ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

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C A P. CXXIII.

An Act for ſettling and ſecuring a certain Annuity on *John* now Duke of *Atholl*, and the Heirs General of the Seventh Earl of *Derby*. [12th *July* 1805.]

Moſt Gracious Sovereign,

WHEREAS the *Iſle of Man* was granted in Sovereignty by King *Henry* the Fourth to Sir *John Stanley*, and was by an Act paſſed in the Seventh Year of the Reign of His Majeſty King *James* the Firſt, confirmed and aſſured to the right Heirs of *James* Lord *Stanley*, the Seventh Earl of *Derby*, the Anceſtors of the moſt Noble *John* now Duke of *Atholl*: And whereas the ſaid Anceſtors of the ſaid *John* now Duke of *Atholl* continued Lords of the ſaid Iſland, with Sovereign Rights, until the Fifth Year of the Reign of His preſent Majeſty: And whereas an Act paſſed in the Twelfth Year of the Reign of His Majeſty King *George* the Firſt, intituled, *An Act for the Improvement of His Majeſty's Revenues of Cuſtoms, Exciſe, and Inland Duties*; 12 G. 1. c. 28. in which Act, Proviſions were contained for purchaſing the Sovereign Rights and Privileges of the Lords of the ſaid Iſland, and for paying the Compenſation to be given for the ſame out of the Duties of Cuſtoms of *England*: And whereas an Act paſſed in the ſaid Fifth Year of the Reign of His preſent Majeſty, intituled, *An Act for carrying into Execution a Contract made purſuant to the Act of Parliament of the Twelfth of His late Majeſty King* George *the Firſt, between the Commiſſioners of His Majeſty's Treaſury and the Duke and Dutcheſs of* Atholl, *the Proprietors of the* Iſle of Man, *and their Truſtees, for the Purchaſe of the* 5 G. 3. c. 26.

said Island and its Dependencies, under certain Exemptions therein particularly mentioned: And whereas under all the Circumstances of the Resignation of the Rights, Royalties, and Privileges, when vested in the Family of the said *John* now Duke of *Atholl*, and by the said Act revested in His Majesty, His Heirs and Successors, it appears to be just and reasonable that a further Compensation should be given: And whereas by virtue of a Deed of Restriction, bearing Date the Twelfth Day of *November* One thousand seven hundred and seventy-four, duly executed by the most Noble *Charlotte* Dutchess of *Atholl*, the said *John* Duke of *Atholl* became entitled to the immediate Possession of the Rights reserved to his Family in the *Isle of Man*, and hath ever since continued to enjoy the same: And whereas the Revenues arising from the Duties of Customs of the said Island, before the passing of the said Act of the Fifth Year aforesaid, belonged to the Ancestors of the said *John* Duke of *Atholl*, and it is therefore just and proper that the annual Amount of the further Compensation to be given should be regulated from Time to Time by the Produce of the Revenues of the said Island: We, Your Majesty's most dutiful and loyal Subjects, the Commons of *Great Britain*, in Parliament assembled, do therefore 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 lawful Money of *Great Britain*, equal to One-fourth Part of the Gross Annual Revenue arising from the Duties of Customs now payable and arising within the said Island on the Importation and Exportation of Goods, Wares, and Merchandize, into and from the said Island, 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, free and clear of all Taxes and Deductions whatsoever, in Manner and Form following; that is to say, to the said *John* Duke of *Atholl* and the Heirs General of the Seventh Earl of *Derby*; which said Annuity or Yearly Rent or Sum shall commence and take effect from the Fifth Day of *January* One thousand eight hundred and five, the First Payment to be computed from the said Fifth Day of *January*, and from thenceforth shall be paid and payable at the Four usual Days of Payment in the Year; that is to say, the Fifth Day of *April*, the Fifth Day of *July*, the Tenth Day of *October*, and the Fifth Day of *January*, in each and every Year.

Annuity equal to One-fourth of the Revenue of Customs arising within the Isle of Man to be paid out of Consolidated Fund to the Duke of Atholl, and the Heirs General of the Seventh Earl of Derby.

II. Provided always, and be it further enacted, That if at any Time hereafter any new or further or additional Duties of Customs shall be granted on the Importation or Exportation of Goods, Wares, and Merchandize, into and out of the said Island, the Annuity granted by this Act shall not be calculated on the Produce of any such new or further or additional Duties; and if any of the Duties of Customs, now payable and arising within the said Island, shall at any Time hereafter be repealed or altered or varied, or if at any Time hereafter any new Duties shall be granted in lieu of any Duties of Customs that may be repealed, then, and in every such Case, the Annuity or Yearly Rent or Sum to be paid to the

Provision in case of new Duties, or any Repeal or Alteration of present Duties.

said

said *John* Duke of *Atholl* and the said Heirs General of the Seventh Earl of *Derby*, shall be calculated on the Average Produce of the Amount of the Duties of Customs so repealed, altered, or varied, as the same shall have stood at the Rates now payable for the Three Years ending the Fifth Day of *January* next preceding the Repeal, Alteration, or varying thereof as aforesaid.

Annuity to be paid at the Exchequer without Fees.

III. And be it further enacted, That it shall be lawful for the Commissioners of His Majesty's Treasury now being, and the High Treasurer and Under Treasurer of the Exchequer, and Commissioners of the Treasury for the Time being, and they are hereby authorized and required, upon the Receipt of the Certificate of the Receiver General of the *Isle of Man*, for the Time being, of the Gross Produce of the Duties of Customs arising and payable within the said Island, in each Quarter of the Year ending as aforesaid, or of such Average Produce as aforesaid, in case any Duties of Customs now payable shall be repealed, altered, or varied as aforesaid, from Time to Time, as soon after the Receipt of such Certificate in any Quarter as the same can be done, from Time to Time by Warrants 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 in Manner as aforesaid, and 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 *John* Duke of *Atholl*, and the Heirs General of the Seventh Earl of *Derby*, for ever, at the respective Feast Days in this Act before appointed for Payment thereof, or as soon after as the same can be done, 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.

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 and others to execute the Act without Fees.

V. And be it further enacted, That the Commissioners of the Treasury now being, and the High Treasurer of the Treasury 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 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.

VI. And

The Receipt of the Duke of Atholl to be a Diſcharge.

VI. And be it enacted, That the Acquittance or Acquittances, Receipt or Receipts of the ſaid *John* Duke of *Atholl*, and of the Heirs General of the Seventh Earl of *Derby*, ſhall be a good and ſufficient Diſcharge for the Payment of the ſaid Annuity or Yearly Sum, without any further or other Warrant to be ſued for, had, 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 Charges whatſoever:

For Recovery of Annuity.

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 *John* Duke of *Atholl* and the Heirs General of the Seventh Earl of *Derby*, then the ſaid *John* Duke of *Atholl*, and ſuch Heirs General as aforeſaid, may from Time to Time ſue, proſecute, and implead ſuch Officers, or any of them, their Heirs, Executors, or Adminiſtrators, by Bill, Plaint, or Action of Debt, and ſhall and may recover Judgement, 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. 1805.