

ANNO DECIMO

VICTORIÆ REGINÆ.

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CAP. XXIV.

An Act to empower the Commissioners of Her Majesty's Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the *Isle of Portland* in the County of *Dorset*.

[11th *May* 1847.]

WHEREAS by an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to apply the Sum of Eight millions three hundred and fifty-six thousand one hundred and seventy-three Pounds Seventeen Shillings and Eleven-pence out of the Consolidated Fund and Monies in the Exchequer to the Service of the Year One thousand eight hundred and forty-six, and to appropriate the Supplies granted in this Session of Parliament*, the Sum of Thirty thousand Pounds was directed to be issued and applied for Harbours of Refuge: And whereas the Lands mentioned in the Schedule hereunto annexed are required for the Purposes of a proposed Harbour of Refuge and Breakwater, intended to be constructed on or near the North-east Side of the *Isle of Portland*: And whereas the Queen's most Excellent Majesty in right of Her Crown is or claims to be Lady of

9 & 10 Vict. c. 116.

of the Manor of *Portland*, and certain Portions of the Lands mentioned in the Schedule hereto annexed are Part of the common and commonable Lands of the said Manor, and the Tenants and also the Inhabitants of and within the said Manor claim to be entitled to certain Estates, Rights, and Interests in, upon, and over the said common and commonable Lands, according to Usage or otherwise; and for the Purchase and Extinguishment of such Estates, Rights, and Interests, and for acquiring the other Lands mentioned in the said Schedule for the Purposes aforesaid, it is expedient that such Provision should be made as is herein-after contained: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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 the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, on behalf of Her Majesty, and they are hereby authorized and empowered, by and out of any Monies which have been or may hereafter be granted by Parliament for Harbours of Refuge, to purchase the Lands and Hereditaments mentioned in the said Schedule hereunto annexed; and such Lands and Hereditaments, when purchased, shall be conveyed and assured to Her Majesty, Her Heirs and Successors, for the Purposes of the said Harbour and Breakwater.

Commissioners of Woods, &c. may apply Money granted for Harbours of Refuge in Purchase of Lands mentioned in Schedule to this Act.

II. And be it enacted, That the Maps or Plans already made describing the said Lands, after the same shall have been authenticated in Duplicate by the Signatures of the Lords of the Admiralty for the Time being, shall be deposited in the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in the Office of the Lords of the Admiralty, and the Maps and Plans so authenticated and deposited shall remain in such Offices, to the end that all Persons may at all seasonable Times inspect the same at their Will and Pleasure, on paying the Sum of One Shilling for each such Inspection.

Maps or Plans, after being authenticated by the Admiralty, to be deposited, and be open to Inspection.

III. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being, and they are hereby authorized and empowered, to take and use or cause to be taken and used any Lands, Tenements, or Hereditaments, and pull down and remove or cause to be pulled down and removed any Houses, Buildings, or Erections which they may deem necessary and expedient to take, use, or pull down and remove for the Purposes of this Act, at any Time at the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners, or their Agent duly authorized, of the Intention to take or use the same, shall either be given to the principal Officer of the Body Politic, Corporate, or Collegiate, or to the Person or Persons who shall be the Owners and Occupiers of such Tenements or Hereditaments, or, in case he, she, or they cannot be found or ascertained, left at the usual or last Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of the same Tenements or Hereditaments, or shall be fixed

Power to Commissioners of Woods, &c. to take Lands and Houses after Notice.

upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell.

No Houses, &c. to be taken without Consent, unless mentioned in Schedule

IV. And be it enacted, That no Lands, Hereditaments, Houses, or Buildings shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereunto annexed, without the Consent in Writing of the Owner or Owners thereof being first had and obtained for that Purpose.

Houses and Lands may be taken notwithstanding Errors in the Schedule.

V. And be it enacted, That it shall be lawful for the said Commissioners to purchase, take down, and use for the Purposes of this Act any of the Houses, Buildings, Lands, and other Hereditaments described in the said Maps or Plans to be deposited as aforesaid as intended to be taken for the Purposes of this Act, although the same Houses, Buildings, Lands, and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may happen to be erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more Justices of the Peace for the County of *Dorset*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information.

Power to enter and survey Houses and Lands upon giving Notice.

VI. And be it enacted, That it shall be lawful for the said Commissioners, and for their Surveyors, Officers, and Workmen, from Time to Time, and at all seasonable Times in the Daytime, upon giving for the first Time Twenty-four Hours, and afterwards from Time to Time Twelve Hours, previous Notice in Writing, to enter into and upon all or any of the said Lands, Tenements, and Hereditaments authorized to be taken and used as aforesaid, or any of them, for the Purpose of surveying or valuing the said Premises, without being deemed a Trespasser or Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon any Part or Parts of the said Lands, Tenements, or Hereditaments for the Damages that shall be thereby occasioned.

Commissioners empowered to treat for the Purchase of Lands.

VII. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to treat and agree for the Purchase of any Lands, Tenements, and Hereditaments which they may deem necessary for the Purposes of this Act to be taken and used by them, and of any subsisting Leases, Terms, Shares, Estates, and Interests therein and Charges thereon, or such of them, or such Part or Parts thereof respectively, as the said Commissioners shall think proper, and for that Purpose to enter into any Contract or Contracts which they think fit.

Bodies Politic and Trustees empowered to sell and convey Lands, &c.

VIII. And be it enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Lay, Aggregate or Sole, and for all Trustees and Feoffees in Trust for charitable and other Purposes, and all acting Executors and Administrators, not only for and on behalf of themselves, their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Coverts, Idiots, Lunatics, or Persons not born or not ascertained,

or

or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years, absolute or determinable, or any Life or Lives, and all Persons having any other partial or qualified Estate or Interest, not only for and on behalf of themselves, their Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person or Persons entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, and conveying the same, and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, and Administrators, and Issue, of such Wards, Wives, or Persons respectively, and to and for all Femes Covert entitled in their own Right to any such Lands, Tenements, or Hereditaments, or to Dower or other Interest therein, on behalf not only of themselves, but also of their respective Heirs, Executors, Administrators, and Issue, and also where such Wards, Wives, Persons, or Femes Covert respectively shall be Tenants for Life or in Tail or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardians, Husbands, Committees, and Femes Covert, on behalf of the Person or Persons on behalf of whom such Wards, Wives, Persons, or Femes Covert respectively (if of full Age), unmarried and of sound Mind, might have contracted for, sold, and conveyed the same Lands, Tenements, or Hereditaments, and to and for all and every other Person or Persons whomsoever who are or shall be seised or possessed of or interested in any Lands, Tenements, or Hereditaments which by the said Commissioners shall be thought necessary for any of the Purposes of this Act, to contract for, sell, and convey the same and every or any Part thereof to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person or Persons, as a Trustee or Trustees on behalf of Her Majesty, Her Heirs and Successors, as the said Commissioners, or any Two of them, shall direct; and all Contracts, Agreements, Bargains, Sales, Conveyances, and Assurances, Acts, and Deeds which shall be made by such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons as aforesaid, shall be valid and effectual in Law; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever contracting or conveying as aforesaid, are hereby indemnified for or in respect of any such Sale which they or she or any of them shall respectively make by virtue or in pursuance of this Act.

Bodies Politic, &c. may accept and receive Satisfaction for Lands taken.

IX. And be it enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, and other Person and Persons herein-before capacitated to contract for, sell, and convey any such Lands, Tenements, or Hereditaments as aforesaid, and any other Owner or Owners of any such Lands, Tenements, or Hereditaments, or any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may accept and receive such Satisfaction and Recompence for the Value thereof, and such Body or Bodies, Trustee or Trustees, Person or Persons, Owner or Owners, and

and also any Tenant or Tenants, or other Occupier or Occupiers of any such Premises entitled to Compensation for any Injury or Damage which shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners; and in case the said Commissioners and the said Parties interested in such Lands, Tenements, or Hereditaments, or sustaining any Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Parties to deliver Statements of their Claims within One Month after Notice.

X. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners, or any Two of them, or their Agent duly authorized, of the Intention to take or use any Lands, Tenements, or Hereditaments, or any Part thereof, for the Purposes of this Act, shall have been given, left, or affixed as herein-before is mentioned, all and every Body and Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and other Person and Persons seised, possessed of, or interested in or authorized by this Act to accept and receive Satisfaction or Recompence for the Value of the same, or any Estate, Share, or Interest therein, or Charge thereon, having or claiming to be entitled to any Compensation for any Injury or Damage sustained on account of the Execution of this Act, shall deliver or cause to be delivered to the said last-named Commissioners for the Time being, by leaving the same at their Office, a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he, she, or they claim to be entitled to, or to be authorized to receive Satisfaction or Recompence for, and of the Injury or Damage (if any) sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive in satisfaction or discharge for the Value of such Estate, Share, Interest, or Charge, and also the Amount of the Sum or Sums of Money which he, she, or they may expect and be willing to receive as Compensation for Injury or Damage respectively.

If Parties refuse to treat or shall not agree, a Jury to be summoned to settle the Difference.

XI. And be it enacted, That if any Owners or Proprietors, Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, Trustees, Femes Covert, or any other Person or Persons seised, possessed of, or interested in any Lands, Tenements, or Hereditaments, or in any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, which the said Commissioners are hereby empowered to purchase, take, and use for the Purposes aforesaid, shall neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence or Disability shall be prevented from treating with the said Commissioners, or with the Person or Persons authorized by them, for the Sale and Disposal of their respective Estates and Interests therein, or cannot be found or known, or shall not produce and evince a clear Title to the Premises they may be in possession of, or to the Interest they shall claim therein, to the Satisfaction of the said Commissioners, then and in every or any such Case the Sheriff of the County of *Dorset*, or

his Under-Sheriff, or in case such Sheriff or Under-Sheriff shall be in anywise interested in the Matter in question, then some one of the Coroners of the said County not interested therein, shall, upon the Warrant of the said Commissioners, in manner herein-after mentioned, and he or they is and are hereby required and authorized to cause it to be inquired into and ascertained, upon the Oaths of a Jury of Twelve indifferent Men of the said County (which Oaths the said Sheriff, Under-Sheriff, or Coroner is and are hereby empowered and required to administer), what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested for the Value of such Lands, Tenements, or Hereditaments, and of the proportionable Value of the respective Estates and Interests of every Person or Persons seised or possessed thereof, or interested therein, or of or in any Part thereof, and assess or award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Lands, Tenements, or Hereditaments, and of such respective Estates and Interests therein, and also for any Injury or Damage whatsoever that may affect any such Person or Persons, Party or Parties, provided such Compensation shall be estimated by what in the Opinion of such Jury the Premises would have been worth in case the proposed Harbour of Refuge and Breakwater had not been in contemplation; but no Sum of Money shall be awarded for or in respect of any Building or Improvement which in the Opinion of such Jury shall have been constructed or made with a view to obtaining Compensation under this Act beyond the actual Cost of building and the Materials used; and the said Jury in estimating such Recompence and Satisfaction shall take into their Consideration the Increase in Value, if any, of the Residue of any contiguous Property of which such Lands, Tenements, or Hereditaments shall form Part, and in order thereto the said Sheriff or Coroner is and are hereby empowered and required, from Time to Time as Occasion shall require, to summon and call before the said Jury, and examine upon Oath, all and every Person or Persons whomsoever who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises (which Oath the said Sheriff, Under-Sheriff, or Coroner is and are hereby empowered to administer); and such Sheriff, Under-Sheriff, or Coroner respectively shall order and cause the Jury to view the Places in question, if there be Occasion, and use all other lawful Ways and Means, as well for his and their own as for the Jury's better Information in the Premises, as the said Sheriff, Under-Sheriff, or Coroner shall think fit; and after the said Jury shall have inquired of and ascertained and settled such Damage, Recompence, and Satisfaction, the said Sheriff, Under-Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Commissioners to the said Owners or Occupiers of or other Persons interested therein, according to such Verdict or Inquisition of the said Jury, which said Verdict or Inquisition and Order so had and made shall be final, binding, and conclusive to all Intents and Purposes upon and against all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations Aggregate or Sole, as well as all other Parties and Persons whomsoever; and for the summoning and returning

returning of such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant or Warrants to the said Sheriff, Under-Sheriff, or Coroner to summon, impannel, and return at some convenient Place in the said County a Jury of not less than Thirty-six nor more than Forty-eight honest and indifferent Men, qualified according to Law to be returned for Trials of Issues in Her Majesty's Courts of Record at *Westminster*, to appear before the said Sheriff, Under-Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed; and Fourteen Days Notice at the least in Writing under the Hands of the said Commissioners, or any Two of them, of the Time and Place at which such Jury are so required to be returned shall be given to such Owners, Proprietors, Occupiers, Corporations, Trustees, or any other Person or Persons interested in the Premises, before the Time of meeting of the said Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or of the Head Officer of such Body or Bodies Politic, Corporate, or Collegiate, or with some Tenant or Occupier of the Premises respectively intended to be valued; and the said Sheriff, Under-Sheriff, or Coroner is and are hereby empowered and required to impannel, summon, and return such Number accordingly, and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear upon such Summons, the said Sheriff, Under-Sheriff, or Coroner shall swear or cause to be sworn Twelve, who shall be the Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen, the said Sheriff, Under-Sheriff, or Coroner shall return other honest and indifferent Men of Standers-by or that can be speedily procured to attend that Service (being qualified as last aforesaid) to the Number of Twelve; and it shall be lawful for all Persons concerned, by themselves, their Counsel, Solicitors, and Agents, to attend and be heard, and to adduce Evidence before the Sheriff, Under-Sheriff, or Coroner respectively, and such Persons shall also have their lawful Challenge against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of an Estate is taken, the Remainder to be valued.

XII. And be it enacted, That if the Owner, Lessee, or Occupier of any Lands, Tenements, or Hereditaments authorized to be taken by virtue of this Act shall not be inclined to sell or part with the whole thereof, or his or her Interest in the whole thereof, and it shall not be found necessary to take the whole for the Purposes of this Act, and the said Parties cannot agree as to the Sum of Money to be paid for the Part which the said Commissioners, or any Person or Persons authorized by them, shall think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the said Premises shall assess the Value of the whole Premises according to the Condition in which they are at the Time of taking the View, and also the Value of that Part of the Premises which will remain after the said Commissioners, or the Person or Persons authorized by them, have taken away so much as they shall think necessary for the Purposes of this Act; and in such last Valuation the said Jury shall take into their Consideration the Improvements or Depreciation which the Remainder of the Premises is likely to receive or sustain from the Alteration intended to be made; and the Jury having made these Two Valuations, the Difference between them

them shall be the Price to be paid by the said Commissioners on behalf of Her Majesty for that Part which they shall have Occasion for, and such Price shall be recorded as the Verdict of the Jury for the Value of the same.

Notice to be given of Compensation claimed.

XIII. And be it enacted, That no Jury to be summoned by virtue of this Act shall be allowed to assess or award any Sum or Sums of Money to any Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, by way of Compensation for any Injury or Damage alleged to have been sustained by him or them by reason or means of this Act, or any thing which shall or may be done in the Execution hereof, unless such a Statement as herein-before is mentioned of the Particulars of every such Claim, and how and in what Manner the Amount thereof is made out and computed, shall have been given to the said Commissioners, or left at their Office as aforesaid, by and on behalf of such Person or Persons Ten Days at the least before the Time of the meeting of such Jury.

Penalty on Sheriff, Jury, and Witnesses for Neglect of Duty.

XIV. And be it enacted, That if the Sheriff, Under-Sheriff, or Coroner, so directed to summon and return a Jury as aforesaid, shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the Party who shall be prejudiced or injured thereby, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or shall in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned as a Witness shall not appear, or appearing refuse to be examined or to give Evidence, any Person so offending, having no reasonable Excuse to be allowed by the Justices herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, which several and respective Penalties shall and may be levied by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the said County, by Distress and Sale of the Goods and Chattels of the Person so offending, the Person making such Distress and Sale rendering to him or her the Overplus of the Money thereby produced (if any), after such Penalty and the Charges of such Distress and Sale shall be deducted; and all such Fines shall be paid to the said Commissioners, to be applied for the Purposes of this Act.

Jury shall, if required, assess Value of Fee Simple, and then apportion the Values of respective Interests therein.

