



Duchy of Lancaster Act 1812

1812 CHAPTER 161

An Act for enabling His Majesty to grant Leases under certain Circumstances, and for the better carrying into Effect the Provisions of an Act passed in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, touching the Formation of a Map of the New Forest in the County of *Southampton*, and continuing and extending other Provisions of the said Act ; for further appropriating the Monies arisen or to arise from the Sale of certain Crown Lands under the Authority of divers Acts of Parliament; for annexing certain Lands within the Forest of *Rockingham* to His Majesty's Manor of *King's Cliffe*; and for enabling the Commissioners of the Treasury to appropriate small Portions of Land for Ecclesiastical Purposes. [29th July 1812]

WHEREAS an Act was made in the Thirty fourth Year of the Reign of His present Majesty, intituled *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee Farm and other unimproveable Rents*, reciting and repealing a Proviso contained in an Act, made in the Fifth Year of the Reign of Queen *Anne*, intituled *An Act for the better Support of her Majesty's Household, and the Honour and Dignity of the Crown*, so far as the same was contrary to any of the Provisions, of the said Act of the Thirty-fourth Year of His present Majesty's Reign: And whereas by an Act passed in the Forty-eighth Year of the Reign of His present Majesty, intituled *An Act to improve the Land Revenue of the Crown of England, and also of His Majesty's Duchy of Lancaster*, it was enacted, that where any Land or Ground belonging or thereafter to belong to His Majesty, His Heirs or Successors, within the Ordering and Survey of the Exchequer, or of the Duchy of *Lancaster*, shall be deemed by the Lord High Treasurer or the Chancellor of the Duchy of *Lancaster* for the lime being, fit and proper for Gardens, Yards, Curtilages and other Appurtenances to be used and enjoyed with any House or Houses or Buildings erected or to be erected upon Ground belonging either to His Majesty, His Heirs or Successors, or to any other Proprietors, it should be lawful for His Majesty, His Heirs or Successors, to demise or grant such Land or Ground to any Person or Persons, or to any Bodies Politic or Corporate, under the Great Seal of *Great Britain*, or the Seal of the Exchequer, or the Seal of the Duchy and County Palatine of *Lancaster*, for any Term or Estate not exceeding Ninety nine Years, to be computed from the Date or making any such Lease or Grant reflectively; or if any such Lease or Grant be made to take Effect in Reversion or Expectancy, that the Term and Estate thereby to be granted, together with the Term or Estate, Terms or Estates in Possession of and in the same Lands and Grounds should not exceed Ninety-nine Years, computed from the Date or making thereof as aforesaid; and it was thereby further enacted, that no Land or Ground

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for Garden, Yard, Curtilage or other Appurtenances to be used and enjoyed with any Houses or Buildings holden or to be holden, under any Lease from His Majesty, or His Royal Predecessors, should be granted or demised for any Term or Estate exceeding in Duration the Terra or Estate for which the Houses or Buildings to which such Land or Ground should be so attached as Garden, Yard, Curtilage or other Appurtenances should be holden: And whereas it would tend much to the Improvement of the Revenues belonging to His Majesty in Right of His said Duchy of *Lancaster*, if the Power of granting Leases for the Erection, repairing, or rebuilding of Houses and other Buildings, on Lands within the Survey of the said Duchy, and of Gardens, Curtilages and Appurtenances to be used therewith, were enlarged, and if the Provisions in the said recited Act of the Thirty-fourth Year of His present Majesty were extended to Leases granted under the Seals of the Duchy and County Palatine of *Lancaster*;

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,

His Majesty may lease Lands for building on.

That the said recited Proviso in the said Act of the Fifth Year of Queen *Anne* contained, so far as the same is contrary to any of the Provisions of this Act, shall be and the same is hereby repealed ; and that when any Land or Ground, belonging or hereafter to belong to His Majesty, His Heirs, or Successors, within the Ordering and Survey of the Chancellor and Council of His Majesty's Duchy of *Lancaster* for the Time being, fit and proper for the Erection of Houses or other Buildings thereupon, or for the necessary Gardens, Yards, Curtilages and other Appurtenances to be used and enjoyed therewith, and shall be by their Order directed to be reserved or set apart and appropriated to. that Use; or where the Lessee or Grantee, Lessees or Grantees' mail agree and covenant to. erect Buildings thereon of greater Yearly Value than the Land or Ground so to be leased or granted; or where the greatest Part of the Yearly Value of any Tenements or Hereditaments belonging to His Majesty, His Heirs and Successors as aforesaid, doth or shall at the Time of making any Lease or Grant thereof consist of any Building or Buildings thereupon ; in all and every or any of such Cases it shall and may be lawful for His Majesty, His Heirs and Successors, to demise or grant the Land or Ground so directed to be set apart as aforesaid, or the Tenements. or Hereditaments of the Description last aforesaid reflectively, to any Person or Persons, or to any Body or Bodies Politic or Corporate, under the Seal or Seals of the said Duchy and County Palatine of *Lancaster*, for any Term or Estate, so as such Term or Estate do not exceed Ninety-nine Years or Three Lives, to be computed from the Date or making of any such Lease Or Grant reflectively ; or if any such Lease or Grant be made to take Effect in Reversion or Expectancy, then that, the Term and Estate thereby to be granted, together with the Term or Estate, Terms or Estates in Possession of and in the same Land and Ground, Tenements and Hereditaments reflectively, shall not exceed Ninety-nine Years or Three Lives, computed from the Date or making thereof as aforesaid, and so as the respective Rents herein-after specified or reserved for the same (that is to fey) where there shall happen to be any substantial Building or Buildings upon the Ground to be demised, or that the Building or Buildings thereupon shall not require or not be intended and agreed to be rebuilt, there shall be reserved to His Majesty, His Heirs and Successors, an annual Rent or Rents, not being less than Two-third Parts of such annual Sum as shall be deemed, by the Chancellor and Council of the said Duchy for the Time being, a reasonable Rent or Consideration for such Building or Buildings and Ground respectively, for the Term and Estate intended to be granted of and in the same and so as there be paid to the Use of His Majesty, His Heirs and Successor's, a Fine of Fines to the

Amounts of the remaining Part of such annual Sum as aforesaid, subject to a Discount which shall not be computed at a higher Rate than the highest legal Interest at the Time of making any such Grant or Lease ; and which, there shall happen to be no substantial Building upon the Land or Ground to be demised, or that the Building or Buildings thereupon required, or should be intended and agreed to be forthwith rebuilt, or other new Buildings to be erected upon such Land or Ground, then and in that Cafe there shall be reserved such annual Rent or Rents as shall be deemed by the Chancellor and Council of the said Duchy for the Time being, to be a reasonable Rent or Consideration for such Land and Ground and old Buildings respectively for the Term and Estate intended to be granted of and in the same, without taking airy Fine for the same, and so as in every Lease or Grant of Land or Ground and Buildings of the Description last aforesaid, there be contained a Covenant or Condition, on the Part of the Lessee or Grantee, for the erecting of proper and substantial Houses or other Buildings thereon, within a reasonable Time to be in such Cases limited for that Purpose, and such other Covenants for keeping Buildings in Repair, and doing all such other Acts as the Chancellor and Council of the said Duchy *Lancaster* for the Time being shall think reasonable, and so as all and every such Rent and Rents be reserved to be paid free and clear of all Manner of Taxes and Assessments whatsoever, for and during the Whole of the Term or Terms to be granted or demised, except such Rent or such Part thereof, during such Part of such Term or Terms as the Chancellor and Council of the said Duchy of *Lancaster* for the Time being shall in any Cafe think fit and expedient to be allowed, not exceeding in any Cafe the Term of Three Years, and so as every such Grantee or Lessee, Grantees or Lessees, shall and do duly sign, seal, and deliver a Counterpart or Counterparts of his, her, or their respective Grant or Lease, Grants, or Leases; and that all and every such Grants and Leases so made as aforesaid, according to the true Intent and Meaning of this Act, shall be good, valid and effectual in the Law; any Thing contained in the said Act of the Fifth Year of Queen *Anne*, or any other Ad, to the contrary notwithstanding.

