ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

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C A P. CXXVIII.

An Act to enable His Majeſty to acquire Ground neceſſary for Signal and Telegraph Stations.

[29th *June* 1815.]

WHEREAS it is expedient that His Majeſty ſhould be enabled from Time to Time to procure and take, or purchaſe, either for a Time or Term of Years, or in Fee, as Occaſion ſhall require, all ſuch Lands or Hereditaments as are, ſhall, or may be wanted for the Purpoſes of Signal or Telegraph Stations, and of making, preſerving, and maintaining a free and uninterrupted Communication between the reſpective Signals or Telegraphs erected or to be erected thereon, and of preventing and removing any Obſtructions thereto, either by Buildings, Trees, or in any other Manner, together alſo with all neceſſary Ways unto and from the ſame; be it therefore enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall be lawful for the Lord High Admiral, or any Three or more of the Commiſſioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, from Time to Time, by any Writing under their Hands, to authorize any Perſon or Perſons to ſurvey and mark out any Lands or Hereditaments which are, ſhall, or may be wanted for the Purpoſes aforeſaid, or any or either of them, and to treat and agree with the Owner or Owners thereof, or any Perſon or Perſons intereſted therein, either for the abſolute Purchaſe thereof for the Public Service or for the Poſſeſſion thereof, for ſuch Time or Term of Years as the Public Service ſhall require.

Admiralty may authorize Perſons to ſurvey and mark out Lands for Signal or Telegraph Stations.

II. And

Obstructions to be removed.

II. And be it further enacted, That in case any Obstruction should arise, grow, or be occasioned, or should be intended to be made between any Two Signal or Telegraph Stations, so as to impede the free Communication between the said Stations, it shall be lawful for the Lords Commissioners of the Admiralty to agree for the Removal or Prevention of such Obstructions in the same Manner and under the same Powers and Provisions, as are herein-after provided for the Acquisition of the Lands or Grounds necessary for the Erection of the said Signal or Telegraph Stations.

Bodies Politic, &c. may contract for the Sale of Premises.

III. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate, Ecclesiastical or Civil, and all Feoffees or Trustees for Charitable or other Public Purposes, and for all Tenants for Life and Tenants in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators, or Attornies of such of the Owners or Proprietors of or Persons interested in any such Lands or Hereditaments required for such Public Service as shall be Femes Covert, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with such Person or Persons authorized as aforesaid, either for the absolute Sale of such Lands or Hereditaments, or for the Grant of any Lease either for any Term of Years certain therein, or for such Periods as the Public Service shall require, and to convey, surrender, demise, or grant the same unto the said Lords Commissioners of the Admiralty, in Trust for His Majesty, His Heirs and Successors, accordingly; and all such Contracts, Sales, Conveyances, Surrenders, Leases, and Agreements, shall be valid and effectual in Law, to all Intents and Purposes whatsoever.

Persons refusing to sell, or to accept the Consideration offered, Two Justices, &c. may put His Majesty's Officers into Possession, and a Jury shall be summoned, who shall find the Compensation to be made.

IV. And be it further enacted, That in case any such Bodies or other Persons hereby authorized to contract on Behalf of themselves or others as aforesaid, or any other Person or Persons interested in any such Lands or Hereditaments which shall be so marked out and surveyed for the Public Service, shall for the Space of Fourteen Days next after Notice in Writing, subscribed by such Person or Persons authorized as aforesaid, shall have been given to the principal Officer or Officers of any such Body, or to such other Persons hereby authorized to contract on Behalf of others or interested themselves as aforesaid, or left at his, her, or their usual Place of Abode, refuse or decline to treat or agree, or by reason of Absence shall be prevented from treating or agreeing with such Person or Persons authorized as aforesaid, or shall refuse to accept such Sum of Money as shall be offered by such Person or Persons as the Consideration for the absolute Purchase of such Lands and Hereditaments, or such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Public Service may require, then and in such Case it shall be lawful for such Person or Persons so authorized as aforesaid to require Two or more Justices of the Peace, or Three or more Deputy Lieutenants (One of whom shall be a Justice of the Peace) or Two or more Deputy Governors for the County, Riding, Stewartry, City, or Place where such Lands or Hereditaments shall be, to put His Majesty's Officers into immediate Possession of such Lands or Hereditaments which such Justices or Deputy Lieutenants or Deputy Governors are hereby required to do, and shall for that Purpose issue their Warrant under their Hands and Seals commanding Possession to be so delivered, and shall also issue their Warrants to the Sheriffs of the County, Riding,

