and ascertain and settle Claims, and to make an Allotment to Her Majesty.

all Claims relating thereto; and he shall allot and award in manner prescribed by the said Acts for the Inclosure, Exchange, and Improvement of Land, or as near thereto as the Circumstances of the Case will admit of, unto Her Majesty, Her Heirs and Successors, so much of such Common, together with all such Roads and Ways, Drains and Embankments, as shall be necessary for the Use and Enjoyment and Protection of the Land so allotted and awarded as shall be a just Equivalent (Quantity and Value considered) for all the Estate and Forestal and other Rights of Her Majesty, Her Heirs or Successors, in, to, or out of such Common, and for the Expenses of such Allotment and Award (which are to be defrayed out of the Revenues of the said *Forest of Dean* as hereinafter mentioned), such Rights nevertheless to be estimated exclusively of the Rights and Interests of Her Majesty, Her Heirs and Successors, in and to the Mines and Minerals in or under such Common; and the Land so allotted and awarded shall from and after the Completion of the Award in manner prescribed by the said Acts for the Inclosure, Exchange, and Improvement of Land be disafforested and remain vested in Her Majesty, Her Heirs and Successors, freed and discharged from all Rights of Common and other Rights whatsoever, save and except the lawful Rights of Free Miners in the *Forest of Dean* and Hundred of *Saint Briavels* and those claiming under them to existing or future Gales of Coal or Iron (if any) in or under the same.

Commissioners of Woods may dispose of Crown Allotment.

3. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues to sell, exchange, or otherwise dispose of and to convey the Lands so allotted or any Part of the same, if and as they shall think fit, and to exercise the same Powers over and in respect of the same as they are or may be authorized by Law to exercise over other Lands belonging to Her Majesty in right of Her Crown not being Part or Parcel of any Royal Forest, Park, or Chase in *England*.

Residue of Common disafforested.

4. From and after the Completion of any such Allotment and Award the Residue of the Common out of which such Allotment shall have been made shall be disafforested, but shall remain subject to all the same Rights, Estates, and Privileges as the whole of the same Common was subject to prior to such Allotment and Award, except such Estate and Forestal and other Rights of Her Majesty as by such Award shall be declared to be extinguished; and the said Award shall for all Purposes be conclusive as to the Persons entitled to any such Rights, Estates, or Privileges, except as to Rights or Privileges to or regarding Mines and Minerals; and the Soil of such Residue shall vest in Fee Simple in such Trustees as the said Inclosure Commissioners shall, by Writing under their Seal, from Time to Time appoint for that Purpose, nevertheless in trust for the Persons entitled thereto or interested therein, according to the Provisions of this Act.

Commissioners to defray Expenses out of Revenues of Forest of Dean.

5. The Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall defray all the Expenses of any such Allotment and Award as aforesaid out of any Moneys in their Hands forming Part of the Revenues of the said *Forest of Dean*.

Special Powers not to affect ordinary Powers to inclose, &c.

6. The Special Powers herein contained shall not be deemed to alter or affect the ordinary Powers of the said Inclosure Commissioners for *England* and *Wales* to inclose the Entirety of the said respective Commons under the said Acts for the Inclosure, Exchange, and Improvement of Land and this Act.

CAP. LXXI.

An Act to facilitate the letting on Lease, feuing, or selling Glebe Lands in *Scotland*. [6th *August* 1866.]

'WHEREAS it is expedient that Power should be given to grant Leases or Feus of 'Glebe Lands, or Portions thereof, in *Scotland*, or to sell the same in manner after 'mentioned:'

Be

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, as follows; *viz.*,

Short Title.

1. This Act may be cited as "The Glebe Lands (*Scotland*) Act, 1866."

Interpretation of Terms.