XV. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Lands, Tenements, or Hereditaments, or Share or Shares therein, the Jury shall, if required so to do by or on behalf of the said Commissioners, inquire of, assess, and ascertain the Value of the Fee Simple of the Entirety of the said Premises, and shall afterwards apportion and divide the Value so ascertained between and among all the different Shares and Charges which shall be claimed, and also between different Parts of the said Lands, Tenements, or Hereditaments alleged to be held under different Titles: Provided always, that the Verdict of any Jury shall not defeat or prejudice any Contract

Contract or Sale which shall have been previously made of any Share or Charge, although the Value of the same may be ascertained to be different from the Amount of the Price, Recompence, or Satisfaction agreed to be paid for the same.

Value of Lands and Damages to be awarded separately.

XVI. And be it enacted, That the Jury and Juries so to be summoned as aforesaid shall award all Determinations, Judgments, and Verdicts which they shall make and give in execution of the Powers hereby vested in them concerning the Value of the Lands, Tenements, or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or any Charge or Charges thereon, separately and distinctly from the Consideration of any Loss or Damage to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, and shall distinguish the Value set upon the Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charges thereon, and the Money assessed or adjudged for such Loss or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Loss or Damage as aforesaid, the Jury shall, if required by the said Commissioners, award and declare whether the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of the Money which shall have been demanded as a Compensation for the same has been computed and made up gave sufficient Particulars to enable the said Commissioners to make a proper Offer.

As to the Costs and Expences of Juries summoned to assess Compensation for Lands, &c.

XVII. And be it enacted, That in case any Jury to be summoned and sworn pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interests, or Property of the Person or Persons in any such Lands, Tenements, or Hereditaments, or for any such Injury or Damage as aforesaid, than shall have been agreed to be given and offered for the same in the aggregate by the said Commissioners before the summoning and returning of such Jury, or where by reason of Absence in Foreign Countries, or other Incapacity or Disability as aforesaid, there shall not be found any Person or Persons legally capacitated to enter into any Contract with the said Commissioners, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under-Sheriff, or Coroner before whom such Claim shall have been tried, and shall be paid by the said Commissioners; but in every Case in which any Jury so summoned and sworn as aforesaid shall be of opinion that the Statement delivered by the Claimant or Claimants of the Manner in which any Amount of Money which shall have been demanded as a Compensation has been computed and made up did not give sufficient Particulars to enable the said Commissioners to make a proper Offer, and in every other Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to and offered by the said Commissioners in the aggregate for the same before the summoning and returning of the said Jury, or in case no

Damages shall have been given by the Verdict, where the Dispute is for Damages only, or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally empowered to treat, then (except where by reason of Absence such Person shall be prevented from treating with the said Commissioners) all such Costs, Charges, and Expences to be settled by such Sheriff, Under-Sheriff, or Coroner in manner aforesaid shall be paid to the said Commissioners by the said Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons so claiming such Compensation, or refusing to treat and agree as before mentioned respectively (save only and except where or by reason of Absence or other like Cause any Person shall have been prevented from treating or agreeing as aforesaid, in which Case no Costs, Charges, or Expences shall be allowed to either Party as against the other); and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners shall and may be deducted and retained by them out of the Money so adjudged or assessed to be paid by them as so much Money advanced to or for the Use of the Person and Persons entitled to such Money so adjudged; and Payment or Tender of the Remainder of such Money shall be deemed and taken to be a Payment or Tender of the whole Sum or Sums so adjudged or assessed, or in case no Money or no sufficient Sum of Money shall be awarded or assessed to be paid by the said Commissioners whereout such Costs, Charges, and Expences can be deducted, then the same shall and may be recovered by the said Commissioners, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the said County, by Distress and Sale of the Goods and Chattels of the Person or Persons liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person or Persons as aforesaid the Overplus of the Money thereby produced (if any) after such Costs, Charges, and Expences, and the Charges of such Distress and Sale, shall be deducted.

Judgments and Verdicts to be recorded.

XVIII. And be it enacted, That all the said Judgments and Verdicts shall be recorded in the Office of the Queen's Remembrancer of the Court of Exchequer, and a Minute or Docquet thereof respectively entered in the Office of the said Commissioners, and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County, to be kept and preserved by him amongst the Records of the Quarter Sessions of the said County, and shall be deemed to be Records to all Intents and Purposes whatsoever, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for each such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Sixpence for every Seventy-two Words, and so in proportion for any less Number of Words.

If Parties are unwilling to sell Part of

XIX. And be it enacted, That if in any Case the Owner or Owners of any House or Building, or of any Yard or Curtilage occupied

therewith,

therewith, Part only of which Premises shall at any Time be required by the said Commissioners to be applied for the Purposes aforesaid, shall be unwilling to sell or dispose of such Part only of such House, Building, Yard, or Curtilage as shall be required by the said Commissioners, it shall be lawful for the said Commissioners and they are hereby required, at the Option of any Owner or Owners of any such House, Building, Yard, or Curtilage, to purchase of and from the said Owner or Owners the whole or such Part thereof, over and above such Part thereof as may be wanted for the Purposes of this Act, as such Owner or Owners shall think fit, and to apply so much and such Part thereof as they the said Commissioners shall see fit for the Purposes aforesaid; and that if such Owner or Owners shall not or cannot agree with the said Commissioners for the Price to be paid for the Purchase of the whole or such Part as aforesaid of such House, Building, Yard, or Curtilage, then the Value thereof shall be settled and ascertained by a Jury, in such Manner as the Price for any Premises to be taken in pursuance of this Act is directed to be settled and ascertained, and all such other Proceedings shall take place respecting the said Premises as are herein-before mentioned and directed with respect to the Premises the Value of which shall be ascertained by a Jury in the Manner aforesaid.

Premises Commissioners to purchase the whole.

XX. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto, in any Lands, Tenements, or Hereditaments intended to be taken or used under the Authority of this Act, under or by virtue of any Demise or Lease or Agreement for Demise or Lease, or Grant thereof, the said Commissioners are hereby authorized to require such Person or Persons to produce or show the Demise or Lease or Agreement for Demise or Lease, or Grant, in respect of which such Claim to Satisfaction or Compensation shall be made, or the best Evidence thereof in his, her, or their Power; and if such Demise or Lease or Agreement for Demise or Lease, or Grant, or such best Evidence thereof as aforesaid, shall not be produced or shown within Twenty-one Days after Demand made by the said Commissioners or any Person by them authorized, the Person or Persons claiming such Satisfaction or Compensation shall be considered and treated as holding only from Year to Year.

Persons holding Under-leases to produce the same.

XXI. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners or Occupiers of the Property to be taken or used for the Purposes of this Act as to the Amount or Value of the Damage done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by some Two or more Justices of the Peace of the said County, and who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners; and

For settling Disputes as to Damages of small Amount.

and such Magistrates may examine Witnesses and administer Oaths in all respects, and with the same Consequences as to false Swearing, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Commissioners not to take possession till Purchase Money is paid or tendered.

XXII. And be it enacted, That all Sums of Money or other Consideration, Recompence, or Satisfaction to be made or paid pursuant to any such Agreement or Verdict as aforesaid shall be paid or tendered to the Party or Parties entitled to the same, or into the Bank of *England* as herein mentioned, before the said Commissioners, or any Person or Persons authorized by them, shall proceed to take possession of on behalf of Her Majesty, or to pull down any House or Houses or other Erections or Buildings comprised in or affected by such Agreement or Verdict respectively, or to use the Ground for any of the Purposes of this Act.

Commissioners may take possession on Payment of Purchase Money into the Bank of England.

XXIII. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such Lands, Tenements, or Hereditaments, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon as aforesaid, cannot be found, or shall not be known or ascertained, or shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Conveyances thereof, then and in any of such Cases, upon Payment of such Sum or Sums of Money as shall have been contracted and agreed, or shall have been assessed and awarded by any Referee or Referees, or by any Jury or Juries in manner aforesaid, to be paid for the Purchase of or for the Value of the same Premises into the Bank of *England*, as herein-after directed (in case the same shall be requisite), for the Use of such Person or Persons so interested in or entitled as aforesaid, such Lands, Tenements, or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and in Equity of the Body or Bodies, Person or Persons, or unknown Person or Persons to whose Credit such Money shall be paid in, to, and out of the Lands, Tenements, Hereditaments, and Premises to be purchased as aforesaid, shall from thenceforth vest in the Queen's most Excellent Majesty, Her Heirs and Successors, who shall be deemed in Law to be in the actual Seisin and Possession thereof to all Intents and Purposes, freed and discharged from all former and other Estates, Rights, Titles, Interests, Liens, Claims, and Demands, as fully and effectually as if every Body or Person having any Estate in the Premises had actually conveyed the same by Grant, Bargain, and Sale enrolled, or Feoffment or any other Conveyance or Assurance whatsoever, and with the Assent of any Protector of the Settlement whose Assent might be necessary; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Body or Bodies, Person or Persons, or unknown Person or Persons, of, in, and to the same Premises to whose Credit such Payment or Tender shall have been made, but also shall extend to and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person or Persons,

Persons, and all Estates Tail and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue and Issues of such Person or Persons, and every other Person whomsoever; and the same Premises shall and may thereupon be pulled down, made use of, and employed for the Purposes aforesaid, according to the Direction of the said Commissioners.

