ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXXIV.

An Act for erecting a Penitentiary House or Houses for confining and employing Convicts.

[7th *July* 1794.]

WHEREAS by an Act, made in the Nineteenth Year of the Reign of His present Majesty, intituled, *An Act to explain and amend the Laws relating to the Transportation, Imprisonment, and other Punishment of certain Offenders*, His Majesty is enabled to appoint Supervisors for building Two Penitentiary Houses for confining and employing in Hard Labour, such Persons convicted of transportable Crimes within *England* or *Wales*, as are therein mentioned, which Supervisors should fix upon any Piece or Pieces of Ground which might be lawfully purchased under the Powers of the said Act, and the same being approved of, to contract for the absolute Purchase, in Fee Simple, of the Piece or Pieces of Ground for the Purpose of erecting thereon such Penitentiary Houses, and other Buildings and Inclosures, in such Manner as therein is directed, and which Ground so to be purchased should be conveyed as therein is expressed; and that if any Corporations, Husbands, Guardians, Committees, Executors, Administrators, or other Trustees, or any Person or Persons for the Time being interested in any such Piece or Pieces of Ground, upon Notice to him, her, or them given, as therein is mentioned,

Preamble. 19 *Geo.* III, Cap. 74, recited.

tioned, ſhould, for the Space of Twenty-one Days next after ſuch Notice given, neglect or refuſe to treat, or ſhould refuſe to accept ſuch Price as ſhould be offered by the ſaid Surveyors, or ſhould otherwiſe not agree for the Sale of ſuch Piece or Pieces of Ground, or if by Abſence or Incapacity they ſhould be prevented from treating for ſuch Sale, then the ſaid Surveyors ſhould cauſe the Value of ſuch Ground to be enquired into and aſcertained by a Jury of indifferent Men of the County or Place wherein the ſame ſhould be ſituated; and when ſuch Jury ſhould have enquired of and aſcertained the Value of ſuch Ground, the ſaid Surveyors ſhould thereupon order that the Sum or Sums of Money which ſhould appear to be the Value of ſuch Ground ſhould be paid and applied in Manner therein directed, which Verdict or Inquiſition ſhould be final; and His Majeſty is thereby authorized to nominate Three Gentlemen, or other creditable or ſubſtantial Perſons, as a Committee to ſuperintend the ſaid Houſes, and otherwiſe to carry the ſaid Act into Execution: And whereas, in purſuance of the ſaid Act, His Majeſty did, on the Second Day of *March* One thouſand ſeven hundred and eighty-one, appoint Sir *Gilbert Elliot* Baronet, Sir *Thomas Charles Bunbury* Baronet, and *Thomas Bowdler* Doctor of Phyſick, Surveyors of the Buildings to be erected purſuant to the ſaid Act, and that the ſaid Surveyors having made ſtrict Examination of the moſt eligible Spots in the Neighbourhood of *London*, and particularly on the Banks of the River *Thames*, whereon to erect ſuch Penitentiary Houſes as aforeſaid, having ſpent ſome Time in that Enquiry, reported to the Lord Chancellor, and the other Perſons mentioned in the ſaid Act, according to the Directions of the ſaid Acts, Two Spots in the Neighbourhood of each other, namely, *Wandſworth Field* for the Penitentiary Houſe for Males, and *Batterſea Riſe* for the Penitentiary Houſe for Females, who, by their Opinions on the Twenty-eighth Day of *June* One thouſand ſeven hundred and eighty-one, thought proper to reject the Spot in *Wandſworth Field*, and to approve the Spot at *Batterſea Riſe*, as proper for the erecting Penitentiary Houſes for both Males and Females: And whereas, in purſuance of the ſaid Act, the Surveyors entered into a Treaty with the Proprietors of the ſaid Grounds, and made an Offer of a Sum of Money for the Purchaſe thereof, which being refuſed, a Special Jury of the County of *Surrey* was ſummoned and impannelled according to the Directions of the ſaid Act, upon the Tenth Day of *September* One thouſand ſeven hundred and eighty-two, and being duly ſworn, and charged to enquire into and aſcertain the Value of the ſaid Piece of Ground, by the Names and Deſcriptions of all that Piece or Parcel of Garden Ground, in the Occupation of *Henry Brown*, containing by Admeaſurement, Seven Acres Three Roods and Six Perches, be the ſame more or leſs, and bounded on the North by Lands in the Occupation of *Robert Moſeley*, and other Lands in the Occupation of *Thomas Rhodes*, and on the Eaſt, on Part by a Road leading out of the Road from *London* to *Wandſworth*, to and from *Batterſea*, and in other Part on Lands and Buildings in the Occupation of *Robert Death*, and on the South, by the Turnpike Road leading from *London* to *Wandſworth* aforeſaid, and on the Weſt, by Lands in the Occupation of the ſaid *Robert Moſeley*; and alſo of all that Piece or Parcel of Garden Ground in the Occupation of the ſaid *Robert Moſeley*, containing by Admeaſurement, Nineteen Acres and Eighteen Perches, be the ſame more or leſs, and bounded on the North by Lands in the Occupation of the ſaid *Thomas Rhodes*, and on other