II For removing Doubts in the Form of Conveyances, in Cases of Exchanges of Land within the ordering and Survey thereof.

And whereas by the said recited Act of the Forty-eighth Year of His present Majesty, it was enacted, That whenever it should appear to the said Chancellor and Council of the said Duchy, that it would be to the Advantage of the Land Revenue of the Crown, to exchange any Parcel or Parcels of Land belonging to His Majesty, His Heirs or Successors, for Land of equal or nearly equal Value, belonging to any other Person or Persons, Bodies Politic or Corporate, and such other Person, or Persons, or Bodies, should content, to such Exchange, it should be lawful for the Surveyor General of the said Duchy to cause the Value as well of the said Parcel or Parcels of Land belonging to His Majesty, His Heirs or Successors, as of the said Parcel or Parcels of Land proposed to be exchanged for such Land of His Majesty, to be ascertained by some able and practical Surveyor of Land, who should annex to his Survey, Estimate or Valuation thereof, when completed, an Oath (or, being of the People called *Quakers*, an Affirmation) taken and subscribed by him before any Justice of the Peace or Magistrate of the United Kingdom, who is respectively thereby authorized to administer an Oath or Affirmation in that Behalf, according to the Tenor and Effect therein mentioned, which Oath and Affirmation so taken and subscribed, should be filed with the Survey and Estimate in the Office of the Clerk of the Council of the said Duchy ; and the said Surveyor General of the said Duchy should report to the Chancellor and Council of the said Duchy, the Grounds of his Recommendation of the proposed Exchange, together with the said Valuation of the respective Parcels of Land ; and if the Chancellor and Council of the said Duchy should, upon due Confederation had, approve of such Exchange taking place, they should authorize the proper Officers of the said Duchy to

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carry the same into Effect, upon such Terms and Conditions as they should think fit, provided the same should be assented to by the Person or Persons, or Body, with whom such Exchange is proposed to be made, and the laid Chancellor should thereupon cause the said Parcel of Land belonging to His Majesty to be conveyed to the said Person or Persons or Bodies respectively, with whom the said Exchange was proposed to be made; and such Person or Persons or Body should at the same Time convey to the said Chancellor and Council, in Trust for and on the Behalf of His said Majesty, His Heirs and Successors, in right of His said Duchy, the said Parcel or Parcels of Land so agreed to be given in Exchange for such Parcel or Parcels of Land as aforesaid; and from and immediately after the Completion of such Exchange, the said Parcels of Land so belonging to His Majesty, and given in Exchange as aforesaid, should veil in tire Person or Persons, or Body, to whom the same was conveyed, for the same Estate or Interest, and as fully and effectually as the said Parcels of Land so given in Exchange did before such Exchange ; and the said Parcels of Land so conveyed in Exchange to His Majesty, should vest in His Majesty, His Heirs and Successors, in Right of His Duchy as fully and effectually, and be subject to the same Application, as the said Parcels of Land so conveyed in Exchange to such Person or Persons, or Body, was vetted in him before such Exchange: And whereas Doubts have arisen with respect to the Form of the Conveyance in Cases of Exchange, empowered by the said recited Act of the Forty-eighth Year of the Reign of His present Majesty ; be it enacted, That whenever it shall appear to the Chancellor and Council of the said Duchy, that such Exchange can be carried into Effect with Advantage to His Majesty, His Heirs and Successors, according to the Regulations directed by the said Act, it shall be lawful for the said Chancellor and Council, and they are hereby empowered to grant and convey to the said Person or Persons or Bodies respectively, with whom the said Exchange, is proposed to be made, any Lands, Tenements, or Hereditaments, Parcel of the said Duchy or County Palatine, in the Name of His Majesty, His Heirs and Successors, under the Seal or Seals of the said Duchy or County Palatine ; and such Person or Persons, Body or Bodies, shall at the same Time convey to the said Chancellor and Council, in Trust for and on the Behalf of His Majesty, His Heirs and Successors, in Right of His said Duchy or County Palatine, the said Parcel or Parcels of Land so agreed to be given in Exchange as aforesaid ; and from and immediately after the Completion of such Exchange, the said Parcels of Land so belonging to His Majesty, and given in Exchange as aforesaid, shall vest in the Person or Persons, or Body to whom the same is conveyed, for the same Estate or Interest, and as fully and effectually as the said Parcel of Land so given in Exchange did before such Exchange ; and the said Parcels of Land so conveyed in Exchange to His Majesty, shall vest in His Majesty, His Heirs and Successors, in Right of His said Duchy and County Palatine, as fully and effectually, and be subject to the same Application as the said Parcels of Land so conveyed in Exchange to such Person or Persons, pr Body, was veiled in him before such Exchange ; any Thin' in the laid Act or any other Act or Acts contained to the contrary notwithstanding.

III His Majesty may demise Lands for Gardens, &c.

And whereas by the said recited Act of the Forty-eighth Year of the Reign of His present Majesty it was enacted, that it should be lawful for His Majesty, His Heirs and Successors, to demise or grant any Land or Ground belonging to His Majesty, His Heirs and Successors, within the Ordering or Survey of the Exchequer and of the Duchy of *Lancaster* which should be deemed fit and proper for Gardens, Yards, Curtilages, arid other Appurtenances, to be used and enjoyed with any House or Houses or Buildings erected or to be erected upon Ground belonging either to His-Majesty, His Heirs or Successors, or to any other Proprietor, for any Term or Estate

not exceeding Ninety-nine Years, to be computed from the Date or making such Lease or Grant respectively : And whereas it is expedient that the said Power should be extended so as to enable His Majesty, His Heirs or Successors, to demise or grant for a like Term or Estate, any Land or Ground which shall be deemed fit and proper to be used or appropriated for any other Purposes calculated to afford Accommodation or Convenience to the Inhabitants or Occupiers of any such House or Houses, or Buildings, although the same may not be demised with or attached to any such House or Houses or Buildings, or let as or for a Garden, Yard, or Curtilage thereto; be it therefore further enacted, That where any Land or Ground belonging or hereafter to belong to His Majesty, His Heirs or Successors, within the Ordering or Survey aforesaid, shall be deemed by the Lord High Treasurer, or Commissioners of the Treasury, or the Chancellor of the Duchy of *Lancaster* for the Time being, fit and proper to be let or used for or appropriated to any Purpose calculated to afford Convenience or Accommodation to the Occupiers or Inhabitants of any House or Houses, erected or to be erected upon Ground belonging either to His Majesty, His Heirs or Successors, or to any other Proprietor or Proprietors, it shall be lawful for His Majesty, His Heirs or Successors, to demise or grant such Land or Ground to any Person or Persons, or to any Body or Bodies Politic or Corporate under the Great Seal of *Great Britain*, or the Seal of the Exchequer, or the Seal of the Duchy and County Palatine of *Lancaster*, for any Term or Estate not exceeding Ninety-nine Years, to be computed from the Date or making thereof, with all such Powers, Privileges, and Authorities as may be thought fit and requisite for the effecting or promoting the Object and Intent of such Demise or Grant, so as there be reserved upon every such Demise or Grant such annual Rent or Rents as shall be deemed by the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or the Chancellor and Council of the Duchy of *Lancaster* for the Time being, a reasonable Consideration for every such Demise or Grant, without taking any Fine for the same.

IV Treasury may authorize the Commissioners of Woods, &c. to contract for exchanging Lands.

