



# Dean Forest (Mines) Act 1838

## 1838 CHAPTER 43

An Act for regulating the opening and working of Mines and Quarries in the Forest of *Dean* and Hundred of *Saint Briavels* in the County of *Gloucester*. [27th July 1838]

WHEREAS the Queen's most Excellent Majesty, in right of Her Crown, is seised to Herself, Her Heirs and Successors, of the Soil of the Forest of *Dean* in the County of *Gloucester*, and of all Timber and other Trees standing or growing thereon, and of all Mines and Minerals within or under the said Forest, subject to certain alleged Rights of Common and other Rights claimed in or over the same or some Part thereof, and is also seised as aforesaid of divers Inclosures within and upon the said Forest, freed and discharged from all Claims and Demands whatsoever, so long as they remain so inclosed : And whereas, in addition to the said Mines and Minerals which are within or under the said Forest, Her Majesty, in right of Her Crown, is or claims to be seised to Herself, Her Heirs and Successors, of all other Mines and Minerals which are within or under any Part of the Lands of the Hundred of *Saint Briavels* in the said County, save and except where such Mines and Minerals have been granted by any of Her Majesty's Royal Progenitors to any Subject, and having been so granted have not afterwards become vested in the Crown by Purchase or otherwise : And whereas certain Privileges are claimed by certain Persons in the Hundred of *Saint Briavels* calling themselves Free Miners to open Mines and Quarries in the open Lands of the said Forest, and also to open Mines in all the Lands within the said Hundred of *Saint Briavels* (except in Churchyards, Gardens, and Orchards, and in such Inclosures as have been made by the Crown under the Authority of the Statutes of the Twentieth of *Charles* the Second, Chapter Three, and the Forty-eighth of *George* the Third, Chapter Seventy-two, and except in Lands within or under which the Mines and Minerals have at any Time heretofore been granted by the Crown to any Subject), and to work the said Mines and Quarries, according to certain alleged Usages and Customs : And whereas the said alleged Usages and Customs are uncertain and undefined, and are in many respects inapplicable to the present Mining Operations in the said Hundred; And whereas it is expedient that the said alleged Usages and Customs should be revised, altered, and amended, so as to be applicable to the obtaining the deep Coal and other Minerals of the said Hundred, and that the aforesaid Privileges of the said Free Miners should extend as well to the deep Coal of the said Hundred as to Coal capable of being drained by Levels or other Means without the Erection of Buildings and Machinery, and it is expedient that due Limits and Boundaries should be assigned to such Gales, Pits, Levels, and Works as have been or may be hereafter opened or made in the said Hundred, in order to the proper and effectual working of the same : And whereas Difficulties have arisen in ascertaining and collecting the Share Dues, Rents, and Royalties receivable by and payable to Her Majesty for the

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*Status: This is the original version (as it was originally enacted).*

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Privileges of opening and working the said Mines, Minerals, and Quarries, and divers Disputes and Differences have arisen between the said Free Miners and others touching the Enjoyment and working of the said Mines, Minerals, and Quarries, which it is expedient should be settled and determined as herein-after mentioned: And whereas an Act was passed in the Sixteenth Year of the Reign of His Majesty King *Charles* the First, intituled *An Act for the settling of Forests, arid of the Metes, Meers, Limits, and Bounds of the Forests* : And whereas under and by virtue of certain Letters Patent bearing Date at *Westminster* the Twenty-eighth Day of *February* in the Fifty-fifth Year of the Reign of His late Majesty King *George* the Third, the Office of the Keeper of the Gawle, called the Gawle-above-the-Wood, within the said Forest of *Dean*, and also the Office of the Keeper of the Gawle-under-the-Wood, within the said Forest, with the Rights, Members, and Appurtenances, were given and granted to the Right Honourable *William Huskisson*, the then First Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and to the First Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being, the said Offices to be executed as well by the said *William Huskisson* as the First Commissioner of Woods, Forests, and Land Revenues for the Time being, or his sufficient Deputy or Deputies: And whereas the said Office or Offices is or are now usually known and designated as the Office of Gaveller of the said Forest, and the Person or Persons holding or executing the same is or are usually styled Her Majesty's Gaveller or Deputy Gaveller : And whereas it is expedient; that the said Office or Offices of Gaveller of the said Forest should be vested in the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues Works, and Buildings, without any special or other Appointment from Time to Time by Letters Patent or otherwise for that Purpose: And whereas an Act was passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the Exercise of the Right of Common of Pasture in the New Forest in the County of Southampton, for repealing certain Parts of Two Acts passed in the Thirty-ninth and Fortieth and the Fifty-second Years of His present Majesty, and for the better Collection and Recovery of the Gale Rents in the Forest of Dean in the County of Gloucester*: And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for ascertaining the Boundaries of the Forest of Dean, for inquiring into the Rights and Privileges claimed by the Free Miners of the Hundred of Saint Briavels, and for other Purposes* ; and a certain other Act was passed in the Third and Fourth Years of His said late Majesty King *William* the Fourth, intituled *An Act to extend to the Twenty-first Day of January One thousand eight hundred and thirty four, and to the End of the next Session of Parliament, the Time for carrying into execution an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of Dean, and for inquiring into the Rights and Privileges claimed by Free Miners in the Hundred of Saint Briavels, and for other Purposes* ; and a certain other Act was passed in the Fourth and Fifth Years of the Reign of His said late Majesty, intituled *An Act to extend the Term of an Act of the First and Second Years of His present Majesty, for ascertaining the Boundaries of the Forest of Dean, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of Saint Briavels, to the Twenty-first Day of January One thousand eight hundred- and thirty-five, and from thence to the End of the next Session of Parliament*: And whereas by virtue and under the Authority of the said first-recited Act, of the First and Second *William* the Fourth, Chapter Twenty-three, a Commission was issued under the Seal of the Court of Exchequer, bearing Date the Twenty-first Day of January One thousand eight hundred and thirty-two, directed to certain Commissioners therein named, to inquire into and report to the Lords Commissioners e-f His said late Majesty's Treasury upon Matters relating to the Forest of *Dean* ; and in pursuance of such Act and Commission, and the herein-before recited Acts of the Third and Fourth of *William* the Fourth, Chapter Thirty-eight, and the Fourth and Fifth of *William* the Fourth, Chapter Fifty-nine, the Commissioners proceeded to take Evidence and to prosecute the several Inquiries to them committed ; and the said Commissioners have since made Five Reports to the Lords Commissioners of Her Majesty's Treasury thereon : And whereas it is expedient that the aforesaid Purposes should be effected, and that Provisions should be made for the proper and beneficial working of the said Mines, Minerals, and Quarries, and

for settling, regulating, and adjusting the Right of Enjoyment thereof respectively in the Manner herein-after provided or contained, which Purposes cannot be accomplished without the Aid and 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,

### **Commissioners appointed.**

That *Thomas Sopwith* of *Newcastle-upon-Tyne* in the County of *Northumberland*, Mining Engineer, *John Probyn* of *Gloucester*, Esquire, and *John Buddle* of *Wall's End* in the said County of *Northumberland*, Mining Engineer, and their Successors, to be appointed as after mentioned, are hereby appointed Commissioners for carrying the Purposes of this Act into execution, subject to the Directions herein-after contained; and the said Commissioners and their Successors shall be styled " The *Dean Forest Mining Commissioners*."

## **II For Appointment of new Commissioners.**

And be it enacted, That in case the said Commissioners or any of them, or any Person to be appointed a Commissioner by virtue of this Act, shall die, or refuse or neglect to act, or shall be removed or become incapable of acting, then the Barons of Her Majesty's Court of Exchequer shall, from Time to Time, on summary Application made to them for that Purpose, refer it to a Master of the said Court to approve of a fit Person to be appointed a Commissioner in the Stead of such Commissioner or Commissioners so dying, or refusing or neglecting to act, being removed, or becoming incapable of acting, and on such Approval being confirmed by an Order of the said Court such Person so appointed shall be a Commissioner for the Execution of this Act; and if the said Commissioner who shall so die, refuse or neglect to act, or be removed, or become incapable of acting as aforesaid, shall be the said *Thomas Sopwith*, or any Commissioner to be appointed in his Stead, then the aforesaid Application, and the Proposal of a fit Person to be so appointed, shall be made by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings on behalf of Her Majesty; and if the Commissioner who shall so die, refuse or neglect to act, or be removed, or become incapable of acting, shall be the said *John Probyn*, or any Commissioner to be appointed in his Stead, then the said Application, and the Proposal of a fit Person to be so appointed, shall be made by any Three or more Persons, being Free Miners of the said Forest and Hundred ; and on the Behalf of the Free Miners several Persons may be proposed, so as Three or more join in the Proposal; and if the said Commissioner who shall so die, refuse or neglect to act, or be removed, or become incapable of acting, shall be the said *John Buddle*, or any Commissioner to be appointed in his Stead, then the said Application, and the Proposal of a fit Person to be so appointed, shall be made by the other Two Commissioners acting under this Act; and if they cannot "agree on a Person to be so named, then each of the said Two Commissioners may name a fit Person for the Approbation of the said Court, who shall select and appoint a Commissioner accordingly ; but nevertheless every Commissioner to be appointed in the Place of the said *John Buddle* shall be a Mining Engineer : Provided always, that all the Expences attending the making any such Application by or on behalf of the Free Miners shall be borne by the Parties making the same, and the Expences of any Application to be made by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of the said

Two Commissioners hereby appointed, shall be borne by the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings.

**III Commissioners neglecting to attend Meetings to be considered as a Refusal to act.**

Provided always, and be it enacted, That if the said *Thomas Sopwith*, or any Commissioner to be appointed in his Stead, or if the said *John Probyn*, or any Commissioner to be appointed in his Stead, shall at any Time wilfully absent himself from any Three successive Meetings appointed to be holden by virtue of this Act, and such Commissioner not having been prevented by Sickness or other inevitable Cause, to be allowed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, from attending or continuing at such Meetings, then such Non-attendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act; and if the said *John Buddle*, or any Commissioner to be appointed in his Stead, shall at any Time neglect or refuse to attend Three successive Meetings of the said Commissioners' appointed to be holden by virtue of this Act, having been previously requested to attend - such Meetings respectively by Notice in Writing under the Hands of the Two other Commissioners, served upon or left at the last known or usual Place of Abode of the said *John Buddle*, or any Commissioner to be appointed in his Stead, Seven Days at least before the Day fixed for holding such Meetings, the said *John Buddle* not having been prevented by Sickness or other, inevitable Cause, to be allowed by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, from attending or continuing at such Meetings, then such Non-attendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act.

**IV Commissioners may be removed by the Court of Exchequer in case of Misconduct.**

And be it enacted, That if the said Commissioners hereby appointed, or any or either of them, shall be guilty of corrupt or grossly negligent Conduct in the Execution of the Duties on them imposed by this Act, or shall not use due Diligence in the Execution thereof, or shall become possessed of any Right, Title, or Interest to or in the said Mines, Minerals, or Quarries, it shall be lawful for any Persons or Person, having any Right, Title, or Interest to or in, the said Mines, Minerals, and Quarries, or any of them, or for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to apply to the Court of Exchequer by Petition for the Removal of such Commissioners or Commissioner, such Petition being accompanied by Two or more Affidavits verifying the material Facts therein alleged; and the said Court of Exchequer shall hear and determine the Matter of the said Petition, in such Manner, and subject to such Rules and Orders, and upon such Evidence and Inquiry as it shall think fit; and the Costs incurred in the Prosecution of any Proceeding in the said Court of Exchequer under this Act, in respect of the Removal of any Commissioners or Commissioner, shall be paid by such Party or Parties, Person or Persons, and be taxed in such Manner as the said Court shall direct.

