ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CXXIII.

An Act for making Compenſation for Lands and Hereditaments taken for erecting Works at and near *Portſmouth* and *Hilſea*, in the County of *Southampton*, in purſuance of an Act made in the laſt Seſſion of Parliament. [28th *June* 1815.]

WHEREAS by an Act of Parliament made in the laſt Seſſion of Parliament, intituled *An Act to veſt in Truſtees certain Meſſuages, Lands, Tenements, and Hereditaments, for extending the preſent Lines and Works, and for erecting other Works and Buildings at and near* Portſmouth *and* Hilſea, *in the County of* Southampton, certain Meſſuages, Lands, Tenements and Hereditaments ſpecified in the Two Schedules to the ſaid Act annexed, marked (A) and (B), were veſted in the the Right Honourable *Charles Abbott*, and other Perſons therein named, their Heirs and Aſſigns, in Truſt nevertheleſs for ſuch Perſon or Perſons as at or immediately before the Time of making the ſaid Act was and 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 54 G. 3. c. 43.

be found neceſſary for His Majeſty's Service), and until the Purchaſe Monies for the 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 Politic and 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, Lunatics, Idiots, Perſons beyond the Seas, or otherwiſe incapable of acting for themſelves, were thereby authorized and empowered to contract 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 of them the ſaid Truſtees, and their Heirs, ſhould be deemed and adjudged to ſtand ſeized 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 Politic 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 Nineteenth Day of *April* One thouſand eight hundred and fourteen, in purſuance whereof Five or more of the Commiſſioners, in the ſaid Commiſſion named, did on the Ninth Day of *September* One thouſand eight hundred and fourteen, meet at His Majeſty's Office of Ordnance in *Pall Mall Weſtminſter*, and the Owners and Proprietors of and Perſons intereſted in the Meſſuages, Lands, Tenements, and Hereditaments in the ſaid Act compriſed, 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 treat and agree with certain of the ſaid Owners and Proprietors and Perſons intereſted, their ſaid Attornies or Agents, whoſe Propoſals appeared to the ſaid Commiſſioners to be reaſonable, for the abſolute Purchaſe of their reſpective Meſſuages, Lands, Tenements, and Hereditaments, and all Eſtates, Rights and Intereſts therein: And whereas Agreements in Writing were afterwards entered into and ſigned by and between the ſaid Commiſſioners, and the ſaid laſt-mentioned Owners or Proprietors and Perſons intereſted reſpectively,

purporting that the ſeveral Sums of Money ſo agreed upon ſhould be ſubmitted to the Jury, to be impannelled and ſworn under the ſaid Act as the admitted Prices or Values of the reſpective Eſtates and Intereſts of ſuch Owners or Proprietors and Perſons intereſted as aforeſaid, of and in the ſaid Meſſuages, Lands, Tenements, and Hereditaments in the ſaid Act comprized, in order that the ſaid ſeveral Sums ſo agreed on might be thereupon returned, or comprized in the Verdicts of the ſaid Jury, as the ſeveral Purchaſe Prices or Values of all ſuch Eſtates and Intereſts accordingly: And whereas in purſuance of the ſaid Agreements, and for ſettling and determining the Propoſals of the other or remaining Owners or Proprietors and Perſons intereſted, whoſe Propoſals appeared to the ſaid Commiſſioners to be unreaſonable, they the ſaid Commiſſioners did on the Twenty-fourth Day of *October* One thouſand eight hundred and fourteen 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 New Seſſions Houſe in *Portſmouth* aforeſaid, did thereupon meet at the ſaid New Seſſions Houſe, 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 all the ſaid Meſſuages, Lands, Tenements, and Hereditaments in the ſaid recited Act comprized, 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 Judgments and Decrees purſuant to the ſaid recited Act, and thereby they adjudged and decreed that the true and real Value of all the ſaid recited Meſſuages, Lands, Tenements and Hereditaments in the ſaid Act comprized, and ſo aſſeſſed as aforeſaid, agreeably to the Verdicts of the ſaid Jury, was Two hundred and twenty-three thouſand eight hundred and thirty-three Pounds Nineteen Shillings, for or towards Payment of which ſaid Sum of Two hundred and twenty-three thouſand eight hundred and thirty-three Pounds Nineteen Shillings, certain Sums of Money, amounting together to the Sum of One hundred and ſixty thouſand Pounds, have been already provided by Parliament whereof has been expended the Sum of Five thouſand Pounds only, leaving a Balance yet unapplied of One hundred and fifty-five thouſand Pounds, but no Proviſion hath yet been made for Payment of the Remainder of the ſaid Sum of Two hundred and twenty-three thouſand eight hundred and thirty-three Pounds Nineteen Shillings, amounting to the Sum of Sixty-eight thouſand eight hundred and thirty-three Pounds Nineteen Shillings: Now, for making Compenſation to the ſeveral Owners and Proprietors of and Perſons having any Eſtates, Rights, and Intereſts, in the ſaid ſeveral Meſſuages, Lands, Tenements and Hereditaments in the ſaid recited Act comprized, and to the Perſons entitled to receive the ſeveral Sums of Money aſſeſſed and allowed by the ſaid Commiſſioners as mentioned in the ſaid Judgments 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 fifteen, there ſhall and may be iſſued the aforeſaid Sum of Sixty-eight thouſand eight hundred and thirty-three Pounds Nineteen Shillings

