

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

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CAP. LIII.

An Act to empower the Commissioners of Her Majesty's Woods to make certain Alterations and Improvements in the Approaches to the Castle and Town of *Windsor*.

[14th *August* 1848.]

WHEREAS the Approaches to the Castle and Town of *Windsor* stand much in need of Alteration and Improvement; and it would be conducive to the Privacy and Comfort of the Queen's most Excellent Majesty, as well as to the Accommodation of the Town of *Windsor*, that such Approaches should be altered and improved: And whereas by an Act passed in the last Session of Parliament, intituled "The *Windsor, Staines, and South-western* Railway Act (No. 1.), 1847," the Company thereby incorporated are empowered to construct a Railway commencing at *Richmond* in the County of *Surrey* and terminating in the Parish of *Datchet* in the County of *Bucks* near a certain Ayte or Island in the River *Thames* called *Blackpots*: And whereas the Formation of a public Road from *Datchet* to the proposed Terminus of the said Railway near *Blackpots* aforesaid, and the Construction of a Bridge across the *Thames* there, and the Formation of a public Road from the said Terminus across the said intended Bridge, and from thence through a Portion of Her Majesty's Park into *Thames Street, Windsor*,

and the widening and improving *Thames Street* and *High Street, Windsor*, are requisite to provide proper Accesses and Approaches from *Datchet* and from the said Terminal Station of the said Railway to the Castle and Town of *Windsor*: And whereas the said Company have agreed with the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings to pay to the said Commissioners, on behalf of Her Majesty, the Sum of Sixty thousand Pounds, towards the Expense of constructing the said Roads and Bridge, and of widening and improving *Thames Street* and *High Street, Windsor*, and the said Works will be advantageous to the said Company, and, in connexion with the other Alterations and Improvements of the Approaches to the Town and Castle of *Windsor* authorized by this Act, will be conducive to the Privacy and Comfort of Her Majesty, as well as to the Accommodation of the Town of *Windsor*: And whereas by an Act passed in this present Session of Parliament, intituled "The *Great Western* Railway (*Slough* to *Windsor*) Act, 1848," and by an Agreement in such last-mentioned Act referred to, and thereby confirmed, and made between the said Commissioners on behalf of Her Majesty of the one Part, and the *Great Western* Railway Company of the other Part, such last-mentioned Company are required to pay to the said Commissioners the Sum of Twenty-five thousand Pounds towards the Expense of the Alterations and Improvements by this Act authorized; and it is expedient that the said Commissioners, on behalf of Her Majesty, should be authorized and empowered to execute and carry into effect the Purposes of this Act: 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 for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, and they are hereby empowered, to execute and carry into effect the several Powers and Purposes of this Act, and to apply the said Sums of Sixty thousand Pounds and Twenty-five thousand Pounds, or a sufficient Portion or sufficient Portions thereof, when and as the same shall be received by them as aforesaid, in or towards the Payment of the Costs, Charges, and Expenses which shall or may be incurred by them in or about the Execution of the several Powers and Purposes of this Act.

Commissioners of Woods to carry into effect the Purposes of this Act.

Alterations and Improvements to be effected.

II. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to make the several Alterations and Improvements in the Approaches to the Castle and Town of *Windsor* following; (that is to say,)

Upper or first-mentioned Bridge.

To construct a Bridge across the River *Thames* from a Point in the Parish of *Datchet* in the County of *Buckingham* near the Eastern End of a certain Island or Ayte in the River *Thames* known by the Name of *Blackpots* to the South Side of the said River in the Parish of *New Windsor* in the County of *Berks*, and to make a new Road from such intended Bridge upon, through, and over certain Parts of Her Majesty's *Home* or *Little Park*, and other Lands of Her Majesty, to or near

to *Datchet Lane*, and to widen and improve *Datchet Lane* aforesaid from or from near the Site of the said intended Bridge to or near to the Residence of the Naval Knights, and from thence to make a new Road through Lands and Property belonging to the Dean and Canons of *Windsor* and others into *Thames Street, Windsor*, at or near the Foot of the Hundred Steps:

Also to pull down and remove the Houses and Buildings on the South and East Sides of *Thames Street* and the East Side of *High Street, Windsor*, from or from near the Foot of the Hundred Steps to the Foot of the *Castle Hill* nearly opposite to the Gateway to the *White Hart Inn*, and to widen and improve *Thames Street* and *High Street* on the same Sides thereof between the Hundred Steps and the *Castle Hill* aforesaid:

Also to stop up the public Road leading from the Town of *New Windsor* by *Frogmore* to or towards *Old Windsor* between the Point where the said Road falls into or crosses the North End of the *Long Walk* and a Point in the Parish of *New Windsor* near where such Road crosses the Boundary of the Parishes of *New Windsor* and *Old Windsor* near a House called the *Nelson Inn* in the Parish of *Old Windsor*:

Also to stop up all Roads, Ways, Paths, and Passages now leading into, upon, through, or over Her Majesty's *Home* or *Little Park*, or leading across the *Long Walk*, between a Point in the *Long Walk* Fifty Yards or thereabouts Northwards of the Double Gates and the Castle of *Windsor*; and in lieu thereof respectively to make a new Road leading out of the present *Sheet Street Road* near a Place called the *Magpie Style*, upon, through, or over certain Lands of Her Majesty on the West Side of the *Long Walk*, passing from thence across or under the *Long Walk*, and running from thence in a South-easterly Direction, upon, through, and over certain Lands of Her Majesty called the *Shaw Farm* and *Clay Hall* Farms respectively, till such new Road falls into a Road or Way called *Clay Hall Lane* near the Junction of *Clay Hall Lane* with the Road leading from *New Windsor* to *Old Windsor* aforesaid; and to widen and improve that Portion of *Clay Hall Lane* from its Junction with the intended new Road aforesaid to the Road from *New* to *Old Windsor* aforesaid:

Also to make a new Road or Way leading out of the said Road from *New* to *Old Windsor* from a Point in the Parish of *New Windsor* nearly opposite to the *Nelson Inn* aforesaid, across a Field the Property of Her Majesty, to the River *Thames* in *New Windsor* aforesaid near the Junction of the Parishes of *Old Windsor* and *New Windsor* aforesaid; and to construct a Bridge from thence across the River *Thames* to the opposite Bank in the Parish of *Datchet* in the said County of *Buckingham*; and to make a new Road from such last-mentioned Bridge, through or over Property belonging to the Earl of *Harewood* and others, to or near to a Farmhouse called *Southley* Farmhouse in the Parish of *Datchet* aforesaid; and to divert, widen, and improve the present Road between *Southley* Farmhouse aforesaid and the Village of *Datchet*; and to make a new Road from the Village of *Datchet* aforesaid, along or near to the North

Lower or second-mentioned Bridge.

North Bank of the River *Thames*, to the herein-before mentioned intended Bridge near *Blackpots* aforesaid; and also to pull down and remove *Datchet Bridge*, and to stop up all Roads, Ways, Paths, and Passages in the Parish of *New Windsor* which now lead to or from such last-mentioned Bridge:

Also to purchase and acquire, on behalf of Her Majesty, certain Lands and Houses situate, abutting on, or near to the said Road leading from *New Windsor* to *Old Windsor* by *Frogmore* aforesaid, so proposed to be stopped up, and also situate, abutting on, or near to the said intended new Roads, and which said Roads, Bridges, and other Works, Matters, and Things, are or will be situate in and pass or will pass from, in, through, or into the several Parishes of *New Windsor* and *Old Windsor* in the said County of *Berks*, and the said Parish of *Datchet* in the County of *Buckingham*, or some of them:

Also to cross, divert, alter, or stop up, whether temporarily or permanently, all such Turnpike Roads, Parish Roads, Streets, and other Highways, Streams, Sewers, Pipes, Canals, Navigations, or Bridges within the said Parishes, or such of them as it may be necessary to cross, divert, alter, or stop up for the Purposes of the said Works, according to the Plan or Plans deposited with the Clerk of the Peace for the said County of *Buckingham* and with the Clerk of the Peace for the said County of *Berks*.

Commissioners empowered to construct Bridges and Roads.

