Anno tricesimo primo

Georgii II. Regis.

An Act for applying a Sum of Money granted in this Session of Parliament towards carrying on the Works for fortifying and securing the Harbour of *Milford* in the County of *Pembroke*.



WHEREAS the Harbour of Milford in the County of Pembroke is more conveniently situated for the fitting out of Fleets, and stationing of Cruizers, than any other Harbour in this Kingdom; and, from the many great local Advantages attending it, would, if properly fortified and secured, greatly tend to facilitate the Naval Operations of this Kingdom, hitherto too frequently retarded, and sometimes intirely frustrated, from the Want of such a Port of Equipment: May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That out of all or any the Aids or Supplies granted to His Majesty for the Service of the Year One thousand seven hundred and fifty eight, there shall and may be issued and

Preamble.

10,000 *l.* to be issued out of the Monies granted for the Service of the current Year,

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towards carrying on the Works for fortifying the Harbour of *Milford*.

and applied any Sum or Sums of Money not exceeding the Sum of Ten thousand Pounds, towards carrying on the Works for fortifying and securing the Harbour of Milford, in the County of Pembroke.

Commissioners appointed for carrying the Purposes of this Act into Execution.

And whereas it will be necessary to purchase Lands, Tenements, and Hereditaments, in order for the constructing and carrying on the said Works; be it therefore enacted by the Authority aforesaid, That the Principal Officers of His Majesty's Ordnance, and the Justices of the Peace for the County of Pembroke for the time being, shall be, and they are hereby appointed Commissioners for surveying and setting out all such Lands, Tenements, and Hereditaments, and for executing the other Purposes of this Act, in Manner herein after-mentioned.

Commissioners may survey and set out the Lands proper to be purchased for carrying on the said Works;

And be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Five or more of them, or such Persons as they, or any Five or more of them, shall appoint, to enter upon, make Surveys of, and set out and describe, by Lines, Stakes, or other Marks, such Lands, Tenements, and Hereditaments, as they the said Commissioners, or any Five or more of them, shall think proper to be purchased, in order for the constructing and carrying on the Works for fortifying and securing the said Harbour; and the said Commissioners, or any Five or more of them, are hereby impowered to hear and determine, in a summary Way, all Titles and Claims to, and Controversies concerning such Lands, Tenements, and Hereditaments, and to make such Orders and Decrees relating thereto as they shall think proper.

and determine, in a summary Way, all Claims and Controversies, &c. relating thereto.

Lands described within the Boundaries of such Survey, are vested in Trustees, for the Benefit of the Parties interested,

And be it further enacted by the Authority aforesaid, That from, and immediately after the making of every such Survey respectively, all the Lands, Tenements, and Hereditaments, lying within the Boundaries of such Descriptions respectively as aforesaid, shall be, and are hereby vested, and declared to be in the actual and real Possession and Seisin of the Right Honourable Arthur Onslow, Speaker of the House of Commons; the Right Honourable John Manners, commonly called Marquis of Granby; the Right Honourable Henry Bilson Legge, Chancellor of His Majesty's Exchequer; the Honourable George Townshend, the Right Honourable Charles Townshend, the Honourable Wilmot Vaughan, and Pryse Campbell Esquire; their Heirs and Assigns, in Trust nevertheless, for such Person and Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, as, at the Time of making such Survey respectively, are or shall be interested therein, according to their several Estates and Interests, in Possession, Reversion, Remainder, or otherwise, until the Purchase-monies

till the Purchase-monies are paid; or Certificates be made forth for the Payment.

for the same shall be paid, or Certificates for the Payment thereof, shall be made forth and deposited in such Manner as is herein after directed.

