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GEORGII III. REGIS.

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C A P. IX.

An Act for vesting all Estates and Property occupied for the Barrack Service in the Comptroller of the Barrack Department; and for granting certain Powers to the said Comptroller.

[17th *March* 1817.]

WHEREAS an Act passed in the Forty-fifth Year of the Reign of His present Majesty, intituled *An Act for vesting in the Barrack Master General for the Time being Estates held or occupied for the Barrack Service, and authorizing him to sell the same, with the Consent of the Lords Commissioners of His Majesty's Treasury*: And whereas another Act passed in the Forty-eighth Year of the Reign of His present Majesty, intituled *An Act for vesting all Estates and Property occupied for the Barrack Service in the Commissioners for the Affairs of Barracks, and for granting certain Powers to the said Commissioners*: And whereas another Act passed in the said Forty-eighth Year aforesaid, intituled *An Act to enable the Commissioners for auditing Public Accounts, and the Commissioners for the Affairs of Barracks respectively, to send and receive Letters and Packets on the Business of their Offices, free of Postage*: And whereas the Affairs of the Barrack Department are now under the Management of a Comptroller of the Barrack Department, appointed for that Purpose by His Majesty, and it is therefore necessary that all Messuages, Lands, Tenements, and Hereditaments which were by the said Act or have since become vested in the said Commissioners, and all other Messuages, Lands, Tenements and Hereditaments in any Manner used and occupied for the Service of the Barrack Department, should be vested in the said Comptroller, and

45 G. 3. c. 69.

48 G. 3. c. 122.

48 G. 3. c. 90.

N that

that the ſaid Comptroller ſhould be enabled to maintain and defend Actions and Suits in relation to all Contracts made for the Service of the Barrack Department, or in any Manner relating thereto; 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 immediately from and after the paſſing of this Act all Meſſuages, Lands, Tenements, and Hereditaments which were by the ſaid Act veſted in the Commiſſioners for the Affairs of Barracks for the Time being, and alſo all Meſſuages, Lands, Tenements, and Hereditaments which have ſince been purchaſed or taken or are in any Manner now held by any Perſon or Perſons whatever in Truſt for or for the Uſe of His Majeſty, His Heirs and Succeſſors, for the Service of the Barrack Department, either in Fee or for any Lives, or any Term of Years of any other or leſſer Intereſt, and all Erections and Buildings which now are or which ſhall be hereafter erected and built thereon, together with the Rights, Members, Eaſements, and Appurtenances to the ſame reſpectively belonging, (other than and except ſuch Meſſuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure), and from and after the Purchaſe and Conveyance, Grant or Demiſe thereof, all other Meſſuages, Lands, Tenements, and Hereditaments which ſhall at any Time or Times hereafter be purchaſed by the Comptroller of the Barrack Department for the Time being, or by any other Perſon or Perſons by his Order, for the Service of the Barrack Department, and all Erections and Buildings which now are or which ſhall hereafter be erected and built thereon, with the Rights, Members, Eaſements, and Appurtenances to the ſame reſpectively belonging, ſhall be and become, and remain and continue veſted in the Comptroller of the Barrack Department for the Time being, and his Succeſſor in the ſaid Office, according to the Nature and Quality and Eſtate and Intereſt of and in the ſame Hereditaments and Premiſes reſpectively; and that upon the Death, Reſignation, or Removal of the preſent Comptroller, or of any future Comptroller or Comptrollers, all ſuch Meſſuages, Lands, Tenements, and Hereditaments reſpectively, (other than and except as aforeſaid) ſhall become veſted in and be held by the ſucceeding Comptroller, and ſo in perpetual Succeſſion according to the Nature and Quality and Eſtate and Intereſt of and in the ſame reſpectively, in Truſt for His Majeſty, His Heirs and Succeſſors, for the Service of the Barrack Department, or for ſuch other Public Service or Services as His Majeſty, His Heirs and Succeſſors, ſhall from Time to Time be pleaſed to direct: Provided always, that nothing herein contained ſhall be conſtrued to veſt the ſaid Premiſes upon other Terms, with reſpect to former Proprietors, than thoſe on which the ſame are now veſted in the Perſon or Perſons holding the ſame in Truſt for His Majeſty.

Premiſes veſted in Commiſſioners for the Affairs of Barracks, under recited Act, and all Meſſuages, &c. ſince purchaſed, or which may be purchaſed for the Barrack Department, ſhall be veſted in the Comptroller of the Barrack Department;

but on the ſame Terms as they are now held in Truſt for His Majeſty.

