ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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C A P. XII.

An Act for ascertaining the Boundaries of the Forest of *Dean*, and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of *Saint Briavel's*, and for other Purposes. [2d *August* 1831.]

WHEREAS the Boundaries of His Majesty's Forest of *Dean* in the County of *Gloucester*, and of the Lands of His Majesty's Subjects within the same, are in some Parts disputed, and in other Parts not clearly ascertained and distinguished; and Purprestures, Encroachments, and Trespasses to a great Extent have been made on the Soil of His Majesty within the said Forest; and certain Persons born within the Hundred of *Saint Briavel's*, within the Boundaries of the said Forest, calling themselves Free Miners, claim certain Rights and Privileges in all Lands and Grounds lying within the Perambulation and Regard of the said Forest and Lands adjoining thereto, other than certain Inclosures for the Time they shall continue inclosed, the Existence, Origin, and Particulars of which Rights and Privileges have never been sufficiently inquired into by any Person or Persons having competent Powers to carry on such Inquiry, and are not clearly ascertained and defined: And whereas it is desirable that the Constitution, Powers, Jurisdiction, and Practice of a Court called the *Mine Law Court*, and also of a Court called *Saint Briavel's Court*, and the Management of the Prison

belonging to the same Court, should be inquired into and ascertained; and it is also desirable that the Expediency of erecting into a Parish or Parishes, or uniting to some existing Parish or Parishes, the said Forest of *Dean*, and the Lands lying within the Perambulation and Regard of the said Forest, or such Parts thereof respectively as are extra-parochial, should be inquired into and ascertained: Be it therefore enacted by the King'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 it shall be lawful for His Majesty to issue or cause to be issued One or more Commission or Commissions, under the Great Seal of *Great Britain*, or under the Seal of His Majesty's Court of Exchequer at *Westminster*, and thereby to appoint Commissions for the Purposes of this Act, and to authorize and empower the said Commissioners so to be appointed, or any Two of them, to inquire of, ascertain, and distinguish, in manner herein-after mentioned, the Boundaries of the said Forest called The Forest of *Dean*, and of the Lands of His Majesty's Subjects within the same; and to inquire of the Purprestures, Encroachments, and Trespasses on the Soil of His Majesty within the Boundaries of the said Forest; and also to inquire, in manner herein-after mentioned, of the Existence, Origin, and Particulars of the Rights and Privileges claimed by the Persons born within the Hundred of *Saint Briavel's* aforesaid, calling themselves Free Miners; and the said Commissioners, or any Two of them, shall and may and they are hereby authorized and empowered to meet at such Time and at such Place within the said County of *Gloucester* as they or any Two of them shall appoint, and then and there, by the Testimony of Witnesses upon Oath (which Oath any One of the said Commissioners is hereby empowered to administer), and by the Inspection and Examination of Records, Deeds, and Writings, or by any other legal Proof or Evidence, to inquire of and ascertain the Boundaries of the said Forest, and of the Lands and Grounds belonging to His Majesty within the same, and the Boundaries between Lands belonging to His Majesty and Lands of any of His Majesty's Subjects; and in like Manner to inquire of and examine all Claims or Titles that shall or may be made to any Lands, Tenements, or Hereditaments which shall be claimed on behalf of His Majesty, as Purprestures, Encroachments, or Trespasses in or upon the Soil of His Majesty within the said Forest; and also to receive and deliberate upon Offers and Proposals for compromising or settling any Disputes between His Majesty and any other Person or Persons, touching the Boundaries of the said Forest, or of any Lands or Tenements claimed by any of His Majesty's Subjects within the same, or touching any Right, Title, or Interest claimed by any of His Majesty's Subjects to or in any such Lands or Tenements; and also to carry on and prosecute all such other Inquiries as shall enable the said Commissioners from Time to Time to make Reports touching the Premises, in manner herein-after mentioned; and in like Manner to inquire of the Origin of the Rights and Privileges claimed by the Persons calling themselves Free Miners as aforesaid, and to inquire what Qualifications, as to Birth, Occupation, or otherwise, are necessary to entitle any Person to such Rights and Privileges, and of the Nature and Particulars of the said

His Majesty may appoint Commissioners of Inquiry.

