

ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XL.

An Act to make further Provision for the Management of Her Majesty's Forest of *Dean*, and of the Mines and Quarries therein and in the Hundred of *Saint Briavels* in the County of *Gloucester*. [22d *July* 1861.]

WHEREAS the Commissioners appointed by the Act of the First and Second Years of Her present Majesty, Chapter Forty-three, intituled *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, duly made and published in pursuance of the Provisions in the said Act contained Three several Awards relating respectively to Coal Mines, Iron Mines, and Quarries, and dated respectively the Eighth Day of *March*, the Twentieth Day of *July*, and the Twenty-fourth Day of *July*, in the Year One thousand eight hundred and forty-one, which Awards contained Rules and Regulations for working the Coal Mines, Iron Mines, and Quarries respectively within the said Forest and Hundred: And whereas by the said Act a Power of Appeal to Her Majesty in Council against the Awards to be made by the said Commissioners within Three Months from the making and publishing of such Awards was reserved to all Parties who might deem themselves aggrieved thereby, but no such Appeal

1 & 2 Vict. c. 43.

was ever made against any of the said Awards, whereby the said Awards have now become absolute and indefeasible: And whereas both before and since the passing of the said Act the Gales of Coal and Iron in the said Forest and Hundred have been granted without any Limitation or Declaration of the Estate or Interest of the Galee, or Words of Inheritance, (but with Power under the Act to transfer the same,) and by reason of such Omission Doubts might be entertained whether Grants of Gales conferred more than Estates for Life or for some other partial Interest; but inasmuch as it has been commonly supposed that such Grants enured for the Benefit of the Galees, their Heirs and Assigns, so long as the Mine, Vein, or Work galed or granted remained unexhausted, and the Galees, their Heirs or Assigns, duly observed and performed the Conditions subject to which it was galed or granted, Her Majesty, being minded to quiet all Doubts on the Subject, is willing and has consented that the Rights or Interests of Galees should be defined and declared in accordance with the common Opinion aforesaid to the Extent and in manner herein-after contained: And whereas it is also expedient to alter and amend certain Parts of the said Act, and of the said Rules and Regulations made in pursuance thereof, and to make certain other Provisions with reference to the Mines and Quarries within the said Forest and Hundred: Be it enacted and declared by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Declaration of the Interest conferred on a Galee by the Grant of a Gale.

1. The Grant of a Gale of Coal or Iron, or of a Stone Quarry, shall be deemed to have conferred and shall confer on the Galee, his Heirs and Assigns, a Licence to work the Mine, Vein, or Pit therein comprised, and such Grant shall be deemed to have conferred on the Grantee, his Heirs and Assigns, an Interest of the Nature of Real Estate, such Licence nevertheless being conditional on the Payment of all the Rents, Royalties, and other Dues from Time to Time payable to Her Majesty, Her Heirs and Successors, in respect thereof, and the Observance and Performance of the several Enactments, Provisions, Rules, and Regulations for the Time being in force for the proper opening, working, Use, and Management of the Gale.

Conditions on which all Leases of Stone, Clay, or Sand are held.

2. Every Lease of Stone, Clay, or Sand granted or to be granted shall in like Manner be deemed to have been granted and to be granted conditionally on the Payment of all the Rents, Royalties, and other Dues from Time to Time payable to Her Majesty, Her Heirs and Successors, in respect thereof, and the Observance and Performance of the several Enactments, Provisions, Rules, and Regulations

tions for the Time being in force for the proper opening, working, Use, and Management thereof, and of the Covenants in the Lease contained (if any).

Nothing in Act to affect Right of Re-entry, &c.

3. Provided always, That nothing in this Act contained shall enlarge or diminish or in anyway affect any Right of Re-entry or Eviction or Liability to Forfeiture; but every Gale, Pit, Level, Work, and Quarry shall be subject in all respects to the same Liability to Forfeiture and Eviction, and no other, as if this Act had not been passed.

Person in actual Possession or Receipt of Proceeds of Gale to pay the Rent.