**V Commissioners to make a Declaration to the Effect following.**

Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner (save for giving Notice of the First Meeting) until he shall have made and subscribed a Declaration to the Effect following before a Justice of the Peace ;

which Declaration any Justice of the Peace is hereby empowered to receive; (that is to say,)

“I *A.B.* do solemnly declare, That I am not possessed of any Right, Title, or Interest to or in the Mines, Minerals, or Quarries within the Forest of *Dean* or the Hundred of *Saint Briavels*, and that I will honestly, according to the best of my Skill, execute the Powers 'vested in me as a Commissioner by an Act passed in the First and Second Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act [here set forth the Title of this Act]*, according to good Conscience, without Favour to any Person; and I make this solemn Declaration under the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, ' intituled An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extrajudicial Oaths and Affidavits and to make other Provisions for the Abolition of unnecessary Oaths.*”

Provided also, that no Commissioner appointed under this Act shall, during his Continuance in such Appointment, be capable of being elected or sitting as a Member of" the Commons House of Parliament.

#### **VI Clerk to be appointed.**

And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings are hereby authorized to appoint a Clerk to the Commissioners hereby appointed, and from Time to Time, upon the Application of the Commissioners hereby appointed, to remove such Clerk : Provided always, that the Amount of the Remuneration of such Clerk shall from Time to Time be fixed by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, subject to the Approval of the Commissioners of Her Majesty's Treasury.

#### **VII Provision for Right to be done to the Poor claiming any Interest in the Mines, &c.**

And whereas there may be divers poor Persons having or claiming to have a Right, Title, or Interest to or in the said Mines, Minerals, or Quarries, or any of them ; be it enacted, That if any such poor Person shall desire to have his or her Claim brought forward before the Commissioners appointed under this Act, or their Successors, by such Clerk as aforesaid, it shall be lawful for such poor Person to require such Clerk to act as his or her Agent and Protector; and such Clerk shall thereupon inquire into any such Facts and Matters as may be advanced before him by such poor Person, and into any other Facts and Matters which may in his Opinion be necessary to the Elucidation of any such Claim, and shall to the best of his Knowledge and Ability place the same before the said Commissioners fairly and with good Faith, so that in all Cases Right may be done to the Poor as well as unto the Rich.

#### **VIII Minutes of Proceedings to be kept.**

And be it enacted, That such Clerk shall keep a Book or Books in which he shall make Minutes of the Proceedings of the said Commissioners hereby appointed, and shall enter the Names of the Commissioners attending as aforesaid ; and the Entry of the

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Proceedings at each Meeting shall be signed by the Commissioners present, and such Minutes shall be admitted in Evidence in any Action, Suit, or other Proceeding.

**IX Such Minutes may be inspected, and Copies or Extracts made.**

And be it enacted, That it shall be lawful for any Person interested, at all reasonable Times, to inspect the said Minutes upon Payment of a Fee of One Shilling for each such Inspection ; and the Clerk of the said Commissioners hereby appointed shall furnish Copies of or Extracts from such Minutes to any Person interested, requiring the same, at and after the Rate and upon the Payment of Four-pence *per Folio* for every Seventy-two Words.

**X First and other Meetings, and Notices to be given of the same.**

And be it enacted, That the First Meeting of the said Commissioners hereby appointed shall be held at *Coleford* in the County of *Gloucester* within Two Calendar Months after the passing of this Act; and that the said Commissioners shall cause Notice by Advertisement to be inserted in some Newspaper or Newspapers usually circulated in the said County of *Gloucester* of the Time and Place of their First and every future Meeting (Meetings by Adjournment alone excepted) Six Days at least before the Time appointed for such Meetings; and in case only One of the said Commissioners shall attend at the Time and Place appointed, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner so attending, and for the Clerk, in case no one of the said Commissioners shall attend, to adjourn the said Meeting to any future Day not exceeding One Calendar Month from the Day of Adjournment; and the said Commissioner or Clerk so making such Adjournment is hereby required to enter a Minute of such Adjournment, and to give timely Notice thereof to the absent Commissioners : Provided always, that all future Meetings of the said Commissioners hereby appointed, and all Adjournments of their First and every future Meeting, shall be held either at the Speech House *Coleford*, *Newnham*, or *Lidney*.

**XI Other Notices how to be given.**

And be it enacted, That all other public Notices requisite to be given by the said Commissioners hereby appointed shall be given by Advertisement to be inserted in such of the public Newspapers usually circulated in the said County of *Gloucester* as they shall direct.

**XII Two Commissioners may act.**

And be it enacted, That any Two of the said Commissioners hereby appointed may perform the several Acts and Matters hereby authorized to be done by the said Commissioners ; but no Act or Matter shall be done by the said Commissioners at any Meeting appointed to be holden by virtue of this Act, in pursuance of this Act, except during such Time as there shall be Three Commissioners appointed and acting under this Act.

**XIII Office of Gaveller vested in the First Commissioner of Her Majesty's Woods for the Time being.**

And be it enacted, That the Office of Keeper of the Gawle-above-the-Wood within the said Forest of *Dean*, and also the Office of Keeper of the Gawle-under-the-Wood

within the said Forest, and which said Office or Offices is or are now known or designated as the Office of Gaveller, is hereby vested in the First Commissioner for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings ; and from the passing of this Act the said First Commissioner for the Time being shall be Her Majesty's Gaveller of and for the said Forest of *Dean*, and all the Duties of the said Office or Offices shall be performed by the said First Commissioner, or his sufficient Deputy or Deputies, and for that Purpose all the Powers, Rights, and Authorities belonging or appertaining to the said Office or Offices, and which in this Act is or are styled the Office of Gaveller, shall become, and be vested in such First Commissioner; and every such First Commissioner for the Time being is hereby authorized and required, by himself or his sufficient Deputy or Deputies, to perform all such Acts, and for that Purpose to exercise all such Powers, and enforce the same by all such Ways and Proceedings, and do all such Acts as may be necessary in that Behalf: Provided nevertheless, that the Deputy or Deputies to be from Time to Time appointed by the said First Commissioner for the Time being for executing and performing the Duties of the said Office of Gaveller, by any Writing under his Hand and Seal, shall be a Person or Persons skilled in Mining.

#### **XIV Who shall be deemed Free Miners.**

And be it enacted, That all Male Persons born or hereafter to be born and abiding within the said Hundred of *Saint Briavels*, of the Age of Twenty-one Years and upwards, who shall have worked a Year and a Day in a Coal or Iron Mine within the said Hundred of *Saint Briavels*, shall be deemed and taken to be Free Miners for the Purposes of this Act.

#### **XV Quarrymen to be deemed Free Miners for certain Purposes.**

And be it enacted, That all Male Persons born or hereafter to be born and abiding within the said Hundred, of the Age of Twenty-one Years and upwards, who shall have worked a Year and a Day in a Stone Quarry within the said Forest, shall for the Purposes of this Act, so far as relates to having Gales or Leases of Stone Quarries within the open Lands of the said Forest, but not otherwise, be taken to be Free Miners.

#### **XVI Register of Free Miners to be made.**

And be it enacted, That the Gaveller or Deputy Gaveller for the Time being shall immediately after the passing of this Act proceed to form a Register of the Persons being Free Miners ; and all Persons claiming to be Free Miners shall send their Names and Places of Residence, in Writing, to the Gaveller or Deputy Gaveller for the Time being, to be registered in a Book, which such Gaveller or his Deputy is hereby required to keep, for the Purposed entering the same respectively therein; and a List of such Names: and Places of Residence of the Free Miners (distinguishing such as have worked in Mines and such as have worked in Quarries), under the Hand of the Gaveller or Deputy Gaveller for; the Time, being, shall be from Time to Time, and once in every Year at the least, transmitted by him to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall thereupon cause the same to be from Time to Time enrolled in the Office of Land Revenue Records and Inrolments.

**XVII Gaveller may refuse to register, unless Evidence is produced, subject to Appeal to the Commissioners.**

And be it enacted, That it shall be lawful for the Gaveller or Deputy Gaveller for the Time being to refuse to register the Names of any Persons claiming to be Free Miners, without such Persons shall produce Evidence satisfactory to the said Gaveller or his Deputy of their being Free Miners ; and if any Person claiming to be a Free Miner shall be dissatisfied with the Decision of the Gaveller or Deputy Gaveller, it shall be lawful for him to appeal to the said Commissioners hereby appointed.

**XVIII Commissioners may hear Evidence, and their Decision to be final.**

And be it enacted, That it shall be lawful for the said Commissioners hereby appointed by Summons to require" the Attendance of all such Persons as they may think fit to call before them upon any Matter relating to the Claim of any Person to be a Free Miner who shall so appeal, and also to make any Inquiries and require any Answers thereto, and also to administer Oaths, and examine all such Persons upon Oath ; or, in lieu of requiring such Oath as aforesaid, the said Commissioners may, if they think fit, require any Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined ; and the Decision of the said Commissioners upon the Matter of such Appeal shall be final.

**XIX After the Commissioners have ceased to act, Appeal may be made to the Sessions or the Court of Verderers.**

And be it enacted, That after the Commissioners hereby appointed shall have performed the Duties prescribed by this Act, and of which Notice shall be given by them in the *London Gazette*, then such Appeal may be made to any General or Quarter Sessions of the Peace to be held in and for the said County of *Gloucester*, or to any Court of Verderers or Attachments to be held for the said Forest, which Court of Sessions and Court of Verderers or Attachments are respectively hereby empowered to hear and finally determine the Matter of the said Appeal, so as such Appeal be made within Four Calendar Months from the Decision of the said Gaveller or Deputy Gaveller, and so as Notice in Writing of such Appeal be served upon or left at the last known or usual Place of Residence of the Deputy Gaveller for the Time being at least Fourteen Days before such Appeal shall be heard ; and the Costs of all Parties regarding such Appeal shall be paid as the Magistrates in General or Quarter Sessions assembled, or the Verderers, or any Three of them, assembled in the Court of Attachments for the said Forest, shall direct.

**XX Free Miners to be registered.**

And be it enacted, That the Gaveller or Deputy Gaveller for the Time being shall register the Names and Places of Residence of Persons declared to be Free Miners, pursuant to any Order so to be made by the said Commissioners, or by the said Court of General or Quarter Sessions, or by the said Verderers.

**XXI No Person a, Free Miner who is not registered.**

And be it enacted, That no Person shall be deemed a Free Miner whose Name is not registered as such as aforesaid.

## **XXII Extract from the Register to be Evidence.**

And be it enacted, That an Extract, under the Hand of the Gaveller or Deputy Gaveller for the Time being, from the Registry kept by him of the Names of the Free Miners, or from the Duplicate thereof transmitted to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall, if tendered, be admitted in Evidence in any Action, Suit, or other Proceeding.

## **XXIII Gales to be granted to Free Miners.**

And be it enacted, That such Free Miners, duly registered as aforesaid, shall have the exclusive Right of having Gales or Works granted to them by Her Majesty's Officer herein called Gaveller, or the Deputy Gaveller, to open Mines within the said Hundred, and to have Gales or Leases of Quarries within the said Forest as hereinafter mentioned; and it shall be lawful for such Free Miners to sell, transfer, assign, or dispose of such Gales and Works, and all other the Gales and Works to which they are now entitled, and ail Quarries, to be defined as after mentioned, either by Deed or Will, to each other, or to any other Person or Persons whomsoever : Provided always, that no Person registered as a Free Miner by reason of his having worked a Year and a Day in a Quarry shall have a Right to have any Gale made to him of any Mine; but that nothing herein contained shall prevent such Free Miners as shall be registered by reason of having worked a Year and a Day in a Mine from having Leases of Quarries granted to them under the Authority herein-after contained.