Rights and Privileges as now exercised, and also over what Lands within the said Forest or elsewhere such Rights and Privileges extend or are exercised, and of the Variations (if any) in the Manner in which such Rights and Privileges have at different Times been exercised, and of any former Proceedings at Law or in Equity which in the Opinion of the said Commissioners shall tend to ascertain the said Rights and Privileges, and of all such other Matters and Things as in the Opinion of the said Commissioners shall enable them to make One or more Report or Reports touching the said Rights and Privileges, in manner herein-after mentioned; and in like Manner to inquire into the local Limits within which the Jurisdiction of the said Court called the *Mine Law Court* and also of the said Court called *Saint Briavel's Court* respectively exist, the Nature of the Suits which it is competent for the said Courts respectively to entertain, and the Nature and Number of the Suits which are usually brought in the said Courts, the Process by which the Orders and Decrees of the said respective Courts are enforced, the Expence of Proceedings in the said Courts, also into all other Matters and Things necessary for ascertaining the Constitution, Powers, Jurisdiction, and Practice of the said respective Courts; and in like Manner to inquire into the Condition, as to Repairs or otherwise, of the Prison belonging to the said Court called *Saint Briavel's Court*, and the Treatment of and Provision for Persons confined in the same Prison, and the general Management and Conduct thereof; and in like Manner to inquire into the Expediency of erecting and forming into One or more Parish or Parishes, or uniting to or consolidating with any adjoining or other existing Parish or Parishes, the said Forest of *Dean*, and the Lands lying within the Perambulation and Regard of the said Forest, or such Parts of the said Forest and Lands respectively as are extra-parochial.

Treasury may order 500*l.* to be paid to One of the Commissioners for executing this Act, and 300*l.* for Expences, out of the Woods and Forests Revenues.

II. And be it further enacted, That it shall be lawful for the Lord High Treasurer or the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, to order and direct such Sum or Sums of Money as they in their Discretion may think fit to be issued and paid out of the Woods and Forests Revenues to any One of the Commissioners appointed to carry this Act into execution, as a Remuneration for his Services therein, provided such Sums shall not exceed Five hundred Pounds in any One Year, and of any additional Sum or Sums of Money to defray the Expences incurred by the said Commissioners in the Execution of this Act, such Sum not exceeding Three hundred Pounds, to be paid out of the Woods and Forests Revenues: Provided always, that no more than One of the Commissioners to be appointed under this Act shall receive any Pay or Remuneration for his Trouble in carrying the Provisions of this Act into effect.

Commissioners to take an Oath.

III. And be it further enacted, That the said Commissioners before they shall be capable of acting in the Execution of this Act shall severally take and subscribe an Oath before a Justice of the Peace for the County of *Gloucester*, or before One of the said Commissioners (having

(having first taken the said Oath), to the Effect following; that is to say,

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers reposed in me by an Act of the Second Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for ascertaining the Boundaries of the Forest of* Dean, *and for inquiring into the Rights and Privileges claimed by Free Miners of the Hundred of* Saint Briavel's, *and for other Purposes*, according to the Tenor and Purport of the said Act. So help me GOD.'

Commissioners may call Persons to give Evidence or produce Records, &c.

IV. And be it further enacted, That it shall be lawful for the said Commissioners to call before them, at one of their Public Meetings, any Person, (including any Judge, Steward, or Officer of the said Court called *Saint Briavel's Court*, and any Gaoler or other Officer of the said Prison,) either to give Evidence or to produce any Records of the said Court, or any other Records or other Documents in his Possession or Custody, not relating to his private Estate, or to the private Estate of any other Person or Persons, and which the said Commissioners shall think necessary or proper to be examined for the Purposes of any of the Inquiries directed by this Act or by the said Commission or Commissions; and any Person (being duly summoned) refusing or omitting to appear or to give Evidence, or to produce such Records or Documents, without reasonable Excuse for such Refusal or Omission, shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after mentioned.

Public Notice to be given of Commissioners Meetings.

V. And to the Intent that no Person may have any just Cause or Pretence for not appearing before the said Commissioners at their Meetings to be held for the Purpose of carrying this Act into execution, be it further enacted, That the said Commissioners shall give public Notice of the Time and Place of every intended Meeting, by Publication of such Notice Fourteen Days at least before such Meeting in the *London Gazette* and in One of the Public Newspapers published in the said County of *Gloucester*, when and where any Person having any Rights or Claims within the said Forest may be at liberty to lay the same before the said Commissioners: Provided always, that the said Commissioners, or any One of them, shall and may from Time to Time adjourn their Meeting to any future Day, and to any Place within the Counties of *Gloucester*, *Hereford*, or *Monmouth*, without giving any public Notice thereof in any Newspaper: Provided always, that every Place of Meeting shall be within Twelve Miles of the Boundary of the Forest of *Dean*.

Meetings may be appointed by any Two Commissioners.

