bridge Commissioners to act as the local Authority under this Act.

certain Mileways leading to *Oxford*, and making Improvements in the University and City of *Oxford*, the Suburbs thereof, and the adjoining Parish of *Saint Clement*, (which Commissioners are herein-after called the *Oxford* Commissioners,) the several Powers and Duties assigned by this Act to any local Authority shall, in so far as they are consistent with the Laws under which the said *Oxford* Commissioners act, be exercised by the said *Oxford* Commissioners; and within the Borough of *Cambridge*, or the Parts within the Jurisdiction of the Commissioners acting under an Act of the Thirty-fourth Year of the Reign of King *George* the Third, for amending and enlarging the Powers of a former Act of the same Reign, for the better paving, cleansing, and lighting the Town of *Cambridge*, for removing and preventing Obstructions and Annoyances, and for widening the Streets, Lanes, and other Passages within that Town, (which Commissioners are herein-after called the *Cambridge* Commissioners,) the several Powers and Duties aforesaid shall, in so far as they are consistent with the Laws under which the said *Cambridge* Commissioners act, be exercised by the *Cambridge* Commissioners.

As to Offences against this Act.

XI. The Fourteenth Section of the recited Act extends to Offences against any of the Provisions of this Act, so as to render the Offenders liable to the Penalties therein expressed, and any Person convicted of any Offence against the recited Act and this Act, or either of them, may, in default of Payment of the Penalty imposed, be imprisoned for any Term not exceeding Three Months in the Manner provided by Law in that Behalf.

Conviction for Third Offence to disqualify Persons from keeping Common Lodging House.

XII. Where a Keeper of a Common Lodging House, or a Person having or acting in the Care or Management of a Common Lodging House, is convicted of a Third Offence against the recited Act and this Act, or either of them, the Justices before whom the Conviction for such Third Offence takes place may, if they think fit, adjudge that he shall not at any Time within Five Years after the Conviction, or within such shorter Period after the Conviction as the Justices think fit, keep or have or act in the Care or Management of a Common Lodging House without the previous Licence in Writing of the local Authority, which Licence the local Authority may withhold or may grant on such Terms and Conditions as they think fit.

Acts may be executed by Justices at Petty Sessions.

XIII. In a Case in which there are not Petty Sessions for a Place fifthly mentioned in Section Three of the recited Act, that Act and this Act may be executed within and for all and any Part of such Place by the Justices of the Peace acting in Petty Sessions in the Petty Sessional Division within which such Place is comprised.

As to Expenses of executing Act by Justices.

XIV. Where in any Place the recited Act and this Act are executed by Justices in Petty Sessions, the Expenses of and incident to the executing of the recited Act and this Act with respect to such Petty Sessional Division shall be borne by and paid out of the Rates for the Relief of the Poor of the several Parishes or other Places comprised therein in which any Common Lodging House is situate (except so far as there are other Monies applicable to the Purpose), and the Amount of such Expenses shall be ascertained and apportioned by such Justices, and shall be paid accordingly as they order.

C A P. XLII.

An Act for disafforesting the Forest of *Whittlewood* otherwise *Whittlebury*.

[4th *August* 1853.]

'WHEREAS the Queen's most Excellent Majesty in right of Her Crown is seised to 'Herself, Her Heirs and Successors, of and in the Royal Forest of *Whittlewood* other-'wise *Whittlebury* in the Counties of *Northampton*, *Oxford*, and *Buckingham*, or in some or 'One of the said Counties, and of and in the Soil thereof, and all Timber and other Trees, 'and all Saplings likely to become Timber, growing thereon, with the Right of Herbage and 'Feed for Deer, subject to certain Rights of the Most Noble *Henry* Duke of *Grafton* in and 'over the same, and subject also as to Portions thereof to certain Rights of Common in

