

NEW FOREST NOTES January 2025

The Clerk to the Verderers

The Verderers of the New Forest started 2025 without a clerk (their principal administrator), for the first time in a great many years, following the retirement last month of the long-serving Sue Westwood. So far, the vacant position has not even been advertised. This will allow for a period of reassessment of the clerk's role in an organization which is now regularly spending more than its income. Such delay and reflection is no doubt a wise precaution so long as it is not allowed to drag on for more than a few weeks, but I am convinced that any attempt to dispense with the role of clerk would be deeply damaging to the Court and for the Forest.

A year ago, I wrote about the retirement of Paul Grugeon, the local Forestry England land agent based at King's House. I suggested that the two key figures in New Forest management are a knowledgeable land agent and the Clerk to the Verderers. Now we have lost the second of these two indispensable officers, although I am told that the FE position is likely to be filled very shortly.

So what exactly does the Verderers' clerk do and what is the history of the office? When the modern Court was established in 1877, it was authorized by parliament to appoint officers and to pay their salaries. Although the role of clerk is not specifically mentioned in the Act, the old forest law institution which the new management body replaced had its own clerk and a continuation of the role was, I suppose, just accepted as a matter of course. Moreover, for most of the first century the clerk was always a solicitor or some qualified person within a solicitor's office. The first holder of the position was the rather majestically-named George Ferris Whidborne Mortimer, a Romsey solicitor who served the Forest for twenty-five years, throughout the long period of hostility between the Verderers and the then landowner's representative, the Office of Woods. Mortimer was succeeded in 1902 by his assistant, Montague Chandler. This remarkable officer saw the Verderers through a long period of decline, including two world wars which involved huge demands on the Forest by the military authorities for training and other purposes.

Montague Chandler was succeeded by a Lyndhurst solicitor, Mr. Basil Rustom, and he had the task of seeing the Court through the great upheavals of 1947-1949 when the constitution of the Verderers was radically altered and when new powers were conferred on them by parliament. I did not know Mr. Rustom, but his successor, Mr. John Scott was still clerk when I joined the Court in 1973. He resigned the same year. Mr. Scott, along with my father from the Commoners Defence Association and Sir Oliver Crosthwaite-Eyre (senior elected verderer) was responsible for the drafting and subsequent promotion of the parliamentary bill which later became the New Forest Act of 1964. It was a heavy task that involved months of preparation and then enquiry before two select committees. During this time the day-to-day tasks of the Verderers' office were undertaken by Mr. Bob Selby, Mr. Scott's own clerk.

There followed one or two false starts with unsuitable applicants before the arrival of the redoubtable Mrs. Shirley Blick. She came from the old-fashioned school of well-qualified and well-

educated personal secretaries and how she coped, alone, with the huge burden of running the Court's business, I could never understand. This was a time when the recreational pressures on the Forest were already threatening to become overwhelming. Operating out of a freezing redundant school house at Emery Down, she managed the flood of applications for car parks, car-free zones and campsites which dominated the Forest in the 1970s and all this alongside the usual business of paying and controlling other employees and managing the Court's correspondence. In her time too, the Hampshire County Council promoted a parliamentary bill to construct a bypass around Lyndhurst, which would effectively have wrecked a large area of Forest. The defeat of that threat was perhaps the high point of her time in office.

On Shirley Blick's retirement in 1995, there was a further change of direction for the Court, when the lately retired holder of the position, Sue Westwood, was appointed. She joined the Court from a commercial background, having applied for a job in one of the companies owned by the then Official Verderer, John Burry. She was somehow diverted to take up the Verderers' vacancy and remained for nearly thirty years. No doubt her personal interest in equestrian matters made her an attractive candidate. It must have been a daunting introduction to the Court's activities with the looming threat of the imposition of the national park already being discussed

Today the Verderers' office is a very different place from that in the days of Shirley Blick. I can remember the excitement when the first electric typewriter arrived in Mrs. Blick's solitary office, while today premises are filled with computer screens and a mass of other equipment operated by the clerk, the clerk's assistant and a lady in charge of the flow of subsidy money into the Verderers' share of management. It is a noisy place, still dominated by the telephone as complaints and requests flood in from a public unable or unwilling to deal with a remote Forestry England call centre. Five agisters and their vehicles and equipment have to be managed from the office and perfectly legitimate enquiries from the public about the Forest livestock and its welfare must be fielded. Minutes of the court which used to run to less than ten pages are now often double that length as work increases. Legal squabbles within the Forest or with outside bodies and individuals are a constant irritating background, while the pressures and conflicts arising from recreation have become almost intolerable – expressed through a flood of phone calls, emails and letters. All must be responded to promptly and courteously, with detailed records being kept, whether they relate to an overgrown foot on a donkey or the too common visitor's discovery of a "dead" foal in summer. Foals stretched out on a sunny morning can look remarkably corpse-like, but if Our Lord's words "the child is not dead but sleepeth" are applied in an equine context, they can usually be proved true by a gentle prod from an agister's boot. It all takes time and to my mind anything short of a full time Clerk to the Verderers is now unthinkable.

Adventurous livestock

Contributing to the work of the clerk's office is the subject of livestock getting into private property in and around the Forest, often causing a great deal of damage and annoyance. There was

a spate of such damage in December in the extreme north west corner of the Forest and I had some difficulty in explaining to my neighbours the rules governing such cases.

It is often said that occupiers of property adjoining the common have a legal duty to fence against lawfully depastured livestock, but I am not sure that this is strictly correct. There are many landowners in the Forest who, for one reason or another, don't bother to maintain fences and some pieces of such land have been open throughout my lifetime. Nobody bothers too much about this and ultimately the idle landowner is likely to be faced with a claim that his land has become subject to prescriptive rights of common. On the other hand, if I choose to neglect my fences against the common, I must accept the consequences. My garden is likely to be wrecked and I may well be liable for injury to any livestock which enters. Climbing through a collapsing barbed wire fence can be a dangerous business for a pony or cow, while there was a famous Brockenhurst case in which a stallion was drowned in a cesspool on badly fenced private land. Things are even more serious when neglect of fences allows livestock to escape from the Forest altogether, perhaps causing a severe road accident. Then both the animal owner and the driver may be looking for compensation from the landowner.

The recent complaints have arisen because a small group of very persistent cows has been going around testing the adequacy of householders' fencing. On this the rules, however unpalatable to many garden owners, are clear. You must erect and maintain good quality stockproof fencing or it will be no good complaining to the Verderers. The Court has powers to order the removal of an animal which acts in an unnatural manner. It will not intervene simply because a cow chooses to burrow into a gappy hedge in pursuit of food or because it breaks down a post and rail fence with rotten joints. In the recent spate of complaints, I watched cows happily picking their way across a cattle grid choked up to near the surface with silt and gravel, resulting in the ravaging of at least three gardens outside the perambulation.

A very sensible name change

The New Forest Association last month announced that it would be dropping its alternative title "Friends of the New Forest". I can only suppose that this FOTNF version was adopted about 2016 because someone thought it would be regarded as trendy and because several other national parks had gone down the same road. Everyone in the Forest continued to refer to the Association as the NFA. The Dartmoor Preservation Association and the Exmoor Society sensibly kept to their original names and now the New Forest Association has seen the error of its ways. It is a society with a long and, at times, crucial role in the Forest's history, having been established a few years before the Verderers' Court when the ancient woodland and heaths were at imminent risk of disappearing under a sea of commercial conifer. The reversion to the original name is very welcome.

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