VI. And be it further enacted, That any Two of the said Commissioners so to be appointed as aforesaid shall have full Power and Authority to appoint and hold Meetings for the Purpose of carrying this Act into execution; and that at all Meetings of the said Commissioners under the Authority of this Act, or the said Commission or Commissions, the major Part of the Commissioners then present shall have full Power and Authority to do, exercise, and perform all such

such Acts, Powers, and Authorities, Matters and Things, as in and by this Act, or the said Commission or Commissions to be issued in pursuance thereof, are or shall be directed, authorized, or empowered to be done, exercised, or performed by the said Commissioners.

Proceedings of Commissioners to be entered in Books.

VII. And be it further enacted, That the said Commissioners acting under the said Commission shall be and they are hereby required to cause all their Inquiries, Examinations, and Proceedings under this Act to be fairly entered in Books to be kept for that Purpose, one Book or Set of Books being appropriated to the Inquiries, Examinations, and Proceedings relating to the Rights and Privileges claimed by the Persons calling themselves Free Miners as aforesaid, and another Book or Set of Books being appropriated to the other Inquiries, Examinations, and Proceedings under this Act; all which Books, duly signed and certified by the said Commissioners or any Two of them, shall be returned into the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, there to remain and be kept.

Recovery of Penalties.

VIII. And be it further enacted, That all pecuniary Penalties and Fines imposed by this Act shall and may be recovered in a summary Way before any Justice or Justices of the Peace for the County of *Gloucester*, or for any County, Riding, Division, or Place in which the Person having incurred the same shall happen to be; and in case any Penalty or Fine recovered before any Justice or Justices of the Peace in pursuance of this Act shall not be paid forthwith, it shall be lawful for the Justice or Justices by whom such Fine shall be set or imposed, or before whom such Penalty shall be recovered, by Warrant under his Hand and Seal or their Hands and Seals, and directed by such Justice or Justices to any Constable or other Peace Officer, to cause such Fine or Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale; and in case no sufficient Distress can be had or made, such Justice or Justices shall, if he or they shall think proper, commit the Offender to the Common Gaol for or some House of Correction within the said County of *Gloucester*, or for such other County, Riding, Division, City, Town, or Place as aforesaid, there to remain without Bail or Mainprize for any Space not exceeding Two Calendar Months.

Limitation of Actions.

IX. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any thing by him, her, or them done or executed in pursuance of this Act, or for any Cause, Matter, or Thing herein contained, such Action or Suit shall be commenced within Three Calendar Months next after the Matter or Thing done, and shall be laid in the proper County, and the Defendant or Defendants in such Action may plead the General Issue, and give the Special Matter in Evidence, for his or their Defence; and if upon Trial a Verdict shall pass for the Defendant or Defendants, or the Plaintiff or Plaintiffs become nonsuited, or discontinue his, her, or their Action or Prosecution, or Judgment shall be given against him, her, or them upon Demurrer or otherwise, then such Defendant or Defendants shall have

Treble Costs awarded to him or them against such Plaintiff or Plaintiffs.

Application of Penalties.

X. And be it further enacted, That all Penalties recovered and all Fines imposed by virtue or in pursuance of this Act shall be, by the Justice or Justices receiving the same, forthwith paid over or transmitted to the Under Steward of the said Forest of *Dean*, to be applied in defraying the Expences attending the Execution of this Act or any other Laws concerning the said Forest.

Commissioners to report to the Treasury respecting the Boundaries of the Forest, the several Rights claimed therein, and other Matters relating thereto.

XI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two of them, and they are hereby required, from Time to Time and in such Manner and Form as shall be in that Behalf specified in any such Commission or Commissions as aforesaid, to report to the Lord High Treasurer or the Lords Commissioners of His Majesty's Treasury the Boundaries of the said Forest, and of the Lands of His Majesty's Subjects within the same, so far as the said Commissioners shall be able to ascertain the same; and also to report what Rights and Interests the Persons occupying or claiming to be interested in Lands or Tenements within the Bounds of the said Forest have or claim therein, and the Origin or alleged Origin of such Rights and Interests, whether by Grant, Custom, or otherwise, in all Cases in which it shall not clearly appear to the said Commissioners that a good Title to such Rights and Interests can be established against the Crown, including in such Report the Particulars of the Rights and Interests of Persons claiming to be Owners of or to have a Right to open or work Quarries, and the Origin, whether by Grant, Custom, or otherwise, of such last-mentioned Rights and Interests (save and except as to the Rights and Privileges claimed by the Persons calling themselves Free Miners as aforesaid, which Rights and Privileges are to be made the Subject of One or more separate Report or Reports, as herein-after mentioned); and also to report the Dates, Value, and other Particulars of all other Purprestures, Encroachments, and Trespasses in and upon the Soil of His Majesty within the said Forest, in all Cases in which it shall not clearly appear to the said Commissioners that a good Title can be established against the Crown; and also to report such Proposals as the said Commissioners shall think it expedient to state, from Persons claiming against His Majesty, for compromising Disputes relating to Boundaries, or for the Disposition or Application of Timber or other Trees or Wood, and to state the Opinion of the said Commissioners as to the Expediency of accepting any such Proposals as aforesaid; and also to report all such other Matters relating to the Property of the Crown in the said Forest, or any Disputes relating thereto, as in carrying on the Inquiries directed by this Act it shall seem to the said Commissioners expedient to state, and also the Opinion of the said Commissioners as to the best Manner of settling such Disputes; and also to report the local Limits within which the Jurisdiction of the said Court called the *Mine Law Court* and also of the said Court called *Saint Briavel's Court* respectively exist, the Nature of the Suits which it is competent for the said Courts respectively to entertain, the Nature and Number of the Suits which are usually brought in the said Courts, the Process by which