Commissioners impowered to treat for the absolute Purchase of such Lands;

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may, and they are hereby impowered to treat and agree with the Owners of, and Persons interested in, such Lands, Tenements, and Hereditaments as aforesaid, for the absolute Purchase thereof; and all Conveyances of such Lands, Tenements, and Hereditaments, by such Owners and Persons interested to the Trustees herein before appointed, shall be valid and effectual to all Intents and Purposes whatsoever; and in case any Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil, shall refuse or neglect to treat or agree as aforesaid, for the Space of Thirty Days after Notice in Writing given to such Person or Persons, or to the Principal Officer or Officers of such Bodies Politick, Corporate, Ecclesiastical, or Civil, or left at his, her, or their, respective Place or Places of Abode, or delivered to the Tenant or Tenants of the Premisses; or if, through any Disability by Nonage, Coverture, or Special Limitations in any Settlement or Settlements, or by reason of any other Impediment, such Owners or Persons cannot dispose of their respective Properties or Interests; in every such Case the said Commissioners, or any Five or more of them, may, and are hereby authorized and required to issue forth their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of Pembroke, thereby commanding him to impanel, summon, and return, before the said Commissioners, or any Five or more of them, at such Time and Place, or Times and Places, as shall be appointed in such Warrant or Warrants, Twenty four Inhabitants of the said County, qualified to serve upon Juries, who, upon their Oaths (which Oaths the said Commissioners, or any Two or more of them, are hereby impowered to administer) shall enquire into, and, by their Verdict, ascertain and assess the true and real Value of such Lands, Tenements, and Hereditaments, and of the respective Estates and Interests therein; and the said Sheriff is hereby required to impanel, summon, and return, such Number of Inhabitants as aforesaid, and at the Return of such Warrant or Warrants, to attend the said Commissioners with his Bailiffs or Officers, to prove, if necessary, upon Oath (which Oath the said Commissioners, or any Five or more of them, are hereby impowered to administer) the Summons of the Jurors so impanelled and returned respectively; and in case the said Sheriff

Conveyances thereof deemed valid.

Where Persons shall refuse to treat or agree,

or shall be disabled from treating, &c.

Warrant is to be issued to the Sheriff for summoning a Jury to assess the Damage and Recompence:

Sheriff to return and summon a Jury accordingly, and attend with his Officers, to prove the Service of such Summons;

riff shall neglect or refuse (being duly served with such Warrant or Warrants Fourteen Days or more before the Return thereof) to impanel, summon, and return, such Jury, or shall not attend the said Commissioners with his Bailiffs and Officers who shall have executed such Warrant or Warrants, then and in either of the said Cases the said Commissioners, or any Five or more of them, are hereby authorized and required to impose a Fine upon such Sheriff, not exceeding Twenty Pounds, nor less than Ten Pounds, for any One Offence; and if any Person so to be impanelled, summoned, and returned, shall not appear at the Return of such Warrant or Warrants, or appearing, shall refuse to be sworn for the Purposes aforesaid, or being sworn, shall depart without the Licence of the said Commissioners, or any Five or more of them, before the Verdict is given, or shall not give his Verdict, or in any other Manner neglect his Duty in the Premisses, in every such Case, the major Part of the Commissioners then assembled, may and are hereby impowered to set a Fine upon each Person so offending, and not having lawful Excuse (to be allowed by such Commissioners) not exceeding the Sum of Ten Pounds upon any One Person for any One Offence; all which Fines, the said Commissioners, or any Five or more of them, are hereby authorized and required to estreat into His Majesty's Court of Exchequer, to be levied to the Use of His Majesty.

on Penalty of forfeiting not exceeding 20*l.* nor less than 10*l.*

Juror neglecting his Duty, without lawful Excuse,

liable to be fined not exceeding 10*l.*

Fines to be estreated into the Exchequer.

And be it enacted by the Authority aforesaid, That in case a sufficient Jury shall not appear upon the Return of the said Warrant or Warrants, to take the Inquest, it shall be lawful for the said Commissioners, or any Five or more of them, from time to time, to adjourn the Inquest to any future Day, not exceeding Fourteen Days, nor less than Four Days, from the Adjournment thereof; and to issue out their Warrant or Warrants for impanelling, summoning, and returning, a Number of Jurors equal to the Number of Jurors making Default, to attend such Commissioners at such adjourned Meeting, together with the Jurors before returned by the said Sheriff, or at any future Meeting or Meetings to be held by Adjournment or Adjournments, which the said Commissioners are hereby authorized to make from time to time.

