Intents and Purposes as the Representatives of the said late Doctor *George de la Poer Beresford* could by Law have raised, levied, and recovered the same from or against his immediate or subsequent Successor, or the Revenues of the said Bishopric of *Kilmore*, if the said Doctor *George de la Poer Beresford* had survived the said Doctor *John Leslie*, and the said Doctor *John Leslie* had not become Bishop of the said united Bishoprics.

No Bishop succeeding to any Bishopric united by the Operation of the said Act shall be taken to be a Successor therein so as to make him liable to the Tax on Spiritual Persons succeeding to Ecclesiastical Dignities or Preferments under recited Act.

IV. 'And whereas Doubts have arisen whether the said 'Doctor *John Leslie* as Bishop of the united Bishoprics of *Kil-* 'more, *Elphin*, and *Ardagh*, and other the Bishops who at the 'Time of the passing of the said recited Act were Bishops of the 'several Bishoprics mentioned in the said Schedule (B.) to the 'same Act annexed, and for the Union of which Bishoprics 'respectively Provision was made thereby, are not after such 'Union liable to the Tax chargeable by the same Act: And 'whereas it was not intended by the said recited Act that the 'said Doctor *John Leslie* and other the Bishops aforesaid should 'be subjected to any pecuniary Loss or Charge by reason of 'such Union;' be it therefore enacted and declared, That neither the Income of the said Doctor *John Leslie* nor of any such other Bishops aforesaid being or becoming the Bishop or Bishops of any Bishoprics united by force and operation of the said recited Act is or are or shall be, during his or their Incumbency or respective Incumbencies of such united Bishoprics, liable for the Payment of the said Tax or Rate or Assessment chargeable under the Provisions of the said recited Act, nor are, is, or shall be bound or called upon to make the Returns required by the same Act for the Purpose of enabling the said Commissioners to compute and impose the same Tax or Rate or Assessment.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LVIII.

An Act to enable Her Majesty to acquire Lands for the Enlargement of Her Majesty's Dock Yards and for other Naval Purposes. [17th *August* 1843.]

'WHEREAS it has become necessary and expedient that 'Her Majesty should be enabled to acquire Lands for 'enlarging the Naval Arsenals of the Kingdom, and for other 'Public Purposes connected with the several Departments 'under the Management or Control of the Lord High Admiral 'or the Commissioners for executing the Office of Lord High 'Admiral of the United Kingdom, but on account of Difficul- 'ties which have arisen and may arise in attaining that Object 'the same cannot be effected without the Aid and Authority 'of Parliament;' be it therefore 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 the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being shall be and they are hereby appointed Commissioners for carrying the Purposes of this Act into execution; and all Acts, Deeds, Matters, and Things to be done or executed by the said Commissioners in pursuance or under the Authority of this Act may be done or executed by any Two of them, and the same shall be as valid and effectual as if done or executed by all the said Commissioners.

Appointment of Commissioners.

Quorum.

II. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby empowered, at any Time or Times and from Time to Time, to contract for and purchase any Lands within the United Kingdom of *Great Britain* and *Ireland*, and any subsisting Estates, Leases, Terms, Shares, and Interests therein, which they may consider requisite for the Public Service of their Department; and that all Lands so purchased by them shall be and become vested in the said Commissioners for the Time being in Trust for Her Majesty, Her Heirs and Successors, for the Public Service, to the Intent and so that the same may remain vested in the said Commissioners for the Time being in the same Manner and for the same Purposes and be subject to the same Powers as the Lands mentioned or referred to in the Act passed in the Second Year of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments,* are vested in them under or by virtue of the same Act.

Commissioners may purchase Lands, which, when purchased, are to be vested in the Commissioners in Trust for Her Majesty.

2 & 3 W. 4. c. 40.

III. And be it enacted, That it shall be lawful for the said Commissioners and for their Surveyor or Surveyors, Officers, and Workmen, at any Time or Times during the Day, upon giving Seven Days Notice in Writing for the first Time, and afterwards from Time to Time Forty-eight Hours Notice in Writing, such respective Notices to be given either to the Owner or the Occupier of the Lands in question, or to be left at the same Lands, to enter into and upon any Lands within the United Kingdom of *Great Britain* and *Ireland* for the Purpose of surveying and valuing the same Lands, without being deemed Trespassers, and without being subject or liable to any Fine, Penalty, or Punishment on account of entering or continuing upon the said Lands or any Part or Parts thereof for the Purposes aforesaid: Provided always, that nothing in this Act contained shall extend to authorize the said Commissioners or any Person acting under them to enter upon or to take without the Consent of the Owner any Land which shall not be situated within Seven hundred Yards from the Boundary of the Naval Establishment under the Control of the said Commissioners at *Woolwich, Sheerness, Chatham, Portsmouth, Gosport, Devonport,* and *Pembroke:* Provided also, that the Powers to purchase and convey under this Act shall cease and determine

Commissioners may enter upon Lands for the Purpose of surveying and valuing them.

determine at the Expiration of Seven Years from the Date of the passing of this Act: Provided also, that all Land which shall be taken under the Authority of this Act shall, after the same shall have been so taken, remain and be liable to the Assessment to the Land Tax in the same Manner as it would have been liable had it not been so taken, notwithstanding the Occupation thereof for public Purposes.

Powers to Persons having qualified Interests to sell.

IV. And be it enacted, That it shall be lawful for all Persons, 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, 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 beyond the Seas, and also for all Tenants for Life or for Years absolute or determinable on any Life or Lives or otherwise, and all Persons having any other Description of 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 Persons entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons, whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting and selling, and for all Guardians on behalf of their respective Wards, Husbands on behalf of their respective Wives, Committees on behalf of the Persons of whose Estates they shall be Committees, and the Heirs, Executors, Administrators, and Issue of such Wards, Wives, or Persons respectively, and for all Femes Covert entitled in their own Right to any such Lands, 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 absolute or determinable on any Life or Lives or otherwise, or shall have any other Description of 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 the Sale, and have sold the same Lands or any of them, and for all and every other Persons and Person whomsoever who are, is, or shall be seised or possessed of or interested in all or any of the said Lands, or entitled to any subsisting Estates, Leases, Terms, Shares, and Interests therein, which the said Commissioners shall think necessary for the Public Service, to contract and agree with the said Commissioners for the absolute Sale to them of all or any of the said Lands, and all Estates and Interests therein, and to convey the same and the Fee Simple thereof to the said Commissioners for such Compen-

sation, Equivalent, or Satisfaction in Money or Lands, or any Estate or Interest in Lands, or partly in Money and partly in Lands, or any Estate or Interest in Lands, as to the contracting Parties shall seem expedient and reasonable; and all Contracts, Agreements, Acts, Conveyances, and Deeds which shall be made or executed by such contracting, selling, and conveying Persons as aforesaid shall be as valid and effectual as if such Persons were the absolute Owners and seised in Fee Simple of the Lands so conveyed by them respectively; and such Persons are hereby indemnified for or in respect of any such Sale which they shall respectively make by virtue or in pursuance of this Act.

Commissioners may exchange Lands with other Public Departments

V. Provided always, and be it enacted, That it shall be lawful for the said Commissioners to give in exchange for any Lands to be taken for the Purposes of this Act any Lands in the same Parish belonging to Her Majesty, although vested in any other Department of Her Majesty's Government, with the previous Consent of that Department, notwithstanding any thing contained in an Act passed in the Thirty-first Year of the Reign of His Majesty King *George* the Second, intituled *An Act for vesting certain Messuages, Lands, Tenements, and Hereditaments for the better securing His Majesty's Docks, Ships, and Stores at* Portsmouth, Chatham, *and* Plymouth, *and for the better fortifying the Town of* Portsmouth *and Citadel at* Plymouth, *in Trustees for certain Uses; and for other Purposes therein mentioned* or in any other Act whatsoever.

31 G. 2. c. 39.

Compensation may be received for Lands, &c., and in case of Dispute shall be settled by a Jury.