Application of Purchase Money when amounting to 200*l.*

XXIV. And be it enacted, That if any Money shall be agreed or assessed to be paid for any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or for any other Right, Matter, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity, or not legally entitled absolutely to dispose of the Premises by the Sale of which such Money shall be produced, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed, be paid unto 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 there *ex parte* the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, pursuant to the Method prescribed by an Act passed in the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Endorsements thereon, and likewise Endorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering the Charges of the Office of Accountant General of the said Court;* and such Money shall remain so deposited until the same be applied under the Direction of the said Court, to be signified by an Order made upon Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, 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, Tenements, or Hereditaments which shall be conveyed

12 G. 1. c. 32.

12 G. 2. c. 24.

and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the 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 or Settlement shall be existing and undetermined, and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXV. And be it enacted, That if any Lands, Tenements, or Hereditaments, or any Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, purchased, taken, or used for the Purposes aforesaid, 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Bodies, Person or Persons, for the Time being entitled to the Rents and Profits of the Hereditaments, or Parts, Shares, Estates, Interests, or Charges so purchased, 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 of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his Account as aforesaid in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Body or Bodies, Person or Persons making such Option, and approved of by the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands and Seals of the nominating and approving Parties, in order that such Principal Money, and the Dividends arising thereon, may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court.

Where less than 20*l.*

XXVI. Provided always, and be it enacted, That where such Money so agreed or assessed to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Bodies, Person or Persons, who would for the Time being have been entitled to the Rents and Profits of the Hereditaments, Parts, Shares, Estates, Interests, and Charges so purchased, taken, or used for the Purposes of

of this Act, in such Manner as the said Commissioners shall think fit, or in case of the Infancy or Lunacy of such Person or Persons, then such Money shall be paid 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 of not making out Titles.

XXVII. And be it enacted, That in case the Body or Bodies, Person or Persons, to whom any Sum or Sums of Money shall be agreed to be paid, or shall be awarded by any Referee or Referees or Umpire, or by any Jury or Juries, for the Purchase of any Lands, Tenements, or Hereditaments, or any Parts, Shares, Estates, or Interests therein, or Charge thereon, to be purchased, taken, or used by virtue of this Act, shall not be able to make a good Title to the Premises to the Satisfaction of the said Commissioners, or shall refuse to execute a Conveyance or Assignment thereof, or in case the Person or Persons to whom such Sum or Sums of Money shall be so agreed or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges be not known or discovered, then and in every such Case it shall be lawful for the said Commissioners to pay the said Sum or Sums of Money so awarded or agreed to be paid as aforesaid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges (describing such Tenements or Hereditaments), but if such Party or Parties shall not be known, then to the Credit of the said Commissioners, subject to the Order, Control, or Disposition of the said Court, which said Court, on the Application of any Body or Bodies, Person or Persons, making Claim to any such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and the same is hereby empowered in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, or to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Body or Bodies, 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, mentioning and specifying for what 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 shall be deemed entitled until the contrary be shown.

XXVIII. And be it enacted, That where any Question shall arise touching the Title of any Body or Bodies, Person or Persons 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, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Lands, Tenements, or Hereditaments

Hereditaments to be purchased or taken in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends of any such Bank Annuities, the Body or Bodies, Person or Persons, who shall have been in possession of such Lands, Tenements, or Hereditaments, Parts, Shares, Estates, Interests, or Charges, at the Time of such Purchase, and all Body or Bodies, Person or Persons, claiming under such Body or Bodies, Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, and Hereditaments, Parts, Shares, Estates, Interest, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court; 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 a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Court may order Expences of Purchases to be paid by the Commissioners.

XXIX. And be it enacted, That where, by reason of any Disability or Incapacity of the Body or Bodies, Trustee or Trustees, Corporation, or other Person or Persons entitled to any Lands, Tenements, or Hereditaments, or Part or Parts thereof, or Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, to be purchased or taken under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of 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 be lawful for the said Court to order so much of the Expences of any Purchase to be made in pursuance of this Act as the said Court shall deem reasonable to be paid by the said Commissioners, who shall pay the same out of the Monies applicable to the Purposes of this Act as the said Court shall direct.

Where the Title is defective by reason of the Lands required for the Act being subject with other Lands to any Rent, the Money paid into the Bank to be laid out in the Purchase of other Lands, which shall be subject to the Rent in lieu

XXX. And be it enacted, That where the Money awarded to be paid for any Lands, Tenements, or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England* in the Manner herein-before directed in consequence of a good Title not having been made to such Lands, Tenements, or Hereditaments to the Satisfaction of the said Commissioners by reason of the same Lands, Tenements, or Hereditaments respectively being subject, together with other Hereditaments not required for the Purposes of this Act, to a Rent payable to some Body or Bodies Politic, Corporate, or Collegiate, Person or Persons, unable or unwilling to release therefrom the Lands, Tenements, or Hereditaments so to be taken, then and in every or any such Case the Lands, Tenements, or Hereditaments for the Value of which the Money to be paid into the Bank, together with the Money (if any) to be retained for Costs and Charges under the Authority of this Act, shall be assessed and be awarded to be paid, shall be and are hereby released and for ever discharged from such Rent and all Claims and Demands in respect thereof;

thereof; and the Money to be paid into the Bank of *England* shall be laid out and invested under the Direction and with the Approbation of the Court of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Bodies, Person or Persons who would have been entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled (subject, together with such other Lands, Tenements, or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments so to be taken 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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Bodies, Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments hereby directed to be purchased in case such Purchase and Settlement were made; and the Lands, Tenements, or Hereditaments so to be purchased and settled shall be subject to the Rent to which the same shall be declared as aforesaid in the Conveyance and Settlement thereof to be subject, in the same Manner to all Intents and Purposes as the Lands, Tenements, or Hereditaments taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Body or Bodies, Person or Persons to whom such Rent shall be payable shall have such and the same Powers and Remedies for enforcing the Payment thereof, or any Part thereof, out of or upon the Lands, Tenements, or Hereditaments to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as they, he, or she would have been entitled to if such Rent had originally been reserved out of or charged upon the same, instead of the Lands, Tenements, or Hereditaments to be taken for the Purposes of this Act, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon such last-mentioned Lands, Tenements, or Hereditaments, together with the other Lands, Tenements, or Hereditaments subject thereto; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, if the said Court shall think proper, upon Application thereto, to order any Part of the Dividends and annual Produce of the Bank Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Body or Bodies, Person or Persons for the Time being entitled to the said Rent in discharge thereof, or Part thereof, as the Case may be.

of the Lands required for the Act.

Power to purchase Release of Incumbrances, or to apportion the same.

