



ANNO DECIMO QUINTO & DECIMO SEXTO

# VICTORIÆ REGINÆ.

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C A P. LXII.

An Act to alter and amend certain Acts relating to the Woods, Forests, and Land Revenues of the Crown. [30th June 1852.]

**W**HEREAS by an Order under the Hands of Two of the Commissioners of Her Majesty's Treasury, bearing Date on or about the Twenty-ninth Day of *January* One thousand eight hundred and fifty-two, the said Commissioners, by virtue of the Powers vested in them for that Purpose by the Act passed in the last Session of Parliament, Chapter Forty-two, did assign to the Right Honourable *Thomas Francis Kennedy*, One of the Commissioners of Woods, Forests, and Land Revenues, the Management and Direction of or in relation to (among other Woods, Forests, and Land Revenues,) *Dean Forest* and *High Meadow Woods*, and the Office of Gaveller of *Dean Forest*, and they did by the said Order assign to the said *Thomas Francis Kennedy* the whole Duties and Powers whatsoever which but for their said Order might be exercised by the said Commissioners jointly relative to the Premises the Management and Direction whereof was so thereby assigned to the said *Thomas Francis Kennedy*; and the said Commissioners of Her Majesty's Treasury did by the said Order assign to the Honourable *Charles Alexander Gore*, the other of the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, the Management and Direction of or in relation to the Woods, Forests, and Land Revenues therein particularly mentioned, and also the Office of Conservator of the River *Mersey*, and, subject to the specific Assignment of Duties and Powers to the said *Thomas Francis Kennedy*, they did by the said Order assign to the said *Charles Alexander*

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*Alexander Gore* the whole of the Duties and Powers whatsoever which but for that Order might have been exercised by the said Commissioners jointly relative to the Woods, Forests, and Land Revenues, and the Office the Management and Direction whereof were so thereby assigned to the said *Charles Alexander Gore*: And whereas Doubts have been entertained as to whether such Order of the Commissioners of Her Majesty's Treasury as aforesaid is effectual for vesting the aforesaid Offices and other Offices and Duties in the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues respectively for all Purposes, and it is expedient that such Doubts be removed: And whereas it is expedient that the Provisions contained in the Eighth Section of the Act passed in the Session of Parliament held in the Eighth and Ninth Years of Her present Majesty, Chapter Ninety-nine, should be extended, and that such further Provisions relating to the Management of the Woods, Forests, and Land Revenues of the Crown should be made as are herein-after contained: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Regulation as to Appointment of Offices of Gaveller of Dean Forest and Conservator of the River Mersey.

I. That by virtue of the said Order the said *Thomas Francis Kennedy* and *Charles Alexander Gore* were respectively to all Intents and Purposes constituted Gaveller of the Forest of *Dean* and a Conservator of the River *Mersey*, and shall respectively hold and discharge the Duties of the said respective Offices so long as the said Order shall continue in force; and all Assignments or Appointments of or to the said Offices or either of them, or to any other Office whatsoever, which shall at any Time hereafter be made by the Commissioners of Her Majesty's Treasury in pursuance of the Power aforesaid, shall have the Effect of constituting the Person to whom such Assignment or Appointment shall be made the Holder of such Office during the Continuance of such Order, with Authority to exercise all the Powers thereof or belonging thereunto, and for all Intents and Purposes whatsoever.

