

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXV.

An Act for the Management of the Customs.

[4th *August* 1845.]

WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of King *William* the Fourth, intituled *An Act for the Management of the Customs*, whereby the Laws in relation to the Management of the Customs were consolidated: And whereas since the passing of the said Act divers Parts of Acts for the further Amendment of the Law in that respect have been found necessary, and it will be of advantage to the Trade and Commerce of the Country that the said Act and Parts of Acts should be consolidated into One Act: 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 from and after the passing of this Act the same shall come into and be and continue in full Force for all the Purposes mentioned therein, except where any other Commencement is herein particularly directed. 3 & 4 W. 4. c. 51.

Commencement of Act.

II. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to appoint, under the Great Seal of the United Kingdom, any Number of Persons not exceeding Thirteen to be Commissioners of Her Majesty's Customs for the Collection and for the Management

Board of Customs, Appointment of.

Management of the Customs in and throughout the whole of the United Kingdom, and of any of Her Majesty's Possessions abroad; and that each of such Commissioners, when so appointed, shall have and hold his Office during Her Majesty's Pleasure.

Commissioners subject to the Control of the Treasury.

III. And be it enacted, That the said Commissioners so appointed or to be appointed by Her Majesty shall, in all Matters and Things relating to the Execution of their Duties, be subject to the Authority, Directions, and Control of the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, and shall obey such Orders and Instructions as shall from Time to Time be issued to them by the said Commissioners of Her Majesty's Treasury under the Hands of Three or more of them.

Orders to be under the Hands of the Commissioners.

IV. And be it enacted, That every Order, Document, Instrument, or Writing, not being for the Payment of Money, required by any Law at any Time in force to be under the Hands or under the Hands and Seals of the Commissioners of Her Majesty's Customs, being attested by the Hands or the Hands and Seals of Two or more of such Commissioners, and every such Order for the Payment of Money being attested by the Signatures of Three or more of such Commissioners, shall be deemed to be an Order, Document, Instrument, or Writing under the Hands or under the Hands and Seals, as the Case may be, of the Commissioners of Her Majesty's Customs accordingly.

Previous Appointments to remain in force.

V. And be it enacted, That any Appointment of Commissioners of Her Majesty's Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards made under and by virtue of the Authority of this Act.

Appointment of necessary Officers of Customs.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or for the Commissioners of Her Majesty's Customs under the Authority of the said Commissioners of Her Majesty's Treasury, to appoint proper Persons to execute the Duties of the several Offices necessary to the due Management and Collection of the Customs, and all Matters connected therewith, under the Control and Direction of the Commissioners of Her Majesty's Customs, and to grant or allow to such Persons such Salaries or other Allowances, or to permit such Emoluments, for the Labour and Responsibility in executing the Duties of their respective Offices or Employments, and to require of such Persons such Securities for their good Conduct therein, as the said Commissioners of Her Majesty's Treasury shall deem to be reasonable and necessary; and such Persons shall hold their Offices during the Will and Pleasure of the said Commissioners of Her Majesty's Treasury, or of the Commissioners of Her Majesty's Customs, in such Cases and in such Manner as the said Commissioners of Her Majesty's Treasury shall direct.

Salaries and Allowances, and Securities.

Persons employed by Customs

VII. And be it enacted, That every Person employed on any Duty or Service relating to the Customs by the Orders or with the

Concurrence of the Commissioners of Her Majesty's Customs (whether previously or subsequently expressed) shall be deemed to be the Officer of the Customs for that Duty or Service; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed by, to, or with any particular Officer nominated in such Law for such Purpose, being done or performed by, to, or with any Person appointed by the Commissioners of Her Majesty's Customs to act for or in behalf of such particular Officer, the same shall be deemed to be done or performed by, to, or with such particular Officer; and that every Act, Matter, or Thing required by any Law at any Time in force to be done or performed at any particular Place within any Port, being done or performed at any Place within such Port appointed by the Commissioners of Her Majesty's Customs for such Purpose, the same shall be deemed to be done or performed at the particular Place so required by Law.

deemed Officers for such Service.

Duties of Officers performed by Persons and at Places appointed by Commissioners.

VIII. And be it enacted, That if any Officer, Clerk, or other Person acting in any Office or Employment in or belonging to the Customs under the Control and Direction of the Commissioners of Her Majesty's Customs in any Part of Her Majesty's Dominions shall take or receive any Fee, Perquisite, Gratuity, or Reward, whether pecuniary or of any other Sort or Description whatever, directly or indirectly, from any Person (not being a Person duly appointed to some Office in the Customs), on account of any thing done or to be done by him in or in any way relating to his said Office or Employment, except such as he shall receive under any Order or Permission of the said Commissioners of Her Majesty's Treasury, every such Officer so offending shall, on Proof thereof to the Commissioners of Her Majesty's Customs, be dismissed from his Office; and if any Person (not being a Person duly appointed to some Office in the Customs) shall give, offer, or promise to give any such Fee, Perquisite, Gratuity, or Reward, such Person shall for every such Offence forfeit the Sum of One hundred Pounds.

