ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. XXXIX.

An Act for making Compenſation to the Proprietors of ſuch Lands and Hereditaments as have been purchaſed for better ſecuring His Majeſty's Docks, Ships, and Stores, at *Portſmouth*; and for extending the Lines and Works at *Dover*; in purſuance of an Act made in the Forty-ſixth Year of His preſent Majeſty. [28th *April* 1809.]

WHEREAS by an Act of Parliament, made in the Forty-ſixth Year of the Reign of His preſent Majeſty, intituled, *An Act to veſt certain Meſſuages, Lands, Tenements, and Hereditaments, in Truſtees, for better ſecuring His Majeſty's Docks, Ships, and Stores, at* Portſmouth; *and for extending the Lines and Works at* Dover; certain Meſſuages, Lands, Tenements, and Hereditaments therein mentioned were veſted in the Right Honourable *Charles Abbot*, and other Perſons therein named, their Heirs and Aſſigns for ever, in Truſt nevertheleſs for ſuch Perſon or Perſons as at or immediately before the Time of making the ſaid Act was or were the Owner or the ſeveral and reſpective Owners thereof, or had any Rights or Intereſts therein, according to their ſeveral Eſtates, Rights, and Intereſts in Poſſeſſion, Reverſion, Remainder, or otherwiſe, until ſuch Eſtates, Rights, and Intereſts reſpectively, ſhould be adjudged and determined, or Poſſeſſion thereof taken by the Principal Officers of His Majeſty's Ordnance, or their Engineers or other Officers acting under their Authority (which they were thereby empowered to do, whenever it ſhould be found neceſſary for His Majeſty's Service,) and until the Purchaſe Monies for the ſame,

46 G. 3. c. 105. Premiſes veſted in Truſtees for the Uſe of the Ordnance Office.

ſame, together with Intereſt from the Time of taking Poſſeſſion, after the Rate of Five Pounds *per Centum* for the Year, for the Sum that ſhould be agreed upon or aſſeſſed as the true Value thereof, ſhould be paid; and the Commiſſioners to be appointed in purſuance of the ſaid Act, or any Five or more of them, were thereby authorized and empowered to treat and agree with all or any of the Owners or Proprietors of and Perſons intereſted in the ſaid Meſſuages, Lands, Tenements, and Hereditaments, for the abſolute Purchaſe thereof, according to their reſpective Eſtates, Rights, and Intereſts therein, and all Bodies Politick or Corporate, Eccleſiaſtical or Civil, and all Tenants for Life, and Tenants in Tail, and the Huſbands, Guardians, Truſtees, Committees, or Attornies of ſuch of the Owners or Proprietors of and Perſons intereſted in any of the ſaid Meſſuages, Lands, Tenements, or Hereditaments, as ſhould be Femes Covert, Infants, Lunaticks, Ideots, Perſons beyond the Seas, or otherwiſe incapable of acting for themſelves, were thereby authorized and empowered 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 Meſſuages, Lands, Tenements, and Hereditaments, Rights, and Intereſts, for the Purpoſes in the ſaid Act mentioned; and it was by the ſaid Act alſo enacted, that, immediately from and after the Time that Payment ſhould be made of the Sum and Sums of Money ſo to be agreed for or aſſeſſed, and decreed and adjudged by the ſaid Commiſſioners, or any Five or more of them, to the Owners and Proprietors of and Perſons intereſted in ſuch Meſſuages, Lands, Tenements, and Hereditaments, or to any or either of them, the ſaid Truſtees, and their Heirs, ſhould be deemed and adjudged to ſtand ſeiſed of the ſaid Premiſes reſpectively 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 Eſtates, Leaſes, Rights, Titles, Intereſts, Claims, and Demands whatſoever, which could or might be had, made, or ſet up, in, to, out of, or upon, or in reſpect of the ſame Meſſuages, Lands, Tenements, and Hereditaments, by any Bodies Politick or Corporate, Eccleſiaſtical or Civil, or any Perſon or Perſons whomſoever, on any Account whatſoever: And whereas His Majeſty, by virtue of the ſaid Act iſſued His Commiſſion by Letters Patent under the Great Seal, bearing Date at *Weſtminſter* the Twenty-ninth Day of *September* One thouſand eight hundred and ſix, in purſuance whereof Five or more of the Commiſſioners in the ſaid Commiſſion named, did, on the Seventh Day of *July* One thouſand eight hundred and ſeven, meet at His Majeſty's Office of Ordnance, ſituate in *Pall Mall, Weſtminſter*, and the Owners and Proprietors of and Perſons intereſted in the Meſſuages, Lands, Tenements, and Hereditaments in the ſaid Act comprized, having then and there, by themſelves or through their reſpective Attornies or Agents, made Propoſals for the Sale of their reſpective Meſſuages, Lands, Tenements, and Hereditaments, Rights and Intereſts, in purſuance of Notice for that Purpoſe given, they the ſaid Commiſſioners thereupon proceeded to take the ſame into Conſideration: And whereas the Whole of the ſaid Propoſals having been deemed by the ſaid Commiſſioners to be extravagant or unreaſonable, they the ſaid Commiſſioners did on the Eleventh Day of *Auguſt* then next following, meet at the *Ship* Inn in the Town and Port of *Dover*, in the ſaid County of *Kent*, purſuant to Notice in Writing as directed by the ſaid Act, and did then and there proceed by and upon the Inqueſt of Twelve good and lawful Men (before whom Witneſſes were examined,) to inquire into and aſcertain the true and real Value of ſuch of the ſaid Meſſuages, Lands, Tenements, and Hereditaments as are ſituate in

