

ANNO PRIMO & SECUNDO

GEORGII IV. REGIS.

CAP. XCIII.

An Act for vesting all Estates and Property, occupied by or for the Naval Service of this Kingdom, in the principal Officers and Commissioners of His Majesty's Navy, and for granting certain Powers to the said principal Officers and Commissioners.

[10th *July* 1821.]

WHEREAS divers Manors, Messuages, Lands, Tenements, and Hereditaments, have been at various Times purchased for the Use of the several Departments of or belonging to the Naval Service of this Kingdom, and conveyed to several different Persons in Trust for His Majesty and His Royal Predecessors, and His and their Heirs and Successors, and the same have been placed under the Charge of the said several Departments respectively: And whereas it may be expedient that such Parts of the said Manors, Messuages, Lands, Tenements, and Hereditaments, as may not be wanted for the Use of the said Service, should from Time to Time be sold and disposed of: And whereas for effectuating such Sales, it is necessary that all and every the said Manors, Messuages, Lands, Tenements, and Hereditaments, so already purchased or used and occupied by or for the said Service, and all other Messuages, Lands, Tenements, and Hereditaments that may be hereafter purchased, or in any Manner used and occupied by or for the said Service, should be vested in the principal Officers and Commissioners of His Majesty's Navy for the

Time being; 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 Manors, Messuages, Lands, Tenements, and Hereditaments, which have been heretofore purchased or taken by or in the Name of any Person or Persons, in trust for His Majesty, or His Royal Predecessors, and His or their Heirs and Successors, for the Use of all or any of the several Departments of or belonging to the Naval Service of this Kingdom, by whatever Mode of Conveyance the same shall have been so purchased or taken, either in Fee or for any Life or Lives, or any Term or Terms of Years, or any other or lesser Interest, and all Erections and Buildings which now are or which shall or may 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), shall be and become and remain and continue vested in the principal Officers and Commissioners of His Majesty's Navy for the Time being, and their Successors in the said Office, according to the respective Nature and Quality of the said Manors, Messuages, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same Hereditaments respectively, in trust for His Majesty, His Heirs and Successors, for the Service of the said several Departments of the said Naval Service, or for such other Public Service or Services as His said Majesty, His Heirs or Successors, shall from Time to Time by any Order in Council be pleased to direct.

Lands purchased or taken for the Purposes of the Navy vested in Commissioners of the Navy.

II. And be it further enacted, That from and after the Purchase and Conveyance, Grant or Demise thereof, all other Manors, Messuages, Lands, Tenements, and Hereditaments (other than and except as aforesaid), which shall at any Time or Times hereafter be purchased by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, or the principal Officers and Commissioners of His Majesty's Navy for the Time being, or the Commissioners for Victualling His Majesty's Navy for the Time being, or by any other Person or Persons by their respective Order for the Service of the said several Departments of the said Naval Service, or any of them, and all Erections and Buildings which shall then or which may thereafter be erected and built thereon, with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall in like Manner be and become, and remain and continue vested in the principal Officers and Commissioners of His Majesty's Navy for the Time being, and their Successors in the said Office, according to the respective Nature and Quality of the said Manors, Messuages, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in Trust as aforesaid.

Lands to be hereafter purchased also vested in Commissioners of the Navy.

III. And be it further enacted, That upon the Death, Resignation, or Removal of the present principal Officers and Commissioners of His

Lands to continue so vested.

His Majesty's Navy, or of any of them, or of any future such principal Officers and Commissioners, all such Manors, Messuages, Lands, Tenements, and Hereditaments respectively (other than and except as aforesaid), shall become vested in and be held by the succeeding principal Officers and Commissioners of the Navy, and so in perpetual Succession, according to the respective Nature and Quality of the said Manors, Messuages, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in Trust as aforesaid.

Commissioners of Navy may sell, exchange, &c. such Premises.

IV. And be it further enacted, That it shall and may be lawful for the said principal Officers and Commissioners of His Majesty's Navy for the Time being, or any Three or more of them, by and under the Authority of the said Lord High Admiral, or Commissioners for executing the said Office of Lord High Admiral for the Time being, or any Three or more of them, to sell, exchange, or in any Manner dispose of, or to let or demise, as well any of the Freehold and Leasehold Manors, Messuages, Lands, Tenements, or Hereditaments respectively, which shall be vested in them, under and by virtue of this present Act, with their respective Appurtenances, as also any of the Copyhold Messuages, Lands, Tenements, and Hereditaments, which shall have been surrendered to and vested in any Person or Persons, and his, her, or their Heirs and Assigns, in Trust for His said Majesty or any of His Predecessors, His or their Heirs and Successors, for the Use of the said several Departments of the said Naval Service, or any of them, either by public Auction or private Contract; and as to the said Freehold and Leasehold Manors, Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said principal Officers and Commissioners, or any Three or more of them, and as to the said Copyhold Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Person or Persons, in whom the same shall be so vested as aforesaid, in due Form of Law to convey, surrender, assign or make over, or to grant or demise the same respectively, as the Case may require, 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 Manors, Messuages, Lands, Tenements, and Hereditaments which shall by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or by the said principal Officers and Commissioners of His Majesty's Navy, be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, which might be done by any Person or Persons having a like Interest in any such like Manors, Messuages, Lands, Tenements, or Hereditaments.