Officers taking any Fee or Reward not allowed shall be dismissed.

Penalty for offering Fee.

IX. And be it enacted, That all Commissions, Deputations, and Appointments granted to any Officers of the Customs in force at the Time of the Commencement of this Act shall continue in force as if the same had been afterwards granted under and by virtue of the Authority of this Act; and that all Bonds which shall have been given by any such Officers and their respective Sureties, for good Conduct or otherwise, shall remain in full Force and Effect.

Previous Appointments and Securities to remain in force.

X. And be it enacted, That every Person who shall be appointed to any Office or Employment in the Service of the Customs under the Control and Direction of the Commissioners of Her Majesty's Customs in any Part of Her Majesty's Dominions shall, at their respective Admissions thereto, make the following Declaration; (that is to say,)

Declaration on Admission to Office.

'I *A.B.* do declare, That I will be true and faithful in the Execu-
'tion, to the best of my Knowledge and Power, of the Trust com-
'mitted to my Charge and Inspection in the Service of Her Majesty's
'Customs;

'Customs; and that I will not require, take, or receive any Fee, 'Perquisite, Gratuity, or Reward, whether pecuniary or of any Sort 'or Description whatever, either directly or indirectly, for any 'Service, Act, Duty, Matter, or Thing done or performed or to be 'done or performed in the Execution or Discharge of any of the 'Duties of my Office or Employment, on any Account whatever, 'other than my Salary, and what is or shall be allowed me by Law, 'or by any special Order of the Commissioners of Her Majesty's 'Treasury or the Commissioners of Her Majesty's Customs for the 'Time being.'

Hours of Attendance and Division of Service in those Hours.

XI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury by their Warrant from Time to Time to appoint the Hours of general Attendance of the Commissioners and respective Officers of the Customs, and other Persons in the Service of the Customs, at their proper Offices and Places of Employment; and that it shall be lawful for the Commissioners of Her Majesty's Customs to appoint the Times during such Hours at which any particular Parts of the Duties of such Officers and other Persons respectively shall be performed by them.

Officers of Customs not liable to serve parochial and other local Offices.

XII. And be it enacted, That no Commissioner of Her Majesty's Customs, nor any Officer of Customs, or Person employed in the Collection or Management of or accounting for the Revenue of Customs, or any Part thereof, nor any Clerk or other Person acting under them, shall, during the Time of his acting as such Commissioner or as such Officer, or of his being so employed as aforesaid, or of his acting as such Clerk or other Person as aforesaid, as the Case may be, be compelled to serve as a Mayor or Sheriff, or in any corporate or parochial or other public Office or Employment, or to serve on any Jury or Inquest, or in the Militia, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Holidays.

XIII. And be it enacted, That no Day shall be kept as a public Holiday by the Customs except *Christmas Day* and *Good Friday* in every Year, and any Days appointed by Her Majesty's Proclamation for the Purpose of a General Fast or of a General Thanksgiving, and also, so far as regards *Scotland*, any Days appointed for such Purposes by Authority of the General Assembly, and also such Days as shall have been appointed for the Celebration of the Birthdays of Her Majesty and of Her Successors, and that such Days shall be kept as public Holidays by the Officers and Servants of the Dock Companies in the United Kingdom.

Collector in London to pay Duties daily to Receiver General.

XIV. And be it enacted, That the Collector of the Customs in the Port of *London* shall pay into the Hands of the Receiver General of the Customs the whole of the Monies which he shall receive on account of the Duties of Customs on the Day on which he shall receive the same, or as near the whole as may be, save and except such Sum or Sums of Money as shall from Time to Time, by virtue of the special Order of the Commissioners of Her Majesty's Customs, be directed to be deducted, paid, or allowed therefrom.

XV. And

In London Debentures and Orders to be paid by Receiver General.

XV. And be it enacted, That every Sum of Money which shall be due in the Port of *London* upon any Debenture, Certificate, or other Instrument or Document whatever for the Payment of any Money out of the Duties of Customs shall be paid by the Receiver General of the Customs out of any Money in his Hands arising from the Duties of Customs, and every such Payment shall be allowed by the Commissioners for the better examining and auditing the Public Accounts of this Kingdom in the settling or auditing of the Accounts of the Receiver General of the Customs; and when any such Payment shall become due at any other Port in the United Kingdom, the same may be paid by the Collector at such Port, the Comptroller being duly apprized thereof, out of any of the Money in his Hands arising from the Duties of Customs, and under such Directions and Instructions for the due Execution of their Offices as shall from Time to Time be given to them by the Commissioners of Her Majesty's Customs.