VI. And be it enacted, That all Persons herein-before capacitated to contract for and sell and convey any such Lands as aforesaid, and any Owner or Owners thereof or of any Share or Interest therein or Charge thereon, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Persons, Owner or Owners, and also any Tenant or Tenants or other Occupier or Occupiers of any such Land entitled to any Compensation for Tenants Fixtures, or for any Good-will or Improvements, or for any Injury or Damage which shall be sustained on account of the Execution of this Act or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between them respectively and the said Commissioners; and in case the said Commissioners and the Parties interested in such Lands or Fixtures, Good-will or Improvements, or sustaining any such Injury or Damage as aforesaid, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled by a Jury in manner herein-after directed.

Before the Expiration of Three Months after Notice by the Commissioners of their Intention to purchase, all Parties interested to send in

VII. And be it enacted, That before the Expiration of Three Calendar Months next after Notice in Writing from the said Commissioners for the Time being or their Secretary, or from their Agent duly authorized, of the Intention to purchase, take, or use any Lands for the Purposes of this Act, shall have been given to the Persons hereby or otherwise capacitated to sell, or to their Officer or Agent, or to the Person who shall

u Statement of their Claim.

be the Owner of such Lands, or, in case he cannot be found or ascertained, left at his usual or last known Place of Abode, or with the Tenant or Occupier of the same Lands, or shall be affixed upon the same Premises, (and for the Purposes of this Act any Person hereby capacitated or otherwise enabled to sell shall be held to be the Owner of such Lands,) all Owners and other Persons seised, possessed of, or interested in or authorized by this Act or otherwise to accept and receive Satisfaction or Recompence for the Value of the same Lands, or any Estate, Share, or Interest therein or Charge thereon, or having or claiming to be entitled to any Compensation for any Good-will or Improvements, or for Fixtures, or for Injury or Damage sustained on account of the Execution of this Act or in anywise relating thereto, shall deliver or cause to be delivered to the said Commissioners, by leaving the same at the Admiralty, *Whitehall*, and also at the Office of the Solicitor of the Admiralty for the Time being, a Statement in Writing of the Particulars of the Estate, Share, Interest, Charge, Fixtures, Good-will, or Improvements which they claim to be entitled to or to Compensation for, and of the Injury and Damage sustained by them, and of the Amount of Money which they may be willing to receive for the Sale and in Satisfaction of such their Estate, Share, and Interest, Claim, and Demand as aforesaid: Provided always, that no Lands or Hereditaments shall be taken under the Provisions of this Act without the Consent of the Owner or Owners thereof, or of some Person acting on their Behalf, unless the Expediency of taking the same shall be first declared in Writing under the Hands of Two of the said Commissioners.

In Cases of Refusal to treat or Parties not agreeing on Compensation, &c. the Commissioners may authorize the Sheriff to summon a Jury to determine the Value.

VIII. And be it enacted, That if any Person hereby or otherwise capacitated to sell Lands so required by the said Commissioners, or interested in any Share or Shares, Estate or Estates therein, or Charge or Charges thereon, or in any Good-will, Improvements, or Fixtures, or Damages, 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 for the Sale and Disposal of their respective Estates and Interests therein, or the respective Estates and Interests which they are hereby respectively capacitated to sell, or for Compensation for any such Good-will, Improvements, Fixtures, or Damages as aforesaid, 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, to the Satisfaction of the said Commissioners, or shall, by reason of any Impediment or Disability not provided for by this Act, be incapable of effectually making such Agreement or Sale thereof, or in any other Case where Agreement for Compensation for any Good-will, Improvements, or Fixtures, or for Damages incurred in the Execution of this Act, cannot be made, or if the said Commissioners shall not be apprized to their entire Satisfaction who is the Person entitled or by this Act capacitated to sell, then and in every or any

any such Case the said Commissioners are hereby authorized at any Time or Times and from Time to Time to issue a Warrant under their Hands to the Sheriff or Sheriff Depute of the County, Stewartry, City, or Place in which the Lands required for the Purposes of this Act may be situate, requiring him to summon, return, and impannel, and the said Sheriff or Sheriff Depute is hereby accordingly empowered and required to summon, return, and impannel, a Jury of not less than Twenty-four sufficient and indifferent Men, qualified according to Law to serve on Special Juries, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland*, according to the Situation of the Lands required; and the Persons so to be summoned, returned, and impannelled are hereby required to appear before the said Sheriff, or his Under Sheriff or Sheriff Depute, at such Time and Place within the said County, Stewartry, City, or Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of the Persons so to be summoned, returned, and impannelled, or out of such of them as shall appear, a Jury of Twelve Men shall be impannelled by the said Sheriff, Under Sheriff, or Sheriff Depute, or by some Person to be by One of them appointed, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Sheriff Depute is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question; and such Sheriff, Under Sheriff, or Sheriff Depute respectively shall order and cause the said Jury to view the Places in question, if there be Occasion, and shall and may use all such other lawful Ways and Means, as well for his own as for the Jury's better Information, as shall be requisite in the Premises; and such Jury shall, upon their Oaths, or upon such Affirmations as the Law has substituted or may substitute for an Oath in certain Cases, (which Oaths and Affirmations, as well as the Oaths and Affirmations of all Persons who shall be called upon to give Evidence, the said Sheriff, Under Sheriff, or Sheriff Depute is hereby empowered and required to administer and receive,) inquire of and assess and give a Verdict for the true and real Value or Amount of the Estates or Interests, Good-will, Improvements, Fixtures, or Damages which may be the Occasion or Subject of such Inquiry; and the Jury in assessing the Value of such Estates, Interests, Good-will, Improvements, Fixtures, or Damages, shall take into their Consideration any such prospective Value thereof as the Owner or Party interested therein can prove would have accrued to him if the said Property had remained in the Possession of such Owner or Party, and the said Sheriff, Under Sheriff, or Sheriff Depute shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation; which said Verdict and the Judgment thereon to be pronounced as aforesaid shall be binding and conclusive to all Intents and Purposes upon all Persons whomsoever:

soever: Provided always, that not less than Twenty-eight Days Notice in Writing of the Time and Place at which any such Jury are so required to be returned shall be given by or on the Part of the said Commissioners; and every such Notice is to be affixed upon one of the Doors of the Church or of some other public Building of the Parish or Place in which such Lands may be situate, and is also to be left at the Dwelling House of the Owner or of his Agent, or with some Tenant or Occupier of the Lands intended to be valued, or respecting which, or the Good-will, Improvements, or Fixtures of which, or any Damage to which any such Question shall arise, or by affixing the Notice on some Part of such Premises; and provided also, that no Person shall be summoned or chosen to be on such Jury who shall be an Owner of any Lands the Value of which is to be ascertained, or who shall in any Manner be interested in any of the Matters to be inquired of by such Jury.

If not a sufficient Attendance of Jury the Sheriff may adjourn.

IX. And be it enacted, That in case a sufficient Jury to take the Inquisition shall not appear upon the Return of the said Warrant, it shall be lawful for the said Sheriff, Under Sheriff, or Sheriff Depute, and he is hereby required, from Time to Time until a sufficient Jury shall have been obtained by the Means aforesaid to adjourn the Inquiry to any future Day not exceeding Fourteen Days nor less than Four Days from the Adjournment thereof; and when a sufficient Number of Jurors shall appear he shall proceed to swear and impannel Twelve of them, who shall thereupon inquire as aforesaid.

No Party to be heard without having sent in a Statement of his Claim.

X. And be it enacted, That no Person shall be heard before the said Sheriff, Under Sheriff, or Sheriff Depute and Jury touching the Matter of the Inquiry, unless such a Statement as herein-before 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 and to the Solicitor of the Admiralty for the Time being by and on behalf of such Person, within Three Calendar Months after such Notice in Writing of its being the Intention of the said Commissioners to purchase and take such Lands; and all Persons who shall not give such Statement within such Period as last aforesaid or shall not appear at any Inquisition shall, as well as all other Persons, be bound by such Verdict and Judgment as aforesaid.