'and

'and over the same: And whereas the said Forest now consists of Four Walks; *viz.*, '*Wakefield Walk, Hanger Walk, Sholbrook Walk,* and *Shrob Walk,* and is computed to con-'tain Four thousand and eleven Acres and Fourteen Perches or thereabouts, consisting partly 'of Coppices and Ridings within them, partly of Plains and open Ridings, partly of Lawns 'and Lodge Yards, and partly of Inclosures to the Lodges: And whereas with respect to 'such of the Coppices as are not constantly inclosed the Custom has been to cut them in 'rotation every Twenty-one Years, and after each Cutting to inclose them for Nine Years, 'and then to throw them open for the Deer and commonable Cattle until the next Cutting: 'And whereas the said Duke of *Grafton,* under and by virtue of certain Letters Patent of 'His late Majesty King *Charles* the Second, made in the Twenty-fifth Year of His Reign, 'is or claims to be entitled to the Coppices within the Limits of the said Forest, "excepting '"to the Crown all great Trees and Timber Trees, and all Oak Saplings, growing or to grow '"in the said Coppices, Woods, Underwoods, and Woodlands, to be reserved and left on '"the same for Stadles or Samplers, and which shall seem most fit and proper according to '"the Form in the Statute in that Case made and provided, and also all the fairest Stadles '"or Samplers of Oak, Ash, Elm, or Beech in or upon the said Coppices, Woods, Under-'"woods, and Woodlands, growing, coming, happening, or arising, and also excepting and '"reserving all Herbage and Pannage of the same:" And whereas the said Duke of *Grafton,* 'under and by virtue of certain Letters Patent of His said late Majesty King *Charles,* made 'in the Thirty-second Year of His Reign, and of certain other Letters Patent of Her late 'Majesty Queen *Anne,* made in the Eleventh Year of Her Reign, or One of them, is or 'claims to be entitled to hold and enjoy the Office of Warden, Master Forester or Ranger, 'and Master of the Game of the said Forest, with the Right of appointing a Deputy Forester 'and all the Under Foresters and Page Keepers, and at pleasure to remove them and 'appoint others, with certain Emoluments and annual Payments, and with the other Rights, 'Emoluments, and Privileges to the said Office belonging, and in virtue of such Office or 'Offices also claims to have Possession of the chief Lodge of the said Forest called *Wakefield 'Lodge,* and also of the Lodge called *Sholbrook Lodge,* with the Gardens, Pleasure Grounds, 'and inclosed Meadow Lands, with the Pasture for Cattle in common with the Deer in certain 'inclosed Lawns called *Wakefield* and *Sholbrook* Lawns: And whereas there are certain 'other Lodges for Keepers and other Officers of the said Forest, with Lands inclosed there-'with: And whereas the said Forest might be made much more valuable and productive if 'it were disafforested and the Deer removed therefrom: And whereas Her Majesty has 'been graciously pleased to signify Her Consent that the said Forest of *Whittlewood* other-'wise *Whittlebury* should be disafforested, 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 the said Forest, as 'is herein-after provided, and that such Allotment or Allotments and Compensation should 'be made to the said Duke of *Grafton* in respect of all his Rights as Warden, Master Forester 'or Ranger, and Master of the Game of the said Forest, and in respect of his Rights and 'Interests in the Coppices of the said Forest, and all other his Rights and Interests under 'or by virtue of the said recited Letters Patent, or any of them, and such Compensation to 'the other Officers of the said Forest as herein-after is also provided, and that such Allot-'ment should be made for the exclusive Common of Pasture of the several Persons entitled 'to Rights of Common of Pasture over the Portions of the said Forest subject to such 'Rights, 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, as follows; (that is to say,)

Commissioners to be appointed for the Purposes of the Act; One

I. The Provisions of this Act (subject to the Provision herein-after contained with respect to the said Duke of *Grafton*) 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

by the Commissioners of the Treasury, One by the Inclosure Commissioners, and the Third by the Chief Justice of the Court of Queen's Bench.

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 Seventeenth 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 Enrolments.

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; 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:

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

'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 Seventeenth 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 Enrolments.

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.

IV. 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.

V. The Commissioners of this Act shall forthwith proceed to ascertain the Boundaries of the said Forest, 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 for all the Purposes of this Act.

Commissioners to set out and award a Common Field or

VI. The Commissioners of this Act, so soon as they shall have ascertained the aforesaid Boundaries, shall proceed to ascertain how much of the Lands of the said Forest ought to be set apart for the exclusive Pasturage of the commonable Cattle of all Persons having Rights