III. And be it enacted, That for the Purposes aforesaid or any of them it shall be lawful for the said Commissioners to dig and make proper Foundations in the said River, and in the Lands on each Side thereof, and make Dams in the said River, and cut down and level the Banks thereof, and cut, remove, and take away all Trees, Roots of Trees, Beds of Gravel, Sand, or Mud, or other Impediment whatsoever, and do and execute every other Thing necessary or convenient for the Purposes aforesaid or any of them; and for the Purpose of erecting the said intended Bridges, and forming and completing such Roads as aforesaid, the said Commissioners shall have full Power and Authority from Time to Time to land on either Side of the said River, within One hundred Yards from the Sites of the said intended Bridges respectively, all Materials and other Things to be used in or about the same, and there to work and use such Materials and Things as the said Commissioners shall think proper, doing as little Damage as may be, and making such Satisfaction as herein-after mentioned to the respective Owners and Occupiers of the Lands and Hereditaments which shall be damaged or used for the Purposes of this Act; and the said firstly herein-before mentioned intended Bridge, when erected, shall from Time to Time and at all Times thereafter be upheld and kept in repair by and at the Expense of the *Windsor, Staines, and South-western* Railway Company, or their Assigns; and the said secondly herein-before mentioned Bridge, when erected in a proper and substantial Manner, and certified to have been so erected by the President for the Time being of the Institute of Civil Engineers, or by the Railway Commissioners, or by some Person to be for that Purpose appointed by them, shall from Time to Time and at all Times thereafter be upheld and kept in repair by and at the Expense of the Person or Persons, Body or Bodies, County or Counties now liable

liable to uphold and repair the said existing Bridge at *Datchet* so intended to be pulled down and removed as aforesaid; and the Liability to uphold and repair such last-mentioned intended Bridge shall be and is hereby substituted and imposed upon the said Person or Persons, Body or Bodies, County or Counties, in lieu of their Liability to uphold and repair the said existing Bridge: Provided always, that the Certificate of the proper Erection of such last-mentioned intended Bridge shall be deposited in the Offices of the Clerks of the Peace of the Counties of *Buckingham* and *Berks* respectively within Six Calendar Months after the Date thereof, to be there kept and preserved in the same Manner and under the same Rules and Regulations as the other Records of the said respective Offices.

Commissioners not to expend more than 85,000*l.* in the Alterations, &c. by this Act authorized; and Bridges, &c. not to be commenced until Contracts entered into as herein specified.

IV. Provided always, and be it enacted, That the Money to be expended by the said Commissioners in effecting the Alterations and Improvements by this Act authorized shall not exceed the Sum of Eighty-five thousand Pounds; and that it shall not be lawful to commence the Construction of the said Bridges or either of them unless and until a Contract or Contracts in Writing shall have been previously entered into for those Purposes respectively, specifying the Works to be done, the Time within which and the Price for which they are to be completed; and by such Contract or Contracts the Contractor, with Two sufficient Sureties, shall be jointly and severally bound to Her Majesty in a sufficient penal Sum to complete the Works, at the Price, within the Time, and in the Manner by such Contract or Contracts to be limited and expressed.

Plans to be deposited in the Land Revenue Record Office, and be open for Inspection.

V. And be it enacted, That a Copy of the said Plan or Plans so deposited as aforesaid, when signed by the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, or any Three of them, shall be deposited in the Office of Land Revenue Records and Inrolments, and shall remain in the said Office, to the end that all Persons may at all seasonable Times have Liberty to inspect the same, at their Will and Pleasure, paying the Sum of One Shilling for every such Inspection.

No Alteration shall be made in Roads, &c. without Consent of the Treasury.

VI. And be it enacted, That no Alteration shall be made in the Lines or Sites of the said Roads, Bridges, and Approaches, as shown in such Plans, unless the same shall be approved by the said Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer for the Time being, or any Three or more of them.

No Deviation to be made from such Plans without Consent.

VII. And be it enacted, That the said Commissioners, in making the said Roads, Bridges, and Approaches, shall not deviate more than One hundred Yards from the Lines described in the aforesaid Plans, without the Consent of the Person or Persons, Bodies Politic, Corporate, or Collegiate, through whose Lands or Tenements such Deviation shall be made.

Site of Roads stopped up vested in Her Majesty.

VIII. And be it enacted, That the Ground and Soil of such Roads, Ways, Paths, and Passages as shall be so stopped up and inclosed, and the Fee Simple and Inheritance thereof, shall thereupon become and be vested in the Queen's most Excellent Majesty, Her Heirs and Successors.

Penalty on Persons obstructing the Execution of the Works.

IX. And be it enacted, That if any Person or Persons, having the care of any Float, Raft, Boat, Barge, or other Vessel, or any other Person or Persons, shall, after being warned by any Person employed in the Construction of any of the Works by this Act authorized to be constructed, by passing or navigating over any Part of the said River where such Works are in progress, or otherwise, cause any Hindrance or Obstruction to the Execution of such Works or any of them, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered in such Manner as other Penalties and Forfeitures are by this Act directed to be recovered.

Power to Commissioners to raise or lower Streets, &c., making Compensation.

X. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to raise or lower the Ground of any Streets or Ways which shall lead to or communicate with the said Bridges and Approaches, or any Part or Parts thereof respectively, making Compensation to the Owners of Houses or Premises injured by such Alterations, as shall be agreed on by and between the Parties.

Power to arch over or fill up Sewers and Drains.

XI. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to cause to be arched over or filled up all such Sewers and Drains, or Part or Parts thereof, which shall lie and be in or near the said Roads, Bridges, Approaches, and new Ways to be made, altered, diverted, or stopped up or inclosed as aforesaid respectively, as shall appear necessary for completing the Purposes of this Act, so that no public Sewer or Drain whatsoever, or any private Drain, shall be in anywise disturbed, injured, or prejudiced, without another Sewer or Drain being made in lieu thereof equally serviceable and convenient to the Individual or Neighbourhood.

Power to Commissioners to raise, sink, or alter Water and Gas Pipes.

XII. And be it enacted, That it shall be lawful for the said Commissioners to raise, sink, or otherwise alter or cause to be altered the Position of any of the Steps, Areas, Cellars, Windows, and Water Channels, Pipes, or Spouts, belonging to any House or Houses, and also the Mains and the Leaden or other Pipes which for the Purposes of conveying Water or Gas to any House or other Place shall be laid into or from any Main or Pipe laid down for supplying the Inhabitants with Water or Gas, and to remove all other Obstructions, so as the same respectively be done with as little Detriment and Inconvenience to the said Inhabitants as the Circumstances of the Case will admit.

Ground laid into the Streets to form Part of

XIII. And be it enacted, That when the said Roads and Approaches shall be made in pursuance of this Act all the Land and Hereditaments which shall be laid open into the said Roads and

Approaches shall form Part of the said Roads and Approaches, and shall be used by the Public accordingly; and such of the said Roads and Approaches as by the said Agreement are agreed to be repaired by the said Company shall be kept in repair by them for ever thereafter; and as to all such Roads and Approaches as may be locally situate within the Borough of *New Windsor*, the same shall be considered and be Part of the public Streets or Roads of the said Borough; and as to all other the Roads and Approaches to be made or altered under the Authority of this Act, such last-mentioned Roads and Approaches, when made or altered, shall be taken to be Parish Roads. the Roads, and may be used by the Public.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to take and use, or cause to be taken and used, any Tenements or Hereditaments, and pull down or remove, or cause to be pulled down and removed, any Houses or Buildings which it may be deemed necessary and expedient to take or pull down and remove for the Purposes of this Act, at any Time after the Expiration of Six Calendar Months after Notice in Writing from the said Commissioners, or their Agent duly authorized, of their 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 any 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 affixed upon the same Premises; and for the Purposes of this Act the Owner shall be any Person hereby capacitated to sell. Power to take Houses, after Notice.

XV. And be it enacted, That no Tenements or Hereditaments, other than the Bed of the said River as aforesaid, shall be taken or made use of for the Purposes of this Act, except such as are mentioned in the Schedule hereto, or as are situated within the Limits of Deviation herein-before authorized, without the Consent of the Owner or Owners thereof first had for that Purpose. No Houses, &c. to be taken without Consent, unless mentioned in Schedule.

XVI. 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 Tenements and other Hereditaments described in the said Plan or Plans so deposited as aforesaid as intended to be taken for the Purposes of this Act, although the same Tenements and other Hereditaments, or the Name or Names of the Owner or Owners, Occupier or Occupiers thereof, may have been erroneously stated or omitted in the Schedule hereunto annexed, in case it shall appear to any Two or more of the Justices of the Peace of the County of *Berks* as regards Hereditaments situate in the County of *Berks*, and to any Two or more of the Justices of the Peace for the County of *Buckingham* as regards Hereditaments situate in the County of *Buckingham*, and be certified under their Hands, that such Error or Omission proceeded from Mistake or erroneous Information. Houses and Lands may be taken, notwithstanding Errors in the Schedule, if certified by Two Justices.