Purchase Monies to be paid to Treasurer of the Navy.

V. And be it further enacted, That the Monies to arise and be produced by the Sale or Exchange of any of the said Manors, Messuages, Lands, Tenements, or Hereditaments, which shall be sold or exchanged under the Provisions of this present Act, shall be paid by the respective Purchaser or Purchasers thereof, or the Person or Persons making such Exchange, unto the Treasurer of His Majesty's Navy for the Time being, or to such other Person or Persons as the said principal Officers and Commissioners of His Majesty's Navy for the Time being,

or any Three or more of them, shall direct or appoint to receive the same, for the Use of His Majesty, His Heirs and Successors; and that the Receipt of the said principal Officers and Commissioners, or of any Three or more of them, or of the said Treasurer, for such Monies, (such Receipt to be indorsed on every such Conveyance, Surrender, or Assignment as aforesaid), shall effectually discharge the Purchaser or Purchasers, or Person or Persons by whom or on whose account the same shall be so paid.

Purchaser to be seised of Lands on Payment of the Money.

VI. And be it further enacted, That immediately from and after the Payment of such Purchase Money, and the Execution of every such Conveyance, Surrender, and Assignment as aforesaid, the Purchaser or Purchasers therein named shall be deemed and adjudged to stand seised and possessed of the Manors, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased by and conveyed, surrendered, assigned, or made over to him, her, or them respectively, freed and absolutely discharged of and from all and all Manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances and Demands whatsoever, which can or may be had, made, or set up in, to, out of, or upon or in respect of the same Manors, Messuages, Lands, Tenements, or Hereditaments, by any Person or Persons whomsoever, on any account whatsoever, (save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands, as in any such Conveyance, Surrender, or Assignment shall be excepted).

Persons having Rights to Lands so sold, not to be barred.

VII. Provided always, and be it further enacted, That in case any Person or Persons shall have any just and legal or equitable Right to any of the Manors, Messuages, Lands, Tenements, and Hereditaments which shall be so sold and conveyed as aforesaid, or to any Part or Parts thereof, or to any Charge, Incumbrance, or Demand affecting the same, and (not being under any of the Disabilities herein-after mentioned), shall within Five Years next after every such Right or Claim shall by Law or Equity accrue to or become vested in him, her, or them respectively, or being Femes Covert (except Femes Covert whose Estates have been or may be sold under the Authority of this or any other Act of Parliament for that Purpose), Persons within the Age of Twenty-one Years, in Prison, or out of this Kingdom, or not of whole Mind at the Time of such Sale and Conveyance as aforesaid, shall, within Five Years next after they shall respectively come and be discovert, at their full Age of Twenty-one Years, out of Prison, within this Land, or of whole Mind, make out and establish such Right or Claim to the Satisfaction of the principal Officers and Commissioners of His Majesty's Navy for the Time being, then and in such Case the said principal Officers and Commissioners shall make or cause to be made a fair and reasonable Compensation or Satisfaction for every such Right and Claim so made out and established as aforesaid; but such Compensation or Satisfaction shall not in any Case exceed the Amount of the Purchase Money or Purchase Monies which shall have been paid to and received by the said principal Officers and Commissioners, or the said Treasurer, for the Manors, Messuages, Lands, Tenements, and Hereditaments in respect whereof such Right or Claim shall be so made out as aforesaid, or a proportional Part thereof,

exclusive of the Value of any Buildings or Improvements which shall have been erected or made thereon for the Use of any of the Departments of the said Naval Service.

Terms of Years not to merge into the Freehold, &c.