XXXI. And be it enacted, That where any Lands, Tenements, or Hereditaments purchased or wanted or intended to be purchased, by the said Commissioners, shall be subject solely, or jointly with other Lands, Tenements, or Hereditaments not intended or wanted to be purchased, to or with any Rent-service, Rent-charge, or Chief Rent, or other Rent-payment or Incumbrance, it shall be lawful for the said Commissioners to agree for the Release of the Lands, Tenements, or Hereditaments so purchased or wanted, or intended to be purchased, from such Rent-payment or Incumbrance, and also, where necessary or convenient, for an Apportionment of such Rent-payment or Incumbrances, for such gross Sum as shall be agreed upon between the said Commissioners and the Party who under the Provisions of this Act shall agree to sell or apportion the same, and which Agreement may be entered into by all Persons and Corporations by this Act authorized and empowered to sell or convey Lands; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent-payment or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Lands is by this Act directed to be settled in case of Dispute as to the Value thereof, which Jury shall assess and determine the Value of the Rent-payment or Incumbrance affecting the Lands, Tenements, or Hereditaments purchased or wanted, or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent-payment or Incumbrance affecting the Lands, Tenements, or Hereditaments jointly subject to Rent-payment or Incumbrance as herein-before mentioned according to the respective Values of the Lands, Tenements, or Hereditaments purchased or wanted or intended to be purchased, and of the Lands, Tenements, or Hereditaments not purchased or wanted or intended to be purchased by the said Commissioners; and all Contracts which shall be made by and between the said Commissioners and any such Party as aforesaid respecting such Releases shall be valid and effectual in the Law, and all Conveyances and Assurances which shall be made to Her Majesty, Her Heirs and Successors, respecting such Releases shall extinguish the whole or a proportionate Part of such Rent-payment or Incumbrance (as the Case may be): Provided always, that when the Party entitled to such Rent-payment or Incumbrance shall consider the remaining Part of the Lands, Tenements, or Hereditaments so jointly subject to be sufficient Security for such Rent-payment or Incumbrance, and shall be willing to release the Lands, Tenements, or Hereditaments so purchased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled, or by this Act capacitated as aforesaid, to apportion such Rent-payment or Incumbrance, or to release the Lands, Tenements, or Hereditaments so purchased (with the Consent of the Owner of the Lands so purchased) from the Rent-payment or Incumbrance so affecting the same as aforesaid jointly with other Lands, Tenements, or Hereditaments, on condition or in consideration of such other Lands, Tenements, or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent-payment or Incumbrance, and thereupon such other Lands, Tenements, or Hereditaments

ments shall in all respects continue wholly and exclusively subject to the whole of such Rent-payment or Incumbrance, and the Release of Part of the Hereditaments theretofore charged or subject shall not operate to release the remaining Parts of such Hereditaments, or to prejudice the Title to such Rent-payment or Incumbrance, or the Remedies for Recovery thereof, wholly and exclusively out of such remaining Parts: Provided also, that when any of the Lands, Tenements, or Hereditaments purchased by the said Commissioners shall be released from a Part only of any Rent-payment or Incumbrance affecting the same jointly with other Lands, Tenements, or Hereditaments not purchased by the said Commissioners, such last-mentioned Lands, Tenements, or Hereditaments shall be charged only with the Remainder of such Rent-payment or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Rent, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent-payment or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose of any Deed or Instrument creating or transferring such Rent-payment or Incumbrance, to endorse a Memorandum on such Deed or Instrument declaring what Part of the Lands, Tenements, or Hereditaments originally subject to such Rent-payment or Incumbrance shall have been purchased by virtue of this Act, and what Proportion of the said Rent-payment or Incumbrance shall continue payable, and such Memorandum shall be Evidence in all Courts of the Facts therein stated, but shall not exclude any other Evidence of the same Facts.

Rents reserved in Leases to be apportioned.

XXXII. And be it enacted, That in all Cases in which a Part only of any Lands, Tenements, or Hereditaments comprised in any Lease or Agreement for Lease for a Term of Years unexpired, or for a Life or Lives, or for a Term determinable on a Life or Lives, shall be required for the Purposes of this Act, the Rent payable in respect of any Lands, Tenements, or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Lands, Tenements, or Hereditaments required for the Purposes of this Act and the Residue of such Lands, Tenements, and Hereditaments; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands, Tenements, or Hereditaments to be taken in pursuance of this Act is directed to be settled in case of Dispute as to the Value thereof; and in case such Apportionment shall be settled by Agreement between the Parties, such Agreement shall be made with and not be valid without the Consent and Approbation of the Lessor from whom such Lands, Tenements, or Hereditaments are holden or agreed to be holden; and any Person hereby capacitated to sell, who shall be a Lessor, shall be capacitated to assent and to bind the Property in respect of such Assent; and after such Apportionment the Tenant or Lessee of the Lands, Tenements, or Hereditaments comprised in such Lease or Agreement for Lease shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such

such Lease or Agreement for Lease as shall have been apportioned in respect of the Lands, Tenements, or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Lands, Tenements, or Hereditaments shall have all such and the same Remedies for Rent so apportioned in respect of the Lands, Tenements, or Hereditaments not required for the Purposes of this Act as before such Apportionment he had or was entitled to, or in respect to the Rent reserved or agreed to be reserved in such Lease or Agreement for Lease; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, so far as the same relate to the Lands, Tenements, or Hereditaments comprised in such Lease or Agreement for Lease, and not required for the Purposes of this Act, but the same shall, as to such last-mentioned Lands, Tenements, or Hereditaments, but not further or otherwise, continue in full Force and Operation.

Persons having Mortgages on Lands, &c. required for the Purposes of this Act shall on Payment or Tender of Money secured thereon convey the same to Her Majesty.

XXXIII. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any Lands, Tenements, or Hereditaments which shall be required to be taken for the Purposes of this Act, (and whether entitled thereto in their own Right or in trust for any other Body or Bodies, Person or Persons, and whether in possession of such Lands, Tenements, or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Lands, Tenements, or Hereditaments solely or jointly with any other Lands, Tenements, or Hereditaments which shall be so required,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on or secured by such Mortgage, and whether the Principal Monies thereby secured shall, under the Terms of such Mortgage, be then actually payable or not, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Lands, Tenements, or Hereditaments so mortgaged, in case the same shall be sufficient for the Purpose,) immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Lands, Tenements, or Hereditaments which shall be so required to the Queen's most Excellent Majesty, Her Heirs and Successors, or to such Person as the said Commissioners on behalf of Her Majesty shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Lands, Tenements, or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on or secured by such Mortgage at the End of Six or a less Number of Calendar Months, to be computed from the Day of giving such Notice, then at the End of Six or any less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal and the Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with

any

any Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interest in the Lands, Tenements, or Hereditaments which shall be so required for the Purposes of this Act to the Queen's most Excellent Majesty, Her Heirs and Successors, or as the said Commissioners shall direct; and in case any such Mortgagee shall refuse to assign or transfer as aforesaid on such Payment or Tender respectively as aforesaid, then on Payment of such Money, Interest, and Costs into the Bank of *England* as herein-after mentioned all Interest on every such Mortgage Debt, and all Claim and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall in either of the Cases aforesaid neglect or refuse to convey, assign, or transfer as aforesaid, then upon Payment of the Principal Money and Interest, and the Costs (if any), due on any such Mortgage as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Time of giving such Notice as aforesaid, or as soon after as possible, or, in lieu of such Notice, and in addition to the said other Monies, of Six Calendar Months Interest in advance for the Use of such Mortgagee at any Time after Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or upon such Conveyance, Assignment, or Transfer by any such Mortgagee as aforesaid, all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in trust for him or for whom he shall be Trustee, shall vest in the Queen's Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

As to Cases where the Mortgage Money is more than the Value of the Premises, or a Part only of the Premises is taken.

XXXIV. And be it enacted, That in all Cases in which any Lands or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, which Lands or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Lands or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands or Hereditaments to be a sufficient Security for the Monies charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due and to become due thereon, and all Costs, the Value of such Lands or Hereditaments, or, as the Case may be, of such Part of the said Lands or Hereditaments as shall be so required for the Purposes aforesaid, and also the Compensation (if any) for any Damage done in respect of the Parts so required, shall be settled and agreed upon by and between such Mortgagee or Mortgagees, and the Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Lands or Hereditaments, whether absolutely