4. The Obligation to pay the Rent, Royalty, and other Dues from Time to Time becoming payable in respect of every Gale of Coal, Iron, or Stone granted or to be granted, and to observe and perform the several Enactments, Provisions, Rules, and Regulations for the Time being in force for the proper opening, working, Use, and Management of the same, shall from Time to Time be and become a personal Obligation on the Person for the Time being in the actual Possession or Receipt of the Proceeds of the Gale, whether as Owner thereof for an Estate of Freehold, or as Lessee or Under-lessee or otherwise howsoever, and every such Person making default in the Payment of any such Rent, Royalty, or Due, or in the Observance or Performance of any such Enactment, Provision, Rule, or Regulation as aforesaid, may be proceeded against by or on behalf of Her Majesty, Her Heirs and Successors, in like Manner as if he had entered into a Covenant with Her Majesty, Her Heirs and Successors, to pay such Rent, Royalty, or other Due, and to observe and perform all such Enactments, Provisions, Rules, and Regulations: Provided nevertheless, that the Liability of every such Person shall cease and determine on the Cesser of such Title to the Possession or Receipt of Proceeds as aforesaid, except so far as shall relate to Rents, Royalties, or Payments due, and to Defaults in Observance or Performance of any of the said Enactments, Provisions, Rules, or Regulations committed before the Time of such Cesser of Title to Possession or Receipt of Proceeds: Provided also, that the Provisions in this Section shall be by way of Addition to and not substitutional for any Covenants, Conditions, or Stipulations in any Grant, and shall not extend to diminish or alter any Liabilities otherwise existing.

Empowering the Gaveller to sue in the County Court.

5. Any Rent, Royalty, and other Payment now due or which at any Time hereafter shall become due to Her Majesty, Her Heirs or Successors, under or in respect of the said Award, or any Gale, Lease, or Licence, or other Instrument granted or awarded under or in pursuance of the said Act or this Act, not exceeding in Amount the Sum of Fifty Pounds,, or any Number of such Rents, Royalties,

or

or other Payments due from the same Person or Persons in respect of any Number of such Gales, Leases, or Licences, not exceeding altogether the Amount aforesaid, may be sued for and recovered for and on behalf of Her Majesty, Her Heirs or Successors, by and in the Name of the Gaveller for the Time being in the County Court of the District within which such Rent, Royalty, or Payment, Rents, Royalties, or Payments, or any of them or any Part thereof, arose or became payable; and no Action commenced or continued by any Gaveller as aforesaid shall abate by reason of his Death, Removal, or Retirement, but shall and may be continued by and in the Name of his Successor for the Time being; and any Judgment for the Plaintiff in any such Action as aforesaid may be enforced by and in the Name of the Gaveller for the Time being, without any Process in the Nature of a Scire facias; and all Enactments, Rules, Orders, and Regulations for the Time being in force in respect of Proceedings in the County Courts shall and may, so far as the same shall be applicable to any such Action commenced or continued as aforesaid in the Name of any Gaveller, be applied to and observed in respect of any such Action.

Enlarging the Powers conferred by 25th Section of the recited Act as to Leases of Land for Mining Purposes.

6. Whereas under the Twenty-fifth Section of the said Act the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues have Power from Time to Time to grant Leases as therein mentioned for Terms not exceeding Thirty-one Years to any free Miner or other Person entitled to a Gale or Mining Work of any Part of the unenclosed Waste Land of the said Forest for the Purpose of erecting thereon any House, Building, or Machinery for the more convenient working of any Mine, or for any Purpose connected with any Mine or Work, so as there be not included more than One Acre and a Half of Land in any such Lease: Be it enacted, That henceforth any Quantity of Land, either at One Spot or in several Spots, not exceeding One Acre and a Half in the whole for a Quarry, and Six Acres in the whole for a Coal or Iron Mine, may be leased under the said Section, and any such Land may be leased to the Owner or Holder of any Quarry, as well as to the Owners or Holders of Mines, and in addition to the Purposes in the said Section mentioned, any such Lease may be granted generally for any Purposes connected with the convenient working of any Mine, Work, or Quarry, or Disposition or Manufacture of the Produce thereof, whether involving the Erection of any House, Building, Furnace, or Machinery or not, or for the Purpose of any Garden or any other Convenience to any House erected or to be erected on any Land so leased; and any such Lease may contain such Proviso and Agreement as may be agreed on between the Commissioners and the Lessee for the Renewal from Time to Time of such Lease so long as the Mine, Work,

Work, or Quarry in respect of which the Lease shall have been granted shall not have been worked out.

Provision as to the Days for the Cesser and Determination of the Galeage and other Rents.