And whereas by an Act passed in the Parliament holden in the Thirty-ninth and Fortieth Year of His present Majesty, intituled *An Act for the better Preservation of Timber in the New Forest in the County of Southampton, and for ascertaining the Boundaries of the said Forest, and of the hands of the Crown within the same*, a Power was given to the Commissioners of the Treasury, for Ten Years from and after the palling of that Act, to contract for the Exchange of any of the Waste Lands, lying in the New Forest belonging to the Crown, in the Manner therein mentioned, for any other Lands lying in the same Forest belonging to Individuals, of the Nature, Situation, and Description, in the said Act particularly specified : And whereas the Power granted to His Majesty by the said Act to contract for Exchanges, was continued by an Act, passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act to extend and amend the Term and Provisions of an Act of the Thirty ninth and Fortieth Year of His present Majesty, for the better Preservation of Timber in the New Forest in the County of Southampton, and for ascertaining the Boundaries of the said Forest, and of the Lands of the Crown within the same*, until the Twenty-eighth Day of *July* One thousand eight hundred and eleven ; which said last mentioned Act was continued until the Twenty-fifth Day of *July* One thousand eight hundred and twelve, by an Act passed in the last Session of Parliament; and it is expedient to continue and enlarge such Permission, and also to permit the Exchange and sale of Property of the Nature and Situation therein and herein described, in all the Forests belonging to His said Majesty ; be it therefore enacted, That from and after the palling of this Act it shall be lawful for the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury for the Time being,

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to authorize the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Woods and Forests for the Time being, on the Behalf of His Majesty, His Heirs and Successors, to grant or contract to grant to any Person or Persons, Bodies Politic or Corporate, any of the Waste or other Lands of the Crown within any of the said Forests, in exchange for any other Lands in or adjoining to the same Forest respectively, whereof such Person or Persons, Bodies Politic or Corporate, shall or may be seized in Fee Simple or absolutely entitled to an Estate of Copyhold or Customary or Leasehold Tenure, the Reversion thereof being in the Crown, and being fit and proper for the Growth of Timber, and conveniently situated for that Purpose ; and that all and every Exchange and Exchanges so made shall be good, valid, and effectual in Law to all Intents and Purposes whatsoever, any Infancy, Coverture, or other Disability in the Parties interested in such Exchange, or any Law or Statute, to the contrary in anywise notwithstanding; provided the Value of each Piece of Land so to be exchanged does not exceed One thousand Pounds, and that all such Exchange of Freehold Premises shall be made according to the Form marked (A.) and set forth in the Schedule hereto annexed, and that all such Exchange of Leasehold Premises shall be made according to the Form marked (B.) also set forth in the said Schedule, or as near thereto as may be.

V Treasury to alienate small Parcels of Land intermixed with Lands of Individuals.

And whereas there are in various Parts of the several Royal Forests, sundry Parcels of Land belonging to the Crown, which are wholly or in Part surrounded by or intermixed with, or contiguous and adjoining to other Lands, the Property of some of His Majesty's Subjects, and which said Forest Lands are of little or no Value to the Crown for the Growth of Timber, either by Inclosure and Planting, or otherwise, and it may conduce to the more easy Care of the Rights of the Crown within the said Forests, as well as to the Convenience of His Majesty's Subjects, if a Power should be given to the Lord High Treasurer, or to the Lords Commissioners of His Majesty's Treasury for the Time being, to authorize the Sale of small Parcels of Forest Land ; be it therefore enacted, That from and after the pairing of this Ad, if it shall appear to the Lord High Treasurer, or to the Lords Commissioners of His Majesty's Treasury for the Time being, upon the Report of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or upon the Report of the Surveyor General of His Majesty's Woods and Forests for the Time being, that any small Parcel or Parcels of Land within any of the Royal Forests belonging to the Crown, are intermixed with, adjoin, or are contiguous or convenient to, or surrounded by the Lands of Individuals, and is or are of little or no Value to the Crown for the Growth of Timber, either by Inclosure and Planting or otherwise ; it shall be lawful for the said Lord High Treasurer, or the said Lords Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, to authorize the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Woods and Forests for the Time being, to contract and agree, on the Behalf of His said Majesty, His Heirs and Successors, with the Person or Persons whole Lands shall be intermixed with, or shall adjoin to, or be contiguous or convenient to, or surrounded by such Parcel or Parcels of Land so situated as aforesaid for the Sale thereof, and to make good and effectual Conveyance thereof, for such Price or Prices as shall be certified to the said Commissioners of the Treasury by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or by the said Surveyor General of Woods and Forests, to be just and reasonable; such Price in no Cafe to be under the Value set upon such Land by the Surveyor to be employed to value the same in the Manner herein-after provided, and the same to be paid into the Hands of the said last mentioned Commissioners, or into the Hands of the said Surveyor General for the Time being, and to be by them or him accounted for in Manner herein-after

specified: Provided always, that the Lands of the Crown to be so sold and disposed of shall not exceed in Value, in any Instance, the Sum of One thousand Pounds ; and the Conveyance or Conveyances of such Parcel or Parcels of Land so to be fold and disposed of, be according to the Form marked with the Letter (C.) set forth in the Schedule hereunto annexed, or as near thereto as may be.

VI Land to be exchanged or sold, to be surveyed by practical Surveyors.

Provided always, and be it further enacted, That in order to secure a true and just Price to be set on the Land of the Crown, and on that of Individuals to be given in Exchange, and also on the Land of the Crown to be fold by virtue of this Act, the same in every Instance shall be valued by an able arid practical Surveyor of Land to be appointed by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or by the Surveyor General of His Majesty's Woods and Forests for the Time being, on behalf of His Majesty ; and the Land Surveyor so appointed for making such Valuation shall certify, by his Report in Writing under his Hand, what is in his Judgment the true and fair Worth and Value of the Lands and Premises so by him surveyed and valued, clear of all Taxes, Assessments and Reprizes whatever ; and shall also annex to such Survey or Estimate or Valuation, an Oath or (being one of the People called *Quakers*) an Affirmation, taken and subscribed by him before any one of the said last-mentioned Commissioners, or before such said Surveyor General, or before any One of His Majesty's Justices of the Peace in and for the County wherein any such Land proposed to be exchanged or fold shall be, which Oath or Affirmation they are hereby respectively authorized to administer, and which Oath or Affirmation shall be in the Form following; (that is to say),

“I *A. B.* do swear [*or, being a Quaker, do solemnly affirm*], That the Survey or Account hereto annexed was faithfully and impartially made by me ; that the Value of the Property of the Crown, and of C.D. therein contained, is justly estimated therein according to the best of my Skill and Judgment; and that all the Particulars stated in the said Survey are true, to the best of my Knowledge and Belief.”

Which Oath or Affirmation so taken and subscribed shall be filed with, the Survey and Estimate, in the proper Office for depositing the fame.

VII Treasury empowered to authorize the making of Railways, &c. to Quarries, &c. in the Forests; and Commissioners of Woods &c. or Surveyor General of Woods, &c. to grant Leases for that Purpose.

And whereas there are in divers of His Majesty's Forests, Quarries of Freestone, Limestone, Slate and other Stone, and Strata or Veins of Coal and Iron Ore, and of Marl, the Produce of which is of great Value, but by Reason of the Steepness of the Ground in some Places, and the Wetness or Depth of the Soil in others, the Access to the same is in many Instances at all Times difficult, and often impracticable : And whereas it would in many Cases greatly facilitate the getting, and carrying away of the said Freestone, Limestone, and other Stones, Slate, Coal, Iron Ore, and Marl, if Permission were given to erect Fire or Steam Engines for raising the fame, and. the Water collecting in the Pits where they are got, and to form Rail or Tram Roads and Inclined Planes for carrying away the said Freestone, Limestone, and other Stone, Slate, Coal, Iron Ore and Marl; and many Individuals might be willing to make such Railways or Tram Roads and Inclined Planes, or to erect such Fire or Steam Engines, if they should obtain Leave for that Purpose ; be it therefore, enacted, That, from and after the parting of this Act, whenever Application shall be made by any Person to the said

Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the said Surveyor General of His Majesty's Woods and Forests for the Time being, for Leave to make any Railway, Tram Road or Inclined Plane, or to build or erect any Fire or Steam Engine as aforesaid, and it shall appear to the said Commissioners, or to the said Surveyor General, that it would be for the Advantage of the Public, and not detrimental to the Interests of the Crown, that such Railway, Tram Road, or Inclined Plane should be made, or that such Fire or Steam Engine should be built or erected, it shall be lawful for the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury for the Time being, to authorize the said Commissioners of Woods, Forests, and Land Revenues, or the said Surveyor General of His Majesty's Woods and Forests for the Time being, to grant a Lease for any Term not exceeding Thirty-one Years, of such Part of the Royal Forests as may be necessary for the Purpose of making any such Railway, Tram Road or Inclined Plane, or for erecting such Fire or Steam Engine, with a Licence in such Lease to make or erect the same under such Modifications and Restrictions, for such yearly Rent and upon such Terms and Conditions, as to the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the said Surveyor General of His Majesty's Woods and Forests for the Time being, may seem expedient ; which Lease may be according to the Form hereunto annexed, and marked with the Letter (D.) or as near thereto as may be : Provided always, that no such Lease and Licence for the Purpose of making such Railway, Tram Road or Inclined Plane, or of erecting such Fire or Steam Engine, shall be granted in any Case where the Use of the same would interfere with or in any way abridge or prove inconsistent with the Exercise of the Rights veiled in either of the Companies established by Two Acts of Parliament passed in the Forty-ninth Year of King George the Third, the one intituled *An Act for making and maintaining a Railway or Tram Road from the Summit of the Hill above Churchway Engine, in the Forest of Dean, in the County of Gloucester, to a certain Place in the said forest called Cinderford Bridge* ; the other, intituled *An Act for making and maintaining a Railway from the River Wye, at or near to a Place called Lidbrook, in the Parish of Ruardean, in the County of Gloucester, to or near to a Place called The Lower Forge, below Newern, in the Parish of Lydney, in the said County, and for making other Railways therein mentioned, in the Forest of Dean, in the County of Gloucester* ; without the previous Consent and Concurrence of the Companies incorporated under the said Acts.

VIII Treasury or the Surveyor General, may make Compensations, or grant Leases to Persons relinquishing Parts of Forest.

And whereas many Purprestures, Encroachments, and Trespasses have been made and continued in and upon the Soil of His Majesty, within the Boundaries of the Royal Forests, some of them contiguous, and similar in Soil, Situation and Exposure to Parts of the said Forests well calculated for the Growth of Timber for the Use of the Navy, and some in particular within the Parts of the New Forest and Forest of *Dean* which have been already set out for that Purpose under the Statutes in that case made and provided ; and it is expedient that more effectual Provision that has hitherto been obtained, should be made for dealing with all such Purprestures and Encroachments in such Manner as shall best answer the Purpose of preserving and maintaining His Majesty's Rights over the same; be it further enacted, That from and after the passing of this Act, in case of any Purprestures or Encroachments situate in Parts of any of the Forests fit for the Growth of Timber, which Purprestures or Encroachments shall appear to have been inclosed, or used and occupied by the Person or Persons then in Possession thereof, or by any Person or Persons under whom the same is or are respectively claimed to be held, without any effectual Interruption by or on the Part of His Majesty for any Period not less than Ten Years, and where

Expence shall appear to have been incurred in the Improvement thereof by the Erection of Buildings or otherwise, and the Claimant or Claimants, Occupier or Occupiers shall have relinquished the same on receiving Notice so to do, it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Woods and Forests for the Time being, by and with the Authority of the Lord High Treasurer or Lords Commissioners of His Majesty's Treasury for the Time being, to make such Satisfaction or Compensation in Money, in consideration of the Removal, Abatement or Resumption of any Encroachment or Purpresture so situated, as shall by the said Commissioners or the said Surveyor General for the Time being be deemed reasonable and proper, under all the Circumstances of the Gale, or to grant a Lease of some other Part or Parts of the Forests situated on the Skirts or Borders thereof, which on account of such Situation or other Circumstances shall not be deemed fit for the Growth of Timber, or likely to interfere with any Inclosures or Plantations to be made for that Purpose, for such Term of Years, not exceeding Thirty-one, as shall be deemed a reasonable Allowance by way of Compensation for the Expence which shall appear to have been incurred in such Improvements; provided that there shall be reserved to be paid to His Majesty, His Heirs and Successors, by the Person or Persons to whom such Lease shall be so granted, such Annual Rent or Rents as under all the Circumstances of the Case shall by the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the said Surveyor General of His Majesty's Woods and Forests for the Time being, be deemed reasonable and proper.

IX Where Encroachments have been made on the Skirts of the Forests, or in Parts not suited for the Growth of Timber, the Commissioners of Woods, &c. or the Surveyor General empowered to grant Leases thereof.

And be it further enacted, That from and after the passing of this Act, in Cases where Purprestures and Encroachments shall have been made Twenty, Years at least before the passing of this Act (and which shall not within that Period have been abated or presented at any Forest Court) on the Skirts and Borders of any of the said Forests, or upon Parts thereof not adapted to or convenient for the Growth of Timber, or likely to interfere with any Inclosures or Plantations to be made for that Purpose, and where the Persons in Possession of the same shall be desirous of retaining such Possession under a Lease or Leases thereof, it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or for the Surveyor General of His Majesty's Woods and Forests for the Time being, under the Authority of the Lord High Treasurer or the Lords Commissioners of His Majesty's Treasury for the Time being, to grant such Lease or Leases for any Term not exceeding Thirty-one Years, in Confederation of the Payment of such Annual Rent or Rents, and under such Covenants, Conditions, and Stipulations as according to the Circumstances of the Case shall by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General of His Majesty's Woods and Forests for the Time being, be deemed reasonable and proper; and such Lease or Leases shall be made out accordingly, and may be according to the Form set forth in the Schedule hereto annexed, and marked with the Letter (D.) or as near thereto as may be, without any Fine, Fee, or Reward to be paid for the same, or other Charge, except the Expences actually incurred for writing and engrossing such Leases.

X Instrument to be enrolled in the Office of the Auditor of the Land Revenue.

And be it further enacted, That every Agreement, Deed, Conveyance and Lease authorized by this Act, together with a Map or Plan of the Land exchanged, fold, or demised thereby, shall be enrolled in the Office of the Auditor of His Majesty's Land Revenue, and a Minute or Docquet thereof entered and preserved in the Office of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or in the Office of the said Surveyor General of His Majesty's Woods and Forests for the Time being ; and that from and after such Enrolment or Entry, His Majesty, His Heirs and Successors, in right of the Crown shall be deemed to be in the actual and lawful Seisin and Possession of any Land taken in Exchange ; and that the Party with whom such Exchange shall be so made, shall have, hold, and enjoy the Lands and Premises so given in Exchange, as of the same Tenure, and subject to the same Charges and inverted with the same Rights and Privileges, as the Land taken in Exchange was before such Exchange legally subject to and inverted with; but freed and discharged from any other Right, Title or Claim of the Crown to the Soil, than such as shall be incident to the Nature of such Tenure, and from all Common of Pasture and other Rights of Common ; and the Party to whom any Land shall have been so fold, or conveyed by Exchange, shall hold or enjoy the same, freed from any Right, Title, or Claim of the Crown, and from all Common of Pasture or other Right of Common,

XI Unlawful Enclosures, &c. to be enquired of by the Verderers, &c.