Jury may apportion the Value of the different Interests.

XI. And be it enacted, That in all Cases in which a Verdict shall be given for the Value of any Lands, the Jury shall, if required so to do by or on the Behalf of the said Commissioners, apportion and divide the Value so ascertained according to the different Estates, Interests, and Charges in and upon the said Lands; and such Apportionment shall, in respect to Value, be binding upon all Persons whomsoever.

In Cases of Parties not appearing the Sheriff may proceed.

XII. And be it enacted, That in case any Person shall not appear pursuant to such Notice so to be given or affixed as aforesaid, or any Person shall appear who shall not have given the Particulars of his Claim as herein-before required, then the

the said Sheriff, Under Sheriff, or Sheriff Depute and also the said Jury shall proceed, upon the best Information they can procure or obtain, to make such Inquest and Judgment as herein-before directed.

Penalty for Default of Sheriff, Witness, &c.

XIII. And be it enacted, That if the Sheriff, Under Sheriff, or Sheriff Depute so directed to summon, return, and impannel a Jury, and take such Inquest as aforesaid, shall make default in the Premises, he shall for every such Offence forfeit and pay any Sum not exceeding One hundred Pounds, to be recovered in *England*, *Scotland*, or *Ireland* as Debts due to Her Majesty are recoverable in those respective Countries; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or legally affirmed 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 duly appear, or appearing shall refuse to be examined upon Oath or upon legal Affirmation, or to give Evidence, any and every Person so offending, having no reasonable Excuse which may be allowed by the Justice next herein-after mentioned, shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds, which shall and may be levied, by virtue of any Warrant under the Hand and Seal of any One of Her Majesty's Justices of the Peace, by Distress and Sale of the Goods and Chattels of any Person so offending, returning to such Person the Overplus (if any) after such Penalty and the Charges of such Distress and Sale shall have been deducted; and it shall be lawful for such Justice 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, and have the same Effect, to all Intents and Purposes, as if an Information in Writing or in Print had been exhibited.

Penalty on Witnesses giving false Evidence.

XIV. 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, either on Oath or Affirmation, before any Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall be deemed to be guilty of Perjury, and may be prosecuted for the same, and upon Conviction thereof shall be subject to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are or shall be by the Laws in force subject and liable to.

Inquisitions to be deposited with the Clerk of the Peace.

XV. And be it enacted, That all Inquisitions, Verdicts, and Judgments which shall be taken or given under this Act shall be deposited with the Clerk of the Peace of the County or

with the Sheriff Clerk of the County in which the Lands being the Subject of Dispute shall be situate, to be kept and preserved by him amongst the Records of the same County, and shall be deemed to be Records to all Intents and Purposes whatsoever; and the same, or Copies thereof certified by such Clerk of the Peace or Sheriff Clerk for the Time being, shall be allowed to be good and conclusive Evidence in all Courts and Proceedings whatsoever; and all Persons shall have Liberty to inspect the same, paying for every such Inspection the Sum of One Shilling, and to take or make Copies thereof or Extracts therefrom, paying for every Copy or Extract made by the Clerk of the Peace or Sheriff Clerk, with his Certificate thereon, after the Rate of Sixpence for every One hundred Words.

Parties dissatisfied may appeal.

XVI. Provided always, and be it enacted, That if either the said Commissioners or any Person interested in the Lands or Premises to be taken in pursuance of this Act shall be dissatisfied with the Verdict of such Jury, it shall be lawful for them, if the Premises be in *England* to appeal to the Court of Exchequer at *Westminster*, and if in *Ireland* to the Court of Exchequer at *Dublin*, in the Term next, and if in *Scotland* within Fourteen Days after the finding of any such Verdict to the Court of Session in Time of Session, or to the Lord Ordinary on the Bills in the Time of Vacation, and to suggest that they have Reason to be dissatisfied with such Verdict, the Party dissatisfied giving Notice to the other Party of such intended Appeal; and thereupon, in *England* or *Ireland*, the Proceedings which have been had and the Verdict of the Jury shall be returned into the said Courts of Exchequer respectively; and, if it shall appear proper to the Court to which the Return shall be made, such Suggestion shall be entered on the Proceedings, and a Writ shall thereupon, by Rule of Court or Order of any Judge of such Court, be issued to the Sheriff of the County wherein such Lands or other Premises shall be, or if the same shall lie in Two Counties to the Sheriff of either of such Counties, to summon either a Common or Special Jury (according to the Application that shall have been made in that Behalf, and as the Court or such Judge shall allow), who shall respectively be qualified according to Law, to appear before the Justice or Justices of Assize or Nisi Prius of that County at the next Assizes or Sittings of Nisi Prius, if the same shall not happen sooner than Twenty-one Days after such Suggestion, otherwise at the next succeeding Assizes or Sittings; and the Compensation to be paid for the Purchase or Possession of the Lands and Premises in question (as the Case shall be) shall at such Assizes or Sittings be ascertained by such Jury, in like Manner as any Damages may be inquired of upon any Inquisition or Inquiry of Damages by any Jury before any Judge of Assize or Nisi Prius, and the Verdict of such Jury shall be returned to the said Court of Exchequer, and shall, as between the Parties, be final and conclusive; and in *Scotland*, if it shall appear proper

proper to the said Court of Session or Lord Ordinary, upon such Application, so to do, the said Court or Lord Ordinary shall order the Sheriff of the County wherein such Lands, Buildings, or other Hereditaments shall lie, or if the same shall lie in Two Counties to the Sheriff of either of such Counties, to summon another Jury, in the Manner in which Juries are summoned in *Scotland*, properly qualified according to Law, to appear before the Lords or Lord of Justiciary at the next Circuit, if the same shall not happen sooner than Twenty-one Days after such Application, otherwise at the next succeeding Circuit; and the Compensation as aforesaid for the Premises in question shall at such Circuit be ascertained by a Jury drawn from the Jury summoned as aforesaid, in such Manner as Juries are drawn in *Scotland*, under the Direction of the said Lords or Lord of Justiciary aforesaid; and the Verdict of such last-mentioned Jury shall, as between the Parties, be final and conclusive, without being subject to Review or Challenge of any Kind; and the Costs to be incurred in consequence of any such Appeal shall be in the Discretion of the Court.

Commissioners may dispose of Lands acquired by them but not wanted.

XVII. Provided always, and be it enacted, That in case the said Commissioners shall, under the Powers of this Act, acquire any Lands which shall not afterwards be wanted for the Public Service, and shall, within Sixty Years from the Time of the same having been so required, be disposed to sell the same, they shall give public Notice in the *London Gazette*, and in some one of the Newspapers of the County in which such Lands shall be situate, of their Intention to dispose of the same; and in case the Person from whom they shall have been purchased, or his Heirs, shall, within Sixty Days after such Publication, signify his Desire to repurchase the same, he shall be entitled to the Pre-emption thereof, provided he is willing to repurchase the same for a Price or upon Terms equivalent to those which the said Commissioners might otherwise obtain for the same.

Original Proprietors entitled to Pre-emption if desired within Sixty Days.

Allowances to Sheriff, Jury, and Witnesses.

XVIII. And be it enacted, That every Witness who shall be summoned to attend, and who shall attend accordingly, any Inquisition under this Act, and who shall be willing and ready to be sworn or affirmed, as the Case may require, shall be entitled to a pecuniary Allowance, upon the same Principle as Witnesses are paid when subpœnaed to give Evidence at any Trial in One of Her Majesty's Courts of Record at *Westminster*; and that each Juryman who shall be summoned and appear as aforesaid, and be ready and willing to be sworn or affirmed, shall be allowed his reasonable travelling Expences to and from the Place of Meeting; and each Juryman who shall be sworn or affirmed shall, in addition thereto, be allowed for his Trouble and Subsistence the Sum of One Pound One Shilling for each Day's Attendance, and no more; and that the Sheriff, Under Sheriff, or Sheriff Depute, for summoning, returning, and impannelling every Jury, and taking and recording the Verdict, and the Judgment to be given thereon, shall be allowed for his

Trouble the Sum of Ten Pounds, and no more, and for his Subsistence the further Sum of One Pound One Shilling for each Day's Attendance, in addition to his reasonable travelling Expences to and from the Place of meeting; and if Dispute or Disputes shall arise respecting the Allowance to the Sheriff, Under Sheriff, Sheriff Depute, Juror, or Witness, the same shall be determined by any Justice of the Peace of the County, Stewartry, City, or Place in which the Lands shall be situate.

