

ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

CAP. XCVII.

An Act for empowering the Board of Ordnance to exchange Lands at *Purfleet*, in the County of *Eſſex*, for other Lands in the ſaid Pariſh.

[10th *June* 1809.]

WHEREAS it would be convenient for His Majeſty's Service to exchange certain Lands ſituated at *Purfleet*, in the County of *Eſſex*, now veſted in His Majeſty, for certain other Lands alſo ſituated at *Purfleet*, veſted in certain Individuals; be it therefore 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 it ſhall be lawful for His Majeſty to exchange any Piece or Parcel of Land ſituated in *Purfleet* aforeſaid, now veſted in His ſaid Majeſty, for any other Piece or Parcel of Land ſituated in the ſame Pariſh, now veſted in any other Perſon or Perſons, Body Politic or Corporate, upon ſuch Terms and Conditions as may be agreed upon between the Maſter General of His Majeſty's Ordnance for the Time being, or any other Perſon duly authorized for that Purpoſe on Behalf of His Majeſty; and the Perſon with whom ſuch Exchange is propoſed to be effected.

His Majeſty may exchange any Piece of Land in Purfleet, veſted in Him, for any other Piece of Land in the ſame Pariſh.

Corporations, &c. and incapacitated Persons may contract for the Exchange of such Lands.

II. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public Purposes, and for all Tenants for Life, and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners or Proprietors of, or Persons interested in any such Lands proposed to be exchanged with His said Majesty, as shall be Feme Coverts, Infants, Lunatics, Ideots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with His said Majesty or the Master General of the Ordnance for the Time being, or any other Person duly authorized for that Purpose on Behalf of His Majesty, for the Exchange of any such Lands or Hereditaments, for any Land or Hereditaments of His said Majesty, and to convey, surrender, demise, or grant the same to His Majesty, or the said Master of the Ordnance, or such other Person so authorized as aforesaid, in Trust for His Majesty accordingly; and every such Exchange, Contract, Agreement, and Conveyance, shall be good and effectual in Law, to all Intents and Purposes whatsoever.

Lands taken in Exchange to vest in the Parties for the same Purposes as the Premises given in Exchange.

III. And be it further enacted, That the said Lands and Hereditaments of His Majesty, so agreed to be exchanged as aforesaid, shall, upon the Completion of such Exchange, vest in the Person or Persons, or Body with whom such Exchange shall be made for the same Estate and Interest, and for the same Trusts, Intents and Purposes, and subject to the same Powers, Provisoes, and Limitations, as the Lands given in Exchange by such Person did before such Exchange; and the Lands and Hereditaments so given in Exchange to His said Majesty shall vest in His said Majesty, His Heirs and Successors, freed and discharged of and from all Uses, Trusts, Powers, Provisoes, Limitations, Declarations, and Agreements, to which the same were subject previous to such Exchange, in Exchange for the said Piece of Land and Premises belonging to His Majesty as aforesaid, or for such further or other Compensation, as shall by the proper Officer or Officers of the Crown be adjudged a good and valuable Consideration for the same.

Master General of the Ordnance to direct Payment of the Money agreed to be paid for equalizing any Exchange,

IV. Provided always, and be it further enacted, That it shall be lawful for the said Master General, or other Person so authorized as aforesaid, on the Behalf of His Majesty, to direct the Payment or Acceptance on Behalf of His Majesty of such Sum of Money, for equalizing any such Exchange, as shall be agreed upon between the said Master General or other Person on Behalf of His Majesty; and the Person or Persons, or Body with whom such Exchange is proposed to be effected; and where any Money shall be agreed to be paid to His Majesty for equalizing any such Exchange, the same shall be paid into the Bank of *England* to the Account of the Master General of the Ordnance, and shall be applied as any other Monies are applicable to the public Service of the Ordnance.

out of the Money applicable to the Ordnance Services.

V. And be it further enacted, That where any Money is to be paid by or on Behalf of His Majesty, His Heirs, and Successors, to any other Person or Persons, or Body for equalizing any such Exchange, the same shall be paid out of any Monies applicable to the Service of the Ordnance.