Rights of Common of Pasture over the Portions of the said Forest subject to such Rights, and shall by their Award allot and set out as and for a Common Field or Common Fields so much of the Lands in the said Forest as they shall find sufficient to afford an adequate Compensation for such Rights of Common as aforesaid, and, if and so far as they shall find it expedient so to do, shall allot distinct Commons for different Parishes, Districts, or Places, and, subject thereto, the Soil and Freehold of such Commons shall be vested in the Right Honourable *Charles* Lord *Southampton* and the Right Honourable *Augustus Charles Lennox Fitzroy* commonly called Lord *Augustus Charles Lennox Fitzroy*, and their Heirs and Assigns, in trust for all Persons having such Rights of Common as aforesaid, until any Inclosure or Subdivision of such Common Field or Common Fields shall be legally made amongst such Persons; and upon the Confirmation of any Award upon any such Subdivision and Inclosure the Soil and Freehold of the said several Allotments which shall be thereupon made shall vest in the several Persons to whom such Allotments shall be made, upon and for such and the same Estates, Uses, Trusts, and Interests in all respects upon and for which the Rights of Common in respect of which such Allotments shall be made as aforesaid are held by or vested in such Persons.

Common Fields for Common of Pasture.

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

On making the Award, Forest to be disafforested, and Forestal Rights to cease.

VIII. 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;

IX. 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 Field or 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, and Saplings likely to become Timber, growing thereon, as they shall think fit.

and, within Two Years from the Award, to remove such Timber, &c. as they think fit.

X. The Commissioners of this Act, in ascertaining the Extent proper to be allotted as such Common Field or 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 from the said Forest.

In allotting Common Fields, Advantages derived by Commoners to be considered.

XI. For the Purpose of such Allotment thereof 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 Duke of *Grafton* under the said recited Letters Patent as aforesaid, and of all other the Officers of the said Forest, and of all other Persons entitled to Rights and Privileges (other than Common Rights) 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 Field or 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.

For the Purpose of such Allotment, Her Majesty to be considered as representing Rights of Warden and Forest Officers.

XII. And with respect to the Part or Parts so to be allotted as and for such Common Field or Common Fields as aforesaid by Her Majesty, Her Heirs and Successors, and all other Persons the Owners of any Lands in respect of which any Right of Common of Pasture (other than Deer Feed) now exists in and over the said Forest, their Tenants and Occupiers, shall

Her Majesty and all Persons Owners of existing Rights of Common of

Pasture to have same Rights over the Common Fields.

shall have the like Right of Common of Pasture other than Deer Feed over the said Common Field or Common Fields so to be allotted as aforesaid; and the said Common Field or Common Fields when 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 and of the said Duke of *Grafton*, other than his Rights as a Commoner.

Commissioners to set out Roads.

XIII. The Commissioners of this Act shall set out and allot such Roads and Ways through and over the said Forest, and, with the Consent of the Owners, through and over any inclosed Lands adjoining thereto, as they shall think fit, 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 shall be shut up and discontinued.

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

XIV. The Commissioners of this Act shal cause the said Roads when so set out and allotted to be made and fenced, and shall, for the Purpose of defraying the Expense thereof, 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 Warden in respect of his Rights.

XV. And with respect to the Residue of the said Forest, the Commissioners of this Act shall by their Award allot thereout to the said Duke of *Grafton* the chief Lodge called *Wakefield Lodge*, with the Gardens, Pleasure Grounds, inclosed Meadow Lands, and Lawns hitherto possessed therewith, and the Head Keeper's Lodge, and the Close called *Rushmore Close* possessed therewith, together with *Steer Copse* and the Piece of Land covered with Water on the North Side thereof, the *Hay Mead*, and the Southern Division of *South Water Slade Copse* lying on the East Side of *Hay Mead* aforesaid, together with such further Portion of the said Forest adjoining or near thereto as shall in their Judgment be a sufficient Compensation to the said Duke of *Grafton* for all his Rights, Emoluments, and Privileges as Warden, Master Forester or Ranger, and Master of the Game in the said Forest, and for his Right and Interest in the Coppices of the said Forest, and the Underwood and Bushes in the same, and for his Right of appointing the Deputy Forester and other Under Foresters and Page Keepers, and all other his Rights and Privileges, if any, under the said herein-before recited Letters Patent or any of them; and the said Lodge, with the Appurtenances, and such other Allotment or Allotments as aforesaid, shall, upon the same being made, become the absolute and exclusive Property of the said Duke of *Grafton*, and shall be held and enjoyed freed and discharged from all Rights and Claims whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever, in or over the same, and the same shall be vested in and held by him in the same Manner and for the same Estate Tail, and with the same Reversion in the Crown, as if the same were held under the said first-mentioned Letters Patent; and in ascertaining the Extent of the Allotment so to be made to the said Duke of *Grafton* the Commissioners of this Act shall take into consideration the Value of the Timber and other Trees, and Saplings likely to become Timber, left thereon, as well as the Extinction of Her Majesty's Forestal and other Rights in and over the same; and the said Allotment or Allotments shall be taken and be in full Discharge and Compensation of and for all Rights of the said Duke of *Grafton* in or in respect of the said Forest or any Forestal Office whatsoever: Provided always, that nothing herein-before contained shall affect the Rights of the said Duke of *Grafton* as a Commoner upon or over the said Common Field or Common Fields when so allotted and set out as herein-before directed.

