and seventy-one so covered or so inclosed and used as in this section mentioned.

(5.) In determining the last-stated question, the arbitrator shall not re-open any question already determined by the Master of the Rolls, and may allow for any dwelling house (whether the site thereof was formerly waste of the Forest or not), as garden or curtilage or

Certain lands now inclosed to be thrown open, with exceptions, on terms.

other ground, such portion of land as he may think reasonably requisite for the convenience and enjoyment of that house, regard being had to its residential character and other circumstances.

(6.) There is also hereby referred to the arbitrator the question of the mode and conditions of quieting in title, including what amount shall be paid by way of rentcharge or otherwise, and by whom during any term or in perpetuity for quieting in title, the owner of any portion of the pink lands not thrown open, or of any such building, garden, curtilage, or other ground.

(7.) The arbitrator shall from time to time by order direct how and when the pink lands, except as aforesaid, or parts thereof, shall be thrown open.

Acquisition by Conservators of Open Wastes.

12.—(1.) The green lands shall be deemed to have been open waste lands of Epping Forest on the fourteenth day of August one thousand eight hundred and fifty-one.

Purchase of soil of open lands by Corporation.

(2.) The Conservators are hereby authorised and required to purchase such portions of the green lands as they have not already acquired, and the owners thereof shall sell the same accordingly, subject and according to the provisions of this Act.

(3.) There is hereby referred to the arbitrator the question what sum shall be paid by the Conservators to any lord of a manor, or other person, for the absolute purchase of any portion of the green lands which the Conservators have not already acquired, with the minerals thereunder and timber thereon.

(4.) If nevertheless the Conservators are of opinion that any small strip or piece of the green lands is not suitable, regard being had to its smallness, situation, and other circumstances, to be preserved as part of the open space of the Forest, they may represent their opinion to the arbitrator, and if he accedes to the representation he may direct how that strip or piece shall be disposed of or dealt with.

Minor Rights.

13.—(1.) There is hereby referred to the arbitrator the question whether there exist in the manor and parish of Loughton in Epping Forest any and what rights in or over the waste lands of the Forest, not specified in the First or Second Schedule to this Act, and what persons or classes of persons are entitled thereto.

Ascertainment of and composition for minor rights.

(2.) Subject to the provisions of this Act, the Conservators shall compensate or compound with the persons or classes of persons entitled to any of the rights so found by the arbitrator, or to any of the rights specified in the First or Second Schedule to this Act, by payment of a gross sum or of annual sums of money, or, in case of fuel rights, by delivery of a certain quantity of wood, coal,

A.D. 1878. coke, or other fuel ascertained as in this Act provided; and thereupon those rights shall cease.

Quieting of Titles.

Churches,
schools,
and other
buildings
quieted in
title.

14. The owners of the portions of the pink lands whereon there were standing at the date of the final report of the Epping Forest Commissioners churches or chapels or buildings used for schools or charitable purposes, and of lands held and used in connexion therewith for burial grounds, yards, playgrounds, or other purposes, are hereby as regards those lands quieted in title and released from all rights of common affecting the same, subject nevertheless to the condition that the same shall not be used for any purpose other than the purposes aforesaid, and that no addition shall be made to any building thereon except for the purposes aforesaid.

Lands in
schedule
quieted in
title.

15. The several persons and bodies named in the Third Schedule to this Act are hereby as regards the lands described opposite to their names in that schedule quieted in title and released from all rights of common affecting the same, subject nevertheless to the conditions specified in that schedule in relation thereto; and if any of those conditions is broken, the lands to which the condition attaches shall revert to and form part of the open waste lands of Epping Forest, and be vested in the Conservators, and be subject to the like rights of common as the other open waste lands of the Forest.

Arbitration.

Proceedings
before
arbitrator.

16.—(1.) Applications to the arbitrator shall be made in such manner and form, and shall be heard and disposed of on the attendance of or notice to such parties, or persons chosen as representatives of such parties, on such written or other statements, and on such evidence, as the arbitrator by general regulations or otherwise from time to time directs.

(2.) The arbitrator shall have the like power, jurisdiction, and authority to summon or order persons to give evidence, or bring, produce, or give inspection of documents, to administer or direct the administration of oaths, to take or direct the taking of affidavits and declarations, to award costs, if in any case he thinks fit, and to order taxation thereof in a taxing office of the High Court of Justice, or otherwise, and to enforce his orders or directions in relation to matters referred to him, and generally all such power, jurisdiction, and authority as might be exercised by the High Court of Justice if the matters and questions referred to him had come before that court; and in relation to the taking of oaths and the making of affidavits and declarations the proceedings before him shall be deemed to be judicial proceedings.

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(3.) All awards, orders, certificates, and other instruments made by or proceeding from the arbitrator may be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated by his signature, and all courts shall take judicial notice of his signature.

(4.) Any notice issued by the arbitrator, and any award, order, certificate, or other instrument made by or proceeding from him, shall, if he so directs, be published in the London Gazette.

(5.) The arbitrator may from time to time make any certificate, award, order, or other instrument, respecting any one or more of the matters and questions referred to him, and may, by any subsequent certificate, award, order, or other instrument supplement or vary any previous certificate, award, order, or other instrument.

17. The arbitrator may appoint and employ surveyors, clerks, and other officers.

Arbitrator may appoint assistants.

18. The arbitrator shall, within one year after the passing of this Act, or within such enlarged time, not exceeding two years from the passing of this Act, as he from time to time, by writing under his hand, with the consent of the Lord Chancellor, appoints, settle and determine the matters and questions referred to him, and make and deliver an award or awards finally disposing thereof.

Time for completion of arbitrator's duties.

19. Every award of the arbitrator, and every order, certificate, or other instrument in the nature of an award made by or proceeding from the arbitrator, shall be delivered to the solicitor of the city of London, and shall be within seven days after the delivery thereof to him deposited by him in triplicate in the same offices as the deposited plan; and the same shall there remain, subject to the same provisions as under this Act apply to the deposited plan.

Delivery and deposit of awards.

20. All awards, orders, certificates, and other instruments made by or proceeding from the arbitrator shall be binding and conclusive on all parties and persons, including the Crown, to all intents and purposes whatsoever, and shall be acted on, obeyed, executed, and enforced by all sheriffs and other officers and persons, and shall not be removeable by certiorari or other writ or process into any of Her Majesty's courts; and the arbitrator's proceedings or acts shall not be liable to be interfered with by any court by way of mandamus, prohibition, injunction, or otherwise; and no such award, order, certificate, or other instrument shall be liable to be set aside for any irregularity or informality, or by reason of any matter or question referred being left undecided, or on any other ground, or be subject to any appeal, or be liable to be questioned on any ground in any court or elsewhere, before or after the making of the final award, by any proceeding against the arbitrator, or

Awards of arbitrator to be binding.

A.D. 1878. — against any lord or commoner, or the sheriff, or any officer or person, or otherwise howsoever; and every such award shall have effect as if it had been enacted or confirmed by Act of Parliament.

Extent of arbitrator's jurisdiction.

21. Nothing in this Act shall give to the arbitrator any jurisdiction over or authorise him to hear or determine any question between a lord of the manor and a grantee from him.

Vacancy in office of arbitrator.

