



# 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,