ANNO VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

C A P. XIII.

An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the Parish of *East Stonehouse* in the County of *Devon*. [17th *May* 1861.]

WHEREAS it is expedient for Her Majesty's Service that the Royal Marine Barracks in the Parish of *East Stonehouse* in the County of *Devon* should be enlarged, and for that Purpose that the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, herein-after styled "the Commissioners," should be authorized by this Act to acquire the Lands herein-after referred to: And whereas a Plan and Book of Reference have been deposited with the Clerk of the Peace for the County of *Devon*, showing what Land it is considered necessary for the said Commissioners to acquire for the Purpose aforesaid: 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, as follows:

1. For the Construction of this Act, the Word "Ways" shall mean Turnpike Roads, Highways, Streets, Lanes, Opes, Occupation Roads or Ways, Footpaths, Causeways, Passages, and other Ways of every Interpretation of Terms.

X x Kind

Kind soever; the Words "Special Act" in the Act incorporated herewith shall mean this Act; and the Words "Promoters of the Undertaking" and "Company" in the Act incorporated herewith shall mean the Commissioners; the Word "Lands" shall include Lands, Messuages, Buildings, Tenements, and Hereditaments of every Description and of every Tenure, and all public and private Rights, Liberties, Appurtenances, Easements, and Privileges of every Description, in, over, upon, under, or through any Lands, Messuages, Tenements, or Hereditaments; the Word "Person" shall include a Body Corporate.

Certain Clauses of 8 & 9 Vict. c. 16. incorporated.

2. The several Provisions of "The Lands Clauses Consolidation Act, 1845," except Sections 11, 12, 13, 14, 15, 16, 17, 123, 127, 128, 129, 130, 131, 132, 133, 134, 140, 148, 150, and 151 of such Act, shall, so far as the same Provisions may be respectively applicable to and are not inconsistent with or modified by the Provisions of this Act, be incorporated with and form Part of this Act, as if re-enacted herein, and shall be applicable to the Purposes hereof.

Power to Admiralty to purchase Lands delineated on deposited Plan.

3. Subject and according to the Provisions of this Act, it shall be lawful for the Commissioners, if they think fit, at any Time hereafter to purchase or take all or any of the Lands delineated on the said Plan and mentioned in the said Book of Reference so deposited with the Clerk of the Peace for the County of *Devon* as aforesaid, or any Estate, Lease, Term, Share, or Interest thereof or therein, which they may at any Time or Times consider requisite, and for the Purposes of any such Purchase or taking as aforesaid to enter into, execute, and make and do all such Contracts, Assurances, and Things as may seem to them necessary or proper; and when so purchased or taken the same Lands shall be and become and continue vested in the Commissioners and their Successors in Office for the Time being, according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by the Commissioners, to be held and enjoyed by the Commissioners for the Time being in succession in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Power to Admiralty to stop up certain Ways delineated on deposited Plan.

4. After the Commissioners shall have purchased or acquired all or any of the said Lands, it shall be lawful for them, without any Writ being issued or other legal Proceeding being adopted, to stop up or alter all or any or any Part or Parts of the Ways delineated on the said Plan and mentioned in the said Book of Reference; and the Sites of the said Ways or of any Part or Parts thereof which may be so stopped up shall vest absolutely in the Commissioners and their Successors

Successors in Office for ever, in manner herein-before provided with respect to Lands purchased by them under or by virtue of this Act.

Power to Admiralty to stop up certain Sewers, &c.

5. It shall be lawful for the Commissioners, without any Writ being issued or other legal Proceeding being adopted, to stop up or divert all or any of the Sewers, Drains, or Pipes, be the same for Gas or Water or other Purposes, in, under, or through any of the Lands acquired or to be acquired by them under this Act, they, at the Cost of Her Majesty, if necessary, previously making, opening, or laying down another good and sufficient Sewer, Drain, or Pipe in lieu of any diverted or stopped up, and at such convenient Distance therefrom as to the Commissioners shall seem proper and necessary; and upon such substituted Sewer, Drain, or Pipe being completed or opened, or in case the same shall not be necessary, then as soon as Possession shall be taken by the Commissioners, the Site of such Sewer, Drain, or Pipe diverted or stopped up, and all Interest therein, shall vest absolutely in the Commissioners and their Successors for ever, in manner herein-before provided with respect to Lands purchased, taken, or acquired by the Commissioners under this Act; and the new Sewer, Drain, or Pipe shall vest in the same Commissioners, Trustees, or other Persons, and for the same Estate and Interest, in whom and for which the Sewer, Drain, or Pipe so diverted or stopped up was vested at the Time of the Diversion or Stoppage thereof by the Commissioners.

