ANNO QUADRAGESIMO SECUNDO

GEORGII III. REGIS.

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CAP. LXXXIX.

An Act for vesting certain Lands and Hereditaments in Trustees, for promoting the Service of His Majesty's Ordnance at *Woolwich*. [22d *June* 1802]

WHEREAS it is expedient for promoting the Service of His Majesty's Ordnance at *Woolwich*, to extend and enlarge the Premises occupied and employed in the said Service; and for that Purpose, to purchase the Lands herein-after mentioned: And whereas the said Lands are or may be the Estates of Infants, Femes Covert, Trustees, or other Persons, who by Law are disabled to make any Contracts or Conveyances; in all which Cases, as likewise when any Owner or other Person entitled to or interested in the same, designing to obstruct the publick Service, or to make any unreasonable Gain to themselves, insist on extravagant Rates, it will be necessary to have Recourse to the same Methods that have been taken in Cases of the like Nature; to the End therefore, that the true and real Value of the said Estates may be ascertained, and the Owners and Proprietors thereof may have a just and reasonable Satisfaction for the same; 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 all that Piece or Parcel of Land called *Common Lane Field*, containing by Admeasurement, Seven Acres One Rood and Twenty Perches, or thereabouts, and also all that other Piece or Parcel of Land called *Callas's Field*, containing by Admeasurement, Five Acres Three Roods and Fourteen Perches, or thereabouts; and also all that other Piece or Parcel of Land called *The Twelve Acres*, containing by Admeasurement,

The Premises herein described shall be vested in Trustees for the Owners, until the Interests therein shall be determined, and Purchase Money paid.

Twelve Acres Two Roods and Thirty Perches, or thereabouts; and alſo all that other Piece or Parcel of Land called *The Further Five Acres*, containing by Admeaſurement, Five Acres and Nineteen Perches, or thereabouts; and alſo all that other Piece or Parcel of Land called *Wood's Barn Field*, containing by Admeaſurement, Five Acres Two Roods and Nine Perches, or thereabouts; and alſo all that other Piece or Parcel of Land called *The Ruffs*, containing by Admeaſurement, Fourteen Acres Three Roods and Nine Perches, or thereabouts; and alſo all that other Piece or Parcel of Land called *The Horſe Cloſe*, containing by Admeaſurement, Seven Acres Two Roods and Twenty-nine Perches, or thereabouts; and alſo all that ſmall Slip of Land planted with Firs, alſo called *The Ruffs*, containing by Admeaſurement, Three Roods and Thirty-nine Perches, or thereabouts; and alſo all that other ſmall Slip of Land, Part of a Piece of Land called *Wood Piece* near the *Barn*, containing by Admeaſurement, Two Roods and Four Perches, or thereabouts; and alſo all that private Road or Lane lying between the ſeveral Pieces of Land herein-before deſcribed, and the Weſt End of the *Barrack Field*; all which ſaid ſeveral Pieces or Parcels of Land and Lane are the Property of *John Bowater* Eſquire, and are abutted and bounded as follows; (that is to ſay), on the Eaſt by the ſaid Field called the *Barrack Field*, on the South by *Woolwich Common*, on the Weſt by Land belonging to Lady *Wilſon*, and on the North by other Lands belonging to the ſaid *John Bowater*; and are all, (except the ſaid private Road or Lane), in the Tenure of *Samuel Hardin*, but Poſſeſſion thereof hath been lately taken by the Principal Officers of His Majeſty's Ordnance, for His Majeſty's Uſe, by and with the Conſent of the ſaid *John Bowater* and *Samuel Hardin* reſpectively, and alſo all that the ſaid Field or Piece or Parcel of Land called *The Barrack Field*, formerly conſiſting of Seven Cloſes or Pieces of Land belonging to the ſaid *John Bowater*, and containing by Admeaſurement, Fifty-three Acres Two Roods and Twenty-ſix Perches, or thereabouts, now in the Tenure and Occupation of the ſaid Principal Officers of His Majeſty's Ordnance, and alſo all and every the Buildings, Conduits, Leaden Pipes, and Watercourſes now ſtanding and being in or upon, or running through the ſaid laſt mentioned Field, or any Part thereof, ſhall be, and the ſame are hereby veſted in the Right Honourable *Charles Abbot*, Sir *Edward Knatchbull* Baronet, and *Filmer Honywood* Eſquire, their Heirs and Aſſigns, in Truſt, nevertheleſs for ſuch Perſon or Perſons as at or immediately before the Time of making this Act are or were the ſeveral and reſpective Owners thereof, according to their ſeveral Eſtates and Intereſts in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until ſuch Eſtates and Intereſts ſhall be reſpectively adjudged and determined, and until the Purchaſe Monies for the ſame that ſhall be agreed upon or aſſeſſed as the true Value thereof ſhall be paid; and that the ſaid Purchaſe Monies ſhall be paid and applied to ſuch and the ſame Uſes, Intents, and Purpoſes, as the ſaid Eſtates and Intereſts ſo veſted in the above mentioned Truſtees were limited and ſettled previous to the paſſing of this Act, ſo far as the Rules of Law will allow thereof; and that in the mean Time the Rents and Profits of the ſaid Lands and Hereditaments ſhall be paid and applied by the ſaid Truſtees to ſuch Perſon or Perſons as were entitled to the ſame, and in ſuch Proportions as the ſame were payable previous to the paſſing of this Act.