And whereas the Number of unlawful Enclosures, Purprestures, Encroachments and Trespasses in the Royal Forests has of late Years been much increased, and the Fences of many of such Encroachments, and the Houses and Buildings erected thereon, though at different Times abated and thrown down by the Keepers or other Officers of the said Forests, have again been reinstated by the Trespassers who originally made them, or by others subsequently occupying or claiming the same : And whereas it is expedient that more effectual Provision should be made for the Prevention of such Offences, and for the Punishment of the Offenders in future ; be it therefore enacted, That from and after the passing of this Act all such unlawful Enclosures, Purprestures, Encroachments and Trespasses which shall have been wilfully made, or caused or procured to be made, by any Person or Persons, in and upon any of the Royal Forests, or shall be wilfully held, occupied and made use of by any Person or Persons subsequently occupying or claiming the same, save and except such as have been demised or in respect of which any Treaty for a Demise shall or may be pending between the said Commissioners of Woods, Forests, and Land Revenues, and the Party or Parties who shall be pretended Owners or actual Occupiers thereof, shall and may be enquired of, by the Verderers of. the respective Forest or Forests within which such unlawful Enclosures, Purprestures, Encroachments or Trespasses shall have been made, in the Court or Courts of Attachment of the said Forest or Forests--j and the Person or Persons guilty of making, continuing and renewing any such unlawful Enclosure, Purpresture, Encroachment or Trespass, save as aforesaid, shall and may be prosecuted for the same in the said Court or Courts ; and upon Proof being made thereof, on the Oath of One credible Witness, the Verderers of the said Forest or Forests, or any Two of them present at the said Court or Courts, shall have Power, and they are hereby authorized to fine any Person or Persons so offending, for every such Offence, in any Sum not exceeding Twenty Pounds, to be recovered and applied in Manner herein-after provided for, and to order and direct every such unlawful Enclosure, Purpresture, Encroachment and Trespass, save as aforesaid, to be abated by the Regarded, Under Foresters, Under Keepers or other Officers of the said -Forest or Forests, who are hereby authorized and empowered to abate the same

accordingly : Provided nevertheless, that in case it shall be insisted upon by any Person or Persons, who shall be proceeded against in any of the said Attachment Court or Courts as herein-before directed, that the Place wherein the Enclosure, Purpresture, Encroachment or Trespass shall have been or shall be alleged to have been made, was not within the Boundaries of the said Forest or Forests, or within the Lands belonging to His Majesty within the same, the said Verderers shall not proceed to Conviction, but shall certify the Presentment of such Offence to His Majesty's Attorney General, to the End that such Proceeding may be had therein by Information of Intrusion, or otherwise, as by Law might have been had before the passing of this Act.

XII The Verderers may appoint Officers for executing the Orders of the Court ; and fix Fees.

And be it further enacted, That it shall be lawful for the Verderers of any of the said Forests, or any Two of them, at any Court of Attachments holden for any of the said Forests, by Warrant or Warrants under the Hands and Seals of them, or any Two of them, to nominate and appoint any Person or Persons to be the Officer or Officers of the said Court or Courts, Forest or Forests, for the Purpose of executing the Judgments and Orders of the said Court or Courts, from Time to Time given and made; and the Person or Persons so appointed shall, during the Time mentioned in such Warrant or Warrants, or until the same shall be recalled, or their Appointment or Appointments revoked by the said Verderers, have full Power and Authority to execute the Judgments and Orders of the said Court or Courts, within the said Forest or Forests, in such and the same Manner, and by such and the same Means, as any Constable or other Peace Officer can or may by Law execute the Warrant of any Justice of the Peace for any County ; and the said Verderers or any Two of them shall and may fix and allow such Fees to be paid to or taken by such Officer and Officers, as the said Verderers shall in their Discretion think fit.

XIII Regarded, Foresters, and other Officer, shall before the holding of Courts of Attachments survey the Forests, and take an Account of Enclosures, &c.

And be it further enacted, That every Regarder, Under Forester, Under Keeper or other Officer' of any of the said Forests, shall, within the Space of One Calendar Month next before the holding of the Fifth Court of Attachments in each Year, and within a reasonable Time before the holding of any other Court or Courts of Attachments for any of the said Forests, carefully survey such Part or Parts of the said Forests as shall be within his or their Regard, View, or Cognizance, or within the respective Walks of the several Under Foresters or Under Keepers of any of the said Forests, and shall take an Account of all unlawful Enclosures, Purprestures, Encroachments, and Trespasses whatever, made, done, or committed within the same, since any preceding Survey or Surveys which shall have been made by them or any of them, on any Part or Parts of any of the said Forests as aforesaid, or which were not noticed in such preceding Survey or Surveys; and every such Regarder, Under Forester, Under Keeper or other Officer, shall, at every Court or Courts of Attachments holden for any of the said Forests, make and deliver to the Verderers thereof then present, a true Return and Presentment of all such unlawful Enclosures, Purprestures, Encroachments, and Trespasses, as he or they shall find to have been made, done, or committed, within any Part or Parts of the said Forests which shall be within his or their Regard, View, or Cognizance, or within the respective Walks of the several Under Foresters and Under Keepers of any of the said Forests, or which he or they shall not have returned or presented at the preceding or some former Court or Courts, or which having been made

before such last Survey or Surveys, shall not have been abated, and at what Time or Times and in what particular Part or Parts of any of the said Forests, and by whom, any such unlawful Enclosures, Purprestures, Encroachments, and Trespasses, have been made, done, or committed, so far as they have been able to ascertain, the same ; and every such Regarder, Under Forester, Under Keeper, or other Officer, shall at the Time of making or delivering in his said Return or Presentment, make Oath before the said Verderers (which Oath they or anyone of them is hereby authorized to administer), that to the best of his Knowledge, Information, and Belief, no unlawful Enclosure, Purpresture, Encroachment, or Trespass, hath been made, done, or committed, or then exists, within such Part or Parts of any of the said Forests as (hall be within his Regard, View, or Cognizance, or within the respective Walks of the several Under Foresters or Under Keepers of any of the said Forests, other than such as are contained and described in the Return or Presentment then made and delivered in by him, or made or delivered in at the preceding or at some former Court, specifying the Time at which the lame was held.

XIV Court of Attachments may enquire into the Conduct of the Regarders and other Officers, and for Neglect of Duty may fine them.

And be it further enacted, That it shall be lawful for the Verderers of any of the said Forests, or any Two of them, at any Court or Courts of Attachments to be holden for any of the said Forests, to enquire into the Conduct and Behaviour of the Regarders, Under Foresters, Under Keepers, or other Officers of the, said Forests, in their said Offices; and if the said Verderers shall find that any Regarder, Under Forester, Under Keeper or other Officer, hath wilfully given or delivered in to them any untrue Return or Presentment, or hath concealed or wilfully omitted to insert in such Return or Presentment, any unlawful Enclosure, Purpresture, Encroachment, or other Trespass, which ought to have been described or noticed therein or hath wilfully and without good Cause neglected to make such Survey as is herein-before directed, or hath been guilty of any wilful Neglect in the Care of the Timber or other Trees, Woods, Thorns, or Bushes, situate within such Part or Parts of any of the said Forests as shall be within his or their Regard, View, or Cognizance, or within the Walk or Walks of any of the laid Under Foresters or Under Keepers, or other Officers of any of the said Forests, or in any other Respect hath wilfully omitted to perform the Duty of his Office, it shall be lawful for the Verderers of any of the said Forests, or any Two of them (having due Proof made before them on Oath or any such wilful Neglect, Omission, or Default), and they are hereby authorized to set and impose a Fine not exceeding the Sum of In Pounds on such Regarder, Under Forester, Under Keeper, or other Officer, for every such his wilful Act, Neglect, Omission, or Default, to be recovered and applied as herein-after mentioned; and for the second Offence, such Regarder, Under Forester, Under Keeper, or other Officer, shall forfeit and be deprived of his Office, and shall not at any Time afterwards be restored to such Office, unless the Verderers, or any Two of them, shall by Order to be made by them at a Court of Attachments, signify that in their Judgement such Regarder, Under Forester, Under Keeper, or other Officer, may properly be re-appointed or restored to his said Office ; and if any such Officer shall be again convicted of a like Offence whereby his Office shall become forfeited, he shall be incapable of being again appointed to such Office, or of holding any Office or Employment whatsoever within any of the said Forests.

XV Penalties not directed to be recovered before the Verderers, or in the Courts of Attachments, may be recovered before a Justice.

And be it further enacted, That all pecuniary Penalties impeded, and Fees authorized by this Act, and not herein-before directed to be recovered before the Verderers of any of the, said Forests, or in the said Courts of Attachments, shall and may be recovered in a summary Way, before any Justice or Justices of the Peace for any County, Riding, Division, or Place, in which the Person having incurred the lame, shall happen to be ; and in safe any Penalty recovered before any Justice or Justices of the Peace, or before the Verderers of any of the said Forests, or any Two of them, or in the said Courts of Attachments, or any Fine set or imposed, by the said Verderers, or any Two of them, or the said Courts, shall not be paid forthwith, it shall be lawful for the Justice or Justices, or Verderers, or the said Courts 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, and by the said Verderers to the proper Officer or Officers to be appointed for any of the said Forests in the Manner herein-before provided, 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 safe no sufficient Distress can be had or made, such Justice or Justices, Verderers, or Courts, shall, if he or they shall think proper, commit the Offender to the Common Gaol for or some House of Correction within such County, Riding, Division, City, Town, or Place, as aforesaid, there to remain without Bail or Mainprize, for any Time not exceeding Six Months.