II. And be it further enacted, That it ſhall be lawful for the ſaid Comptroller for the Time being, with the Conſent and Approbation of the Commiſſioners of His Majeſty's Treaſury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, (ſuch Conſent and Approbation to be certified by One of the Secretaries to the ſaid Commiſſioners by Writing under his Hand) to ſell, or in any manner to diſpoſe of, or let or demiſe any of the Meſſuages, Lands, Tenements or Hereditaments which ſhall be veſted in the ſaid Comptroller for the Time being, with their reſpective Appurtenances, either by public Auction or private Contract; and in due Form of Law to convey, aſſign, and make over the

Comptroller, with Conſent of the Treaſury, may ſell Premiſes.

same to any Person or Persons who shall be willing to purchase or take the same respectively; and also to do any other Act, Matter or Thing, in relation to any such Messuages, Lands, Tenements and Hereditaments, which shall be deemed beneficial by the said Comptroller and the said Commissioners to the Public Service, in relation thereto or for the better Management thereof, which might be done by any Person having a like Interest in Messuages, Lands, Tenements or Hereditaments; and no Contracts, Assignments, and Conveyances, in Law or Equity, heretofore made by the said Commissioners for Affairs of Barracks, shall be deemed invalid, or be in any Manner impeached by reason of no Offer having been first made to any Person having adjoining Lands, or of whom the same were first purchased; any Thing in the said recited Acts to the contrary notwithstanding.

Purchase Money to be paid into the Bank.

III. And be it further enacted, That the Monies to arise and be produced by the Sale of any of the said Messuages, Lands, Tenements, or Hereditaments which shall be sold under the Provisions of this present Act, shall be paid by the respective Purchaser or Purchasers thereof into the Bank of *England*, and shall be there placed to the Account of the Comptroller of the Barrack Department for the Time being, or to such other Account in the Bank of *England* as the said Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, shall direct; and the Receipt of any One of the Cashiers of the Bank of *England* for such Monies shall effectually discharge the Purchaser or Purchasers by whom or on whose Account the same shall be so paid into the Bank of *England*.

Comptroller may bring and defend Actions.

IV. And be it further enacted, That it shall be lawful for the Comptroller of the Barrack Department for the Time being, and he is hereby authorized and empowered, to bring, prosecute, maintain, or defend any Action or Suit in respect of or in relation to any Messuages, Lands, Tenements, or Hereditaments by this Act vested in him as aforesaid, or of any Trespass committed thereon, or Damage or Injury done thereto, and also in respect of or in relation to any Furniture, Stores, or other Articles, Matters or Things, or any Goods or Chattels whatever belonging to the Barrack Department, or in the Custody or Charge of or used by any Officer of the Barrack Department or Person employed therein, and also for the Breach or Non-performance of any Contract or Agreement, or of any Covenant therein, or for any Matter or Thing in respect of or in relation to any Contract or Agreement made by any Person or Persons whatever for the Service of the Barrack Department, or any other Matter or Thing relating to any of the Affairs under the Management or Control of the said Comptroller; and in every such Action or Suit the said Comptroller for the Time being shall be called "The Comptroller of the Barrack Department," without naming him; and no such Suit or Proceeding commenced before the passing of this Act by the Commissioners for the Affairs of Barracks shall abate, but shall and may after the passing thereof be carried on and proceeded in by or in the Name of the said Comptroller, as he may deem fit; and no Suit or Proceeding hereafter commenced shall abate by the Death, Resignation, or Removal of such Comptroller, any Thing in any Act or Acts of Parliament or Law or Laws, to the contrary notwithstanding.

V. And

Comptroller may administer Oaths.

V. And be it further enacted, That wherever any Accounts, or other Matters or Things relating to any Buſineſs or other Subjects or Tranſactions under the Management of the Comptroller of the Barrack Department, ſhall be to be verified by any Oath or Affidavit of any Perſon or Perſons, it ſhall be lawful for the ſaid Comptroller of the Barrack Department, the Deputy Comptroller of the Barrack Department, or any Aſſiſtant Inſpector General of Barracks, or for any Juſtice of the Peace or Magiſtrate, to adminiſter an Oath and take an Affidavit in that Behalf.

Money ſtanding in the Name of the Comptroller ſhall, on quitting Office, be veſted in the new Comptroller.

VI. And be it further enacted, That all Monies which ſhall at any Time hereafter ſtand or remain at the Time of the Death or Reſignation or quitting of Office of any Comptroller of the Barrack Department, in the Bank of *England*, in the Name of ſuch Comptroller, ſhall forthwith veſt in the Comptroller for the Time being; and from and after the Appointment of another Comptroller, all ſuch Money ſhall forthwith veſt in ſuch Comptroller; and ſo from Time to Time in Succeſſion.

Letters and Packets to the Comptroller of the Barrack Department, or ſent by him or Deputy, to be free of Poſtage.

VII. And be it further enacted, That all Letters and Packets addreſſed to the Comptroller of the Barrack Department reſpectively for the Time being, upon any Buſineſs or Affairs relating to the Duties of the Office of the ſaid Comptroller, ſhall be free from the Duty of Poſtage; and alſo that all Letters and Packets ſent by the Comptroller of the Barrack Department, or the Deputy Comptroller for the Time being reſpectively, upon any Buſineſs or Affairs relating to any of the Duties of the Barrack Department reſpectively, in Manner and Form hereinafter directed, ſhall be ſent free from the ſaid Duty of Poſtage; and all ſuch Letters and Packets reſpectively ſhall be under Cover, with the Words "Purſuant to Act of Parliament," and "Barrack Office," printed upon the ſame; and the Comptroller or his Deputy, or ſome Perſon to be nominated from Time to Time for that Purpoſe by ſuch Comptroller, and whoſe Appointment for That Purpoſe ſhall be tranſmitted to the Poſt Office, ſhall write his Name under the ſame; and they and each of them are and is hereby ſtrictly prohibited from enclоſing or ſending under ſuch Covers any Writing, Paper, or Parcel whatever, excepting ſuch as relate to the Duties of the ſaid Office.

