'by the said Commissioners to the said Dean and Chapter and their Successors; and it was 'by the said last-mentioned Scheme and Order provided that none of the Monies or Estates 'to be received or acquired under the Provisions thereof should be applicable to the Purposes 'of the said Common Fund, except only so far as it might be necessary to reimburse such 'Fund any Advances made thereout under the Provisions of the said Scheme, until or unless 'by and under the like Authority the said Dean and Chapter should have been put into 'possession in Fee Simple of Real Estates within the Counties of *Cumberland*, *Westmoreland*, 'or *Northumberland*, any or either of them, sufficient to secure to the said Dean and Chapter 'a clear annual Income (after deducting Rates, Taxes, and other Outgoings, including Costs 'of Management,) of Five thousand nine hundred Pounds, or such other Sum as at the 'Date of such Transfer should, by the Decision of Arbitrators to be appointed in the usual 'Way, be equivalent to the Sum of Five thousand nine hundred Pounds at the then present 'Time, subject however as well to the Charges and Outgoings mentioned in the Schedule to 'the said Order marked C. as to all other Capitular Liabilities: And whereas it is expedient 'that none of the said Monies or Estates transferred by the said respective Orders or either 'of them, except as aforesaid, should be applicable to the Purposes of the said Common Fund 'until the said Commissioners acting under the said Commission of the Tenth Day of '*November* One thousand eight hundred and fifty-two should have had sufficient Time to 'report their Opinion on the Matters referred to them:' Be it therefore enacted, That, notwithstanding anything in the said Orders in Council contained, none of the said Monies or Estates so transferred as aforesaid, nor any Monies or Estates accruing from similar Commutations with any other Chapters, shall, except as in the said Orders and herein-before is respectively excepted, be applied to the Purposes of the said Common Fund by the said Ecclesiastical Commissioners previous to the First Day of *January* which will be in the Year of our Lord One thousand eight hundred and fifty-five.

CAP. XXXVI.

An Act for disafforesting the Forest of *Whichwood*. [8th *July* 1853.]

'WHEREAS the Queen's most Excellent Majesty in right of Her Crown is seised to 'Herself, Her Heirs and Successors, of and in *Whichwood Forest* in the County of '*Oxford*, and of and in the Soil thereof, and the Timber and other Trees, Bushes, and 'Underwood standing and growing thereon: And whereas the said Forest, together with 'certain detached Lands appendant or appurtenant thereto and herein-after more particularly 'mentioned, is computed to contain in the whole Three thousand seven hundred and thirty-'five Acres or thereabouts, of which One thousand eight hundred and forty-one Acres or 'thereabouts are used as Coppice Land, and planted with Coppices, and One thousand seven 'hundred and forty-one Acres or thereabouts consist of open Ridings, Plains, Woods, and 'Waste Lands, One hundred and twenty-seven Acres Two Roods and Ten Perches or there-'abouts consist of Two principal Lodges called the *Ranger's Lodge* and *South Lawn Lodge*, 'and Three inferior Lodges for Keepers, with the Lawns and other Lands inclosed therewith, 'and the remaining Part of the said Forest consists of certain detached Lands situate at '*Shipton Ascot* and *Shorthampton*, containing in the whole Twenty-five Acres Two Roods 'and Thirty-seven Perches or thereabouts: And whereas there are adjacent or near to the 'said Forest several Coppices and other Lands known as Purlieus thereof; And whereas 'Her Majesty claims to be entitled to the Forestal Right of Herbage and Feed for Her Deer, 'as well over the said Purlieus as over the said Forest; but the Owners of the said Purlieus 'allege the same to be free under the Provisions of various Acts of Parliament, and especially 'of an Act passed in the Sixteenth Year of King *Charles* the First, Chapter Sixteen: And 'whereas the said Owners claim to be entitled to Allowances of Venison in return for the 'Deer Feed over the said Purlieus or some of them: And whereas the said Purlieus as well 'as the said Forest are subject to divers Rights of Common, Sheepwalks, and other Rights 'and Interests: And whereas with respect to the said Coppices, as well within the said 'Purlieus as within the said Forest, the Custom has been to cut them at stated Periods, and