2. In this Act, unless there be something in the Subject or Context repugnant to such Construction,—

The Word "Minister" shall mean the Minister of any Parish in *Scotland* for the Time who shall be in possession of a Glebe:

The Word "Presbytery" shall mean the Presbytery within the Bounds of which such Parish is situated:

The Word "Heritor" shall mean the Proprietor of any Lands within such Parish to the Extent of at least One hundred Pounds of Real Rent from Land yearly appearing in the Valuation Roll of the County within which such Parish is situated:

The Word "Glebe" shall mean the Lands appropriated to the Minister as his Glebe, and any additional Lands settled in perpetuity on the Minister for the Time being, and enjoyed by him along with his Glebe:

The Word "Court" shall mean the Court of Session as Commissioners for the Plantation of Kirks and Valuation of Teinds.

Power to grant Leases not exceeding Eleven Years.

3. A Minister may, with Consent and Approval of the Heritors and the Presbytery, grant a Lease or Leases of his Glebe, or any Part or Parts thereof, reserving for the Use of the Minister not less than Five Imperial Acres nearest and most convenient to the Manse, which shall be marked out by the Heritors and the Presbytery, for any Term not exceeding Eleven Years, for such yearly Rent or Rents, and upon such Condition or Conditions, as shall be approved of by the Heritors and the Presbytery, but without any Foregift or Grassum, and under the special Condition, if the said reserved Five Acres be included in the said Lease, that such Lease, in so far as they are concerned, shall cease and determine at the First Term of *Martinmas* Six Months after the Death, Deprivation, Resignation, or Translation of the Minister of the Parish; such Consent and Approval of the Heritors and the Presbytery to be signified by a Certificate written on the Lease or Leases, and signed by the Clerk to the Heritors and by the Moderator and Clerk of such Presbytery; and the Rent or Rents payable under such Lease or Leases shall be paid and belong to the Minister.

Power to sell Servitudes or Right of Pasturage.

4. A Minister may, with Consent of the Presbytery and Heritors, sell or dispose of, for such fixed annual Payment in Grain or in Money as may be agreed on, any Servitude or Right of Pasturage over any Lands, which Servitude or Right of Pasturage is possessed by him as Minister of the Parish: Provided always, that if the Proprietor of the Lands over which such Servitude or Right of Pasturage exists elect to purchase it absolutely, the Purchase Money shall be invested at the Sight of the Heritors and Presbytery on such Securities and in such Manner as the Court of Teinds shall direct, and the Interests and Proceeds only shall be paid to the Minister.

Application to Court to grant Feus.

5. Subject to the Provisions of this Act, the Minister may from Time to Time, with the Consent of the Presbytery and of the Heritors as herein-after provided, make Application to the Court by summary Petition for Authority to feu his Glebe, or any Part thereof, or to grant Building Leases thereon for any Term not exceeding Ninety-nine Years.

Consent of Presbytery to be obtained before Application made;

6. Previous to making any such Application the Minister shall intimate his Intention so to do to the Presbytery by a Letter addressed to the Moderator, and shall transmit therewith a Copy of the proposed Application, which Intimation and Application shall be laid by the Moderator before the Presbytery at their First Meeting after receiving the same; and if the Presbytery are of opinion that it would be for the Interests of the Benefice that the Glebe should be feued or let on Building Leases, they shall signify their Consent to such Application, subject to such Conditions, if any, as they think necessary or advisable, by a Certificate to that Effect written on a Copy of the proposed Application, and signed by the Moderator and Clerk.

also Consent of Heritors.

7. Upon such Certificate being granted the Minister shall call a Meeting of Heritors, such Meeting to be summoned by Intimation from the Pulpit in the usual Manner, and by Notices, with a Copy of the proposed Application enclosed therein, delivered or sent by Post to each Heritor or his known Agent, at least Thirty Days previous to the Day on which such Meeting is to take place within the Parish, such Meeting to be held on a Day and at an Hour and at a Place to be specified in such Citation and Notices, and at such Meeting every Heritor may vote by Proxy or by Letter under his Hand.

Consent of Heritors how to be determined and proved.

8. At that Meeting a Copy of the proposed Application to the Court shall be submitted to such Meeting; and if approved of by Two Thirds in Value of the Heritors of such Parish, the Clerk to the Heritors shall grant a Certificate to that Effect under his Hand to the Minister.

Particulars to be stated in Application.