Commissioners of Woods, &c., with Consent of Treasury, may release Breaches of Covenant in Lease.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the Time being, at their Discretion, with the Consent of the Commissioners of Her Majesty's Treasury, to release, by Licence or Waiver in Writing, any Tenant or Lessee or Assignee of any Lease of any Lands or Hereditaments, and whether Part of the Land Revenues of the Crown or not, but which Lands or Hereditaments shall or may be subject to the Management of the last-mentioned Commissioners, from any Covenant, Condition, or Agreement contained in any Lease, Agreement for a Lease, or Agreement for a yearly or other Tenancy, either already made or granted, or hereafter to be made or granted, and whether any Breach of such Covenant or Agreement shall have been committed or not, and

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and either absolutely, or conditionally on such Tenant, Lessee, or Assignee doing such Act or Acts, or entering into such other Covenant or Covenants, or Agreement or Agreements, or otherwise, as they the said Commissioners shall think fit; and any Covenant or Covenants, Condition or Conditions, or Agreement or Agreements, which shall be made or entered into by any such Tenant, Lessee, or Assignee as aforesaid, in consideration of any such Release as aforesaid, shall, so far as regards all Rights, Powers, and Remedies of Her Majesty, Her Heirs and Successors, or of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, for enforcing the Performance thereof, or for Re-entry for Nonperformance or Nonobservance thereof, be construed and taken as if the same were contained in the original Lease or Agreement for a Lease, or other Agreement, or otherwise, as shall be agreed on; and all other Covenants or Agreements, and Rights of Re-entry, in any such Lease or Agreement, not released, shall in all respects continue and remain in force as if there had been no such Release or Waiver, and as may be agreed on; and the Provision herein contained shall apply to all Leases or Agreements already granted by any Person or Persons whomsoever, whether being Part of the Land Revenues of the Crown or otherwise, so as the same shall at the Time of any such Licence, Release, or Waiver be under the Management and Control of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues; and the aforesaid Power may be exercised by the Commissioner for the Time being having under the Order for the Time being of the said Commissioners of Her Majesty's Treasury the Management of the Hereditaments comprised in any such Lease or Agreement; and the Provisions of the Fifth Section of the last-mentioned Act shall apply (except as far as the same are hereby altered) to any Licence or Waiver granted under the Authority of this Act.

III. In all Cases where the Commissioners of Her Majesty's Woods, Forests, and Land Revenues shall be satisfied that the Owners or Persons reputed to be Owners of any Lands or Hereditaments in *England* or *Wales* charged with any Fee Farm or other Rent or annual Periodical, or other certain Payment to Her Majesty, Her Heirs and Successors, either by express Grant, Prescription, or otherwise, have at any Time heretofore mutually agreed or shall hereafter mutually agree to apportion such Rent or other Payment upon specific Parts of the Lands or Hereditaments charged therewith, it shall be lawful for the said Commissioners, if they shall think fit, by any Writing, to make, confirm, and agree to such Apportionment, and thereupon and thenceforth every apportioned Part of such Rent or Payment shall become and be to all Intents and Purposes a Rent or Payment issuing out of the Lands or Hereditaments on or in respect of which the same is apportioned only, in like Manner in all respects as the entire Rent or Payment was theretofore issuing out of the Entirety of the Lands or Hereditaments charged therewith; and every such apportioned Part shall be in all respects saleable as Fee-farm

Power for the Commissioners of Woods, &c. to apportion Rents and other Payments.

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farm Rents or annual Payments are now saleable; and any Person entitled in possession to the Rents and Profits of any Lands or Hereditaments charged with any such Rent or Payment, either at Law or in Equity, either in Fee, or Tail for Life, or for any Interest other than under a Lease at Rackrent, and notwithstanding any Mortgage or Charge on such Hereditaments, shall be taken and reckoned the Owner for the Purpose of joining in agreeing to any such Apportionment of any such Rent or Payment as aforesaid, or in the Confirmation of any Apportionment made or agreed on; and thereupon such Apportionment, when reduced into Writing, to be signed by the Persons agreeing thereunto, and confirmed or agreed to by the said Commissioners as aforesaid, shall, after the Enrolment in the Office of Land Revenue Records and Enrolments of any such Writing as aforesaid, be valid and binding as against Her Majesty, Her Heirs and Successors, and all other Persons, and the said Enrolment shall be conclusive Evidence that the Provisions of this Act have been complied with; and the Powers relating to the Apportionment of such Rents or Payments hereby given to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues may be exercised by the Commissioners or Commissioner for the Time being having, under the Order of the Commissioners of Her Majesty's Treasury, the Management of that Part of the Land Revenues of the Crown which may include any Rent or Payment to be so apportioned.