XVI Act not to infringe any Rights under Letters Patent.

Provided always, and it is hereby declared, That nothing in this Act. contained shall extend or be deemed or construed to extend, to defeat, alter, or infringe all or any of the Rights, Privileges, or Advantages which may be enjoyed or claimed under any Letters Patent granted by His said Majesty, His Ancestors, or Predecessors, of any Office, Bailiwick, Walk, or Lodge, within any of the said Forests.

XVII Not to prevent proceeding by ordinary Course of Law if thought more advisable.

Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent His Majesty from proceeding by Information in His Court of Exchequer, or from having Recourse to any other Law which may now exist for the Punishment of Offences of the Nature herein-before mentioned, in all Cases where such Proceedings -shall be deemed more advisable than those which are authorized by this Act.

XVIII Rent of Lands to be paid to Commissioners or Surveyor General, and to be applicable as other Funds under their Management.

And be It further enacted, That all Sums of Money which shall accrue either by Penalties recovered under this Act, or from the Sale of or as Rent for any Lands fold or demised by virtue of this Act, shall be paid to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Woods and Forests for the Time being, to be by them or him paid into the Hands of the Governor and Company of the Bank of *England*, and applied and accounted for with the other Funds under their or his Management, in the Manner directed by an Act

of the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Office of Surveyor General of Woods and Forests.*

XIX Map or Plan to be completed in Five Years.

And whereas by an Act made in the Thirty-ninth and Fortieth Years of His present Majesty, intituled *An Act for the better Preservation of Timber in the New Forest in the County of Southampton, and for ascertaining the Boundaries of the said Forest, and of the Lands of the Cretan within the same*, it was amongst other Things enacted, That the Commissioners thereby appointed should cause a Map or Plan to be made of the said Forest in Manner therein mentioned : And whereas the said Map has not hitherto been framed according to the Provisions of the said Act; and it is expedient that the same should be executed with as little Delay as possible, be it enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury, or any Three or more of them, to employ-Surveyors, or other proper Persons, in framing such Map or Plan; and they are hereby required to complete the same within Five Years from and after the passing of this Act.

XX Surveyor of Roads, &c. not to dig for Gravel, &c. in Woods belonging to the Crown.

And be it further enacted, That from and after the parting of this Act. it shall not be lawful for any Surveyor of any Turnpike Road or any Highway, or for any other Person, to dig, get, or carry away, or cause to be dug, got, or carried away, any Stone Or Gravel, or other Materials for the making or repairing of any Road or Way, or for any other Purpose, in or from any of His Majesty's Forests, whereby any Plantation or Tree belonging to His Majesty may be or be liable to be injured or damaged.

XXI Commissioners not to fell or grant in exchange any Marle Pits, Peat Lands, or Gravel Pits.

Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to empower or enable the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Woods and Forests for the Time being, to grant in Exchange, or to make Sale of any open or accustomed Marl Pits, or any Bogs or Lands from which Peat has been usually gotten for Fuel, or any Gravel Pits now open, situate in or within any of the said Forests, or any Lands, by the Exchange or Sale whereof the Owners or Occupiers of any Estates adjoining or contiguous to the said Forests shall be deprived of their usual or accustomed Supply of Marl or Peat from the said Forests.

XXII No Exchanges or Sales to be made which shall interrupt the Access to the Forests from adjoining Estates.

Provided also, and be it enacted, That nothing in this Act contained (hall extend to empower or enable the laid Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Woods and Forests for the Time being, to grant in Exchange or make Sale of any Land within any of the said Forests, in such Manner as to prevent any Person or Persons having Right of Common on such Forests from having Access to such Forests for the Purpose of enjoying such Right of Common, as effectually and conveniently as he or they now has or have, or otherwise might have had, or to prevent any Person or Persons from having Access from the said

Forests to any Lands belonging to him or them, lying adjacent or contiguous to the said Forests, as fully as he or they now has or have or otherwise might have had.

XXIII Commissioners of Woods, &c. to receive Verifications and take Examinations on Oath touching Matters which relate to the Department of the Land Revenue.

And whereas by an Act, parted in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for uniting the Offices of Surveyor General of the Land Revenues of the Crown, and Surveyor General of His Majesty's Woods, Forests, Parks and Chases*, the Commissioners of His Majesty's Woods, Forests, and Land Revenue, or any one of them, are authorized to receive a Verification and take an Examination on Oath touching and concerning all Matters of Surveys, Returns, Reports, Estimates, Accounts, and other Matters and Things, of and from every Officer and other Person, in all Cases wherein the Surveyor General of His Majesty's Woods, Forests, Parks and Chafes, was immediately before the palling of that Act by Law authorized so to do : And whereas k is expedient that alike Authority should be given to them to receive Verifications and take Examinations on Oath touching Matters which relate to the Department of His Majesty's Land Revenue, and which were, previous to the passing of the above mentioned Act, under the separate Cognizance or Management of the Surveyor General of that Department; be it therefore enacted, That it shall be lawful for the said Commissioners or any One of them, and they or any One of them are and is hereby authorized, to receive a Verification and take an Examination upon Oath of and from any Officer and other Person employed in making and conducting any Surveys, Returns, Reports, Estimates and Accounts, or other Matters and Things touching and concerning the said Department of His Majesty's Land Revenue in like Manner as they are by the said above-mentioned Act empowered to do in all Matters and Things relating to the Department of His Majesty's Woods, Forests, Parks and Chafes; and if any Officer or other Person shall in any such Verification or Examination upon Oath as aforesaid, knowingly and wilfully forswear himself, herself, or themselves, such Officer or other Person so offending shall be liable to be punished in such Manner as is provided by the different Laws and Statutes now in force for the Punishment of wilful and corrupt Perjury.

XXIV Two of the Commissioners of Woods, &c. may act.

And be it further enacted, That where any Thing is directed, required or permitted to be done under this Act, by the Commissioners of His Majesty's Woods, Forests, and Land Revenues, the same may be done by any Two of such Commissioners.

XXV Money arising by the Acts herein recited to be laid out in the Purchase of Lands fit for the Growth of Timber.

And whereas an Act was passed in the Thirty-fifth Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to grant To the Right Honourable John Earl of Upper Ossory, of Ampthill in the County of Bedford, his Heirs and Assigns, in Fee Simple, all the Estate, Right, Title, and Interest remaining in His Majesty in and upon the Walk of Farming Woods, in the Forest of Rockingham, in the County of Northampton, to which the said Earl of Upper Ossory is entitled for Three Lives, under a Grant from His present Majesty, upon a Jul I and adequate Consideration to be paid for the same* : And whereas an Act was passed in the Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to grant to John Earl of Westmorland, his Heirs and Assigns, in Fee Simple, all the Estate, Right,*

Status: This is the original version (as it was originally enacted).