22. If the arbitrator dies, resigns, or from any cause becomes incapable of acting or unwilling to act, an arbitrator shall be appointed in his place by the Lord Chancellor; and the provisions of this Act relating to the arbitrator, including the provisions of this section, shall extend to any person so appointed.

Procedure on Purchases and Compensations.

Definition and powers of owners.

23.—(1.) For the purposes of any sale, purchase, compensation, or composition of or for any lands, estate, right, or interest, or of redemption or apportionment of any rentcharge, or of proceedings in arbitration, under this Act, all corporations, tenants in tail or for life, married women seised in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees, or feoffees in trust, for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any lands, or to any estate, right, or interest, sold, purchased, compensated or compounded for, or charged, either in possession, or subject to any estate in dower, or to any lease for life or lives, and year or years, (except persons claiming under a demise for a term not exceeding twenty-one years at a rackrent,) shall be considered as owners of the lands, estate, right, or interest.

(2.) All agreements for sale, purchase, compensation, or composition, and all powers of redemption and apportionment, and all proceedings in arbitration, may lawfully be made, exercised, and taken by all such owners, not only on behalf of themselves and their respective successors, heirs, executors, and administrators, but also (except in the cases of married women entitled to dower, or of lessees for life or lives, and year or years,) on behalf of every person entitled in reversion, remainder, or expectancy, after them, and so as to bind the estates of such persons, and as to married women, whether they are of full age or not, as if they were sole and of full age, and as to guardians on behalf of their wards, and as to committees on behalf of the lunatics and idiots of whom they are committees, and as to trustees, executors, and administrators, on behalf of their beneficiaries, whether infants, issue unborn, lunatics, femmes covert, or other persons, to the same extent as the wives, wards, lunatics, idiots, and beneficiaries, could have agreed or acted on the sale, purchase, compensation, composition, re-

demption, apportionment, or proceedings in arbitration, if they had not been under disability.

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24. The provisions of the Lands Clauses Consolidation Act, 1845, with respect to the purchase money or compensation coming to parties having limited interests, or prevented from treating, or not making title, and with respect to the conveyances of lands, and any provisions of any Act amending those provisions, are hereby incorporated with this Act; and for that purpose this Act shall be the special Act, and the acquisition by the Conservators of lands, estates, rights, and interests in Epping Forest shall be the undertaking, and the Conservators shall be the promoters of the undertaking.

Mode of purchase from limited owners and others.
8 & 9 Vict. c. 18.

25.—(1.) Where the Conservators are authorised or required by this Act to purchase or acquire any lands, estate, right, or interest in Epping Forest, the arbitrator may, on the application of any party, limit the time within which the Conservators shall purchase or acquire the same and pay the purchase money or compensation for the same, that time being so limited by the arbitrator as to expire within the period for the time being allowed for his finally disposing of all matters referred to him.

Arbitrator may limit time for purchase by Conservators.

(2.) If in any case as regards the pink lands, the Conservators fail to comply with the arbitrator's direction in that behalf, they shall, at the expiration of the time so limited, cease to have any right or power, by virtue of this Act, to acquire the same lands, estate, right, or interest, and the owner of the same lands, estate, right, or interest, shall, on such payment and other terms as the arbitrator directs, be quieted in his title in respect thereof, and released from all rights of common affecting the same; and the arbitrator shall award accordingly.

26. A licence to alienate or to take and hold in mortmain shall be unnecessary in respect of the acquisition after the passing of this Act by the Conservators, under the authority and for the purposes of this Act, of any part of the waste lands of Epping Forest, or of other lands, or of any estate, right, or interest therein.

Licence in mortmain unnecessary.

Composition for minor Rights.

27.—(1.) The compensation or composition in respect of any rights specified in the First or Second Schedule to this Act, or any rights of a like nature, shall be determined by agreement between the persons respectively entitled thereto, or committees of such persons, where they form a class, and the Conservators.

Mode of determining compensation by agreement, and committees, or arbitration.

(2.) Where the persons entitled form a class, the Conservators shall by a notice published call a meeting of them at some convenient place in the parish in which the rights are exercised, for

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the appointment of a committee to treat with the Conservators for the compensation or composition.

(3.) The meeting so called shall appoint a committee not exceeding five in number of the persons entitled to such rights; and at the meeting the decision of the majority of the persons then present and entitled to such rights and voting shall bind the minority and all absent parties.

(4.) The committee so appointed may agree with the Conservators for and on behalf of themselves and all other persons interested; and all persons interested shall be bound by the agreement.

(5.) If the persons entitled to any such rights or a committee fail to so agree with the Conservators, or if the persons entitled to any such rights fail to hold a meeting, or if the meeting fails to appoint a committee, or if any person entitled to any such right (not being one of a class) is absent beyond seas, the question, as regards the First Schedule, of the amount and nature and terms of the compensation or composition, and the question, as regards the Second Schedule, of the amount (if any), and the nature and terms of the compensation, and all questions incident to and consequent on those questions, are hereby referred to the arbitrator.

Rentcharges.

Payment of
and security
for rent-
charges,
and their
redemption
and appor-
tionment.

28.—(1.) Rentcharges under this Act shall be payable by equal half-yearly or other payments, as directed by the arbitrator, without any deduction, except for income or property tax; and the Conservators shall have the like remedies for recovery thereof and the arrears thereof as are by law incident to rent-service, or may recover the same, with costs, in a county court, and shall also have for the recovery of any such arrears as remain unpaid during forty days, although not demanded, a right to enter on the hereditaments charged, and to receive the rents and profits thereof until payment of such arrears, and the costs incurred by the non-payment thereof, without prejudice to their right to take proceedings for a sale of the hereditaments.

(2.) A rentcharge shall be redeemable by and at the option of the owner of the hereditaments charged therewith by payment to the Conservators of a sum equal to twenty-five years purchase of the amount thereof with all arrears due.

(3.) Every receipt for money paid for redemption shall be under the seal of the Conservators, and shall be signed by three members of the Epping Forest Committee (in this Act constituted), and shall be impressed with the stamp denoting the payment of the ad valorem duty payable in respect of a release of the rentcharge, which duty shall be paid by the person redeeming the rentcharge; and every such receipt, when so sealed, signed, and stamped, shall

operate as a release from the rentcharge of the hereditaments charged therewith; and no proof shall be required that the persons signing as members of the committee are such.

(4.) The owner of hereditaments charged with a rentcharge may apply to the Conservators to apportion the same.

(5.) If the Conservators after inquiry are satisfied of the expediency of apportionment, they may, by order under their seal, apportion the rentcharge among all the hereditaments charged therewith, and may, on application, apportion and charge any specific portion of the rentcharge on any sufficient specific part of the hereditaments subject thereto.

(6.) The hereditaments on which the original rentcharge was charged shall be chargeable in respect thereof only in the manner and to the extent set forth in the order; and the Conservators shall have all such rights and remedies for the recovery of the apportioned parts of the rentcharge against the hereditaments on which the same are severally charged as they would have had for the recovery of the rentcharge against the lands originally charged therewith if no apportionment had been made.

(7.) The persons making application shall pay the expenses incident to apportionment in such proportions and to such amount as the Conservators direct; and the Conservators shall have all such remedies for the recovery of those expenses as they have for the recovery of a rentcharge.