'after

'after each Cutting to inclose them for Eight Years, and then to throw them open for the 'Deer and commonable Cattle until the next Cutting: And whereas the Right Honourable 'Lord *Churchill* is or claims to be entitled to the Offices of Ranger, Launder, and Four 'Bailiffs, under and by virtue of a Grant thereof made by His late Majesty King *Charles* 'the Second, in the Thirteenth Year of His Reign, and all Rights, Emoluments, and Privileges 'conveyed or intended to be conveyed by the said Grant: And whereas the said Lord '*Churchill* and his Predecessors in the said Offices, and the Keepers of the said Forest for 'the Time being, have enjoyed the Use of the said several Lodges herein-before mentioned, 'with the said Lawns and other Lands herein-before mentioned inclosed therewith, and the 'said detached Lands at *Shipton Ascot* and *Shorthampton* held therewith, and the said Lord '*Churchill* and his Predecessors in the said Offices have also received as the Emoluments of 'the said Offices certain annual Payments from Her Majesty's Treasury, or out of the Rents 'payable to Her Majesty on Leases of the said several Coppices within the said Forest, and 'have also been accustomed to appoint not exceeding Five Keepers for the said Forest, whose 'Salaries are paid by the said Ranger for the Time being: And whereas the said Forest 'might be made much more valuable and productive if it were disafforested, and the Deer 'removed therefrom: And whereas the Continuance of the said Forest in its present State 'is injurious to the Neighbourhood thereof, and the Disafforestation thereof would be con-'ducive to the Well-being of the said Neighbourhood: And whereas Her Majesty has been 'graciously pleased to signify Her Assent that the said Forest of *Whichwood* should be dis-'afforested, and the Royal Deer therein removed or destroyed, with all convenient Speed, 'and that the Officers of Her Majesty of and for the said Forest should be discharged, and 'that such Allotment should be made to Her Majesty, in respect of Her Forestal and other 'Estate, Rights, and Interests, except Rights of Common (if any) as a Proprietor of Lands 'entitled to such Rights of Common, in and over and in respect of the said Forest of *Which-'wood*, and in respect of all Her Rights (if any) over the said Purlieus thereof, as is herein-'after provided, and that such Allotment and Compensation should be made to the said Lord '*Churchill* and the other Officers of the said Forest, and that such Allotment or Allotments 'out of the said Forest should be made for the exclusive Common and Pasturage of the 'several Persons, Parishes, and Hamlets entitled to Rights of Common or Sheepwalks over 'the said Forest or Part thereof, and that such Allotment or Compensation should be made 'for any other Rights to which any Person or Persons are or may be entitled in, over, or in 'respect of the said Forest, as is herein-after provided:' May it therefore please Your Majesty that it may be enacted; and be it 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 to be appointed for the Purposes of the Act; One by the Treasury, One by the Inclosure Commissioners, and the Third by the Chief Justice of the Court of Queen's Bench.

I. The Provisions of this Act (subject to the Provision herein-after contained with respect to the said Lord *Churchill*) shall be carried into execution by Three Commissioners, of whom One shall be appointed in Writing by the Commissioners for the Time being of Her Majesty's Treasury, One other shall be appointed by the Inclosure Commissioners for *England* and *Wales* for the Time being, and the Third shall be appointed by the Lord Chief Justice of the Court of Queen's Bench for the Time being; and so often as any Vacancy shall occur by Death, Resignation, or Incapacity, a new Commissioner shall be appointed in like Manner as the Commissioner whose Vacancy is to be supplied was appointed; and all such Commissioners so appointed shall for the Time being be the Commissioners for carrying this Act into execution, herein-after designated as "The Commissioners of this Act;" and all Acts and Powers to be performed by or given to the Commissioners of this Act, under the Provisions herein contained, may be performed or exercised by any Two of such Commissioners.

Commissioners to make and subscribe Declaration before entering upon Execution of Office.

II. Every Commissioner shall, before he enter upon the Execution of his Office, make and subscribe the following Declaration before One of the Judges of Her Majesty's Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer; that is to say,

'I DO solemnly declare, That I will faithfully, impartially, and honestly, according to the best 'of my Skill and Judgment, execute the Powers and Duties of a Commissioner under an

'Act passed in the Year of the Reign of Queen Victoria, intituled "An Act," *&c.* '[*here set forth the Title of this Act*].'