7. Whereas by the Forty-sixth Section of the said Act it was enacted, that as regarded Gales, Pits, Levels, or Works then existing, the Galeage, Rent, Royalty, or Tonnage Duty payable to Her Majesty, Her Heirs and Successors, should, at the End of Twenty-one Years from the making of the Award, and so on 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, should so elect, and as regarded Gales, Pits, Levels, or Works thereafter 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 thereafter to be granted should, 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, should so elect, and that upon any such Cesser the Gaveller or Deputy Gaveller for the Time being should 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 manner by the said Act provided: And whereas by the said Award of the said Commissioners relating to Coal Mines, which was dated the Eighth Day of *March* One thousand eight hundred and forty-one as aforesaid, there were reserved and made payable to Her Majesty, Her Heirs and Successors, in respect of the said several Gales of Coal thereby awarded or confirmed up to *Midsummer* then next, the former Galeage Rents, and thenceforward the several Royalties or Tonnage Duties in the said Award specified payable on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, and also a Rent commonly called a Galeage or Dead Rent, payable on the Twenty-fourth Day of *June* in every Year; and by the said Award of the said Commissioners relating to Iron Mines, which was dated the Twentieth Day of *July* as aforesaid, there were reserved and made payable to Her Majesty, Her Heirs and Successors, in respect of the several Gales of Iron thereby awarded or confirmed up to *Christmas* then next, the former Galeage Rents, and thenceforward the several Royalties or Tonnage Duties in the same Award specified, payable on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, and also a Rent commonly called a Galeage or Dead Rent, payable on the Twenty-fifth Day of *December* in every Year: And whereas in or by the Gales as well of Coal as of Iron which have been granted since the making of the

said Awards respectively the Royalty or Tonnage Duty thereby reserved has been made payable on the Twenty-fourth Day of *June* and the Twenty-fifth Day of *December* in every Year, and the Rent commonly called the Galeage or Dead Rent has been made payable on the Twenty-fourth Day of *June* in every Year in respect of Gales both of Coal and Iron, but few (if any) of such Gales have been granted on the Twenty-fourth Day of *June*: And whereas the said Act contains no express Provision as to the Galeage Rents, Royalties, or Tonnage Duties accruing between the said respective Days of Payment and the Days of such Cesser or Determination as aforesaid, and it is expedient to make some Provision respecting the same: Be it enacted, That in lieu of the Days mentioned in the said Act for such Cessers or Determinations as aforesaid, the Days for the same shall be in the Case of all Gales of Coal at the End of Twenty-one Years from the Twenty-fourth Day of *June* next following the Date of the Award or the Date of the Grant (as the Case may be), and in the Case of Gales of Iron Ore held under the Award at the End of Twenty-one Years from the Twenty-fifth Day of *December* next following the Date of the Award, and in the Case of Gales of Iron Ore granted since the Award at the End of Twenty-one Years from the Twenty-fourth Day of *June* next following the Date of the Grant, and so on thereafter at the End of every subsequent Twenty-one Years, and all new Galeage Rents, Royalties, or Tonnage Duties to be fixed as aforesaid, shall commence on such Cesser or Determination of the old Rents, Royalties, or Duties.

Extending Powers of the Arbitrator under 27th, 47th, and other Sections of the recited Act.

8. Whereas under the Twenty-seventh and Forty-seventh and other Sections of the said Act it is provided that in case the Amount and Nature of the new Galeage or other Rent, Royalty, or Tonnage Duty to become payable at the Expiration of every Term of Twenty-one Years as aforesaid should not be fixed and agreed on by the Parties as therein mentioned, the same should be referred to the Decision of an Arbitrator to be appointed by the Court of Exchequer in manner therein mentioned: And whereas it is probable that many of the Disputes which may arise as to the Amount and Nature of such new Rents, Royalties, or Dues as aforesaid, although relating to separate Gales, Quarries, or Works, may involve One common Principle only, and much unnecessary Delay and Expense might be avoided by referring all such Disputes at once to the same Arbitrator; and it is also advisable to facilitate the Appointment of such Arbitrator: Be it enacted, That the Powers given by the said Act to the Court of Exchequer may be exercised by any Judge of the said Court at Chambers, and that any Number of Disputes relating to the Nature and Amount of such new Rents, Royalties, or Duties as aforesaid, to become payable in respect of any Number of separate Gales, Quarries,

Quarries, or Works may, with the Consent of all Parties, be referred together to the Decision of One Arbitrator to be appointed as aforesaid, and may be determined and disposed of by such Arbitrator in and by One and the same Award, or (if he shall think fit) in and by Two or more separate Awards; and it shall be lawful for the Arbitrator in and by his Award or Awards, or One of them, to apportion in such Proportions and Manner as he shall think fit that Moiety of his Remuneration and of the Costs and Expenses attending the Arbitration, which by the said Act is not to be borne by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, amongst the several Persons other than the said Commissioners who shall have concurred in such united Reference as aforesaid.