VIII. Provided always, and be it further enacted, That until any such Sale and Conveyance of any of the said Manors, Messuages, Lands, Tenements, and Hereditaments, or any Part thereof, shall be made and executed under the Powers and Authorities of this Act, and as to all such the said Manors, Messuages, Lands, Tenements, and Hereditaments, and Parts of the said Manors, Messuages, Lands, Tenements, and Hereditaments, whereof no such Sale and Conveyance shall be made and executed as aforesaid, no Term or Terms of Years of or in the same, or any Part thereof, which shall or may have been or which shall or may be assigned to any Person or Persons, his, her, or their Executors, Administrators, or Assigns, in Trust to attend the Inheritance of the same Premises, and to protect the same from mesne Incumbrances (if any), shall, by reason of any thing herein contained, merge or sink into the Freehold and Inheritance of the same Premises; but that until such Sale and Conveyance as aforesaid, and as to all such the said Manors, Messuages, Lands, Tenements, and Hereditaments, and Parts of the said Manors, Messuages, Lands, Tenements, and Hereditaments, whereof no such Sale and Conveyance as aforesaid shall be made and executed as aforesaid, all and every such Term and Terms of Years shall remain, continue, and be vested in the Person and Persons, his, her, and their Executors, Administrators, and Assigns, in whom the same now are or shall at any Time hereafter be vested, in Trust to attend the Inheritance of the said Premises respectively, and to protect the same from mesne Incumbrances (if any); any Law, Custom, or Usage, or any Clause, Matter, or Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Commissioners of the Navy may bring Actions of Ejectment.

IX. And be it further enacted, That it shall be lawful for the said principal Officers and Commissioners of His Majesty's Navy for the Time being, and they are hereby authorized and empowered to bring, prosecute, and maintain any Action or Actions of Ejectment, or other Proceeding at Law or in Equity, for recovering Possession of any Manors, Messuages, Lands, Tenements, or Hereditaments by this Act vested in them as aforesaid, and to distrain or sue for any Arrears of Rent which shall have become or shall become due for or in respect thereof, under any Parol or other Demise from the said principal Officers and Commissioners, or any Three or more of them, or from any Person or Persons on their Behalf, or on Behalf of His Majesty, and also to bring, prosecute, and maintain, or to defend any other Action or Suit in respect of or in relation to the said Manors, Messuages, Lands, Tenements, or Hereditaments, or of any Trespass or Encroachment committed thereon, or Damage or Injury done thereto; and that in every such Action or Suit the said principal Officers and Commissioners for the Time being shall be called "The Principal Officers and Commissioners of His Majesty's Navy," without naming them or any of them; and that no such Action or Suit shall abate by the Death, Resignation, or Removal of such principal Officers and Commissioners, or any of them; any Law, Custom, or Usage to the contrary thereof notwithstanding.

Enabling incapacitated Persons to sell or exchange Lands.

X. 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 Manors, Messuages, Lands, Tenements, or Hereditaments which have been or may be hereafter agreed to be taken or purchased for the Use of the several Departments of the said Naval Service, or any of them, as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract or agree with the said principal Officers and Commissioners of His Majesty's Navy for the Time being, either for the absolute Sale or Exchange of any such Freehold or Copyhold Manors, Messuages, Lands, Tenements, or Hereditaments, or for the Enfranchisement of any Copyhold Messuages, Lands, or Hereditaments, or Sale of any Reversion after any Estate or Estates for Lives or Years, or for the Grant of any Lease either for Life or Lives, or for any Term of Years certain herein, 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 Contracts, Sales, Conveyances, Enfranchisements, Surrenders, Leases, and Agreements, which shall be made in pursuance hereof, shall be valid and effectual in Law to all Intents and Purposes whatsoever, and shall be a complete Bar to all Dower and Claims of Dower, Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Application of Purchase Money amounting to or exceeding 200*l.*

XI. And be it further enacted, That in every such Case of Purchase of any Lands or Hereditaments, or of any Reversion as aforesaid, or the Enfranchisement of any Copyhold, or Purchase of any other Interest belonging to any such Body Politic, Corporate or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons, under any Disability or Incapacity, or not having the absolute Interest therein, the Purchase Money, if the same shall amount to or exceed the Sum of Two hundred Pounds, shall be paid to one of the Cashiers of the Bank of *England*, the Bank of *Scotland*, or the Bank of *Ireland*, with the Privity and to the Account of the Accountant General or the King's Remembrancer, or other proper Officer for the Time being, of His Majesty's Courts of Exchequer at *Westminster*, *Edinburgh*, or *Dublin*, as the Case may require, to the Credit and for the Use and Benefit of the Owners and Proprietors of and Persons interested in such Lands and Hereditaments; and such Cashier is hereby authorized and required to receive or accept, and to give a Receipt or Discharge for the same, mentioning and specifying the Amount and for whose Use the same is received, and upon the Production of such Receipt or Discharge, the Accountant General, King's Remembrancer, or other proper Officer of the said Courts of Exchequer respectively for the Time being, is hereby authorized and required 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 paid into the Bank of *England*, the Bank of *Scotland*, or Bank of *Ireland* (as the Case may be), in pursuance of this Act, to the Credit and for the Use and Benefit of such Owners or Proprietors or other Persons interested,