Payments at Out-ports by Collector.

Commissioners of Customs may close Accounts of Collectors.

XVI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Customs finally to settle and close the Accounts of any Collectors or Receivers of any Part of the Revenue of the Customs or other Duties under their Management, notwithstanding any erroneous Appropriation of any Duties of Customs received by such Collectors or Receivers; and the said Commissioners are hereby empowered to correct such Appropriation, in order to prevent the Accounts of any such Collectors or Receivers from being kept open; and all such Corrections shall be allowed by the Commissioners for auditing the Public Accounts in the passing the general Accounts of Customs, Subsidies, or Impositions.

Salaries not subject to Duties.

XVII. And be it enacted, That all Salaries, Allowances, or Compensations granted or allowed to any Officer, Clerk, or other Person in the Service of the Customs shall be paid without any Abatement or Deduction on account of any Duties imposed by any Act of Parliament, unless expressly charged thereon, save and except all Duties imposed by any Act for granting Duties on Profits arising from Property, Professions, Trades, and Offices.

All Monies received by Receiver General of Customs in England shall be paid into the Bank of England.

XVIII. And whereas it is expedient that Regulations should be established by Law in the Office of the Receiver General of the Customs in *England* for depositing in the Bank of *England* all the Monies, Bills, Drafts, and Notes received by such Receiver General on account of the Revenue under the Management of the Commissioners of Her Majesty's Customs, except as herein-after mentioned, until the same shall be paid into the Exchequer; be it therefore enacted, That all Monies, Bills, Notes, and Drafts received by or coming to the Hands of the Receiver General of the Customs in *England* on account of the Revenue of Customs in *Great Britain*, shall be paid by him into the Hands of the Governor and Company of the Bank of *England*; (that is to say,) such Monies and Notes, and such of the Bills and Drafts as shall be already accepted, or shall not require Acceptance, having been first duly endorsed, shall be paid as aforesaid on the Day on which the same shall have been received,

and such of the Bills and Drafts as shall require Acceptance, and not be already accepted when received, (the same having been first duly endorsed where necessary,) within Three Days after the same shall have been accepted, for which Monies, Bills, Notes, and Drafts the Entry in the Book herein-after mentioned shall be a sufficient Discharge; and all such Monies, Bills, Notes, and Drafts so to be paid to the Governor and Company of the Bank of *England* shall be placed to an Account to be raised in the Books of the said Governor and Company, and to be intituled "The Account of the Public Monies of the Receiver General of Customs," inserting the Name of such Receiver General for the Time being.

Money for ordinary Payments may be retained.

XIX. Provided nevertheless, and be it enacted, That it shall be lawful for such Receiver General to retain and keep in his own Hands, for the Payment of casual and ordinary and daily Demands out of the Monies so received by him as such Receiver General, a Sum not exceeding One thousand Pounds at the close of each Day, and also any further Sum which he shall be directed to retain by the said Commissioners, not exceeding Four thousand Pounds, and also any further Sum, with the Permission in Writing of any Three or more of the said Commissioners of Her Majesty's Treasury.

Bank to keep an Account, to be returned to the Customs for Inspection.

XX. And be it enacted, That the Governor and Company of the Bank of *England*, or some Person duly authorized in that Behalf, shall daily, upon receiving any Money, Bills, Notes, or Drafts from such Receiver General of the Customs, make an Entry of the Money, Bills, Notes, and Drafts so received, in a Book to be provided by the Governor and Company of the Bank of *England*, which Book shall be forthwith re-delivered to the Persons making the Payments for the Customs, and inspected daily after its Return by the Comptroller General of the Customs or his Clerk, (such Clerk being first duly authorized by him, and for whose Conduct he shall be answerable,) who shall compare the same with the Account of Monies, Bills, Notes, and Drafts received by the said Receiver General, for the Purpose of ascertaining that the Receiver General constantly pays into the Bank all the Money, Bills, Notes, and Drafts which he ought to do under the Provisions of this Act; and any Default which such Comptroller General or his Clerk may discover in that Behalf shall be immediately reported by him to the said Commissioners of Her Majesty's Customs, who shall report the same, unless it shall appear to them to have happened by Mistake or Inadvertence, to the said Commissioners of Her Majesty's Treasury.

Money carried to the Exchequer to be written off at the Bank.