Commiſſioners appointed under recited Act.

in the Parishes of *Hougham* and *Saint Mary the Virgin*, in the said Town and Port of *Dover*, and of the respective Estates, Rights, and Interests therein: And whereas Five or more of the said Commissioners did afterwards meet pursuant to Adjournment, and did make their Determination and Decree, pursuant to the said recited Act, and thereby they determined and decreed, that the true and real Value of the said Messuages, Lands, Tenements, and Hereditaments in the said Parishes of *Hougham* and *Saint Mary the Virgin*, in the Town and Port of *Dover* aforesaid, so assessed as aforesaid, agreeably to the Verdicts of the said Jury, was Eight thousand five hundred and forty-seven Pounds Fifteen Shillings, and Possession hath been taken of such Messuages, Lands, Tenements, and Hereditaments, by the said Principal Officers or their Engineers, or other Officers acting under their Authority: And whereas Five or more of the said Commissioners, did on the Twenty-first Day of the same Month of *August* One thousand eight hundred and seven, meet at the *George* Inn in *Portsmouth*, in the said County of *Southampton*, pursuant to Notice in Writing, as directed by the said Act, and having adjourned their said Meeting to the Town Hall in *Portsmouth* aforesaid, did thereupon meet at the said Town Hall, and did then and there proceed by and upon the Inquest of Twelve good and lawful Men (before whom Witnesses were examined), to enquire into and ascertain the true and real Value of such of the said Messuages, Lands, Tenements, and Hereditaments, as are situate in the said County of *Southampton*, and of the respective Estates, Rights, and Interests therein (save and except the Piece or Parcel of Waste Land in the said Act mentioned to belong to the See of *Winchester*, and such Parts or Parcels of the Beach or Sea Shore as immediately adjoin the said Piece or Parcel of Waste Land): And whereas Five or more of the said Commissioners did afterwards meet pursuant to Adjournment, and did make their further Determination and Decree pursuant to the said recited Act, and thereby they determined and decreed that the true and real Value of the said Messuages, Lands, Tenements, and Hereditaments, in the said County of *Southampton*, so assessed as aforesaid, agreeably to the Verdicts of the said Jury, was Two thousand nine hundred and seventy-eight Pounds, and Possession hath been taken of such last mentioned Messuages, Lands, Tenements, and Hereditaments by the said principal Officers or their Engineers, or other Officers acting under their Authority: And whereas the said Sums so assessed, adjudged, and decreed under the said Act by the said Commissioners to be paid as aforesaid, amount together to the Sum of Eleven thousand five hundred and twenty-five Pounds Fifteen Shillings; but no Provision hath yet been made for Payment of the said Sum, or any Part thereof: Now, for making Compensation to the several Owners and Proprietors of and Persons having Estates, Rights, and Interests in such several Messuages, Lands, Tenements, and Hereditaments in the said Counties of *Kent* and *Southampton*, and to the Persons entitled to receive the several Sums of Money, assessed and allowed by the said Commissioners, as mentioned in the said Determinations and Decrees, and for the more effectually carrying the said recited Act into Execution: May it 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 of the Aids or Supplies granted or to be granted to His Majesty, for the Service of the Year One thousand eight hundred and nine, there shall and may be issued and applied the

Sum awarded as the Value of the Premises.

Sum awarded for Premises to be paid out of the Supplies for 1809.

the aforesaid Sum of Eleven thousand five hundred and twenty-five Pounds Fifteen Shillings, together with the Sum of One thousand nine hundred and forty-six Pounds, (amounting together to the Sum of Thirteen thousand four hundred and seventy-one Pounds Fifteen Shillings), for Interest for the several Sums of Money adjudged to the several Proprietors and Persons interested as aforesaid, from such Time as Possession of the Messuages, Lands, Tenements, and Hereditaments, in respect whereof the same are payable was taken as aforesaid, as herein-after is mentioned, for the Purpose of making a reasonable and just Compensation and Satisfaction to all and every Person and Persons, Bodies Politick and Corporate, Ecclesiastical and Civil, who were the several and respective Owners and Proprietors of and Persons interested in the Messuages, Lands, Tenements, and Hereditaments respectively adjudged and decreed of, according to their several and respective Estates and Interests therein, in Possession, Reversion, Remainder, or otherwise, and to the Persons entitled to receive the several Sums of Money agreed for, assessed, and allowed by the said Commissioners as mentioned in the said several Determinations and Decrees.