And every such Declaration shall, when made and perfected, be deposited in the Office of Land Revenue Records and Inrolments.

Commissioners may appoint a Clerk, and employ Land Surveyors and Valuers.

III. It shall be lawful for the Commissioners of this Act from Time to Time to appoint a Clerk, and, if they shall think fit, to remove such Clerk, and on any Vacancy to appoint another Clerk, and also to employ from Time to Time One or more Land Surveyors and Valuers, in such Manner as they shall think necessary.

Land Surveyor to make and subscribe Declaration before entering upon Execution of Office.

IV. And every Land Surveyor and Valuer so to be appointed shall, before entering upon the Duties of his Office, make and subscribe before the Commissioners of this Act, or before One of such Commissioners (who are hereby severally authorized to administer or receive the same), the Declaration following:

'I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to 'the best of my Skill and Judgment, perform all the Duties which may devolve upon me 'as a Land Surveyor and Valuer in the Matter of an Act passed in the Year of 'the Reign of Queen Victoria, intituled "An Act," *&c.* [*here set forth the Title of this Act*].'

And every such Declaration shall, when made and perfected, be deposited in the Office of Land Revenue Records and Inrolments.

Commissioners of Woods, out of the Land Revenues of the Crown (subject to Repayment), to pay the Commissioners and their Clerk, and the Expenses incurred by them in the Performance of their Duties.

V. The Commissioners of Woods, Forests, and Land Revenues, with the Consent of the Commissioners of Her Majesty's Treasury, shall, out of the Land Revenues of the Crown, subject to Repayment as herein-after mentioned, pay and allow to the Commissioners of this Act such Sum not exceeding the Sum of One thousand Pounds as shall be thought sufficient, and in proportion to the Time and Labour which may be bestowed by them respectively in carrying this Act into execution (such Proportion, in the event of any Difference of Opinion with regard thereto, to be finally determined by the Commissioners of Her Majesty's Treasury), and to the Clerk of the Commissioners of this Act for the Time being such Salary not exceeding Two hundred Pounds a Year as shall be considered sufficient, and also shall allow to the Commissioners of this Act, and Clerk, all Costs and Expenses of employing such One or more Land Surveyors and Valuers as aforesaid, and all other reasonable Expenses incurred by them in the Performance of their Duties under this Act.

Commissioners to ascertain the Boundaries of the Forest.

VI. The Commissioners of this Act shall forthwith proceed to ascertain the Boundaries of the said Forest and Purlieus, and to determine all Claims relating thereto, and for the Purpose of determining the said Boundaries shall or may make use of any existing Maps, Plans, or Surveys, at their Discretion; and the Boundaries, as ascertained by the Commissioners of this Act, shall be held to be the true Boundaries of the said Forest and Purlieus for all the Purposes of this Act.

Commissioners to set out and award Common Fields for Common of Pasture and Sheepwalks.

VII. The Commissioners of this Act, so soon as they shall have ascertained the aforesaid Boundaries, shall proceed to ascertain how much of the said Forest ought to be set apart for the exclusive Pasturage of the commonable Cattle and Sheep of all Persons having Rights of Common of Pasture and Sheepwalks respectively over the said Forest, and shall by their Award allot and set out, as and for Common Fields, so much of the Lands of the said Forest as they shall find sufficient to afford an adequate Compensation for such Rights of Common and Sheepwalks as aforesaid, and out of the said Common Fields, when the same have been so ascertained and allotted as aforesaid, shall set out and appropriate such Portion or Portions thereof as they shall think fit as and for Sheepwalks, and shall allot distinct Sheepwalks and Commons for different Parishes, Districts, or Places now having such Rights of Common or Sheepwalk as aforesaid, and, subject to such Rights of Common and Sheepwalks, the said Common Fields shall be allotted to and vested in the said Lord *Churchill* as his Soil and Freehold, and as Part of the Allotment and Compensation herein-after directed to be made to him, and when such distinct Sheepwalks and Commons shall be so allotted as aforesaid all Right of Intercommonage over the same shall cease.