Power to Gaveller or Deputy Gaveller to refuse the Registry of any Transfer until the Rent has been paid.

9. In case any Rent, Royalty, or other Payment shall be due to Her Majesty, Her Heirs or Successors, in respect of any Gale, Quarry, or Work at the Time when a Transfer of the Gale or Lease thereof shall be brought to the Office of the Gaveller or Deputy Gaveller for Registration, as by the said Act required, it shall be lawful for the Gaveller or Deputy Gaveller, if he shall think fit, to refuse to register such Transfer until the whole of such Rent, Royalty, or other Payment shall have been paid and satisfied; and in order that intending Purchasers of any Gale or Lease may be able to ascertain whether any such Rents, Royalties, or other Payments are in arrear, the Gaveller or Deputy Gaveller shall at all reasonable Times, and without Fee or Reward, give to any Person who may apply for the same a Statement of the Amount of Rent, Royalty, or other Payments then due in respect of any Gale or Lease, or a Certificate that no such Rent, Royalty, or other Payment is due, and any such Statement or Certificate shall be conclusive as between Her Majesty, Her Heirs and Successors, and such intending Purchaser, but not for any other Purpose.

As to the Form of Minute of Registry.

10. For the more convenient and orderly Registration of Transfers of Gales or Leases, as by the said Act required, be it enacted, That the Minute or Docket to be brought for Registration shall be in the Form given in the Schedule to this Act, or as near thereto as Circumstances will admit of.

Power to refuse the Registry of any Transfer which is imperfect.

11. In all Cases where a Transfer or Devolution of any Gale or Lease as aforesaid has been or shall have been effected, or has taken or shall have taken place by Will or Descent, or in any other Manner than by a Deed requiring Registration under the said Act, the Gaveller or Deputy Gaveller shall be at liberty to refuse to register any subsequent Transfer thereof, unless the Deed effecting such subsequent Transfer

Transfer contained a Recital of the Circumstances under which such unregistered Transfer or Devolution took place.

Gaveller or Deputy Gaveller empowered to endorse Memorandum of Entry of Transfer on the last preceding Transfer instead of upon the original Certificate of the Grant of a Gale.

12. Whereas by the Fifty-eighth Section of the said Act it is enacted, that upon the Entry of all Minutes or Dockets of Transfers of Gales in the Books of the Gaveller or Deputy Gaveller, the Gaveller or Deputy Gaveller shall endorse 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 the said Act on the original Certificate of the Grant thereof: And whereas in some Cases such original Certificates have become covered with such Memorandums of Transfer, so that there is no Room for further Memorandums, and others may hereafter become so covered; and other such original Certificates have been or may be lost or accidentally destroyed, and it is expedient that the Gaveller or Deputy Gaveller should have Power in such and similar Cases to endorse such Memorandums as aforesaid on the last preceding Transfer instead of on the original Certificate: Be it enacted, That it shall be lawful for the Gaveller or Deputy Gaveller, if under the Circumstances of any Case he shall deem it fit or expedient so to do, to endorse the Memorandum in the said Fifty-eighth Section of the said Act mentioned on the then last preceding Transfer of a Gale instead of on the original Certificate of the Grant thereof.

Provision as to Fee for Entry of Minute of Transfer.

13. In lieu of the Fee in the said Fifty-eighth Section of the said Act mentioned, the Fee for the Entry of every Minute or Docket entered after the passing of this Act shall be, if the same shall not exceed Five Folios of Seventy-two Words each, the Sum of Two Shillings and Sixpence, and if the same shall exceed Five Folios but not exceed Ten Folios, the Sum of Five Shillings, and if the same shall exceed Ten Folios, then the Sum of Five Shillings, with an additional Sum of Fourpence for every Folio or Part of a Folio above Ten.

All unregistered Transfers to be void.

14. All Transfers requiring Registration under the said Act shall in default of such Registration be void, subject nevertheless and without Prejudice to the Power of making Entries *nunc pro tunc*, provided by the Fifty-ninth Section of the said Act.