9. Every such Petition shall state the Date of the Petitioner's Induction to the Parish, the Amount of the Stipend and other Sources of Emolument attached to the Living, the Extent of the Parish, the Population according to the immediately preceding Census, the Nature and Extent of the Glebe, the Purpose of the proposed feuing or granting Building Leases, the expected Rate of Feu Duty or Rent, and the Grounds on which the Petitioner submits that Benefit will arise to the Minister and his Successors in Office by Authority to feu or lease being granted; and there shall be produced therewith the Certificate of the Presbytery and Heritors, and the Form of Feu Charter or Building Lease proposed to be adopted.

Intimation be made of Application.

10. The Court shall appoint the Petition to be intimated in the Minute Book and on the Walls in common Form, and to be served upon all Proprietors of Lands and Heritages conterminous with the Lands proposed to be feued or leased for building; and shall also appoint Notice of the Petition to be inserted once in the *Edinburgh Gazette*, and once a Week for Three successive Weeks in such local Newspaper or Newspapers as the Court may think proper.

Power of any conterminous Proprietor to appear and object in Court.

11. It shall be in the Power of any Proprietor of Lands or Heritages conterminous with the Lands proposed to be feued or leased for building to appear and object to the Application being granted, on the Ground of Injury to the Value or Amenity of his said Lands or Heritages, and it shall be in the Power of the Court, on considering such Objections, to give Effect thereto by refusing the Application in whole or in part.

Court may remit Petition for Inquiry into Facts.

12. After Intimation and Advertisement aforesaid the Court, on considering the Petition, with or without Answers from any Party interested, may remit to such Person or Persons as they shall appoint to inquire into the Facts stated in the Petition, and to report his or their Opinion or Opinions thereon, and as to any Conditions or Restrictions subject to which the Prayer of the Petition should be granted.

Court may grant Authority, subject to certain Conditions.

13. The Court may, by Order or Interlocutor, and subject to any Conditions or Restrictions they may deem expedient, grant such Authority, and shall in such Order or Interlocutor fix the minimum Rate at which the Glebe or any Portion thereof shall be feued or leased for building, and shall authorize and empower the Petitioner and his Successors in Office at the Sight of the Heritors and the Presbytery, subject to the Provisions of this Act, to grant and dispose of the Glebe, or any Part or Parts thereof, in Feu Farm, Fee, and Heritage, for the highest Feu Duties, or in Building Leases for the highest Rent in Grain or in Money, that can be got for the same, not being less than the said Minimum, and that either by Public Auction or Private Contract.

Court may authorize Construction of Streets, &c.

14. The Court may also, on such Application, authorize the Minister to make and construct such Streets, Roads, Passages, Sewers, or Drains in and through the Glebe or any Part thereof as the Court on Inquiry may find reasonable or expedient, with the view of the more advantageous feuing or leasing thereof.

To whom Feu Duties, &c. to be made payable.

15. The said Feu Duties and Rents, and the Interest of any Monies arising from any Sale or Sales in Fee Simple of any Part or Parts of the Glebe invested as herein-after provided, shall be taken payable to the Minister and his Successors in Office serving the Cure

Cure of the Parish for the Time, in all Time thereafter, and be recoverable by him or them: Provided that on the Death of any Minister, his Widow, Heirs, or Executors shall have Right to and shall be entitled to receive and discharge the said Feu Duties and Rents in the same Manner and for the same Length of Time as is provided by the Thirteenth Act of the Third Session of the Second Parliament of *Charles* the Second, passed at *Edinburgh* the Twenty-third Day of *August* One thousand six hundred and seventy-two, intituled *Act for the Ann. due to the Executors of Bishops and Ministers,* with regard to the Stipend of the Parish as Ann.; and provided further, that in the event of any Circumstance causing a Vacancy to be prolonged beyond the Term during which such Widow, Heirs, or Executors have a Right to the said Feu Duties and Rents, it shall be lawful for the Heritors of the Parish and Presbytery of the Bounds to uplift and to apply the said Feu Duties and Rents to the Provision of Spiritual Superintendence and the Supply of Religious Ordinances in the Parish during the Vacancy.

Further Provisions as to Feu Duties.