On the making of the Award the Forest to

VIII. On the making of such Award as herein directed the said Forest shall be for ever disafforested, and the Right of Her Majesty to Herbage and Feed for Deer, and all other the Forestal

Forestal Right of Her Majesty in or over the Parts of the said Forest so to be allotted for such Common Fields and Sheepwalks aforesaid, shall absolutely cease, except as to Her Rights (if any) as Owner of Lands entitled to Rights of Common over the said Forest.

be disafforested, and Forestal Rights of Her Majesty to cease.

IX. The Commissioners of Woods, or other the proper Officer or Officers of Her Majesty of or for the said Forest, shall with all convenient Speed, and within Two Years from the passing of this Act, under the Direction of Her Majesty, Her Heirs or Successors, remove or destroy, or cause to be removed or destroyed, all the Deer within the said Forest, and apply and dispose of the same as Her Majesty, Her Heirs or Successors, shall direct.

Commissioners of Woods to remove Deer within Two Years from the passing of the Act.

X. It shall be lawful for the Commissioners of Woods, on behalf of Her Majesty, with all convenient Speed, and within Two Years from the making of such Award, to cut down, sell, and remove, or cause to be cut down, sold, and removed, from the said Common Fields, and from such Portion of the said Forest as may be sold by the Commissioners of this Act for the Purposes herein-after mentioned, all such Timber and other Trees, Bushes, and Underwood growing thereon as they shall think fit: Provided always, that it shall be lawful for the Commissioners of Woods to agree with the said Lord *Churchill*, upon such Terms as they shall think fit, for allowing any of such Timber and other Trees to remain on the said Common Fields for Ornament and Shelter.

Commissioners of Woods, within Two Years from the making of the Award, to cut down, sell, and remove Timber, &c. from Common Fields.

XI. The Commissioners of this Act, in ascertaining the Extent proper to be allotted as such Common Fields as aforesaid, shall take into consideration the Advantage which will be derived by the Commoners aforesaid from the Extinction of Her Majesty's Forestal Rights, and the Rights of the Officers of the said Forest, and from the Removal of the said Deer.

In allotting Common Fields, Advantages to Commoners from Extinction of Forestal Rights, &c. to be considered.

XII. For the Purpose of such Allotment as aforesaid as between Her Majesty and the Commoners, Her Majesty shall be considered as having and representing all the Rights and Privileges of the said Lord *Churchill* and of all other the Officers of the said Forest, and of all Persons entitled to Rights and Privileges (other than Rights of Common) over the said Forest by this Act directed to be extinguished and destroyed, which Rights and Privileges shall be taken into consideration by the Commissioners of this Act, in the same Manner as if the same had been vested in possession in and in the actual Enjoyment of Her Majesty, and all such Rights and Privileges, as well as all other the Rights and Privileges of Her Majesty, shall be taken into consideration by the said Commissioners in ascertaining the Extent of such Common Fields, and so that the Residue of such Forest to be allotted to Her Majesty shall be a just and fair Compensation and Equivalent for and for the Extinguishment of such Rights and Privileges.

In ascertaining Extent of Common Fields, Her Majesty to be considered as representing Rights of Ranger and Forest Officers.

XIII. And with respect to the Parts so to be allotted as and for Common Fields and Sheepwalks, Her Majesty, Her Heirs and Successors, and all other Persons the Owners of Lands in respect of which Rights of Sheepwalk now exist in and over the existing Sheepwalks, their Tenants and Occupiers, shall respectively have the like Rights in and over the Sheepwalks so to be set out as aforesaid in respect of such Lands respectively, and Her Majesty, Her Heirs and Successors, and all other Persons the Owners of Lands in respect of which Rights of Common of Pasture other than Deer Feed now exist in and over the said Forest, their Tenants and Occupiers, shall respectively have the like Right of Common of Pasture over the said Common Fields set out in respect of such Lands respectively, and the said Common Fields and Sheepwalks so to be allotted as aforesaid shall be freed and discharged from all Rights of Herbage and Feed for Deer, and from all other the Forestal Rights of Her Majesty, and from all Rights of the Officers of the said Forest.