If Difficulties exist in making any such Apportionment the same may be made by the Inclosure Commissioners.

IV. Provided always, That in case there shall be any Doubt as to the Amount of the different Parts of the Rent or Payment which may have been agreed to be apportioned, or as to the specific Lands or Hereditaments to be charged therewith, or as to the Extent, Identity, or Boundaries of the Lands or Hereditaments charged with the entire or original Rent or Payment, or any Part thereof, or if there shall be no Person whom the said Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues as aforesaid shall agree to treat as Owner under the aforesaid Authority in that Behalf, or in case any other Difficulty shall arise in making any Apportionment of any such Rent or Payment as aforesaid which the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues for the Time being as aforesaid may desire to apportion on specific Parts of the Lands or Hereditaments charged therewith, then and in any of such Cases the Commissioners or Commissioner aforesaid may, if they or he shall think fit, with the Consent of the Commissioners of Her Majesty's Treasury, to be signified by some Warrant of such last-mentioned Commissioners, from Time to Time, refer it to the Inclosure Commissioners for *England* and *Wales* to make such Apportionment, and thereupon it shall be lawful for the said Inclosure Commissioners to make Inquiry into the Premises, and to make the Apportionment accordingly; and any such Reference, Inquiry, or Apportionment may be made as to any particular Rent or Payment as aforesaid, or to any Number of such Rents or Payments; and their Award under their Seal relating thereto,

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thereto, when confirmed by some Writing under the Hands or Hand of the said Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and enrolled in the Office of Land Revenue Records and Enrolments, shall be binding on all Persons whomsoever, and have the same Effect in all other respects as if the same had been made, agreed, confirmed, and enrolled under the Provisions of the last Section of this Act, and the Enrolment of any such Award shall be conclusive Evidence that the Provisions of this Act have been complied with: Provided always, that if in any Case so as aforesaid referred to the aforesaid Inclosure Commissioners to make any such Apportionment as aforesaid there shall in the Opinion of the said Commissioners be any Doubt as to the Extent, Identity, or Boundaries of the Lands and Hereditaments charged with any such Rent or Payment, then the said last-mentioned Commissioners may appoint any Assistant Commissioner, or any other Officer acting under the Act passed in the Session of Parliament holden in the Fifteenth and Sixteenth Years of the Reign of Her Majesty, Chapter Fifty-three, or under the Commissioners appointed by virtue of that Act, for the Purpose of inquiring into and ascertaining such Extent, Identity, or Boundaries, in all respects as the said Commissioners are by the Eighth Section of the Act passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, Chapter Seventy, authorized to appoint an Assistant Commissioner; and the Report of such Assistant Commissioner or other Officer, if approved of by the said Inclosure Commissioners, shall be embodied in their Award so to be made as aforesaid, and form Part thereof.

V. On any Sale, Exchange, Enfranchisement, or other Conveyance of Her Majesty's Woods, Forests, Lands, or Hereditaments made by the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, in exercise of any Power given to them in that Behalf, the Conveyance may be made subject to such Provisoes for making the same void, or other Conditions or Provisions, as may be deemed expedient by the said Commissioners or either of them.

Conveyances by the Commissioners of Woods, &c. may be subject to certain Conditions.

VI. It shall be lawful for the Commissioners of Her Majesty's Woods, Forests, and Land Revenues at any Time or Times, with the Consent of the Commissioners of Her Majesty's Treasury, to abandon or discontinue, either permanently or for any limited Time, the Collection of any Tolls or Profits of any Markets or Fairs belonging to Her Majesty, Her Heirs or Successors, which it may be considered inexpedient to collect, and also, with such Consent as aforesaid, by any Deed or Deeds, absolutely to relinquish and extinguish all or any such Tolls or Profits, and such Power may be exercised by the Commissioner for the Time being having the Management of the Tolls or Profits of any such Market or Fair by virtue of any such Order of the Commissioners of Her Majesty's Treasury.