The Compenſation agreed upon, or found by a -

II. And be it further enacted by the Authority aforeſaid, That ſuch Compenſation and Satisfaction as ſhall be agreed upon, or ſhall be found

by the Verdict of a Jury, for and in respect of the Lands and Hereditaments hereby vested, shall be made to all and every Person and Persons out of the next Aids to be granted by Parliament.

Jury, shall be paid out of the next Aids.

III. And be it further enacted by the Authority aforesaid, That for the better ascertaining the several Owners and Proprietors of the said Lands and Hereditaments vested by, and to be purchased in pursuance of this Act, and the respective Titles, Interests, and Claims of such Owners and Proprietors thereto, it shall and may be lawful to and for His Majesty, by One or more Commission or Commissions, by Letters Patent, under the Great Seal of *Great Britain*, to authorize and appoint any Number of Persons to be Commissioners, to hear and determine all Titles and Claims that shall or may be made to the said Lands and Hereditaments, or to any Part or Parcel thereof; which Commissioners so to be appointed, or any Five or more of them, shall and may, and they are hereby authorized and required in a summary Way, by and upon the Testimony of Witnesses upon Oath, which Oath they, or any Five or more of them, are hereby empowered to administer, or upon the Inspection and Examination of Deeds, Writings, and Records, or (if requested by the Parties interested), by the Inquest of Twelve good and lawful Men to be impannelled and sworn in Manner herein-after mentioned and directed, or by all or any of the said Ways or otherwise, according to their Discretion, to enquire into and to proceed, act upon, and determine all and all Manner of Rights, Estates, and Interests, and all Controversies, Debates, and Questions which shall happen or arise between any Person or Persons whomsoever, or any other Matter or Thing relating to any of the Premises, or any Part thereof, and shall have Power to send for any Person or Persons, and oblige them to produce their Deeds or Writings upon Oath, relating to any of the same Premises, and also shall and may by Agreement with the respective Person or Persons that shall be determined to be the Owners and Proprietors of the said Lands or Hereditaments, vested by and to be purchased in pursuance of this Act, or by the said Inquest of the said Twelve good and lawful Men to be impannelled and sworn, inquire into, proceed, act, and determine, touching and concerning the true and real Value of the said Premises, or any Part or Parcel thereof, and the said Commissioners so to be appointed, or any Five or more of them, are hereby required to cause all their Judgements and Decrees to be entered fairly in Books, which Judgements and Decrees shall expressly mention and specify the respective Number of Acres or Parcels of Land, with their several Abuttals and Boundaries, together with the Name or Names of all and every Person or Persons interested respectively in the same, and the respective Sum or Sums that shall be so agreed for, or assessed by the said Jury, to be paid for the same respectively; which Judgements and Decrees shall be fairly ingrossed on Parchment, and certified to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majesty's Court of Exchequer, and such Judgements and Decrees made as aforesaid shall be final, and shall conclude all and every Person and Persons, Bodies Politick and Corporate, Ecclesiastical and Civil, their Heirs, Successors, Executors, Administrators, and Assigns respectively, notwithstanding any Disability or Incapacity whatsoever, any Law, Statute, or other Matter or Thing whatsoever to the contrary notwithstanding; Copies of which said Judgements and Decrees shall be laid forthwith before both Houses of Parliament, that full Compensation and Satisfaction may be made to the several Owners and Proprietors of the said Lands and Hereditaments.