Surveyor General of the Ordnance to make out Bills to the Persons entitled to the Money awarded as the Value of Premises, &c. and Debentures shall be prepared thereupon.

II. And, to the Intent that all and singular the Proprietors and other Persons having such Estates, Rights, and Interests as aforesaid may be paid for the same, and that the Persons entitled to receive such Sums of Money as aforesaid may be paid the same; be it further enacted, That it shall and may be lawful for the Surveyor General of the Ordnance for the Time being, and he is hereby directed and required to make out and allow One or more Bill or Bills to the respective Persons, Bodies Politick or Corporate, Ecclesiastical or Civil, for such Sum and Sums of Money, as is or are to them respectively adjudged by the said several Determinations and Decrees of the said Commissioners, together with Interest on such Sums respectively, of which said Payment sufficient Notice shall be given by the said Principal Officers of the Ordnance, in the *London Gazette* or otherwise, and which Bill or Bills so made shall express the respective Lands, Tenements, or Hereditaments, or other Estate, Right, or Interest, for or in respect of which such Bill or Bills shall be made out, together with the Name of the Person or Persons, Bodies Politick or Corporate, Ecclesiastical or Civil, and the respective Sum or Sums of Money he, she, or they, is or are to receive, and thereupon one or more Debenture or Debentures shall be prepared for such several and respective Sums as aforesaid, by the Clerk of the Ordnance, and signed by Three or more of the principal Officers of the Ordnance for the Time being, which Debenture or Debentures is and are hereby directed to be paid by the Treasurer of the Ordnance who shall take Acquittances from the Parties endorsed thereon, and such Payment shall be made, without Fee or Reward, and without any Deduction or Abatement, on any Ground or Pretence whatsoever.

Debentures shall be paid to the Persons entitled thereto.

III. And be it further enacted, That the Sums which shall, in and by such Debentures, be payable to Persons to whom such Sums are by the said several recited Decrees of the Commissioners determined or decreed to belong and be absolutely paid to them, shall be paid to such Persons accordingly.

When Money is awarded to be paid to Trustees, the

IV. And whereas it is by the said several Decrees of the Commissioners determined and decreed that the several Sums of Money therein mentioned as

as being the Value of ſeveral of the ſaid Meſſuages, Lands, Tenements, and Hereditaments, or of the Eſtates and Intereſts of the ſeveral Perſons therein, ſhould, on account of the particular Eſtates or Intereſts of ſuch Perſons be paid to ſome proper Perſon or Perſons on certain Truſts and for certain Purpoſes therein mentioned, or ſhould be laid out in ſome Manner for the Benefit of certain Perſons therein mentioned, be it therefore further enacted, That all the Money to be by ſuch Debentures as aforeſaid made payable for or in reſpect of all and every the Sum and Sums of Money which is and are by the ſaid Decrees decreed or determined to be paid to any Truſtee or Truſtees, or to be in ſome Manner laid out, ſhall be paid by the Treaſurer of the Ordnance for the Time being into the Hands of the Deputy of the King's Remembrancer of His Majeſty's Court of Exchequer at *Weſtminſter* for the Time being, for the Uſes, Intents, and Purpoſes herein-after mentioned; and ſuch Deputy Remembrancer is hereby authorized, empowered, and required to receive ſuch Sum and Sums of Money, and to give a ſufficient and effectual Diſcharge for the ſame; and the ſaid Deputy Remembrancer ſhall, upon the Receipt of each of the ſeveral Sums ſo to be paid in for the Uſe and Benefit of each of the ſaid Owners and Proprietors and Perſons intereſted reſpectively, ſign a Certificate to the Barons of the ſaid Court of Exchequer, under his Hand, purporting and ſignifying that every ſuch Sum was paid to and received by him, in purſuance of this Act, for the Uſe and Benefit of ſuch Owner or Proprietor and Perſon intereſted reſpectively, and who in ſuch Certificate ſhall be named and deſcribed, and which ſaid Certificate ſhall be filed in the ſaid Court of Exchequer, and a true Copy thereof, ſigned by the ſaid Deputy of the King's Remembrancer, ſhall and may be read and allowed as Evidence for the Purpoſes herein-after mentioned.