Surveyors appointed under recited Act.

Spots approved for erecting Penitentiary Houſes.

Jury impannelled to enquire into the Value.

Particulars of the Premiſes.

other Part, by Lands in the Occupation of the ſaid *Henry Brown*, on the South, on Part by Lands in the Occupation of the ſaid *Henry Brown*, and by the Turnpike Road leading from *London* to *Wandſworth*, and on the Weſt, on Part by the ſaid Road leading out of the ſaid Road from *London* to *Wandſworth*, to and from *Batterſea*, and on other Parts thereof, by the ſeveral Gardens belonging and adjoining to Four ſeveral Cottages or Tenements now in the ſeveral Occupations of *William Cripps*, *William Bradford*, *William Newman*, *James Meredeth*, and *Robert Jones*; and alſo of all that other Piece or Parcel of Garden Ground in the Occupation of *Elizabeth Wood*, containing by Admeaſurement, Eighteen Acres and Eight Perches, be the ſame more or leſs, bounded on the North by Lands in the Occupation of the ſaid *Robert Moſeley*, on the Eaſt by Lands in the Occupation of *Edward Wellers* and the ſaid *Thomas Rhodes*, on the South by Lands in the Occupation of the ſaid *Robert Moſeley*, and on the Weſt by the ſaid Road leading to and from *Batterſea*; and alſo of all thoſe Three Pieces or Parcels of Meadow and Paſture Ground in the Occupation of the ſaid *Edward Wellers*, containing together, by Admeaſurement, Seven Acres Two Roods and Fourteen Perches, be the ſame more or leſs, bounded on the Weſt in Part by Lands in the Occupation of the ſaid *Robert Moſeley*, on the North and North Eaſt in Part by the ſaid Road leading to and from *Batterſea*, and in other Parts thereof by a Common Field called *Brumlands*, in the Occupation of *Fears* and others, on the Eaſt by the ſaid Road leading to and from *Batterſea*, on the South by Lands in the Occupation of the ſaid *Thomas Rhodes* and *Elizabeth Wood*, and on the Weſt by Lands in the Occupation of the ſaid *Robert Moſeley* and *Elizabeth Wood*; and alſo of all thoſe Three other Pieces or Parcels of Meadow and Paſture Ground in the Occupation of the ſaid *Thomas Rhodes*, containing together by Admeaſurement, Seven Acres Three Roods and Eleven Perches, be the ſame more or leſs, bounded on the North by Lands in the Occupation of the ſaid *Edward Wellers*, on the Eaſt by the ſaid Road leading to and from *Batterſea*, on the South by Lands in the Occupation of the ſaid *Henry Brown*, and on the Weſt by Lands in the Occupation of the ſaid *Robert Moſeley* and *Elizabeth Wood*; and alſo of all thoſe Four Pieces or Parcels of Garden Ground, Meadow, and Paſture, in the Occupation of the ſaid *Robert Moſeley*, containing together, by Admeaſurement, Eighteen Acres Three Roods and Twenty-three Perches, be the ſame more or leſs, bounded on the South by Lands in the Occupation of the ſaid *Elizabeth Wood*, on the Weſt and North by the ſaid Road leading to and from *Batterſea* near *York Place*, and on the Eaſt by Lands in the Occupation of *Ann Weſt* Widow, and the ſaid *Edward Wellers*; all which ſaid ſeveral Pieces or Parcels of Garden Ground, Meadow, and Paſture, adjoin to each other, and do contain in the Whole, by Admeaſurement, Seventy-nine Acres and One Rood, and are ſituate, lying, and being, in the Pariſh of *Batterſea* aforeſaid, in the ſaid County of *Surry*, and of all Houſes, Outhouſes, Ways, Paths, Paſſages, Timber Trees, Woods, Underwoods, Waters, Watercourſes, and all other Rights, Members, and Appurtenances, thereunto belonging; aſſeſſed the Value of the ſame at the Sum of Six thouſand ſix hundred Pounds, which Verdict and Aſſeſſment now remains of Record: And whereas Penitentiary Houſes for *England* and *Wales* have not been erected in purſuance of the ſaid recited Act, and it will be of great publick Utility that a Penitentiary Houſe or Penitentiary Houſes ſhould be built for the particular