Her Majesty, and all Persons Owners of now existing Rights of Sheepwalk and Common of Pasture, to have same Rights over the Part allotted as Common Fields, and for Sheepwalks.

XIV. The said Forest, after the Disafforestation thereof, shall be a Parish, and called and known by the Name of *Whichwood* Parish, and shall have Parish Officers, and maintain its Poor and Roads, and do and provide all such other Things as by the Laws of *England* Parishes are bound to do and provide.

After Disafforestation the Forest to be a Parish.

XV. The Commissioners of this Act shall allot such Land, Part of the said Forest, as they shall think fit, not exceeding Ten Acres, for a Site for a Church, and Burial Ground to be annexed thereto, and for a Parsonage House and Garden for the Incumbent thereof, and also for a School and Playground.

Commissioners to allot Land for a Site for a Church, Burial Ground, School, &c.,

XVI. The

Parish to be a Perpetual Curacy within the See of Oxford.

XVI. The said Parish shall be a Perpetual Curacy in the Gift of the Bishop of *Oxford*, and shall for Ecclesiastical Purposes be within the See of *Oxford*, and in all respects subject to the same Ecclesiastical Jurisdiction as other Parishes within the same See are or shall or may be subject, and the Church thereof, when erected, shall be to all Intents a Parish Church.

Commissioners to set out and allot Roads.

XVII. The Commissioners of this Act shall set out and allot such Roads and Ways through and over the said Forest and the Purlieus thereof, and, with the Consent of the Owners, through and over any inclosed Lands adjoining thereto, as they shall think fit, and they shall, if they shall think fit, agree to make Compensation to such Owners or Owner for making any such Roads or Ways, Road or Way, over such adjoining Lands; and such Roads and Ways shall be public Highways, and kept and maintained as such, and after setting out the same all other existing Roads or Ways over the Forest or Purlieus shall be shut up and discontinued.

New Roads to be made, and Expense thereof to be defrayed by the Sale of Land.

XVIII. The Commissioners of this Act shall cause the said new Roads to be made and fenced, and shall, for the Purpose of defraying the Expense thereof, and also for the Purpose of making such Compensation (if any) as they shall agree to give to any such Owners or Owner of the adjoining inclosed Lands as aforesaid, sell so much of the said Forest as they shall find necessary for those Purposes, for which Purposes their Conveyance shall vest an indefeasible Estate of Inheritance in the Purchaser or Purchasers, and their Receipt shall be a sufficient Discharge for the Purchase Monies.

Allotments out of Residue to Ranger in respect of his Rights.

XIX. And with respect to the Residue of the said Forest, and the said detached Lands at *Shipton Ascot* and *Shorthampton*, the Commissioners of this Act shall by their Award allot thereout to the said Lord *Churchill* the Lodge called the *Ranger's Lodge*, with the Lawns and cultivated Lands inclosed therewith, and the Appurtenances, and the said detached Lands, together with so much of the Land of the said Forest adjoining or near thereto, or to *Cornbury Park*, as shall in their Judgment be, together with the Soil and Freehold of the said Common Fields, a sufficient Compensation for the Emoluments and Privileges of his said Offices, and for all the Rights and Interests which he acquired under or by virtue of the said Grant of His late Majesty *Charles* the Second, which said Lodge, with the Appurtenances, and the said Lawns and cultivated Lands, and the said last-mentioned Allotments, shall thereupon become and be the absolute and exclusive Property of the said Lord *Churchill* and his Heirs, and shall be held and enjoyed freed and for ever discharged from all Rights and Claims of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever, in or over the same; and in ascertaining the Extent of the Allotment so to be made to the said Lord *Churchill*, the Commissioners of this Act shall take into consideration the Value of the Timber and other Trees, Bushes and Underwood, left thereon, and on the said Lodge, Lawns, and cultivated Lands, as well as the Extinction of Her Majesty's Forestal and other Rights in and over the same; and the said Allotment of the said Lodge, with the said Lawns and cultivated Lands, and the said detached Lands, together with such Portion of the said Forest as aforesaid, and the said Soil and Freehold of the said Common Fields as aforesaid, shall be taken and be in full Discharge and Compensation of and for all Rights of the said Lord *Churchill* in or in respect of the said Forest or any Forestal Office whatsoever: Provided always, that nothing herein-before contained shall preclude the said Lord *Churchill* from claiming Compensation for the Loss of his Wall Acre within the said Forest, or for the Loss of Composition Venison in respect of his Purlieu Coppices; but the Commissioners of this Act shall determine upon the said last-mentioned Claims, and shall make such further Allotment (if any) to the said Lord *Churchill* in respect thereof as they shall think fit: Provided also, that nothing herein-before contained shall affect the Rights of the said Lord *Churchill* or his Heirs to Common of Pasture and Sheepwalks upon or over the said Common Fields when so allotted and set out as herein-before directed.