XVII. And be it enacted, That it shall be lawful for the said Commissioners, and for their Surveyors, Officers, and Workmen, from Time Power for Commissioners to enter

for the Purpose of Survey, after Notice.

Time to Time, 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 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 Tenements and Hereditaments, for the Damages that shall be thereby occasioned.

Commissioners may treat for Purchase and enter into Contracts.

XVIII. 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 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 to enter into any Contract or Contracts which they may think fit.

Property purchased to be conveyed to Her Majesty.

XIX. And be it enacted, That the Tenements and other Hereditaments which shall be purchased in pursuance of this Act shall be conveyed to the Queen's most Excellent Majesty, Her Heirs and Successors, as Part and Parcel of the Possessions and Land Revenues of Her Crown, or to such Person or Persons, in trust for Her Majesty, as the said Commissioners shall direct.

Power of Purchase to cease in Three Years.

XX. And be it enacted, That if the said Commissioners shall not within the Space of Three Years purchase or take the Tenements and Hereditaments, or Parts thereof respectively, which they are empowered by this Act to take and purchase, then and from thenceforth the compulsory Powers hereby granted for such Purpose shall cease.

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

XXI. 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 Executors and Administrators, not only for and on behalf of themselves, and their Successors, Heirs, Executors, and Administrators respectively, but also for and on behalf of their respective Cestuique Trusts, whether Infants, Femes Covert, Idiots, Lunatics, or Persons not born or not ascertained, or any other Person or Persons whomsoever, and to and for all Tenants for Life or for Years, absolute or determinable on 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, 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, or conveying the same, and to and for all Guardians on behalf of their respective Wards,

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 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 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 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 Her Majesty and Her Successors, or to such Person or Persons as the said Commissioners 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 the 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 or Conveyance which they, he, she, or any of them shall respectively make by virtue or in pursuance of this Act; and all Persons hereby capacitated to contract and sell are hereby authorized to give any Consents authorized to be given by this Act, as if they were the absolute Owners of the Property in respect of which such Consents may be given.

Contracts, &c. valid.

XXII. 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 Tenements or Hereditaments as aforesaid, and any other Owner or Owners of any such Tenements or Hereditaments, or of any Share or Shares, Estate or Estates, Interest or Interests therein, or Charge or Charges thereon, may convey the same without receiving any Satisfaction or Recompence for the Value thereof, or 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 also any Tenant or Tenants or other Occupier or Occupiers of any such Premises, entitled to any Compensation for Tenants Fixtures, and for any other Injury or Damage sustained on account of the Execution of this Act, 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 Tenements or Hereditaments or Fixtures, or sustaining any Injury or Damage, cannot

Bodies Politic, &c. may convey without receiving Satisfaction, or may accept Satisfaction, for Tenements, &c.

In case of Dispute the same to be settled by a Jury.

cannot or do not agree as to the Amount or Value of such Satisfaction or Recompence, 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 receiving Notice.

XXIII. And be it enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Commissioners, or their Agent duly authorized, of the Intention to take or use any Tenement or Hereditament 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, or 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, or being or claiming to be entitled to any Compensation for any Fixtures, or for any Injury or Damage sustained on account of the Execution of this Act, shall deliver to or leave at the Office of the said Commissioners 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 in satisfaction or recompence for and on account of the Fixtures, and of the Injury or Damage sustained by him, her, or them, and of the Amount of the Sum or Sums of Money which he, she, or they may be willing to receive in satisfaction or recompence 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 be willing to receive as Compensation for such Fixtures, and for such Injury or Damage respectively.

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

XXIV. And be it enacted, That if any Owners or Proprietors, Occupiers, 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 Tenement or Hereditament, or 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 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 *Berks* or his Under Sheriff as regards any Hereditaments which may be situate within the County of *Berks*, and the Sheriff of the County of *Buckingham* or his Under Sheriff as regards any other Hereditaments, or in case any such Sheriff or Under Sheriff shall be in anywise interested in the Matter in question, then the Coroner or some or one of the Coroners of the said Counties of *Berks* and *Buckingham* respectively, as the Case may be, not interested therein, shall, upon the Warrant of the said Commissioners, and he and 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 of *Berks* as regards Hereditaments within the said County, and of the said County of *Buckingham* as regards any other Hereditaments, which Oaths the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer, what Damages will be sustained by and what Recompence and Satisfaction shall be made to such Owners, Occupiers, or other Person or Persons interested, for the Value of such Tenements and 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 and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for the Purchase of such Tenements or Hereditaments, and of such respective Estates and Interests therein, and 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 Alterations or Improvements intended by this Act had not been in contemplation, and also for and on account of the taking of such Tenements or Hereditaments for the Purposes of this Act; 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 or Depreciation in Value of the Residue of any Property of which such Tenements or Hereditaments shall form Part; and in order thereto the said Sheriff, Under 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 said 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 said 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; 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 other Parties or Persons whomsoever; and for the summoning and returning all such Jury or Juries the said Commissioners are hereby empowered to issue their Warrant

Warrant or Warrants to the said Sheriff, Under Sheriff, or Coroner to summon, impannel, and return, at some convenient Place in the said County of *Berks* or in the said County of *Buckingham* (as the Case may be), a Jury of not less than Thirty-six or 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 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 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 the 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 said Sheriff, Under Sheriff, or Coroner respectively; and such Persons shall also have their lawful Challenges against any of the said Jurymen when they come to be sworn, but shall not challenge the Array.

Where Part of Property is taken, and Parties cannot agree as to the Value of the Remainder, a Jury shall be summoned to assess the same.

XXV. And be it enacted, That if the Owner, Lessee, or Occupier of any 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 of 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 shall not think it necessary to purchase, then and in such Case the Jury which shall be summoned to value the 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 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 Improvement 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 shall be the Price to be paid by the

the said Commissioners 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.

No Jury to award Compensation without Notice given to Commissioners of Amount claimed.

XXVI. 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 Tenants Fixtures, or 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 hereinbefore 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 least before the Time of meeting of such Jury.

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

XXVII. 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 shall 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 of *Berks* or of the said County of *Buckingham* (as the Case may be), 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 Value of respective Interests therein.

XXVIII. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any 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 therein, and also between different Parts of the said 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 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 Tenements and Damages to be awarded separately.

XXIX. 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 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 of Goodwill to which the Occupier may personally be entitled, or any other Loss or Damage to be sustained by any Person or Persons in consequence of the Execution 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, Charge or Charges thereon, and the Money assessed or adjudged for such Goodwill, Loss, or Damage as aforesaid, separately and apart from each other; and when any Money shall be assessed or adjudged for such Goodwill, 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.

Providing for Expenses of summoning Juries.

XXX. 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 or Satisfaction for the Rights, Interests, or Property of any Person or Persons in any such Tenements or Hereditaments, or for any such Injury or Damages 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 Expenses of causing and procuring such Recompence 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 Case in which any such Jury shall give in a Verdict or Assessment for no more or less Money, as such Recompence 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 be given by the Verdict where the Dispute is for Damages only, or where the causing such Jury to be summoned shall have arisen from a Refusal to treat 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 Expenses, 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 as before mentioned respectively, save only and except where by reason of Absence or other like Cause any Person shall have been prevented from treating as aforesaid, in which Case no Costs, Charges, or Expenses shall be allowed to either Party as against the other; and all Costs, Charges, and Expenses 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 and 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 Expenses can be deducted, then the same shall and may be recovered, by virtue of any Warrant under the Hand and Seal of One of Her Majesty's Justices of the Peace for the County of *Berks* or County of *Buckingham* (as the Case may be), 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 Expenses, and the Charges of such Distress and Sale, shall be deducted.

Verdicts to be recorded, and afterwards deposited with the Clerk of the Peace, to be Evidence, and open to Inspection.

XXXI. And be it enacted, That a Minute or Docquet of all the said Judgments and Verdicts shall be recorded in the Office of Land Revenue, Records, and Inrolments; and all such Judgments and Verdicts shall be afterwards deposited with the Clerk of the Peace of the said County of *Berks* or the said County of *Buckingham* (as the Case may be), 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 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 Owners are unwilling to sell Part of Houses,

XXXII. 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, Part only of which shall be required by the said Commissioners

&c. Commissioners to purchase the whole.