Verdict of the Jury.

particular Purpoſe of confining tranſportable and other Convicts within the ſame: May it therefore pleaſe Your Majeſty that it may be enacted; and be it 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 and may be lawful to and for the ſaid Lord High Treaſurer, or Commiſſioners of the Treaſury for the Time being, and he and they is or are hereby required, as ſoon after the paſſing of this Act as conveniently may be, to fix upon the ſaid Piece or Pieces of Ground herein-before deſcribed, or upon any other as convenient and proper Spot of Ground, which may be lawfully purchaſed under the Powers of this Act, and which ſhall be ſituated within any of the reſpective Counties in the ſaid Act mentioned, upon which ſhall be erected One or more Penitentiary Houſe or Houſes, for the Purpoſe of confining and employing in Hard Labour ſuch Convicts as ſhall be removed thither by Order of His Majeſty, His Heirs or Succeſſors, under the Powers herein-mentioned; and to contract and agree with any Perſon or Perſons for the erecting and building One or more Penitentiary Houſe or Houſes on the ſaid Piece or Pieces of Ground before deſcribed, or upon ſuch other Piece of Ground as ſhall be appropriated for that Purpoſe, in ſuch Manner, and under and for ſuch Conſiderations, Terms, Conditions, Powers, Limitations, and Reſtrictions, as the ſaid Lord High Treaſurer, or Commiſſioners of the Treaſury, ſhall deem neceſſary and expedient; and ſhall cauſe to be inſerted in ſuch Contract or Contracts ſuch lawful Clauſes, Covenants, and Agreements, as ſhall be requiſite to enforce the Execution of the ſame accordingly, and within a Time to be therein limited; and may alſo, if he or they ſhall think fit, appoint a proper Perſon or Perſons to ſuperintend the Erection of ſuch Houſe or Houſes, and the due Performance of ſuch Contract or Contracts as ſhall be entered into touching the ſame, with ſuch Powers as the ſaid Lord High Treaſurer, or Commiſſioners of the Treaſury, ſhall judge proper; and the ſaid Lord High Treaſurer, or Commiſſioners of the Treaſury, ſhall alſo appoint a Feoffee or Feoffees to treat for the abſolute Purchaſe in Fee Simple, and to accept a Conveyance of ſuch Piece or Pieces of Ground whereon the ſaid Penitentiary Houſe or Houſes ſhall be intended to be built, and from Time to Time, to appoint others in the Stead of thoſe who ſhall die or reſign; and that when and ſo ſoon as ſuch Piece or Pieces of Ground ſhall be fixed upon and approved by the ſaid Lord High Treaſurer, or Commiſſioners of the Treaſury, and ſuch Feoffee or Feoffees ſhall be appointed, the Inheritance in Fee Simple of ſuch Piece or Pieces of Ground, with the Appurtenances, ſhall be veſted in, and ſhall be conveyed and aſſured to ſuch Feoffee or Feoffees, to the Uſe of ſuch Feoffee or Feoffees, and his or their Succeſſors for ever; and the ſaid Feoffee or Feoffees for the Time being is and are hereby made and declared to be a Corporation Sole, or a Corporation Aggregate, as the Caſe ſhall happen to be, for the ſpecial Purpoſe of being capable to take and hold in perpetual Succeſſion ſuch Piece or Pieces of Ground, with all Buildings and Erections thereon, and other the Appurtenances thereunto belonging, or to belong, for the Uſe and Purpoſes of this Act; and ſhall and may ſue and be ſued by the Name of *The Feoffee* (or *Feoffees*) *of the Penitentiary Houſe* (or *Penitentiary Houſes*) *in the Pariſh of* *in the County of* [as the Caſe may be], he or they paying to the