Empowering the Commissioners of Woods to grant Licences to sink Pits and to use or

15. Whereas under the Sixty-fifth Section of the said Act the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues have Power (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, and for forming any Railroad or Tramroad

Tramroad along or across any of such Inclosures, subject nevertheless to the Conditions, Restrictions, and Provisoes in the said Section contained or referred to: Be it enacted, That the Power in the said Section contained shall also extend to the Grant of Licences to sink or open and work and use any Pits, Shafts, or Levels for any Purpose, and to make Roads other than Railroads or Tramroads therein, and to the Grant of Licences to use any Rights of Way or Water, or of Outstroke or Instroke, and any other Easements, Privileges, or Conveniences whatsoever for the more convenient Use, Working, Enjoyment, or Disposal of the Produce of any Gale, Quarry, or Work; and any such Right, Privilege, or Easement as in the said Sixty-fifth Section of the said Act or in this Section mentioned, may be granted in, upon, through, or under any of the Waste Lands or any of the inclosed Lands belonging to Her Majesty, Her Heirs or Successors, within the said Forest, or under any Mine, Quarry, Land, or Work comprised in any existing Gale, Lease, or Grant: Provided nevertheless, that the Grantee of any such Licence as in this Section mentioned or referred to shall do as little Damage in the Use or Enjoyment of such Rights, Privileges, or Easements as reasonably may be, and shall pay to all Persons damaged or injured a reasonable Compensation for all Damage or Injury done or occasioned in or by the Use or Enjoyment thereof, the Amount whereof in case the Parties shall differ shall be settled by Arbitration, as provided in the Rules and Regulations comprised in the said Awards, and also that any such Grantee or Licencee, his Heirs, Executors, or Administrators, shall as soon as reasonably may be after he or they shall have ceased to use or to require any such Right, Privilege, or Easement, shall at his and their own Costs and Charges well and effectually level, fill up, arch over, or otherwise make good and restore to their former Condition, to the Satisfaction of the Gaveller or Deputy Gaveller, all the Places in or over which he or they may have exercised any such Right, Privilege, or Easement as aforesaid, unless required by the Gaveller or Deputy Gaveller to leave the same in their then present Condition; and every such Grant or Licence as in this Section or the said Sixty-fifth Section of the said Act mentioned shall be deemed to be conditional on the due Observance and Performance of all the Conditions, Restrictions, Regulations, and Provisoes, and Payment of all the Rents or Reservations under and subject to which the same shall be granted.

exercise other Rights and Easements, &c. in Inclosures and other Lands in the Forest.

16. And whereas the Provisions of the Sixty-eighth Section of the said Act, as to the Compensation to be paid by every Free Miner or other Person entitled to any Gale, Pit, Level, or Work within any inclosed Lands of the said Hundred for Surface Damage, require Amendment, and it is expedient to amend the same in manner hereinafter provided: Be it enacted, That, with respect to any Damage done

Varying the Powers of the Gaveller as to awarding Compensation for Surface Damage to inclosed Lands.

done after the passing of this Act, it shall be lawful for the Gaveller or Deputy Gaveller for the Time being to determine whether such Compensation shall consist of an annual Payment or a Sum in gross, or partly of the one and partly of the other, and either absolutely or on Condition, and to make such Order in reference thereto and as to the Payment of or the giving Security for the Payment of the same or any Part thereof respectively as he shall think just and expedient, and to assess such Compensation notwithstanding any such Gale, Pit, Level, or Work may have been previously actually opened and worked; and that no Action or Suit for Recovery of such Compensation or of Damages in lieu thereof, shall be commenced or instituted until the Award of the Gaveller or Deputy Gaveller shall have been made on such an Application.

Commissioners of Woods may grant Leases of any Clay or Sand which may be found in any Mine or Pit.

17. Whereas by the Eighty-fourth Section of the said Act the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues have Power 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, subject to such Rents or Duties, Covenants, Conditions, and Provisoes as in the said Section are mentioned or referred to: Be it declared and enacted, That the said Section shall extend to empower the said Commissioners for the Time being to grant such Leases as therein mentioned of any Clay or Sand which may be found in any Pit, Level, Quarry, or Work, to the Person or Persons entitled to such Gale, Pit, Level, Quarry, or Work; and also to grant such Leases as in the said Section are mentioned of any Part or Parts of the Open or Waste Lands of the said Forest, for the Purpose of erecting Kilns and other Works and Buildings for the Manufacture and Burning of any Clay, already leased or to be leased under the said Section or this present Section, into Bricks or Tiles: Provided that the Leases granted under this Clause, of any Clay or Sand which may be found in any Gale, Pit, Level, Quarry, or Work, shall enure only to the Benefit of the Person or Persons for the Time being entitled to such Gale, Pit, Level, Quarry, or Work, so that the Right of working Clay or Sand, and the Right of working the Gale, Pit, Level, Quarry, or Work, shall always be vested in the same Person or Persons.

Varying the Third Rule relating to Surrender of Quarries by substituting Michaelmas Day for Lady Day.