Commissioners 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 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 the said Commissioners shall see fit for the Purposes aforesaid; and 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 directed with respect to the Premises the Value of which shall be ascertained by a Jury in manner aforesaid.

If Owners and Commissioners shall not agree, Value to be settled by a Jury.

Persons holding under Leases to produce the same.

XXXIII. And be it enacted, That in all Cases in which any Person or Persons shall claim any Satisfaction or Compensation in respect of any unexpired Term or Interest which he, she, or they shall claim to be possessed of or entitled unto in any 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.

In case of Disputes as to Damage of small Amount, the same to be settled by Two Justices.

XXXIV. 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 Damages done by the said Commissioners, their Agents or Workmen, to such Property, in the Execution 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 for the County of *Berks*, if the Property is situate in that County, and for the said County of *Buckingham*, if the Property is situate in that County, 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 such Magistrates may

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. Justices may administer Oaths.

XXXV. 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 or pull down any House or Houses or other Erection 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 not to take possession till Purchase Money is paid or tendered.

XXXVI. And be it enacted, That if any Body or Bodies, Person or Persons, seised or possessed of or interested in any such 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 and required (in case the same shall be requisite), for the Use of such Person or Persons so interested or entitled as aforesaid in or to such Tenements or Hereditaments, or Parts, Shares, Estates, Interests, or Charges, 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 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 Tenements and Hereditaments 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, and Interests, 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 Bargain and Sale enrolled, with the Assent of any Protector of the Settlement whose Assent might be necessary, or Feoffment with Livery of Seisin, or any other Conveyance or Assurance whatsoever; and such Payment 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, and all Estates Tail and In case Parties cannot be found, or are not able to make a good Title, &c., Commissioners may take possession, on Payment of Purchase Money into the Bank of England.

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 by the said Commissioners for the Purposes of this Act.

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

XXXVII. And be it enacted, That if any Money shall be agreed or assessed to be paid for any 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 into 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 Indorsements thereon, and likewise Indorsements 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 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 the Accountant General of the said Court*, to the Intent that such Money shall be applied, under the Direction and with the Approbation 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 Tenements or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or any Part thereof, as the said Court shall authorize to be paid, affecting the same 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 Tenements or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes; and 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 Tenements or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the

12 G. 1. c. 32.

12 G. 2. c. 24.

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 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 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 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 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.*

XXXVIII. Provided also, and be it enacted, That if any Money so agreed or assessed to be paid for any Tenements or Hereditaments, or 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 any 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 of Chancery.

Where less than 20*l.*

XXXIX. 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 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

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, &c. Purchase Money to be paid into the Bank.

XL. 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 Tenements or Hereditaments, or any Parts, Shares, Estates, or Interests therein, or Charges 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 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 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 of Chancery; 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.

XLI. 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 said Court of Chancery, in pursuance of this Act, for the Purchase of any Tenements or Hereditaments, or Part or Parts thereof, or of any Estate, Right, Title, Charge, or Interest in, to, or upon any Tenements or 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,

Persons, who shall have been in possession of such 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, or under the Possession of such Body or Bodies, Person or Persons, shall be deemed and be taken to have been lawfully entitled to such Tenements and Hereditaments, Parts, Shares, Estates, Interests, or Charges, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Chancery, 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 to 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 Tenements or Hereditaments, or Part or Parts thereof, or to some Estate or Interest therein or Charge thereon.

Court may order Expenses of Purchase to be paid by Commissioners.

XLII. 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 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 Tenements or other Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expenses of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expenses as the said Court shall deem reasonable, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money out of the Monies applicable to the Purposes of this Act as the said Court shall direct.

When Lands required are subject, with other Lands, to any Rent, the Money paid into the Bank to be laid out in the Purchase of other Estates in lieu of the Lands required.

XLIII. And be it enacted, That where the Money awarded to be paid for any Tenements or Hereditaments which shall be taken for the Purposes of this Act shall be paid into the Bank of *England*, in manner herein-before directed, in consequence of a good Title not having been made to such Tenements or Hereditaments to the Satisfaction of the said Commissioners, or any Person or Persons authorized by them, by reason of the same 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 Tenements or Hereditaments so to be taken, then and in every or any such Case the 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 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; 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 said 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 Tenements and Hereditaments for the Value of which such Money respectively shall have been paid as aforesaid, in the Purchase of other Tenements or Hereditaments, which shall be conveyed and settled (subject, together with such other Tenements or Hereditaments, to such Rent,) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the 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 Tenements or Hereditaments hereby directed to be purchased, in case such Purchase and Settlement were made; and the 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 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 of any Part thereof out of or upon the Tenements or Hereditaments so 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 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 Tenements or Hereditaments, together with the other Tenements or Hereditaments subject thereto; and in the meantime and until such Purchase shall be made it shall be lawful for the said Court of Chancery, 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.

Power to purchase Release of Incumbrances,

XLIV. And be it enacted, That where any Tenements or Hereditaments purchased or intended to be purchased by the said Commissioners shall be subject solely, or jointly with other Tenements or

Hereditaments not intended 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 Tenements or Hereditaments so purchased or intended to be purchased from such Rent, Payment, or Incumbrance, and also (where necessary or convenient) for any Apportionment of such Rent, Payment, or Incumbrance, 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 Tenements or Hereditaments; 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 Tenements or Hereditaments; 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 Tenements or Hereditaments 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 Tenements or Hereditaments purchased or intended to be purchased, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Tenements or Hereditaments jointly subject to the Rent, Payment, or Incumbrance, as herein-before mentioned, according to the respective Values of the Tenements or Hereditaments purchased or intended to be purchased, and of the Tenements or Hereditaments not purchased or intended to be purchased by the said Commissioners; and all Contracts, Conveyances, and Assurances which shall be made by and between or to the said Commissioners and any such Party as aforesaid, respecting such Releases, shall be valid and effectual in the Law, and shall extinguish the whole or a proportionate Part of such Rent, Payment, or Incumbrance (as the Case may be): Provided always, that where the Party entitled to such Rent, Payment, or Incumbrance shall consider the remaining Part of the Tenements or Hereditaments so jointly subject to be a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Tenements or Hereditaments so purchased by the said Commissioners therefrom, then and in such Case it shall be lawful for the Party entitled by this Act or capacitated to apportion such Rent, Payment, or Incumbrance, or to release the Tenements or Hereditaments so purchased therefrom, (with the Consent of the Owner of the Tenements or Hereditaments so purchased, and also of the Owner of the Tenements or Hereditaments so jointly subject as aforesaid,) to release the Tenements or Hereditaments so purchased as aforesaid from the Rent, Payment, or Incumbrance so affecting the same as aforesaid jointly with other Tenements or Hereditaments, on condition or in consideration of such other Tenements or Hereditaments continuing or remaining wholly and exclusively subject to the whole of such Rent, Payment, or Incumbrance, and thereupon such other Tenements or Hereditaments shall in all respects continue so liable, and as if no Part of the Hereditaments charged had been released: Provided also, that when any of the Tenements or Hereditaments purchased by the said Commissioners shall

and to apportion the same.

shall be released from a Part only of any Rent, Payment, or Incumbrance affecting the same jointly with other Tenements or Hereditaments not purchased by the said Commissioners, such last-mentioned 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 Tenements or Hereditaments 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 the Remainder of such Rent, Payment, or Incumbrance, to endorse a Memorandum on such Deed or Instrument, declaring what Part of the 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 have been released, and also declaring the Amount of the Rent, Payment, or Incumbrance which 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.

XLV. And be it enacted, That in all Cases in which a Part only of any Tenements or Hereditaments comprised in any Lease or Agreement for a 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 Tenements or Hereditaments comprised in such Lease or Agreement for Lease shall be apportioned between the Tenements or Hereditaments required for the Purposes of this Act and the Residue of such Tenements and Hereditaments; and such Apportionment shall, in case the same shall not be agreed upon between the Parties, be settled by the Verdict of a Jury, if required, in like Manner as the Price of any 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 shall not be valid without, the Consent of the Lessor from whom such 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 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 Lease or Agreement for Lease as shall have been apportioned in respect of the Tenements or Hereditaments not required for the Purposes of this Act; and the Lessor of the said Tenements or Hereditaments shall have all such and the same Remedies for the Recovery of the Rent so apportioned, in respect of the Tenements or Hereditaments not required for the Purposes of this Act, as before such Apportionment he had or was entitled to in respect of the Rent reserved or agreed to be reserved in such Lease

or

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 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 Tenements or Hereditaments, but no further or otherwise, continue in full Force and Operation.