Treaſury may fix upon Ground, contract for erecting Penitentiary Houſes, appoint Feoffees to treat for the Ground, &c.

Feoffees to be a Corporation, &c.

the ſeveral Perſons intereſted therein ſuch Sum and Sums of Money as by this Act is directed to be paid for the ſame.

Copies of Contracts to be laid before Parliament, &c.

II. Provided always, and be it further enacted, That a Copy of ſuch Contract or Contracts, as ſhall be entered into in purſuance of this Act, ſhall be laid before both Houſes of Parliament within Thirty Days after executing the ſame, if Parliament ſhall be then ſitting, and if Parliament ſhall not be then ſitting, within Fourteen Days after the Firſt Meeting of Parliament next enſuing, and all Expences attending the Execution of this Act ſhall be defrayed in ſuch Manner as ſhall and may be agreed upon and expreſſed in ſuch Contract or Contracts; or in caſe the ſame ſhall not be ſo agreed upon, then the ſame, or ſuch Part thereof as ſhall be neceſſary, ſhall be defrayed by the Lord High Treaſurer, or Commiſſioners of the Treaſury for the Time being, and in ſuch Caſe ſhall be laid before, and annually provided for by Parliament, or otherwiſe as Parliament ſhall direct.

His Majeſty may appoint Governors of Penitentiary Houſes.

III. And be it further enacted, That when the ſaid Penitentiary Houſe or Houſes ſhall be erected in purſuance of, and according to, ſuch Contract or Contracts as aforeſaid, or ſooner, if Occaſion ſhall require, it ſhall and may be lawful for His Majeſty, His Heirs and Succeſſors, from Time to Time, by an Order, in Writing, to be notified by the Principal Secretary of State for the Home Department, to appoint One or more fit and diſcreet Perſon or Perſons to be Governor or Governors of the ſaid Penitentiary Houſe or Houſes, to continue in ſuch Office or Offices reſpectively, for ſuch Time, and under ſuch Conditions, as His Majeſty ſhall direct, who, being ſo appointed thereunto, ſhall have the Care, Management, Superintendance, and Controul of the ſame, and of all and every Offender and Offenders who ſhall be delivered unto his or their Cuſtody, by the Direction of His Majeſty, His Heirs or Succeſſors, under ſuch Powers, Directions, Limitations, and Reſtrictions, as are contained in an Act, made in the Twenty-fourth Year of His preſent Majeſty's Reign, intituled, *An Act for the effectual Tranſportation of Felons and other Offenders, and to authorize the Removal of Priſoners in certain Caſes, and for other Purpoſes therein mentioned*, or under ſuch other Directions, Limitations, and Reſtrictions, as His Majeſty ſhall, under the Powers of the ſaid Act, from Time to Time, appoint.

Corporations, &c. may convey Land.

