ANNO QUINQUAGESIMO SEXTO

GEORGII III. REGIS.

****

CAP. LXXIV.

An Act for the Purchase of certain Lands, Tenements, and Hereditaments at *Sheerness* and *Chatham*, in the County of *Kent*, for the Use of the Navy.

[24th *June* 1816.]

WHEREAS it is expedient that His Majesty should be enabled to purchase the Lands, Tenements, and Hereditaments hereinafter particularly mentioned and described, for the Purpose of the same being added to or used with and for the Purposes and Service of His Majesty's Dock Yards at *Sheerness* and *Chatham* respectively; 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 to and for the Lord High Admiral, or any Three or more of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, for the Time being, from Time to Time, by any Writing under their Hands, to authorize any Person or Persons to treat and agree with the Owner or Owners, Person or Persons interested, for the absolute Purchase of all that Piece or Parcel of Land or Ground situate and being at a Place called *Blue Town*, in the Parish of *Minster*, in the *Isle of Sheppy*, in the County of *Kent*, bounded on the North by the *High Street*, including the Whole of that Street, up to the Boundary Fence of His Majesty's Dock Yard at *Sheerness*, as far as the Road leading from the said *High Street* to the Garrison, and in other Part up to the Entrance of the said Road, and the Fronts of Houses and Buildings standing on Ground belonging to His Majesty, lately transferred or given up by the Ordnance to the Navy Department, as far as the East Side of *Chapel Street*; on the South by the Boundary Ditch of certain Lands or Grounds belonging to or occupied by

The Admiralty may authorize Persons to treat with Owners for the Purchase of the Lands herein described.

by the Board of Ordnance; on the Eaſt, by *Chapel Street*, including all ſuch Foot and other Pavement and Ground on the Weſt Side of that Street, and lies to the Weſtward of a Line to be drawn parallel to the Eaſt Side of the ſame Street from the outermoſt Edge of the Foot Pavement at the South End to the outermoſt Edge of the Pavement at the North End, and thence acroſs the *High Street* to the ſaid Ground and Buildings lately transferred to the Navy Department as aforeſaid; on the Weſt, in Part by *Weſt Street*, including the Whole of that Street up to the Boundary Fence of the ſaid Dock Yard, in Part, and in other Part by the Embankment of the River *Medway*, together with all and ſingular the Meſſuages, Tenements, or Dwelling Houſes, and all other Erections and Buildings erected and built on the ſaid Piece or Parcel of Land or Ground, or any Part thereof; and alſo all that Pier or Jetty ſituate at *Sheerneſs* aforeſaid, commonly called or known by the Name of *The Sheerneſs Pier*, or *Blue Town Pier*, and the Toll Houſe thereto belonging, and all Erections and Buildings whatſoever erected and built thereon; and alſo all that Piece or Parcel of Freſh Marſh Land, containing by Eſtimation Eighteen Acres and Thirty-nine Perches, or thereabouts, be the ſame more or leſs, with the Two Meſſuages or Dwelling Houſes, and other Erections ſtanding thereon, ſituate and being in the Pariſh of *Gillingham*, in the ſaid County of *Kent*, bounding to the Piece or Parcel of Salt Marſh next herein-after mentioned and deſcribed, or the Creek or Fleet ſeparating the ſame from the ſaid Piece of Freſh Marſh Land, towards the North, to Marſh Lands belonging to His Majeſty, towards the South to the other Piece or Parcel of Freſh Marſh Land herein-after mentioned and deſcribed, towards the Weſt, and to the Creek called *Saint Mary's Creek* towards the Eaſt, as the ſame Premiſes now are or late were in the Tenure or Occupation of *John Baſeden*, or his Under-tenants; and alſo all that Piece or Parcel of broken Salt Marſh lying and being on the Eaſt Side of the ſaid Piece or Parcel of Freſh Marſh herein-before mentioned and deſcribed, and between it and the ſaid Creek called *Saint Mary's Creek*; and alſo all that Piece or Parcel of Salt Marſh Land, containing by Eſtimation Seven Acres, Two Roods, and Three Perches, or thereabouts, be the ſame more or leſs, ſituate and being in the Pariſh of *Gillingham* aforeſaid, bounding to the River *Medway* towards the North, to the Piece or Parcel of Freſh Marſh Land before mentioned and deſcribed, or the ſaid Creek or Fleet ſeparating the ſame from the ſaid Piece or Parcel of Salt Marſh towards the South, to Land belonging to His Majeſty towards the Weſt, and to the ſaid Creek called *Saint Mary's Creek*, or the Entrance thereof towards the Eaſt, as the ſame is now or late was in the Tenure or Occupation of the ſaid *John Baſeden*, or his Under-tenants; and alſo the ſaid Creek or Fleet between the ſaid Piece or Parcel of Freſh Marſh Land, and the ſaid Piece or Parcel of Salt Marſh Land herein-before mentioned and deſcribed; and alſo all that Piece or Parcel of Freſh Marſh Land, containing by Eſtimation Seven Acres, One Rood, and Thirty-five Perches, or thereabouts, be the ſame more or leſs, with the Sheds and other Erections thereon, ſituate and being in the Pariſh of *Gillingham* aforeſaid, bounding to the ſaid Piece or Parcel of Freſh Marſh Land, herein-before mentioned and deſcribed, towards the North and Eaſt, and to Lands belonging to His Majeſty towards the South and Weſt, as the ſame now are or late were in the Tenure or Occupation of the ſaid *John Baſeden*, or his Under-tenants; and alſo all thoſe Twelve ſeveral Meſſuages, Tenements, or Dwelling Houſes, with the Yards, Gardens, Backſides, and Appurtenances to the ſame ſeverally