The Commissioners of Woods, &c. may, with Consent of Treasury, suspend the Collection of or merge Tolls of Markets and Fairs.

VII. All Deeds and Instruments relating to any Manors, Lordships, Messuages, Lands, Tenements, or Hereditaments in *England* or *Wales*,

A Deposit of a Duplicate of any to

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Deed to which either of the Commissioners of Woods, &c. is a Party, deemed to be sufficient Enrolment in certain Cases.

to which the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, are or is Parties or a Party, or expressed to be Parties or a Party, and which under and by virtue of the Provisions of the Act passed in the Session of Parliament held in the Tenth Year of the Reign of King *George* the Fourth, Chapter Fifty, or of any other Act, or any Law, Custom, or Usage, ought to be enrolled in the Office of the Auditor of the Land Revenues of the Crown, or in the Office of Land Revenue Records and Enrolments, shall and may, if the said Commissioners or Commissioner who are or is, or are or is expressed to be, Parties or a Party thereto, shall think fit so to direct, be deemed to be fully and sufficiently enrolled by the Deposit of a Duplicate thereof in the Office of Land Revenue Records and Enrolments, and the filing or making of an Entry of such Deposit by the Keeper of the said Records and Enrolments; and a Certificate under the Hand or purporting to be under the Hand of the Keeper of the Land Revenue Records and Enrolments for the Time being, endorsed or written on any such Deed or Instrument, shall be sufficient Evidence that such Duplicate has been deposited and the Entry made or filed as aforesaid, and that the said Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues had directed that such Deposit and Entry should be sufficient Enrolment as aforesaid, notwithstanding the Provisions of the Act passed in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, Chapter Forty-two, or any other Act, Law, Custom, or Usage; and it shall not be necessary to give Evidence of the Handwriting of the Person signing any such Certificate as aforesaid, or of the Fact that such Person is the Keeper of Land Revenue Records and Enrolments: Provided also, that it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to regulate and to make such Order as they may think fit concerning the Fees to be paid for or in respect of any Enrolment, or to direct that any such Enrolment shall be made without Payment of any Fee.

Certified Copies of Documents in Office of Land Revenue Records to be admissible in Evidence in Cases where the Originals would have been admissible.

VIII. Any Copy of or Extract from any Deed, Instrument, Document, or Writing, Map or Plan, which now is or at any Time hereafter shall be deposited in the Office of Land Revenue Records and Enrolments, shall at all Times hereafter be admissible in Evidence in any Court of Justice, or before any Person now or hereafter having by Law or by Consent of Parties Authority to hear, receive, or examine Evidence, in every Case in which the Original of or from which any such Copy or Extract shall purport to have been made would have been admissible in Evidence, provided such Copy or Extract be signed and certified, or purport to be signed and certified, by the Keeper of Land Revenue Records and Enrolments for the Time being, as a true Copy or Extract; and it shall not be necessary to give Evidence of the Handwriting of any such Signature or Certificate, or of the Fact that the Person whose Name is affixed thereto is the Keeper of the Land Revenue Records and Enrolments; provided that if any Officer shall wilfully certify any Document

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ment as being a true Copy or Extract, knowing that the same is not a true Copy or Extract, as the Case may be, he shall be guilty of a Misdemeanor, and be liable, upon Conviction, to Imprisonment for any Term not exceeding Eighteen Months.