16. Subject to the Provisions of this Act, the Feu Duties which shall become payable under any Contracts, Dispositions, or Charters of Feu, or Writs by Progress, and the Rents under any Building Leases, to be granted in virtue of this Act, shall in all Time thereafter belong to the Minister, and shall be held and enjoyed by him in lieu and place of the natural Possession of such Glebe, or the Rents, Mails, Duties, and Profits of the same, and subject always to the Burden of Payment of Interest on the permanent Burden after referred to, so long as it subsists: Provided that after feuing out or letting on Building Lease or selling the said Subjects, or any Part thereof, in virtue of this Act, it shall not be competent for the Minister or his Successors in Office, to make any Demand upon the Heritors, for providing him in a Glebe or in any Portion of Land in lieu of the Glebe Land so feued, leased, or sold: Provided always, that nothing herein contained shall preclude or prejudice any Claim which the Minister may have to any additional Glebe that might have been competent to him if this Act had not passed.

Right of Preemption by Proprietors whose Lands are conterminous with the Glebe.

17. When the Court shall have made an Order or Interlocutor granting Authority to feu or let on Building Lease, and fixing the minimum Feu Duty or Rent, any Proprietor whose Lands are conterminous with the Glebe mentioned in such Order or Interlocutor, may, within Thirty Days of the Date of such Order or Interlocutor, intimate his Willingness to feu or lease, or to purchase so much of the said Glebe at such a Rate of Feu Duty, or Rent, or Price as the Court may on a Consideration of the whole Circumstances of the Case, and after directing such Inquiry as they may consider necessary, determine; and if to feu or lease, undertaking to grant Security over the whole or such Part of his Estate, in addition to the said Glebe itself, as to the Court shall seem necessary for the regular and punctual Payment of the Feu Duty or Rent fixed by the Court; and on such Intimation, and after such Rate of Feu Duty and Security therefor, or Price, shall have been so fixed, the Court shall, in case of feuing or leasing, interpone its Authority to the Bond or other Writ in Security, and decern accordingly, and in case of Sale shall pronounce a Decree of Sale thereof in favour of such Heritor, on which he shall be entitled to obtain a Charter from the Crown for Payment of a Blench Duty of a Penny *Scots,* and interpone their Authority accordingly: Provided always, that such Heritor shall not be entitled to obtain an Extract of the said Decree of Sale until the Price shall be consigned in One of the Chartered Banks in *Scotland* for Behoof of the Minister; and in every Case of such Sale the Price, after Deduction of all Expenses connected with the Application to the Court, shall be invested at Sight of the Heritors and Presbytery on such Securities and in such Manner as the Court of Teinds shall direct, and the Interests or Proceeds only shall be paid to the Minister: And it is provided further, that it shall be lawful for any Heir of Entail in *Scotland* to burden the Lands and Estate of which he or she is in possession as Heir of Entail lying contiguous to such Glebe for the Amount of such Price, or to give Security over the same for the annual Payment out of the clear yearly Rents and Profits of the said Lands and Estate, the Interest of such Sum calculated at Four and One Half *per Centum,* or the Amount of such annual Payment, not exceeding Three Pounds *per Centum* of such clear yearly Rents and Profits after deducting all prior Burdens and Provisions, as the same shall be ascertained by an Average of the Five Years immediately preceding the Date of Creation of such Burden or Security.

18. The

Provisions as to Cost of Application to Court.

18. The Court, on the granting of any such Order or Interlocutor, or at any Time thereafter, on the summary Application of the Minister on whose Application the Interlocutor or Order was granted, or his Heirs, Executors, Administrators, or Assignees, shall inquire into and ascertain the Sums which shall have been paid as the Costs, Charges, and Expenses of applying for and obtaining such Order or Interlocutor and incidental thereto, and of making and constructing Streets, Roads, Passages, Sewers, or Drains in or through the Glebe or any Part thereof, and shall decern the Amount thereof a permanent Burden upon the Glebe; and the Interest thereof, until extinguished, as after provided or otherwise, shall form a First Charge on the whole Produce and Revenue of the said Glebe.

Casualties to be applied to Extinction of Costs, and Provision as to Payment of Costs.