Management of Open Space.

29. The rights of the several parishes lying wholly or partly within Epping Forest, namely, the parishes of Epping, Theydon Bois, Loughton, Waltham Holy Cross (including Waltham Abbey and Sewardstone), Chingford, Chigwell, Woodford, Walthamstow, Leyton (including Low Leyton), Wanstead, Little Ilford, and West Ham, all in the county of Essex (in this Act at times referred to as the Forest parishes), to nominate proper persons to act as reeves and assistant reeves for those parishes shall continue.

Right of parishes to nominate reeves.

30.—(1.) There shall be four Verderers of Epping Forest.

(2.) The first verderers shall be Sir Thomas Fowell Buxton, of Warlies, in the parish of Waltham Holy Cross, Baronet; Sir Antonio Brady, of Maryland Point, in the parish of West Ham; Thomas Charles Baring, of High Beech, in the parish of Sewardstone, Esquire; and Andrew Johnston, of the Firs, in the parish of Woodford, Esquire.

Verderers of the Forest.

(3.) They shall hold office until the twenty-fifth day of March one thousand eight hundred and eighty.

(4.) Succeeding verderers shall be elected by the persons for the

A.D. 1878. — time being on the register of commoners provided for in the Fourth Schedule to this Act, and in manner prescribed in that Schedule.

(5.) A person shall not be qualified to be elected a verderer unless he is resident within one of the Forest parishes, or if he is a member of the Court of Common Council of the City of London; and if a person elected a verderer ceases to be so resident or becomes a member of that court he shall thereupon cease to be a verderer.

(6.) The elected verderers shall come into office on the twenty-fifth day of March next following the day of their election, and shall hold office for seven years beginning on that day; but shall be re-eligible.

(7.) Casual vacancies among the verderers caused by death, resignation, disqualification, or otherwise shall be filled by the Conservators from among persons qualified to be elected verderers; but a person appointed to fill a casual vacancy shall be entitled to hold office so long only as the vacating verderer would have been entitled to hold office.

Epping
Forest Com-
mittee.

31.—(1.) There shall be a committee for the purposes of this Act styled the Epping Forest Committee (in this Act referred to as the committee), which committee shall, subject to the provisions of this Act, have authority to exercise the powers and discretion and do the acts which the Conservators are by this Act empowered to exercise and do.

(2.) The Court of Common Council of the City of London shall from time to time select members thereof, not exceeding twelve in number, to be members of the committee.

(3.) The verderers shall be members of the committee, and shall have the same powers, authorities, rights, and privileges as the members thereof selected from the Court of Common Council, and no other or different powers, authorities, rights, or privileges.

(4.) The acts and proceedings of the committee shall be done and conducted subject and according to the like directions, rules, and practice as if the committee were a committee of the Court of Common Council.

Conservators
powers not
to extend to
inclosed
parts.

32. The provisions of this Act relating to the management of Epping Forest by the Conservators, and to their powers and authorities over the Forest, shall apply to such parts of the green and pink lands as from time to time belong to them, but shall not at any time apply to such parts of the Forest as are by or under this Act allowed to remain inclosed, and do not belong to them.

General
powers
of Con-
servators.

33.—(1.) In and in relation to Epping Forest, the Conservators shall have power from time to time—

(i.) To fell, cut, lop and manage in due course the timber and other trees, pollards and underwoods, and to sell and dispose of the

timber cuttings and loppings, and to receive the proceeds, and to plant trees and shrubs for shelter or ornament: A.D. 1878.

(ii.) To dig and remove gravel, sand, clay, loam and turf, and drain, level, and improve the soil and subsoil, so far as in their judgment may be necessary or desirable for purposes of management:

(iii.) To make inclosures for the better attainment of the foregoing purposes of this section, and for such periods only as shall be sufficient for the attainment thereof, and to maintain the same; and so long as it shall be necessary to maintain the same to suspend the rights of common over the lands inclosed; and all other rights the exercise of which would in their judgment be inconsistent with the objects of such inclosures:

(iv.) To maintain and make roads, footpaths, and ways, and to dedicate roads to the public, subject to the law of highways, and to afford facilities and grant rights of way for access to inclosures:

(v.) To make ponds and to enlarge, clean out, and maintain or fill up ponds, streams, watercourses, and springs:

(vi.) To acquire or erect buildings suitable for lodges, or otherwise in their judgment necessary or convenient for recreation or refreshment, and for use of the reeves or other officers engaged in the preservation and management of the Forest, and to maintain and repair the same and other buildings:

(vii.) To provide and maintain pounds for the impounding of cattle and other animals trespassing or damage feasant, either by erecting pounds, or by making arrangements for the joint or separate use of convenient pounds; and every pound so provided or used shall, as regards cattle and animals impounded therein by virtue of this Act, be deemed a common pound:

(viii.) To adopt, in lieu of the strict rule of levancy and couchancy, the regulation made by the Court of Attachments of the Forest on the second day of August one thousand seven hundred and ninety, namely, "that the reeves within their limits shall mark for every
 " person that hath right of commoning on the said Forest two cows
 " for four pounds per annum rent, or one horse, and no more, and
 " so proportionate for a greater rent. But such reeves may mark
 " for every poor cottager having a family and right of commoning
 " as aforesaid one horse or two cows, although such person does not
 " hold four pounds per annum;" or in lieu of that scale of rental, to adopt, with the consent of the Ranger, any other scale of rental or of actual or rateable annual value appearing most advantageous for all the commoners, saving nevertheless or making special provision for rights of owners and occupiers of tenements the actual or rateable value whereof is less than the minimum value fixed for the exercise of rights of common:

A.D. 1878.

(ix.) To allow commoners sheep to be depastured, in such numbers, at such times and places, and on payment of such moneys for agistment, as they determine :

(x.) To regulate the times, places, and manner of marking the commoners cattle by the reeves, and to fix the fees to be paid for such marking :

(xi.) To regulate the time during which and the conditions under which rights of common of mast or pannage for swine are to be exercised :

(xii.) To make such other rules and orders relating to commoning not inconsistent with this Act as they think fit :

(xiii.) To set apart in each or any of the Forest parishes, such parts as they think fit, for the use of the inhabitants to play at cricket and other sports, and to lay out, form, and maintain cricket grounds and grounds for other sports, and, for the better use and enjoyment of the parts so set apart, to enter into agreements with, and confer special privileges on, particular clubs or schools :

(xiv.) To set apart and maintain bathing places, with the requisite shelter and conveniences :

(xv.) To require and obtain production to and inspection by themselves, their solicitors and agents, of the rate-books of the Forest parishes from the overseers or persons having custody thereof, and to take copies thereof or extracts therefrom free of charge :

(xvi.) To appoint to be reeves and assistant reeves proper persons nominated by the vestries of the Forest parishes : which reeves and assistant reeves shall immediately on appointment become officers of the Conservators ; and to reject, at their discretion, any unfit person so nominated ; and in case of the non-recommendation of proper persons by any vestry within a reasonable time after requisition by the Conservators, to appoint proper persons :

(xvii.) To remove any reeve or assistant reeve in their judgment incapable or guilty of misbehaviour :