## **XXIV Commissioners to make an Award.**

And be it enacted, That the Commissioners hereby appointed shall, within Three Years from the passing of this Act, by their Award in Writing under their Hands, ascertain what Persons; whether as Free Miners or as claiming through or under Free Miners, or as Lessees of Free Miners, were at the passing of this Act in possession of or entitled to Gales for Coal or Iron Mines within the said Hundred, or Stone Quarries within the said Forest, or of any Pits, Levels, or other Works made by virtue of Gales, for the Purpose of working the Coal and Iron Mines of the said Hundred, or of any Estate or Interest therein, and shall cause a Plan or Plans to be made, upon which the Situation of the said Gales, Pits, Levels, Works, and Quarries shall be delineated, so far as the same can be conveniently ascertained, or in such Manner as may point out the general Situation of such Gales, Pits, Levels, Works, and Quarries ; and the said Commissioners shall make a Schedule or Description of the said several Gales, Pits, Levels, Works, and Quarries to accompany the said Plan or Plans, and which shall specify the Mode in which the same shall be worked, so far as the same can be ascertained, and shall ascertain and determine the Extent to which such Gales, Pits, Levels, Works, and Quarries may be continued and worked, and shall in and by their said Award set forth general Rules, Orders, and Regulations under and subject to which the said Mines, Minerals, and Quarries shall be worked and gotten, and shall in like Manner ascertain and determine who were at the passing of this Act in possession of Licences to erect Buildings and Machinery on the Soil of the said Forest for the Purpose of facilitating the working; the said Coal and Iron Mines, and shall make a Schedule or Description of the same, specifying the Time when such Licences were granted, and the Term for which they were granted, and the annual Rents or other Payments thereby made payable to or for the Use of Her Majesty for or in respect of such Licences respectively.

**XXV Commissioners of Woods may grant Leases of small Portions of Land for the Purpose of the Mining Works.**

And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings from Time to Time to grant Leases for Terms not exceeding Thirty-one Years to any Free Miner or other Person entitled to a Gale or Mining Work or" any Part of the uninclosed Waste Land of the said Forest, for the Purpose of erecting thereon any House, Building, or Machinery for the more convenient working any Mine, or for any Purpose connected with any Mine or Work, so as there shall not be included more than One and a Half Acres of Land in any such Lease; and every such Lease shall be granted upon such Conditions and subject to such Covenants or Restrictions as may appear to the said Commissioners to be fit or proper; and every such Lease shall, within Three Calendar Months from the granting thereof be enrolled in the Office of Land Revenue Records and Enrolments, and a Minute or Docquet thereof entered in the Office of Woods, Forests, Land Revenues, Works, and Buildings.

**XXVI Claims to be delivered in.**

And be it enacted, That all Persons having or claiming any Interest in any Gale, Pit, Level, Work, or Quarry shall, by themselves, or their Guardians or next Friend in case of Infants, or Committees in case of Lunatics, or their duly authorized Agents, deliver to the said Commissioners hereby appointed, at some one of such Meetings as the said Commissioners shall appoint, or within such further Time (if any) as the said Commissioners shall for some special Reason think proper to allow, an Account in Writing, signed by them or their respective Agents, of such their Claims, and shall therein describe fully the Nature of their Gales, Pits, Levels, Works, Quarries, Rights, or Claims, with the Names of the Persons then in the actual Possession or Enjoyment thereof, and under what Title, whether original or derivative, the same are held and have been transmitted, or on Non-compliance therewith any Person making default therein shall, so far as respects any Claim so neglected to be delivered, be totally barred of and from all Right to such Gale or Gales, Pits, Levels, Works, or Quarries, and from all Benefit and Interest therein; all which said Claims or Accounts, or true Copies thereof, so far as respects such Gales, Pits, Levels Works, or Quarries, shall at all seasonable Times, until after the Execution of the Award of the said Commissioners, be open to the Inspection of all Parties claiming to be interested in such Gales, Pits, Levels, Works, or Quarries, and their respective Agents, who may take Copies thereof or Extracts therefrom ; and if any Persons claiming to be interested in any Gales, Pits, Levels, Works, or Quarries shall have any Objection to offer to any Account or Claim so to be made as aforesaid, the Particular of such Objection shall be rendered in Writing, and signed by them or their Agents, and shall be delivered to the said Commissioners or their Clerk at or before some other Meeting of the said Commissioners to be by them appointed for that Purpose ; and no such Objection shall be afterwards received unless for some special Cause to be allowed by the said Commissioners at their sole Discretion.

**XXVII Commissioners to set out the Metes and Bounds of each Gale or Work.**

And be it enacted, That the Commissioners hereby appointed shall ascertain, by such Means as they in their Discretion shall think fit, the particular Circumstances of each Gale, and each Pit, Level, Work, or Quarry made by virtue of any Gale, or in respect of any Application for a Gale which may be sanctioned by the said Commissioners as herein-after mentioned ; and the said Commissioners shall by and in their said

Award allot and set out to each Gale, Pit, Level, Work, or Quarry definite Metes and Bounds, and shall cause the same to be delineated or described in a Plan or Plans; and such Metes or Bounds shall form the Boundary and Extent of each such Gale, Pit, Level, Work, or Quarry; and in ascertaining what shall be the proper Metes and Bounds to be affixed as aforesaid, and also in ascertaining the Extent to which or the Mode in which each such Gale, Pit, Level, or Work may be continued and worked, and previously to framing any general Rules, Orders, or Regulations under and subject to which the said Mines, Minerals, and Quarries shall be worked and gotten, the said Commissioners shall receive Evidence to be adduced by the Owners of such Gales, Pits, Levels, Works, and Quarries, and by and on behalf of the Crown, and of the Free Miners respectively, if the same shall be tendered; and further, that in making such Award of the Metes and Bounds the said Commissioners shall take into consideration, as far as the same can be ascertained, the first Cost or Purchase of each Gale, Pit, Level, Work, Quarry, or other Interest or Property connected with the working of the said Gales, Pits, Levels, Works, or Quarries respectively, or any Licence or Permission in Writing for Engines, Buildings, or Machinery on the Soil of the said Forest, and also any other Charge or Expence incident to the Possession or working of each Gale, Pit, Level, Work, or Quarry, the Depth of the Pit, the Extent of the Level or Work necessary for getting the Coal or other Mineral, the Natures of the Strata sunk or driven through, and the incidental Expences occasioned by the greater or less Quantity of Water in such Works respectively, the Number, Thickness, Quality, and Facility of working the Veins or Beds of Coal or other Mineral worked or intended to be worked by such Gale, Pit, Level, or Work, or the contingent Circumstances of each Mine, Level, Pit, or Work, as regards the flowing of Water from adjacent Works, any peculiar Facilities or Difficulties which may have been" experienced in the Progress of working such Gales, Pits, Levels, or Works, the past Circumstances, Profits, and Advantages accruing from the working the said Gales, Pits, Levels, Works, or Quarries, the present Mode and Expence of working the same, the Area, Extent, Limits, Metes, or Bounds to which each Gale, Pit, Level, Work, or Quarry would be worked according to the probable Operation of the present alleged Mining Customs, and the Number, Situation, and particular Circumstances of such Gales, Pits, Levels, Works, and Quarries as are situate within the Limits to be allotted for the future working of each Gale, Pit, Level, Work, or Quarry, and any other Circumstances which may appear to the said Commissioners as fit and proper to be considered by them in order to enable them to come to a just and fair Conclusion in the Premises: Provided nevertheless, that as regards Quarries the Provisions herein-before contained shall only extend to such as in the Opinion of the said Commissioners hereby appointed have been actually and *bonâ fide* in work within Five Years next before the passing of this Act; and that the Persons who may be entitled to any Quarries to be defined, specified, and set out in the Award of the said Commissioners shall be entitled to hold and enjoy the said Quarries (subject to the Rules and Regulations for working the same to be contained in any Award of the said Commissioners) for the Term of Twenty-one Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and thirty-eight, rendering and paying to Her Majesty, Her Heirs and Successors, or to the Gaveller or Deputy Gaveller for the Time being, for and on behalf of Her Majesty, on the Twenty-ninth Day of *September* in every Year, such Rents as in any Award of the said Commissioners hereby appointed shall be specified, not exceeding the Amount, of Three Shillings and Four-pence *per Annum* for each Quarry; and if the Persons who at the passing of this Act shall be entitled to any such Quarries as aforesaid shall be alive at the Expiration of the said Term of Twenty-one Years, then such Persons respectively so being alive shall thenceforth be entitled to continue to hold and enjoy such Quarries respectively at such and the same yearly Rent, and under and subject to such Rules and Regulations as aforesaid, for the Term of their respective Lives ; and that after

the Expiration of the said Term of Twenty-one Years, or the Death of the Parties so respectively entitled to such Quarries as aforesaid, the yearly Rent to be paid to Her Majesty, Her Heirs and Successors, for the said Quarries respectively as aforesaid, shall be ascertained and fixed by the Gaveller or Deputy Gaveller for the Time being for the Term of Twenty-one Years next ensuing the Cesser and Determination of the former yearly Rent, and so on for any succeeding Term of Twenty-one Years; but if any Persons entitled to any such Quarries as aforesaid shrill not, within the Space of Three Calendar Months after the Cesser and-Determination of the former yearly Rent, enter into an Agreement in Writing with the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings determining the yearly Rent to be paid and payable to Her Majesty for the further Term of Twenty-one Years, or if any Dispute shall arise between the Gaveller or Deputy Gaveller and any Person entitled to any such Quarry as aforesaid, respecting the Amount of the yearly Rent to be paid to Her Majesty in respect of any such Quarry as aforesaid, then it shall be referred to Arbitrators to ascertain and determine the yearly Rent to be paid to Her Majesty in respect of any such Quarry, in such Manner in all respects as is hereinafter provided for the ascertaining and determining the Amount of Rent, Royalty, or Tonnage Duty to be paid to Her Majesty in respect of any Gale, Pit, Level, or Work, at the End of Twenty-one Years, as herein-after mentioned, so as in the ascertaining and determining such Rent the particular Circumstances attending the Quarry, and its Extent and probable Cost of working, shall be taken into consideration.

#### **XXVIII Commissioners may unite Two or more Works, and award Compensation.**

And be it enacted, That where any Gales, Pits, Levels, or Works shall appear to the said Commissioners hereby appointed to be situated so that any of them cannot be separately wrought without great Loss to the Parties working the same, or without producing great Injury and Detriment to any adjoining or contiguous Gale, Pit, Level, or Work, or to the proper and effectual working of any of the Veins or Beds of Coal or other Minerals within the said Hundred, which require the Use of expensive Pits, Engines, or Machinery, then and in all or any of such Cases it shall be lawful for the said Commissioners hereby appointed to determine which of the said Gales, Pits, Levels, or Works shall be given up by the Owner or Owners thereof, and to allot to him or them, with the Approbation of the Gaveller or his Deputy, some other Gale, which, according to the Judgment of the said Commissioners, shall be of equal Value with the Gale, Pit, Level, or Work so to be given up, and upon the granting of such new Gale allotted as aforesaid, the Right of the said Owner or Owners to the Gale, Pit, Level, or Work so to be given up shall absolutely cease and determine; or in case of the said Commissioners thinking it proper, it shall be lawful for them to unite One or more Gales, Pits, Levels, or Works with any Gale, Pit, Level, or Work which shall be deemed by the said Commissioners hereby appointed to be situated and circumstanced so as to be well adapted for the proper and effectual working of the said Veins or Beds of Coal or other Minerals, and by their said Award to ascertain and direct what Compensation shall be paid, and by whom, to any Person or Persons entitled to any Gale, Pit, Level, or Work which may be united or proposed by the said Commissioners to be united with any other Gale, Pit, Level, or Work ; and upon Payment of such Compensation, all Right of the Person or Persons to whom the same shall be paid, in such Gales, Pits, Levels, Works, or Quarries, shall absolutely cease : Provided always, that if the Person or Persons by whom the Compensation shall be directed to be paid shall refuse or neglect to pay such Compensation for the Space ,of Twenty-one Days next after Notice from the said Commissioners hereby appointed so to do, then the said Commissioners shall by their said Award allot and set out definite Metes and Bounds for each such Gale, Pit, Level, or Work for which Compensation shall not be paid as

aforesaid, and it shall be lawful for the Person or Persons entitled thereto to proceed to work the same in all respects as if the same had not been united, or had not been proposed to be united, to any other Gale, Pit, Level, or Work.