the Orders and Decrees of the said respective Courts are enforced, the Expence of Proceedings in the said Courts, and all other Matters and Things necessary for showing the Constitution, Powers, Jurisdiction, and Practice of the said Courts respectively; and also to report the Condition, as to Repairs and otherwise, of the Prison belonging to the said Court called *Saint Briavel's Court*, and the Treatment of and Provision for Persons confined in the same Prison, and the general Management and Conduct of the said Prison; and also to report the Opinion of the said Commissioners on the Expediency of erecting and forming into One or more Parish or Parishes, or uniting to and consolidating with any adjoining or other existing Parish or Parishes, the said Forest of *Dean*, and the Lands lying within the Perambulation and Regard of the said Forest, or such Parts of the said Forest and Lands respectively as are extra-parochial; and also to state the Reasons of the Opinion of the said Commissioners; and also to report all such other Matters relating to the Premises as in any such Commission or Commissions to be issued as aforesaid shall be in that Behalf directed.

Commissioners also to report respecting the Rights of Free Miners.

XII. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Two of them, and they are hereby required, at such Time or Times and in such Manner and Form as in any such Commission or Commissions shall be specified, to report to the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury the Opinion of the said Commissioners touching the Origin of the Rights and Privileges claimed by the said Persons calling themselves Free Miners as aforesaid, and touching the Qualifications, as to Birth, Occupation, or otherwise, necessary to entitle any Person to such Rights and Privileges; and also to report what the Nature and Particulars of the said Rights and Privileges are as now exercised, and over what Lands within the said Forest or elsewhere such Rights and Privileges extend or are now exercised, and of the Variations (if any) in the Manner in which the said Rights and Privileges have at different Times been exercised, and also of such Particulars of any former Proceedings at Law or in Equity as in the Opinion of the said Commissioners shall tend to ascertain the said Rights and Privileges; and also to report the Opinion of the said Commissioners whether any such Rights and Privileges legally exist, and whether the Manner in which the said Rights and Privileges are now exercised be warranted by Law, and whether any Rights and Privileges which legally exist are abused, or are made the Cover for illegal Practices, and in what Particular (if any) the present Exercise of the said Rights and Privileges departs from, exceeds, or is inconsistent with the Exercise of the said Rights and Privileges as warranted by Law; and also to report the Opinion of the said Commissioners as to the Steps proper to be taken for settling the Claims of the Persons calling themselves Free Miners; and also to report all such other Matters relating to the Premises as shall be in that Behalf directed by the said Commission or Commissions.

For supplying Vacancies in Commission.

XIII. And be it further enacted, That in case any of the said Commissioners so to be appointed as aforesaid, or any future Commissioner or

or Commissioners appointed as herein-after mentioned, shall die or be removed before the Duties of the Commissioners shall be fully performed, then and so often as the same shall happen it shall be lawful for His Majesty to issue or cause to be issued, under the Great Seal of *Great Britain*, or under the Seal of His Majesty's Court of Exchequer at *Westminster*, One or more Commission or Commissions, and thereby to appoint any other Person or Persons to be a Commissioner or Commissioners in the Place of the Commissioner or Commissioners who shall have died, become incapable, or been removed; and that the surviving or continuing Commissioner or Commissioners (if any), and the Commissioner or Commissioners appointed as last aforesaid, or any Two of them, shall proceed in the Discharge of the Duties imposed by this Act on the Commissioners to be first appointed under the Provision herein-before contained, in the same Manner and with the same Powers and Authorities in all respects as such Commissioners or any Two of them might have done in case such Death, becoming incapable, or Removal, had not taken place.

Reports to be made within Two Years.

XIV. And be it further enacted, That the several Reports to be made by the said Commissioners under the Authority of this Act shall be made within Two Years from the passing of this Act.

Public Act.

XV. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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