as

as shall be named 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 an Office Copy thereof, signed by the proper Officer of the said Courts for the Time being, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and immediately upon the filing or depositing of such Certificate, the said Lands or Hereditaments shall be and become vested in the said principal Officers and Commissioners of His Majesty's Navy for the Time being, for the Public Service, in Trust for His Majesty, His Heirs and Successors.

If less than 200*l.*

XII. Provided always, and be it further enacted, That in case such Purchase Money as is lastly herein-before mentioned shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then 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 and Hereditaments so purchased, 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 Hands of one of the Cashiers of the Bank of *England*, the Bank of *Scotland*, or the Bank of *Ireland*, with the Privity and to the Account of the said Accountant General, King's Remembrancer, or other proper Officer or Officers of the said Courts of Exchequer at *Westminster*, *Edinburgh*, or *Dublin*, for the Time being as aforesaid, in order to be applied in the Manner herein-before directed with respect to Sums exceeding Two hundred Pounds; or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said principal Officers and Commissioners of His Majesty's Navy, or any Three or more of them (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money may be invested in the Purchase of Stock in the Public Funds, and that such Stock, when purchased, and the Dividends arising therefrom, may be applied in the Manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Order, Direction, or Approbation of either of the said Courts of Exchequer.

Barons of Exchequer may direct Payment of Purchase Money.

XIII. And be it further enacted, That the Barons or Judges of His Majesty's Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* for the Time being, or any One or more of them, shall and may, and they or he are or is hereby authorized and empowered, in a summary Way, upon Motion or Petition for and on Behalf of any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons interested in or entitled to the Benefit of any Money that shall or may be paid into the Bank of *England*, the Bank of *Scotland*, or the Bank of *Ireland*, under the Provisions of this Act, or the Interest or Produce thereof, and upon reading an Office Copy of the Certificate, directed to be signed by the said Accountant General, King's Remembrancer, or other proper Officer of the said Courts respectively for the Time being, concerning the same as aforesaid, and receiving such further Satisfaction as they or he think necessary, to make and pronounce such Orders and Directions for paying the said Money, or any Part of

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 Body or Bodies Politic or Corporate, or Collegiate, or Person or 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, or Purposes as the said Lands or Hereditaments so taken or purchased stood settled at the Time of the Payment of such Money as aforesaid, or as near as the same can be done, or otherwise, for the Disposition of the said Money, or any Part thereof, and the Interest or Produce of the same, or any Part thereof, for the Benefit of the Body or Bodies Politic, Corporate, or Collegiate, or the Person and Persons entitled to and interested in the same respectively; or for appointing any Person or Persons to be a Trustee or Trustees for all or any of such Purposes as the said respective Courts shall think just and reasonable; and also for raising and paying the Costs of any such Motion or Petition, and the Proceedings to be had thereupon, or any Part of such Costs, out of the Principal Money paid into the Bank of *England*, the Bank of *Scotland*, or the Bank of *Ireland*, under the Provisions of this Act, or only of the Interest or Proceeds thereof, in such Manner and Proportion as the said Court in its Discretion shall think fit under the Circumstances of the Case.

If Purchase Money less than 20*l.* to be paid to Proprietors.

XIV. Provided always, and be it further enacted, That in case such Purchase Money 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 and Hereditaments so purchased, in such Manner as the said principal Officers and Commissioners of His Majesty's Navy or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, for the Use and Benefit of such Person or Persons so entitled respectively.

On Death of Accountant General, &c. Stock vested in the Successor.

XV. And be it further enacted, That upon the Death or Removal of any such Accountant General, King's Remembrancer, or other proper Officer of the said Courts at *Westminster*, *Edinburgh*, and *Dublin* respectively for the Time being, all Stocks and Securities vested in him by virtue of this Act, shall vest in the succeeding Accountant General, King's Remembrancer, or other proper Officer of the said Courts respectively, for the Purpose herein-before mentioned, without any Assignment or Transfer; and all Monies paid into the said Banks respectively, in pursuance of this Act, and remaining there at the Time of the Death or Removal of any Accountant General, King's Remembrancer, or other proper Officer of the said Court respectively for the Time being, shall vest in the succeeding Accountant General, King's Remembrancer, or other proper Officer of the said Courts respectively for the Time being.

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