If Verdict of a Jury give a greater Recompence than was offered by the Commissioners, the Expences to be borne by the Crown; if for no more or for less, then by the Party refusing to accept the Offer.

XIX. And be it enacted, That in case any Jury to be summoned pursuant to the Authority of this Act shall give in a Verdict or Assessment for more Money as a Recompence, Compensation, or Satisfaction for the Rights, Interest, or Property of the Person in any such Lands, or for any such Goodwill, Improvements, Fixtures, Injury, or Damage as aforesaid, than shall have been agreed to be given or 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 abroad or other Incapacity or Disability as aforesaid, or from any other Cause, there shall not be or shall not be found any Person legally capacitated to enter into any Contract with the said Commissioners on behalf of Her Majesty, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Recompence, Compensation, or Satisfaction to be assessed by a Jury shall be settled by the Sheriff, Under Sheriff, or Sheriff Depute before whom such Claim shall have been tried or investigated, and shall be paid by the said Commissioners on behalf of Her Majesty; but in every Case in which any such Jury 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 Recompence, Compensation, or Satisfaction has been computed and made up, did not give sufficient Particulars to enable the said Commissioners to make a proper Offer to such Claimant or Claimants, unless such Claimant or Claimants shall prove to the Satisfaction of the Jury that he, she, or they were not and could not be in possession of such additional Information at the Time the Particulars referred to were furnished to the said Commissioners; and in every Case in which any such Jury shall give in a Verdict or Assessment for no more or for less Money as such Recompence, Compensation, or Satisfaction as aforesaid than shall have been agreed to or 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 or less Damages than those offered by the said Commissioners shall be given by the Verdict where the Dispute is for Damages only; or where the causing or procuring such Jury to be summoned shall have arisen from a Refusal to treat or agree with the said Commissioners by any Person whomsoever who is by the Provisions of this Act or otherwise legally empowered to treat; then all such Costs, Charges, and Expences, to be settled

settled by such Sheriff, Under Sheriff, or Sheriff Depute in manner aforesaid, shall be paid to the said Commissioners on behalf of Her Majesty by the said Person so claiming or entitled to such Recompence, Compensation, or Satisfaction, or refusing to treat and agree, as before mentioned respectively; and all Costs, Charges, and Expences hereby directed to be paid to the said Commissioners on behalf of Her Majesty 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 entitled to such Money so adjudged, and Payment or Tender of the Remainder of such Money (if any) 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 on behalf of Her Majesty whereout such Costs, Charges, and Expences can be deducted, then the same or the Remainder thereof shall and may be recovered by virtue of any Warrant of any One of Her Majesty's Justices of the Peace for the County, Stewartry, City, or Place in which the Person liable to such Costs or his Goods shall be found, (which Justice is hereby authorized and directed to issue the same whenever and as often as applied for by the said Commissioners,) and by Distress and Sale of the Goods and Chattels of the Person liable to the Payment of the same, the Party making such Distress and Sale rendering to such Person as aforesaid the Overplus of the Money thereby produced (if any), after such Costs, Charges, and Expences, and the Charge of such Distress and Sale shall have been deducted.

Commissioners may require Proof in support of Claims of Lessees.

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

Differences respecting Amount of Damage done in execution of the Act not exceeding 50*l.* to be determined by Two Justices.

XXI. And be it enacted, That in case any Difference shall arise between the said Commissioners and any of the Owners and Occupiers of the Lands to be taken or used for the Purposes of this Act or any other Person whomsoever as to the Amount or Value of the Damages done by the said Commissioners, their Engineers, Officers, Agents, Servants, or Workmen, to any Property

Property in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the Parties, the same shall, in case the Amount of Damages claimed does not exceed the Sum of Fifty Pounds, be ascertained and determined by any Two or more Justices of the Peace, and who, upon Application made to them by both or either of the said Parties, shall examine into the Matters in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Commissioners on behalf of Her Majesty; and such Justices may administer Oaths and Affirmations, and summon and examine Witnesses, in all respects, and with the same Consequences as to false swearing or affirming, as if the same were a judicial Matter brought before them on which they were by Law entitled to adjudicate.

Purchase Money to be paid by Commissioners to the Party or into the Bank of England on a clear Title being shown.

XXII. And be it enacted, That every Sum of Money to be agreed upon or assessed as aforesaid for the Purchase of any Lands which may be required by the said Commissioners, or of any Estate or Interest therein, or for any Recompence, Compensation, or Satisfaction as herein mentioned (except as herein otherwise provided), shall be paid by the said Commissioners either to the Person thereunto entitled or into the Bank of *England*, as herein-after mentioned (as the Case may require), on a clear Title to the Lands, Estate, or Interest in respect of which the same shall be payable being adduced and shown to the Satisfaction of the said Commissioners or of their Counsel.

Purchase Money payable to Persons incapacitated, &c. if exceeding 20*l*.

XXIII. And be it enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any of the Lands to be taken or used by the said Commissioners by virtue of the Powers of this Act, or any Estate or Interest therein, or for any Recompence, Compensation, or Satisfaction under this Act which any Person, Tenant for Life or in Tail, or Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or Cestuique Trust, or any Person or Persons whose Lands so taken are limited in strict or other Settlement, or any Person or Persons under any other Disability or Incapacity shall be entitled unto, interested in, or hereby capacitated to sell; or in case the Lands or Interest for the Purchase whereof the same shall be agreed or assessed to be paid shall be subject to or charged or chargeable with any Incumbrances, Liabilities, Claims, or Demands which cannot or shall not be ascertained, got in, paid off, or discharged; such Money shall, in case the same shall exceed the Sum of Twenty Pounds, with all convenient Speed be paid, together with the Interest payable in respect of the same (if any), into the Bank of *England*, with the Privity of the Accountant General of Her Majesty's High Court of Chancery in *England* (for whose Certificate to be granted in that Behalf the Direction or Request of the said Commissioners shall be a sufficient Warrant), to be placed to his Account there "*ex parte* the Commissioners

sioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of* East India *Bonds and Endorsements thereon, and likewise Endorsements on* South Sea *Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to empower the High Court of Chancery to lay out on proper Securities any Monies, not exceeding a Sum therein limited, out of the common and general Cash in the Bank of* England *belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interest arising therefrom for answering Charges of the Office of the Accountant General of the said Court;* and such Money shall, when so paid in, there remain until the same shall, by Order of the said Court made in a summary Way upon Petition or Motion to be presented or made to the said Court by the Party who would have been entitled to the Rents and Profits of the said Lands, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance which affected the Lands in respect whereof such Sum shall have been paid, or affecting other Lands settled to the same or the like Uses, Trusts, Intents, or Purposes as the Lands purchased by the said Commissioners were settled or subject to at the Time of such Purchase, and which the said Court of Chancery shall authorize to be so purchased, redeemed, or discharged; or where such Money or any Part thereof shall not be so applied, then the same, or such unapplied Part thereof, shall be laid out and invested, upon the like Application and under the like Direction and Approbation of the said Court of Chancery, in the Purchase of other Lands, 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 Lands in respect whereof such Purchase Money, Compensation, or Satisfaction shall have been paid were settled or limited, or such of them as at the Time of the Conveyance and Settlement of the Lands so to be purchased shall be existing undetermined and capable of taking effect; and in the meantime and until such Application or Purchase be made the said Money may, by Order of the said Court of Chancery, upon like Application thereto, be invested by the said Accountant General in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Annuities; and in the meantime, and until such Annuities shall be ordered by the said Court of Chancery to be sold for the Purposes aforesaid, the Dividends or Interest thereof shall from Time to Time be paid, by Order of the same Court, to the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so hereby authorized by the

12 G. 1. c. 32.

12 G. 2. c. 24.

the Order of the said Court to be purchased in case such Purchase were made.