or for such Estate as might capacitate him, her, or them to convey for the Purposes of this Act on the one Part, and the said Commissioners on the other Part; and in case of any Difference between them, then such Value and Compensation shall be determined by the Verdict of a Jury in the same Manner as in other Cases of Difference; and the Amount of such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee or Mortgagees in satisfaction of his, her, or their Claim, so far as the same will extend; and such Mortgagee or Mortgagees shall thereupon convey, assign, and transfer all his, her, or their Interest in such mortgaged Lands or Hereditaments, the Value whereof shall so have been agreed upon or determined as aforesaid; or in case of his, her, or their neglecting or refusing to convey, assign, or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *England* to the Credit of the said Mortgagee or Mortgagees as by this Act is provided in Cases of a like Nature; and such Payment to the Mortgagee or Mortgagees, or into the Bank as last aforesaid, shall be accepted in satisfaction of the Claim of such Mortgagee or Mortgagees, so far as the same will extend, and also in full Discharge and Exoneration of such Part of the mortgaged Premises as shall be so taken or used from all Principal and Interest and other Money due or secured thereon, and thereupon such mortgaged Lands or Hereditaments shall become absolutely vested in the Queen's Majesty, Her Heirs and Successors, who shall be deemed to be in the actual Possession thereof to all Intents and Purposes whatsoever: Provided nevertheless, that all Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) or the Interest thereof respectively upon and out of the Residue of the mortgaged Lands or Hereditaments not required for the Purposes aforesaid, as they would have had or been entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands or Hereditaments originally comprised in such Mortgage: Provided also, that when a Part only of the Lands or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act as aforesaid, and the Value of the Lands or Hereditaments so taken shall, on the Assignment or Conveyance thereof to the Queen's Majesty, Her Heirs and Successors, have been paid to the Mortgagee or Mortgagees thereof in part Satisfaction of his, her, or their Mortgage Debt, a Memorandum of what shall have been so paid shall be endorsed on the Deed creating such Mortgage at the Time of executing such Assignment or Conveyance to Her Majesty, and shall be signed by such Mortgagee or Mortgagees; and a Copy of such Memorandum shall at the same Time (if required) be furnished by the said Commissioners to the Person or Persons so entitled as aforesaid to the Equity of Redemption of the Lands or Hereditaments comprised in such Mortgage Deed.

Tenants at Will, or from Year to Year, to quit after Notice.

XXXV. And be it enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in possession of any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, or vested in Her Majesty for the

Purposes

Purposes aforesaid, who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall at the End of Six Calendar Months next after Notice in Writing signed by the said Commissioners shall have been given to him, her, or them, or left at the Premises which are the Subject of such Notice, and whether such Notice be given with reference to the Time or Times of such Tenants holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Lessee shall be compelled to quit before the Expiration of his or her Term or Interest in any such Premises, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he or she shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments are hereinbefore directed to be ascertained, or, if the said Commissioners and the other Parties in difference shall agree, the same may be settled by a Reference to the Award of Arbitrators, to be chosen by the Parties in difference; and that all and every Person or Persons, Bodies Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in possession of any Lands, Tenements, or Hereditaments which shall or may be purchased in pursuance of this Act by the said Commissioners, or vested in Her Majesty for any of the Purposes aforesaid, shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his, her, or their Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled, ascertained, and awarded by any Referee or Referees or Umpire, or by Verdict or Inquisition of a Jury, in manner aforesaid, quit and relinquish the said Premises so in their respective Possessions unto the said Commissioners, or to such Person or Persons as shall be by them authorized to receive Possession of the same, and all the Leases, Demises, Contracts, and Agreements whatsoever, under or by virtue whereof any such Person or Persons shall hold the said Premises, shall at and from the End and Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, be absolutely void and of none Effect as against Her Majesty, Her Heirs and Successors, or the said Commissioners; and if any such Tenant at Will, or Lessee, or other Person or Persons, Bodies Corporate or Collegiate or Ecclesiastical, Corporations Aggregate or Sole as aforesaid, shall refuse or neglect to deliver up the Premises in his, her, or their Possession at the Expiration of such Six Calendar Months, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace for the said County to issue his Precept or Warrant to the Constables of the said County, or any of them, or to any Person or Persons to be by such Justice appointed a Constable or Constables for that especial Purpose, commanding and requiring such Constable or Constables, or any of them, to cause Possession of the said Premises to be taken and afterwards delivered to such Person or Persons as shall in such Precept or Warrant be nominated to receive the same by such Commissioners; and the said Constables, and every of them, are and is thereupon hereby

hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Persons authorized to sell may refer to Arbitrators to fix the Price.

XXXVI. And be it enacted, That all Persons hereby capacitated to sell, and all Persons who are herein-before authorized to have their Estates, Rights, Interests, or Damages assessed and ascertained by a Jury in manner aforesaid, and who may not agree with the said Commissioners as to the Price to be paid in respect of such Estates, Rights, Interests, or Damages, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to ascertain the Amount to be paid; and every such Agreement, and the Awards of any Referee or Referees to be made in Writing in pursuance of any such Agreement, shall be in all respects binding and effectual on all Parties.

For ascertaining the Value of the Common Rights.

Meeting of Persons claiming Estates, &c. to be called.

A Valuer to be appointed on behalf of Claimants.

XXXVII. And be it enacted, That for ascertaining the Value of the Estates, Rights, and Interests claimed by any Person or Persons in the said common or commonable Lands (other than the Crown in right of the Soil or otherwise), and for settling and apportioning the Amount of Compensation to be made for the same, it shall be lawful for the said Commissioners, or any Two of them, to call a Meeting of the Persons claiming any such Estates, Rights, or Interests as aforesaid, at such Time and Place in the said County as the said Commissioners, or any Two of them, shall appoint, by a public Notice thereof in Writing under their Hands, to be affixed at least Twenty-one Days before such Meeting on the principal outer Door of the Parish Church of *Portland*, or in some public and conspicuous Place within the *Isle of Portland*, and to be twice at least, during such Twenty-one Days, inserted in One of the public Newspapers published or generally circulated in the said County; and at such Meeting the Majority of Persons having or claiming any such Estates, Rights, or Interests in, upon, or over the said common or commonable Lands as aforesaid shall elect from among themselves Five Persons, who, within Fourteen Days from the Time of such Meeting, shall name One Person as the Valuer on behalf of the said Claimants, to ascertain the Value of such Estates, Rights, or Interests, and shall, by a Writing under their Hands, or under the Hands of any Three of them, give Notice to the said Commissioners of the Person or Persons so nominated by them as aforesaid.

Commissioners of Woods, &c. to appoint a Valuer.

Umpire to be appointed.

If Valuers cannot agree as to the Appointment of an Umpire, Inclosure

XXXVIII. And be it enacted, That the said Commissioners shall, within Fourteen Days after receiving such Notice as aforesaid, name One Person to be the Valuer on behalf of Her Majesty, Her Heirs and Successors, of the Estates, Rights, and Interests had or claimed in the said common or commonable Lands, and the said Valuers so respectively appointed as aforesaid shall, within Ten Days after the said last-mentioned Valuer shall have been appointed, by a Writing under their Hands, name a Third Person as Umpire before they proceed upon any Business under the Provisions of this Act; or in case the said Valuers cannot agree in the Choice of an Umpire, then it shall be lawful for "The Inclosure Commissioners for *England* and *Wales*," by some Writing under their Seal, to appoint an Umpire; and the Valuation of the said Valuers and Umpire, or any Two

Two of them, as to the Amount of the Value of the said Rights and Interests, shall, if made in Writing within Thirty Days from the Day of the Date of the Appointment of the said Umpire, and if delivered to the Office of the said Commissioners, be binding on all Parties, and be taken to be the Price to be paid for such Rights and Interests. Commissioners to appoint one.

XXXIX. And be it enacted, That in case, for any Reason whatever, the said Five Persons shall not be elected and named at such Meeting as aforesaid, or if they shall neglect or refuse to appoint such Valuer, or if the said Valuers or their Umpire should refuse, decline, or become incapable of making such Valuation, or if by any Reason whatsoever, except by reason of the Default of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to comply with the Directions of this Act, the said Valuation shall not be made within Six Calendar Months from the passing of this Act, then it shall be referred to a Person to make such Valuation who shall be appointed by "The Inclosure Commissioners for *England* and *Wales*," and the Award in Writing of such Person, so appointed as last aforesaid, shall be binding on all Parties. In default of Appointment of Valuer, &c., or Refusal to act, Inclosure Commissioners to appoint.

XL. And be it enacted, That the said Valuers and Umpire shall and may and they are hereby authorized and empowered to call for and compel the Production of any Records, Deeds, or Writings, or any other Proof or Evidence relating to the Nature of the Estates, Rights, or Interests held or claimed in the said common or commonable Lands, and the Value thereof, and also to receive any Evidence on Oath or on Affirmation, in Cases where Affirmation is allowed by Law, instead of Oath, touching the Nature and Value of such Estates, Rights, and Interests, and in like Manner to carry on and prosecute all such other Inquiries and Examinations as in their Opinion may be necessary or expedient for ascertaining the Nature and Value of such Estates, Rights, or Interests; and any Person who, upon receiving due Notice, shall refuse or neglect to appear before the said Valuers and Umpire, or to produce such Records, Deeds, or Writings, or to give such Evidence, without reasonable Excuse for such Refusal or Neglect, shall, on Application to any Justice of the Peace for the said County, forfeit any Sum, not exceeding Ten Pounds nor less than Two Pounds, as such Justice may determine, to be recovered by Distress on the Offender's Goods, to be levied under the Warrant to be issued by such Magistrate. Valuers and Umpire may require Production of Deeds, &c.