His Majesty may appoint, by Letters Patent, Commissioners to hear and determine Claims made to the said Premises.

In what Manner Commissioners shall proceed.

IV. Pro-

Contracts and Sales entered into between Commissioners and Bodies Politick, *etc.* in respect of the said Premises, shall be valid.

IV. Provided always, and be it further enacted by the Authority aforesaid, That the said Commissioners so to be appointed, or any Five or more of them, shall and may and they are hereby authorized and empowered to treat and agree with all or any of the Owners or Proprietors of and Persons interested in the said Lands and Hereditaments for the absolute Purchase thereof, according to their respective Interests therein, and it shall and may be lawful for all Bodies Politick or Corporate, Ecclesiastical or Civil, and for all Tenants for Life, and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, or Attornies, of such of the Owners or Proprietors of, or Persons interested in any of the said Lands or Hereditaments as shall be Femes Covert, Infants, Lunaticks, Idiots, Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract for and agree with the said Commissioners, or any Five or more of them, for the Sale of all or any of the said Lands or Hereditaments for the Purpose aforesaid, and all such Contracts, Sales, and Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever; and all Bodies Politick or Corporate, Ecclesiastical and Civil, and all Persons whomsoever are hereby indemnified for what they or any of them shall do in pursuance of this Act; but if it shall happen that any such Body Politick or Corporate, Tenant for Life, Tenant in Tail, Husband, Guardian, Committee, Trustee, or Attorney as aforesaid, or any other Person or Persons interested in such Lands or Hereditaments, shall for the Space of Thirty Days next after Notice in Writing, subscribed by the said Commissioners, or any Five or more of them, shall have been given to the Principal Officer or Officers of any such Body Politick or Corporate, or to such Tenant for Life, Tenant in Tail, Husband, Guardian, Committee, Trustee, or Attorney respectively, or to such other Person or Persons as aforesaid, or left at his, her, or their respective Place or Places of Abode, neglect or refuse to treat or agree, or by reason of Absence, shall be prevented from treating or agreeing with the said Commissioners, or any Five or more of them, or shall refuse to accept what they the said Commissioners, or any Five or more of them, shall think a reasonable Recompence or Satisfaction for such Lands or Hereditaments as aforesaid, then and in every such Case the said Commissioners, or any Five or more of them shall, with all convenient Speed, proceed to enquire into, ascertain, and assess the true and real Value of such Lands or Hereditaments by the Inquest of Twelve good and lawful Men, or by such other Ways and Means, and in such Manner and Form in all Respects whatsoever as herein is particularly mentioned and directed.

On Bodies Politick, *etc.* declining to treat, *etc.* the Premises shall be assessed by a Jury.

Warrant to be issued to the Sheriff of *Kent* for summoning a Jury.