IX. And whereas by the Act of the Fourteenth and Fifteenth Victoria, Chapter Seventy-six, intituled *An Act to extinguish the Right of the Crown to Deer in the New Forest, and to give Compensation in lieu thereof, and for other Purposes relating to the said Forest*, it is provided by Section Twenty-one that every Person who shall object to a Claim shall deliver his Objection in Writing to the Verderers at their Meeting to receive Objections to Claims, or some Adjournment thereof, and shall deliver a Duplicate of the said Objection at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive such Objections: And whereas Doubts have been suggested whether such Duplicates, if delivered to the Claimants Seven Days before any Adjournment of the Meeting to receive Objections, will be well delivered; and to remove which Doubts be it declared and enacted, That any Duplicate of Objection to a Claim, if delivered at the Place of Abode of the Claimant or his Agent Seven Days before the Day of Delivery of such Objections to the Verderers, shall be and be held to be as valid and effectual to all Intents and Purposes as if such Duplicate had been delivered at the Place of Abode of the Claimant or his Agent Seven Days at least before the First Meeting of the said Verderers to receive Objections to Claims.

For removing Doubts regarding the Delivery of Objections to Claims under 14 & 15 Vict. c. 76.

X. And whereas the Exchange of Advowsons intended to be authorized by the Act passed in the Session holden in the Eleventh and Twelfth Years of Her present Majesty, Chapter Fifty-seven, has not been completed, and cannot now be completed by reason of the Death of the Person whose Assent thereto was necessary: And whereas it is expedient that such Exchange should be effected according to the Provisions of the said Act: Be it therefore enacted, That from and immediately after the passing of this Act all the Powers and Authorities expressed to be given by the said Act to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, with reference to the Trustees or Trustee for the Time being of the Indenture of Settlement of the Fifth Day of *November* One thousand eight hundred and twelve, in the said Act mentioned, shall be exerciseable by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, with or without Reference to the Trustees or Trustee in whom the Power of Exchange contained in an Indenture of Settlement dated the Twenty-first Day of *August* One thousand eight hundred and forty-eight, made on the Marriage of *William Henry* now Lord *Leigh*, shall for the Time being be vested, and all the Powers and Authorities by the said recited Act expressed to be given to the Trustees or Trustee for the Time being of the said Indenture

Power to effect Exchange of Advowsons of Yoxall and Hunningham for Advowson of Stoneleigh, provided for by Act 11 & 12 Vict. c. 57.

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of the Fifth Day of *November* One thousand eight hundred and twelve be transferred by virtue of this Act to and vested in the Trustees or Trustee in whom the Power of Exchange contained in the said Indenture of the Twenty-first Day of *August* One thousand eight hundred and forty-eight shall for the Time being be vested; and, so far as may be necessary or expedient for the Purposes of this Act, the said recited Act shall be read and shall take effect and be construed as if all Mention of and Reference to the said Indenture of Settlement of the Fifth Day of *November* One thousand eight hundred and twelve were struck out therefrom, and the said Indenture of Settlement of the Twenty-first Day of *August* One thousand eight hundred and forty-eight were mentioned or referred to in every Part of the same Act wherein any Mention of or Reference to the said first-mentioned Indenture now occurs; and when the Exchange intended to be hereby authorized shall have been effected the Advowson of the Vicarage of *Stoneleigh* shall be in all respects subject to such Rights, Estates, and Interests of all Persons whomsoever as if it had been expressly comprised in and well and effectually assured and settled by the said Indenture of the Twenty-first Day of *August* One thousand eight hundred and forty-eight.

Registry of Documents in Chancery in Scotland not necessary.

XI. That, notwithstanding the Provisions of the Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-nine, it shall not be necessary, after the passing of this Act, to register or record in the Books kept in the Office of Chancery in *Scotland* any of the Documents by the Seventh Section of the said Act directed to be registered or recorded, but a Minute or Memorandum of every such Conveyance, Deed, or other Document describing the same shall be entered in the Minute Book of the Office of Chancery in *Scotland*, and the same shall be taken to be a sufficient Compliance with the Provisions of the said Seventh Section of the last-mentioned Act.

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