belonging or appertaining, ſituate and being at a Place commonly called *Tom-all-alone's* (and ſometimes called *Princeſs Street*) near the ſaid laſt mentioned and deſcribed Piece or Parcel of Freſh Marſh, and in the Pariſh of *Gillingham* aforeſaid, as the ſame now are or late were in the ſeveral Tenures or Occupations of *George Hines*, *Ann Rich* Widow, *Frances Spencer* Widow, *Thomas Hartley*, *John Flew*, *Charles Pleaſance*, *Line Purcell*, *Thomas Clark*, *Thomas Elvy* the younger, *George Clark*, *James Clark*, and *Thomas Macleroy*, or by whatſoever other Name or Names, Quantities, Qualities, or Deſcriptions, Abuttals, and Boundaries, the ſaid ſeveral Pieces or Parcels of Land, Meſſuages, or Tenements, Pier or Jetty, and Premiſes, or any of them, or any Part thereof, may be better called, known, or diſtinguiſhed, and all Ways, Paths, Paſſages, Fleets, Creeks, Ditches, Banks, Walls, Fences, Eaſements, Liberties, Privileges, and Appurtenances whatſoever to the ſaid ſeveral Pieces or Parcels of Land and Meſſuages, Tenements, or Dwelling Houſes, Erections, Buildings, Pier or Jetty, and Premiſes herein-before mentioned, every or any of them, or any Part or Parts thereof belonging or in anywiſe appertaining.

Bodies Politic, &c. and incapacitated Perſons may contract for the Sale.

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 of the Lands, Tenements, or Hereditaments aforeſaid, as ſhall be Femes Covert, Infants, Lunatics, Ideots, or Perſons beyond the Seas, or otherwiſe incapable of acting for themſelves, and to and for all and every Perſon and Perſons whomſoever, who are or ſhall be ſeiſed or poſſeſſed of or in anywiſe intereſted in any of the Lands, Tenements, or Hereditaments herein-before mentioned or deſcribed, or any Part thereof, to contract and agree with ſuch Perſon or Perſons authorized as aforeſaid for the abſolute Sale of ſuch Lands, Tenements, and Hereditaments, and to convey, ſurrender, or grant the ſame unto the ſaid Commiſſioners for executing the ſaid Office of Lord High Admiral for the Time being, or any Three or more of them, in Truſt for His Majeſty, His Heirs and Succeſſors accordingly, and all ſuch Contracts, Sales, Conveyances, Surrenders, Grants, and Agreements ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever.