IV. And be it further enacted, That it ſhall and may be lawful for all Corporations Aggregate or Sole, Eccleſiaſtical, Civil, or Eleemoſynary, Huſbands, Guardians, Committees, Executors, and all Truſtees, not only on Behalf of themſelves, but alſo on Behalf of their Ceſtuique Truſts, whether Infants or Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons under any Diſability whatſoever, and alſo for all other Perſons who are or ſhall be ſeiſed or poſſeſſed of, and intereſted in, ſuch Piece or Pieces of Ground, or any Part thereof, on which the ſaid Penitentiary Houſe or Penitentiary Houſes ſhall be to be erected in purſuance of this Act, to convey and aſſure ſuch Piece or Pieces of Ground, with the Appurtenances, unto ſuch Perſon or Perſons as ſhall be appointed Feoffee or Feoffees of the ſaid Penitentiary Houſe or Houſes to be erected according to the Directions of this Act; and all ſuch Sales, Conveyances, and Aſſurances, ſhall be binding and effectual in the Law, to all Intents and Purpoſes whatſoever; any Laws, Statutes, Uſage, or

Cuſtom, to the contrary notwithſtanding; and all Corporations and Perſons ſo conveying and aſſuring, are hereby indemnified for what they ſhall reſpectively ſo do by virtue of this Act.

Purchaſe Money to be paid into the Bank, and laid out in other Purchaſes, &c.

V. And be it further enacted, That the Purchaſe Money for ſuch Piece or Pieces of Ground to be paid in purſuance of this Act, and alſo the Compenſation to be made to any Tithe Owner or Owners in reſpect thereof, ſhall be paid by ſuch Perſon or Perſons as ſhall be appointed Feoffee or Feoffees as aforeſaid, into the Bank of *England*, with the Privity of the Accountant General of His ſaid Majeſty's High Court of Chancery, to the Credit of the ſeveral Vendors of ſuch Piece or Pieces of Ground, or Perſons intereſted therein; and the ſaid ſeveral Vendors and other Perſons intereſted as aforeſaid ſhall, as ſoon as conveniently may be, lay out ſuch Purchaſe Money and Compenſation reſpectively in the Purchaſe of other Lands, Tenements, or Hereditaments, in Fee Simple, to be conveyed to ſuch Uſes, and to and for ſuch Perſon and Perſons, and for ſuch Eſtate and Eſtates, and to, for, upon, and ſubject to, ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands or Grounds for or in reſpect whereof ſuch Purchaſe Money ſhall be paid as aforeſaid, ſhall be limited, ſettled, and aſſured, at the Time ſuch Conveyance and Aſſurance ſhall be made in Manner aforeſaid, or ſuch as ſhall be then capable of taking Effect; the Charges of ſuch Conveyances and Settlements to be paid in the ſame Manner as the Expence of building on ſuch Ground; and in the mean Time, until ſuch Purchaſe or Purchaſes ſhall be made, ſuch Money ſhall be laid out by ſuch Corporations or other Perſons for the Time being intereſted therein, in ſome Government Securities, in the Names of Two Perſons, One to be nominated by the Party or Parties for the Time being intereſted therein, and the other by the Feoffee or Feoffees aforeſaid, and the Intereſt ariſing from ſuch Securities ſhall be paid to ſuch Perſon or Perſons reſpectively as would have been entitled to the Rents and Profits of ſuch Piece or Pieces of Ground or Tithes in caſe ſuch Ground had not been ſold, or would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, or Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled as aforeſaid.

If the Ground before mentioned ſhould be encreaſed in Value, a further Sum may be paid by the Feoffees.