Lord Churchill or any other Proprietor may charge Allotments towards Expense of fencing, &c.

XX. It shall be lawful for the said Lord *Churchill*, or for any other Person who may be or become a Proprietor of any Allotment or Allotments to be made by virtue of this Act, being Tenant for Life or in Tail or for any other Estate of Freehold or Inheritance (with the Consent of the Commissioners of this Act testified in Writing under their Hands and Seals), from Time to Time to charge as well such Allotment or Allotments as also any other Lands

now

now being Parcel of the said Forest to which the said Lord *Churchill* or any such other Person as aforesaid may become entitled by Purchase or Exchange for any such Estate as aforesaid with any Money not exceeding Five Pounds *per* Acre towards the Expenses of fencing and sub-dividing such Allotment or Allotments and other Lands, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotment or Allotments and other Lands unto or in trust for any Person who shall advance such Money, for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by any Person entitled for Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrears of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

As to Lord Churchill's Purlieu Coppices.

XXI. The Commissioners of this Act shall set out and allot so much and such Part of the several Purlieu Coppices of the said Lord *Churchill*, or of any of them, as they shall think fit, as permanent Common, in lieu of the existing Right of Common upon the whole of such Coppices, during a certain Part of Ten out of every Eighteen Years, and the Residue of such Purlieu Coppices shall be thereupon freed and for ever discharged from all Rights of Common whatsoever, and shall thenceforth be enjoyed by the said Lord *Churchill* as and for his own exclusive Property: Provided always, that the Soil and Freehold of the Parts of the said Purlieu Coppices to be set out and allotted as aforesaid, together with the Timber and other Trees and Underwood growing thereon, shall remain vested in the said Lord *Churchill*.

Power to Lord Churchill, for the Purpose of his Allotment, to appoint a Commissioner to act in the Place of the Commissioner appointed by Inclosure Commissioners.

XXII. For the Purpose of making such Allotment to the said Lord *Churchill*, it shall be lawful for him, if he shall think fit, under his Hand, to appoint a Commissioner in place of the Commissioner so to be appointed by the said Inclosure Commissioners as aforesaid, and in case of Vacancy in the Office of Commissioner so appointed by him to appoint another Commissioner to supply such Vacancy, and so from Time to Time as there shall be Occasion; and the Commissioner so to be appointed shall act in the Execution of this Act, so far as relates to such Allotment to the said Lord *Churchill*, in all respects with the same Powers, and be entitled to the like Emoluments, as if he had been appointed by the said Inclosure Commissioners.

In case of Lord Churchill's Death before Allotment, Act to bind his Heirs.

XXIII. In case the said Lord *Churchill* shall die before the Completion of the said last-mentioned Allotment or Allotments, all the Provisions herein contained relating to the said Lord *Churchill* shall extend and be applied in all respects to any and every Person who, after his Decease, shall for the Time being be the Ranger or Rangers of the said Forest, or who but for this Act would be such Ranger or Rangers.

After Award all Right of Intercommoning in Purlieus to cease, &c.

XXIV. That when and so soon as the Commissioners of this Act shall have made their Award as herein-after provided, all Right of Intercommoning (if any) upon the Purlieus situated in different Parishes or Places shall cease and determine; and thenceforth neither the Purlieu Wastes nor the Portions of Purlieu Coppices of the said Lord *Churchill* to be so set out and allotted for permanent Common as herein-before directed, nor the Purlieu Coppices of other Persons, shall afterwards be commonable for any other Cattle or Sheep than those of Persons having a Right of Common in respect of Lands situated in the Parish or Place of which such respective Purlieus form Part.