In default of treating, Two Juſtices may put His Majeſty's Officers in Poſſeſſion, and a Jury ſhall find the Compenſation to be paid for the Purchaſe.

III. And be it further enacted, That in caſe any ſuch Bodies, or other Perſons hereby authorized to contract on Behalf of themſelves or others as aforeſaid, or any other Perſon or Perſons intereſted in any of the ſaid Lands, Tenements, or Hereditaments, ſhall, for the Space of Fourteen Days next after Notice in Writing ſubſcribed by ſuch Perſon or Perſons authorized as aforeſaid, ſhall have been given to the principal Officer or Officers of any ſuch Body, or to ſuch other Perſons hereby authorized to contract on Behalf of others, or intereſted themſelves as aforeſaid, or left at his, her, or their uſual Place of Abode, refuſe or decline to treat or agree, or by Reaſon of Abſence ſhall be prevented from receiving any ſuch Notice, and from treating or agreeing with ſuch Perſon or Perſons authorized as aforeſaid, or ſhall refuſe to accept ſuch Sum of Money as ſhall be offered by ſuch Perſon or Perſons, as the Conſideration for the abſolute Purchaſe of ſuch Lands, Tenements, and Hereditaments, then and in every ſuch Caſe it ſhall be lawful for ſuch Perſon or Perſons ſo authorized

authorized as aforeſaid to require Two or more Juſtices of the Peace, or Three or more Deputy Lieutenants (One of whom ſhall be a Juſtice of the Peace of the ſaid County of *Kent*) to put His Majeſty's Officers into immediate Poſſeſſion of ſuch Lands, Tenements, or Hereditaments which ſuch Juſtices or Deputy Lieutenants are hereby required to do, and ſhall for that Purpoſe iſſue their Warrant under their Hands and Seals commanding Poſſeſſion to be ſo delivered; and ſhall alſo iſſue their Warrant to the Sheriff of the ſaid County of *Kent* to ſummon a Jury, and every ſuch Sheriff for the Time being is hereby authorized and required, on Receipt of any and every ſuch Warrant, to ſummon and return a Jury properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England*, who ſhall meet at ſome convenient Time and Place to be mentioned in ſuch Summons, out of whom a Jury of Twelve ſhall be drawn, in ſuch Manner as Juries for the Trial of Iſſues joined in His Majeſty's Courts at *Weſtminſter* are drawn by Law in *England*; and in caſe a ſufficient Number ſhall not appear, the ſaid Sheriff ſhall chooſe others of the Bye-ſtanders, or that can ſpeedily be procured, being qualified as aforeſaid, and the ſaid Jurymen may be challenged by the Parties on either Side, but not the Array; and the ſaid Juſtices or Deputy Lieutenants reſpectively may ſummon Witneſſes and adjourn any ſuch Meeting if Jurymen or Witneſſes do not attend, and the Jury on hearing any Witneſſes and Evidence that may be produced, ſhall, on their Oaths (which Oaths, as alſo the Oaths of ſuch Witneſſes, the ſaid Juſtices or Deputy Lieutenants reſpectively are hereby empowered and required to adminiſter) find the Compenſation to be paid for the abſolute Purchaſe of ſuch Lands, Tenements, or Hereditaments.

Parties diſſatisfied with the Verdict of the Jury, may apply to the Court of Exchequer, who may direct an Inquiſition to be had before the Juſtices of Aſſize and Niſi Prius, to aſcertain the Compenſation to be paid for ſuch Purchaſe.