VI. And be it further enacted, That, previous to the erecting and building any Penitentiary Houſe or Penitentiary Houſes, in caſe the ſame ſhall be intended to be built on the ſaid Piece or Pieces of Ground hereinbefore deſcribed and ſituate within the Pariſh of *Batterſea* aforeſaid, and the Owners or Proprietors intereſted in ſuch Piece or Pieces of Ground, or any of them, ſhall be diſſatisfied with the Price at which the ſame was eſtimated and aſſeſſed in purſuance of the ſaid recited act as aforeſaid, and ſhall give Notice in Writing to the Feoffee or Feoffees appointed by virtue of this Act, within One Calendar Month after Notice given that the ſaid Piece or Pieces of Ground hath or have been fixed upon as herein-before mentioned, that the ſaid Piece of Ground hath encreaſed in Value ſince the Aſſeſſment thereof was made by virtue of the ſaid recited Act, it ſhall and may be lawful to and for ſuch Feoffee or Feoffees to pay into the ſaid Bank of *England*, with ſuch Privity as aforeſaid, ſuch further Sum of Money as ſhall be agreed upon in that Behalf; or in caſe no ſuch Agreement ſhall be made, then to pay into the ſaid Bank of *England* ſuch Sum of Money as ſuch Feoffee or Feoffees ſhall think a fit and

and reaſonable Price to be given for ſuch Increaſe in Value; and that in like Manner, in caſe any other Piece or Pieces of Ground ſhall be appropriated in purſuance of this Act for the Purpoſe of erecting ſuch Penitentiary Houſe or Houſes thereon, it ſhall and may be lawful to and for ſuch Feoffee and Feoffees to pay into the Bank of *England*, with ſuch Privity as aforeſaid, the Price agreed upon to be paid for the ſame, or, in Default of ſuch Agreement, to pay into the ſaid Bank of *England* ſuch Sum of Money as ſuch Feoffee or Feoffees ſhall think a fit and reaſonable Price to be paid for the ſame; and in each Caſe the ſaid Feoffee or Feoffees ſhall alſo make or tender ſuch Compenſation, Recompence, or Satisfaction, in Money, or otherwiſe, to the Tithe Owner or Owners, and alſo to the ſeveral Occupiers who ſhall be Tenants for Life or Lives or for Terms of Years, or Tenants from Year to Year, or at Will, of ſuch Piece or Pieces of Ground on which the ſaid Penitentiary Houſe or Penitentiary Houſes are ſo intended to be erected as aforeſaid, or any Part thereof, in reſpect of their ſeveral Rights and Intereſts of and in the ſaid Premiſes reſpectively, as ſuch Feoffee or Feoffees ſhall in his or their Diſcretion think fit, which Compenſation ſhall be made to them reſpectively, over and above the Price to be paid to the Owners and Proprietors as aforeſaid; and that if the Owners or Proprietors aforeſaid ſhall not agree with the ſaid Feoffee or Feoffees for ſuch Price as aforeſaid, or ſhall not, within the Period of Twenty-one Days after Notice in Writing of ſuch Payment, agree to accept ſuch Price as ſhall be paid into the Bank of *England* by the ſaid Feoffee or Feoffees, or if any ſuch Tithe Owner or Owners, Tenants for Years, or Tenants from Year to Year, or at Will, upon Notice to him, her, or them, given or left in Writing at the Houſe or Houſes or other Place or Places of Abode of ſuch Perſons reſpectively, or fixed on ſome conſpicuous Place on the Premiſes to be conveyed, which ſhall be in his, her, or their reſpective Occupations, or on the Pariſh Church where the ſame Premiſes ſhall be ſituate, ſhall, for the Space of Twenty-one Days next after ſuch Notice given, left, or fixed, neglect or refuſe to accept ſuch Price as ſhall be offered by the ſaid Feoffee or Feoffees for their reſpective Rights and Intereſts in ſuch Premiſes, then, and in ſuch Caſes reſpectively, the ſaid Feoffee or Feoffees ſhall cauſe the Values of all ſuch Rights and Intereſts in reſpect whereof any ſuch Controverſy or Diſpute ſhall have ariſen to be reſpectively inquired into and aſcertained by a Jury or Juries of indifferent Men in the County in which ſuch Lands ſhall be ſituate; and to that End ſhall ſummon and call before ſuch Jury or Juries, and examine upon Oath (which Oath ſuch Feoffee, or any One or more of ſuch Feoffees, is and are hereby empowered to adminiſter) any Perſon or Perſons whomſoever; and ſuch Feoffee or Feoffees ſhall, by ordering a View or otherwiſe, uſe all Ways and Means for the Information of ſuch Jury or Juries in the Premiſes; and when ſuch Jury or Juries ſhall have enquired of and aſcertained the ſeveral Matters aforeſaid, the ſaid Feoffee or Feoffees ſhall thereupon pay, in Manner herein directed, the reſpective Sums of Money which ſhall ſo appear to be payable, as well to ſuch Owners or Proprietors of ſuch Lands or Tithes in reſpect of ſuch Value, or Increaſe in Value as aforeſaid, as to ſuch Occupiers or Tenants in reſpect of their Intereſts in the Premiſes; which Sums of Money due and payable to the Occupiers or Tenants reſpectively ſhall be paid to ſuch Occupiers or Tenants reſpectively, or their reſpective Executors, Adminiſtrators, or Aſſigns; and which Verdicts or Inquiſitions ſhall be reſpectively filed of