Stewartry, City, or Place wherein such Lands or Hereditaments shall be situate, to summon a Jury, and every such Sheriff is hereby authorized and required to summon and return a Jury properly qualified of the Number of Twenty-four, and in the Manner required by the Laws of *England*, *Ireland*, and *Scotland* respectively, who shall meet at some convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* and *Ireland* respectively, and in such Manner as Juries are drawn by Law for the Trial of Offences in *Scotland*; and in case a sufficient Number shall not appear, the said Sheriff shall choose others of the Bystanders, or that can speedily be procured, being qualified as aforesaid, and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants, or Governors respectively, may summon Witnesses, and adjourn any such Meeting if Jurymen or Witnesses do not attend, and the Jury, on hearing any Witnesses and Evidence that may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Governors respectively, are hereby empowered and required to administer) find the Compensation to be paid, either for the absolute Purchase of such Lands or Hereditaments, or for the Possession or Use thereof, as the Case may be.

Appeal to the Court of Exchequer, if in England or Ireland, and to the Court of Session if in Scotland.

V. Provided always, and be it further enacted, That if the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, or any Person interested therein, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful for them or their Attornies in *England* and *Ireland* to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the Term next, and in *Scotland* to apply within Fourteen Days after the finding any such Verdict to the Court of Session in *Scotland* in Time of Session, or Lord Ordinary on the Bills in Time of Vacation, and to suggest to the said Courts or Lord Ordinary respectively, that they have reason to be dissatisfied with such Verdict, and forthwith give Notice thereof to the said Lord High Admiral or Commissioners or Party (as the Case may be), and thereupon in *England* and *Ireland* the Proceedings that shall have been had and the Verdict of such Jury shall be returned into the said Courts of Exchequer respectively; and if it shall appear to the said Courts to be proper, a Suggestion shall be entered on such Proceedings as aforesaid, and a Writ shall thereupon by Rule of such Court or Order of any Judge of such Court be directed to the Sheriff of the County where such Lands or Hereditaments shall lie, 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 on that Behalf, and as the Court or as such Judge shall allow, and who shall respectively be qualified according to Law to appear before the said 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 either for the absolute Purchase or for the Possession or Use of such Lands or Hereditaments, as the Case shall be, shall at such Assizes or Sittings be ascertained by such Jury, in like Manner as any Damages may be enquired of upon any Inquisition or Enquiry of

Damages

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 be final and concluſive; and in *Scotland*, if it ſhall appear proper to the ſaid Court of Seſſion or Lord Ordinary upon ſuch Application ſo to do, the ſaid Court or Lord Ordinary ſhall order and direct the Sheriff of the County where ſuch Lands or Hereditaments ſhall lie, or if the ſame ſhall lie in Two Counties, 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 Lands or Hereditaments (as the Caſe may be) 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 as aforeſaid, and the Verdict of ſuch laſt-mentioned Juries ſhall be final and concluſive, without being ſubject to Review or Challenge of any Kind, unleſs the Court that ſhall have allowed ſuch Enquiry ſhall think fit, on any Application made within Four Days after the Commencement of the ſucceeding Term or Seſſion, if in *Scotland*, to order any new Trial in relation thereto.

Jury in aſcertaining the Compenſation for Premiſes ſhall ſettle the Proportion to be paid Leſſees, &c.

VI. Provided always, and be it further enacted, That it ſhall be lawful for any Jury impannelled before any Juſtice of the Peace or Magiſtrate, or Deputy Lieutenant or Deputy Governor, or before any Judge of Aſſize or *Niſi Prius*, to aſcertain the Compenſation to be paid for any Lands or Hereditaments under this Act, and they are hereby required to aſcertain and ſettle the Proportion to be paid out of ſuch Compenſation to any Perſon or Perſons having any Intereſt as Leſſees or Tenants at Will or otherwiſe, in any ſuch Lands or Hereditaments, and the Proportion to be paid out of ſuch Compenſation ſhall be returned on the Verdict: Provided alſo, that where any ſuch Enquiry before any Judge of Aſſize or *Niſi Prius*, or Lords or Lord of Juſticiary, ſhall be had on the Application of any ſuch Leſſee or Tenant at Will, or other Perſon having any inferior Intereſt in any ſuch Lands or Hereditaments, who may have been diſſatisfied with the Proportion of Compenſation ſettled by the Jury to be paid in reſpect of ſuch Intereſt, it ſhall not be lawful for the Jury in any ſuch Caſe to alter the Amount of the entire Compenſation awarded by any former Verdict to be paid for ſuch Lands or Hereditaments, but only the Proportion thereof to be paid to the Perſon or Perſons having ſeparate Intereſt therein; and it ſhall not be lawful for any Jury on any Enquiry had before any Judge of Aſſize or *Niſi Prius* or Lords or Lord of Juſticiary, as to any ſuch Compenſation, on the Application of the ſaid Lord High Admiral or Commiſſioners for executing the Office of Lord High Admiral aforeſaid, in any Caſe in which the whole Compenſation awarded by the former Jury, to alter the Proportion that ſhall have been ſettled by any ſuch former Jury as to any ſeparate Intereſt in any ſuch Lands or Hereditaments.