A sufficient Jury not attending, the Inquest to be adjourned;

and a new Warrant issued for returning a sufficient Number of Jurors.

Provided always, That Twelve good and lawful Men shall be sufficient to take the Inquest aforesaid; and that in case Twelve or more (not exceeding Twenty three in the Whole) shall appear and be sworn to take such Inquest, then, and in such Case, the said Commissioners shall continue and sit from Day to Day, until the said Inquest shall

Twelve to make a Jury;

and, upon their being sworn, Commissioners to sit til the Inquest be taken, and Judgement given thereon.

shall be taken; and the Judgements and Decrees shall be made thereon by the said Commissioners, or any Five or more of them.

Commissioners may summon and examine Witnesses upon Oath,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, may and are hereby impowered to summon, by Writing under their Hands, any Person or Persons to attend any Meeting or Meetings of the said Commissioners, which shall be appointed for hearing and determining any such Titles, Claims, and Controversies, or to attend any Jury to be summoned by virtue of this Act, and to examine such Person or Persons upon Oath, in relation to the Matters in Question; and to oblige any such Person or Persons to produce upon Oath, all Deeds and Writings in his, her, or their Custody, relating to the Premisses; (all which Oaths the said Commissioners, or any Two or more of them, are hereby impowered to administer.)

and cause the Evidences and Writings of the Premisses to be produced.

30 Days Notice to be given of the Meetings of Commissioners for determining Claims; and of the Meetings of the Juries.

And be it further enacted by the Authority aforesaid, That Five or more of the said Commissioners shall cause Notice to be given in Writing of the holding every Meeting for hearing and determining such Titles, Claims, and Controversies, as aforesaid, Thirty Days at the least before every such Meeting is held; and also the like Notice of the Days appointed for the Meetings of such Juries, as aforesaid; which Notices shall be affixed upon the respective Town Halls of Pembroke and Haverford West, and published in the London Gazette: And if any Person or Persons so summoned to attend the said Commissioners or Jury, shall not appear, or appearing, shall refuse to shew his, her, or their Deeds or Writings relating to the Premisses; that then the said Commissioners, and also the said Jury, shall proceed and determine upon the best Information they can then procure or obtain; and if any Person summoned to attend such Commissioners or Jury as a Witness, shall not appear, or appearing, refuse to be sworn, or to give Evidence, the major Part of the Commissioners then assembled, may impose a Fine upon every Person so offending, and not having lawful Excuse (to be allowed by such Commissioners) not exceeding Five Pounds upon any One Person for any One Offence; all which Fines shall be estreated and levied in such Manner as the Fines herein before mentioned are directed to be estreated and levied.

Persons summoned, refusing to appear, or to produce the Evidences of their Estates;

liable to be fined not exceeding 5 l.

Decrees of Commissioners relating to Claims,

And be it further enacted by the Authority aforesaid, That the Orders and Decrees which shall be made by the said Commissioners, or any Five or more of them, for ascertaining and determining any Titles or Claims to, or

Controversies

Agreements,

Controversies concerning, such Lands, Tenements, or Hereditaments; and also all Agreements which shall be made between the said Commissioners, or any Five or more of them, and such Owners and Persons interested as aforesaid; and all Conveyances in Consequence thereof, and also all the Verdicts of the said Juries, and the Judgements and Decrees of the Commissioners, or any Five or more of them, thereupon, shall be final, and shall be binding and conclusive to all and every Person and Persons, Bodies Politick and Corporate, Ecclesiastical and Civil, their Heirs, Successors, Executors, Administrators, and Assigns, and all other Persons whatsoever, claiming, or to claim, in Remainder, Reversion, or in any other Manner howsoever, notwithstanding any Disability or Incapacity; any Law, Statute, or Custom, or other Matter or Thing whatsoever, to the contrary notwithstanding.