If other Land ſhould be uſed, the Feoffees may pay to the Bank the Price agreed, &c.

Recompence to be made to Tithe Owners, and Tenants for Life, &c.

In caſe of Diſagreement, Value to be aſcertained by a Jury.

Verdicts to be filed and to be final.

Record by the Clerk of the Peace of the County wherein the Lands ſo to be appropriated ſhall be ſituate, and ſhall be final and concluſive to all Intents and Purpoſes whatſoever againſt all and every the ſaid Owners or Proprietors, and Occupiers and Tenants reſpectively, their reſpective Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, and all and every other Perſon or Perſons whomſoever.

Feoffees may iſſue Warrants to the Sheriff to return Juries, &c.

VII. And for ſummoning and returning ſuch Juries, be it further enacted, That ſuch Feoffee or Feoffees may iſſue their Warrant or Warrants to the Sheriff of the County wherein ſuch Lands ſhall be ſituate, requiring him to impannel, ſummon, and return, an indifferent Jury or indifferent Juries, each conſiſting of Twenty-four Perſons qualified to ſerve upon Juries, to appear before the ſaid Feoffee or Feoffees, at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed; and the ſaid Sheriff, or his Deputy or Deputies, is and are hereby required to impannel, ſummon, and return, ſuch Number of Perſons accordingly, and out of the Perſons ſo ſummoned, impannelled, and returned, or out of ſuch of them as ſhall appear upon ſuch Summons, the ſaid Feoffee or Feoffees ſhall, and they are hereby empowered and required to draw by Ballot, and to ſwear, or cauſe to be ſworn, Twelve Men upon each ſuch Jury; and in Default of a ſufficient Number of Jurymen ſo returned, the ſaid Sheriff or his Deputy or Deputies, ſhall take ſuch other honeſt and indifferent Men of the Bye-ſtanders, or that can ſpeedily be procured to attend that Service, to make up the Number of Twelve upon each ſuch Jury; and all Perſons concerned ſhall have their lawful Challenges againſt any of the ſaid Jurymen when they come to be ſworn; and the ſaid Feoffee or Feoffees ſhall have Power, from Time to Time, to impoſe and levy, by Diſtreſs and Sale of the Goods and Chattels of every Offender, by Warrant under his or their Hands or Seals, a Fine or Fines upon ſuch Sheriff, or his Deputy or Deputies, making Default in the Premiſes, and on any of the Perſons who ſhall be ſummoned and returned on ſuch Jury or Juries, and who ſhall not appear, or appearing ſhall refuſe to be ſworn, or being ſworn, ſhall refuſe to give, or ſhall not give a Verdict, or ſhall in any other Manner wilfully neglect his or their Duty therein, and alſo on any Perſons who, being ſummoned and required to give Evidence before the ſaid Jury or Juries, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be ſworn or to give Evidence, ſo that no ſuch Fine be more than Ten Pounds, nor leſs than Twenty Shillings, on any One Perſon for One Offence.

and may impoſe Fines for Neglect, &c.

