ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

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CAP. CLIX.

An Act for settling and securing a certain Annuity on *William* Lord *Amherst*, and the Representatives of the late *Jeffery* Lord *Amherst*, in Consideration of the eminent Services performed by him during his Command in *America*. [12th *August* 1803.]

Moſt Gracious Sovereign,

WHEREAS Your Majeſty was graciouſly pleaſed, on the Twenty-fourth Day of *May* One thouſand ſeven hundred and ſeventy, to refer to a Committee of the Lords of your Majeſty's moſt Honourable Privy Council, the humble Petition of Sir *Jeffery Amherſt* (afterwards *Jeffery* Lord *Amherſt*), ſetting forth, That Your Majeſty having been graciouſly pleaſed to ſignify an Intention of beſtowing a Mark of Your Royal Favour in *America* on the Petitioner, and praying Your Majeſty to grant him the Eſtates belonging to the Jeſuits in *Canada*: And whereas the Right Honourable the Lords of the ſaid Committee of Council, by their Report to Your Majeſty of the Second Day of *November* One thouſand ſeven hundred and ſeventy, humbly reported as their Opinion to Your Majeſty, that it might be adviſable for Your Majeſty to comply with the Petitioner's Requeſt, and to direct Your Majeſty's Attorney and Solicitor General to prepare and lay before Your Majeſty in Council for your Royal Approbation, a Draught of a proper Inſtrument, in Order to be paſſed under the Great Seal of *Great Britain*, for granting to the Petitioner the Eſtates belonging to the Jeſuits in *Canada*, reſerving

to Your Majeſty, Your Heirs and Succeſſors, for Public Uſes, the Colleges and Chapels, with their Apartments, which belonged to the Society, in *Quebec*, *Montreal*, and *Trois Riviere*, the Grantee engaging to make Satisfaction to ſuch of the Poſſeſſors as were in Poſſeſſion at the Time of the Conqueſt: And whereas Your Majeſty in Council was graciouſly pleaſed to approve of the ſaid Report, and to order that Your Majeſty's Attorney and Solicitor General ſhould prepare a Draught of a proper Inſtrument, agreeable to what was propoſed in the ſaid Report, and to lay the ſame before Your Majeſty in Council, for Your Royal Approbation: And whereas the ſaid *Jeffery* Lord *Amherſt*, by his laſt Will and Teſtament in Writing, bearing Date the Twenty-fourth Day of *July* One thouſand ſeven hundred and ninety-four, gave, amongſt other Eſtates, the ſaid Eſtate of the Jeſuits in *Canada*, which had been ordered to be granted to him by Your Majeſty in Council, to his Nephew *William Pitt Amherſt*, now Lord *Amherſt*, for his natural Life, and to the Iſſue of his Body lawfully begotten; and in Failure of ſuch Iſſue, the ſaid Teſtator gave the Whole of his Eſtates to Lieutenant Colonel *Amherſt* of His Majeſty's Tenth Regiment of Foot, and Deputy Adjutant General, and to the Heirs Male of his Body lawfully begotten; and in Failure of ſuch Heirs Male, he gave the Whole of his Eſtates to his Niece *Elizabeth Amherſt*, and her Heirs for ever: And whereas the ſaid *Jeffery* Lord *Amherſt* died without revoking or altering his ſaid Will: And whereas Your Majeſty, by Your moſt gracious Meſſage to Your moſt faithful Commons, has been pleaſed to acquaint them that in Conſideration of the eminent Services of the ſaid *Jeffery* Lord *Amherſt* during his Command in *America*, and particularly in the Reduction of the Province of *Canada*, Your Majeſty was induced, ſubſequent to the War during which thoſe Services were rendered, to direct that a Grant ſhould be made to his Lordſhip, his Heirs and Succeſſors, of a certain Tract of Land in that Province; but that in conſequence of Difficulties ariſing from local Circumſtances, Your Majeſty's Intentions have not been carried into Effect, and that Your Majeſty relied with Confidence on the Juſtice and Liberality of Your faithful Commons, to make ſuch Compenſation to the Repreſentatives of the late Lord *Amherſt* as under the Circumſtances of the Caſe ſhould appear to be adequate and proper: We Your Majeſty's moſt dutiful and loyal Subjects the Commons of *Great Britain* and *Ireland* in Parliament aſſembled, duly conſidering Your Majeſty's moſt gracious Intention, do moſt humbly beſeech 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 One Annuity, or yearly Rent or Sum of Three Thouſand Pounds of lawful Money of *Great Britain*, ſhall be iſſuing and payable out of, and charged and chargeable upon, the Conſolidated Fund of *Great Britain* (after paying, or reſerving ſufficient to pay, all ſuch Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the ſame, but with Preference to all other Payments which ſhall or may hereafter be charged upon, or payable out of, the ſaid Fund); and the ſame ſhall from Time to Time be paid Quarterly to the Right Honourable *John* Lord *Boringdon* and *John Campbell* Eſquire, and their Heirs and Aſſigns, for ever, but nevertheleſs upon Truſt, to permit and ſuffer the ſame to be enjoyed by, and to make ſuch Conveyances or Aſſignments thereof, for the Benefit of ſuch Perſon