(xviii.) To exclude and remove, by the aid of the reeves and assistant reeves and other officers, and otherwise—

Cattle and other animals suffering from any contagious or infectious disease, or not commonable, or not allowed to common :
Commonable animals belonging to persons not entitled, or overburdening the pasture :

Commonable animals not properly marked, or as to which the regulations have not been complied with :

Animals commoning at any time or place at which commoning is forbidden :

(xix.) To impound cattle and animals so removed, as cattle damage feasant may by law be impounded :

(xx.) To authorise the reeves to receive all fees to be paid for marking commonable animals and in respect of cattle and animals impounded by them :

(xxi.) To commit to the reeves and assistant reeves the general care and superintendence of the commonable animals and generally to prescribe and regulate their duties :

(xxii.) To provide for payment of the reeves and assistant reeves by way of salary, or, as regards the reeves, by allowing them to retain all or any part of the fees aforesaid, or partly in the one and partly in the other way :

(xxiii.) With the approval of the Ranger, to appoint and remove forest keepers, bailiffs, and other officers, and to pay them such salaries or wages as they think fit :

(xxiv.) To grant licences to shoot or fish on such terms as they think fit :

(xxv.) To permit any volunteer corps to drill or practise or shoot, with or without the erection of butts, at such places and times, and on such terms, as the Conservators think fit :

(xxvi.) To acquire by voluntary grant or by agreement any lands adjoining the Forest, or reputed to have been formerly part of the waste lands thereof, and the minerals thereunder, and the timber thereon, or any or either of the same lands, minerals, and timber separately.

(2.) Provided, that the Conservators, in exercising the powers of this section in relation to planting, sheep, or volunteer corps, shall not do anything that would materially take away or hinder the exercise of rights of common, and in relation to volunteer corps, shall have regard to the use of the Forest as an open space for the recreation and enjoyment of the public.

34. If any person, except as authorised by this Act, after the expiration of the present session of Parliament, and before the making of the final award of the arbitrator, makes any new inclosure of land in Epping Forest, or commits any waste, injury, or destruction of the herbage, trees, shrubs, or other growing things in or on any land in the Forest, not by or under this Act allowed to remain inclosed, he shall for every such offence be liable to a penalty not exceeding twenty pounds.

Penalty for new inclosure or injury.

35. No surveyor of highways or highway board, or turnpike trustees shall search for, dig, or carry away gravel, sand, stone, or other material in or upon any part of Epping Forest, without the consent of the Conservators, or in default of such consent without an

Restriction on gravel digging by surveyors of highways.

A.D. 1878. order made on notice to them by justices of the peace in petty sessions for the petty sessional division where the material is situate, who may, if they think fit, refuse such an order, or may in their order prescribe such conditions as to mode of working and restitution of the surface as they think fit.

Byelaws.

Power to
make byelaws.

36. Subject to the provisions of this Act, the Conservators may from time to time make byelaws for all or any of the following purposes in relation to Epping Forest, and may from time to time by byelaw revoke or alter any former byelaw; namely,—

(i.) For preventing fires and nuisances and for preservation of order :

(ii.) For excluding and removing gipsies, hawkers, beggars, rogues, and vagabonds :

(iii.) For preventing bird-catching, bird-trapping, and the taking of or searching for birds eggs or nests, and for preventing or regulating the killing, taking, injuring, shooting, chasing, or disturbing of deer, game, or other animals, or fishing in the waters :

(iv.) For preventing or regulating the digging or taking of turf, bog-earth, gravel, clay, or other substance :

(v.) For preventing or regulating the cutting, felling, or injuring of timber or other trees, gorse, heather, shrubs, brushwood, or other plants :

(vi.) For preventing injury to or the defacing or removing of fences, barriers, or notice boards, or other things put up by the Conservators, and the disfigurement of fences, buildings, or trees by the posting or painting of bills, placards, or notices thereon, or otherwise :

(vii.) For preventing or regulating the placing or suffering to remain of any rubbish, manure, or other substance :

(viii.) For prescribing the times, places, and conditions at and under which (regard being had to the preservation of the Forest, and of the timber and other vegetation thereon, and the enjoyment by all persons interested therein of their respective rights) persons resorting to the Forest for recreation and amusement shall from time to time be allowed to carry on particular sports and games, and for regulating or preventing assemblages of persons for purposes other than or tending to interfere with recreation or amusement :

(ix.) For regulating the letting and hiring of horses, asses, and other animals, and of carriages and other vehicles, and preventing the racing of horses or other animals :

(x.) For regulating the use of places set apart for cricket or other sports, and the drill, practice, or shooting of volunteer corps :

(xi.) For regulating the use of places set apart for bathing, and for prohibiting bathing elsewhere: A.D. 1878.

(xii.) Generally for preventing or restraining any improper or offensive use of any part of the Forest, or anything tending to the injury or disfigurement thereof, or to the defeat of the general purposes of this Act, or any attempt to do anything the doing whereof is or may be prohibited by byelaw:

(xiii.) For imposing penalties for breaches of byelaws, all which breaches shall be deemed offences against this Act, not exceeding for any offence five pounds, and not exceeding for a continuing offence a daily penalty of ten shillings, so as every byelaw imposing a penalty be framed in such a manner as to allow of the infliction of less than the maximum penalty; and for authorising the recovery, with costs, in a county court, of any charges payable under byelaws.

37.—(1.) The byelaws of the Conservators shall not have any force unless and until they are allowed by the Ranger, with the advice and assistance of the First Commissioner of Her Majesty's Works and Public Buildings; and they shall not be allowed— Allowance and publication of byelaws.

(i.) Unless notice of the intention to apply for allowance thereof has been published by the Conservators one month at least before the application for the allowance thereof; nor

(ii.) Unless during that month a copy of the byelaws, to be submitted for allowance, has been kept at each office of the Conservators open for inspection at all reasonable times by any person desiring to inspect the same; and any person shall be allowed to take copies thereof and extracts therefrom free of charge.

(2.) The Conservators shall cause all their byelaws, when allowed, to be printed, with the form of allowance, and printed copies thereof to be sold, at a price not exceeding sixpence a copy, to all persons desiring to buy the same.

(3.) A printed copy of byelaws purporting to be made and allowed as aforesaid, authenticated by the signature of the Town Clerk of the City of London, shall be conclusive evidence of the existence and contents of such byelaws, and of the due making and allowance thereof, without proof of such signature or of any other thing.

(4.) A copy or abstract of the byelaws for the time being in force shall be put up by the Conservators in the Forest at such places and in such conspicuous manner as they think best calculated to give information to the persons using the Forest.

Offices and Officers.

38.—(1.) The Conservators shall from time to time provide and maintain, for the transaction of their business, such office or offices Offices and appointment of officers.

A.D. 1878. at such place or places in Epping Forest and elsewhere as they think fit.

(2.) The Conservators may employ the officers of the Corporation of London, or they may from time to time, with the approval of the Ranger, appoint a treasurer, and such clerks, surveyors, and other officers and servants, as they think fit; and allow or pay to them such fees or salaries as the Conservators think fit.

(3.) The Conservators may with the like approval grant such pensions or retiring allowances as they think fit to any clerk, bailiff, reeve, assistant reeve, forest-keeper, or other officer or servant.