Conveyances, Verdicts, and Judgements thereupon, to be final and conclusive.

Where Persons interested shall express their Desire to have their Claims ascertained by a Jury,

Provided always, and be it further enacted by the Authority aforesaid, That if any Person or Persons interested, or claiming an Interest, in any such Lands, Tenements, or Hereditaments, shall, by Writing under his, her, or their Hand or Hands, to be delivered to the said Commissioners, or any Five or more of them, either before such Commissioners shall proceed to determine the Titles and Claims to, and Controversies concerning such Lands, Tenements, or Hereditaments, or within the Space of Thirty Days after any such Determination shall be made, express his, her, or their Desire that such Titles, Claims, and Controversies, may be ascertained by a Jury, then, in every such Case, the said Commissioners, or any Five or more of them, shall cause the same to be ascertained and determined by a Jury to be impanelled, summoned, and returned, in such Manner, and under such Fines, as is and are herein before mentioned, and authorized to be imposed with respect to the assessing the Values of any such Lands, Tenements, or Hereditaments; and the Verdict of every such Jury in relation to such Titles, Claims, and Controversies, and the Judgements and Decrees of the Commissioners thereupon, shall be final, binding, and conclusive, to all Intents and Purposes, in Manner before mentioned.

the Commissioners are to cause a Jury to be impanelled and returned for that Purpose.

Verdict of the Jury, and Judgement of the Commissioners thereon, to be final and conclusive.

Entry to be made of all Orders, Judgements, Decrees, Agreements, and Verdicts;

specifying the Houses, Number of Acres, or Parcels of Land,

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall cause all their Orders, Judgements, and Decrees, and also all such Agreements and Verdicts, to be entered in a Book or Books; and in such Orders, Judgements, Decrees and Agreements respectively, shall be expressly mentioned and specified, the respective House or

Houses, Number of Acres, or Parcels of Land, with their several Abuttals and Boundaries, and the Name or Names of every Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil, who shall be adjudged to be interested therein; and also the respective Sum or Sums of Money which shall be agreed for between the said Commissioners and Parties interested, or which shall be assessed by such Jury, to be paid for the same respectively; and all such Orders, Judgements, Decrees, Agreements, and Verdicts, shall be also fairly ingrossed on Parchment, and certified under the Hands and Seals of Five or more of the said Commissioners to the Clerk of the Crown in Chancery, and to the King's Remembrancer in his Majesty's Court of Exchequer.

their Abuttals and Boundaries, and Parties interested;

and the Sums to be paid for the same.

Duplicates thereof to be ingrossed on Parchment, and certified to the Clerk of the Crown, and Remembrancer of the Exchequer.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Five or more of them, shall be, and are hereby required, without Fee or Reward, to give their Certificate or Certificates in Writing, under their Hands, to every Proprietor, and other Person interested in the Premisses, expressing the respective House or Houses, Number of Acres or Parcels of Land, and their several Abuttals and Boundaries, with the Name or Names of the Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil; and the Sum or Sums he, she, or they is or are to receive for the same; and such Certificates respectively shall authorize the Surveyor General of the Ordnance for the time being, to make out and allow a Bill or Bills to the Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil, mentioned in such Certificates respectively; and in which Bill or Bills shall likewise be expressed the respective House or Houses, Number of Acres, or Parcels of Land, and their several Abuttals and Boundaries, together with the Name or Names of the Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil as aforesaid, and the respective Sum or Sums to be paid; and thereupon One or more Debenture or Debentures shall be prepared for the several and respective Sums as aforesaid, by the Clerk of the Ordnance for the time being, and signed by Three or more of the principal Officers of the Ordnance for the time being; and such Debentures are hereby required to be paid out of the Sum of Money hereby appropriated by the Treasurer of the Ordnance for the time being, who shall take Acquittances from the Parties indorsed thereon; and that immediately from and after the Delivery of such Certificates to the Persons interested as aforesaid, the Trustees before mentioned shall be deemed and adjudged to stand seised of the Premisses mentioned

Certificates to be granted to the Parties interested;

Surveyor General of the Ordnance, to make out Bills thereupon,

with Debentures for the Sums certified,

to be paid by the Treasurer.