Title, and Interest remaining in His Majesty, in or upon the Hayes or Walks of Sulehay, Fermes, and Shortwood and Morehay, in the Forest of Rockingham, in the County of Northampton, upon a full and adequate Consideration to be paid for the same : And whereas another Act was passed in the said Thirty-sixth Year of the Reign of His present Majesty, intituled *An Act to enable His Majesty to grant to Henry Earl of Exeter, his Heirs and Assigns, in Fee Simple, all the Estate, Right, Title, and Interest remaining in His Majesty in and upon the Hays or Walk of West Flay in the Forest of Rockingham, in the County of Northampton, upon a full and adequate Consideration to be paid for the same*, and it was thereby enacted, that when such Grant should be so made, the Woods, Woodlands, Hereditaments, and Premises to be comprised therein should immediately thereupon become and be Part and Parcel of the said *Henry Earl of Exeter's* Manor of *Duddington*, in the County of *Northampton* : And whereas another Act was passed in the said Thirty-sixth Year of His present Majesty, intituled *An Act to enable His Majesty to grant to George Finch Hatton Esquire, his Heirs and Assigns, in Fee Simple, all the Estate, Right, Title, and Interest remaining in His Majesty in and upon the Lawn of Benefield, and the Bailiwick of Rockingham, in the said Forest of Rockingham, in the County of Northampton, upon a full and adequate Consideration to be paid for the same*: And whereas in pursuance of the Powers, Authorities, and Directions of the said first recited Act, the Surveyor General of His Majesty's Land Revenue did contract for the said Grant to the said *John Earl of Westmorland*, and did ascertain and fix the Sum. of Eleven thousand eight hundred and eighty-one Pounds Twelve Shillings and Eight-pence, to be a full and adequate Consideration for the said Grant, and the said Sum of Eleven thousand eight hundred and eighty-one Pounds Twelve Shillings and Eight-pence was accordingly paid by the said *John Earl of Westmorland* under the Direction of the said Act into the Bank of *England*, in the Name of the Lord High Treasurer of *England*, and was laid out in the Purchase of Seventeen thousand eight hundred and sixty-seven Pounds and Eight-pence, Three Pounds per Centum Consolidated Bank Annuities, In the same Manner and to and for the same Uses and Purposes as the Monies arising or to arise by the Sale of the Fee Farm Rents are directed to be laid out by an Act of Parliament passed in the Thirty-fourth Year of His Majesty's Reign, intituled *An Act for the better Management of the Land Revenue of the Crown, and for the Sale of Fee Farm and other unimproveable Rents*, as by the said first recited Act is directed; And whereas no Contract or Agreement has hitherto been made by the Commissioners of his Majesty's Woods, Forests, and Land Revenues, with the said *Henry Earl of Exeter*, or his Heirs or Assigns, or with the said *George Finch Hatton*, or with the said *John Earl of Upper Ossory*, under the said recited Acts in respect of the said Grants to be made to them, and the Sums of Money to be paid under the said recited Acts as a Consideration for the said Grants remain still unsettled : And whereas by an Act passed in the Forty-eighth Year of His present Majesty, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, the said Surveyor General for the Time being was authorized to contract and agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale of the Soil, Mines, or other Minerals, or other Substances or Herbage, or any other Rights or Interests of His Majesty, His Heirs and Successors, in the Great Forest of *Brecknock*, in the County of *Brecknock*, or any Part thereof, or in any Manner appertaining thereto, or existing within the same, at or for the best Prices or Considerations in Money which the said Surveyor General should be able to procure for the same, and which should be approved of by the Lord High Treasurer, or Commissioners of the Treasury for the Time being, and the Purchase Monies to be paid for the same should from Time to Time be paid into the Bank of *England*, and mould be inverted in the Purchase of Stock, and the Stock so purchased and the Interest and Yearly Dividend arising therefrom should be applied in the same Manner, and subject to the same Regulations as are prescribed in the said last recited Act, with respect to

the Purchase Monies arising from the Sales of Crown Lands thereby authorized to be made : And whereas from the great and increasing Difficulty of procuring a sufficient Supply of Timber for the life of the Navy, it would be of great Benefit and Advantage to the Public in general if the said Sum of Money so received from the said *John Earl of Westmorland*, and the Monies to be paid by the Heirs of the said *Henry late Earl of Exeter*, and the said *George Finch Hatton*, and the said *John Earl of Upper Ossory*, (the same having arisen from the Sale of the Forestal Rights belonging to His Majesty), and also the Monies arising from the Sale of the Forest of *Brecknock*, were laid out in the Purchase of Lands fit and proper for the Growth of Timber, and of any Rights of Individuals to Lands fit for that Purpose ; be it therefore further enacted, That it shall be lawful for the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of Crown Lands for the Time being, with the Approbation of and by the Direction of the Lord High Treasurer, or Commissioners of the Treasury for the Time being, or any Three of them, to contract and agree with any Body or Bodies Politic or Corporate, or Person or Persons for the Sale of and to fell the said Sum of Seventeen thousand eight hundred and sixty-seven Pounds and Eightpence Three Pounds *per Centum* Consolidated Bank Annuities, or any Part thereof, and apply the Produce and also the Monies to be received from the said Heir or Heirs of the said *Henry late Earl of Exeter*, the said *George Finch Hatton*, and the said *John Earl of Upper Ossory*, or either of them, any Thing in the said recited Acts to the contrary notwithstanding; and all or any other Monies arising or which may arise from the Sale of the said Forest of *Brecknock*, or any Part thereof, or of Lands in any Forest, reputed Forest or Waste, belonging to His Majesty, or of His Majesty's Rights and Interests therein, in the Purchase of any Lands the Property of Individuals, or in the Purchase of any Rights of Individuals (where the Reversion of such Rights shall be vetted in His Majesty), to or over any Lands which shall in the Judgement of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of Crown Lands for the Time being, be fit and proper for the Growth and Cultivation of Wood and Timber, and such Lands and Rights shall when so purchased be held by and be and become the Property, of His Majesty, His Heirs and Successors.

XXVI After the Completion of Purchase under the recited Act of 36 G.3 the Lands shall become Part of the Manor of King's Cliffe.

And, whereas the above named *Henry Earl of Exeter*, afterwards created Marquis of *Exeter*, departed this Life without having completed the Purchase of the Woods, Woodlands, Hereditaments, and Premises, mentioned in the said recited Act of the Thirty-sixth of His present Majesty, but the Devises in Trust, named and appointed by his Will, are at present in Treaty with the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Purchase thereof, and also for the Purchase of His Majesty's Manor of *King's Cliffe* in the said County of *Northampton*, and are desirous in the Event of such Treaties being carried into Effect, that the said Woods, Woodlands, Hereditaments, and Premises, mentioned in the said recited Act, should become and be Part of the said Manor of *King's Cliffe* ; be it therefore enacted, That from and after the Completion of such Purchases as aforesaid, the Woods, Woodlands, Hereditaments, and Premises so to be comprised in any Letters Patent, Indenture or Indentures, to be made or granted under the Authority of the said recited Act of the Thirty-sixth of His present Majesty, shall become and be Part of the said Manor of *King's Cliffe*, and not of the Manor of *Duddington*.

XXVII His Majesty may grant Land for Curtilages and Accedes to Churches or Chapels.