Forest Fund and Accounts.

Establishment of Forest fund.

39.—(1.) The Corporation of London shall from time to time contribute to the capital and income of a fund, to be called the Epping Forest Fund, such moneys as shall be necessary out of the City of London grain duty or from other sources.

(2.) The Fund shall consist of—

As regards capital :

(i.) All moneys paid to the Conservators for redemption of rent-charges, or for compensation on compulsory taking of lands under any Act, and any other money arising from the Forest which the arbitrator directs to be carried to the capital of the fund :

(ii.) All moneys contributed by the Corporation of London to the capital of the fund :

(iii.) All moneys and proceeds of all property contributed or given by any person to the capital of the fund :

As regards income :

(iv.) The annual income arising from the investments of any money, part of the capital of the fund :

(v.) The half-yearly or other periodical payments in respect of rentcharges :

(vi.) All fines, penalties, proceeds of timber-cuttings and lop-pings, and other moneys received by the Conservators, other than capital as aforesaid :

(vii.) The fees and income received for marking the cattle of the commoners, and in respect of cattle and animals impounded :

(viii.) All moneys contributed by the Corporation of London, or by any person, to the income of the fund.

(3.) The moneys from time to time received by the Conservators, on account of the capital of the fund, shall be invested by them in any securities in which trustees may by law invest trust moneys; and the Conservators may from time to time convert those securities, or any part thereof, into money, as occasion may require.

Application of railway money.

40. The money or stock at the passing of this Act standing in the Bank of England to the account of Her Majesty's Paymaster-

General and to the credit of ex parte the Eastern Counties Railway Company, the Eastern Counties Railway (Woodford and Loughton Branch) Act, 1853, the account of Thomas Sidney, William Delano, Ebenezer Clarke, Henry Martin Harvey, and Thomas Quested Finnis, shall, on the application of the Conservators, be paid or transferred out to them, and shall be carried to and shall form part of the capital of the Epping Forest Fund.

A.D. 1878.
16 & 17 Vict.
c. lxxxvii.

41.—(1.) The Conservators may from time to time apply any part of the capital of the Epping Forest Fund, as occasion may require, in payment of purchase money or compensation, or for the expenses of the erection of lodges, pounds, or other permanent buildings which they are empowered to erect, or of the substantial repair of any buildings of which they become possessed, or for any other expenses properly chargeable on capital.

Application
of fund.

(2.) The Conservators shall apply the income of the Fund in payment of rents, salaries, taxes, insurances, and other current expenses attending the execution of their powers and duties, and the making of the register of commoners and the elections of verderers, and in payment of or provision for any annual sums of money, allowances for compensation, annuities, pensions, or retiring allowances, and such other charges as they are not empowered to discharge out of capital.

42. The accounts of the Conservators shall yearly be audited by the auditors of the City of London, and be printed and published, and a printed copy thereof for any year of account shall, during that year, be given, free of charge, to any person interested in Epping Forest and applying for the same at the office of the Conservators; and a printed copy thereof shall yearly be presented to the Ranger and to the First Commissioner of Her Majesty's Works and Public Buildings.

Audit and
publication
of accounts
of Conservators.

Miscellaneous.

43. The Conservators may from time to time, for securing the better execution of this Act and their byelaws, procure all or any of the reeves or assistant reeves, and of the bailiffs, and other officers appointed by them, to be sworn in as constables before a justice of the peace for the county of Essex, who shall have power to swear them in accordingly.

Power to
procure
reeves and
other officers
to be sworn
as constables.

44. If any person assaults or resists, or aids or incites, any person to assault or resist, any constable, reeve, assistant reeve, bailiff, keeper, or other officer or person in the execution of his duty or the lawful exercise of authority under this Act, or any byelaw, he shall for every such offence be liable to a penalty not exceeding

Penalty for
assaulting
constables.

A.D. 1878.

five pounds, without prejudice to any other proceeding or remedy against him for the same act.

Powers of
metropolitan
and county
police.

45.—(1.) For the purposes of enactments empowering the metropolitan police, Epping Forest shall be deemed a place of public resort; and the powers and duties of the metropolitan police and of the police of the county of Essex in relation to public safety and preservation of order and protection of property shall extend to the Forest.

(2.) Nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not been passed.

(3.) For the services of the constables of the metropolitan and county police in the Forest, the Conservators shall contribute out of the income of the Epping Forest fund sums to be agreed on with the Commissioner of Police of the metropolis and the justices of the peace for the county of Essex respectively, or, failing agreement, to be settled by the Ranger with the advice and assistance of the First Commissioner of Her Majesty's Works and Public Buildings.

Powers and
duties of
constables.

46.—(1.) Where a person is seen or found committing, or is reasonably suspected of being engaged in committing, an offence against this Act, a constable may, without warrant, stop and detain him, and if his name and address are not known to the constable and he fails to satisfy the constable respecting them, the constable may without warrant apprehend him; and the constable may, whether so stopping or detaining or apprehending a person or not, stop, detain, and examine an animal, vehicle, or thing to which the offence or suspected offence relates.

(2.) A person apprehended under this section shall be taken as soon as practicable before a justice of the peace, and shall not be detained without a warrant longer than is necessary for that purpose.

(3.) The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

(4.) A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person, animal, vehicle, or thing under this section, and of his proceedings consequent thereon.

(5.) Nothing in this section shall take away or abridge any power or authority that a constable would have had if this section had not been enacted.

Summary
proceedings.

47.—(1.) Proceedings for the summary conviction of any person offending against this Act, or for obtaining any order to be made by justices of the peace under this Act, or any byelaw, or for

recovery of any penalty under this Act or any byelaw, shall be taken before a court of summary jurisdiction according to the provisions of the Act of the session of the eleventh and twelfth years of Her Majesty's reign, chapter forty-three, "to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales, with respect to summary convictions and orders," and any Act amending the same.

A.D. 1878.
11 & 12 Vict.
c. 43.

(2.) For the purposes of this Act a court of summary jurisdiction shall be two or more justices of the peace sitting in petty sessions at a court or other public place appointed in that behalf, or a police stipendiary or other magistrate or officer, however designated, having by law power to act for any purpose with the authority of two justices of the peace and sitting at a police court or other place appointed in that behalf.

48.—(1.) If any defendant thinks himself aggrieved by the decision of a court of summary jurisdiction under this Act he may appeal therefrom.

Appeals.

(2.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision appealed from was given, and holden not less than twenty-one days after the day on which the decision was given.

(3.) The appellant shall, within ten days after the day on which the decision was given, give notice of his intention to appeal, and of the general grounds thereof, to the clerk of the court of summary jurisdiction and to the other party.

(4.) The appellant shall, within three days after the day on which he gives notice of appeal, enter into a recognisance before a justice of the peace, with or without a surety or sureties as the justice directs, conditioned to appear at the court of general or quarter sessions, and to try the appeal, and to abide the judgment of the court thereon, and to pay such costs as the court may award; or may, if the justice thinks fit, instead of entering into a recognisance, give such other security by deposit of money with the clerk of the court of summary jurisdiction whose decision is appealed from, or otherwise, as the justice thinks fit.

(5.) Where the appellant is in custody the justice of the peace may, if he thinks fit, on the appellant so entering into a recognisance or giving security, release him from custody.