Duke of Grafton or any other Proprietor may charge Allotments towards the Expense of fencing.

XVI. It shall be lawful for the said Duke of *Grafton*, 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 being Parcel of the said Forest to which the said Duke of *Grafton*, 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 subdividing 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

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.

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

XVII. For the Purpose of making such Allotment or Allotments to the said Duke of *Grafton*, it shall be lawful for him, if he shall think fit, under his Hand, to appoint a Commissioner in the Place of the Commissioner so to be appointed by the said Inclosure Commissioners as aforesaid, and in case of Vacancy in the Office of the 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 or Allotments to the said Duke of *Grafton*, 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.

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

XVIII. If it shall appear to the Commissioners of this Act that there are or is any other Persons or Person whose Rights (other than the Rights of Forestal Officers as such) 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 Persons or Person 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 Allotments hereby directed.

Allotments to be held to the same Uses, &c

XIX. 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.

XX. 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 to Underwood growing thereon, and from all Rights of Common, and all Rights, of what Nature and Kind soever, either of the said Duke of *Grafton* 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.

Compensation to be made to the Poor of certain Parishes, &c. in respect of Right to gather

XXI. 'And whereas certain poor Inhabitants of the Parishes, Townships, Liberties, 'Hamlets, or Precincts of *Whittlebury*, *Potterspury with Yardley Gobion*, *Passenham with* 'Denshanger, (which Parishes and Places are usually known as In-towns,) and of the 'Parishes, Townships, Liberties, Hamlets, or Precincts of *Paulerspury with Heathencote*, 'Grafton

sere and broken Wood.

'*Grafton Regis*, *Alderton*, *Wickin*, *Lillingston Lovell*, and *Lillingston Dayrell*, (which last 'mentioned Parishes and Places are usually known as Out-towns,) claim to be entitled to 'a Right to gather sere and broken Wood in the said Forest on certain Days:' Be it enacted, That the Commissioners of this Act shall inquire and ascertain whether any and what pecuniary Compensation should in their Opinion be made unto the poor Inhabitants of the said several Parishes, Townships, Liberties, Hamlets, or Precincts in lieu of any Rights that they may establish to the Satisfaction of the Commissioners of this Act to sere and broken Wood within the said Forest, and the said Commissioners shall report the Amount or Amounts thereof to the Commissioner or Commissioners of Woods, Forests, and Land Revenues for the Time being in charge of the said Forest, who upon receiving such Report shall out of the Land Revenues of the Crown advance and pay the Amount or Amounts of such pecuniary Compensation so found and reported as aforesaid, and shall invest the same in the Names of the respective Rectors and Churchwardens of the said several Parishes or Places respectively in the Purchase of Three *per Cent.* Consolidated Bank Annuities, to be held by the respective Rectors and Churchwardens of the said respective Parishes or Places for ever in trust to pay and apply the Dividends thereof in the Purchase of Coals or other Fuel, to be by them distributed yearly at *Christmas* among the poor Inhabitants of the said respective Parishes or Places; and a proper Declaration or proper Declarations of Trust shall be executed by the Trustees of the respective Parishes or Places in whose Names the same Stocks shall be invested, and Memorials of such Declarations of Trust shall be enrolled with the Clerk of the Peace for the County of *Northampton*, and on the Investment or Investments of such Sums as aforesaid all such Right and Claim to sere or broken Wood within or over the said Forest shall absolutely cease.

In setting out Allotment to Her Majesty certain Payments for broken Wood to be considered.

XXII. That in setting out and making the Allotment to Her Majesty as aforesaid the Commissioners of this Act shall take into consideration the pecuniary Payments to be made out of the Land Revenues of the Crown in respect of such Rights or Claims to sere or broken Wood, and shall give to Her Majesty such an Allotment from the said Forest as in their Opinion shall be a full and fair Equivalent for the Amount so to be paid out of the Land Revenues of the Crown for such Rights and Claims as aforesaid.