Sums not exceeding 20*l.* to be paid to the Parties entitled to the Rents.

XXIV. And be it enacted, That where any Money so agreed or assessed to be paid as herein-before mentioned shall not exceed the Sum of Twenty Pounds, the same shall be paid to the respective Parties who would for the Time being have been entitled to the Rents and Profits of the Lands taken or used for the Purposes of this Act, or in respect of which such Recompence, Compensation, or Satisfaction shall be paid, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Parties respectively entitled thereto.

If Party refuse to accept the Sum agreed or assessed, or fail to make a good Title, the Money to be paid into the Bank.

XXV. And be it enacted, That in case any Party to whom any Money shall be agreed or assessed to be paid for the Purchase of any Lands to be taken or used by virtue of the Powers of this Act, or any Estate or Interest therein, or for Recompence, Compensation, or Satisfaction as aforesaid, shall refuse to accept the same, or cannot be found, or shall be absent from the United Kingdom, or shall refuse, neglect, or be unable to make a Title to and convey such Lands, Estate, or Interest to the Satisfaction of the said Commissioners, within Three Calendar Months from the Period of the Value of the Lands or Amount of Recompence, Compensation, or Satisfaction being agreed upon or assessed as aforesaid, or if any Party entitled to contract or agree for the Sale of such Lands, Estate, or Interest shall not be known, or shall be absent from the United Kingdom, or shall refuse to execute any proper Contract or Conveyance for the Sale thereof respectively within the said Three Calendar Months, then and in every such Case it shall be lawful for the said Commissioners to cause the Money so agreed or assessed as aforesaid 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, to be placed to his Account to the Credit of the Party or Parties, if known, who shall be interested in the said Lands, Estate, or Interest, but if such Party or Parties shall not be known then to the Credit of the said Commissioners, subject to the Order, Control, and Disposition of the said Court, which said Court, on the Application of any Party making Claim to such Money or to any Part thereof by Motion or Petition, is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends or Interest thereof, according to the Estate, Title, or Interest of the Party making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem proper; and the Cashier of the Bank of *England* who shall receive such Money is hereby required to give to the said Commissioners, or to any Party paying any Money into the Bank of *England* under or pursuant to this Act,

Act, a Receipt for such Money, mentioning and specifying therein for what the same is received.

On Tender or Payment of Purchase Money into the Bank Commissioners may enter on the Lands which shall be vested in them in Trust for Her Majesty.

XXVI. And be it enacted, That upon Payment or Tender of such Sums of Money as shall have been agreed upon between the Parties or awarded by a Jury for the Purchase of any Lands, or whenever any of the respective Cases shall happen wherein such Money is herein authorized or directed to be paid into the Bank of *England*, then upon Payment of the same into the Bank of *England* in manner in such Case herein authorized or directed, it shall be lawful for the said Commissioners immediately to enter upon such Lands, and thereupon such Lands, and the Fee Simple and Inheritance thereof, and all the Estate, Use, Trust, and Interest of all Parties therein, shall thenceforth be vested in and become the Property of the said Commissioners in Trust for Her Majesty, Her Heirs and Successors, for the Purposes of this Act; and when any Money has been paid into the Bank of *England* and such Receipt obtained for the same as aforesaid, the said Commissioners shall not be bound to see to the Application thereof; and such Payment or Tender, or such Deposit in the Bank of *England*, shall in all respects and to all Intents and Purposes operate in the same Manner as if a Conveyance under the Provisions of this Act had been made of the Lands in question to the said Commissioners; and in all Cases whatsoever in which the said Commissioners shall have a Right of Entry under the Provisions of this Act (except a Right of Entry for the Purpose only of making such Survey and Valuation as aforesaid), and Delivery of Possession shall be refused or withheld, it shall be lawful for any Justice of the Peace to issue his Precept or Warrant to a Constable to enter upon the Lands the Possession of which shall be refused or withheld, and to take possession thereof, and to deliver the Possession of the same to such Person as shall in such Precept or Warrant be nominated to receive the same, being a Person appointed in that Behalf by the said Commissioners; and the Constable is hereby authorized and required to take such Possession and to deliver the same accordingly.

In case of Question as to the Title the Monies to be paid into the Bank.

XXVII. And be it enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in pursuance of this Act for the Purchase of or as Recompence, Compensation, or Satisfaction for any Damage or Injury to any Lands purchased or used in pursuance of this Act, or to any Annuities to be purchased with any such Money as herein mentioned, or to the Dividends or Interest of any such Annuities, or to any Part of such Money, Annuities, Dividends, or Interest respectively, the Person who shall have been in Possession of such Lands, or in Receipt of the Rents and Profits thereof at the Time of such Purchase or at the Time when such Damage or Injury shall have occurred, and all Persons claiming under such Person or under or consistently with the Possession of him, shall be deemed to have been lawfully entitled to such Lands according to such Possession

session until the contrary be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities to be purchased with such Money, and also the Capital of such Annuities, shall be paid and disposed of accordingly, unless it shall be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some and what other Persons was or were lawfully entitled to such or to some and what Part of such Lands, or to some and what Estate or Interest therein or Charge thereon.

Court of Chancery may make Order as to the Costs in Cases of Payment into the Bank.

XXVIII. And be it enacted, That where the Purchase Money for any Lands to be taken or used for the Purposes of this Act, or the Money paid for any such Recompence, Compensation, or Satisfaction as aforesaid, shall be paid into the Bank of *England* under or in pursuance of this Act, it shall be lawful for the said Court of Chancery, if it shall think fit, to order the Costs, Charges, and Expences of and attending any such Motion, Petition, or Application as aforesaid, and the Proceedings to be had thereon, or so much of such Costs, Charges, and Expences as the said Court shall deem reasonable under the Circumstances of the Case, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money in such Manner and for such Purposes as the said Court shall direct.

Lands for the Purchase of which Money is paid to the Bank released from all Rents and Incumbrances.

XXIX. And be it enacted, That where the Money awarded to be paid for any Lands which shall be used 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 Lands to the Satisfaction of the said Commissioners, by reason of the same Lands respectively being subject, either alone or together with other Lands not required for the Purposes of this Act, to a Rent payable to some Person unable or unwilling to release therefrom the Lands required to be used for the Purposes of this Act, then and in every or any such Case the Lands 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 agreed or assessed 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 all Powers and Remedies for recovering the same; 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 Motion or Petition to be preferred or made in a summary Way by the Person who would have been entitled to the Rents and Profits of the Lands for the Value of which such Monies respectively shall have been paid as aforesaid, in the Purchase of other Lands, which shall be conveyed and settled (subject, either alone or together with such other Lands, if any, as the Case may be, to such Rent) to the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands so to be used

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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 as aforesaid, 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 Annuities; and in the meantime, and until such Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of the said Lands hereby authorized to be purchased in case such Purchase and Settlement were made; and the Lands so to be purchased and settled shall, either alone, or, as the Case may be, together with the said other Lands not required for the Purposes of this Act and already subject to such Rent, be subject to the same Rent, and shall, in the Conveyance and Settlement thereof, be declared to be subject thereto in the same Manner to all Intents and Purposes as the Lands taken or to be taken for the Purposes of this Act as aforesaid were subject thereto; and the Person of 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 Lands to be comprised in such Conveyance and Settlement, and declared to be subject thereto, as he would have been entitled to if such Rent had originally been reserved out of or charged upon the same, either alone or, as the Case may be, together with such other Lands not required as aforesaid, instead of the Lands to be taken for the Purposes of this Act, or the same Lands or such other Lands (if any) as aforesaid, and in the same Manner to all Intents and Purposes as such Rent was reserved out of or charged upon the Lands so taken, either alone or together with the other Lands subject thereto, as the Case may be; and in the meantime, and until such Purchase shall be made, it shall be lawful for the said Court, upon Application thereto as aforesaid, to order any Part of the Dividends and annual Produce of the Annuities in which the said last-mentioned Money shall be invested to be paid from Time to Time to the Person for the Time being entitled to the said Rent in discharge thereof, or Part thereof, as the Case may be.

