



# Dean Forest Act 1861

## 1861 CHAPTER 40

### 16 **Varying the Powers of the Gaveller as to awarding Compensation for Surface Damage to inclosed Lands.**

And whereas the Provisions of the Sixty-eighth Section of the said Act, as to the Compensation to be paid by every Free Miner or other Person entitled to any Gale, Pit, Level, or Work within any inclosed Lands of the said Hundred for Surface Damage, require Amendment, and it is expedient to amend the same in manner hereinafter provided: Be it enacted, That, with respect to any Damage done after the passing of this Act, it shall be lawful for the Gaveller or Deputy Gaveller for the Time being to determine whether such Compensation shall consist of an annual Payment or a Sum in gross, or partly of the one and partly of the other, and either absolutely or on Condition, and to make such Order in reference thereto and as to the Payment of or the giving Security for the Payment of the same or any Part thereof respectively as he shall think just and expedient, and to assess such Compensation notwithstanding any such Gale, Pit, Level, or Work may have been previously actually opened and worked; and that no Action or Suit for Recovery of such Compensation or of Damages in lieu thereof, shall be commenced or instituted until the Award of the Gaveller or Deputy Gaveller shall have been made on such an Application.