XLI. And be it enacted, That the said Valuation shall include all Costs and Charges which may be necessarily incurred in ascertaining the Nature and Value of the said Estates, Rights, and Interests, including the Allowance to the said Valuers and Umpire: Provided nevertheless, that the Amount of such Costs and Charges shall be approved of and allowed by the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, previously to the Publication of the Valuation as aforesaid. Valuation to include all Costs incurred.

XLII. And be it enacted, That so soon as such Valuation shall have been so made and published as aforesaid, and upon Payment of the Amount at which the said Estates, Rights, and Interests shall have been so valued (exclusive of the aforesaid Amount of Costs and As soon as Valuation made, and Amount paid, Com-

mons, &c. to be freed from all Rights, &c.

Expences as aforesaid) into the Bank of *England* to the Account of "The Inclosure Commissioners for *England* and *Wales*," the said common and commonable Lands and Hereditaments shall be absolutely freed and discharged from all such Rights, Estates, and Interests as aforesaid: Provided nevertheless, that no Objection shall be made to any such Valuation as aforesaid by reason that the said Meeting was not duly called, or that any of the Parties present were not so entitled as aforesaid, or that the said Parties, so appointed, did not duly appoint the said Valuer; and as regards the Amount of such Costs and Expences so directed to be ascertained as aforesaid, the same shall be paid by the said Commissioners of Woods, Forests, Land Revenues, Works, and Buildings, as Part of the Purchase Money for the said Estates, Rights, and Interests, to the Persons respectively entitled to receive the same.

Commissioners of Woods may agree for Price to be paid for such Rights, &c. instead of referring the Question to Valuers.

XLIII. And be it enacted, That, notwithstanding any thing hereinbefore contained, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to agree with the said Five Persons so to be named for the Purpose of appointing a Valuer as aforesaid for the Amount or Price to be paid for such Estates, Rights, and Interests, instead of referring the Question of the Value thereof to the said Valuers as aforesaid, and the Amount agreed on shall be paid into the Bank of *England* in manner aforesaid, and shall be binding on all Parties.

As soon as the said Monies shall be paid into the Bank Inclosure Commissioners shall proceed to determine the Names of the Parties entitled.

XLIV. And be it enacted, That as soon as the said Monies shall have been paid into the Bank as aforesaid the said Inclosure Commissioners for *England* and *Wales*, or any Assistant Commissioner appointed or to be appointed by them for that Purpose, shall proceed to ascertain, determine, and award the Names of the Parties who were entitled to such Estates, Rights, and Interests in the said common and commonable Lands, and the Amount or Value of their respective Shares, Rights, and Interests therein, and the proportionate Amount of the Price so to be paid as aforesaid for such Estates, Rights, and Interests to which each Party so entitled as aforesaid is entitled in respect of his Share, Right, or Interest as aforesaid; and the Award of the said last-mentioned Commissioners under their Common Seal, or Assistant Commissioner in Writing under his Hand and Seal, shall be binding on all Parties claiming such Estates, Rights, and Interests as aforesaid; and, for the Purpose of ascertaining the Rights and Interests of such Parties as aforesaid, it shall be lawful for the said Inclosure Commissioners or Assistant Commissioner to call such Meetings as they or he shall think fit of all Persons having or claiming any such Rights or Interests in the said common and commonable Lands as aforesaid, at such Time and Place as the said Commissioners or Assistant Commissioner shall think fit, so as the same shall be appointed by a public Notice thereof in Writing, to be affixed at least Twelve Days before such Meeting on the principal outer Door of the Parish Church of *Portland*, or in some public and conspicuous Place within the said *Isle of Portland*, and to be inserted in One of the public Newspapers published or generally circulated in the said County of *Dorset*; and at such Meeting the said Commissioners or Assistant Commissioner do and shall proceed to examine into and ascertain all and every the Claims

Inclosure Commissioners may call Meetings to ascertain Rights, &c. of Parties.

Claims which shall be made or put forward in respect of any such Rights or Interests as aforesaid, and the relative and proportionate Value of the Estates, Rights, and Interests of any Person or Persons claiming to be entitled thereto, and for that Purpose do and may call for and receive such Records, Deeds, and Writings, and such other Proof or Evidence as the said Commissioners or Assistant Commissioner may think fit, and they and he are and is hereby authorized and required to take the Testimony of any Witnesses upon Oath (which Oath they and he are and is respectively hereby empowered to administer), or to take the Affirmation of such Witnesses in Cases where Affirmation is allowed by Law instead of Oath.

As to the Payment of Costs of Inclosure Commissioners, and as to the Residue of Monies.

XLV. And be it enacted, That all the Costs and Expences of the said Inclosure Commissioners and Assistant Commissioner shall in the first place be paid out of the Monies so to be paid into the Bank of *England*, and that the Residue of the said Monies shall be paid and divided between and amongst the said several Parties to be named in the said Award, and in the Shares and Proportions to be ascertained and set forth in such Award.

Compensation for limited Interests to be paid to Trustees.

XLVI. And be it enacted, That when it shall appear to the said Inclosure Commissioners or Assistant Commissioner that any of the Parties entitled to such Rights or Interests are only entitled thereto for a limited Interest, then it shall be lawful for them or him, by their or his Award, to direct that the Monies to be paid in respect of such Right or Interest shall be paid to Trustees, to be held by them on Trusts similar to the Uses or Trusts to which such Rights or Interests had been immediately before the Payment of such Monies into the Bank subject to, or as near thereto as the said Inclosure Commissioners or Assistant Commissioner can ascertain; and that the Rights or Interests of all Parties to be ascertained in such Award as aforesaid shall, as from the Payment of such Monies as aforesaid into the Bank of *England*, be taken and considered as Personal Estate, and the Receipts of any Trustees to whom any such Monies shall be paid as aforesaid shall be good and sufficient Discharges for the same: Provided always, that the Payment of all such Sums shall from Time to Time be subject to such Rules and Regulations, for the Purpose of insuring the Payment thereof to the Person or Persons duly entitled to receive the same, as the said Inclosure Commissioners shall by any Order direct.

Power to adjourn Meetings from Time to Time.

XLVII. And be it enacted, That it shall be lawful for any Person or Persons hereby authorized and empowered to call any Meeting for the Purposes of this Act from Time to Time to adjourn any Meeting so called to any future Day, and to any Place within the said Island of *Portland*, as to him or them shall seem meet, without giving any public Notice thereof.

Power to sell and exchange Lands.

XLVIII. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, notwithstanding any thing herein-before contained, at any Time or Times before the Completion of the said intended Harbour of Refuge, on behalf of Her Majesty, Her Heirs or Successors, to sell and dispose of (either by way of absolute Sale or in exchange for other Hereditaments to be applied

to

to the Purposes of this Act), and absolutely to grant and convey, any of the Hereditaments which may be purchased or acquired for the Purposes of this Act, and which it shall be found are not required for the Purposes thereof, or which may be advantageously exchanged, subject, nevertheless, to such Conditions and Stipulations as they may think fit, and thereupon the same shall be conveyed and assured by the said Commissioners as they shall think fit; and any Monies to be received in respect of any Sale or Exchange by the said Commissioners shall be paid to and form Part of the Consolidated Fund.

Power to stop up and alter Roads.

XLIX. And be it enacted, That it shall be lawful for the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, from Time to Time to stop up, divert, raise, lower, or alter all or any of the Roads, Ways, Paths, Passages, Streams, and Watercourses which now lead into, through, across, or over any Part or Parts of the Lands mentioned in the Schedule to this Act, and to form and make in lieu thereof, or in addition thereto, such other Roads, Ways, Paths, Passages, or Watercourses as to the said Commissioners may seem fit and necessary; and the Ground and Soil of such Roads, Ways, Paths, or Passages as shall be so stopped up, and the Fee Simple and Inheritance thereof, shall thereupon become and be vested in Her Majesty, Her Heirs and Successors, for the Purposes of this Act, freed and discharged from all Claims and Demands in, to, upon, or over the same.