(6.) The court of appeal may, if it thinks fit, adjourn the hearing of the appeal, and on the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to that court with the opinion of the court of appeal thereon, or may make such other order in the matter, and in any

A.D. 1878.

case with or without such order as to costs to be paid by either party, as the court thinks fit.

(7.) Where a decision of a court of summary jurisdiction is reversed by the court of appeal, the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that the same has been quashed; and, whenever any copy or certificate of the conviction or order is made, a copy of that memorandum shall be added thereto, and that copy shall be sufficient evidence that the conviction or order has been quashed, wherever a copy or certificate would be sufficient evidence of the conviction or order.

(8.) Every notice under this section may be in writing or print, or partly in writing and partly in print, and may be signed by the appellant or by his agent on his behalf, and may be given by being sent in a registered letter by post, and in that case shall be deemed to have been given at the time when the letter would be delivered in the ordinary course of the post.

(9.) Nothing in this section shall affect any enactment relative to appeals in the metropolitan police district.

General provision as to procedure.

49.—(1.) The description of an offence against this Act in the words of this Act, or of the byelaw under which the offence arises, or in similar words, shall be sufficient in law.

(2.) Any exception, exemption, excuse, or qualification, whether it does or not accompany the description of the offence in this Act or in the byelaw under which the offence arises, may be proved by the defendant, but need not be specified or negatived in the information, and if it is so specified or negatived proof in relation to the matter so specified or negatived shall not be required on the part of the informant.

(3.) A warrant of commitment under this Act shall not be held void by reason of any defect therein, if only there is a valid conviction to sustain the warrant, and it is alleged in the warrant that the person named therein has been convicted.

Penalties to be paid to Conservators.

50. All pecuniary penalties, expenses, costs, and other moneys recovered by or on behalf of the Conservators shall be paid to the Conservators; and shall be carried to and form part of the income of the Epping Forest fund, notwithstanding anything in any Metropolitan Police Act or any other statute.

Provisions for protection of persons acting under Act.

51.—(1.) An action, prosecution, or proceeding against the Conservators or any of their officers, or a verderer, or a member of the Committee, or any person for any act done in pursuance or execution or intended execution of this Act or of a byelaw thereunder, or in respect of any alleged neglect or default in the execution of this Act or of such a byelaw, shall not lie or be instituted unless it is commenced within four months next after the act, neglect, or default

complained of, or in case of a continuance of injury or damage within four months next after the ceasing thereof.

(2.) In any such action tender of amends before the action was commenced may be pleaded in lieu of or in addition to any other plea. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs to be taxed as between solicitor and client as from the time of such tender or payment, but this provision shall not affect costs on any injunction in the action.

(3.) Subject and without prejudice to any other powers, the Conservators, where the defendant in any such action, prosecution, or other proceeding is their officer, servant, or agent, or a verderer, or a member of the Committee, may, if they think fit, except so far as the court before whom such action, prosecution, or other proceeding is heard and determined otherwise directs, pay, as part of their expenses in the execution of this Act, all or any part of any sums payable by such defendant in or in consequence of such action, prosecution, or proceeding, whether in respect of costs, charges, expenses, damages, fine, or otherwise.

52. Any notice required to be published by the Conservators shall be published by their inserting the same as an advertisement in a newspaper published in the city of London, and in a newspaper published in the county of Essex, and by their affixing the same on the outside of any lodge that they may have in Epping Forest, and by their keeping the same at each of their offices open for inspection by persons interested at all reasonable times during the time for which notice is required to be given.

Publication
of notices.

53. In this Act—

“The Lord Chancellor” means the Lord High Chancellor of Great Britain for the time being, and includes the Lord Keeper or Lords Commissioners of the Great Seal of the United Kingdom for the time being.

Interpreta-
tion of terms.

“Owner,” used in relation to the pink lands or to the quieting of any person in title to lands, includes or applies to every grantee of or person having any term, estate, right, or interest in those lands, according to his grant thereof and for and according to such his term, estate, right, or interest therein.

“Person” or “persons” includes a body of persons corporate or unincorporate.

54. This Act may be cited as the Epping Forest Act, 1878.

Short title.

A.D. 1878.

SCHEDULES.

THE FIRST SCHEDULE.

Rights of Common of Estovers and other like Rights.

A.—The right of all the customary and free tenants of the manor of Theydon Bois, in respect of ancient tenements held of the manor, of common of estovers within the manor aforesaid within the said forest, namely, to cut from the woods and trees growing on the wastes of the said manor within the said forest from the hour of 12 at night on the 11th day of November in every year, until the same hour on the 23rd day of April in every succeeding year sufficient fuel to be spent and burnt in their ancient messuages, and to be carried away before the 24th day of June in one carriage (a sled) with two horses for each turn only.

B.—The following rights in respect of assignments of fuel or wood within the manors of Waltham Holy Cross and Sewardstone respectively ; (that is to say,)

In the MANOR OF WALTHAM HOLY CROSS.

Letter on Parish Map showing Assignments.	Owners or reputed Owners.	Occupiers.	Name of Property with which Assignments held.	Extent of Assignments.		
				A.	R.	P.
A.	Edward Jones Williams -	Daniel Clark -	Farm at Copped Hall Green.	47	3	30
B.	Sir Thomas Fowell Buxton, Bart.	Robert Bakewell Muglestone.	Cobbin End -	32	2	20
C.	Sir Thomas Fowell Buxton, Bart.	Isaiah Hobson -	Kents Farm or Fearn Hall.	5	2	16
D.	Sir Thomas Fowell Buxton, Bart.	Isaiah Hobson -	Kents Farm or Fearn Hall.	5	0	20
E.	Sir Thomas Fowell Buxton, Bart.	Sir Thomas Fowell Buxton, Bart.	Stubbons Hall or Warlies.	12	0	9
F.	Sir Thomas Fowell Buxton, Bart.	William and Charles Webster.	Warlies Farm -	44	1	4
G.	Walter Charles Metcalfe -	Walter Charles Metcalfe.	Copped Hall Green -	9	2	5
H.	Henry Peale Bird and the Reverend Thomas Pitman, Trustees of Peter's Charity.	William Hanson -	Pick Hill -	21	3	16
I.	Trustees of Beale Blackwell Colvin, deceased.	George Symondson -	Sudbury Farm -	15	0	20
J.	Trustees of Beale Blackwell Colvin, deceased.	Josiah Emery -	Wood Green Farm -	12	1	10
K.	Trustees of Beale Blackwell Colvin, deceased.	George Symondson -	Upshire Hall -	9	0	4
L.	Sir Thomas Fowell Buxton, Bart.	William and Charles Webster.	Warlies -	9	1	10
M.	Trustees of Beale Blackwell Colvin, deceased.	George Symondson -	Southend Farm -	12	3	9
N.	Robert Edwards -	John Hyde -	Farm at Honey Lane Green.	10	1	20
O.	Sir Herewald Wake, Bart. -	Sir Herewald Wake, Bart.	Manor of Waltham Holy Cross.	8	0	6
P.	Sir Thomas Fowell Buxton, Bart.	Sir Thomas Fowell Buxton, Bart.	Warlies -	9	2	25