**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.**

And be it enacted, That the Commissioners hereby appointed shall in and by their said Award specify such general Rules and Regulations as to them shall seem equitable for the Mode in which all the said Gales, Pits, Levels, Works, and Quarries, as well opened or to be opened, shall be worked, and shall also specify what Buildings may remain or be erected on any of the open and uninclosed Lands of the said Hundred, for the Purposes of working such Gale, Pit, Level, or Work; and shall also, as far as the same can be ascertained, specify the Mode and Extent to which all future Gales, Pits, Levels, or Works shall be granted by the Gaveller or Deputy Gaveller for the Time being, having regard to the Quantity of Coal, Iron, or other Mineral comprised in and which may be got by means of such Gales, Pits, Levels, or Works respectively, and the Terms and Regulations under which the same shall be held and worked ; and that after such Award all and every the Gales, Pits, Levels, and Works in the said Hundred, and all the Quarries in the said Forest, shall be opened and worked according to the true Intent of such Rules and Regulations; and that in case any Person or Persons entitled to or in the Possession of any Gale, Pit, Level, Work, or Quarry within the said Hundred, now granted or hereafter to be granted, awarded, or leased, shall wilfully proceed in opening or working any such Gale, Pit, Level, Work, or Quarry, contrary to the said Rules and Regulations, and the Directions to be contained in any Award of the said Commissioners hereby appointed, after Seven Days Notice in Writing from the Gaveller or Deputy Gaveller to stop and discontinue such opening and working, left at or upon the said Gale, Pit, Level, Work, or Quarry, or at the last known or usual Place of Abode of such Person or Persons as aforesaid, then the said Gales, Pits, Levels, Works, or Quarries shall be liable to be forfeited as and for a Breach of Condition, and the same shall always after the said Award be considered as held on Condition of performing and abiding by the said Rules and Regulations in all respects ; and the Person or Persons in possession of any such Gales, Pits, Levels, Works, or Quarries may be evicted therefrom by Her Majesty, Her Heirs or Successors, as might be done on the Forfeiture of a Lease for Breach of Condition ; and all such Gales, Pits, Levels, Works, or Quarries so forfeited shall be subject to be again galed or leased as other the Mines, Minerals, or Quarries in the said Forest and Hundred; and, in addition to such Right or Power of Eviction, the Compliance with such Rules, Orders, and Regulations may be enforced by and on the Behalf of Her Majesty, Her Heirs or Successors, or by any other Person or Persons, by Injunction of Her Majesty's Court of Exchequer, or otherwise in such Manner as the said Court shall on Application think fit.

**XXX Claims to Timber to cease, and the Value thereof to be taken into consideration in settling the Royalty.**

And be it enacted, That from and after the passing of this Act all Claim or Right of any Free Miner to Timber or Wood of the said Forest Growth shall cease: Provided always, that in fixing the Galeage Rent, Royalty, Tonnage Duty, or other Payments to be paid to Her Majesty, Her Heirs and Successors, the Commissioners hereby appointed shall take into consideration the Value of such Claim or Right hereby extinguished, having regard to the Provisions contained in all or any of the Acts of Parliament under the

Authority of which Railways may have at any Time heretofore been made within the said Forest or any Part thereof.

**XXXI After the Award is made the Customs to cease.**

And be it further enacted, That from and after the Execution of the Award of the said Commissioners hereby appointed, specifying such Rules and Regulations as aforesaid, all and every the Customs respecting the said Mines, Minerals, and Quarries in the said Forest of *Dean* and also in the said Hundred of Saint Briavel's; and the Rights and Privileges of or claimed by the said Free Miners, other than such as are or may be confirmed by this Act, or any Award specifying such Rules and Regulations as aforesaid, shall absolutely cease.

**XXXII The Awards, Plans, &c. to be signed by the Commissioners in Triplicate.**

And be it enacted, That the said Plans, Descriptions, and any Award hereby directed to be made, shall be signed in Triplicate by the said Commissioners hereby appointed, and within One Calendar Month from the Date thereof one Part thereof shall be lodged in the Office of Land Revenue Records and Enrolments, another Part with the Clerk of the Peace for the County of *Gloucester*, and a Third Part with the said Gaveller or Deputy Gaveller; and that the Keeper of Land Revenue Records and Enrolments and Clerk of the Peace and Deputy Gaveller shall furnish Copies or Extracts thereof at the Rate of Sixpence *per* Folio of Seventy-two Words, and shall, for a Fee of Two Shillings and Sixpence, permit the same to be examined and compared with the Originals at all seasonable Times by any Free Miner or any other Person; and the said Clerk of the Peace, Gaveller, or Deputy Gaveller shall also at all seasonable Times permit any Person interested to inspect the said Award, when so deposited with him as aforesaid, upon Payment of a Fee of Two Shillings and Sixpence for each such Inspection.

**XXXIII Commissioners may make Award in separate Branches.**

And be it enacted, That it shall be lawful for the said Commissioners to make their said Award in respect of the Matters hereby directed to be done from Time to Time as to separate Parts or Branches thereof as they shall see fit, so as the same shall be done within the Period and in the Manner prescribed or authorized by this Act.

**XXXIV Parties may appeal to Privy Council against Award.**

And be it enacted, That if within Three Calendar Months from the making and publishing any Award by the said Commissioners hereby appointed any Person shall think himself aggrieved by such Award, by reason that the same is not made in conformity with the Powers and Authorities hereby given to the said Commissioners, or that the Rights and Interests of any of the Parties in any Gale, Pit, Level, Quarry, or other Works have not been properly considered or estimated, it shall be lawful for him to prefer any Petition of Appeal to Her Majesty in Council against any such Award, or any Part thereof, or any Rule or Regulation therein contained ; and it shall be lawful for Her Majesty in Council, or for any Committee of Privy Council, as Her Majesty shall direct, to hear such Appeal; and Notice thereof shall be served by the Party, making such Appeal upon the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, who shall thereupon, if they think fit, undertake the Defence of such Award ; and upon hearing any such Appeal it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of

such Award in such Manner as to Her Majesty may seem meet: Provided always, that when the Defence of any such Award shall be undertaken by the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings not any of the Parties to such Appeal shall be liable to the Payment of the Costs of the other Party or Parties thereto ; and when the Defence of the said Award shall not be undertaken by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, the Defence thereof may thereupon be undertaken by any other Person claiming to be interested therein ; and the Costs relating to any such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council.

**XXXV Commissioners of Woods, on behalf of Her Majesty, may appeal.**

And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, if it shall seem to them fit so to do, within the Time herein-before limited, in like Manner to present a Petition of Appeal, in the Name of Her Majesty's Attorney General for the Time being, against such Award, or any Rule, Order, or Regulation therein contained; and thereupon it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of such Award in such Manner as to Her Majesty may seem meet; and on any such Petition of Appeal being presented as last aforesaid, Notice thereof for at least One Calendar Month before the same shall be heard shall be published in One or more of the public Journals circulated in the said County of *Gloucester* ; and it shall be lawful for any Free Miner or other Person interested in the Premises to appear and defend the said Award; and if such Award shall be confirmed, then the Costs attending such Defence (to be taxed as aforesaid) shall be paid by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; if otherwise, the Party so appearing to pay his own Costs.

**XXXVICourt of Exchequer may order Works to be stopped until Appeal is heard.**

Provided always, and be it enacted, That on any Appeal against such Award as aforesaid being lodged, it shall and may be lawful for the Court of Exchequer, on Application by the Commissioners for the Time being of Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, or on Application by any Party or Parties in any wise interested (if the same shall appear fit), to stop, by way of Injunction, any Proceeding under any such Award, in so far as regards the Matters appealed against, until such Appeal shall be heard and determined ; or if the said Court of Exchequer shall see fit, the said Court may order or allow the Party or Parties interested to proceed in any Works, notwithstanding such Appeal, on such Conditions, and on giving such Security, and on keeping such Accounts as the said Court shall order or direct ; and it shall be lawful for the said Court to make and give such Orders and Directions in the Premises as to the said Court of Exchequer shall seem fit.

**XXXVIThe Award as altered by the Privy Council to have the same Effect as if made by the Commissioners.**

And be it enacted, That upon the Hearing of any such Appeal the Three Parts of the said Award may be altered in such Manner as may be signified by an Order to be made by Her Majesty in Council for that Purpose ; and such Award so altered shall have the same Force as if the same had been made and signed by the said Commissioners in pursuance of this Act, and had not been appealed against.

**XXXVI Applications for Gales not to confer a Title.**

And be it enacted, That no Person shall be considered as entitled to any Gale at the Time of the passing of this Act, unless such Gale shall have been duly granted by the Gaveller and entered on the Gaveller's Books on or before the Ninth Day of *April* One thousand eight hundred and thirty-two; and an Application made by any Person for a Gale, but which has not been duly granted by and entered in the Books of the Gaveller or Deputy Gaveller, (except as regards such Gales, Pits, Levels, or Works as shall be awarded and confirmed by the said Commissioners hereby appointed under the Authority in that Behalf herein-after contained,) shall not confer a Title to any Gale.