XXI. And be it enacted, That the Monies placed to the Account of the Receiver General as aforesaid in the Bank of *England* shall be paid into the Exchequer from Time to Time as by Law is directed, in manner following; that is to say, the Receiver General, or his Clerk duly authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, shall make an Order weekly upon the Governor and Company of the Bank of *England*, which Order shall be countersigned by the Comptroller General or his Clerk, to write off from his Account the Sum specified; and the said Governor

Governor and Company, or some Person duly authorized on their Behalf, shall thereupon write off such Sum, and deliver a Note, drawn and cancelled in such Manner as shall be approved by the said Commissioners of Her Majesty's Treasury, for the Amount, to the Receiver General or his Clerk, who shall pay the same into the Exchequer, and the Bank Clerks attending there shall receive it as so much Cash; and it shall not be lawful for the Governor and Company of the Bank of *England* to pay or transfer any Part of the Money so paid in and placed to the Account of such Receiver General from such Account, otherwise than into the Exchequer in manner aforesaid, and except in the Manner herein-after directed, or to deliver any Note or Notes, Bill or Bills of Exchange, save and except to the Solicitor of the Customs or his Clerk, upon his Application for the same, together with the Receiver General or his Clerk, and the Comptroller General or his Clerk, for the sole Purpose of taking out an Extent for the Security of the Money for which such Bill of Exchange or Draft shall have been given, or to the said Receiver General or his Clerk, any Bills, Notes, or Drafts which may be protested for Nonpayment, except as herein-after is mentioned, in which Case the Commissioners of Her Majesty's Customs shall be immediately acquainted therewith, if sitting, by such Solicitor, Receiver General, or Comptroller General, or, if not sitting, at the Time of their assembling; and such Delivery shall be entered by the Bank in the Book to be kept as herein directed.

Receiver General may draw on the Bank to pay Drawbacks, &c.

XXII. And be it enacted, That in order that the several Payments directed by Order of the Commissioners of Her Majesty's Customs to be made by the said Receiver General to Merchants or any other Persons on account of Drawbacks or Bounties, or on any other Account whatever, may be made without Delay, and for the Payment of which the Money then in the Hands of the said Receiver General shall be insufficient, it shall be lawful for the said Receiver General, or his Clerk deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable, to draw out of the Bank of *England*, as Occasion may require, such Sum or Sums of Money as may be sufficient to answer the Purpose aforesaid; and that every Draft or Order on the Bank for Money for any of the said Purposes shall be countersigned by the Comptroller General, or his Clerk to be deputed and authorized by him for that Purpose, and for whose Conduct therein he shall be answerable; and that the said Receiver General shall from Time to Time account for the Monies so to be drawn by him or his Clerk out of the Bank.

Drafts to be countersigned by Comptroller General.

Officers of the Exchequer to be furnished with Appropriation Papers.

XXIII. And in order that separate Accounts may be kept at the Exchequer of the Monies paid in on various Branches of the Customs pursuant to Law, be it enacted, That the said Receiver General of the Customs shall, on every *Monday* Morning, furnish the proper Officers of the Exchequer with an Appropriation Paper, stating the Heads under which the Receipts of the preceding Week are to be applied.

On the Death or Removal of

XXIV. And be it enacted, That upon the Death, Resignation, or Removal of the present and of every other Receiver General of the Customs

Receiver General, the Balance to vest in his Successor.

Customs hereafter to be appointed, the Balance of Cash for which he shall at that Time have Credit on his Account as such Receiver General with the Governor and Company of the Bank of *England* shall, as soon as a Successor shall be appointed to the said Office, actually vest in such Successor, and until such Successor shall be appointed in such Person or Persons as shall for the Time being be duly authorized to execute the Duties of the said Office, in trust for the Service of the Public, and be forthwith transferred, carried over, and placed to the Account of such Successor or other Person or Persons as aforesaid, to be applied to the said Service in pursuance of the like Drafts and Orders as aforesaid.

Receiver General to keep Account.

XXV. And be it enacted, That the Receiver General of the Customs for the Time being shall keep the Account with the Bank of all Monies issued by and paid to the Bank on his Account for the Service of the Public; and the said Receiver General, observing the Rules and Regulations hereby prescribed, shall not be answerable for any Money, Bills, Notes, and Drafts which he shall have so paid or caused to be paid into the Bank of *England;* and the Governor and Company of the Bank of *England* shall be answerable for all the Monies, Bills, Notes, and Drafts which shall be actually received by them from and on account of such Receiver General as aforesaid, except such Bills as may have been returned in manner aforesaid.

Punishment for Forgery on Receiver General, Transportation for Life.