IV. Provided always, and be it further enacted, That if the ſaid High Admiral, or the Commiſſioners for executing the Office of Lord High Admiral aforeſaid, or any Perſon intereſted therein, ſhall be diſſatisfied with the Verdict of any ſuch Jury, it ſhall be lawful for them or their Attornies to apply to the Court of Exchequer at *Weſtminſter*, in the Term next after the finding of any ſuch Verdict, and to ſuggeſt to the ſaid Court that they have Reaſon to be diſſatisfied with ſuch Verdict, and forthwith give Notice thereof to the ſaid Lord High Admiral, or Commiſſioners, or Party (as the Caſe may be) and thereupon the Proceedings that ſhall have been had and the Verdict of ſuch Jury ſhall be returned into the ſaid Court of Exchequer, and if it ſhall appear to the ſaid Court to be proper, a Suggeſtion ſhall be entered on ſuch Proceedings as aforeſaid, and a Writ ſhall thereupon, by Rule of ſuch Court, be directed to the Sheriff of the ſaid County of *Kent*, to ſummon either a Common or Special Jury, according to the Application that ſhall have been made in that Behalf, and as the Court ſhall allow, and who ſhall reſpectively be qualified according to Law to appear before the Juſtices of Aſſize and Niſi Prius of the ſaid County of *Kent*, at the next Aſſizes or Sittings of Niſi Prius, if the ſame ſhall not happen ſooner than Twenty-one Days after ſuch Suggeſtion, otherwiſe at the next ſucceeding Aſſizes or Sittings, and the Compenſation to be paid for the abſolute Purchaſe of ſuch Lands, Tenements, or Hereditaments, ſhall at ſuch Aſſizes or Sittings be aſcertained by ſuch Jury in like Manner as any Damages may be enquired of upon any Inquiſition or Enquiry of Damages by any Jury before any Judge of Aſſize or Niſi Prius, and the Verdict of ſuch Jury ſhall be returned to the ſaid Court of Exchequer, and ſhall be final and concluſive, unleſs the ſaid Court of Exchequer ſhall think fit, on any Application made within

Four Days after the Commencement of the ſucceeding Term or Seſſion, to order any new Trial in relation thereto.

Jury alſo to aſcertain the Proportion to be paid to Leſſees, &c.

V. Provided always, and be it further enacted, That it ſhall be lawful for any Jury impannelled before any Juſtice of the Peace or Magiſtrates, or Deputy Lieutenants, or before any Judge of Aſſize or Niſi Prius, to aſcertain the Compenſation to be paid for any Lands, Tenements, or Hereditaments under this Act, and they are hereby required to aſcertain and ſettle the Proportion to be paid out of ſuch Compenſation to any Perſon or Perſons having any Intereſt as Leſſees or Tenants for Years at Will, or otherwiſe, in any ſuch Lands, Tenements, or Hereditaments, and the Proportion to be paid out of ſuch Compenſation ſhall be returned on the Verdict: Provided alſo, that where any ſuch Enquiry before any Judge of Aſſize or Niſi Prius ſhall be had on the Application of any ſuch Leſſee or Tenant for Years or at Will, or other Perſon having any inferior Intereſt in any ſuch Lands, Tenements, or Hereditaments, who may have been diſſatisfied with the Proportion or Compenſation ſettled by the Jury to be paid in reſpect of ſuch Intereſt, it ſhall not be lawful for the Jury in any ſuch Caſe to alter the Amount of the entire Compenſation awarded by any former Verdict to be paid for ſuch Lands, Tenements, or Hereditaments, but only the Proportion thereof to be paid to the Perſon or Perſons having a ſeparate Intereſt therein; and it ſhall not be lawful for any Jury, on any Enquiry had before any Judge of Aſſize or Niſi Prius as to any ſuch Compenſation on the Application of the ſaid Lord High Admiral, or Commiſſioners for executing the Office of Lord High Admiral aforeſaid, to alter the Proportion that ſhall have been ſettled by any ſuch former Jury as to any ſeparate Intereſt in any ſuch Lands or Hereditaments.

Security to be given for Payment of Coſts.

VI. Provided alſo, and be it further enacted, That it ſhall be lawful for the Court making any ſuch Rule to require that the Party on whoſe Application the ſame ſhall be made ſhall give ſuch Security as ſhall to ſuch Court ſeem proper for Payment of Coſts, under ſuch Circumſtances as ſhall be ſpecified in any Rule made for that Purpoſe.

Money belonging to incapacitated Perſons how to be diſpoſed of.

