



Dean Forest (Mines) Act 1838

CHAPTER 43

DEAN FOREST (MINES) ACT 1838

- Commissioners appointed.
- II For Appointment of new Commissioners.
- III Commissioners neglecting to attend Meetings to be considered as a Refusal to act.
- IV Commissioners may be removed by the Court of Exchequer in case of Misconduct.
- V Commissioners to make a Declaration to the Effect following.
- VI Clerk to be appointed.
- VII Provision for Right to be done to the Poor claiming any Interest in the Mines, &c.
- VIII Minutes of Proceedings to be kept.
- IX Such Minutes may be inspected, and Copies or Extracts made.
- X First and other Meetings, and Notices to be given of the same.
- XI Other Notices how to be given.
- XII Two Commissioners may act.
- XIII Office of Gaveller vested in the First Commissioner of Her Majesty's Woods for the Time being.
- XIV Who shall be deemed Free Miners.
- XV Quarrymen to be deemed Free Miners for certain Purposes.
- XVI Register of Free Miners to be made.
- XVII Gaveller may refuse to register, unless Evidence is produced, subject to Appeal to the Commissioners.
- XVIII Commissioners may hear Evidence, and their Decision to be final.
- XIX After the Commissioners have ceased to act, Appeal may be made to the Sessions or the Court of Verderers.
- XX Free Miners to be registered.
- XXI No Person a, Free Miner who is not registered.
- XXII Extract from the Register to be Evidence.

- XXIII Gales to be granted to Free Miners.
- XXIV Commissioners to make an Award.
- XXV Commissioners of Woods may grant Leases of small Portions of Land for the Purpose of the Mining Works.
- XXVI Claims to be delivered in.
- XXVII Commissioners to set out the Metes and Bounds of each Gale or Work.
- XXVIII Commissioners may unite Two or more Works, and award Compensation.
- XXIX Commissioners to make general Rules, specifying the Mode in which Gales, &c. shall be worked; and, on Breach of such Rules, Gales, &c. to be forfeited, as in case of a Lease for Condition taken.
- XXX Claims to Timber to cease, and the Value thereof to be taken into consideration in settling the Royalty.
- XXXI After the Award is made the Customs to cease.
- XXXII The Awards, Plans, &c. to be signed by the Commissioners in Triplicate.
- XXXIII Commissioners may make Award in separate Branches.
- XXXIV Parties may appeal to Privy Council against Award.
- XXXV Commissioners of Woods, on behalf of Her Majesty, may appeal.
- XXXVI Court of Exchequer may order Works to be stopped until Appeal is heard.
- XXXVII The Award as altered by the Privy Council to have the same Effect as if made by the Commissioners.
- XXXVIII Applications for Gales not to confer a Title.
- XXXIX Adjustment of Gales applied for and acted on since 1832, but not granted.
 - XL Sales of Gales confirmed.
 - XLI Commissioners to fix Royalty payable to Her Majesty for existing Coal Works.
 - XLII Commissioners to fix Royalty for Iron, in respect of existing Works, and also for any other Mineral.
 - XLIII Rents payable under Licences for erecting Steam Engines, &c. to be considered in awarding future Rents.
 - XLIV Future Rent to be deemed in lieu of Right to put in a Fifth Man.
 - XLV Commissioners to make Rules and Orders for keeping Accounts of the Produce.
 - XLVI The Royalty to cease at the End of every Twenty-one Years, and new Royalty to be thereupon payable to Her Majesty.
 - XLVII In case of Dispute the Amount of new Royalty to be referred to Arbitration.
 - XLVIII Arbitrator may hear Evidence, and his Decision to be final.
 - XLIX Payment of Arbitrator in equal Moieties by the Crown and the Party disputing.
 - L Agreements and Awards fixing new Royalty to be enrolled.
 - LI The Royalty now payable to continue until the Commissioners make their Award.
 - LII Power for the Recovery of Royalty.
 - LIII Gaveller and others on behalf of Her Majesty may enter and survey Works.
 - LIV Copy of General Rules to be hung up in the Speech House.
 - LV Commissioners may make temporary Rules.
 - LVI Rules to be observed in granting Gales hereafter.

- LVII Grants of Gales to be entered in Gaveller's Books, and enrolled in the Office of Land Revenue Records and Enrolments.
- LVIII Assignments of Gates to be entered in Gaveller's Books.
- LIX Commissioners of Woods may authorize nunc pro tunc Entries of Assignments.
- LX Gaveller to grant Gales in order of Application.
- LXI No Free Miner to be entitled to have more than Three Gales granted at a Time.
- LXII Gaveller not to grant Gales which may interfere with existing Gales.
- LXIII Disputes as to Priority of Application for Gales to be referred to Commissioners.
- LXIV Gales not to be granted in inclosed Lands of Her Majesty.
- LXV Commissioners of Woods may grant Licences for Air Shafts in Inclosures.
- LXVI Commissioners, until Award made, may hear and determine Disputes relating to the working of any Gales, &c.
- LXVII Moiety of Gale Rent to be paid to Owners of inclosed Lands.
- LXVIII Miners to pay Compensation to Owners of inclosed Lands for Surface Damage.
- LXIX No Erections on inclosed Lands without Consent.
- LXX Commissioners to have a Seal and to cause their Special Orders to be stamped therewith.
- LXXI Penalty on Persons disobeying Special Order of Commissioners.
- LXXII Penalty upon Witnesses making Default.
- LXXIII Punishment of Persons giving fake Evidence.
- LXXIV For the Recovery of Penalties.
- LXXV Justices may proceed by Summons in the Recovery of Penalties.
- LXXVI Distress not unlawful for Want of Form.
- LXXVII Persons aggrieved may appeal to Quarter Sessions.
- LXXVIII Notice to be given to thej Commissioners before Action brought.
- LXXIX Special Order of Commissioners not to be removeable except into the Exchequer.
- LXXX Notice to be given to the Commissioners of Application for Certiorari.
- LXXXI Recognizances to be entered into by Parties applying for Certiorari.
- LXXXII If special Order quashed, Parties indemnified for Acts done under it.
- LXXXIII Commissioners of Woods may grant Leases of Quarries. No Building to continue when unnecessary to remain.
- LXXXIV Commissioners of Woods and Forests may grant Leases for 21 Years to get Clay or Sand.
- LXXXV Saving the Rights of the Crown and the Claims of Mr. Ambrose to grant Gales for Quarries in the Bailiwick of Blakeney.
- LXXXVI Commissioners to report their Proceedings to the Commissioners of Woods.
- LXXXVII Remuneration of Commissioners.
- LXXXVIII Remuneration of Deputy Gaveller.
- LXXXIX Two Commissioners empowered to act.
- XC Public Act.
- XCI Act may be altered, &c. this Session.