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Letter on Parish Map showing Assignments.	Owners or reputed Owners.	Occupiers.	Name of Property with which Assignments held.	Extent of Assignments.
				A. R. P.
Q.	Robert Edwards - -	Robert Edwards - -	Beech Hill Park Farm.	11 3 2
R.	Corporation of the City of London.	Truman, Hanbury & Co.	King's Oak Public House.	14 3 25
S.	Robert Edwards - -	George Cole - -	Avey Lane Farm -	19 2 20
T.	Sir Thomas Fowell Buxton, Bart.	Robert Bakewell Muglestone.	Maynards - -	7 2 36
U.	Robert Edwards - -	John Hyde - -	Pynest Green Farm -	6 0 29
V.	Robert Edwards - -	George Symondson -	Skillett's Hill Farm -	6 3 24
W.	Sir Thomas Fowell Buxton, Bart.	Sir Thomas Fowell Buxton, Bart.	Warlies - -	7 0 4
X.	Sir Thomas Fowell Buxton, Bart.	Isaiah Hobson - -	Fearn Hall - -	4 0 35
Y.	William Harding - -	William Harding - -	Blue House, Copped Hall Green.	9 3 32
Z.	George Wythes - -	George Wythes and George Doe.	Ladys Farm - -	4 3 20
&	Sir Thomas Fowell Buxton, Bart.	John Ellis - -	Warlies - -	8 1 32
a.	Sir Thomas Fowell Buxton, Bart.	Countess of Gainsborough.	Convalescent Home at Copped Hall Green.	2 0 4
b.	Sir Thomas Fowell Buxton, Bart.	John Ellis - -	Warlies - -	7 0 12
c.	Sir Thomas Fowell Buxton, Bart.	John Ellis - -	Warlies - -	2 0 12
d.	Sir Thomas Fowell Buxton, Bart.	William Parish - -	Copped Hall Green -	2 1 16
e.	Sir Thomas Fowell Buxton, Bart.	John Ellis - -	Warlies - -	6 1 37
			Total - -	387 1 4

In the MANOR OF SEWARDSTONE.

				A. R. P.
BX.	John Grove Hilderson -	Peter Mills - -	Nether House - -	6 2 2
CD.	William Alfred Gibbs -	William Alfred Gibbs	Gillwell Park - -	11 2 2
CE.	John Speed Davies - -	John Speed Davies -	Yardley House - -	29 1 32
CF.	The Devises of Stephen Kent.	— Walker - -	Cashfield - -	1 0 25
F.	Charles William Hamilton Sotheby.	Charles William Hamilton Sotheby.	Manor House - -	5 3 5
G.	Charles William Hamilton Sotheby.	Charles William Hamilton Sotheby.	Manor House - -	8 1 15
H.	Peter Mills - -	Peter Mills - -	Chapel Field - -	} 5 2 34
	or Frederick Joyner, as trustee of the marriage settlement of W. D. Butcher and Eliza his wife.		Luther's or Home Farm.	
IB.	Devises of T. Leverton -	J. J. Homer - -	Woodlands - -	6 0 12
K.	William Mellis - -	William Mellis - -	Sewardstone Lodge -	9 0 0
L.	Charles William Hamilton Sotheby.	Charles William Hamilton Sotheby.	- - - -	3 3 18
M.	The Devises of Charles Preston.	Charles Patmore -	Picks Farm - -	4 2 10
N.	The Devises of T. Leverton	J. J. Homer - -	Woodlands - -	2 2 0
NB.	The Devises of Stephen Kent.	- - - -	Cashfield - -	4 3 10
OP.	John Speed Davies - -	John Speed Davies -	Yardley House - -	6 3 10

A.D. 1878.

Letter on Parish Map showing Assignments.	Owners or reputed Owners.	Occupiers.	Name of Property with which Assignments held.	Extent of Assignments.
				A. R. P.
OW.	Peter Mills - or Frederick Joyner, as trustee of the marriage settlement of W. D. Butcher and Eliza his wife.	Peter Mills -	Chapel Field - or Luther's or Home Farm.	6 1 0
OZ.	William Woodham Connop	— Saunders -	Honey Lane -	3 3 30
F.	Thomas Charles Baring, M.P.	Thomas Charles Baring, M.P.	-	4 2 19
Q.	Mrs. Hans Sotheby -	James Martin -	Manor Cottage -	3 2 5
R.	John Craven -	John Ashcombe -	Nether House -	2 2 16
R.	John Craven -	John Ashcombe -	Nether House -	2 1 18
SV.	William Alfred Gibbs -	William Alfred Gibbs -	Gillwell Park -	7 0 33
T.	Charles William Hamilton Sotheby -	Charles William Hamilton Sotheby.	-	1 3 16
U.	William Mellis -	William Mellis -	Sewardstone Lodge -	1 1 4
VS.	Peter Mills -	Peter Mills -	Moon Field -	2 1 34
X.	William Mellis -	William Mellis -	Sewardstone Lodge -	2 0 0
Y.	Henry Baker -	Frederick Salmon -	House, formerly called Highlander's Home.	10 0 5
YE.	John Craven -	John Ashcombe -	Nether House Farm -	5 1 20
ZA.	William Alfred Gibbs -	William Alfred Gibbs -	Gillwell Park -	6 2 35
ZB.	John Craven -	John Ashcombe -	Nether House Farm -	9 2 32
ZO.	John Craven -	-	Nether House -	6 0 20
ZE.	The Devises of Charles Preston or Frederick Joyner, as trustee of the marriage settlement of W. D. Butcher and Eliza his wife.	Thomas Darling -	Bury Farm - or Luther's or Home Farm.	3 2 14
			Total -	185 2 26

C.—The right of the owners and occupiers for the time being of certain hereditaments known as Forest House, and three crofts of land, containing 20 acres, in the manor of Layton, otherwise Low Leighton, otherwise Leighton Grange, in the parish of Leyton, now belonging or reputed to belong to Samuel Richard Bosanquet, to dig and get gravel in the wastes of the said manor within the Forest, in respect of and for use on the said hereditaments.

THE SECOND SCHEDULE.

Rights of Office and other like Rights.

A.—The right of the trustees of the will of the late William Richard Arthur, Earl of Mornington, dated the 27th day of June 1863, in respect of the office of Lord Warden of the Forest.

B.—The rights of the following reeves in respect of fees for marking cattle in the following parishes:—

George Jordan, Walthamstow.

Josiah Jessop, Chingford.

THE THIRD SCHEDULE.

A.D. 1878.

Lands quieted in Title.