**XXXIX Adjustment of Gales applied for and acted on since 1832, but not granted.**

And whereas since the Ninth Day of *April* One thousand eight hundred and thirty-two the granting of Gales in the said Forest and Hundred has been suspended, but since the Ninth Day of *April* One thousand eight hundred and thirty-two various Applications in Writing have been made by free Miners of Gales at Various Places in the said Forest and Hundred: And whereas, although such Applications have not been granted, nevertheless the same have in some Instances been acted upon as if they had been granted, and Works have been erected and proceeded in under such Applications at considerable Expence ; now therefore be it enacted, That the Commissioners, appointed under this Act shall determine by their said Award whether any and what Gales for which such Applications have been made subsequent to the said Ninth Day of *April* One thousand eight hundred and thirty-two, and have been so acted upon, can be granted without Injury or Detriment to any legally existing Gales, Pits, Levels, or Works which have been granted previously to the Ninth Day of *April* One thousand eight hundred and thirty-two, and reasonably proceeded with or without Injury to the reasonable Claims or present legal or customary Powers of Parties lawfully possessed of or entitled to such Gales, Pits, Levels, or Works contiguous to the Sites of Gales for which Applications have been made and acted upon as aforesaid; and where it shall appear to the said Commissioners that such last-mentioned Gales can be so granted, the said Commissioners shall have Power and are hereby authorized and directed in and by their said Award to award, sanction, and confirm the same accordingly, and such Gales so awarded, sanctioned, and confirmed by the said Commissioners shall be held and enjoyed by the Grantees thereof as fully and freely as if the same had been originally regularly and lawfully applied for and granted, and duly entered in the Books of the Gaveller or Deputy Gaveller; but where it shall appear to the said Commissioners that Gales in respect of which Applications have been so made and acted upon cannot be so granted, then the said Commissioners shall have Power and they are hereby authorized and directed in and by their said Award to determine and declare whether such last-mentioned Gales shall be wholly null and void, or whether the same shall be annexed to any and what previously existing Gales, Pits, Levels, or Works, and every Gale so declared by the said Commissioners null and void shall be and the same is hereby made absolutely null and void; and every Gale so ordered to be annexed by the said Commissioners to some previously existing Gale, Pit, Level, or Work shall be taken and held to be so annexed as firmly and securely as if the same were so annexed by this Act; provided, that where the said Commissioners shall determine that any such Gale shall be annexed to any previously existing Gale, Pit, Level, or Work, the said Commissioners shall ascertain by the best Means in their Power whether any and what Compensation ought to be paid for the same, and to whom and by whom, and shall in and by their said Award order such Compensation as they shall think just and reasonable to be paid for or in respect of such Gale so annexed to some previously existing Gale, Pit, Level, or Work, and for or in respect of any Works *bonâ fide* erected

or commenced upon the Site of such Gales, by and to such Person or Persons as they shall in their Judgment think fit; and in case such Compensation so ordered to be paid by the said Commissioners shall not be paid according to their said Award, then the said Gale so Ordered to be annexed to some previously existing Gale, Pit, Level, or Work shall, instead of being so annexed, remain and belong to the Person or Persons to whom such Compensation in respect thereof shall have been awarded but not paid, to hold and enjoy such Gale as if the same had been awarded, sanctioned, and confirmed and granted to him or them by the said Commissioners by the Provisions of this Act; and all Gales so awarded, sanctioned, and confirmed shall in all respects be subject to the Enactments and Provisions in this Act contained with respect to Gales legally existing previously to the said Ninth Day of *April* One thousand eight hundred and thirty-two.

**XL Sales of Gales confirmed.**

And be it enacted, That all Sales, Mortgages, Leases, or other Dispositions of any Gale, Pit, Level, Quarry, or Work at any: Time before the passing of this Act made or granted by any Free Miner to any other Persons whomsoever shall be confirmed so far only as relates to any Custom which may exist prohibiting such Sales, Mortgages, Leases, or other Dispositions, and subject nevertheless as herein mentioned ; and no Forfeiture of any Gale, Pit, Level, Quarry, or Work so sold, mortgaged, leased, or otherwise disposed of as aforesaid shall be incurred by reason that the Vendors or the Purchasers, or the Mortgagors or Mortgagees, Lessors or Lessees, of such Gale, Pit, Level, Quarry, or Work have not heretofore worked the same according to the said alleged Customs.

**XLI Commissioners to fix Royalty payable to Her Majesty for existing Coal Works.**

And be it enacted, That the said Commissioners hereby appointed shall determine by their said Award the Amount of the Galeage Rent, Royalty, Tonnage Duty, or other Payments payable and to be paid to Her Majesty, Her Heirs and Successors, for or in respect of Coal to be got by means of the several Gales, Pits, Levels, or Works now existing within the said Hundred, and which shall be ascertained and set forth in their said Award, so that such Galeage Rent, Royalty, Tonnage Duty, or Payments do not in any Case exceed the Sum of Four-pence *per* Ton of Twenty Hundred Weight of One hundred and twelve Pounds: Provided always, that in fixing the Amount of such Galeage Rent, Royalty, Tonnage Duty, or other Payments, the said Commissioners shall have due Regard to the relative Value of the Coal to be gotten in each Pit or Level, and shall to the best of their Judgment fix the Amount to be paid in respect thereof in proportion to such relative Value.

**XLII Commissioners to fix Royalty for Iron, in respect of existing Works, and also for any other Mineral.**

And be it enacted, That the said Commissioners hereby appointed shall determine by their Award the Amount of the Galeage Rent, Royalty, Tonnage Duty, or other Payments payable and to be paid to Her Majesty, Her Heirs and Successors, for or in respect of Iron Ore to be got and raised by means of the several Gales, Pits, Levels, or Works now existing within the said Hundred, and which shall be ascertained and set forth in their said Award ; so nevertheless that such Galeage Rent, Royalty, Tonnage Duty, or other Payments shall not in any Case exceed the Sum of Four-pence *per* Ton of Twenty Hundred Weight of One hundred and twelve Pounds for Iron Ore ; and the

said Commissioners shall determine by their said Award the Amount of Galeage Rent, Royalty, Tonnage Duty, or other Payments payable and to be paid to Her Majesty, Her Heirs and Successors, for or in respect of any other Mineral, other than Coal and Iron, to be got and raised by means of the several Gales, Pits, Levels, or Works now existing within the said Forest and Hundred, and which shall be ascertained and set forth in their said Award ; so nevertheless that such last-mentioned Galeage Rent, Royalty, Tonnage Duty, or other Payments shall not in any Case exceed One Tenth Share of the Value of such Mineral (other than Coal and Iron) when made marketable.

**XLIII Rents payable under Licences for erecting Steam Engines, &c. to be considered in awarding future Rents.**

Provided always, and be it enacted, That in fixing the said Galeage Rent, Royalty, or Tonnage Duty the said Commissioners shall take into their Consideration the Rent or Rents now payable to Her Majesty by the Owner or Owners of any existing Gales, Pits, Levels, or Works under Leases or Licences granted for the Erection of Steam Engines or the Formation of private Railways or Tram-roads, for the more convenient working of any of the said Gales, Pits, Levels, or Works; which Rent or Rents now payable to Her Majesty under or by virtue of such Leases or Licences (being so taken into consideration by the said Commissioners) shall from and after the making of the said Award merge and be extinguished in the Galeage Rent, Royalty, or Tonnage Duty to be settled and awarded by the said Commissioners as payable to Her Majesty in respect of existing Gales, Pits, Levels, or Works as aforesaid.

**XLIV Future Rent to be deemed in lieu of Right to put in a Fifth Man.**

Provided always, and be it enacted, That the Galeage Rent, Royalty, Tonnage Duty, or other Payments to be ascertained and determined by the said Commissioners hereby appointed as payable and to be paid to Her Majesty, Her Heirs and Successors, as aforesaid, for or in respect of Coal or Iron Ore to be got by means of the several Gales, Pits, Levels, or Works now existing within the said Hundred, and which shall be set forth in their said Award, shall be deemed and taken in lieu of the Right of Her Majesty, Her Heirs and Successors, to put in a Fifth Man to work the said Gales, Pits, Levels, or Works respectively and share the Profit thereof, such Right being the Basis and Maximum of the Calculation to be made for ascertaining the said Galeage Rent, Royalty, or Tonnage Duty payable and to be paid to Her Majesty, Her Heirs and Successors, as aforesaid.

**XLV Commissioners to make Rules and Orders for keeping Accounts of the Produce.**

And be it enacted, That the said Commissioners hereby appointed shall by their said Award lay down such Rules, Orders, and Regulations, and give such Directions as to the Mode of keeping Accounts of the Produce of the said Gales, Pits, Levels, Works, or Quarries respectively, or otherwise for the Purpose of enabling the said Gaveller or Deputy Gaveller for the Time being, or the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, from Time to Time to ascertain the Amount of Rent, Royalty, Tonnage Duty, or other Payments to be paid to Her Majesty, Her Heirs and Successors, in respect thereof, as to the said Commissioners hereby appointed shall appear fit and proper.

**XLVI The Royalty to cease at the End of every Twenty-one Years, and new Royalty to be thereupon payable to Her Majesty.**

And be it enacted, That, as regards existing Gales, Pits, Levels, or Works, the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs and Successors, shall at the End of Twenty-one Years from the making of the said Award, and soon thereafter at the End of every subsequent Twenty-one Years, cease if the Gaveller or Deputy Gaveller, or the Person or Persons entitled to such Gale, Pit, Level, or Work, shall so elect; and as regards Gales, Pits, Levels, or Works hereafter to be granted, the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs or Successors, under or by virtue or in respect of any Gale hereafter to be granted, shall at the End of Twenty-one Years, and so on thereafter at the End of every subsequent Twenty-one Years from the granting thereof, cease if the said Gaveller or Deputy Gaveller, or the Person or Persons entitled to the said Gale, Pit, Level; or Work, shall so elect; and upon any such Cesser the Gaveller or Deputy Gaveller for the Time being shall fix the Amount of the new Galeage Rent, Royalty, or Tonnage Duty to be paid for the Twenty-one Years then next ensuing the -Cesser and Determination of the former Galeage Rent, Royalty, or Tonnage Duty in lieu of the Right of Her Majesty, Her Heirs and Successors, to put in a Fifth Man to work the said Gales, Pits, Levels, or Works respectively and share the Profit thereof, (such Right being the Basis and Maximum of the Calculation to be made for the ascertaining from Time to Time the new Galeage Rent, Royalty, or Tonnage Duty payable and to be paid to Her Majesty, Her Heirs and Successors, as aforesaid,) and so as in the fixing from Time to Time the said new Galeage Rent, Royalty, or Tonnage Duty, and also in fixing the Galeage Rent, Royalty, or Tonnage Duty on the First Grant of any Gale hereafter to be granted under the Provisions of this Act, the particular Circumstances attending the Gale, Pit, Level, or Work, and its Extent and probable Cost of working, and other Circumstances usual in the Estimation of Mining Rents or Royalty, shall be taken into consideration by the Gaveller or Deputy Gaveller for the Time being.

**XLVII In case of Dispute the Amount of new Royalty to be referred to Arbitration.**

Provided always, and be it enacted, That if any Person or Persons entitled to any Gale, Pit, Level, or Work shall not within the Space of Three Calendar Months after the Cesser and Determination of the Galeage Rent, Royalty, or Tonnage Duty enter into an -Agreement in Writing with the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, determining the new Galeage Rent, Royalty, or Tonnage Duty, or if any Dispute shall arise between the Gaveller or Deputy Gaveller for the Time being and any such Person or Persons entitled to any Gale, Pit, Level, Work, or Quarry, respecting the Amount or Nature of such new Galeage Rent, Royalty, or Tonnage Duty to be so fixed by the said Gaveller or Deputy Gaveller for the Time being as aforesaid, the Matter in dispute shall be referred to the Decision of an Arbitrator to be appointed by the Gaveller or Deputy Gaveller for the Time being and the Person or Persons so disputing as aforesaid, by some Writing under their respective Hands ; and if the said Parties shall not. be able to agree respecting the Appointment of such Arbitrator, then Application, after Fourteen Days Notice given to the Party disputing, shall be made on the Behalf of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to the Court of Exchequer to appoint a fit Person to assign and determine the Amount of the new Galeage Rent, Royalty or Tonnage Duty, and thereupon it shall be referred to such Arbitrator, who shall determine the same ; and the Decision of such Arbitrator, whether named by the said Parties or by the said Court of Exchequer, in Writing under his Hand, shall be final and binding upon all Parties ; and the Amount of new Galeage

Rent, Royalty, or Tonnage Duty fixed by such Arbitrator shall be the Amount to be payable by the Owner of such Gale, Pit, Level, or Work, his Executors, Administrators, and Assigns, to Her Majesty, Her Heirs and Successors, subject to such Determination thereof by Election at the End of Twenty-one Years as aforesaid.

