



Dean Forest (Mines) Act 1871

1871 CHAPTER 85

PART II

MISCELLANEOUS

33 Power to gaveller to accept surrender of part of a gale.

The gaveller may, for and on behalf of Her Majesty, her heirs and successors, accept from the owner or owners of any gale the surrender of any part of such gale on such terms and subject to such conditions as to rent, royalty, and other liabilities in respect of the same as he shall think expedient and proper, in like manner and subject to the like conditions as he is now under the provisions of the principal Acts empowered to accept the surrender of a whole gale.

34 Power to grant renewals of leases to assignees of free miners.

Where the interest of any free miner under the lease of any quarry within the said forest has been assigned to any person or persons not being a free miner or free miners, the Commissioners of Woods may, on the surrender or on the determination of the term of such lease, and of the term of any lease made under the authority of this section, grant to the person or persons in possession under and by virtue of such assignment or lease a new lease of such query for any term not exceeding twenty-one years, subject to such rent and under such conditions as may be agreed upon, in like manner as if such person or persons so in possession were a free miner or free miners.

35 Minimum or dead rent to be made up to 31st December.

From and after the passing of this Act all sums of money payable to Her Majesty, her heirs and successors, by way of galeage or dead or certain rent, in respect of all gales, shall be made up to and paid to Her Majesty, her heirs and successors, on the thirty-first day of December in every year, with such apportionment, if any, as may be necessary in respect of the first of any such payments under this Act, and all sums of money payable to Her Majesty, her heirs and successors, by way of royalties or tonnage duties in respect of all gales shall be made up to and paid to Her Majesty, her

heirs and successors, on the thirtieth day of June and the thirty-first day of December in every year.

36 Amendment of 59 Geo.3 c.86 as to recovery of gale rents.

The provisions of an Act passed in the session of Parliament held in the fifty-ninth year of the reign of His Majesty King George the Third, intituled " An Act for regulating the exercise " of the right of common of pasture in the New Forest, in the " county of Southampton, for repealing certain parts of two Acts " passed in the thirty-ninth and fortieth and the fifty-second years " of His, present Majesty, and for the better collection and recovery of the gale rents in the Forest of Dean, in the county of " Gloucester," with respect to the recovery of money due for or in respect of gale rents payable within the said Forest of Dean, shall extend and apply to the recovery of all sums due to Her Majesty, her heirs and successors, in respect of galeage or dead or certain rent, royalty, or tonnage duty due in respect of any gale within the limits of this Act.

37 As to costs of arbitration.

From and after the passing of this Act section forty-nine of the Act of 1838 shall be and the same is hereby repealed, and in lieu thereof the following provisions shall have effect, that is ,to say, on the appointment by the Court of Exchequer of any Arbitrator under the provisions of section forty-seven of the said Act, the rate and mode of the remuneration of such arbitrator shall be fixed by the court, and such remuneration and the expenses of such arbitrator, and also the remuneration and expenses of any arbitrator to be appointed under the provisions of the said section forty-seven by the gaveller or deputy gaveller for the time being, and any such person or persons as are in the same section mentioned, shall in the first instance be paid by the gaveller of the Commissioners of Woods on behalf of the Crown, but the Crown or the gaveller shall in every case be entitled to recover one moiety of such remuneration and expenses from the other party or parties to the arbitration : Arid the gaveller or deputy -gaveller on the one hand, and the other party or parties to the arbitration on the other hand, shall in every case each respectively pay their or his own costs and expenses of and incident to the arbitration.

38 Scale of plans of new works.

All plans required to be made and kept under the provisions of the principal Acts and the rules made under the authority and in pursuance of the same shall, after the passing of this Act, be made on the scale of three chains to an inch.