Penalties on Persons giving false Evidence.

L. And be it enacted, That all Persons who, upon Examination to be taken by virtue of this Act, shall wilfully and corruptly give false Evidence, or otherwise forswear themselves, before any Jury or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in force subject and liable to.

Limitation of Time for purchasing Lands.

LI. And be it enacted, That if the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, shall not, within the Space of Five Years, to be computed from the passing of this Act, purchase or take the Lands, Tenements, and Hereditaments, or Parts thereof respectively, which they are empowered by this Act to take and use or purchase as aforesaid, then and from thenceforth the Powers hereby granted to them for compulsory Purchase shall cease.

Commissioners exempted from personal Liability.

LII. And be it enacted, That nothing contained in this Act, or to be contained in any Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument entered into, made, taken, or executed by the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or any of them, or by any Trustee or Trustees on behalf of Her Majesty, Her Heirs or Successors, in execution of the Powers of this Act, shall extend to charge the Persons or Person of all or any of the Commissioners, Trustee or Trustees executing any such Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument, or the Heirs, Executors, or Administrators of the same Commissioners, Trustee or Trustees, or any of them, or their or any of their own proper Lands, Tenements,

Goods, or Chattels, with or for the Performance of all or any of the Covenants, Conditions, or Agreements in the same Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument to be contained on the Part of the same Commissioners, Trustee or Trustees, or any of them; and the same Commissioners shall not be bound to see to the Application, or be answerable for the Misapplication or Nonapplication, of any Monies to be paid by them under the Direction in this Act contained; and the Amount of all Sums, Costs, Charges, Damages, and Expences which shall or may be recovered in any Suit or Suits at Law or in Equity against them the said Commissioners, Trustee or Trustees, or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of any such Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, Damages, and Expences which the said Commissioners, Trustee or Trustees, or any of them, or their or any of their Heirs, Executors, or Administrators, shall bear, pay, expend, or be put to, or which shall be occasioned to them, for or by reason or means of any such Agreement, Contract, Lease, Assignment, Conveyance, or other Instrument, or any Covenant, Condition, or Agreement therein contained, or any Action or Actions, Suit or Suits to be brought or prosecuted by or against them, or any of them, thereupon, shall respectively be paid and discharged by and out of the Monies for the Time being applicable to the Purposes of this Act.

Receipts of Commissioners to be sufficient Discharges.

LIII. And be it enacted, That the Receipts in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, for any Monies payable to them under or by virtue of this Act, or the Powers herein contained, shall be sufficient Discharges for the same to the Person or Body paying the same.

Deeds, &c. not liable to Stamp Duties.

LIV. And be it enacted, That no Lease, Mortgage, Contract, Award, Conveyance, or other Instrument which shall be made, granted, or executed under any Powers or Authorities herein contained or in pursuance thereof, nor any Contract, Bond, Assignment, Conveyance, or other Deed or Instrument which shall be made, entered into, or executed by any Person or Persons to or with the said last-mentioned Commissioners, or otherwise, for any of the Purposes of this Act, shall be subject or liable to any Stamp Duty whatever imposed by any Act now in force, nor to any Stamp Duty to be imposed by any future Act, unless such Instruments be specially subjected and specifically charged in and by such future Act.

Saving the Rights of the Crown.

LV. And be it enacted, That nothing contained in this Act shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or otherwise howsoever.

Public Act.

LVI. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

The SCHEDULE to which the foregoing Act refers.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
1	A Dwelling House, Courtlage, and Garden.	Charles Augustus Manning, John Spencer Manning.		
2	A Dwelling House, Courtlage, and Garden.	Charles Augustus Manning, John Spencer Manning.		
3	A Dwelling House, Courtlage, and Garden.	Charles Augustus Manning, John Spencer Manning.		
4	A Dwelling House, Courtlage, and Garden.	Charles Augustus Manning, John Spencer Manning.		
5	A Garden - -	Charles Augustus Manning, John Spencer Manning.	- - - -	Charles Augustus Manning.
6	A Garden - -	William White and Elizabeth White.	- - - -	Thomas Hansford.
6a	A Garden - -	William White and Elizabeth White.	- - - -	William White.
7	Commonable Pasture Land.	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.	- - - -	Charles Augustus Manning.
8	Commonable Pasture Land, Wears, Rubble Banks, and Quarries Land.	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.		
8a	Commonable Pasture Land, Stone Quarry, and Rubble Heaps.	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.	- - - -	William White.
9	Public Roads -	Surveyors of the Highways.		
9a	Public Footway -	Surveyors of the Highways.		
10	Ruin of the Van Signal Station House and Garden.	Her Majesty - -	- - - -	John Fisher.
11	Beach or Sea Shores	Her Majesty - -	Count Hompisch - -	Count Hompisch.
12	Beach or Sea Shores	Her Majesty - -	Count Hompisch - -	Count Hompisch.
13	Beach or Sea Shores	Her Majesty - -	Count Hompisch - -	Count Hompisch.
14	Beach or Sea Shores	Her Majesty - -	Count Hompisch - -	Count Hompisch.
15	Pier, called the King's Pier, in ruins.	Her Majesty - -	- - - -	Her Majesty and John William Barrington Browne, Richard Steward Wardell, Messrs. Stewards and Co., and John Foot, Agent for Messrs. Stewards and Co.
16	Shed and Tool-house	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards and the Commoners.	- - - -	Her Majesty and John William Barrington Browne, Richard Steward Wardell, Messrs Stewards and Co., and John Foot, Agent for Messrs Stewards and Co.
17	Pier - -	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, the Commoners, and Messrs. Stewards and Co.	- - - -	Her Majesty and John William Barrington Browne, Richard Steward Wardell, Messieurs Stewards and Co., and John Foot, Agent for Messieurs Stewards and Co.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
17[a]	A Shipping Pier near the Folly Pier.	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, the Commoners, and Samuel Patten.	- - - -	Her Majesty and Samuel Patten.
18	Paths or Tracks -	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, the Commoners, and Henry Stone.		
19	Lime-kiln - -	Her Majesty and John Fuzzard.	- - - -	John Fuzzard.
20	Shed in ruins -	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.		
21	Shed in ruins -	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.		
22	Building in ruins -	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.		
23	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
24	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
25	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
26	Ruinous Shed or Toolhouse.	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Messieurs Stewards and Co., Susannah Spencer and Edward Pearce Lowman, and John Foot, Agent for Mess[rs] Stewards and Co.
27	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and Daniel Andrews, and Elizabeth Sims, Widow.
28	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and Nicholas Hoskins.
29	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and Thomas Carter.
30	Arable Land - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
31	Arable Land and Rubble Heaps.	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
32	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
33	Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
34	Rickyard - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
35	Arable Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
36	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
36[a]	Public Path - -	Surveyor of Highways.		
37	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.

No. on the Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
38	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, Richard Benfield and William Cross.
39	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and Abraham White.
40	Pasture Land with Occupation Road.	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and Robert Stone.
42	Stone Quarry -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Messieurs Stewards and Co., John Foot, their Agent.
44	Railways - -	Her Majesty, Messrs. Stewards and Co., Roper Weston, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.	John William Barrington Browne and Richard Steward Wardell.	Messieurs Stewards and Co., John Foot, their Agent, Roper Weston, Susannah Spencer, and Edward Pearce Lowman.
45	Arable - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
46	A Close of Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
47	A Close of Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
48	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and John Atwooll.
49	Pasture Land -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
50	Stone Quarries, Rubble Banks, and quarried Land, with Occupation Road.	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Messieurs Stewards and Co., and Susannah Spencer and Edward Pearce Lowman, John Foot, Agent for Messieurs Stewards and Co.
51	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, Nicholas Hoskins.
52	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, Henry Stone.
53	A Garden - -	Her Majesty, John Stone, Bailiff, Edward Pearce, the Haywards, and the Commoners.	- - - -	Abraham Ellis.
54	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman.
55	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and Robert Stone.
56	A Garden - -	Her Majesty - -	John William Barrington Browne and Richard Steward Wardell.	Susannah Spencer and Edward Pearce Lowman, and William Peters.

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