18. Whereas by Number Three of the Rules and Regulations relating to Quarries made by the Commissioners appointed by the said Act as aforesaid, it was provided that all Persons then holding One or more Gale or Gales of Stone Quarry or Quarries, as ascertained by the said Award, should be at liberty to give up all or any of such Gales at *Lady Day* in any Year after the Date thereof, upon giving Three

Three Months previous Notice in Writing to the Gaveller or Deputy Gaveller as therein mentioned: And whereas in the Leases of Stone Quarries which have been granted under the Eighty-third Section of the said Act, there has been commonly contained a Proviso that it shall be lawful for the Lessee to determine the Lease at *Michaelmas* in any Year on giving Six Months Notice; and also a Covenant or Declaration that the Lease was granted subject to the Rules and Regulations contained in the said Award, which last-mentioned Covenant or Declaration is not consistent with the Third Rule herein-before mentioned: Be it enacted, That the said Third Rule shall be varied as regards all Surrenders for which Notice shall not have been given before the passing of this Act, by substituting therein *Michaelmas Day* for *Lady Day*, and that the aforesaid Provisoes contained in Leases of Quarries granted as aforesaid shall be deemed valid and effectual notwithstanding such Inconsistency with the said Rule as aforesaid.

All Gales of Coal or Iron Mines, and all Gales or Leases of Quarries determined by Notice to be void without any Deed, Surrender, or other Act.

19. Whereas by Number Six of the Rules and Regulations relating to Coal Mines and to Iron Mines respectively made by the said Commissioners as aforesaid it is provided, that all Persons then or at any Time thereafter holding One or more Gale or Gales of any Mine or Mines of Coal and Iron Ore respectively, should be at liberty to give up all or any of such Gales on giving such Notice in Writing to the Gaveller or Deputy Gaveller as therein mentioned: Now be it enacted and declared, That all Gales of Coal or Iron Ore, and also all Gales or Leases of Quarries which have been or shall be surrendered or given up under the said Rules mentioned in this and the last preceding Section (as varied by this present Act), did and shall on the Expiration of the Notice required as aforesaid become absolutely void, without any Deed or any further Surrender or other Act by the Galee or by any other Person, except only so far as related or shall relate to the Rights and Powers of Her Majesty, Her Heirs or Successors, for the Recovery of any Rents, Royalties, or other Payments due in respect or by reason of such surrendered Gale.

Surrenders other than by Notice may be made and accepted by the Gaveller on behalf of Her Majesty.

20. With regard to the Surrender of Gales and Leases other than the Surrenders mentioned or referred to in the last preceding Two Sections, be it enacted and declared, That in addition to the Rights or Powers of Surrender specified in the Rules and Regulations contained in the said Awards, any Gale, Quarry, or Work, whether comprised in the said Awards or subsequently granted or leased or hereafter to be granted or leased, and any Land granted or leased or hereafter to be granted or leased in connexion with any Gale, Quarry, or Work, may be lawfully surrendered to Her Majesty, Her Heirs and Successors, if Her Majesty, Her Heirs or Successors, shall think

think fit to accept the same, and any such Surrender may be accepted by the Gaveller for and on behalf of Her Majesty, Her Heirs and Successors, on such Terms and Conditions as he shall think expedient and proper, whether such Terms and Conditions shall be in accordance with the said Rules and Regulations contained in the said Awards or not; and every such Surrender shall be registered in the same Manner as Transfers of Gales or Leases, but shall be valid and effectual, whether registered or not; and that all such Surrenders as in this Section mentioned heretofore made to and accepted by or on behalf of Her Majesty (whether registered or not) are and were valid and effectual; and further, that all Gales, Quarries, Land, and Works surrendered or to be surrendered as aforesaid, from and immediately after the Completion of such Surrender, were and became or shall be deemed to be or to have been Gales, Quarries, Land, or Works ungaled or unleased.

Gaveller or Deputy Gaveller, with Consent of Owners, may unite or divide Two or more Gales or Parts of Gales, and regrant them to the Persons entitled after Surrender duly made.

21. In case the Owner or Owners of any existing or future Gale of Coal, Iron, or Stone shall be desirous to have the same divided into Two or more Parts, and to hold such several Parts either as separate Gales or as Parts of other Gales, it shall be lawful for the Gaveller or Deputy Gaveller, if he shall think fit, notwithstanding anything in the Sixtieth or any other Section of the said Act or in the said Awards contained, to effect such Division by granting new Gales to any Person or Persons who shall or may surrender any Gale for that Purpose, provided that the whole of the original Gale be comprised in every such Surrender, and be immediately regranted as aforesaid: Provided also, that on any such Regrant it shall be lawful for the Gaveller to reserve such Galeage and other Rents, Royalties, and other Payments, and to make such Conditions and Reservations as he shall deem necessary to prevent any Loss or Detriment to Her Majesty, Her Heirs or Successors, by reason of such Division.