VII. And be it further enacted, That in all Caſes where any Money ſhall have been or ſhall be agreed, or ſhall have been or ſhall be found by the Verdict of any Jury to be paid or given for any of the Lands, Tenements, or Hereditaments herein-before mentioned and deſcribed, belonging to any Perſon or Perſons under any Diſability or Incapacity, or abſent, or not having the abſolute Intereſt therein, the ſame ſhall be paid by the Treaſurer of His Majeſty's Navy for the Time being into the Hands of the Deputy of the King's Remembrancer of His Majeſty's ſaid Court of Exchequer for the Time being for the Uſe and Benefit of ſuch Perſon or Perſons, and the ſaid Deputy Remembrancer is hereby authorized and required to receive and to give a Diſcharge for the ſame, and upon the Receipt thereof to ſign a Certificate to the Barons or Judges of the ſaid Courts of Exchequer under his Hand, purporting and ſignifying that ſuch Money or other Conſideration was received by and paid to him in purſuance of this Act, for the Uſe and Benefit of ſuch Perſon or Perſons who ſhall be named and deſcribed in ſuch Certificate, and the ſaid Certificate ſhall be filed in the ſaid Court of Exchequer, and a true Copy thereof ſigned by the Deputy Remembrancer of ſuch Court ſhall and may be read and allowed as Evidence for the Purpoſes herein-after mentioned;

and the ſaid Deputy Remembrancer is hereby required, upon Receipt of any ſuch Sum or Sums of Money as aforeſaid to pay the ſame into the Bank of *England*; and immediately upon the filing of ſuch Certificate the ſaid Lands, Tenements, and Hereditaments ſhall be and become veſted in or to the Uſe of His Majeſty, His Heirs and Succeſſors.

Court of Exchequer on Application of ſuch Perſons for the Diſpoſition of ſuch Money may give Directions therein.

VIII. And be it further enacted, That the Barons or Judges of His Majeſty's Court of Exchequer of the Degree of the Coif for the Time being reſpectively, or any Two or more of them, ſhall be and they are hereby authorized and empowered, in a ſummary Way, upon Motion or by Petition for and on Behalf of any Perſon or Perſons intereſted in or entitled to the Benefit of the Money ſo 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 for paying the ſaid Money, or any Part of the ſame, or for placing out ſuch Part thereof as ſhall be Principal in the Public Funds, or upon Government or Real Securities, and for Payment of the Dividends or Intereſt thereof, or any Part thereof, to the reſpective Perſons entitled to receive the ſame, or for laying out the Principal, or any Part thereof, in the Purchaſe of other Lands or Hereditaments, to be conveyed and ſettled to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes as the ſaid Lands and Hereditaments ſo taken ſtood ſettled at the Time of the Payment of ſuch Money as aforeſaid, or as near as the ſame can be done, or otherwiſe, concerning the diſpoſing of the ſaid Money, or any Part thereof, and the Intereſt of the ſame, or any Part thereof, for the Benefit of the Perſon or Perſons entitled to and intereſted in the ſame reſpectively, or for appointing any Perſon or Perſons to be Truſtee or Truſtees for all or any of ſuch Purpoſes as the ſaid Court ſhall think juſt and reaſonable.

Securities, &c. to veſt in the Deputy Remembrancer for the Time being, without any Aſſignment.

IX. And be it further enacted, That upon the Death or Removal of any ſuch Deputy Remembrancer all Stocks and Securities veſted in him by virtue of this Act ſhall veſt in the ſucceeding Deputy Remembrancer for the Purpoſes herein-before mentioned without any Aſſignment or Transfer; and all Monies paid into the Bank of *England* in purſuance of this Act, or remaining in the Hands of any Deputy Remembrancer at 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.

Where there is no Deputy the Principal to have the ſame Powers.

X. And be it further enacted and declared, That if in any Caſe the King's Remembrancer ſhall execute the ſaid Office in Perſon, then and in ſuch Caſe the ſeveral Truſts, Powers, and Authorities by this Act veſted in the ſaid Deputy Remembrancer and his Succeſſors, ſhall, during ſuch Time as no Deputy Remembrancer ſhall be appointed, be veſted in and be executed by the ſaid King's Remembrancer for the Time being.

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