19. As long as any such Burden shall remain unpaid the Casualties of Superiority which shall become payable under any Contracts, Dispositions, or Charters of Feu, or Writs by Progress for entering Heirs or Successors to be granted as aforesaid, as well as any Payments which may be received from the Grantees thereof in respect of the Construction of Roads, Sewers, or Drains, shall be invested, at the Sight of the Heritors and Presbytery, on such Securities and in such Manner as the Court of Teinds shall approve, as a Sinking Fund to meet the said Burden, and the Interest of the said Fund shall be paid to the Minister for the Time being; and as soon as the said Fund shall amount to a Sum sufficient to pay the said Burden, the same shall be paid off; and thereupon the Casualties of Superiority thereafter to become due shall form Part of the Income of the Minister for the Time being, and be payable to him.

Title, how to be granted.

20. The Minister, with the Consent of the Heritors and the Presbytery, as certified by the Clerk to the Heritors and by the Moderator and Clerk of the Presbytery, shall grant, subscribe, and deliver to the Feuar or Feuars, Purchaser or Purchasers, Lessee or Lessees, all Contracts, Feu Charters, Dispositions in Feu, Writs of Confirmation, Resignation, Clare constat, or Acknowledgment, Dispositions, Conveyances, or other Deeds or Writs, containing all usual and necessary Clauses for feudally conveying and vesting the Subjects so feued, sold, or leased in the Parties taking the same on Feu or Building Lease, or purchasing the same, and the Heirs or singular Successors who shall thereafter acquire Right to the same; and the said Contracts and other Deeds or Writs so to be granted shall be deemed and held to be as legal and valid Titles of Property in Feu and Heritage, or Fee Simple, or Lease, (as the Case may be,) of the Properties so feued or conveyed to the several Persons in whose Favour respectively the same shall be granted, and their Heirs and Disponees, as if granted by a Proprietor or Superior with a completed feudal Title holding immediately of the Crown, and the Subjects so feued or conveyed or leased under the Authority of this Act shall be subject to Payment of Poor Rates, any Law or Custom to the contrary notwithstanding; and the said Contracts and other Deeds shall be recorded in the Books of the Heritors.

Full Value to be stipulated to be paid without taking Money by way of Fine, &c.

21. In all and each of the said Contracts and other Deeds or Writs the full Value of the Ground thereby feued or leased shall be stipulated to be paid in perpetual annual Feu Duties, or Rents for the Endurance of such Building Leases, in Grain or in Money, payable half-yearly, without taking any Sum or Sums of Money, or other Matter or Thing whatsoever, by way of Fine, Foregift, or Grassum; and all Casualties of Superiority accruing on the Renewal of the Title to Heirs or singular Successors shall be taxed at a Duplicate of the annual Feu Duty; and all Feu Duties, Casualties, or Rents shall be properly and legally secured upon the Ground for which the same are payable, and on the Buildings that may be erected thereon, under the usual Penalties and Forfeitures according to the Law and Practice of *Scotland* in Feu Holdings.

Minister to enjoy same Privilege as other Superiors.

22. After any such Contracts and other Deeds or Writs shall have been executed, the Minister shall have and enjoy all the same Remedies for enforcing Payment of the said Feu Duties and Casualties of Superiority thereby stipulated and agreed to be paid, and generally all other Rights and Privileges, which by the Law and Practice of *Scotland* belong and are competent to other Superiors in Feu Holdings; and the Parties taking any Lands in feu under the Provisions of this Act, and their Heirs and Successors, shall have and enjoy all the Rights and Privileges which by the Law and Practice of *Scotland* belong and are competent to Vassals in Feu Holdings, in the same Manner and to the same Effect as if they

they held the said Lands of and under the Minister as a Superior holding immediately of the Crown.

23. The Court shall pass such Acts of Sederunt as they may consider necessary to regulate the Form of Procedure to be adopted under this Act for effectually carrying out the Purposes thereof. Court to pass Acts of Sederunt.

24. This Act shall not affect any Act of Parliament now in existence affecting the feuing of Glebes in *Scotland*, or anything done or contracted to be done thereunder. Saving existing Acts authorizing the feuing of Glebes.