As regards the Tithes of the Coppices in Whittlebury.

XXIII. 'And whereas an Award of a total Sum to be paid by way of Rentcharge in 'lieu of the Tithes of the Parish or Township of *Whittlebury* (by the Description of the 'Township of *Whittlebury* in the Parish of *Green's Norton* in the County of *Northampton*) 'hath been confirmed by the Tithe Commissioners for *England* and *Wales*, in which Sum 'was included the Value of the Tithes of the said Coppices of the said Forest, and the 'Underwood and Bushes in the same within the said Parish or Township of *Whittlebury*, 'and in making the said Award the said last-mentioned Tithes were estimated at the Sum 'of Fifty Pounds *per Annum*, subject to the Provisions of the said Acts for the Commutation of Tithes: And whereas the Instrument of Apportionment of the total Sum so awarded by way of Rentcharge has not been confirmed: And whereas it may be expedient 'to apportion such last-mentioned Sum of Fifty Pounds *per Annum* on the Hereditaments 'and Premises by this Act directed to be allotted to the said Duke of *Grafton*, or a sufficient 'Portion thereof:' Be it enacted, That for the Purposes of such Apportionment, but for no other Purpose or Purposes whatsoever, the Hereditaments and Premises by this Act directed to be allotted to the said Duke of *Grafton* as aforesaid, or such Portion thereof as the Commissioners of this Act shall by any Certificate under their Hands direct, shall be and be deemed to be within and to be Part and Parcel of the said Parish or Township of *Whittlebury*, and of the titheable Lands or Places thereof.

Hereditaments allotted to the Duke of Grafton, or such Portion as the Commissioners shall direct, to be deemed (for the Purposes of Tithe Apportionment) Part of Whittlebury Parish.

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

XXIV. 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 thereof shall be deposited in the Office of Land Revenue Records and Enrolments, and the other Part thereof shall be deposited with the Clerk of the Peace for the said County of *Northampton*, there to remain, and be examined by all Persons at all reasonable Times on Payment of a Fee of One Shilling for each Examination.

After Award all Letters Patent, Offices,

XXV. After the Award aforesaid all and every Letters Patent, Grants, Appointments, and Warrants of and all and every other Rights to or in any Offices, Bailiwicks, Walks, or Lodges

Lodges in and for the said Forest of *Whittlewood* otherwise *Whittlebury*, and all Salaries, Gratuities, Fees, and Allowances whatsoever lawfully payable or allowed in respect of the same, and all Privileges and Emoluments incident or annexed thereto, shall thenceforth cease and determine, and pecuniary Compensation shall be made by the Commissioners of Woods out of the Land Revenues of the Crown to all Officers holding such Offices as aforesaid, except the Warden, Master Forester or Ranger, and Master of the Game, (whether holding Lodges and Land within the said Forest by virtue of their several Offices or not,) in consideration of the Cessation of their said several Offices, and on their relinquishing and giving up the Possession of the said Lodges and Land respectively, and all Claim and Interest therein or thereto, under any Grant, Letters Patent, or Appointment or Warrant as aforesaid, which Compensation shall in every distinct and separate Case be referred to and ascertained by the Commissioners of Her Majesty's Treasury. &c. to cease and determine.

XXVI. Her Majesty, Her Heirs and Successors, and the said Duke of *Grafton*, shall respectively make and at all Times thereafter maintain sufficient Boundary Fences where necessary, round all the Parts so to be set out and allotted or awarded to and to become the Property of Her Majesty and the said Duke of *Grafton* respectively as aforesaid: Provided always, that nothing herein contained shall operate to exonerate or discharge any Person or Persons from the Liability (if any) which at or before the passing of this Act he or they are or were under to make and maintain the Fences of such Part or Parts of the said Forest as may be allotted or awarded to Her Majesty or the said Duke of *Grafton* respectively as aforesaid. Her Majesty and the Duke of Grafton to make and maintain Boundary Fences round their Allotments.

XXVII. In case the said Duke of *Grafton* shall die before the Completion of the said Allotments herein-before provided to be made to him, all the Provisions herein contained relating to the said Duke of *Grafton* shall extend to and be applicable in all respects to the Person or Persons entitled in remainder or reversion upon his Decease, and the Warden, Master Forester or Ranger, and Master of the Game of the said Forest for the Time being, or the Person who but for this Act would have been Warden, Master Forester or Ranger, and Master of the Game of the said Forest. In case of the Duke of Grafton's Death, Act to bind Persons entitled in remainder.