Mortgagees, upon Tender made by the Commissioners, shall convey their respective Interests.

XLVI. And be it enacted, That all Bodies Politic, Corporate, and Collegiate, Trustee and Trustees, and all other Persons having any Mortgage on any 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 Body or Bodies, Person or Persons, and whether in possession of such Tenements or Hereditaments by virtue of such Mortgage or not, and whether such Mortgage shall affect such Tenements or Hereditaments solely, or jointly with any other Tenements or Hereditaments which shall not 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 secured by or due on such Mortgage, and whether such Principal Money 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 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 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 shall appoint, in trust for Her Majesty; 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 Tenements or Hereditaments, that they will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or any less Number of Calendar Months, to be computed from the Day of giving such Notice, then, at the End of such Six or less Number of Calendar Months, on Payment or Tender by the said Commissioners of the Principal Money and Interest which would become due at the End of Six Calendar Months from the Time of giving such Notice, together with any just Costs then due, such Mortgagees shall convey, assign, and transfer their respective Interests in the 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 such Mortgagees shall refuse to convey, 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 or at the End of Six Calendar Months from the Day 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 or Cashiers of the said Bank to whom such Money shall be paid 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 most Excellent Majesty, Her Heirs and Successors, who shall be deemed to be in actual Possession of the Premises and Estate comprised in such Mortgage, or so much thereof as shall be required for the Purpose of this Act, to all Intents and Purposes whatsoever.

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

XLVII. And be it enacted, That in all Cases in which any Tenements or Hereditaments subject to any Mortgage shall be required for the Purpose of this Act, which Tenements or Hereditaments shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Tenements 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 Tenements or Hereditaments, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Tenements or Hereditaments to be a sufficient Security for the Money 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 Tenements or Hereditaments, or, as the Case may be, of such Part of the said Tenements 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, Trusteee or Trustees, Person or Persons, entitled to the Equity of Redemption of such Tenements 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 Tenements 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 the 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 Tenements or Hereditaments shall become absolutely vested in the Queen's most Excellent 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 Tenements 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 Tenements or Hereditaments originally comprised in such Mortgage: Provided also, that where a Part only of the Tenements or Hereditaments (subject to any Mortgage) shall have been taken for the Purposes of this Act, and the Value of the Tenements or Hereditaments so taken shall, on the Assignment or Conveyance thereof to Her 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 indorsed 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 Tenements or Hereditaments comprised in such Mortgage Deed.

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

XLVIII. And be it enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in possession of any Tenements or Hereditaments, or any Part thereof, which shall be purchased by virtue of this Act, 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 Tenant's holding or not, quit and relinquish the said Premises unto the said Commissioners, or to such Person or Persons as

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 be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Tenements or Hereditaments are herein-before directed to be ascertained, or, if the said Commissioners and the other Parties in difference shall agree thereto, 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 and Persons, Bodies Politic, Corporate, Collegiate, or Ecclesiastical, Corporations Aggregate or Sole, in possession of any Tenements or Hereditaments, or any Part of any Tenements or Hereditaments, which may be purchased in pursuance of this Act, shall, upon Payment or Tender 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 mutually 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 and the said Commissioners; and if any such Tenant at Will or Lessee, or other Person or Persons, Bodies Politic, Corporate, 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 of *Berks* or the said County of *Buckingham* (as the Case may be) to issue his Precept or Warrant to the Constables of such County for the Time being, 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, on behalf of Her Majesty, and the said Constables, and every of them, are and is thereupon hereby authorized and required to cause such Possession to be taken and delivered accordingly: Provided always, that nothing in this Act contained shall prevent or restrain the said Commissioners, whenever they may deem it just and reasonable so to do, from granting Compensation to any Tenant at Will for giving up the Possession of Premises under or by virtue of this Act in any Case where special Injury shall be proved to their Satisfaction.

XLIX. And

Persons capacitated to to sell may agree with Commissioners to refer the same to Arbitration.

XLIX. And be it enacted, That all Persons hereby capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid, 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 shall be in all respects binding and effectual.

Power to clear the Ground, and sell old Materials.

L. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered to pull down or cause to be pulled down all Houses and other Erections and Buildings which shall be purchased by virtue of this Act, or such of them or such Part thereof as they shall think proper to be pulled down, and also to pull down and remove or cause to be pulled down and removed *Datchett Bridge* aforesaid, and to level and clear the Sites thereof respectively, in such Manner as they shall think proper, and to sell or cause to be sold the Materials of the said Houses, Erections, Bridge, and Buildings; and the Monies to be produced by the Sale thereof, after deducting the Expenses of pulling down such Houses, Bridge, and Buildings respectively, and of such Sale or Sales, and also the Rents and Profits of any Tenements or Hereditaments to be purchased by virtue of this Act until the same shall be pulled down, shall be applied towards the Purposes of this Act.

Monies arising from Sale to be applied to the Purposes of this Act.

Materials vested in Her Majesty.

LI. And be it enacted, That the Right and Property of all and every the Stone, Timber, Iron, Gates, Bars, Posts, Rails, Sheds, Carts, Engines, Materials, Implements, Utensils, and Things whatsoever which may be erected and set up or provided by the said Commissioners for executing this Act, or by their Order, or otherwise used by them for carrying the Purposes of this Act into execution, and also any Materials which formed Part of *Datchett Bridge*, or of any Buildings which may be pulled down by Direction of the said Commissioners, in pursuance of the Powers of this Act, shall be vested in Her Majesty; and the said Commissioners, on behalf of Her Majesty, are hereby empowered to dispose of and apply the same for the Purposes of this Act, as they shall think fit.

Penalties may be compounded for.

LII. And be it enacted, That it shall be lawful for the said Commissioners, if they think fit, with the Consent and Approbation of the Lord High Treasurer, or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them, to compound and agree with any Contractor for any Penalty incurred by him for the Breach or Nonperformance of any Contract entered into in pursuance of this Act, for such Sum of Money as the said Commissioners shall think proper, not being less than the Injury or Damage sustained by the Breach or Nonperformance of such Contract, and all Costs, Charges, or Expenses which shall be occasioned thereby.

Deeds, &c. not liable to Stamp Duty.

LIII. And be it enacted, That no Contract, Conveyance, Lease, Deed, or other Instrument, which shall be made, granted, or executed by the said Commissioners, on behalf of Her Majesty, for the Purposes of this Act, nor any Contracts or Agreements, Bonds or other Securities, Assignments, Conveyances, or other Deed or Instrument, which shall be made, entered into, or executed by any Person or Persons to or with the said Commissioners, on behalf of Her Majesty, 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.

Commissioners empowered to raise Ballast, &c. from the Bed of the River.

LIV. And be it enacted, That for the Purpose of forming the intended Roads and Bridges, or either of them, it shall be lawful for the said Commissioners, with the Consent of the Commissioners of the *Thames* Navigation, or their Surveyor for the Time being, to excavate and deepen the Bed of the River *Thames*, where it may be deepened without Injury, and to take away and use any Ballast, Sand, Gravel, Earth, or other Materials which shall be raised from the Bed of the River in executing any such Works.

Owners of Vessels liable for Damage done to the Bridges, &c.

LV. And be it enacted, That in case any Damage or Mischief shall be done to the said Bridges or any of them, or to any of the Works thereof respectively, by any Lighter, Barge, Boat, Float, Raft, or Vessel, through the wilful Negligence of any Person having the Command of any such Lighter, Barge, Boat, Float, Raft, or Vessel, or any of the Persons employed therein, then and in every such Case the Owner of such Lighter, Barge, Boat, Float, Raft, or Vessel shall be and is hereby made answerable for the Amount or Value of any such Damage or Mischief; and the same, provided it shall not exceed the Sum of Twenty Pounds, (if not forthwith paid and satisfied,) shall and may be recovered in such Manner as the Penalties and Forfeitures hereby imposed are in and by this Act directed to be recovered.

Masters to recover from their Servants any Damages paid for their Neglect.