All Instruments already made or hereafter to be made by or on behalf of Her Majesty in relation to the Forest or Hundred to be exempt from Stamp Duty.

22. Whereas by the Seventy-seventh Section of the Act of the Tenth Year of King *George* the Fourth, Chapter Fifty, it is provided that no Memorandum, Contract, or Agreement to be made or entered into by or with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, under the Powers and Provisions of that Act, for the Sale, Purchase, or Exchange of any Hereditaments by the said Commissioners, nor any Deed, Receipt, or other Instrument which shall be given, granted, entered into, executed, or made for the Purpose of carrying into effect any Sale, Purchase, or Exchange to be made by the said Commissioners under the Powers and Authorities of the said Act, or which shall be incidental to or connected with any such Purchase, Sale, or Exchange, nor any Grant by the said Commissioners under the Authority of the said

said Act, nor any Lease, or Contract or Agreement for any Lease, nor any Counterpart of any Lease to be entered into, made, executed, or granted under the Powers and Authorities of the said Act, nor any Appointment of Officers to be made by the said Commissioners under the Authority of the said Act, nor any Certificate for any Gamekeeper appointed or to be appointed under the Authority of the said Act, nor any Bond to be given by or for any Receiver or other Officer or Agent, from whom any Security may be required by the said Commissioners, shall be subject to any *ad valorem* or other Stamp Duty whatsoever imposed by any Act or Acts then in force, nor to any *ad valorem* or other Stamp Duty to be imposed by any future Act or Acts, unless the same shall be specially subjected thereto in and by such future Act or Acts: Now be it enacted and declared, That all and singular the Exemptions from Stamp Duty conferred by the said Act as aforesaid, did and shall extend to all Grants of Gales and other Grants, Leases, Licences, Surrenders, Contracts, Agreements, Appointments, Certificates, Awards, and Bonds already made, granted, accepted, or entered into, or hereafter to be made, granted, accepted, or entered into, by, with, or to Her Majesty, Her Heirs and Successors, or the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, or the Gaveller or Deputy Gaveller for the Time being, on behalf of Her Majesty, in relation to the Hereditary Possessions and Land Revenues of Her Majesty within the said Forest of *Dean* or Hundred of *Saint Briavels*.

Gaveller or Deputy Gaveller to settle any Disputes as to Boundaries, and to alter (with Consent of Owners) the Boundaries of any adjoining Gales.

23. Whereas by Number Twenty-one of the said Rules and Regulations relating to Coal Mines, and Number Nineteen of the said Rules and Regulations relating to Iron Mines, Power is given to the Gaveller or Deputy Gaveller to settle Disputes respecting the Position of any Workings in manner therein mentioned, in all Cases where the Boundary of any Tract of Coal or Iron Ore is defined by the Workings of another Tract of Coal or Iron Ore: Be it enacted, That the Gaveller or Deputy Gaveller (if he shall think fit) may, with the Consent of the Owner or Owners of any adjoining Gales or Workings of Coal or Iron Ore, alter the Boundary between such adjoining Gales or Workings; and for the Purposes of this Section, Gales or Workings divided only by a Barrier which has been directed to be left unworked shall be deemed adjoining Gales or Workings.

Power to the Gaveller or Deputy Gaveller to license the working and disposing of the Coal in any Barrier.

24. In all Cases where, either under the Award made as aforesaid or under any Gale granted or to be granted, the Boundary of any Gale or Vein of Coal is or shall be declared to be a Barrier of Coal lying between such Gale or Vein and any adjoining Gale, Vein, or Work, or the Galee shall be directed to leave such a Barrier, it shall be lawful