**XLVIII Arbitrator may hear Evidence, and his Decision to be final.**

And be it enacted, That it shall be lawful for any such Arbitrator so to be appointed as aforesaid, by Summons under his Hand, to require the Attendance of all such Persons as he may think fit to call before him upon any Question or Matter connected with or relating to any Dispute or Difference which may be referred to him, and also to administer Oaths and examine all such Persons upon Oath; or, in lieu of requiring such Oath as aforesaid, the said Arbitrator may, if he thinks fit, require any such Person to take and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined; and the Award of such Arbitrator as aforesaid shall be enforced by an Order for that Purpose made by the Judges of Her Majesty's Court of Exchequer, and in all respects as if the same had been made a Rule of Court as by the Statute is provided, or by the Injunction of the said Court of Exchequer.

**XLIX Payment of Arbitrator in equal Moieties by the Crown and the Party disputing.**

And be it enacted, That on the Appointment of every such Arbitrator by the Court of Exchequer, the Rate and Mode of his Remuneration shall be fixed by the said Court; and such Remuneration, as also the Remuneration of any Arbitrator to be appointed by the said Gaveller or Deputy Gaveller for the Time being, and such Person or Persons so disputing as aforesaid, and also the Costs and Expences attending the Arbitration, shall be paid in equal Moieties ; (that is to say,) one Moiety thereof by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, out of any Monies which may be at their Disposal, and the other Moiety shall be paid by the Person or Persons so referring such Question as aforesaid.

**L Agreements and Awards fixing new Royalty to be enrolled.**

And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on the Receipt of any Agreement or the Award of the Arbitrator (as the Case may be) re-fixing the Galeage Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs and Successors, shall cause such Agreement or Award to be enrolled in the Office of Land Revenue Records and Enrolments.

**LI The Royalty now payable to continue until the Commissioners make their Award.**

And be it enacted, That until the said Commissioners hereby appointed shall have made an Award ascertaining and determining the Galeage Rent, Royalty, or Tonnage Duty as regards the existing Gales, Pits, Levels, Works, or Quarries, the Share, Rent, or other Payments now receivable, due, or made shall continue to be receivable by or payable and made to or to the Use of Her Majesty, Her Heirs and Successors, in all respects as if this Act had not passed.

**LII Power for the Recovery of Royalty.**

And be it enacted, That all and every the Powers of taking suing for, or recovering of the said Share, Rents, and Payments now in force by virtue of any Statute, Custom, Grant, or otherwise shall continue to be in force; and the said Powers, so far as the same may be applicable, shall apply to any Galeage Rent, Royalty, Tonnage Duty, or Payments hereafter to be ascertained, fixed, and determined either by the said Award as aforesaid or by any other Means howsoever: Provided always, that in case the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall at any Time after the passing of this Act think fit to agree with the Person or Persons entitled to any Gale, Pit, Level, or Work for a fixed or certain annual Rent or Rents to be paid to Her Majesty, Her Heirs and Successors, in lieu of Galeage, Royalty, or Tonnage Duty for any Term not exceeding Twenty-one Years, then and in every such Case it shall be lawful for the said Commissioners and they are hereby authorized and empowered so to do; and in every such Case such fixed Rent or Rents shall be recoverable by the same Means as the Galeage, Royalty, Tonnage Duty, or other Payments (in lieu of which such fixed Rent or Rents shall be agreed upon) is hereby authorized to be recovered.

**LIII Gaveller and others on behalf of Her Majesty may enter and survey Works.**

And be it enacted, That it shall be lawful for the said Commissioners hereby appointed, and also for the said Gaveller or Deputy Gaveller, and for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being respectively, for and on behalf of Her Majesty, Her Heirs and Successors, and their or any of their Agents, Servants, or Workmen, at all seasonable Times, to enter into and upon any Gale, Tit, Level, Work, or Quarry now existing, or which may hereafter be opened, made, or worked within the said Hundred, and to inspect the State and Workings of every Part thereof, and to make a Plan thereof; and the Owner or Occupier of every such Gale, Pit, Level, or Work shall furnish the said Commissioners hereby appointed, the Gaveller, Deputy Gaveller, or the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and his and their Agents, with all proper and requisite Facilities and Information to enable them respectively to perfect such Surveys and Plans.

**LIV Copy of General Rules to be hung up in the Speech House.**

And be it enacted, That the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall cause a Copy of all the Rules and Regulations for the opening and working the Gales, Pits, Levels, Quarries, or Works within the said Hundred to be from Time to Time made by the said Commissioners hereby appointed to be written or printed on Vellum or Parchment, and to be hung in the Speech House or some other convenient Place within the said Forest, there to remain for the Perusal and Inspection at seasonable Times of all Parties interested therein.

**LV Commissioners may make temporary Rules.**

And be it enacted, That it shall be lawful for the Commissioners hereby appointed, at any Time before they shall make their Award, to make such temporary Rules and Regulations for the Mode of working the said Mines, Minerals, and Quarries, or any of them, or any Gales, Pits, Levels, or Works respectively, or for the stopping the working of any Gale, Pit, Level, Work, or Quarry, as to them shall seem fit;

and the same, when subscribed by the said Commissioners under their Hands and Seals, shall be forthwith published in the *London Gazette*, and also in some One or more Newspaper or Newspapers usually published or circulated in the said County of *Gloucester*; and such temporary Rules and Regulations may be enforced by the Injunction of the Court of Exchequer on Petition or summary Application for that Purpose made to the said Court by or on behalf of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, or any other Parties interested in the Premises, or in such other Manner as to the said Court may seem fit: Provided always, that all such temporary Rules and Regulations shall be made after due Investigation and in manner aforesaid.

#### **LVI Rules to be observed in granting Gales hereafter.**

And be it enacted, That in every Grant of a Gale made after the passing of this Act the Metes, Bounds, Limits, and Extent of such Gale, and the Galeage Rent, Royalty, or Tonnage Duty to be paid to Her Majesty, Her Heirs and Successors, for the same, shall be specified in the Grant thereof; and all Gales hereafter to be granted shall be of such Extent as the Gaveller or Deputy Gaveller for the Time being, with the previous Approbation and Allowance of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or of any Two of them, to be signified in Writing under their Hands and Seals, shall think fit, having reference to the Extent of the Works necessary for obtaining Access to the Coal or Mine, and under any special Rules and Regulations for the working thereof which the said Gaveller or Deputy Gaveller, subject to such Approbation and Allowance, and signified as aforesaid, shall think necessary, so as such special Rules and Regulations are not inconsistent with the General Rules and Regulations to be made by the said Commissioners hereby appointed; and all such Gales shall, on the granting thereof, be worked and used under and by virtue of this Act, and under any such special Rules and Regulations, in all respects as if the same had been set forth in the Award of the said Commissioners: Provided nevertheless, that no Gale shall be granted by the said Gaveller or Deputy Gaveller at any Time before the said Commissioners shall have made their final Award, except with the Sanction of the said Commissioners hereby appointed, as regards the Extent thereof, and the Terms and Conditions relating to the working thereof: Provided nevertheless, that no Gale shall hereafter be granted until Fourteen Days Notice at the least of the Application for the same, specifying the Situation and Particulars thereof, shall have been published by the said Gaveller or Deputy Gaveller for the Time being in some One or more Newspaper or Newspapers published and circulated in the said County of *Gloucester*, and in which Notice the Day and Hour on which and the Place at which it is intended to grant the said Gale shall be specified: Provided always, that if any Free Miner claiming to be entitled to a Gale to be made to him after the passing of this Act shall not agree with the Gaveller or Deputy Gaveller for the Time being as to the Amount of the Galeage Rent, Royalty, or Tonnage Duty to be paid for the same, and to be specified in the Grant thereof) then it shall be referred to an Arbitrator to determine the Amount of such Galeage Rent, Royalty, or Tonnage Duty in like Manner in all respects as is herein-before provided on the Cesser of any Galeage Rent, Royalty, or Tonnage Duty as aforesaid, who shall in manner aforesaid determine the Galeage Rent, Royalty, or Tonnage Duty which ought to be paid.

**LVII Grants of Gales to be entered in Gaveller's Books, and enrolled in the Office of Land Revenue Records and Enrolments.**

And be it enacted, That on the granting any Gale the Grant thereof and all the Terms and Conditions thereof, and the Payments to be made in respect thereof, shall, within Fourteen Days from the granting thereof, be entered in the Books of the Gaveller or Deputy Gaveller of the said Forest, who shall thereupon grant to the Free Miner a Copy of such Entry certified under his Hand, for which a Fee of Five Shillings shall be paid ; and no Grant of any Gale hereafter shall be valid and effectual unless and until the same be so entered as aforesaid; and the Gaveller or Deputy Gaveller shall every Three Months transmit a true Copy of all the Grants of Gales made during the preceding Three Months to the Commissioners of Her Majesty's-Woods, Forests, Land Revenues, Works, and Buildings, who shall cause the same to be entered in their Office, and shall thereupon transmit them to the Keeper of Land Revenue Records and Enrolments, there to remain of Record for ever,

**LVIII Assignments of Gates to be entered in Gaveller's Books.**

And be it enacted, That a Minute or Docquet of all Transfers to be made after the passing of this Act of all Gales within the said Hundred, including all such as are now existing, or hereafter to be ascertained in the said Award, or hereafter to be granted, and of all Transfers of Leases of Quarries hereafter to be granted, shall be entered in the Books of the Gaveller or Deputy Gaveller for the Time being within Three Calendar Months after the making thereof respectively, who shall thereupon indorse and sign a Memorandum of such Entry, and the Date thereof, on such Transfer, or, in the Case of an Assignment of a Gale granted' after the passing of this Act, on the original Certificate of the Grant thereof; and a Fee of Two Shillings and Sixpence shall be paid for every such Entry, or in default thereof such Transfers shall be void.

**LIX Commissioners of Woods may authorize nunc pro tunc Entries of Assignments.**

Provided always, and be it enacted, That in all Cases where the Entry of any Transfer shall be omitted or delayed beyond the Period provided for the Entry thereof it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any Two of them, for any reasonable Cause to them shown for the Omission or Delay, to permit the making of any such Entry nunc pro tunc, and the same, when made under such Authority, shall be valid as if made within the aforesaid Period limited.

**LX Gaveller to grant Gales in order of Application.**

And be it enacted, That the Gaveller or Deputy Gaveller for the Time being shall grant Gales to Free Miners in the Order of their Applications in Writing to be made from and after the passing of this Act; and the Entry of such Applications in the Books of the Gaveller or Deputy Gaveller shall be Evidence of the Priority of such Applications respectively ; and the said Gaveller or Deputy Gaveller is hereby directed to make Entries of all such Applications as aforesaid, and in the Order in which the same are made ; and the Application for such Gales shall be made by the filling up a printed Form of Application to be provided by the said Gaveller or Deputy Gaveller; and when there shall be more than One Application on the same Day for the same Gale, then the Person who is to be entitled thereto shall be determined on by Lot to be drawn by the Parties before the Gaveller or Deputy Gaveller, and as he shall direct; and for

the Purposes of this Act the Day shall be taken to begin at Ten of the Clock in the Forenoon and end at Five of the Clock in the Afternoon.

**LXI No Free Miner to be entitled to have more than Three Gales granted at a Time.**

Provided always, and be it enacted, That no Free Miner, except under the Award of the said Commissioners hereby appointed, shall hereafter be entitled to have more than Three Gales granted to him at any One Time, and notwithstanding he may have applied in Writing for more than Three Gales; nor shall any Free Miner have any other Gale granted to him by the said Gaveller or Deputy Gaveller until One or more of the said Three Gales shall be exhausted, and notwithstanding the said Gale or Gales may have been disposed of to any other Person or Persons whomsoever.