V. And be it further enacted, That for the better carrying into Execution the said Commission or Commissions by virtue of this present Act to be issued, the said Commissioners so to be appointed, or any Five or more of them, shall and lawfully may, and they are hereby authorized and required to issue forth their Warrant or Warrants, under their Hands and Seals, to be directed to the Sheriff of the County of *Kent*, thereby commanding him to impannel, summon, and return before the said Commissioners, at such Time and Place as shall be appointed in such Warrant or Warrants, Twenty-four good and lawful Men, substantial Gentlemen and Freeholders of the said County of *Kent*, qualified to serve upon Juries at the Assizes, who, upon their Oaths, (which Oaths the said Commissioners, or any Five or more of them, are hereby empowered to administer), shall inquire into, and by their Verdict ascertain and assess the

true and real Value of ſuch Lands and Hereditaments, and of the reſpective Eſtates and Intereſts therein; and the ſaid Sheriff is hereby required to impannel, ſummon, and return ſuch Jury 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 empowered to adminiſter), the ſummoning of the Jurors ſo to be impannelled and returned reſpectively; and in caſe the ſaid Sheriff, or his Bailiffs or Officers, ſhall neglect or refuſe, being duly ſerved with ſuch Warrant or Warrants, Fourteen Days or more before the Return thereof to impannel, ſummon, and return ſuch Jury, or ſhall not attend the ſaid Commiſſioners with his Bailiffs or Officers at the Return of ſuch Warrant or Warrants as aforeſaid, then and in either of the ſaid Caſes, the ſaid Commiſſioners, or any Five or more of them, ſhall and may, and they are hereby authorized and required to impoſe a Fine upon ſuch Sheriff, Bailiffs and Officers, or any of them ſo making Default, not exceeding Twenty Pounds, nor leſs than Ten Pounds for any One Offence; and if any Perſon ſo to be impannelled, 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 Premiſes, in every ſuch Caſe the ſaid Commiſſioners then aſſembled or met, or any Five or more of them, may, and they are hereby empowered, to ſet a Fine upon ſuch Perſon ſo offending, and not having lawful Excuſe to be allowed by the ſaid Commiſſioners then ſitting, or the major Part of them, not exceeding the Sum of Ten Pounds, upon any One Perſon for any Offence, all which Fines the ſaid Commiſſioners are hereby authorized and required to eſtreat into His Majeſty's Court of Exchequer, to be levied to the Uſe of His Majeſty.

Penalty on Sheriff, his Officers, and Jurymen neglecting their Duty.

VI. And be it further enacted, 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, by virtue of this Act to be appointed, 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 impannelling, ſummoning, and returning an equal Number of Jurors to thoſe ſo making Default, and thereupon the Jurors who ſhall have been before returned by the ſaid Sheriff, and ſhall have appeared upon ſuch Return, together with thoſe who ſhall be returned, and ſhall appear upon ſuch Second or any future Warrant and Return, or Warrants and Returns, from Time to Time to be iſſued and made, until a ſufficient Jury can be obtained ſhall enquire as aforeſaid.

Inqueſt may be adjourned in Default of a ſufficient Number of Jurymen attending.

VII. Provided always, and be it further enacted, That Twelve good and lawful Men ſhall be ſufficient to take the Inqueſt aforeſaid; and that in caſe Twelve or more ſhall appear upon the Return of the ſaid Warrant or Warrants, then and in ſuch Caſe, the ſaid Commiſſioners, by virtue of this Act to be appointed, ſhall proceed to take the ſaid Inqueſt, and after the Inqueſt ſhall be taken, may adjourn to ſome future Day for making their Judgements and Decrees thereon.

Number ſufficient to take Inqueſt.

Notices of Inquest to be given.

VIII. And be it further enacted, That the said Commissioners by virtue of this Act to be appointed, or any Five or more of them, shall cause Notice to be given in Writing of the Days appointed for the Meeting of such Jurors as aforesaid, Fourteen Days at the least before any such Meeting; which Notices shall be affixed on the Doors of the Parish Church of *Woolwich*, and on the Gates of His Majesty's Warren at *Woolwich*, and shall likewise cause the same to be published in the *London Gazette*; and if any Person or Persons shall not appear pursuant to such Notice, or shall refuse to show his or their Deeds or Writings relating to the Premises, that then the said Commissioners, or any Five or more of them, and also the said Jury shall proceed and determine upon the best Information they can then procure or obtain to make such Inquests, Judgements, and Decrees as herein-before directed; and all such Judgements and Decrees being entered and certified as aforesaid, shall be final and conclusive.