XXVIII. The Commissioners of this Act may examine upon Declaration all such Persons as they might 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: Commissioners may, if they think fit, examine Witnesses upon Declaration.

'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.'

XXIX. 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.

XXX. Nothing in this Act contained shall extend to or in anywise affect that Portion of the ancient Forest of *Whittlewood* otherwise *Whittlebury* called *Hasleborough Walk*, nor any Title, Right, or Claim of Her Majesty, or any other Person or Persons, under and by virtue of an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for dividing, allotting, and inclosing that Portion of the Forest of* Whittlewood *called* Hasleborough Walk *in the Parish of* Whitfield, *and Liberties and Precincts of* Silston *otherwise* Silverston *otherwise* Silveston Burnham *in the County of* Northampton, *and of the open Fields of* Silston *otherwise* Silverston *otherwise* Silveston Burnham *aforesaid.* Act not to affect Hasleborough Walk. 5 G. 4. c. 99.

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 and Saplings to be cut down and sold or otherwise disposed of under or by virtue of this Act, and so far as that Provision as to Costs.

shall not be sufficient the same shall be paid as Part of the Costs of Management of the Land Revenues of Her Majesty.

Short Title.

XXXII. It shall be sufficient for all Purposes to cite this Act as the "*Whittlewood* Disafforesting Act, 1853."

CAP. XLIII.

An Act for enabling the Justices of Counties to contract in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Gaols of adjoining Counties. [4*th August* 1853.]

5 & 6 W. 4. c. 38.

'WHEREAS by an Act passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, it was enacted, that it should be lawful for His said Majesty, by an Order to be notified in Writing by One of His Majesty's Principal Secretaries of State, to direct that any Persons in Prison within *England* and *Wales* under Sentence of any Court or of any competent Authority for any Offence committed by them should be moved from the Prison in which they were confined to any other of His Majesty's Prisons or Penitentiaries within *England* or *Wales*, there to be imprisoned for and during their respective Terms of Imprisonment: And whereas it is expedient to extend the Provisions of the said Act by enabling the Justices of any County to enter into Contracts in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Prison of an adjoining County:' 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, That whenever it shall appear to Her Majesty's Principal Secretary of State for the Home Department, by the Report of the Justices assembled at any General Quarter Sessions of the Peace or Adjournment thereof, held for any County, or Riding or Division of a County, in *England* or *Wales*, that any Gaol or House of Correction for such County, Riding, or Division of a County is either permanently or occasionally insufficient for or inadequate to the safe Confinement of the Number of Prisoners committed thereto, or to give effect to the Rules prescribed and then in force under any Acts for the Government and Discipline of such Gaol or House of Correction, and that the Justices of the Peace of any adjoining County, or Riding or Division of a County, possess the requisite Accommodation, and are willing to receive into and maintain in the Gaol or House of Correction of such adjoining County, or Riding or Division of a County, any specified Number of such Prisoners, it shall be lawful for the said Secretary of State, if he shall think proper so to do, by Writing under his Hand to authorize the Visiting Justices, or any Three of them, of such adjoining Counties, or Ridings or Divisions of Counties respectively, by Writing under their Hand, to enter into such Contracts for the Reception, Maintenance, and Confinement of such Prisoners in the Gaol or House of Correction of any adjoining County, or Riding or Division of a County, for such Period and upon such Terms as may be mutually agreed upon between the Visiting Justices of such adjoining Counties, or Ridings or Divisions of Counties respectively, and when in pursuance of such Authority any such Contract shall have been entered into, the same or a Counterpart shall be submitted to the next General Quarter Sessions of the Peace of the respective Counties, or Ridings or Divisions of Counties, Parties thereto, and filed among the Records of the said Counties, Ridings or Divisions respectively; and all Payments to become due under such Contract shall be payable out of the County Rates or out of such other Fund as but for such Contract would have been chargeable with the Cost of Maintenance and Confinement of the said Prisoners in the Gaol or House of Correction from which they may be so removed or transferred as aforesaid.

When Gaol of any County is insufficient for the Custody of Prisoners, the Secretary of State may authorize the Justices of any adjoining County to contract for the Maintenance, &c. of such Prisoners.