XXVI. And be it enacted, That if any Person or Persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting, the Name or Handwriting of any Receiver General of the Customs, or of any Comptroller General of the Customs, or of any Person acting for them respectively as aforesaid, to any Draft, Instrument, or Writing whatsoever, for or in order to the receiving or obtaining any of the Money in the Hands or Custody of the Governor and Company of the Bank of *England* on account of the Receiver General of the Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in the forging or counterfeiting, any Draft, Instrument, or Writing in Form of a Draft, made by such Receiver General or Person as aforesaid, or shall utter or publish any such, knowing the same to be forged or counterfeited, with an Intention to defraud any Person whomsoever, every such Person or Persons so offending, being thereof lawfully convicted, shall be and is and are hereby declared and adjudged to be guilty of Felony, and shall be transported beyond the Seas for Life.

Commissioners of Customs, Collectors, &c. authorized to administer Oaths.

XXVII. And be it enacted, That in all Cases wherein Proof on Oath shall be required by any Law, or for the Satisfaction or Consideration of the Commissioners of Her Majesty's Customs, in any Matter relating to any Business under their Management, the same may be made before the Collector or Comptroller of the Customs at the Port where such Proof shall be required to be made, or before the

Persons acting for them respectively, and who are hereby authorized and empowered to administer the same.

Commissioners of Her Majesty's Customs, Surveyors General, &c. may examine Witnesses on Oath.

XXVIII. And be it enacted, That upon Examinations and Inquiries made by any Commissioners of Her Majesty's Customs, or any one or more of them for the Time being, or by any Surveyor General of the Customs, or any Inspector General of the Customs, for ascertaining the Truth of Facts relative to the Customs, or the Conduct of Officers or Persons employed therein, and upon the like Examinations and Inquiries made by the Collector and Comptroller of any Outport in the United Kingdom, or of any Port in the *Isle of Man*, or made by any Person or Persons in any of the *British* Possessions abroad, appointed by the Commissioners of Her Majesty's Customs to make such Examinations and Inquiries, any Person examined before him or them as a Witness shall deliver his Testimony on Oath, to be administered by such of the said Commissioners, Surveyors General, or such of the Inspectors General, or such Collector or Comptroller, or such Person or Persons as shall examine any such Witness, and who are hereby authorized to administer such Oath; and if any Person shall be convicted of making a false Oath touching any of the Facts so testified on Oath, or of giving false Evidence on his Examination on Oath before any one or more of the said Commissioners, or any of the Surveyors General or Inspectors General of the Customs, or such Collector and Comptroller, or such Person or Persons, in conformity to the Directions of this Act, every such Person so convicted as aforesaid shall be deemed guilty of Perjury, and shall be liable to the Pains and Penalties to which Persons are liable for wilful and corrupt Perjury.

False Oath deemed Perjury.

Lands and Buildings already taken for the Service of Her Majesty's Customs to be vested in the Secretary of the Customs for the Time being;

XXIX. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which have heretofore been purchased, acquired, or taken for the Use and Service of Her Majesty's Customs, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, (other than and except such Messuages, Lands, Tenements, and Hereditaments as may be of Copyhold Tenure,) shall be and become and remain and continue vested in the Secretary for the Time being to the Commissioners of Her Majesty's Customs, and his respective Successors as Secretaries in such Service, according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of Her Majesty's Customs in the said United Kingdom.

and also all Lands, &c. to be hereafter purchased for the Use of the Customs.

XXX. And be it enacted, That all other Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments (other than and except as aforesaid) which shall at any Time or Times hereafter be purchased for the Use and Service of Her Majesty's Customs, with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, shall in like Manner be and become and remain and continue vested in the Secretary for the Time being to the said Commissioners, and his Successors as Secretaries in such Service,

according to the respective Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust as aforesaid.

Secretary, under Authority of Commissioners, may sell or let Lands vested in them.