LVI. And be it enacted, That in case the Owner of any such Lighter, Barge, Boat, Float, Raft, or Vessel shall be compelled to pay any Penalty or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed by his Servants or any of them, such Servants, and each and every of them, shall be liable to pay such Penalty or Damages (with the Costs thereof) to such Owner; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner of the Payment made by him of such Penalty, Satisfaction, or Damages, and that the same, and the Costs thereof, have not been repaid to him by such Servants, or Mariners, or any of them, although demanded, (such Oath to be made before any One or more Justice or Justices of the Peace of the County or Place where such Penalty or Satisfaction shall have been recovered,) the Amount thereof, provided the same shall not exceed the Sum of Twenty Pounds, shall be recovered in the same Manner as any Penalty is hereby directed to be recovered.

Penalty for Obstructions to Passengers.

LVII. And be it enacted, That if any Person shall wilfully occasion any Obstruction, Annoyance, or Hindrance to any Description of Passengers on or along the said Bridges respectively, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make satisfaction to the Party injured for the Damage so done as aforesaid, which Satisfaction shall be recovered as Part of and in the same Way as the said Penalty is by this Act authorized to be recovered; and if any such Injury as aforesaid shall be done negligently or by Accident, the Person doing or causing the same shall make satisfaction to the Party injured, which shall and may be

recovered in the same Manner as Penalties are by this Act directed to be recovered.

Damages and Charges, in case of Dispute, to be settled by Two Justices.

LVIII. And be it enacted, That in all Cases wherein Damages or Charges in respect of Acts or Offences done or committed upon or relating to the said Bridges or either of them are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be ascertained and determined by some Two or more Justices of the Peace of the County of *Berks* or of the County of *Buckingham* (such Justices not being interested in the Matters in question); and where by this Act any Damages or Charges are directed to be paid, in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof, or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels in manner by this Act directed for levying of any Penalties or Forfeiture.

Recovery and Application of Penalties.

LIX. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not herein otherwise particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some One or more Justice or Justices of the Peace for the said County of *Berks* or for the said County of *Buckingham*, on Complaint to him or them for that Purpose made, and afterwards to be levied, as well as the Costs, if any, of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justice or Justices; and the Overplus, if any, of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expenses as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures, not herein directed to be otherwise applied, shall be paid, One Half to the Informer, and the Remainder to Her Majesty, Her Heirs and Successors; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices and he and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his Appearance before such Justice or Justices, or before some other Justice or Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress, such Time not being more than Three Days from the taking of such Security, and which Security any of the said Justice or Justices are hereby empowered to take by way of Recognizance or otherwise; but in case upon Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures, and such Costs and Expenses

Expenses as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses could be levied if a Warrant of Distress should be issued, (in which last-mentioned Case such Justice or Justices shall not be required to issue such Warrant of Distress,) then and in either of such Cases such Justice or Justices are hereby required, by Warrant under his or their Hands and Seals, to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or until such Offender shall otherwise be discharged by due Course of Law.

Justices may proceed by Summons in the Recovery of Penalties.

LX. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom any Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons, without Information in Writing or in Print, shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For securing Offenders whose Names and Residences are unknown.

LXI. And be it enacted, That it shall be lawful for any Officer or Agent of the said Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and all such Persons as he shall call to his Assistance, to seize and detain any Person whose Name and Residence shall be unknown to such Officer or Agent, and who shall commit any Offence against this Act, and to convey him before some Justice of the Peace for the said County of *Berks* or the said County of *Buckingham*, without any other Warrant or Authority than this Act; and such Justice is hereby empowered and required to proceed immediately to the hearing and determining of the Complaint.

Forms of Information and Conviction.

LXII. And be it enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information (whenever an Information shall be taken in Writing or in Print) and the Conviction respectively to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Information.

' } BE it remembered, That on the
' to wit. } Day of *A. B.* of
' informeth us, *C.D.* and *E.F.*, Two of Her Majesty's Justices of the
' Peace

'Peace for the County of that *G. H.* of
' [*here describe the Offence, and the Time and*
' *Place when and where committed*], contrary to an Act passed in
' the Eleventh and Twelfth Years of the Reign of Her Majesty Queen
' Victoria, intituled [*here insert the Title of this Act*], which hath
' imposed a Forfeiture of for the said Offence. Taken
' the Day of before us,
' *C.D.*
' *E.F.*'

' } BE it remembered, That on the Day of Conviction.
' to wit. } in the Year of our Lord
' *G.H.* is convicted before us, *C.D.* and *E.F.*, Two of Her Majesty's
' Justices of the Peace for the County of [*here describe*
' *the Offence, and the Time and Place when and where committed*],
' contrary to an Act passed in the Eleventh and Twelfth Years of
' the Reign of Her Majesty Queen Victoria, intituled [*here insert*
' *the Title of this Act*]. Given under our Hands and Seals, the
' Day and Year first above written. ' *C.D.*
' *E.F.*'

LXIII. And be it enacted, That in all Cases in which Justices of the Peace are authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter of Complaint, it shall be lawful for such Justices and they are hereby required to administer an Oath or to receive the Affirmation of any Person before such Persons shall be examined by or before such Justices. Power to Justices to administer Oaths.

LXIV. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse to be examined upon Oath, or, in the Case of a Quaker or Separatist, on Affirmation, to give Evidence before such Justices, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence. Penalty on Witnesses refusing to attend and give Evidence.

LXV. And be it enacted, That the said Commissioners, and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions, as follows, (that is to say,) as regards any Order, Judgment, or Determination of any Justices of the Peace for the said County of *Berks*, to the General or Quarter Sessions to be held for the said County of *Berks*, and as regards any Order, Judgment, or Determination of any Justices of the Peace for the said County of *Buckingham*, to the General or Quarter Sessions to be held for the said County of *Buckingham*, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, Persons aggrieved may appeal to Quarter Sessions.

to the Party against whom such Complaint is intended to be made, and forthwith after such Notice, in the Case of an Individual appealing, entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the same Justices shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the hearing thereof to the following General or Quarter Sessions of the Peace, and may, if they see Cause, mitigate or release any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Declaring what shall be good Service of Notice on the Commissioners.

LXVI. And be it enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice or any Proceeding at Law or in Equity, upon the said Commissioners, leaving the same at the Office of the said Commissioners shall be deemed good and sufficient Service of the same respectively on the said Commissioners.

Declaring what shall be good Service by the Commissioners.

LXVII. And be it enacted, That in all Cases in which it may be necessary for the said Commissioners to serve any Summons or Demand, or any Notice or other Proceeding at Law or in Equity, upon any Person or Corporation, under the Provisions of this Act, personal Service thereof respectively upon such Person, or upon some Member, or upon the Clerk or any other Officer of such Corporation, or delivering the same to some Inmate of the last or usual Place of Abode of such Person, or of such Member, Clerk, or other Officer, shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be): Provided always, that every Summons, Demand, or Notice, or other Document requiring Authentication by the said Commissioners, may be signed by any Two of the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings.

Distress not unlawful for Want of Form.

LXVIII. And be it enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage by an Action upon the Case.

Proceedings not to be quashed for Want of Form.

LXIX. And be it enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceeding whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

LXX. And

Persons giving false Evidence guilty of Perjury.

LXX. And be it enacted, That all Persons who upon any 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 and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Plaintiff not to recover without Notice or after Tender of Amends.

LXXI. Provided always, and be it enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Twenty-one Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover if Tender of good and sufficient Amends shall have been made to him, her, or them, or his or their Attornies, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any other Case by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

LXXII. Provided always, and be it enacted, That no Action or Suit shall be brought or prosecuted against the Commissioners for executing this Act, or against any other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act, after Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages then after Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards; and every such Action or Suit shall be laid and brought in the Liberty or County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may, at his or their Election, plead specially or plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall have been brought after Twenty-one Days Notice shall have been given, or after a sufficient Satisfaction made or tendered as aforesaid, or shall be brought

brought in any other County or Place than as aforesaid, then and in every such Case the Jury or Juries shall find for the Defendant or Defendants.

Saving the Rights of Her Majesty, &c.

LXXIII. And be it enacted, That nothing contained in this Act shall be deemed or construed to extend, either directly or by Implication, or otherwise, to prejudice or affect any Right of Property or Title belonging to Her Majesty, Her Heirs or Successors, or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Receipts of Two of the Commissioners of Woods, &c. to be Discharges.