Courts to require Security to be given for Coſts.

VII. Provided alſo, and be it further enacted, That it ſhall be lawful for the Court or Judge or Lord Ordinary, making any ſuch Rule or Order, to require that the Party on whoſe Application the ſame ſhall be made, ſhall give ſuch Security as ſhall to ſuch Court, Judge, or Lord

Ordinary ſeem proper for Payment of Coſts under ſuch Circumſtances as ſhall be ſpecified in any Rule or Order made for that Purpoſe.

In Caſes where Lands are taken for any Term of Years, all Erections for the Public Service ſhall be removed, on delivering up the Lands to the Owners.

VIII. And be it further enacted, That in all Caſes where any Lands or Hereditaments ſhall have been taken under the Proviſions of this Act, for any Term of Years or for ſuch Period only, as the Public Service ſhall require; it ſhall be lawful for the Lord High Admiral, or Commiſſioners for executing the Office of Lord High Admiral aforeſaid, or any other Perſon or Perſons ſo authorized as aforeſaid, at any Time before the Poſſeſſion of any Lands or Hereditaments which ſhall have been taken for the Purpoſes aforeſaid, ſhall be delivered up to the Owner or Owners thereof, or other Perſon or Perſons acting on his, her, or their Behalf, to take down and remove all ſuch Buildings or other Erections which ſhall or may have been built or erected thereon for the Public Service, and to carry away the Materials thereof, making ſuch Compenſation to the Owner or Owners of ſuch Lands or Hereditaments, or other Perſon or Perſons acting on his, her, or their Behalf, for the Damage or Injury which may have been done thereto, or to the Soil thereof, by the Erection of any ſuch Buildings, or removing and carrying away the ſame, or otherwiſe, in conſequence of the ſame having been occupied for the Public Service, as the ſaid Lord High Admiral or the Commiſſioners for executing the Office of Lord High Admiral or ſuch other Perſon or Perſons authorized as aforeſaid ſhall think reaſonable, and as ſhall be agreed upon in that Behalf, and if ſuch Owner or Owners or other Perſon or Perſons acting on his, her, or their Behalf, ſhall not be willing to accept the Compenſation ſo offered, it ſhall be lawful for the ſaid Lord High Admiral or Commiſſioners for executing the Office of Lord High Admiral aforeſaid, or other Perſon or Perſons ſo authorized as aforeſaid, to apply to and require Two Juſtices of the Peace of the County, Riding, Stewartry, City, or Place, to ſettle and aſcertain the Compenſation which ought to be made for ſuch Damage or Injury as aforeſaid; and ſuch Juſtices ſhall ſettle and aſcertain the ſame accordingly, and ſhall grant a Certificate thereof, and the Amount of ſuch Compenſation ſo ſettled and aſcertained and certified ſhall forthwith be paid by the Treaſurer of His Majeſty's Navy for the Time being, to the Perſon or Perſons entitled thereto: Provided always, that nothing in this Act contained ſhall extend, or be conſtrued to extend, to alter, prejudice, or affect any Agreement which hath been or ſhall or may be entered into by any ſuch Perſon or Perſons authorized as aforeſaid with any Owner or Owners of any ſuch Lands or Hereditaments, or other Perſon or Perſons acting on his, her, or their Behalf, in relation to any ſuch Buildings or Erections, but every ſuch Agreement ſhall remain valid and effectual in like Manner, as if this Act had not been paſſed.

Purchaſe Money belonging to incapacitated Perſons, &c. to be paid by the Treaſurer of the Navy to the Deputy Remembrancer of the Exchequer for their Uſe.