In Cases of Lands purchased subject with other Lands to any Rent, &c., Commissioners may agree for Release of Charges.

XXX. And be it enacted, That where any Lands purchased or wanted or intended to be purchased by the said Commissioners on behalf of Her Majesty shall be subject, solely or jointly with other Lands not intended or wanted to be purchased, to or with any Rent-service, Rent-charge, or chief Rent, or other Rent, Payment, or Incumbrance, it shall also be lawful for the said Commissioners (if they shall think proper) to agree for the Release of the Lands so purchased or wanted or intended to be purchased from such Rent, Payment, or Incumbrance,

brance, and also (where necessary or convenient) for an 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 absolutely entitled and by all Persons by this Act authorized, capacitated, and empowered to sell or convey Lands; and the Monies to be paid shall be paid and applied in manner herein-before directed with regard to the Purchase Monies on the Sale of Lands; and in case any Difference shall arise respecting the Value of such Rent, Payment, or Incumbrance, or respecting the Apportionment thereof, the same shall be determined by a Jury, if required, in like Manner as the Price of Land is by this Act directed to be settled in case of Dispute as to the Value thereof; which Jury shall assess and determine the Value of the Rent, Payment, or Incumbrance affecting the Lands purchased or intended to be purchased for the Purposes of this Act, and shall also (where necessary or convenient) apportion the Rent, Payment, or Incumbrance affecting the Lands jointly subject to such Rent, Payment, or Incumbrance as herein-before mentioned, according to the respective Values of the Lands purchased or intended to be purchased and of the Lands not purchased or intended to be purchased by the said Commissioners; and all Contracts which shall be made by and between the said Commissioners on behalf of Her Majesty, Her Heirs and Successors, and any such Party as aforesaid respecting such Release or Apportionment shall be valid and effectual in the Law; and all Contracts or Assurances which shall be made with or to the said Commissioners respecting such Release 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 Lands so jointly subject a sufficient Security for such Rent, Payment, or Incumbrance, and shall be willing to release the Lands so purchased therefrom, then and in such Case it shall be lawful for the Person absolutely entitled to the said Rent, Payment, or Incumbrance, or by this Act authorized, capacitated, or empowered to apportion such Rent, Payment, or Incumbrance, or to release the Lands so purchased or intended to be purchased therefrom, (with the Consent of the said Commissioners, and also of the Owner of the Land so jointly subject as aforesaid, although such Owner may only have a limited or partial Interest in such last-mentioned Lands,) to release the Lands so purchased or intended to be purchased as aforesaid from the Rent, Payment, or Incumbrance affecting the same as aforesaid jointly with other Lands, on condition or in consideration of such other Lands continuing or remaining solely and exclusively subject to such Rent, Payment, or Incumbrance: Provided also, that when any of the Lands purchased by the said Commissioners shall be released from a Part only

only of any Rent, Payment, or Incumbrance affecting the same jointly with other Lands, such last-mentioned Lands shall be charged only with the Remainder of such Rent, Payment, or Incumbrance, and such Apportionment shall not prejudice the Title to the remaining Part of such Rent, Payment, or Incumbrance, or the Remedies for such Remainder, but the same shall at all Times thereafter remain as effectual as if the Lands not so purchased had been originally charged with that Amount only: Provided also, that when a Part of any Rent, Payment, or Incumbrance shall be released, it shall be lawful for the said Commissioners, on Tender for that Purpose, by any Deed or Instrument creating or transferring the Remainder of such Rent, Payment, or Incumbrance, to cause to be endorsed a Memorandum on such Deed or Instrument declaring what Part of the Lands subject to such Rent, Payment, or Incumbrance shall have been purchased or intended to be 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.

In case of Parts of Lands subject to Lease, or of Copyholds, being taken, Rent to be apportioned.

XXXI. And be it enacted, That in all Cases in which a Part only of any Lands comprised in any Lease or Agreement for Lease, or held by Copy of Court Roll, subject to any Rent, shall be required for the Purposes of this Act, the Rent payable in respect of any such Lands shall (if the said Commissioners think fit) be apportioned between so much of the same Lands as shall be required for the Purposes of this Act and the Residue of such Lands; and such Apportionment shall, in case the same shall not be settled by Agreement between the Parties, be ascertained and settled by the Verdict of a Jury, if required, in like Manner as the Price of any Lands 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 Agreeement shall be made with, and shall not be valid without, the Consent and Approbation of the Lessor of such Lands or of the Lord of the Manor of whom such Lands are holden; and any Person hereby or otherwise authorized or capacitated to sell Lands, and who shall be a Lessor or Lord of a Manor, shall be capacitated to assent to such Apportionment, and to bind the Property in respect of such Apportionment; and after such Apportionment the Tenant or Lessee of the Lands comprised in such Lease or Agreement for Lease or Copy of Court Roll shall, as to all future accruing Rent, be liable only to so much of the Rent reserved in such Lease or Agreement for Lease, or payable in respect of such Copyhold Lands, as shall have been apportioned in respect of the Lands not required for the Purposes of this Act; and the Lessor or Lord of the Manor of the same Lands shall have all such and the same Remedies for recovering and compelling Payment of

the Rent so apportioned in respect of the Lands not required for the Purposes of this Act as before such Apportionment he had or was entitled to in respect of the Rents reserved or agreed to be reserved in such Lease or Agreement for Lease, or payable in respect of such Copyhold Lands as aforesaid; and such Apportionment shall not prejudice or affect any of the Covenants, Conditions, or Agreements in such Lease or Agreement for Lease contained, or invalidate, prejudice, or destroy the Customs of any Manor in other respects, so far as the same relate to or affect the Lands not required for the Purposes of this Act; but the same shall as to such last-mentioned Lands, but not further or otherwise, continue in full Force and Operation.

Mortgagees to convey upon Payment or Tender of Principal and Interest.

XXXII. And be it enacted, That all Persons having any Mortgage on any Lands which shall be required to be taken for the Purposes of this Act (and whether entitled thereto in their own Right or in Trust for any other Person, and whether in Possession of such Lands by virtue of such Mortgage or not, and whether such Mortgage shall affect such Lands solely or jointly with any other Lands,) shall, on Payment or Tender by the said Commissioners, or by any Person by them authorized, of the Principal Money and Interest due on such Mortgage, and the just Costs (if any) then due, together with the Amount of Six Calendar Months Interest on the said Principal Money (which Tender and Payment the said Commissioners are hereby authorized to make, and to deduct the same from any Sum agreed or directed to be paid for the Estate or Interest of the Party or Parties entitled to the Equity of Redemption of and in the Lands so mortgaged, in case the same shall be sufficient for the Purpose), immediately convey, assign, and transfer the respective Interests of such Mortgagees in the Lands which shall be so required to the said Commissioners, or to such Person as they shall appoint; or in case such Mortgagees shall have Notice in Writing from the said Commissioners, or from the Party or Parties entitled to the Equity of Redemption of and in the same Lands, that they or he will pay off the Principal Money and Interest which shall be due on such Mortgage at the End of Six or 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 Lands which shall be so required for the Purposes of this Act to the said Commissioners, or as they shall direct; and in case any such Mortgagee 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 Court of Chancery in *England* as herein-after mentioned, all Interest on every such Mortgage Debt, and all Claim and

and Right of every such Mortgagee thereto, shall thenceforth cease and determine: Provided always, that in case any such Mortgagee shall, in either of the Cases aforesaid, neglect or refuse to convey, assign, or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Costs (if any) due on any such Mortgage as aforesaid, into the Bank of *England* at the End of such Six or less Calendar Months (as the Case may be) 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 the Tender of the Principal, Interest, and Costs, and Six Calendar Months Interest in advance as aforesaid, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank; and thereupon, or, as the Case may be, 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 a Trustee, shall vest in the said Commissioners, who shall be deemed to be in the actual Possession of the Lands comprised in such Mortgage, or so much thereof as shall be required for the Purposes of this Act, to all Intents and Purposes whatsoever.