XXXI. And be it enacted, That it shall and may be lawful for the said Secretary for the Time being, by and under the Authority and Direction of the said Commissioners (testified by Writing under their Hands and Seals), to sell, exchange, or in any Manner dispose of, or to let, set, or demise, as well any of the Freehold and Leasehold Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments respectively which shall for the Time being be vested in them respectively under and by virtue of this present Act, with their respective Appurtenances, as also any of the Copyhold Messuages, Buildings, Lands, Tenements, and Hereditaments which shall have been surrendered to and vested in any Person or Persons, and his, her, or their Heirs and Assigns, in trust for Her said Majesty, or any of Her Predecessors, his, her, or their Heirs or Successors, for the Use and Service of Her Majesty's Customs in the said United Kingdom, or any of them, either by public Auction or private Contract; and as to the said Freehold and Leasehold Manors, Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Secretary for the Time being, and as to the said Copyhold Messuages, Lands, Tenements, and Hereditaments, that it shall and may be lawful to and for the said Person or Persons in whom the same shall be vested as aforesaid, in due Form of Law, to convey, surrender, assign, make over, or to grant or demise the same respectively, or any of them, as the Case may require, to any Person or Persons who shall be willing to purchase or take the same respectively, and also to carry into execution any Contract or Contracts already entered into for the Sale of any such Freehold, Copyhold, or Leasehold Messuages, Lands, Tenements, or Hereditaments as aforesaid, with such Alterations or Variations as the said Commissioners for the Time being, or any Two or more of them, shall by Writing under their Hands direct, and for that Purpose to make and execute all such Conveyances, Assurances, and Agreements as may be thought proper, and also to do any other Act, Matter, or Thing in relation to any such Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments which shall by the said Commissioners be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any Person or Persons having a like Interest in any such Manors, Messuages, Lands, Tenements, or Hereditaments.

Monies produced by Sale of such Lands to be paid to the Receiver General.

XXXII. And be it enacted, That the Monies to arise and be produced by Sales or Exchange of any of the said Manors, Messuages Lands, Tenements, or Hereditaments which shall be sold or exchanged or conveyed under the Provisions of this present Act, including the Monies already paid by way of Deposit for the Purchase of any Hereditaments already contracted to be sold, and the Residue of the Monies to be received in respect or on account of such Contract, shall be paid by the respective Purchaser or Purchasers thereof, or the Person

or

or Persons making such Exchange, under the Receiver General of Her Majesty's Customs for the Time being, or to such Person or Persons as the said Commissioners for the Time being, or any Four or more of them, shall direct or appoint to receive the same, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the said Customs; and that the Receipt of the said Receiver General, or such other Person or Persons as aforesaid, for such Monies (such Receipt to be endorsed on every such Conveyance, Surrender, or Assignment as aforesaid), shall effectually discharge the Purchaser or Purchasers or Person or Persons by whom or on whose Account the same shall be so paid.

After Payment, Purchasers to stand possessed of the Lands, &c.

XXXIII. And be it enacted, That immediately from and after the Payment of such Purchase Money, and the Execution of every such Conveyance, Surrender, and Assignment as aforesaid, the Purchaser or Purchasers therein named shall be deemed and adjudged to stand seised and possessed of the Manors, Messuages, Lands, Tenements, and Hereditaments which shall be so purchased by, and conveyed, surrendered, assigned, or made over to him, her, or them respectively, freed and absolutely discharged of and from all and all Manner of prior Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in, to, out of, or upon or in respect of the same Manors, Messuages, Lands, Tenements, and Hereditaments by any Person or Persons whomsoever, by, from, or under, or in trust for Her Majesty, Her Heirs and Successors, on any account whatsoever, save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims, and Demands, if any, as in any such Conveyance, Surrender, or Assignment shall be excepted.

Treasury may authorize Persons to survey and mark out Lands for Watch-houses, &c.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury 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, not exceeding One Half Acre at any one Station, which are or may be wanted for the Purposes of erecting and maintaining Watch-houses, Dwelling Houses, and other Buildings requisite and necessary for the Security and Protection of the Revenues of Customs and Excise, with all necessary Ways unto and from the same or any or either of them, such Lands being situated within Half a Mile of the Sea Shore or of the Tideway of any navigable River, and to authorize any Person or Persons, by Warrant as aforesaid, to treat and agree with the Owner or Owners of or any Person or Persons interested in any such Lands, or any Messuages, Tenements, Hereditaments, or Premises which may be requisite and necessary as aforesaid, for the Possession thereof for such Time or Term of Years as the Public Service shall require.

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

XXXV. And be it enacted, That it shall be lawful for all Bodies Politic or Corporate, Eccesiastical 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

or Proprietors of or Persons interested in any such Lands, Messuages, Tenements, Hereditaments, or Premises 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 for the Grant of any Lease of such Lands, Messuages, Tenements, Hereditaments, or Premises, either for any Term of Years certain therein, or for such Periods as the Public Service shall require, and to demise or grant the same unto the said Commissioners of Her Majesty's Treasury, in trust for Her Majesty, Her Heirs and Successors, accordingly; and all such 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 may put Her Majesty's Officers into Possession, and a Jury shall be summoned, who shall find the Compensation to be made.