Penalty for ſending any Thing under Cover not relating to the Duties of the Office.

VIII. And be it further enacted, That if any ſuch Comptroller or Deputy or Clerk as aforeſaid reſpectively ſhall preſume to ſend or convey under any of the Covers aforeſaid any Writing, Paper, or Parcel other than thoſe relating to the Duties of the Department, he ſhall for every ſuch Offence forfeit and pay the Sum of One hundred Pounds, to be recovered with full Coſts of Suit by any Perſon or Perſons by Action of Debt, Bill, Plaint, or Information in any of His Majeſty's Courts of Record at *Weſtminſter*, wherein no Eſſoign, Privilege, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; one Moiety of which Penalty ſhall go to the Perſon who ſhall ſue for the ſame, and the other Moiety thereof to and for the Uſe of His Majeſty.

Bodies Politic, &c. may agree for Sale of Lands.

IX. 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, or ſuch of the Owners or Proprietors of or Perſons intereſted in any Lands or Hereditaments which have been taken or are

now or which may hereafter be held by His Majeſty, or by any Perſon in Truſt for His Majeſty, or in Truſt for the Public Service, as ſhall be Femes Covert, Infants, Lunatics, Idiots, or Perſons beyond the Seas, or otherwiſe incapable of acting for themſelves, to contract and agree with ſuch Comptroller or other Perſon or Perſons authorized by him, either for the abſolute Sale of any ſuch Lands or Hereditaments, or for the Enfranchiſement of any Copyhold, or Sale of any Reverſion after any Eſtate or Eſtates for Lives, or for the Grant of any Leaſe, either for any Term of Years certain therein, or for ſuch Period as the Exigency of the Public Service ſhall require, and to convey, ſurrender, demiſe, or grant the ſame accordingly; and all ſuch Contracts, Sales, Conveyances, Enfranchiſements, Surrenders, Leaſes, and Agreements ſhall be valid and effectual in Law to all Intents and Purpoſes whatſoever.

Purchaſe Money to be paid to the Deputy Remembrancer for Bodies Politic, &c. and to be certified to the Exchequer;

X. And be it further enacted, That in every ſuch Caſe of Purchaſe of any Lands or Hereditaments, or of any ſuch Reverſion as aforeſaid, or of the Enfranchiſement of any Copyhold, or Purchaſe of any other Intereſt belonging to any ſuch Body or other Perſon or Perſons under any Diſability or Incapacity, or not having the abſolute Intereſt therein, the ſame ſhall be paid into the Hands or into the Name of the Deputy of the King's Remembrancer of His Majeſty's Court of Exchequer at *Weſtminſter*, *Edinburgh*, or *Dublin* reſpectively, for the Time being, for the Uſe and Benefit of the Owners and Proprietors of ſuch Lands and Hereditaments, who is hereby authorized and required to receive or accept and to give a Diſcharge for the ſame, and upon the Acceptation or Receipt thereof to ſign a Certificate to the Barons or Judges of the ſaid Courts of Exchequer reſpectively under his Hand, purporting and ſignifying that ſuch Money or other Conſideration was received or accepted by and paid to him in purſuance of this Act, for the Uſe and Benefit of ſuch Owners or Proprietors who ſhall be named and deſcribed in ſuch Certificate; and the ſaid Certificate ſhall be filed or depoſited in the ſaid Court of Exchequer at *Weſtminſter*, *Edinburgh*, or *Dublin* reſpectively; 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 hereinafter 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*, or Bank of *Scotland* or Royal Bank of *Scotland*, or Bank of *Ireland*, as the Caſe may require; and immediately upon the filing or depoſiting of ſuch Certificate the ſaid Lands or Hereditaments ſhall be and become veſted in the ſaid Comptroller or other Perſon for the Public Service, to the Uſe of His Majeſty, His Heirs and Succeſſors.

Who ſhall give Directions as to the Application of the Money.

XI. And be it further enacted, That the Barons or Judges of His Majeſty's Court of Exchequer at *Weſtminſter*, *Edinburgh* or *Dublin*, of the Degree of the Coif, for the Time being reſpectively, or any one 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 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, 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 and 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.

On Removal of the Deputy Remembrancer, Money and Securities to vest in his Successor.

XII. 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 hereinbefore mentioned, without any Assignment or Transfer; and all Monies paid into the said Banks respectively 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 shall be no Appointment of a Deputy Remembrancer, his Powers shall vest in the Principal.

XIII. 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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