An Annuity of 3000*l. per Ann.* granted for the Purpoſes hereinmentioned.

or Perſons, and for ſuch Eſtate and Eſtates, and with, under, and ſubject to ſuch Limitations as the High Court of Chancery ſhall, upon any Bill filed for that Purpoſe, direct, ſuch Court being hereby required to have Regard in any Decree and Directions to be made or given to what ſhall appear to the ſaid Court to have been the real Intent and Meaning of the ſaid Teſtator, with reſpect to the ſaid Eſtates in *Canada*, as intended to be expreſſed concerning the ſame in the ſaid recited Will, whether ſuch Will ſhall or ſhall not be deemed in the Law to be an effectual Diſpoſition thereof.

Commencement of Annuity and Times of Payment.

II. And be it further enacted, That the ſaid Annuity, or yearly Rent or Sum, ſhall commence and take Effect from the Fifth Day of *January* One thouſand eight hundred and three, the firſt Payment whereof ſhall be made for Three Quarters of a Year, on the Tenth Day of *October* One thouſand eight hundred and three, and ſhall thereafter be paid and payable at the Four uſual Days of Payment in the Year, that is to ſay, the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, by even and equal Portions.

The Annuity to be paid at the Exchequer, without Fees.

III. And it is hereby further enacted, That it ſhall and may be lawful to and for the Commiſſioners of His Majeſty's Treaſury now being, or any Three or more of them, and the Lord High Treaſurer and Under Treaſurer of the Exchequer, and Commiſſioners of the Treaſury for the Time being, and they are hereby authorized and required, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer now and for the Time being, to make forth and paſs Debentures from Time to Time for paying the ſaid Annuity or yearly Rent or Sum of Three Thouſand Pounds, as the ſame ſhall from Time to Time become due and payable, without any Fees or Charges to be demanded or taken for paying the ſame or any Part thereof; which ſaid Warrant, and the Debentures to be made forth and paſſed thereupon, ſhall be a ſufficient Authority to the ſeveral and reſpective Officers of the Receipt of the Exchequer now and for the Time being for the Payment of the ſaid Annuity or yearly Rent or Sum, to the ſaid the Right Honourable *John* Lord *Boringdon* and *John Campbell* Eſquire, or their Heirs or Aſſigns, in Truſt as aforeſaid, or to ſuch other Perſon or Perſons as ſhall be entitled to receive the ſaid Annuity or any Part thereof, at the reſpective Quarterly Feaſt Days in this Act before appointed for Payment thereof, without any further or other Warrant to be ſued for, had, or obtained, in that Behalf.