XXXVI. And be it 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 so marked out, or in any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, 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 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; and in case also it shall not be practicable to procure by voluntary Bargain or Sale any other Land situate as aforesaid, or any Messuages, Tenements, Hereditaments, or Premises required as aforesaid, and suited to the Purpose for which such Lands, Messuages, Tenements, Hereditaments, or Premises are required, then and in such Case it shall be lawful for Two or more Justices, 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 wherein such Lands, Tenements, Hereditaments, Messuages, or Premises shall be, to put Her Majesty's Officers in possession of such Lands, Messuages, Tenements, Hereditaments, or Premises, and for that Purpose to issue a Warrant under their Hands and Seals requiring Possession to be delivered to such of Her Majesty's Officers as shall be named in the said Warrant; and it shall also be lawful for such Person or Persons so authorized as aforesaid to require the said Justices, Deputy Lieutenants, or Deputy Governors of such County, Riding, Stewartry, City, Liberty, or Place to issue their Warrant to the Sheriff or Sheriffs of the County, Riding, Stewartry, City, or Place wherein such Lands, Messuages, Tenements, Hereditaments, or Premises shall be situate, to summon a Jury; and every such Sheriff or Sheriffs is and are 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

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 Her Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* or *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 Sheriff or Sheriffs shall choose others of the By-standers, 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 Deputy Governors respectively, on the Application of the said Persons so authorized or of any Parties concerned, may and shall 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 Deputy Governors respectively are hereby empowered and required to administer,) find the Compensation to be paid for the Possession or Use of such Lands, as the Case may be.

Lands that are suitable may be taken in lieu of such as have been marked out.

XXXVII. Provided always, and be it enacted, That if the Owner or Owners of any Lands, Messuages, Tenements, Hereditaments, or Premises so required, or any Person or Persons interested therein, shall at any Time before the summoning of such Jury as aforesaid give Notice in Writing of any other Lands situate as aforesaid, and of any other Messuages, Tenements, Hereditaments, or Premises so required as aforesaid, and suited to the Purpose for which such Lands are required, and which the Owner or Owners thereof or Persons interested therein are willing to treat and agree for, then and in such Case the Jury so to be summoned shall previously find the Facts, whether the Lands so indicated in such Notice are situate within the Distance aforesaid, and are suited to the Purpose for which such Lands, Tenements, Hereditaments, Messuages, or Premises may be required, and whether the Owner or Owners thereof or Persons interested therein are willing to treat and agree for the same; and if they shall so find, the Owner or Owners of or Persons interested in the Lands so surveyed or marked out as aforesaid, or of the Messuages, Tenements, Hereditaments, or Premises so required, shall not be compellable by virtue of this Act to sell or dispose of the same: Provided also, that where the Owner or Owners of or Persons interested in any Lands, Messuages, Tenements, Hereditaments, or Premises required by virtue of this Act to be given up for the Purposes aforesaid shall prefer to sell the same outright, and shall be able to make a good Title to the Fee Simple thereof, it shall be lawful for them to insist on so doing; and in such Case the Jury so summoned as aforesaid shall find the Value of the Fee Simple of such Lands, Tenements, Messuages, Hereditaments, or Premises, and the same shall be paid to the Owner or Owners thereof or Persons interested therein in the Manner directed by this Act.

If any Person be dissatisfied with Verdict, Appeal may

XXXVIII. Provided also, and be it enacted, That if the said Commissioners of Her Majesty's Treasury, or any Person interested therein, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful

be made to the Court of Exchequer in England or Ireland, or to the Court of Session, &c. in Scotland.

lawful for them or their Attornies in *England* and *Ireland* to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the next Term, 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, to suggest to the said Courts or Lord Ordinary respectively that they have reason to be dissatisfied with such Verdict, and forthwith to give Notice thereof to the said 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 such County where the Lands shall lie, or the Messuages, Tenements, Hereditaments, or Premises shall be, or, if the same shall lie or be 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 such Judge shall allow, and who shall respectively be qualified according to Law, to appear before the said Justice 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 Possession or Use of such Lands, Messuages, Tenements, Hereditaments, or Premises 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 Courts 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, Messuages, Tenements, Hereditaments, or Premises shall lie and be, or, if the same shall lie or be 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 the next succeeding Circuit; and the Compensation as aforesaid for the Land, Messuages, Tenements, Hereditaments, and Premises shall at such Circuit be ascertained by a Jury drawn from a 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 Inquiry 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.

XXXIX. Pro-

Jury, in ascertaining Compensation for Premises, to settle Proportion to be paid to Lessees.