And whereas in and by an Act passed in the Fifty-first Year of the Reign of His present Majesty, intituled *An Act for amending the Act Forty third George the Third, to promote the building, repairing, or otherwise providing the Churches and Chapels, and of Houses for the Residence of Ministers, and for providing of Church Yards and Glebes*, it was among other Things enacted, That the King's most Excellent Majesty, His Heirs and Successors, should have full Power, Licence, and Authority, by Deed or Writing, under the Great Seal, to give and grant, and vest in any Person or Persons, Bodies Politic and Corporate, and their Heirs and Successors respectively, all such, his, her, or their Estate, Interest, or Property, in any Lands or Tenements, within the Survey of the Court of Exchequer, for or towards the erecting, rebuilding, repairing, purchasing, or providing any Church or Chapel where the Liturgy and Rites of the United Church of *England and Ireland*, are, or shall be used or observed, or any Mansion House, for the Residence of any Minister of the said United Church officiating or to officiate in any such Chinch or Chapel, or any Outbuildings, Offices, Church Yards, or Glebe, for the same respectively, and to be for those Purposes applied in and by such Deed as aforesaid expressed, provided that nothing in this Act now in recital contained should extend or be construed to extend to enable His Majesty, His Heirs or Successors, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid: And whereas it is found expedient that the Powers of the same Act should be extended to Ground for Curtilages, Accesses, or any other Conveniences or Accommodations of or to any of such Churches or Chapels as aforesaid : And whereas the passing of Deeds or Writings under the Great Seal for the Purposes aforesaid, by reason of the great Expençe attending the same, may in some Cases produce Inconvenience and frustrate the Intention of the said Act ; be it therefore enacted, That His said Majesty, His Heirs and Successors, shall have full Power, Licence, and Authority to give and grant, and vest in any Person or Persons, Body or Bodies Politic or Corporate, and their Heirs and Successors respectively, in Manner herein-after mentioned, all such his, her, or their Estate, Interest, or Property in any Lands or Tenements within the Survey of the Court of Exchequer, or of the Duchy of *Lancaster*, for Curtilages, or for Accesses, or for any other Conveniences or Accommodations of any such Churches or Chapels as aforesaid ; and such Person or Persons, Body or Bodies Politic or Corporate, and their Heirs and Successors respectively, shall have full Capacity and Ability to receive, take, hold, and enjoy the same according to the Intent and Meaning of the said Act, and Whenever it shall be the Pleasure of His Majesty, His Heirs or Successors, to make a Grant for any of the Purposes aforesaid, it shall and may be lawful for the Lord High Treasurer, or the Commissioners of the Treasury, or any Three of them, to grant a Warrant under his or their Hand or Hands to any such Person or Persons, or Body or Bodies Politic or Corporate, specifying the Premises so to be vested in such Person or Persons, Body or Bodies Politic or Corporate, as aforesaid, which Warrant shall be inrolled in the Office of the Auditor of the Land Revenue for the Division or County within which the Premises shall be situate, and also in the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or in the Office of the Surveyor General of His Majesty's Land Revenue for the Time being ; and such Auditor, and such Commissioners, or Surveyor General having enrolled the said Warrant, shall certify such Enrollment at the Foot or on the Back thereof under their Hands, and return the said Warrant to the Grantee or Grantees of the Premises therein named, and from and immediately after such Inrolment and thenceforth for ever the respective Grantees named in such Warrants, and their Heirs and Successors, shall by force of this Act be adjudged, deemed, and taken ' to be in the actual Seisin and Possession of the Premises in the said Warrants specified, and

shall hold and enjoy the same peaceably and quietly, freed and discharged of and from all Claims and Demands which can or may be made by His Majesty, His Heirs or Successors, or by any Person or Persons lawfully claiming by, from, or under him or them, and of and from all Manner of Incumbrances whatsoever as fully and amply to all Intents and Purposes as His Majesty, His Heirs or Successors, might or could have held or enjoyed the same: Provided always, that nothing in this Act contained shall extend, or be construed to extend to enable His Majesty, His Heirs and Successors, to grant more than Five Acres in any One Grant for any of the Purposes aforesaid.

Status: This is the original version (as it was originally enacted).

SCHEDULES TO WHICH THIS ACT REFERS

(A.)

FOR AN EXCHANGE OF FREEHOLD LANDS.

BE it known, That the Right Honourable *A. B.* and *C.* Commis-
sioners of His Majesty's Woods, Forests, and Land Revenues, being
duly authorized by the Lords Commissioners of His Majesty's Treasury,
in Exercise of the Powers vested in them by an Act [*insert the Title of this*
Act], do by these Presents on Behalf of His Majesty, His Heirs and Suc-
cessors, give, grant, and convey to *X. Y.* his Heirs and Assigns, all that
Piece or Parcel of Land coloured _____ in the
Map or Plan annexed to these Presents, containing _____ Acres
_____ Roods and _____ Perches, and abutting, &c. [*as*
the Case may be]: And the said *X. Y.* doth by these Presents, for himself
and his Heirs, by the Direction of the said Commissioners of His Majesty's
Woods, Forests, and Land Revenues, give, grant, and convey unto His
said Majesty King *George* the Third, and His Heirs and Successors, all
that Piece or Parcel of Land coloured _____
in the said Map or Plan, in Exchange for the Piece or Parcel of Land dif-
tinguished by a _____ Colour in the said Map or Plan: Provided
always, That if His said Majesty, His Heirs or Successors, or the said
X. Y. his Heirs or Assigns, shall at any Time, without their respective
wilful Default, be evicted of the same Piece or Parcel of Land hereby
respectively given, granted, and conveyed to him or them respectively as
aforesaid, it shall be lawful for the Party or Parties so evicted to enter into
the Piece or Parcel of Land contracted by him to be given in Exchange
as aforesaid, and to hold and enjoy the same in his or their former Estate,
in the same Manner as if the Exchange hereby made had not been made.
In Witness, &c.

(B.)

FORM OF DEED FOR AN EXCHANGE OF LEASEHOLD PREMISES.

BE it known, That the Right Honourable *A. B.* and *C.* Commissioners of His Majesty's Woods, Forests, and Land Revenues, being duly authorized by the Lords Commissioners of His Majesty's Treasury, in Exercise of the Powers vested in them by an Act [*insert the Title of this Act*], do by these Presents on Behalf of His Majesty, His Heirs and Successors, give, grant, and demise unto *X. Y.* his Executors, Administrators and Assigns, for the Term of _____ Years, commencing from the Day next before the Day of the Date of these Presents, all that Piece or Parcel of Land coloured _____ in the Map or Plan annexed to these Presents, containing _____ Acres, _____ Roods, and _____ Perches, and abutting, &c. [*as the Case may be*] in Exchange for the Piece or Parcel of Land coloured _____ in the said Map or Plan, containing _____ Acres, _____ Roods, and _____ Perches, and abutting, &c. [*as the Case may be*]: And the said *X. Y.* doth by these Presents, for himself, his Executors and Administrators, and by the Direction of the said Commissioners of His Majesty's Woods, Forests, and Land Revenues

give, grant, and surrender to His Majesty King *George* the Third, His Heirs and Successors, all that the said Piece or Parcel of Land coloured _____ in the said Map or Plan, and which is now vested in him the said *X. Y.* under a Lease from the Crown, for a Term of Years, of which _____ Years are yet to come and unexpired, in Exchange for the said Piece or Parcel of Land, distinguished by a _____ Colour in the same Map. In Witness, &c.

(C.)

FORM OF CONVEYANCE.

THESE are to witness, That in Consideration of the Sum of _____ paid by *A. B.* to the Commissioners of Woods, Forests, and Land Revenues, [*or, to the Surveyor General of His Majesty's Woods, Forests, &c. as the Case may be*] for and on account of His said Majesty, *C. D.* and *E. F.* Two of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, being duly authorized by the Lords Commissioners of His Majesty's Treasury, do, for and on the Behalf of His said Majesty, by these Presents grant, bargain, and sell unto the said *A. B.* his Heirs and Assigns, [*describe the Parcels of Land, &c. sold*] to have and to hold [*the said Parcels, &c.*] hereby bargained and sold, and all Benefit and Advantage thereto belonging, unto and to the Use of the said *A. B.* his Heirs and Assigns for ever. In Witness whereof, the said *C. D. E. F.* and *G. H.* have hereunto set their Hands and Seals, this Day of _____ in the Year of our Lord

Status: This is the original version (as it was originally enacted).

(D.)

FORM OF LEASE.

THESE are to witness, That in Consideration of the Annual Rent or Sum of _____ herein-after reserved to be paid by X. Y. of, &c. the Commissioners of His Majesty's Woods, Forests, and Land Revenues, [*or*, the Surveyor General of His Majesty's Woods and Forests, *as the Case may be*] by the Authority of the Lords Commissioners of His Majesty's Treasury, for and on Behalf of His Majesty, doth [*or*, do] by these Presents, grant, demise, lease, and to farm let unto the said X. Y. his Executors, Administrators and Assigns, all [*describe the Parcels of Land, &c.*] to have and to hold the said Parcels, &c. hereby demised, and all Benefit and Advantage thereto belonging, unto him the said X. Y. his Executors, Administrators and Assigns, for and during the Term of _____ Years, yielding and paying by Half-yearly Payments to the said Surveyor General, or to the said Commissioners [*as the Case may be*] for the Time being, the Annual Rent or Sum of _____ In Witness whereof the said _____ and the said X. Y. have hereunto set their Hands and Seals, this _____ Day of _____ in the Year, &c.

Witness.