The Warrant for Payment of the Annuity not to be determinable upon the Demiſe of His Majeſty, &c.

IV. And it is hereby further enacted, That after ſigning of ſuch Warrant, the ſame ſhall be good, valid, and effectual in Law, according to the Purport and true Meaning thereof, and of this Act, and ſhall not be determinable or revocable by or upon the Demiſe of His Majeſty (whom God long preſerve) or of any of His Heirs or Succeſſors, or by or upon the Death or Removal of any of the ſaid Commiſſioners of the Treaſury, or the Lord High Treaſurer, or by or upon the Determination of the Power, Office or Offices of them, or any of them.

Commiſſioners of the Treaſury, Chancellor of the Exchequer, &c. are

V. And be it further enacted, That the Commiſſioners of the Treaſury now being, and the High Treaſurer for the Time being, Chancellor and Under Treaſurer, Chamberlains and Barons of the Exchequer, and all other the Officers and Miniſters of the Court of Exchequer, and of the Receipt thereof, now and for the Time being, ſhall, and they are hereby

to do all Things neceſſary for the Execution of this Act, without Fees.

hereby authorized and ſtrictly enjoined and required to do, without Fee or Reward, all ſuch Acts, Matters, and Things, as are herein-before directed and required, or ſhall be neceſſary to be done and performed by them, or any or either of them, in order to render this Act, and the ſeveral Payments hereby directed, effectual.

The Receipt of Perſons entitled to receive Annuity ſhall be a ſufficient Diſcharge.

Annuity to be Tax free.

How the Annuity may be recovered.

VI. And be it enacted, That the Acquittance or Acquittances, Receipt or Receipts, of the ſaid the Right Honourable *John* Lord *Boringdon* and *John Campbell* Eſquire, their Heirs or Aſſigns, and of ſuch other Perſon or Perſons as ſhall be entitled or authorized to receive the ſaid Annuity or yearly Rent or Sum, or any Part thereof, ſhall be a good and ſufficient Diſcharge for the Payment thereof, without any further or other Warrant to be ſued for or obtained in that Behalf; and that the ſaid Annuity, or yearly Rent or Sum, and every Part thereof, ſhall be free and clear from all Taxes, Impoſitions, and other public Charges whatſoever: And in caſe any of the Officers of the Receipt of His Majeſty's Exchequer ſhall refuſe or neglect to pay the ſaid Annuity or yearly Rent or Sum, or any Part thereof, according to the true Intent and Meaning of this Act, or to do any Act neceſſary to enable the ſaid Right Honourable *John* Lord *Boringdon* and *John Campbell* Eſquire, their Heirs and Aſſigns, and ſuch other Perſon or Perſons as ſhall be entitled to receive the ſaid Annuity, or any Part thereof, to receive the ſame, then the ſaid Right Honourable *John* Lord *Boringdon* and *John Campbell* Eſquire, their Heirs and Aſſigns and ſuch other Perſon or Perſons as ſhall be entitled to receive the ſaid Annuity or yearly Rent or Sum, or any Part thereof, may from Time to Time ſue, proſecute, and implead ſuch Officers, or any of them, their Executors and Adminiſtrators, by Bill, Plaint, or Action of Debt, and ſhall or may recover Judgments, and ſue out Executions thereupon, againſt ſuch Officers reſpectively, their Heirs, Executors, or Adminiſtrators, for ſo much of ſuch Sum or Sums of Money then due and owing upon the ſaid Annuity yearly Rent or Sum, or any Part thereof, as ſhall have been in the Hands of the Officer or Officers of the Receipt of the Exchequer at the Time or Times when Demands ſhall have been legally made of the Payment of the ſaid Annuity yearly Rent or Sum, or any Part thereof as aforeſaid, or for the Refuſal or Neglect to do any Act neceſſary to be done by ſuch Officer or Officers reſpectively.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1803.