After Allotment to Lord Churchill, all his Offices, Rights, and Privileges to cease.

XXV. From and after the making of the said Allotment or Allotments to the said Lord *Churchill* the said Offices of Ranger, Launder, and Four Bailiffs, and all Letters Patent, Grants, and Appointments thereto, and all other Offices in and for the said Forest, and all Rights, Privileges, and Emoluments incident or annexed thereto, shall absolutely cease and determine.

XXVI. Such

Pecuniary Compensation to other Officers out of Crown Revenues.

XXVI. Such pecuniary Compensation shall be made by the Commissioners of Woods, out of the Land Revenues of the Crown, to all Persons holding any such Offices as aforesaid, except the said Lord *Churchill* or other the Ranger for the Time being, as the Commissioners of Her Majesty's Treasury shall think fit and reasonable.

Compensation in Land or Money to be made to all other Persons (if any) injuriously affected by the Act.

XXVII. If it shall appear to the Commissioners of this Act that there are or is any other Person or Persons whose Rights will be injuriously affected by the Operation of this Act, the Commissioners of this Act shall ascertain the Nature of their or his Rights, and of the Injury done thereto, and shall determine whether such Injury can be more conveniently and adequately compensated by an Allotment of Land out of the said Forest, or by a pecuniary Compensation, and such Determination shall be final; and in case they shall determine in favour of a Compensation by way of Allotment to any such Person, they shall forthwith allot so much of that Portion of the said Forest which, under the Provisions of this Act, shall not have been otherwise allotted, as to the Commissioners of this Act shall appear a reasonable and sufficient Compensation; and if the Commissioners of this Act shall determine in favour of a pecuniary Compensation, then they shall ascertain the proper Amount thereof, and the Person or Persons to whom the same shall be paid, and shall certify the same to the Commissioners of Woods, who shall pay the same out of the Land Revenues of the Crown; and in such Case the Commissioners of this Act shall take the same into consideration in making the Allotment hereby directed.

Allotments to be held to the same Uses, &c.

XXVIII. All Allotments and Compensation shall enure and be held to the same Uses and upon the same Trusts as the Estates in respect of which the same shall be so allotted and given.

After the Allotments aforesaid the Residue of the Forest to become absolutely vested in Her Majesty.

XXIX. After the Allotments aforesaid the Residue of the said Forest shall thereupon become and be absolutely vested in Her Majesty, Her Heirs and Successors, in Her and their Demesne as of Fee, freed, exonerated, and for ever discharged from all Rights of Common, and all Rights, of what Nature and Kind soever, either of the said Lord *Churchill* or of any other Persons or Person whomsoever; and it shall be lawful for the said Commissioners of Woods to exercise all the same Powers over and in respect of the Lands to be allotted to Her Majesty in and by the said Award, as herein provided, as they are or at any Time hereafter shall be by Law enabled to exercise over and in respect of other Lands of Her Majesty in right of Her Crown, not being Royal Forests, Parks, or Chases.

Commissioners to make their Award within Three Years, and Copies thereof to be deposited.

XXX. The Commissioners of this Act shall make their Award or Awards in Writing within Three Years from the passing of this Act, and every such Award shall be executed in Duplicate, and One Part of such Award shall be deposited in the Office of Land Revenue Records and Inrolments, and the other Part thereof with the Clerk of the Peace for the said County of *Oxford*, there to remain and be examined by all Persons at all reasonable Times on Payment of a Fee of One Shilling for each Examination.

Provision as to Costs in and about the Execution of this Act.

XXXI. The Commissioners of Woods shall pay all the Costs, Charges, and Expenses herein-before directed to be defrayed out of the Land Revenues of the Crown, and all other Costs, Charges, and Expenses incurred by them in and about the Execution of this Act, in the first place, out of the Produce of the Timber and other Trees, Bushes and Underwood, to be cut down and sold, or otherwise disposed of under or by virtue of this Act, and so far as that shall not be sufficient the same shall be paid as Part of the Costs of Management of the Land Revenues of Her Majesty.