LXXIV. And be it enacted, That Receipts in Writing, signed by any Two of the said Commissioners, for any Monies payable to the said Commissioners under or by virtue of this Act, shall be good and sufficient Discharges to the Person or Persons paying the same.

Commissioners exempted from personal Responsibility in discharge of their Duties under this Act.

LXXV. And be it enacted, That nothing in this Act, or in any Conveyance, Contract, Lease, or other Deed or Instrument hereby authorized to be entered into or made by the said Commissioners, shall extend to charge the Person or Persons of all or any of the said Commissioners executing any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Heirs, Executors, or Administrators of the said Commissioners, or any of them, 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 Conveyance, Contract, Lease, or other Deed or Instrument contained on the Part of the said Commissioners, or any of them, but the Amount of all Costs, Charges, Damages, or Expenses which shall or may be recovered in any Suit or Suits at Law or in Equity against them the said Commissioners or any of them, or against their or any of their Heirs, Executors, or Administrators, for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or Instrument, or the Covenants, Conditions, or Agreements therein contained, and also all the Costs, Charges, and Expenses which the said Commissioners shall bear, pay, expend, or be put to, or which shall be occasioned to them, for or by reason or means of any such Conveyance, Contract, Lease, or other Deed or 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 applicable to the Purposes of this Act.

Meaning of "the said Commissioners."

LXXVI. And be it enacted, That the Expression "the said Commissioners" shall for the Purposes of this Act mean the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, acting for and on behalf of the Queen's most Excellent Majesty.

Public Act.

LXXVII. 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

The SCHEDULE to which the foregoing Act refers.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
	The Parish of New Windsor in the County of Berks.			
	Public Highway called Sheet Street.	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
2	Pasture - -	The Crown - -	- - -	Francis Woolhouse; William Weston.
3	Long Walk - -	The Crown.	—	—
4	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
5	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
6	Meadow - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
7	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
8	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
9	The Bourne Ditch -	The Crown.	—	—
14	Plantation - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
15	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
16	Pasture and Ditch -	The Crown - -	- - -	Charles Seward Cantrell the younger.
17	Arable - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
18	Pasture and Towing Path.	The Crown; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	Charles Seward Cantrell the younger; the Navigation Commissioners of the Rivers Thames and Isis.
19	Waste and Ditch -	The Crown - -	- - -	John Thomas Gough.
20	Public Highway called Datchet Road.	The Crown.	—	—
21	Pasture - -	The Crown - -	- - -	John Thomas Gough.
22	The Bed of the River Thames.	The Crown; the Earl of Harewood; the Provost and College Royal of the Blessed Mary at Eton; the Navigation Commissioners of the Rivers Thames and Isis.	- - -	The Navigation Commissioners of the Rivers Thames and Isis, the Provost and College Royal of the Blessed Mary at Eton, and the Public.
75	Datchet Bridge -	The Magistrates of Berks; George Bowes Morland, Clerk of the Peace for Berks.	—	—

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
76	Tenement called the Angel and Crown Public House.	The Crown	-	John William Willer.
77	Garden between Datchet Road and the Park Wall.	The Crown	-	John William Willer.
78	Towing Path	The Crown; the Navigation Commissioners of the River Thames and Isis.	-	The Navigation Commissioners of the Rivers Thames and Isis, and the Public.
79	Public Highway called Datchet Lane.	The Crown; the Commissioners for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
80	Pasture	The Crown	-	John Thomas Gough.
81	Pasture	The Crown	-	Robert Richard Tighe.
83	Park Wall	The Crown, and the Dean and Canons of Windsor.	-	The Crown, and the Dean and Canons of Windsor.
84	Garden Bank, Walls, and Steps.	The Dean and Canons of Windsor.	-	The Dean and Canons of Windsor.
85	Pasture Land, Stables, Harness House, and Passage.	The Crown	-	The Crown.
86	Plantation or Slope	The Crown	-	The Crown.
87	Stables, Coach-houses, Yard, and Shed.	The Dean and Canons of Windsor.	-	The Dean and Canons of Windsor.
88	Open Space or Way	The Crown, and the Dean and Canons of Windsor.	-	The Crown, and the Dean and Canons of Windsor.
89	Tenement, 71, Thames Street.	The Dean and Canons of Windsor.	-	William Miller.
90	The Hundred Steps and Walls.	The Crown.	—	—
91	Tenement and Garden, 72, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	-	Catherine Hopgood.
92	Tenement and Garden, 73, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	-	John Curtis.
93	Tenement, 74, Thames Street, the Crispin Public House.	John Deacon	-	William Bayliss.
94	Tenement and Garden, 75, Thames Street.	John Kimball	Henry Hall	Henry Hall and Henry Hall junior.
95	Tenement and Garden, 76, Thames Street.	John Kimball	Henry Hall	John Powell.
96	Tenement and Garden, 77, Thames Street.	George Gray Coules	George Pooley	George Pooley.
97	Tenement and Stable, 78, Thames Street.	George Gray Coules	George Pooley	George Pooley.
98	Icehouse and Entrance, Back of No. 78, Thames Street.	George Gray Coules	George Pooley	William Knock.
99	Tenements, 79 and 80, Thames Street.	Charles Phillips	George Gray Coules.	George Gray Coules.
100	Vacant Ground	The Crown.	—	—