Where Lands in Mortgage are of less Value than the Money secured thereon, or where only Part of Lands in Mortgage are required.

XXXIII. And be it enacted, That in all Cases in which any Lands subject to any Mortgage shall be required for the Purposes of this Act, and in which such Lands shall be of less Value than the Principal Monies, Interest, and Costs secured thereon, or in which a Part only of the Lands subject to any Mortgage shall be required for the Purposes of this Act, and such Part shall be of less Value than the Principal Monies, Interest, and Costs secured on such Lands, and the Mortgagee or Mortgagees thereof shall not consider the remaining Part of such Lands 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 Lands, or, as the Case may be, of such Part of the said Lands, 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 Trustee or other Person entitled to the Equity of Redemption of such Lands, 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 behalf of Her Majesty 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 under this Act, and the Amount of such Value and Compensation, being so agreed

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

Form of Conveyance.

XXXIV. And be it enacted, That Conveyances of Lands purchased by virtue or in pursuance of this Act may be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; (that is to say,)

'I of in consideration of the
'Sum of to me [*or, as the Case may be,*] into
'the Bank of *England*, paid by the Commissioners for executing
'the

'the Office of Lord High Admiral of the United Kingdom of 'Great Britain and Ireland, do hereby convey to the said Com- 'missioners all [*describing the Lands to be conveyed*], together 'with all Ways, Rights, and Appurtenances thereunto belong- 'ing, and all such Estate, Right, Title, and Interest in and 'to the same, and every Part thereof, as I am or shall become 'seised or possessed of, or am by an Act of Parliament passed 'in the Year of the Reign of Her Majesty 'Queen *Victoria*, intituled [*here set forth the Title of this Act*], 'capacitated or empowered to convey, to hold the said Lands 'to the said Commissioners in Trust, and according to the 'Intent and Meaning of the said Act. In witness whereof I 'have hereunto set my Hand and Seal the Day 'of in the Year of our Lord .'

Conveyance to Commissioners to merge all Terms of Years.

And all such and other Conveyances to the said Commissioners shall be valid and effectual in the Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed, and to bar and destroy all Estates Tail, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the Lands in such Conveyances respectively comprised; but although any such Terms of Years shall be merged as aforesaid, yet they shall in Equity respectively afford the same or the like Protection and Priority against mesne Incumbrances as if such Terms of Years were assigned and kept on foot in Trust for the said Commissioners, and to attend the Freehold Reversion or Inheritance of the Lands therein comprised.

Copyhold Lands to be conveyed and remain as Freehold.

XXXV. And be it enacted, That if any Lands required by the said Commissioners shall be of Copyhold or Customary or any other Tenure than Freehold Tenure the same shall be conveyed to the said Commissioners as if the same were Freehold, without any Forfeiture being thereby incurred, and the same shall be and remain of Freehold Tenure in Fee Simple when conveyed to the said Commissioners, and for ever thereafter; but nevertheless the said Commissioners shall pay a reasonable Recompence and Satisfaction to the Lord of the Manor, or other Person of whom such Lands were holden, for the Loss which may arise to such Lord or other Person in respect of the Fines, Heriots, Rents, Reliefs, and other Services and Advantages the Receipt or Enjoyment of which shall be diminished or lost by such Copyhold or Customary Lands, or Lands of other Tenure, becoming Freehold as aforesaid; and such Recompence and Satisfaction, if not settled by Agreement between the Parties, (and which Agreement all Lords of Manors and other Persons, howsoever limited their Estate or Interest in the Manor or Property may be, and whether they be or be not Trustees, are hereby empowered to enter into,) shall be ascertained and settled by the Verdict of a Jury in like Manner as the Price of any Lands to be taken by virtue of this Act in case of Dispute as to the Value thereof, and liable to the same Conditions as to Costs; and the Money to be paid for

Compensation to Lords of Manors.

the same shall be applied and disposed of as Purchase Money for Lands are by this Act directed to be applied and disposed of.

As to Common or Waste Lands taken under this Act.

XXXVI. And be it enacted, That in all Cases wherein in the Execution of the Powers of this Act there shall be Occasion to take or use any Common or Waste Land, or any other Land which shall be subject or liable to the Exercise of any Right or Privilege of Common thereupon of any Nature or Kind whatsoever, the Conveyance of such Common or Waste Land or other Land by any Person having such Estate or Interest in the Manor wherein such Common or Waste Land shall be situate, or if the same shall not be the Waste Land of any Manor, then having such Estate or Interest in the Soil of the said Lands as the Person who is by this Act or otherwise enabled to sell other Lands has in such Lands, (and which Conveyance may be of the like Form as by this Act is directed to be used in the Case of Conveyance of other Lands,) shall be a good and sufficient Conveyance to the said Commissioners for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Lands or other Lands, as fully and effectually as if every Person having any such Right of Common upon such Common or Waste Land or other Lands were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and for the Purposes of this Act the Party having the Power to convey such Land shall be deemed the absolute Owner thereof in Fee Simple.

Commissioners may stop up or divert Roads.

XXXVII. And be it enacted, That it shall be lawful for the said Commissioners, without any Writ being issued or other legal Proceeding being adopted, to stop up and divert any Landing Place, Turnpike Road, Highway, Street, Carriageway, Horseway, Footway, and Causeway on, near, or adjoining to any Land required for the Purposes of this Act, they, at the Cost of Her Majesty, previously making and opening another good and sufficient Landing Place, Road, or Way, with requisite Boundary Fences, in lieu of that which may be diverted or stopped up, and at such convenient Distance therefrom as to the said Commissioners shall seem proper and necessary; and upon such substituted Landing Place, Road, or Way being completed the Landing Place, Road, or Way diverted or stopped up, and the Soil thereof, shall vest absolutely in the said Commissioners in Trust for Her Majesty, Her Heirs and Successors, for the Public Service; and the new Landing Place, Road, or Way, and the Soil thereof, shall vest in the same Trustees or other Persons as the Landing Place, Road, or Way so diverted or stopped up was vested in at the Time of the Diversion or Stoppage thereof by the said Commissioners: Provided always, that in case it shall be deemed necessary to stop up or divert any Turnpike or other Road, Landing Place, Highway, Street, Carriage or other Way, under or through which any public Drain or Sewer or Main Pipe for the Conveyance of Water shall pass or be laid, the said Commissioners, previous to any such Drain, Sewer, or Pipe being disturbed or injured, shall, at the Costs of Her Majesty, cause another good and sufficient

sufficient Drain or Sewer to be made and other and sufficient Pipe or Pipes for the Conveyance of Water to be laid down through or under the Road or Way intended to be substituted.

Roads substituted in lieu of those stopped up or diverted to be kept in repair by the Commissioners for Twelve Months.

XXXVIII. And be it enacted, That every Road or Way which shall be substituted by the said Commissioners for any Road or Way stopped up or diverted by them shall be kept in repair by the said Commissioners, at the Cost of Her Majesty, Her Heirs and Successors, for the Space of Twelve Calendar Months from the Time of the opening thereof; and at the Expiration of such Twelve Calendar Months the substituted Road or Way shall be repaired for ever thereafter by and at the Cost of the Trustees or other Persons who would or ought to have kept in repair the Road or Way so diverted or stopped up.

Tenants by the Year or at Will to quit on Notice.