Trustees thereupon, to stand seised of the Premisses.

mentioned in such Certificates respectively, to and for the Use of His Majesty, His Heirs, and Successors for ever; and if any Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil, shall wilfully refuse to accept of or receive any such Certificate, that then, and in such Case, it shall be lawful for the said Commissioners, or any Five or more of them, to leave and deposit such Certificates with the Clerk of the Peace of the said County of Pembroke, and shall make an Entry in their Books of the same, which shall be taken and deemed to be valid; and such Lands, Tenements, and Hereditaments respectively, shall from thenceforth be vested to the Use of His Majesty, His Heirs and Successors, as if such Certificate had been received by the Parties intitled thereto.

Certificates, on refusal to be accepted,

may be deposited with the Clerk of the Peace.

And be it further enacted by the Authority aforesaid, That if any such Lands, Tenements, or Hereditaments, or any Interest therein, shall belong to any Corporation or Body Politick, Ecclesiastical or Civil, or to any other Person or Persons whatsoever, who by reason of any Disability, are not able or capable, by Law, to take and dispose of the several Sums which shall be due and payable for and in respect of their several Interests; in every such Case, it shall be lawful for the said Commissioners, or any Five or more of them, to direct, order, and decree, into whose Hands such Sums of Money shall be paid for the Use of such Corporation, or Bodies Politick, Ecclesiastical or Civil, and the respective Persons interested therein; which several Sums of Money, shall, with all convenient Speed, be laid out according to such Directions as the said Commissioners, or any Five or more of them, shall, from time to time, give, for the purchasing other Lands, Tenements, or Hereditaments, in Places most convenient for the Parties interested, their Heirs and Successors; and as soon as proper Purchases can be found, the Estates so purchased, shall be conveyed and settled to the same Uses, Intents, and Purposes, as the former Estates were settled at the Time they shall become vested in the Trustees appointed by this Act; and until such Settlements can be made, it shall be lawful for the said Commissioners, or any Five or more of them, to place such Monies out at Interest on Parliamentary Funds, or other good Securities; which Interest shall, from time to time, as the same shall grow due, be paid to the several and respective Parties interested in such Principal Sums.

Where Parties interested shall be incapable of taking and disposing of the Purchase-monies,

the Commissioners are to decree into whose Hands the same shall be paid for their Use;

and the Money to be laid out in other Purchases, to be settled to like Trusts and Uses;

and till it shall be so employed, may be placed out at Interest.

Provided always, and be it further enacted by the Authority aforesaid, That no Commissioner shall act for any of the Purposes

Commissioner not to act where he is interested.

Purposes aforesaid, in any Case where he is particularly concerned in Interest.

Account of the Application of the Monies for carrying on the Works, to be laid every Year before Parliament.

And be it further enacted by the Authority aforesaid, That an Account of the Application of the Monies hereby appropriated towards carrying on the Works for fortifying and securing the said Harbour, shall be laid before both Houses of Parliament, within Twenty Days after the Opening of every Session of Parliament.

Charges of this Act to be first paid.

And be it further enacted by the Authority aforesaid, That all such Costs and Charges as shall be incurred in obtaining this Act, shall be, in the First Place, paid out of the Monies hereby granted.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action and Suit shall be commenced within the Space of Twelve Calendar Months next after the Cause of such Action or Suit shall have arisen, and not afterwards; and the Defendant or Defendants in all such Actions and Suits, may plead the General Issue, and give the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of this Act; and if the same shall appear to have been so done; or if any such Action or Suit shall not be commenced within the Time before limited; then, and in either of such Cases, the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall be Nonsuited, or suffer a Discontinuance after the Defendant or Defendants shall have appeared; or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants; in each of the Cases aforesaid, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for recovering Costs in other Cases by Law.

General Issue;

Treble Costs;

FINIS.