**LXII Gaveller not to grant Gales which may interfere with existing Gales.**

And be it enacted, That the said Gaveller or Deputy Gaveller for the Time being shall not be compellable to grant any Gale which he may conceive will interfere with any existing Gale, Pit, Level, or Work, or which either from its proposed Situation or Extent shall not in the Opinion of the said Gaveller or Deputy Gaveller be considered as adapted for obtaining the Coal or other Mineral in the best and most economical Manner.

**LXIII Disputes as to Priority of Application for Gales to be referred to Commissioners.**

And be it enacted, That all Disputes which may arise between any Persons as to the Priority of the Applications of any Free Miners for the Grant of any Gale or Gales shall, until the said Commissioners hereby appointed shall have made their final Award, be referred to the said Commissioners, whose Decision in Writing shall be final.

**LXIV Gales not to be granted in inclosed Lands of Her Majesty.**

And be it enacted, That no Gale shall be granted to any Persons whomsoever in any Lands belonging to Her Majesty, Her Heirs and Successors, which have been or shall be inclosed for the Growth and Preservation of Timber under and by virtue of any Act or Acts of Parliament so long as the said Lands shall continue to be so inclosed; Provided always, that this shall not extend to prevent any Person from working any Gales to which he may be entitled under such inclosed Lands, so as no Damage shall be thereby done to such inclosed Lands, or the Fences thereof, or to the Trees within such inclosed Lands.

**LXV Commissioners of Woods may grant Licences for Air Shafts in Inclosures.**

And be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, if they in their Discretion shall see fit, to grant Licences to such Person or Persons as they may think proper for sinking Air Shafts in any Inclosures belonging to Her Majesty, Her Heirs and Successors, or for the forming any Railroad or Tramroad along or across any of such Inclosures, but under such Conditions and Restrictions and subject to such Rents or Payments, and under such Regulations, as the said Commissioners last mentioned shall think fit: Provided always, that such Grants or Licences shall be entered in the Books of the said Gaveller or Deputy Gaveller within Three Months from the Date thereof respectively, and enrolled in the Office of Land Revenue Records and

Enrolments: Provided always, that the Power hereby given to grant Licences for forming any Railroad or Tramroad along or across any of the Inclosures of Her Majesty, shall not extend to abridge or prejudice any Rights or Privileges now by Law vested in any Company or Companies heretofore established and empowered by Act of Parliament to make and maintain Railways within the said Forest.

**LXVI Commissioners, until Award made, may hear and determine Disputes relating to the working of any Gales, &c.**

And be it enacted, That the said Commissioners hereby appointed shall (in the meantime, and until they shall have made their final Award) sit from Time to Time, and as often as they in their Discretion shall think fit, to hear and determine all such Complaints and Disputes as may arise or be brought before them by or between any Persons being in the Possession of or claiming any Title to or Interest in any Gale, Pit, Level, Work, or Quarry as to how far and in what Manner the same may or ought to extend or be worked by either Party, or touching any other Complaint which any such Person or Persons may prefer against any other Persons concerning or in anywise relating to the Working or Enjoyment of the said Gales, Pits, Levels, Quarries, or Works respectively, or otherwise howsoever; and the said Commissioners are hereby authorized, by Summons under their Seal, to require the Attendance of all such Persons as they may think fit to call before them upon any Question connected with or relating to such Complaint, Dispute, or Difference touching or concerning the opening or working of the said Gales, Pits, Levels, Quarries, or Works, or the Extent or Boundaries or the working thereof respectively ; and also to make any Inquiries and require any Answer relative thereto; and also to administer Oaths and examine all such Persons upon Oath, or, in lieu of requiring such Oath as aforesaid, the said Commissioners may, if they think fit, require any such Person to make and subscribe a Declaration of the Truth of the Matters respecting which he shall have been or shall be so examined.

**LXVII Moiety of Gale Rent to be paid to Owners of inclosed Lands.**

And be it enacted, That as regards Coal, Iron, or other Mine or Minerals to be raised or gotten by means of any Gale, Pit, Level, or Work within inclosed Lands of the said Hundred not within the said Forest, the Gaveller or Deputy Gaveller for the Time being shall pay over one Moiety of the net Galeage Rent, Royalty, or Tonnage Duty, after deducting all Expences of Collection and Recovery of the said Rent or Duty, to the Owner of the inclosed Lands within and from under which the Coal or Iron Mine or other Mineral shall be found and taken ; and in case such Coal or Iron Mine or other Mineral shall be found and taken from within the inclosed Lands of more than One Owner, the Gaveller or Deputy Gaveller for the Time being shall and he is hereby authorized to apportion the said Moiety of the said Galeage Rent, Royalty, or Tonnage Duty between and among the said Owners : Provided nevertheless, that if any Dispute shall arise with regard to such Payments to be made to such Owner as aforesaid, or to any Apportionment thereof, such Dispute shall be referred to an Arbitrator to be appointed by the Gaveller or Deputy Gaveller for the Time being and the Person or Persons so disputing as aforesaid ; and thereupon it shall be referred to such Arbitrator, who shall determine the Matter in dispute, and whose Decision in Writing under his Hand shall be binding upon all Parties.

**LXVIII Miners to pay Compensation to Owners of inclosed Lands for Surface Damage.**

And be it enacted, That every Free Miner or other Person who is or may be entitled to any Gale, Pit, Level, or Work within any inclosed Lands of the said Hundred shall and he is hereby required to pay to the Owner of any such inclosed Lands a full and fair Compensation in Money for any Surface Damage which may be done or occasioned to any of such inclosed Lands by reason or means of the opening or working any Gale, Pit, Level, or Work therein or thereon, which Compensation shall be ascertained and determined by the said Commissioners hereby appointed until the making of their final Award ; and after the said Commissioners shall have made their final Award such Compensation shall be ascertained and determined by the Gaveller or Deputy Gaveller for the Time being ; and if such Compensation shall not be paid within Ten Days after the Time limited for that Purpose by the said Commissioners hereby appointed, or within Ten Days after the making of any such Award by the Gaveller or Deputy Gaveller, and a Copy thereof served upon or left at the last known or usual Place of Abode of the Party required to pay the same, then the Amount of such Compensation may be recovered in an Action of Debt by the Person or Persons entitled to receive the same in any of Her Majesty's Courts of Record at *Westminster*, together with full Costs; and it shall not be lawful for any such Person who shall have so neglected or refused to pay such Compensation, or for any other Person or Persons whomsoever claiming by, from, through, or under him, to open or work or to proceed in the opening or working of any Gale, Pit, Level, or Work in respect of which Compensation shall have been so awarded for Surface Damage until the same shall have been fully paid as aforesaid : Provided nevertheless, that if the Owner or Owners of any of the inclosed Lands within the said Hundred shall at any Time within Six Calendar Months from the passing of this Act give Notice in Writing to the said Commissioners hereby appointed of his or their Desire that the Provisions of this Act should not extend to such Lands, then and thereupon this Act shall be taken not to extend to such Lands, so as the same be specified in such Notice; but all and every Rights, Customs, and Privileges existing at the passing of this Act, so far as regards such Lands, or the Mines and Minerals thereunder, and the Right to the same, shall continue in force in all respects as if this Act had not been passed; and that for the Purposes of this Act any Person beneficially entitled to an Estate for Life, or for any Term of Years determinable on the dropping of any Life, or any Husband, Trustee, or Guardian of any Infant, Feme Covert, or other incapacitated Person, for any Estate not less than an Estate for Life, or for any Term of Years determinable on the dropping of a Life, shall be taken to be the Owner for the Purpose of giving such Notice as aforesaid.

**LXIX No Erections on inclosed Lands without Consent.**

And be it enacted, That no Steam Engine or Dwelling House (except, with the previous Consent and Licence in Writing of the Owner-of the Soil) shall be erected within any of the inclosed Lands of the said Hundred; and that the said Commissioners shall by their-said Award specify any particular Rules and Regulations which they may think expedient to be made for the defining the Mode in which the Gales, Pits, Levels, and Works, as well opened as to be opened, within any inclosed Lands within the said Hundred shall be worked, and also as regards the Nature of the Buildings, Roads, or Works which may be erected or made upon or over such inclosed Lands as aforesaid.

**LXX Commissioners to have a Seal and to cause their Special Orders to be stamped therewith.**

And be it enacted, That the said Commissioners hereby appointed shall cause to be made a Seal, and shall cause to be sealed or stamped therewith all such Special Orders as they may make upon any Complaint, Dispute, or Difference so heard by them as aforesaid; and such Special Orders, or Copies thereof, purporting to be sealed or stamped with the Seal of the said Commissioners, shall be received as Evidence of the same, without any further or other Proof thereof,

**LXXI Penalty on Persons disobeying Special Order of Commissioners.**

And be it enacted. That in case any Person shall wilfully neglect or disobey any Special Order or Summons of the said Commissioners, or be guilty of any Contempt of the said Commissioners, such Person shall, upon Conviction before any Two Justices of the Peace, forfeit and pay for the First Offence any Sum not exceeding Twenty Pounds; for the Second Offence any Sum not exceeding Fifty Pounds, nor less than Twenty Pounds; and in the event of such Person being convicted a Third Time, such Third and every subsequent Offence shall be deemed a Misdemeanor, and such Offender shall be liable to be indicted for the same Offence, and shall on Conviction pay such Fine, not being less than One hundred Pounds, and suffer such Imprisonment, with or without hard Labour, as may be awarded against him by the Court by or before which he shall be tried and convicted, not exceeding Six Calendar Months.

**LXXII Penalty upon Witnesses making Default.**

And be it enacted, That if any Person being duly summoned shall omit to appear, or appearing shall refuse to be sworn, or being a Quaker, Moravian, or Separatist, affirm, or to give Evidence before the said Commissioners or any Arbitrator acting in pursuance of this Act, every Person so offending, and having no reasonable Excuse, to be allowed of by the said Commissioners or Arbitrator, shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after mentioned.

**LXXIII Punishment of Persons giving fake Evidence.**

And be it enacted, That all Persons who on any Examination to be taken by virtue of this Act shall wilfully and corruptly give false Evidence before the said Commissioners or Arbitrator, or before any Justice of the Peace acting in execution of this Act, or shall make or subscribe any Declaration hereby authorized to be made, or subscribing knowing the same or any Part thereof to be false, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury shall or may by Law be subject, and if a Free Miner shall be disqualified as such.

**LXXIV For the Recovery of Penalties.**

And be it enacted, That all Penalties and Forfeitures by this Act inflicted or authorized to be imposed for any Offence against the same shall, upon Proof and Conviction of the Offences respectively before any Two Justices, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, (which Oath such Justices are in every Case hereby fully authorized to administer,) or upon

Order made as aforesaid, be levied, together with the Costs attending the Information, Summons, and Conviction, by Distress and Sale of the Goods and Chattels of the Offender or Person liable or ordered to pay the same respectively, by Warrant under the Hands of the Justices before whom the Party may have been convicted, or on Proof of such Conviction by a Warrant under the Hand of any Two Justices acting for the said County of *Gloucester*, which Warrant such Justices are hereby required and empowered to grant; and the Overplus (if any), after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and in case such Fines and Penalties and Forfeitures shall not be forthwith paid on Conviction, then it shall be lawful for such Justices as aforesaid to order the Offender or Offenders so convicted to be detained and kept in safe Custody or until Return can be conveniently made to such Warrant of Distress, until the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices as aforesaid, for his or their Appearance before such Justices on such Day or Days as shall be appointed for the Return of any such Security, and which Security the said Justices as aforesaid are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for any such Justices as aforesaid (as the Case may be), and they are hereby authorized and required, by Warrant or Warrants under their Hands, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County, Riding, or Place where the Offender shall be or reside, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied; and the Penalties and Forfeitures when so levied shall be paid over or transmitted to the Gaveller of the said Forest, to be applied in or towards defraying the Expences attending the Execution of this Act or any other Laws concerning the said Forest.