IX. And be it further enacted, That in all Caſes where any Money ſhall have been or ſhall be agreed or ſhall have been or ſhall be found by the Verdict of any Jury to be paid or given either for the Uſe or for the abſolute Purchaſe of any Lands or Hereditaments taken by virtue of this Act, belonging to any Perſon or Perſons under any Diſability or Incapacity, or not having the abſolute Intereſt therein, the ſame ſhall be paid by the Treaſurer of His Majeſty's Navy for the Time being, into the Hands of the Deputy of the King's Remembrancer of His Majeſty's Court of Exchequer at *Weſtminſter*, *Edinburgh*, or *Dublin* reſpectively, for the Time being, for the Uſe and Benefit of ſuch Perſon or Perſons who is hereby authorized and

and required to receive or accept and to give a Diſcharge for the ſame, and upon the Acceptation or Receipt thereof to ſign a Certificate to the Barons or Judges of the ſaid Courts of Exchequer reſpectively under his Hand, purporting and ſignifying that ſuch Money or other Conſideration was received or accepted by and paid to him in purſuance of this Act, for the Uſe and Benefit of ſuch Perſon or Perſons who ſhall be named and deſcribed in ſuch Certificate, and the ſaid Certificate ſhall be filed or depoſited in the ſaid Court of Exchequer at *Weſtminſter*, *Edinburgh*, or *Dublin* reſpectively, and a true Copy thereof ſigned by the Deputy Remembrancer of ſuch Court ſhall and may be read and allowed as Evidence for the Purpoſes herein-after mentioned; and the ſaid Deputy Remembrancer is hereby required upon Receipt of any ſuch Sum or Sums of Money as aforeſaid, to pay the ſame into the Bank of *England*, or Bank of *Scotland* or Royal Bank of *Scotland*, or Bank of *Ireland*, as the Caſe may require, and immediately upon the filing or depoſiting of ſuch Certificate the ſaid Lands or Hereditaments ſhall be and become veſted in or to the Uſe of His Majeſty, His Heirs and Succeſſors.

Money to be paid into the Bank.

Barons of the Exchequer, &c. on Petition of the Parties intereſted to order the Application of the Money.

X. And be it further enacted, That the Barons or Judges of His Majeſty's Court of Exchequer at *Weſtminſter*, *Edinburgh*, or *Dublin*, of the Degree of the Coif, for the Time being reſpectively, or any Two or more of them, ſhall be and they are hereby authorized and empowered in a ſummary way upon Motion or by Petition, for and on Behalf of any Perſon or Perſons intereſted in or entitled to the Benefit of the Money ſo paid to and received by the Deputy Remembrancer or the Intereſt or Produce thereof, and upon reading the Certificate directed to be ſigned by the ſaid Deputy Remembrancer concerning the ſame as aforeſaid, and receiving ſuch further Satisfaction as they ſhall think neceſſary, to make and pronounce ſuch Orders and Directions for paying the ſaid Money or any Part of the ſame, or for placing out ſuch Part thereof as ſhall be Principal in the Public Funds or upon Government or Real Securities, and for Payment of the Dividends or Intereſt thereof, or any Part thereof, to the reſpective Perſons entitled to receive the ſame, or for laying out the Principal or any Part thereof in the Purchaſe of other Lands or Hereditaments to be conveyed and ſettled to, for, and upon the ſame Uſes, Truſts, Intents, and Purpoſes as the ſaid Lands and Hereditaments ſo taken ſtood ſettled at the Time of the Payment of ſuch Money as aforeſaid, as near as the ſame can be done, or otherwiſe, concerning the diſpoſing of the ſaid Money or any Part thereof, and the Intereſt of the ſame or any Part thereof, for the Benefit of the Perſon or Perſons entitled to and intereſted in the ſame reſpectively, or for appointing any Perſon or Perſons to be Truſtee or Truſtees for all or any of ſuch Purpoſes as the ſaid Court ſhall think juſt and reaſonable.

On Death or Removal of Deputy Remembrancer, Stocks and Securities ſhall veſt in Succeſſor.

XI. And be it further enacted, That upon the Death or Removal of any ſuch Deputy Remembrancer, all Stocks and Securities veſted in him by virtue of this Act ſhall veſt in the ſucceeding Deputy Remembrancer for the Purpoſes herein-before mentioned without any Aſſignment or Transfer; and all Monies paid into the ſaid Banks reſpectively in purſuance of this Act, or remaining in the Hands of any Deputy Remembrancer at his Death or Removal, and not veſted in the Funds or placed out on Securities as aforeſaid, ſhall be paid over to the ſucceeding Deputy Remembrancer for the Time being.

XII. And be it further enacted and declared, That if in any Caſe the King's Remembrancer ſhall execute the ſaid Office in Perſon, then and in ſuch Caſe the ſeveral Truſts, Powers, and Authorities, by this Act veſted in the ſaid Deputy Remembrancer and his Succeſſors, ſhall, during ſuch Time as no Deputy Remembrancer ſhall be appointed, be veſted in and be executed by the ſaid King's Remembrancer for the Time being. Where there is no Deputy, Powers ſhall veſt in the King's Remembrancer.

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