By whom Expences of Juries are to be borne.

VIII. And be it further enacted, That in caſe any ſuch Jury ſhall give in and deliver a Verdict for more Money as the Amount of ſuch Value or Increaſe in Value as aforeſaid, than what ſhall have been paid into the Bank of *England*, for the Uſe of the ſaid Owners or Proprietors, or ſhall give in and deliver a Verdict for more Money as the Values of the Right and Intereſt of ſuch Tithe Owners, Occupiers, or Tenants reſpectively, in the ſaid Ground and Premiſes, than what ſhall have been offered for the Purchaſe thereof, the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes ſhall in each Caſe in which ſuch greater Sum of Money ſhall be given in by ſuch Jury, be borne and paid by the ſaid Feoffee or Feoffees; but if ſuch Jury ſhall in either or both of the ſaid Caſes give in and deliver a Verdict or Verdicts reſpectively, for no more or for leſs Money than the Money which ſhall have been reſpectively

ſpectively paid in or offered by ſuch Feoffee or Feoffees, then the Coſts and Expences attending ſuch Verdict or Verdicts, wherein no more or leſs Money ſhall be given in than as aforeſaid, together with the Coſts of the Witneſſes reſpectively ſummoned therein, ſhall be borne and paid by the reſpective Perſons who gave Occaſion to ſuch Controverſy or Diſpute in which ſuch Verdict or Verdicts, for ſuch ſmaller Sum or Sums of Money, was or were given in as aforeſaid.

On Payment of Purchaſe Money, &c. Ground may be entered upon.

IX. And be it further enacted, That upon Payment of the Money ſo ordered to be paid as a Compenſation or Recompence to ſuch Occupiers, being Tenants for Terms of Years, or Tenants from Year to Year, or at Will reſpectively, for his and their Right and Intereſt, or Rights and Intereſts, in the ſaid Ground and Premiſes, or upon Refuſal to receive the ſame, leaving the ſame in the Hands of the Clerk of the Peace of the County wherein the Premiſes ſhall be ſituate, for the Uſe of the Perſons or Parties entitled thereto, and upon Payment into the ſaid Bank of *England* of the Money by the ſaid Feoffee or Feoffees for the Purchaſe of the Fee Simple and Inheritance of the ſaid Piece or Pieces of Ground, or ſuch Price in reſpect thereof as ſhall be aſſeſſed by ſuch Jury or Juries by virtue of this Act, to and for the Uſe of the Perſons or Parties entitled thereto, it ſhall be lawful for the ſaid Feoffee or Feoffees, his or their Workmen or Agents, to enter upon and take Poſſeſſion of the ſaid Piece or Pieces of Ground, and every Part thereof, for the Uſes and Purpoſes of this Act; and thereupon all ſuch Perſons and Parties as aforeſaid, Owners, Occupiers, and Tenants reſpectively, ſhall be diveſted of all Right and Title, Poſſeſſion and Claim, of or to the ſaid Piece or Pieces of Ground, and every Part thereof.

Act not to extend to Houſes, &c.

X. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to compel the Sale of any Ground with a Houſe or other Building *bona fide* intended for the Purpoſes of Habitation upon it, or of any Park, Paddock, Orchard, or other Ground, incloſed for the immediate Convenience of any Houſe or of the Offices belonging thereto, or any Ground improved as Pleaſure Ground, or planted with Wood, or any incloſed Ground immediately adjoining to any Houſe, Park, Paddock, Garden, Orchard, Yard, or Pleaſure Ground, and occupied therewith, or any Ground between any Houſe and any Park, Paddock, Yard, Offices, Garden, Orchard, or Pleaſure Ground, belonging to ſuch Houſe and occupied therewith.

Limitation of Actions.

XI. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and tried in the County of *Middleſex*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time ſo limited for bringing the ſame, or in any other County or Place than as aforeſaid, then, and in every ſuch Caſe, the Jury ſhall find for the Defendant or Defendants, or if the Plaintiff

tiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Security for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Treble Coſts.

FINIS.