Commissioners may, if they think fit, examine Witnesses upon Declaration.

XXXII. The Commissioners of this Act may examine upon Declaration all such Persons as they may think fit, who attend before them for the Purpose of giving Evidence upon any Matter or Proceeding under the Authority of this Act; and for that Purpose may administer or receive Declarations, which Declarations may be in the following Form:

'I *A. B.* do solemnly declare, That the Evidence I shall give before you touching the Matter in question shall be the Truth, the whole Truth, and nothing but the Truth.'

XXXIII. If

XXXIII. If any Person under the Provisions of this Act shall wilfully give false Evidence, or shall make or subscribe a false Declaration for the Purposes of this Act, he shall be deemed guilty of a Misdemeanor. Persons giving false Evidence guilty of Misdemeanor.

XXXIV. It shall be sufficient for all Purposes to cite this Act as the "*Whichwood* Disafforesting Act, 1853." Short Title.

CAP. XXXVII.

An Act to impose additional Duties on Spirits in *Scotland* and *Ireland*; and to alter the Countervailing Duties on Spirits the Manufacture of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, imported into *Scotland* or *Ireland*, and the Countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between *Scotland*, *Ireland*, and *England* respectively; and to amend the Laws relating to the collecting and securing the Duties of Excise upon Spirits. [8th *July* 1853.]

'WHEREAS it is expedient to impose additional Duties of Excise on Spirits in *Scotland* and *Ireland* respectively, and to increase the Countervailing Duties now chargeable on Spirits the Manufacture of the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, imported into *Scotland* or *Ireland*, and also to alter the Countervailing Duties and Drawbacks of Excise now payable upon the several Mixtures, Compounds, Preparations, and Commodities mentioned and described in the respective Schedules (A.) and (B.) to this Act annexed on the Removal of the same between *Scotland*, *Ireland*, and *England* respectively; and it is also expedient to amend the Laws relating to collecting and securing the Duties of Excise upon Spirits:' 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:

I. In addition to the Duties of Excise now payable under any Act or Acts in force on Spirits in *Scotland* and *Ireland* respectively, there shall be charged, raised, levied, collected, and paid, upon every Gallon of Spirits of the Strength of Hydrometer Proof which shall on or after the Twenty-first Day of *April* One thousand eight hundred and fifty-three be distilled in *Scotland* and *Ireland* respectively, or be in the Stock, Custody, or Possession of any Distiller in *Scotland* or *Ireland*, or which, having been distilled in *England*, *Scotland*, or *Ireland*, shall, on or after the said Day, be in Warehouse in *Scotland* or *Ireland*, and be taken out of Warehouse for Consumption in *Scotland* or *Ireland*, or which, having been taken out of Warehouse in *England* for Removal to *Scotland* or *Ireland*, shall, on or after the said Day, be brought into *Scotland* or *Ireland*, the additional Duty following; that is to say, in *Scotland* the additional Duty of One Shilling, and in *Ireland* the additional Duty of Eightpence, and so in proportion for any greater or less Degree of Strength or any greater or less Quantity. Grant of additional Duties of Excise on Spirits in Scotland and Ireland.

II. On and after the said Twenty-first Day of *April* One thousand eight hundred and fifty-three, in lieu of the Countervailing Duties now chargeable under any Act or Acts in force on Spirits of the Nature or Quality of plain *British* Spirits manufactured or distilled in the Islands of *Guernsey*, *Jersey*, *Alderney*, and *Sark* respectively, and imported from any of the said Islands into *Scotland* or *Ireland*, there shall be charged and paid the following Countervailing Duties; that is to say, New Countervailing Duties on Spirits the Manufacture of the Channel Islands, imported into Scotland and Ireland.

For and upon every Gallon of such last-mentioned Spirits of the Strength of Hydrometer Proof imported into *Scotland*, the Sum of Five Shillings and Tenpence:

And for and upon every Gallon of such last-mentioned Spirits of the like Strength imported into *Ireland*, the Sum of Four Shillings and Sixpence:

And so in proportion for any greater or less Degree of Strength or any greater or less Quantity of such Spirits imported into *Scotland* and *Ireland* respectively.