CAP. LXXII.

An Act to authorize Advances of Money out of the Consolidated Fund for carrying on Public Works and Fisheries and for the Employment of the Poor; and for the Purposes of The Harbours and Passing Tolls Act, 1861, The Cattle Diseases Prevention Act, 1866, and The Labouring Classes Dwellings Act, 1866. [6th *August* 1866.]

'WHEREAS the following Acts have been passed; *videlicet*, an Act of the Fifty-seventh Year of King *George* the Third, Chapter Thirty-four; an Act of the same Session of Parliament, Chapter One hundred and twenty-four; an Act of the First Year of King *George* the Fourth, Chapter Sixty; an Act of the First and Second Years of King *George* the Fourth, Chapter One hundred and eleven; an Act of the Third Year of King *George* the Fourth, Chapter Eighty-six; an Act of the Fourth Year of King *George* the Fourth, Chapter Sixty-three; an Act of the Fifth Year of King *George* the Fourth, Chapter Thirty-six; an Act of the same Session of Parliament, Chapter Seventy-seven; an Act of the Sixth Year of King *George* the Fourth, Chapter Thirty-five; an Act of the Seventh Year of King *George* the Fourth, Chapter Thirty; an Act of the Seventh and Eighth Years of King *George* the Fourth, Chapter Twelve; an Act of the same Session of Parliament, Chapter Forty-seven; an Act of the First and Second Years of King *William* the Fourth, Chapter Twenty-four; an Act of the Third and Fourth Years of King *William* the Fourth, Chapter Thirty-two; an Act of the Fourth and Fifth Years of King *William* the Fourth, Chapter Seventy-two; an Act of the First Year of Her present Majesty Queen *Victoria*, Chapter Fifty-one; an Act of the First and Second Years of Her present Majesty, Chapter Eighty-eight; an Act of the Third Year of Her present Majesty, Chapter Ten; an Act of the Fifth Year of Her present Majesty, Chapter Nine; an Act of the Ninth and Tenth Years of Her present Majesty, Chapter Eighty; an Act of the Fourteenth and Fifteenth Years of Her present Majesty, Chapter Twenty-three; an Act of the Sixteenth and Seventeenth Years of Her present Majesty, Chapter Forty; an Act of the Nineteenth Year of Her present Majesty, Chapter Seventeen; an Act of the Twenty-fourth and Twenty-fifth Years of Her present Majesty, Chapter Eighty; and an Act of the Twenty-fifth and Twenty-sixth Years of Her present Majesty, Chapter Thirty:

57 G. 3. c. 34.
57 G. 3. c. 124.
1 G. 4. c. 60.
1 & 2 G. 4. c. 111.
3 G. 4. c. 86.
4 G. 4. c. 63.
5 G. 4. c. 36.
5 G. 4. c. 77.
6 G. 4. c. 35.
7 G. 4. c. 30.
7 & 8 G. 4. c. 12.
7 & 8 G. 4. c. 47.
1 & 2 W. 4. c. 24.
3 & 4 W. 4. c. 32.
4 & 5 W. 4. c. 72.
7 W. 4. & 1 Vict. c. 51.
1 & 2 Vict. c. 88.
3 Vict. c. 10.
5 & 6 Vict. c. 9.
9 & 10 Vict. c. 80.
14 & 15 Vict. c. 23.
16 & 17 Vict. c. 40.
19 & 20 Vict. c. 17.
24 & 25 Vict. c. 80.
25 & 26 Vict. c. 30.

'And whereas sundry Advances or Loans have been made by the Commissioners of the said Acts, for the Purposes in the same Act specified, and also for the Purposes of the Harbours and Passing Tolls, &c. Act, 1861, and great Benefits have been derived therefrom:

'And whereas further Advances or Loans are required for the like Objects, and Advances or Loans are also required for the Purposes of "The Cattle Diseases Prevention Act, 1866," and "The Labouring Classes Dwelling Houses Act, 1866," and it is deemed expedient to make Advances of Money out of the Consolidated Fund for the Purposes of such Loans:'

Be