VI. And

VI. And be it further enacted, That if any Money shall be agreed to be paid for any Lands, Tenements, or Hereditaments, exchanged by virtue of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or seised or possessed of only a particular or determinable Estate or Interest therein; such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, without Fee or Reward, to the Intent that such Money may be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof as the said Court shall authorise to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined, and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be vested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Money so paid in Exchange, if it exceeds 200l. how to be applied.

VII. Provided also, and be it further enacted, That if any Money so agreed to be paid for any Lands or Hereditamentents exchanged as aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds; then and in all such Cases the same shall, (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments, so taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands), be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner as herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person

Directing the Application where the Sum is less than 200l. and more than 20l.

or Perſons making ſuch Option, and approved of by the ſaid Maſter General, (ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties), in order that ſuch principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If the Money be leſs than 20l. it ſhall be applied to Uſe of the Perſons entitled thereto.

VIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed to be paid as laſt before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes, the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo exchanged, or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe Titles cannot be made out to Premiſes, the Money to be paid into the Bank.

IX. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be aſſeſſed and adjudged for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed, taken, or uſed as aforeſaid, ſhall for the Space of Thirty Days after Notice thereof, neglect or refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Maſter General, or be not known or diſcovered, or cannot be found; then and in every ſuch Caſe it ſhall be lawful for the ſaid Maſter General, to order the ſaid Sum or Sums of Money ſo adjudged to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties intereſted in the ſaid Lands [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, is hereby empowered in a ſummary Way of proceeding, or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in any of the public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to ſuch reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Perſons in Poſſeſſion deemed lawfully entitled to the Premiſes.

X. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, or Intereſt in any Lands, Tenements, or Hereditaments to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed

with any ſuch Money, or the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under them reſpectively, or under their Poſſeſſion, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery, and the Dividends or Intereſt of the Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of, accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was wrongful, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

When Money is paid into Chancery, the Court may order the Expences to be paid by the Maſter General.

XI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes in purſuance of this Act; it ſhall and may be lawful to and for the ſaid Court of Chancery to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable, to be paid by the ſaid Maſter General, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

In caſe of Eviction from the Premiſes, the Exchanges made ſhall be void.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons to whom any Eſtate or Intereſt is hereby limited, of and in the ſaid Hereditaments hereby exchanged, or any Part thereof, ſhall at any Time be evicted or moleſted, or interrupted in the peaceable and quiet Poſſeſſion and Enjoyment of the Hereditaments hereby exchanged as aforeſaid, or mentioned or intended ſo to be, or any Part thereof, by Reaſon of any Defect of Title to the ſaid Hereditaments, or any of them, ſo that the Exchange hereby intended cannot continue; then and from thenceforth the ſaid Exchanges hereby made ſhall be utterly void and of none Effect, and it ſhall be lawful for the Party ſo evicted, immediately after ſuch Eviction or Interruption, to re-enter into the ſaid Lands and Hereditaments hereby veſted and ſettled as aforeſaid, in ſuch and the ſame Manner as he would have been entitled to in caſe this Act had not been made, and the ſame and every Part thereof to have again, repoſſeſs, and enjoy, as in his and their firſt and former Eſtate; any Thing herein-before contained to the contrary thereof in anywiſe notwithſtanding.

General Saving.

XIII. Saving always, to all Bodies Politic and Corporate, and all other Perſons whomſoever, and their, his, and her Succeſſors, Heirs, Executors, and Adminiſtrators, other than and except His moſt Excellent Majeſty, His Heirs and Succeſſors, and the ſaid Perſon or Perſons, or Body, and all other Perſons claiming any Eſtate, Right, Title, or Intereſt, in, to, or out of the

the ſaid Hereditaments hereby veſted and ſettled in Exchange as aforeſaid under His ſaid Majeſty, or the ſaid Perſon or Perſons, or Body, all ſuch Eſtate, Right, Title, or Intereſt, Claim, and Demand of, in, and to the Premiſes hereby veſted and ſettled in Exchange as aforeſaid, as they, every, or any of them, had before the paſſing of this Act, or could or might have had if this Act had not been paſſed.

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