XXXIX. And be it enacted, That every Tenant or Lessee for a Year or from Year to Year, or any other Person or Persons in Possession of any Lands which shall be required or purchased by virtue of this Act, who shall have no greater Interest in such Lands than as Lessee for a Year or from Year to Year thereof, shall, at the Expiration of any Notice, not being less than Three Calendar Months, such Notice being in Writing signed by the said Commissioners or by any Person under their Authority, and given to him, her, or them, or left at the Lands 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 Lands unto the said Commissioners, or unto such Person or Persons as shall be by them authorized to receive Possession thereof; and in case any such Tenant or Lessee shall be compelled to quit before the Expiration of his Term or Interest in any such Lands, then and in such Case the said Commissioners shall give Satisfaction and Compensation for the Loss or Damage which he shall sustain thereby; and in case of any Difference as to the Amount of such Satisfaction or Compensation, the same shall or may be settled and ascertained by a Jury in the same Manner as the Sums of Money to be paid for the Purchase of any Lands (and liable to the same Conditions as to Costs) are herein-before directed to be ascertained; or if the said Commissioners and the other Parties in difference shall so agree, the same may be settled by a Reference to the Award of an Arbitrator or Arbitrators to be agreed on or chosen by the Parties; and that all Persons so in the Possession of any Lands or any Part of the same which shall or may be required or purchased in pursuance of this Act shall, upon Tender or Payment as aforesaid of such Recompence or Satisfaction for any of his Term, Estate, or Interest in the Premises as shall be mutually agreed upon, or as shall be settled and awarded by any Arbitrator, Referee, or Umpire, or by Verdict or Inquisition of a Jury in manner aforesaid, quit and relinquish the said Lands 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

Compensation to be made to such Tenants.

all the Leases and Agreements whatsoever by virtue whereof any such Person shall hold the said Lands shall at the Expiration of such Notice, or upon such Payment or Tender as aforesaid in case the Party shall be entitled to Compensation, be absolutely void as against Her Majesty, Her Heirs and Successors, and the said Commissioners; and if any such Tenant or Lessee or other Person shall refuse or neglect to deliver up the Lands in his, her, or their Possession at the Expiration of such Notice, or upon such Payment or Tender as aforesaid, it shall be lawful for any Justice of the Peace to issue his Precept or Warrant to a Constable to enter upon the said Lands, and to take possession thereof, and to deliver the Possession thereof to such Person as shall in such Precept or Warrant be nominated to receive the same, being a Person appointed in that Behalf by the said Commissioners; and the Constable is hereby authorized and required to cause such Possession to be taken and delivered accordingly.

Amount of Claims may be referred to Arbitration.

XL. And be it enacted, That all Persons hereby or otherwise capacitated to sell, and who may not agree with the said Commissioners as to the Price to be paid or the Land to be given in Exchange for any Lands required to be purchased by virtue of this Act, or for any Estate or Interest therein or Charge or Incumbrance thereon, or as to the Amount to be paid by way of Compensation for any Damage whatsoever, or with reference to the Value of any Goodwill, Improvements, or Fixtures, may, if they shall think fit, agree with the said Commissioners to refer it to any Person or Persons to assess the Amount to be paid; and every such Agreement and the Award of such Person or Persons shall be in all respects binding and effectual.

Limitation of Actions, &c.

XLI. And be it enacted, That no Action, Suit, or other Proceeding shall be commenced or brought against any Person for any thing done in execution or in pursuance of this Act until after Twenty-eight Days Notice thereof shall have been given to the Secretary of the Admiralty for the Time being, clearly and explicitly specifying the Cause of Action, Suit, or Proceeding, and the Name and Place of Abode of the Person commencing the same, and of his Attorney or Agent (if any), nor after a sufficient Compensation or Tender thereof made to the Party aggrieved, nor after Three Calendar Months next after the Act committed; and the Defendant in every such Action or Suit may, at his, her, or their Election, plead either specially or the General Issue, and give this Act or the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in the Execution and in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought before Twenty-eight Days Notice thereof shall have been given as aforesaid, or after sufficient Compensation made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall be nonsuited, or discontinue

tinue his, her, or their Action or Suit after the Defendant shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, then the Defendant shall be entitled to and recover his full Costs, and shall have such Remedy for recovering the same as any Defendant hath for his Costs in any other Cases by Law.

In case of Verdict against Defendant for any thing done under this Act the Judge may certify.

XLII. And be it enacted, That in case any Action, Suit, Indictment, or other Proceeding or Prosecution shall be commenced or be brought to Trial or Hearing against any Person whomsoever on account of any Act, Matter, or Thing done in or arising out of the Execution of the Powers given by or otherwise in effecting and completing the Purposes of this Act, wherein a Verdict or Conviction shall be given or obtained against the Defendant, if the Court or Judge before whom such Action, Indictment, Suit, or other Prosecution shall be tried or heard shall certify on the Record, or if on a summary Conviction the Justice of the Peace shall consider and certify, that there was a reasonable Cause for the doing such Act, Matter, or Thing as aforesaid, the Plaintiff or Complainant in such Action, Suit, or Proceeding shall not be entitled to any Costs, nor shall the Defendant in any such Prosecution or Proceeding be subject to a greater Punishment than a Fine of One Shilling.

Conveyances and Contracts exempt from Stamps.

XLIII. And be it enacted, That all Conveyances to and all Contracts with the said Commissioners for the Purposes of this Act, and all Assurances, Assignments, Deeds, Documents, and Memoranda whatsoever, be the same of Record or not of Record, and all Receipts which may have reference to or which may be necessary to give Effect and Validity to any and every Purchase or Payment made by the said Commissioners under or by virtue of this Act, shall be exempt from all Stamp Duties whatsoever, and shall be admitted and received as Evidence in all Courts of Justice and for other Purposes as other Deeds and Documents of a like Nature are when duly and properly stamped.

In case of the Appointment of a Lord High Admiral, Lands purchased to be vested in him.

XLIV. And be it enacted, That whenever it shall please Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral of the United Kingdom, then, and so long and as often as there shall be a Lord High Admiral of the said United Kingdom, all the Lands and Powers vested in or given to or hereafter to be vested in or given to the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, under or by virtue of any Act or Acts now in force, or of this Act, or of any Act or Acts in this present Session of Parliament or hereafter to be passed, shall be and become vested in the Lord High Admiral of the United Kingdom for the Time being, in Trust for Her Majesty, Her Heirs and Successors, for the Public Service, and he for the Time being shall be the sole Commissioner for carrying this Act into effect.

Interpretation of Act.

XLV. And be it enacted, That in the Construction and for the Purposes of this Act, unless there be something in the Subject or Context repugnant to such Construction, the following

lowing Words shall have the Meaning herein-after assigned to them respectively; (that is to say,)

The Words "Person" and "Persons" shall each of them be construed to include all Bodies Politic, Corporate, and Collegiate, Ecclesiastical and Civil, both Aggregate and Sole, as well as every private Individual:

The Word "Lands" shall be construed to include Lands of every Tenure, and also Houses, Buildings, Grounds, Tenements, and Hereditaments, both corporeal and incorporeal, of every Description and Tenure:

And every Word importing the Singular Number shall extend and be applied to several Corporations, Persons, or Things, as well as one Corporation, Person, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Corporation, or Thing, as well as to several Persons, Corporations, or Things:

And every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

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

Act may be amended, &c. XLVII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

CAP. LIX.

An Act to continue until the First Day of *August* One thousand eight hundred and forty-four, and, if Parliament be then sitting, to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads. [17th *August* 1843.]

4 & 5 Vict. c. 59. 'WHEREAS an Act was passed in the Fifth Year of the Reign of Her Majesty, intituled *An Act to authorize for One Year, and until the End of the then next Session of Parliament, the Application of a Portion of the Highway Rates to Turnpike Roads in certain Cases*, which will expire at the End of this Session of Parliament; and it is expedient that the same be continued:' 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 the said Act shall be continued until the First Day of *August* in the Year One thousand eight hundred and forty-four, and, if Parliament be then sitting, to the End of the then next Session of Parliament.

Recited Act continued.

Act may be amended, &c. II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.