XXXIX. Provided always, and be it enacted, That it shall be lawful for any Jury impannelled before any Justice of the Peace, Magistrate, Deputy Lieutenant, or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands 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, and the Proportion to be paid out of such Compensation shall be returned on the Verdict: Provided also, that where any such Inquiry 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, Messuages, Tenements, Hereditaments, or Premises, 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, Messuages, Tenements, Hereditaments, or Premises, but only the Proportion thereof to be paid to the Person or Persons having separate Interests therein; and it shall not be lawful for any Jury, on any Inquiry had before any Judge of Assize or Nisi Prius, or Lords or Lord of Justiciary, as to any Compensation, on the Application of the said Commissioners of Her Majesty's Treasury, in any Case in which the whole Compensation awarded by the former Jury is confirmed by the Jury on such Inquiry, to alter the Proportion that shall have been settled by any such former Jury as to any separate Interest in any such Lands, Tenements, Messuages, Hereditaments, or Premises.

Security to be given for Costs.

XL. Provided also, and be it 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.

Upon delivering up Lands to the Owners, all Erections for the public Service to be removed, making Compensation to Owners.

XLI. And be it enacted, That in all Cases where any Lands shall be 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 Commissioners of Her Majesty's Treasury, or any other Person or Persons so authorized as aforesaid, at any Time before the Possession of any Lands 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 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 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,

Service, as the said Commissioners of Her Majesty's Treasury, 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 Commissioners of Her Majesty's Treasury, 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 Justice 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 Warrant of the Commissioners of Her Majesty's Treasury, or any Three or more of them, to the Person or Persons entitled thereto: Provided always, that nothing in this Act 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 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 passed.

Purchase Money belonging to incapacitated Persons, &c. to be paid to the proper Officer of the Exchequer for their Use.

XLII. And be it 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 for the Use or Possession of any Lands, Messuages, Tenements, Hereditaments, or Premises 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 Warrant of the Commissioners of Her Majesty's Treasury, or any Three of them, into the Hands of the proper Officer of Her Majesty's Court of Exchequer at *Westminster*, *Edinburgh*, or *Dublin* respectively for the Time being for receiving the Monies belonging to the Suitors of the said Court respectively, for the Use and Benefit of such Person or Persons; and such Officer is hereby authorized and required to receive or accept and to give a Discharge for such Money, 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 such Officer of such Court, shall and may be read and allowed as Evidence for the Purposes herein-after mentioned; and such Officer of such Court 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, Messuages, Tenements, Hereditaments,

ments, or Premises shall be vested in or to the Use of Her Majesty, Her Heirs and Successors.

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

XLIII. And be it enacted, That the Barons or Judges of Her Majesty's Court of Exchequer at *Westminster*, and the Barons or Judges of Her Majesty's Court of Exchequer at *Edinburgh* or *Dublin*, 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 proper Officer of the said Courts respectively, or the Interest or Produce thereof, and upon reading the Certificate directed to be signed by the said Officer 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, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, and Purposes as the said Lands 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 respectively, or for appointing any Person or Persons to be Trustee or Trustees for all or any of such Purposes, as the said Courts respectively shall think just and reasonable.

On the Death, Removal, or Resignation of Officer of Exchequer, Stocks and Securities shall vest in Successor.

XLIV. And be it enacted, That upon the Death, Removal, or Resignation of any such Officer of the said Courts of Exchequer all Stocks and Securities vested in him by virtue of this Act shall vest in the succeeding Officer of the Exchequer, for the Purposes hereinbefore mentioned, without any Assignment or Transfer; and all Monies paid in the said Banks respectively in pursuance of this Act, or remaining in the Hands of any such Officer at his Death, Resignation, or Removal, and not vested in the Funds or placed out on Securities as aforesaid, shall be paid over to the succeeding Officer for the like Purpose for the Time being.

Gardens not to be affected.

XLV. Provided always, and be it enacted, That nothing in this Act contained shall be construed to extend to any Garden or Pleasure Ground, or to any Land immediately contiguous to and used as the Curtilage or Homestead of any Dwelling House.

Documents signed by Three Commissioners of the Treasury to be deemed the Act of

XLVI. And be it enacted, That every Order, Document, Instrument, or Writing relating to the Customs or to the Law of Navigation, required by any Law at any Time in force to be under the Hands of the Commissioners of Her Majesty's Treasury, being signed by Three or more of such Commissioners, shall be deemed to be an Order, Document,

the whole Commissioners.

Document, Instrument, or Writing under the Hands of the Commissioners of Her Majesty's Treasury accordingly.

Act to be registered in Royal Court of Jersey.

XLVII. And be it enacted, That this Act shall be registered in the Royal Court of the Island of *Jersey*, and that the said Royal Court shall have full Power and Authority and is hereby required to register the same.

Alteration of Act.

XLVIII. And be it enacted, That this Act may be altered, varied, or repealed by any Act to be passed in the present Session of Parliament.

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