Jane Hodgson	-	The pieces of land and buildings numbered 471, 472, 474, 475, 476, 477, and 479 on the deposited plan.
John Whitaker Maitland	-	The pieces of land and school-house numbered 238, 242, 282, 283, 285, and 412c on the deposited plan.
Jonathan Blott (during the remainder of his tenancy created by two indentures dated respectively the 29th day of February 1860 and the 31st day of August 1865).		The pieces of land numbered 227, 228, 363, 364, 365, 366, 367, and 368 on the deposited plan.
The Corporation of London	-	The pieces of land numbered 227 and 228 on the deposited plan.
Maria Warner, and Thomas Warner.		The pieces of land numbered 917, 918, 919 on the deposited plan, and part of No. 913 as delineated thereon and coloured pink, containing 12 perches or thereabouts.
George Wythes	-	The pieces of land numbered 3 and 11 on the deposited plan.
The Trustees of the Infant Orphan Asylum at Wanstead.		The pieces of land numbered 1,115A, 1,116, 1,117, and 1,470A on the deposited plan. <i>Condition.</i> —The piece of land numbered 1,470A shall not be built on.
Thomas Charles Baring	-	A piece of land containing 3 r. 27 p. numbered 435A on the deposited plan, and a piece of land numbered 434 thereon, on which piece a church has been built. <i>Condition.</i> —The said T. C. Baring, and all other necessary parties (if any), shall within twelve months after the passing of this Act convey and assure the fee simple and inheritance of those pieces of land and that church to the Ecclesiastical Commissioners for England, to be held by them and their successors for ever for ecclesiastical purposes, under and according to the Acts of Parliament known as the Church Building Acts.
The Wanstead Local Board	-	Two pieces of land numbered 1,105 and 1,423A on the deposited plan. <i>Condition.</i> —These pieces of land and every part thereof shall be used as a recreation ground for the public.

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The East London Waterworks
Company.

The pieces of land numbered 988, 988A,
988B, 1,022B, 1,031, 1,032, and 1,558 on
the deposited plan.

Condition.—The company shall within six
months after the passing of this Act
dedicate to public use the roads known
as Ferry Boat Lane and Copper Mill
Lane, in the parish of Walthamstow, in
the county of Essex, so far as they have
any interest therein, and shall construct
a raised footpath not less than three feet
wide on one side of each of those roads so
far as such roads abut upon lands belong-
ing to the company.

THE FOURTH SCHEDULE.

Verderers.

I.—REGISTER OF COMMONERS.

1. The Conservators shall, before the 31st day of December 1879, make and they shall thenceforth keep a register of commoners, on which they shall insert the name, description, and address of every person or body entitled to a right of common in or over Epping Forest, on his or their claiming to be so inserted, and adducing such reasonable proof of title as the Conservators require.

2. The register shall be made in two parts, Part I. being for the northern Forest parishes, namely,—Epping, Theydon Bois, Loughton, Waltham Holy Cross, Chingford, and Chigwell; and Part II. being for the southern Forest parishes, namely,—Woodford, Walthamstow, Leyton, Wanstead, Little Ilford, and West Ham.

3. Claims for entry on the register shall be made within such time and in such form as the Conservators from time to time prescribe.

4. The Conservators shall from time to time give notice in such manner as they think best calculated to give information to the commoners of the rights of commoners under this schedule, and of the steps to be taken thereunder.

5. Where a commoner is under age or of unsound mind, or a married woman, his or her guardian, committee, or husband shall be entitled to be on the register in his or her place.

6. Where several persons are joint-tenants, co-parceners, or tenants in common, in respect of rights of common, they shall in respect thereof be considered as one; and such one of them only shall be entered on the register as the majority of them select in writing, or in case they are equally divided or decline to select, then as the Conservators select.

7. The Conservators shall at such time or times before the first and each subsequent septennial election of verderers as they think fit, publish a notice that the register is ready for inspection at their office at the Guildhall of the City of London, and in the Forest: and appoint days on which persons interested may apply to the Conservators to correct the register by inserting or expunging any name.

8. On the appointed days the Conservators shall hear any objections or claims and shall allow such claims or objections as appear to them to be established, and amend the register accordingly.

9. The register, as settled by the Conservators before each election of verderers, shall be conclusive evidence of the persons entitled to vote as commoners thereat.

II.—ELECTION.

10. An election of verderers shall be held in the year one thousand eight hundred and eighty and every subsequent seventh year, not later than the twentieth day of March in any case.

11. At every election two verderers shall be elected by the electors for the northern Forest parishes and two by the electors for the southern Forest parishes.

12. The days of election shall be appointed by the Conservators; and the elections for the northern and for the southern Forest parishes shall be held on different days.

13. The Recorder of the City of London, or, in his absence or inability, the Common Serjeant of the City of London, or, in the absence or inability of both, a person appointed by the Lord Mayor of the City of London, shall be the returning officer.

14. The Conservators shall convene a separate meeting of the electors for the northern and for the southern Forest parishes respectively at a convenient place in the Forest for the purpose of each election, and shall publish notice thereof and of the time and place thereof.

15. The returning officer shall preside and regulate the proceedings at the meeting, but he may be assisted by such officers as he thinks fit to appoint.

16. The meeting shall, as far as relates to the nomination of candidates, be deemed to be at an end at the expiration of one hour from the time appointed for the holding of the meeting, or at the expiration of such longer period (if any) as the returning officer thinks fit.

17. Any qualified person may, if he consents, be nominated by any elector and seconded by another as a candidate for the office of verderer.

18. If at the expiration of the said hour, or extended period, no more candidates stand nominated than there are vacancies, the candidates standing nominated shall be and be deemed elected.

19. If at the expiration of the said hour, or extended period, more candidates stand nominated than there are vacancies, the returning officer shall, in case a poll is demanded, adjourn the meeting and take a poll; but in case no poll is demanded shall ascertain by show of hands, or otherwise, as he thinks fit, the decision of the meeting as to the candidates elected.

20. A demand for a poll may be withdrawn in writing at any time before the close of the meeting, and if so withdrawn shall be deemed to have never been made.

21. In case of a poll, the returning officer shall cause the poll to be taken at such place or places in or near to the Forest, there being always at least one polling place in the parish of Epping, and on such day as he thinks fit, the day being not less than one clear day or more than three clear days after the day fixed for the meeting for election, and shall give notice in such manner as he thinks fit of the place or places and time for the poll.

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22. In case of a poll votes shall be given personally. But where a corporation aggregate, a joint stock or other company, or any body of proprietors is on the register, the vote may be given as the vote of one individual proprietor, but by proxy appointed in writing sealed with the common seal in the case of a corporation, or signed by three directors or other persons having the direction or management in the case of an unincorporated body.

23. The poll shall open at eight o'clock in the forenoon of the appointed day and shall close at six o'clock in the afternoon of the same day, except in case of disturbance, when the poll may be closed at such time as the returning officer thinks fit.

24. The returning officer shall cause to be entered in the polling books the name, description, and address of every voter and for whom he votes.

25. As soon as practicable after the close of the poll, the returning officer shall sum up the votes, and the candidates who have obtained the greatest number of votes shall be and be deemed elected.

26. Where there is an equality of votes between candidates, the returning officer may, if he thinks fit, give a casting vote, but he shall not vote in any other case.

27. At every election, whether there is a poll or not, the returning officer shall, as soon as practicable, publicly declare the names of the candidates elected, and, where there is a poll, the total number of votes given for each candidate, whether elected or not; and his public declaration thereof shall be final and conclusive; and he shall return the names and numbers to the Conservators, who shall publish them.

28. If on any occasion from any cause an election does not take place on the appointed day the retiring verderers shall continue in office until the next election.

29. If on any occasion from any cause only one verderer for the northern or for the southern Forest parishes is elected, one of the retiring verderers for those parishes selected by the verderer elected for those parishes shall continue in office until the next election.