On Payment of the Purchase Money agreed for or assessed, Premises shall vest in the Trustees for the Use of His Majesty.

IX. And be it further enacted by the Authority aforesaid, That immediately from and after the Time that Payment shall be made of the Sum and Sums of Money so to be agreed for or assessed by the said Jury, and decreed and adjudged by the said Commissioners to be by virtue of this present Act appointed, or any Five or more of them, to the Owners and Proprietors of the said Lands and Hereditaments vested by and to be purchased in pursuance of this Act, or to any or either of them, the Trustees herein-before mentioned, and their Heirs, shall be deemed and adjudged to stand seised of such Part and Parcel of the said Premises as shall be so paid for to and for the Use of His Majesty, His Heirs and Successors, for ever, freed and discharged of and from all and all Manner of Right, Title, Claim, and Demand whatsoever, that can or may be had, made, or set up by any Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil.

Tithes, Land Tax, and other Rates on the Premises shall be paid by the Storekeeper of the Ordnance at *Woolwich* Warren, *etc.*

X. Provided also, and be it further enacted by the Authority aforesaid, That the Lands and Hereditaments vested by and to be purchased in pursuance of this Act, which were before the passing of this Act liable to and charged with Tithes, Land Tax, Poor, and other Rates in the Parish where such Lands lie, shall from the Time the same were or shall be taken Possession of as aforesaid, stand and be subject and liable to and chargeable with the Payment of Tithes, Land Tax, and all other Parish Taxes and Rates, in Proportion with other Lands and Premises in such Parish charged and chargeable therewith; and that the said Lands and Premises so to be charged and chargeable with such Tithes, Taxes, and Rates, shall, as to so much thereof as shall not be otherwise demised or occupied by any particular Person or Persons, stand and be charged to and in the Name of and paid by the Storekeeper of His Majesty's Ordnance for the Time being at *Woolwich* Warren; and that such Storekeeper paying the same shall be repaid and allowed such Sum and Sums of Money as he shall so pay by the Treasurer or Paymaster of His Majesty's Ordnance for the Time being, on Demand thereof, who shall be allowed the same in his Accounts; and that in case such Storekeeper so charged and chargeable therewith shall neglect or refuse to pay any such Tithes, Taxes, or Rates so to be charged on him as aforesaid when demanded, that then and in every such Case the Sum or Sums so due and claimed for such Tithes, Taxes, or Rates, and charged on such Storekeeper as aforesaid, shall or may

may be levied on ſuch Storekeeper ſo neglecting or refuſing to pay the ſame, by ſuch Ways and Means, and in ſuch Manner, as upon any other Occupier of Lands liable to the Payment of any ſuch Tithes, Taxes, or Rates; any Law, Statute, Cuſtom, or Uſage to the contrary in anywiſe notwithſtanding.

Penalties of 25 Car. 2. c. 2. 1 Gul. & Mar. c. 8. 13 & 14 Gul. 3. c. 6. and 1 Geo. 1. c. 13. not to extend to Commiſſioners.

XI. And be it further enacted, That no Commiſſioner, who ſhall be ſo employed in the Execution of this Act, ſhall be liable for, or by Reaſon of ſuch Execution, to any of the Penalties mentioned in the Act of the Twenty-fifth Year of the Reign of King *Charles* the Second, Chapter the Second; nor the Firſt of *William* and *Mary*, Chapter the Eighth; nor the Thirteenth and Fourteenth of *William* the Third, Chapter the Sixth; nor the Firſt of *George* the Firſt, Chapter the Thirteenth.

Commiſſioners not diſqualified from ſitting in the Houſe of Commons.

XII. Provided always, and be it enacted, That ſuch Commiſſioners, as His Majeſty ſhall nominate for the Purpoſes in this Act mentioned, or any of them, ſhall not by Reaſon thereof in any Sort be diſabled or diſqualified from ſitting in the Houſe of Commons, nor their Election thereby become void; any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

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