lawful for the Gaveller or Deputy Gaveller, whenever he shall consider that the Coal contained in such Barrier or any Part thereof may be safely and properly worked and got, to grant to the Owners of the several Gales or Works on the Two Sides of such Barrier, or to the Owner of the Gale or Work for the Protection of which such Barrier was in the Opinion of the Deputy Gaveller left, Licence to work, win, and dispose of all or any Part of the Coal in such Barrier, subject nevertheless to the like Royalties, Payments, Conditions, Rules, and Regulations as the Remainder of the Coal in the Gale to the Owner whereof such Licence is granted is or shall be subject to, and to such other Conditions, Rules, and Regulations as the Gaveller shall think proper to impose, and thereupon such Coal so permitted to be worked shall be deemed to be Part of the Mine or Work originally awarded or galed to such Owner or to those through whom he claims: Provided that no Grant shall be made under the Provisions of this Clause until Notice of the Intention to make the same shall have been published during Three successive Weeks in a Newspaper circulating in the Forest of *Dean*, and all Persons who before the Expiration of a Week from the Publication of the last of such Notices shall have claimed to be Persons who would be affected by any such Grant shall be heard by themselves, their Counsel, Agents, and Witnesses, on such Day as the Gaveller or Deputy Gaveller shall have appointed or may appoint for that Purpose.

Explaining the Provisions of the 10 G. 4. c. 50. and 1 & 2 Vict. c. 42. as to Trespasses in the Forest.

25. Whereas under the Provisions of the said Act of the Tenth Year of King *George* the Fourth, Chapter Fifty, and the Act of the First and Second Years of Her present Majesty, Chapter Forty-two, intituled *An Act to empower the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to confirm the Titles to and to grant Leases of Encroachments in the Forest of* Dean *in the County of* Gloucester, the Verderers of the said Forest of *Dean* have Powers to inquire into all unlawful Inclosures, Trespasses, and Encroachments within the said Forest, and to proceed against Persons guilty of the same, but Doubts have been entertained as to the Nature of the Trespasses comprised within the said Provisions: Be it enacted and declared, That the Provisions now in force under and by virtue of the said Acts or either of them relating to Trespasses within the said Forest of *Dean*, and the Punishment thereof, did and shall extend to all Cases of Trespass by cutting, taking, or carrying away of Turf, Gravel, Stone, Sand, or other Soil within the said Forest, in addition to all other Trespasses within the Purview of the said Acts or either of them.

Provision as to Woodmen's or

26. Whereas in the Inclosures made or to be made in the said Forest under the Authority of the several Acts of Parliament relating thereto,

thereto, small Portions of Land have been and may be appropriated by the Crown for Cottages and Buildings for Woodmen or Labourers with Gardens attached thereto, and it may not be expedient that such small Portions of Land should in all Cases be liable to be thrown open with the rest of the Inclosures in which they are situate: Be it enacted, That notwithstanding anything in the said Acts or any of them contained, Cottages or Buildings erected or to be erected for Woodmen in any Inclosure within the said Forest, and the Sites thereof, with a Garden and Orchard attached to each of such Cottages not exceeding in each Case Two Acres in Extent, may, if and so long as the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall think fit, remain and be held in severalty in the actual Possession of the Crown freed and discharged from all Rights of Common and other Rights, Titles, or Claims whatsoever: Provided always, that the total Quantity of Land within the said Forest which Her Majesty, Her Heirs and Successors, are by the said Acts or any of them authorized to hold and keep inclosed and in severalty shall not be thereby increased.

Labourers Cottages in the Forest.

27. All Acts, Matters, and Things to be done or authorized to be done by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, in pursuance of this Act or of the said recited Acts or any of them, may be done by the Commissioner or other Officer for the Time being of Her Majesty in charge of the said Forest.

All Acts authorized to be done by Commissioners of Woods, &c. may be done by One.

28. The said Act of the First and Second Years of Her Majesty, Chapter Forty-three, and this Act, shall, so far as is practicable, be read and construed together as One Act, and the Rules and Regulations contained in the said Awards as varied by this Act shall be deemed applicable to the Provisions of this Act.

1 & 2 Vict. c. 43. and this Act to be construed as One.

THE SCHEDULE.

A MEMORIAL to be registered of an Indenture bearing Date the Day of 18 , made between *A.B.* of, *&c.* of the one Part, and *C.D.* of, *&c.* of the other Part.

[*In the Case of a Transfer or Devolution of any Gale or Lease by Will or Descent, or in any other Manner than by a Deed requiring Registration under this Act, here recite the Circumstances under which such unregistered Transfer or Devolution took place*].

For the Considerations therein mentioned, [*transcribe Parcels*], with their Rights and Apurtenances, were conveyed [*or* assigned] unto and to the Use of the said *C.D.*, his Heirs and Assigns [*or* unto the said *C.D.*, his Executors, Administrators, and Assigns].

[*In case of a Mortgage*], "by way of Mortgage."

Which said Indenture as to the Execution thereof by the said *A.B.* and *C.D.* is witnessed by,

W.Z. of, *&c.*

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