68,833l. 19s. to be iſſued out of the Supplies for 1815, which, with

the Balance of 155,000l. making together 223,833l. 19s. shall be applied in making Compensation to the Owners of Lands assessed and allowed by the Commissioners.

Shillings, and that the same together with the said Sum or Balance of One hundred and fifty-five thousand Pounds, so remaining unapplied as aforesaid, making together the aforesaid Sum of Two hundred and twenty-three thousand eight hundred and thirty-three Pounds Nineteen Shillings, shall be applied for the Purpose of making a reasonable and just Compensation and Satisfaction to all and every Person and Persons, Bodies Politic and Corporate, Ecclesiastical and Civil, who were the several Owners and Proprietors of and Persons interested in the said Messuages, Lands, Tenements, and Hereditaments respectively, adjudged and decreed of according to their several and respective Estates, Rights, and Interests 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 Judgments and Decrees.

Surveyor General of the Ordnance to make out Bills to the Persons, &c. entitled, specifying the Premises, and thereupon Debentures shall be prepared which shall be paid by the Treasurer.

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 Politic or Corporate, Ecclesiastical or Civil, for such Sum and Sums of Money as is or are to them respectively adjudged and decreed by the said Judgments and Decrees of the said Commissioners, 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 to be made out and allowed as aforesaid shall express the respective Messuages, Lands, Tenements, and Hereditaments, or other Estate, Right, or Interest for or in respect of which such Bill or Bills, together with the Name or Names of the Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, to whom the same shall be so made out, and the respective Sum or Sums of Money which 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 indorsed thereon, and such Payment shall be made without Fee or Reward, and without any Deduction or Abatement on any Ground or Pretence whatsoever.

Sums adjudged to be paid to Individuals shall be paid to such Persons accordingly.

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

But Sums adjudged to be paid to Trustees shall be paid over to the Deputy Remembran-

IV. And whereas it is by the said Judgments and Decrees adjudged and decreed that certain Sums of Money therein particularly mentioned, as being the Value of certain of the said Messuages, Lands, Tenements, and Hereditaments, or of the Estates and Interests of the several Proprietors or Persons interested therein, should, on account of the particular Estates or Interests of such Persons, be paid to some proper Person or Persons on

certain

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 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 Judgments and Decrees adjudged and decreed to be paid to any ſuch Truſtee or Truſtees as laſt aforeſaid, or to be in ſome Manner laid out as laſt aforeſaid, ſhall be paid by the Treaſurer of the Ordnance 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 and 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.

cer, for which he ſhall ſign a Certificate to the Barons of Exchequer.

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

Deputy Remembrancer to pay the Money 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 Public Funds or upon Government or Real Securities, and for calling in, diſpoſing of, and placing out the ſame again, in or upon ſuch new or other Funds or Securities as aforeſaid, and for paying off 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 Time of making the ſaid Judgments and Decrees, or as near thereto as the ſame can be done, or for and concerning the receiving

On Application of the Parties Barons of the Exchequer to make Orders for inveſting the Money.

ceiving, 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, 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.

On Death, &c. of Deputy Remembrancer, Stocks and Securities ſhall veſt in 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.

If Debentures are not taken within a Month after Perſonal Notice or Notice in the Gazette, the Clerk of the Ordnance may depoſit the ſame with the Clerk of the Peace, and the Premiſes ſhall from thenceforth 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 or Debentures 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 ſaid County of *Southampton*, and to take his Acquittance or Acquittances for the ſame, which ſaid Acquittance or Acquittances 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 Debenture or 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 for or on account thereof.

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 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

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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 upon any Demurrer Judgment 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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