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
101	Tenement and Garden, 86, Thames Street.	The Provost and College Royal of the Blessed Mary at Eton.	George Gray Coules; Walter Palmer.	Walter Palmer.
102	Tenements and Garden, 87, Thames Street.	Henry Lawrence -	Robert Sidwell	Robert Sidwell.
103	Tenements and Garden, 88, Thames Street.	The Crown - -	- - -	Empty.
104	Tenement and Garden, 89, Thames Street.	The Crown - -	- - -	Empty.
105	Tenements and Garden, 90, Thames Street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills, and Joseph Sidenham.	- - -	Joseph Pearce.
106	Tenements and Garden, 91, Thames Street.	Mercy Sawyer, William Mills, Thomas Mills, Ann Mills, and Joseph Sidenham.	- - -	John Wicks.
107	Vacant Ground -	The Crown.	—	—
108	Tenements and Garden, 100, Thames Street.	The Crown - -	- - -	Charles George Sharpley.
109	Tenements and Garden, 101, Thames Street.	The Crown - -	- - -	George Weight.
110	Tenements and Garden, Sheds and Yard, 102, Thames Street.	The Crown - -	Frederick King Copeland.	Frederick King Copeland.
111	Tenements and Garden, 103, Thames Street.	The Crown - -	- - -	Empty.
112	Tenements and Garden, 104, Thames Street.	The Crown.	—	—
113	Vacant Ground -	The Crown.	—	—
119	Tenements and Garden, 111, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
120	Tenements and Garden, 112, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
121	Tenement and Garden, 113, Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
122	Tenement and Garden, 38, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	—
123	Tenement and Garden, 39, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown.	John Lovegrove.
124	Tenement and Garden, 40, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	James Alder.	James Alder; Charles Alder.
125	Tenements and Garden, 41, High Street.	The Crown - -	William Brown Holderness.	Adolphus Frederick Millns.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
126	Tenements and Garden, 42, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Cox; Thomas Clark.	John William Stevens Potter.
127	Tenements and Garden, 43, High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	James Church; Thomas Wooldridge.	Thomas Wooldridge.
128	Ground or Moat, and Iron Railing.	The Crown - -	- - -	The Crown.
129	The public Highway called High Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - -	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the Public.
130	The public Highway called Thames Street.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor; the Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	- - -	The Commissioners for the better paving, lighting, cleansing, and watching the Streets and Lanes in the Parish and Borough of New Windsor, and the Public.
132	Public Highway -	The Crown; the Commissioners for the better paving, cleansing, lighting, and watching the Streets and Lanes in the Parish and Borough of New Windsor.	—	—
133	Tenements and Garden called Waterloo Gate Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	The Crown -	Charles William Marr.
134	Tenements and Garden called the Windsor Castle Beer-house.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	Thomas Ashby; Charles Ashby; Frederick Ashby; Morris Ashby.	William Dean.
135	Tenements, Sheds, Stables, and Yard called the Hope Inn.	John Deacon - -	- - -	Charles James Byles.
136	Tenement, Garden, and Sheds, No. 1, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules.	Henry Pickman.
137	Tenement and Garden, No. 2, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules.	Empty.
138	Tenement and Garden, No. 3, Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules.	William Sharratt.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
139	Footway to Hope Cottages.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	George Gray Coules.	George Gray Coules, Henry Pickman, Allan Ogg, and William Sharratt.
140	Public Footway to the Long Walk from Frogmore Road.	The Crown.	—	—
141	Garden - -	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Tull -	John Tull.
142	Tenement and Garden called the Lammas Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	William Seabrook.
143	Tenement and Garden called Rose Cottage.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Ball and Mary Rowley.	Mary Rowley.
144	Tenement and Garden, Sheds and Stables.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	John Caley -	John Caley.
145	Carriage Entrance to Shaw Farm.	The Crown - -	- - -	Charles Seward Cantrell the younger.
146	Tenement and Garden, 1, Park Place.	William Liverd -	- - -	Thomas Cobden.
147	Tenement and Garden, 2, Park Place.	William Liverd -	- - -	Mary Doddemede.
148	Tenement and Garden, 3, Park Place.	William Liverd -	- - -	John Hill.
149	Tenement and Garden, 4, Park Place.	William Liverd -	- - -	Jesse Hollis.
150	Tenement and Garden, 5, Park Place.	William Liverd -	- - -	Joseph Watson.
151	Shed - -	William Liverd -	- - -	William Liverd.
152	Footpath to Park Place.	William Liverd -	- - -	William Liverd; Thomas Cobden; Mary Doddemede; John Hill; Jessie Hollis; Joseph Watson.
153	Tenements and Garden, 1, King's Road.	William Liverd -	- - -	William Liverd.
154	Tenements and Garden, 2, King's Road.	William Liverd -	- - -	John Cantell.
155	Tenements and Garden, 3, King's Road.	William Liverd -	- - -	Henry Gibbs.
156	Tenements and Garden, 4, King's Road.	William Liverd -	- - -	George Ogilwy.
157	Tenements and Garden, 5, King's Road.	Henry Brown - -	- - -	Robert Logan.
158	Passage, Yard, Washhouse, Sheds, and Dust Bin.	William Liverd -	- - -	William Liverd; Thomas Cobden; Mary Doddemede; John Hill; Jessie Hollis; Joseph Watson; John Cantell; Henry Gibbs; George Ogilwy; Robert Logan.
159	Tenements, Sheds, and Yard called the Pheasant Beerhouse.	Francis Woolhouse -	- - -	Henry Woolhouse.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
160	Sheds and Part of Timber Yard.	Charles Seward Cantrell senior.	- - -	Francis Woolhouse and Henry Woolhouse.
161	Yards, Sheds, and Tenements.	The Mayor, Aldermen, and Burgesses of the Borough of New Windsor.	Charles Seward Cantrell senior.	Francis Woolhouse and Henry Woolhouse.
162	The Magpie Stile and public Footpath.	The Crown.	—	—
163	Public Footpath from Datchet Bridge across the Home or Little Park to Frogmore Road.	The Crown.	—	—
	The Parish of Old Windsor in the County of Berks.			
9 *a*	The Bourne Ditch -	The Crown.	—	—
10	Arable - -	The Crown.	—	—
10 *a*	Meadow - -	John Sturgess - -	- - -	Charles Seward Cantrell the younger.
10 *b*	Cottage and Garden	John Sturgess - -	- - -	Henry Smithers.
11	Pasture - -	The Crown - -	- - -	Charles Seward Cantrell the younger.
12	Occupation Road -	The Crown - -	- - -	Charles Seward Cantrell the elder; Charles Seward Cantrell the younger.
13	Public Highway from New Windsor to Old Windsor.	The Surveyors of Highways for the Parish of Old Windsor.	—	—
	The Parish of Datchet in the County of Buckingham.			
23	The Bed of the River Thames.	The Crown; the Earl of Harewood; the Duke of Buccleugh; the Provost and College Royal of the Blessed Mary at Eton; the Commissioners of the Navigation of the Rivers Thames and Isis.	—	—
24	Osier Beds or Aite -	The Earl of Harewood -	- - -	Henry Newman.
25	Arable - - -	The Earl of Harewood -	- - -	William Statham.
26	Pasture - -	The Earl of Harewood -	- - -	William Statham.
34	Footpath - -	The Earl of Harewood -	James Boykett Jarman; William Statham.	James Boykett Jarman.
35	Pasture - -	The Earl of Harewood -	William Statham; James Boykett Jarman.	James Boykett Jarman.
36	Pasture - -	The Earl of Harewood -	William Statham; James Boykett Jarman.	James Boykett Jarman.
37	Pasture - -	The Rev. Isaac Gossett; John Willis Goodwin; John Fowler; Thomas Goodwin; Robert Styles.	James Pearce -	James Pearce.
38	Pasture - -	The Churchwardens and Overseers of the Parish of Datchet.	George Cooper	George Cooper.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
39	Pasture - -	The Trustees of Ralph Goodwin, deceased, James Willis Taylor, and others.	William Statham.	William Statham.
40	Pasture - -	Haydock James Haydock.	James William West.	James William West.
41	Pasture - -	James Boykett Jarman -	- - -	James Boykett Jarman.
42	Pasture - -	The Earl of Harewood -	- - -	Henry Newman; James Boykett Jarman.
43	Osier Beds and Aite -	The Duke of Buccleugh	- - -	Henry Newman.
44	Stream or Fishery -	The Duke of Buccleugh	- - -	Henry Newman.
45	Pasture - -	The Duke of Buccleugh	- - -	Henry Newman.
46	Pasture - -	George Ingall - -	- - -	James William West.
47	Arable - - -	John Willis Goodwin -	- - -	Ralph Willis Goodwin.
48	Tenement and Garden	John Willis Goodwin -	- - -	James Aslin.
49	Pasture - -	The Earl of Harewood -	John Willis Goodwin; Ralph Willis Goodwin.	Ralph Willis Goodwin.
50	Pasture and Landing Place.	The Duke of Buccleugh	John Deacon -	John Lipscombe.
51	Public Footpath -	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles, or the Surveyors of the Highways of the Parish of Datchet.	—	—
52	Public Roadway -	The Surveyors of the Highways of the Parish of Datchet.	—	—
53	Tenement, Garden, and Premises.	Haydock James Haydock	Mary Ann Sturgess.	Mary Ann Sturgess; Mary Fortnum.
54	Landing Place -	The Surveyors of the Highways of the Parish of Datchet.	—	—
55	Tenements, Garden, and Outbuildings, Stables, Yard, and Premises.	Haydock James Haydock	James William West.	James William West.
56	Garden - -	George Cooper -	- - -	George Cooper.
57	Dwelling House, Tenement, Yard, Malthouses, Sheds, and Outbuildings.	George Cooper -	- - -	George Cooper.
58	Garden, Tenement, and Sheds.	George Cooper -	- - -	George Cooper.
59	Dwelling House, Tenement, Garden, Sheds, and Outbuildings.	Duke of Buccleugh -	- - -	Henry Newman.
60	Entrance Gate, Fence, and waste Ground, with public Footpath to Eton and Slough Road.	The Reverend Isaac Gossett, John Willis Goodwin, John Fowler, Thomas Goodwin, Robert Styles, or the Surveyors of the Highways of the Parish of Datchet.	—	—
61	Tenement and Garden	Duke of Buccleugh -	- - -	George Cooper.
61*a*	Arable Land -	Duke of Buccleugh -	- - -	George Cooper.
62	Pasture, Sheds, and Garden.	Duke of Buccleugh -	- - -	Henry Newman.

No. on Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
63	Pasture - -	Duke of Buccleugh -	- - -	Henry Newman.
64	Stream or Fishery -	The Earl of Harewood	- - -	Henry Newman.
65	Osier Bed or Aite -	The Earl of Harewood	- - -	Henry Newman.
66	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
67	Arable - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
68	Pasture	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
69	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
70	Tenement and Garden	Charles Steward; Reverend Russell Richards.	- - -	George Vincent.
71	Pasture -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
72	Arable -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
73	Pasture - -	The Dean and Canons of the King's Free Chapel of St. George within his Castle of Windsor.	Charles Steward; Reverend Russell Richards; John Thomas Stroud.	John Thomas Stroud.
74	Osier Beds - -	The Earl of Harewood -	- - -	Henry Newman.
75a	Datchet Bridge -	The Magistrates of Bucks; Acton Tindal, Clerk of the Peace for Bucks.	—	—

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1848.