Debentures ſhall be paid to the Deputy Remembrancer,

V. And be it further enacted and declared, That the ſaid Deputy Remembrancer for the Time being, upon Receipt of any ſuch Sum or Sums of Money hereby directed and appointed to be paid to him as aforeſaid, ſhall pay the ſame into the Bank of *England*,

who ſhall pay it into the Bank.

VI. And be it further enacted, That the Barons of His Majeſty's Court of Exchequer at *Weſtminſter* for the Time being, or any Two or more of them, ſhall, and they are hereby authorized and empowered in a ſummary Way, upon Motion or by Petition for or on Behalf of any Perſon or Perſons intereſted in or entitled to the Benefit of the Money to be paid to and received by the ſaid Deputy Remembrancer, or the Intereſt or Produce thereof, and upon reading the Certificate directed to be ſigned by the ſaid Deputy Remembrancer concerning the ſame as aforeſaid, and receiving ſuch further Satisfaction as they ſhall think neceſſary, to make and pronounce ſuch Orders and Directions as they ſhall think juſt and reaſonable for paying the ſaid Money, and every or any Part or Parts thereof, or for placing out ſuch Part thereof as ſhall be principal in the Publick Funds, or upon Government or Real Securities, and for calling in, diſpoſing of, and placing out the ſame again in and upon ſuch new or other Funds or Securities as aforeſaid, and for Payment of the Dividends, Intereſt, or Produce thereof to the ſeveral and reſpective Perſons entitled to receive the ſame, or for laying out the ſaid principal Sums or any Part thereof in the Purchaſe of other Meſſuages, Lands, Tenements, and Hereditaments, to be conveyed and ſettled to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes as the former Eſtates were ſettled at the

Court of Exchequer to have a Controul over the Application of ſuch Money.

Time of making the said Decree, or as near thereto as the same can be done, or for and concerning the receiving, issuing, paying, applying, and disposing of the said Money for the Benefit of the Person and Persons entitled to or interested in the same respectively by virtue of and according to the Tenor and Purport of the said recited Act and this present Act, and for appointing a proper Person or Persons to be a Trustee or Trustees, for all or any of such Purposes; and that such Money shall be from Time to Time paid by the said Deputy Remembrancer according to the Orders to be from Time to Time made.

Powers of the Deputy of the King's Remembrancer to devolve on his Successor.

VII. And be it further enacted and declared, That upon the Death or Removal of the present or any future Deputy of the King's Remembrancer of the said Court of Exchequer, all Mortgages, Stocks, and Securities vested in him by virtue of this Act, shall vest in the succeeding Deputy of the King's Remembrancer for the Time being, subject to the Trusts and for the Purposes herein-before mentioned, without any Assignment or Transfer; and all Monies paid into the Bank in pursuance of this Act, or remaining in the Hands of the present or any future Deputy of the King's Remembrancer at the Time of his Death or Removal, and not vested in the Funds or placed out on Securities as aforesaid, shall be paid over to the succeeding Deputy Remembrancer for the Time being.

In case of Refusal to accept Debentures, the Clerk of the Ordnance shall deposit the same with the Clerk of the Peace, and the Premises shall thereupon be vested to the Use of His Majesty.

VIII. And be it further enacted, That if any Person or Persons, who by Law is or are capable of receiving such Debenture as aforesaid, shall neglect or refuse to take the same for the Space of One Calendar Month next after personal Notice given to them, him, or her, or the same being inserted in the *London Gazette* as aforesaid, then and in such Case it shall and may be lawful for the Clerk of the Ordnance for the Time being to deposit the same with the Clerk of the Peace of the County wherein the Messuages, Lands, Tenements, and Hereditaments therein mentioned, in respect whereof such Debenture or Debentures shall be made out, shall lie, and to take his Acquitance or Acquittances for the same, which such Clerk of the Peace is hereby required to give without any Fee or Reward, and which shall be taken and deemed to be valid, and such Messuages, Lands, Tenements and Hereditaments, Estates, Rights, and Interests, of such Person or Persons respectively so neglecting or refusing to take such Debenture or Debentures shall from thenceforth be vested to the Use of His Majesty, His Heirs and Successors, as if such Debentures, or the Money payable thereby, had been received by the Parties entitled thereto, and the Money thereon due had been fully satisfied and paid; and such Clerk of the Peace shall and may afterwards deliver the same to the Party or Parties who shall appear to be entitled thereto, on being fully paid all such reasonable Charges and Expences (if any) as he shall or may sustain or be put unto relating thereto.

Limitation of Actions.

IX. And be it further enacted, That if any Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of the said herein-before recited Act, or any Thing to be done in pursuance of this Act, every such Action and Suit shall be commenced within Six 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

General Issue.

done in purſuance of the ſaid recited Act, or in purſuance of this Act; and if the ſame ſhall appear to have been ſo done, or if 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 on any Demurrer Judgement ſhall be given for the Defendant or Defendants in any 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. Treble Coſts.

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