#### **LXXV Justices may proceed by Summons in the Recovery of Penalties.**

And be it enacted, That in all Cases in which any Penalty or Forfeiture is recoverable before the Justices of the Peace under this Act it shall and may be lawful to and for any Justice to whom Complaint in Writing shall be made of any such Offence to summon the Party complained against to appear before any Two Justices, and on such Summons the said Two Justices may hear and determine the Matter of such Complaint, and on Proof of the Offence convict the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and proceed to recover the same.

#### **LXXVIDistress not unlawful for Want of Form.**

And be it enacted, That when any Distress shall be made for any Sum of Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Default or Want of Form in any Proceedings relating thereto, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards happen in making a Distress, but the Person aggrieved by such Irregularity may recover full Satisfaction for the special Damage in any Action on the Case : Provided always, that no Plaintiff shall recover in any Action for any Irregularity, Trespass, or wrongful Proceeding made or committed in the Execution of this Act if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding before such Action shall

have been brought; and in case no such Tender shall have been made it shall and may be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend at any Time before Issue joined to pay into Court such Sum of Money as he shall see fit, whereupon such Proceedings or Orders and Judgments shall be had and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

#### **LXXVI**Persons aggrieved may appeal to Quarter Sessions.

Provided always, and be it enacted, That if any Person or Persons shall find himself or themselves aggrieved by any Order or Conviction of any Justice or Justices, where such Person or Persons shall be convicted in any Penalty or Penalties exceeding Ten Pounds, under the Provisions of this Act, it shall be lawful for such Person or Persons to appeal to any General or Quarter Sessions of the Peace to be held in and for the said County of *Gloucester* within Four Calendar Months next after the Cause of Complaint shall have arisen, or, if such Sessions shall be held before the Expiration of One Calendar Month next after such Cause of Complaint, then such Appeal shall be made to the next following Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the Matter or the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and the Matter or Cause thereof, to the Respondent or Respondents, and within Five Days after such Notice shall enter into a Recognizance before such Justice of the Peace with sufficient Securities conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace which shall first happen, and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon Hearing, according to their Discretion, may award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be binding and conclusive on all Parties to all Intents and Purposes whatsoever.

#### **LXXVII**Notice to be given to thej Commissioners before Action brought.

And be it enacted, That no Action or Suit shall be commenced against the said Commissioners hereby appointed for any thing done in pursuance of or under the Authority of this Act until Twenty-one Days Notice has been given in Writing to the said Commissioners, nor after sufficient Satisfaction or Tender shall have been made to the Party aggrieved, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendants in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Twenty-one Days Notice thereof as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before limited, or shall be laid in any other County than as aforesaid, then the Jury shall find a Verdict for the Defendants therein; and if a Verdict shall be found for such Defendants, or if the Plaintiffs in such Action or Suit shall become nonsuit, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment

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*Status: This is the original version (as it was originally enacted).*

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shall be given to the Defendants therein, then and in any of the Cases aforesaid such Defendants shall have Costs, Charges, and Expences as between Attorney and Client, and shall have such Remedy for recovering the same as any Defendant may have for his or her Costs in any other Case by Law.

**LXXIX Special Order of Commissioners not to be removeable except into the Exchequer.**

And be it enacted, That no special Order of the said Commissioners hereby appointed shall be removed or removeable by Writ of Certiorari into any Court of Record, except Her Majesty's Court of Exchequer at *Westminster*; and that every special Order which shall be removed into the said Court of Exchequer shall nevertheless, unless and until the same shall be declared illegal by that Court, continue in full force and virtue, and be obeyed, performed, and enforced in such and the same Manner and by such and the same Ways and Means as if the same had not been so removed.

**LXXX Notice to be given to the Commissioners of Application for Certiorari.**

And be it enacted, That no Application shall be made for any Writ of Certiorari for the Removal of any such Special Order except to the Judges when sitting in the said Court, nor unless Notice in Writing shall have been given to the said Commissioners hereby appointed at least Fourteen Days previous to such Application being made, and in which Notice shall be set forth the Name and Description of the Party by or on behalf of whom and the Day on which it is intended to make such Application, together with a Statement of the Grounds thereof, and thereupon it shall be lawful for the said Commissioners to show Cause in the first instance against Such Application, and the Court may, if it shall so think fit, forthwith proceed to hear and determine the same upon the Grounds set forth in such Notice.

**LXXXI Recognizances to be entered into by Parties applying for Certiorari.**

And be it enacted, That previous to any Writ of Certiorari being issued the Party or Parties applying for the same shall enter into a Recognizance, with sufficient Sureties, before One of the Barons of Her Majesty's Court of Exchequer, or before a Justice of the Peace of the County of *Gloucester*, in the Sum of One hundred Pounds, with Condition to prosecute the same at his or their Costs or Charges with Effect, without any wilful or affected Delay, and in default thereof, or in the Event of such special Order being deemed legal, to pay the said Commissioners their full Costs, Charges, and Expences, to be taxed according to the Course of the said Court of Exchequer; and if the said special Order so removed by the said Writ of Certiorari into the said Court of Exchequer shall be declared legal by the said Court, the Commissioners shall be entitled to such Costs, within Ten Days after Demand made, of the Person or Persons who ought to pay the said Costs, upon Oath made of the making of such Demand, and Refusal of Payment thereof, and the said Commissioners may recover the same in the same Manner as any Penalties and Forfeitures are recoverable under this Act.

**LXXXII If special Order quashed, Parties indemnified for Acts done under it.**

And be it enacted, That if upon the Hearing of the Application the Court shall order a Writ of Certiorari to issue for bringing up any special Order, and the same being brought into Court shall be quashed as illegal, no Person shall be liable to be prosecuted either by Indictment or by Civil Action for or in respect of any Act done

by him under the Authority and in pursuance of such special Order, previously to the Judgment of the Court of Exchequer therein as aforesaid.

**LXXXIII Commissioners of Woods may grant Leases of Quarries. No Building to continue when unnecessary to remain.**

And be it enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, may, at any Time after the passing of this Act, grant Leases of any Quarries in the said Forest for any Term not exceeding Twenty-one Years to any Person or Persons being Free Miners as aforesaid, and that after the passing of this Act no Quarry within the said Forest shall be opened by any Person or Persons whomsoever other than under or by virtue of a Lease or Leases to be granted as aforesaid, subject to such Rent and under such Conditions as they may think fit, and notwithstanding any Custom or Usage to the contrary ; and that no Person shall be entitled to any Quarry within the said Forest except such as under the aforesaid Provisions shall be specified in the Award of the said Commissioners, or except the same shall be held under a Lease to be granted in pursuance of the Provisions of this Act: Provided nevertheless, that as regards any Buildings or Works which maybe now erected, or which may be hereafter erected within the said Hundred, for the Purpose of the said Mines or Quarries, the same shall only be continued so long as the same shall be necessary for the Purpose of working the said Mines or Quarries; but that the Owner of such Buildings or Works shall be entitled to the Materials thereof, and the said Gaveller or Deputy Gaveller (or the Verderers, as regards any Buildings or Works within the said Forest) may order the same to be removed and taken away.

**LXXXIV Commissioners of Woods and Forests may grant Leases for 21 Years to get Clay or Sand.**

Provided always, and be it enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to grant Leases to any Person or Persons for any Term not exceeding Twenty-one Years to dig and get Clay or Sand off and from any of the Open or Waste Lands of the said Forest, at and under such yearly Rents, or at and under such Tonnage Duty or Royalty, and subject to such Covenants, Conditions, and Restrictions as the said Commissioners in their Discretion shall deem fit, so as the Rent, Tonnage Duty, or Royalty shall by every such Lease be reserved and made payable to Her Majesty, Her Heirs and Successors, free and clear of all manner of Taxes and Assessments whatsoever; and in each such Lease there shall be contained a Proviso or Condition for Re-entry on Nonpayment of the Rent, Tonnage Duty, or Royalty thereby reserved, or on Nonobservance or Nonperformance of the Covenants therein contained, and on the Part of the Lessee or Lessees to be observed and performed; and every such Lease shall within Two Calendar Months from the granting thereof be enrolled in the Office of Land Revenue Records and Enrolments, and entered in the Office of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being.

**LXXXV Saving the Rights of the Crown and the Claims of Mr. Ambrose to grant Gales for Quarries in the Bailiwick of Blakeney.**

And whereas a Claim was made by *William Ambrose* Esquire, as Lord of the Manor of *Blakeney*, before the said Commissioners of Inquiry, to grant Gales for Quarries and

exact Gale Fees and Rents within the Bailiwick of *Blakeney* in the said Forest, founded upon some Grant or alleged Grant made by Her Majesty's Royal Predecessor King *Edward* the Third, which Claim is not admitted but altogether denied on behalf of Her Majesty, and legal Proceedings have been instituted by the Attorney General on behalf of Her Majesty, and are now depending, for the Trial of such Claim; be it therefore enacted, That nothing in this Act contained shall prejudice the just and legal Rights of the said *William Ambrose*, or the just and legal Rights of Her Majesty, Her Heirs and Successors, in relation to such Claims, or any Proceedings already taken or which may be hereafter taken by or on behalf of Her Majesty, Her Heirs and Successors, or the said *William Ambrose*, his Heirs, Executors, Administrators, and Assigns, in relation to such Claim so preferred by or on his Behalf as aforesaid.

#### **LXXXVI Commissioners to report their Proceedings to the Commissioners of Woods.**

And be it enacted, That the said Commissioners for carrying this Act into execution shall from Time to Time submit a General Report of their Proceedings to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in such Manner as such last-mentioned Commissioners shall order and direct; and such Report, together with the Amount of the Expences of the Commission hereby appointed, shall be laid before the Commons House of Parliament on or before the Twenty-fifth Day of *March* in every Year.

#### **LXXXVII Remuneration of Commissioners.**

And be it enacted, That the said Commissioners hereby appointed shall for the first Two Years from the passing of this Act be paid such a Sum of Money not exceeding the Sum of Five Pounds *per* Day for each Day spent in the Execution of the Powers of this Act, and after the Expiration of Two Years then the said Commissioners shall be paid such a Sum of Money not exceeding the Sum of Three Pounds *per* Day for each Day spent in the Execution of the Powers of this Act, as the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Consent of Three of the Commissioners of Her Majesty's Treasury for the Time being, shall order and direct; and that the Expences of the said Commissioners hereby appointed, and also the Expences attending the said Award and the carrying this Act into execution by the said Commissioners, shall be paid by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings out of any Monies placed at their Disposal.

#### **LXXXVIII Remuneration of Deputy Gaveller.**

And be it enacted, That it shall and may be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with the Approbation of the Commissioners of Her Majesty's Treasury or any Three of them, to grant a Salary to the Person who shall be appointed the Deputy Gaveller; and that all Fees to be received by the said Gaveller or Deputy Gaveller in pursuance of this Act or otherwise shall be from Time to Time paid over by the said Gaveller or Deputy Gaveller to the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to be by them carried to the Account of the annual Income of the said Forest under their Care and Management.

**LXXXIXwo Commissioners empowered to act.**

And be it enacted, That all Acts, Matters, or Things authorized or necessary to be done and executed by the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for the Purpose of carrying this Act into execution, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said Commissioners.

**XC Public Act.**

And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

**XCI Act may be altered, &c. this Session.**

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.