Power to Admiralty to enter Lands, for Survey, &c.

6. It shall be lawful for the Commissioners, their Surveyors, Officers, Agents, Servants, and Workmen, at all reasonable Times, and causing as little Damage or Inconvenience as may be, to enter into or upon any such Lands as the Commissioners are empowered to take under this Act, and to survey and value the same, without being liable to any Suit or Action in respect thereof.

Lands purchased liable to Land Tax to continue so.

7. All Lands purchased, taken, or acquired under the Authority of this Act which may be charged with the Land Tax shall continue liable thereto as they would have been had such Lands not been so purchased, taken, or acquired, but so, nevertheless, that the Commissioners shall have Power to redeem the Land Tax, under the Acts in that Behalf made, if and when they think fit.

Lands purchased liable to Water Rates to continue so.

8. All Lands taken, purchased, or acquired under the Authority of this Act which at the passing of the same may be charged or chargeable with the "Public Water Rate," under or by virtue of the *East Stonehouse* Waterworks Act, 1851, shall be liable thereto as they were at the passing of this Act or would hereafter be had such Lands not been so purchased, taken, or acquired, but so nevertheless that such Lands shall not be assessed at any higher Value or Rent than

than that at which such Lands were assessed at the passing of this Act, but shall be subject to the same proportionate Reduction of the Public Water Rate as may hereafter be made generally in respect of other rateable Property within the said Parish.

As to the Person to be rated under 14 & 15 Vict. c. cxi.

9. For the Purpose of Assessments made or to be made under the *East Stonehouse* Waterworks Act, 1851, the Barrack Master for the Time being of the Royal Marine Barracks in the Parish of *East Stonehouse* shall be deemed to be the Occupier of all Lands purchased, taken, or acquired under the Authority of this Act, and the Name of that Officer shall be inserted accordingly in all Assessments made by the *East Stonehouse* Waterworks Commissioners under the Authority of the *East Stonehouse* Waterworks Act, 1851, and Demand of Payment made in Writing at the Office of such Barrack Master shall be deemed a good Demand for all Purposes of recovering such Public Water Rate.

Supply of Water to be continued in respect to purchased Lands.

10. The *East Stonehouse* Water Commissioners shall after the passing of this Act, if at any Time or Times required by the Commissioners by Writing under the Hand of their Secretary, furnish and supply, upon the Lands taken, purchased, or acquired under the Authority of this Act, for the Use of the Commissioners and of the Officers, Men, and others in the said Barracks, the same Supply of Water as the said *East Stonehouse* Water Commissioners do and could have been required to furnish and supply to and in respect of the same Lands at the Time of the passing of this Act; and in case at any Time hereafter any general Increase in the Supply of Water shall be made to the Inhabitants rated under the *East Stonehouse* Waterworks Act, a proportionate Increase shall, if at any Times or Time required by the Commissioners in Writing as aforesaid, be also made in respect of the purchased Lands.

Services of Notices, &c.

11. Any Notice, Summons, Writ, or other Document required to be served on the Commissioners for the Purposes of this Act may be served by being delivered to their Solicitor for the Time being, or by being sent to him by Post addressed to him either at his Office or at the Admiralty, *Whitehall, London*, or by being left for him at one of those Places, and any Notice, Summons, Writ, or other Document required to be given by, from, or on behalf of the Commissioners, for the Purposes of this Act, shall be given under the Hand of their Solicitor for the Time being.

Power to Admiralty to withdraw Notice for taking of Lands,

12. If in any Case, after Notice has been given by the Commissioners for the taking of any Lands under this Act, it appears to them, from a Change of Circumstances or other Reasons, unnecessary or inexpedient to complete the taking of such Lands or any Part thereof,

thereof, it shall be lawful for them to give a further Notice to the Effect that they thereby withdraw the Notice for the taking of the Lands comprised in the first Notice, or such Part thereof as they may think fit, and thereupon the Lands comprised in the Notice of Withdrawal shall be wholly discharged from the Effect of the first Notice, and may be dealt with as if the first Notice had not been given, and the Commissioners shall be wholly discharged from any Obligation to take such Lands; without Prejudice, nevertheless, to any Claim of the Owner of such Lands for Compensation for such Damage (if any) as he may have sustained in consequence of the giving of the first Notice; provided that every such Notice of Withdrawal be given within Two Months after the giving of the first Notice; provided also, that nothing in this Enactment contained shall be construed to give to any Person receiving from the Commissioners a Notice for the taking of Lands any further or other Right as against the Commissioners than he would have had if this Enactment had not been contained in this Act.

but without Prejudice to Claims of Owners.

13. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plan or in the said Book of Reference so deposited as aforesaid, the Commissioners, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands affected by such proposed Correction, may apply to Two Justices of the Peace for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited with the Clerk of the Peace for the County of *Devon*, and such Certificate shall be kept by such Clerk of the Peace with the other Documents to which they relate, and thereupon such Plan or Book of Reference shall be deemed to be corrected according to such Certificate, and the Commissioners may acquire the Lands mentioned in such Certificate, under or by virtue of this Act, as if such Omission, Mis-statement, or wrong Description had not been made.

Errors on Plan and in Book of Reference may be corrected by Two Justices, who shall certify the same.

Certificate, &c., to be deposited.

14. In lieu of a Bond, and with the same Effect as if a Bond were given as mentioned in Sections 85 and 87 of the Lands Clauses Consolidation Act, 1845, it shall be lawful for the Commissioners to give to the Person who under the said Act would otherwise be entitled to such Bond a written Undertaking, without any Surety therein, for such Payment or Deposit as in and by the said Act is in that Behalf provided, and according to the Condition of such Bond

Power to Admiralty to give Undertaking in lieu of Bond.

as therein is prescribed, so far as such Provisions and Conditions respectively shall and may be applicable to Proceedings under this Act, and the Commissioners shall not be required or be liable to be called upon to give any such Bond.

Power to the Admiralty to sell, &c., Lands not wanted.

15. It shall be lawful for the Commissioners from Time to Time to sell, exchange, or in any Manner dispose of or to let or demise any Lands acquired by or vested in them under this Act which at any Time shall not, in the Opinion of the Commissioners, be required for the Public Service, and in case of a Sale to sell the same, either by Public Auction or by Private Contract, and it shall be lawful for them to convey, surrender, and assign, or to grant or demise the same or any Part thereof, to any Person who shall be willing to purchase or take the same, and for that Purpose to make and execute all such Conveyances, Assurances, Leases, and Agreements as may be thought proper, and it shall also be lawful for the Commissioners to do any other Act, Matter, or Thing in relation to Lands acquired by or vested in them under this Act which shall by them be deemed beneficial for the Public Service in relation thereto, or for the better Management thereof, and which might be done by any other Person having in such Lands the like Estate, Term, Share, or Interest as they shall have therein; and all Lands obtained by the Commissioners in exchange shall vest in the Commissioners and their Successors in manner herein-before provided with respect to Lands purchased by the Commissioners.

How Purchase Money to be paid.

16. The Monies to arise and be produced by Sale or Exchange, or which may be paid by way of Premium for any Lease of any Lands which shall be sold, let, exchanged, conveyed, or surrendered by the Commissioners, under the Provisions of this Act, shall be paid by the Purchaser or Lessee thereof, or the Person making any such Exchange, to Her Majesty's Paymaster General for the Time being, whose Receipt for such Monies, endorsed on the Conveyance, Assurance, or Lease, shall effectually discharge the Purchaser or Person by whom or on whose Account the same shall be so paid.

On Payment of Money Purchasers to stand seised of Lands purchased by them.

17. Immediately from and after the Payment of any such Monies, and the Execution of any such Conveyance, Assurance, or Lease as aforesaid by the Commissioners, the Purchaser or Lessee therein named shall be deemed to stand seised or possessed of the Lands thereby conveyed or made over or leased to him, or (as the Case may require) the Lands taken in Exchange from the Commissioners shall go to the Uses therein expressed or referred to, in every Case freed and absolutely discharged of and from all and all manner of prior Estates, Rights, Interests, Charges, Incumbrances, and Demands whatsoever which can or may be had, made, or set up in respect of the

the Lands so conveyed, made over, leased, or taken in Exchange by any Person whomsoever, by, from, under, or in trust for Her Majesty, Her Heirs and Successors, or on any Account whatsoever, save and except such Estates, Rights, Interests, Charges, Incumbrances, Claims, and Demands (if any) as in any such Conveyance, Assurance, or Lease shall be excepted.

Admiralty may sue and be sued, and pay and recover Costs.

18. It shall be lawful for the Commissioners to bring, prosecute, and maintain any Action of Ejectment or other Proceeding at Law or in Equity for recovering Possession of any Lands required by or vested in them under this Act, and to distrain or sue for any Arrears of Rent which shall become due for or in respect thereof under any Parol or other Demise from the Commissioners, and also to bring, prosecute, and maintain, or to defend, any other Action or Suit in respect of such Lands, or of any Trespass or Encroachment committed thereon, or Damage or Injury done thereto; and in every such Action, Proceeding, or Suit by or against the Commissioners they shall be called "The Commissioners for executing the Office of Lord High Admiral of the United Kingdom," without any of them being named; and no such Action or Suit shall abate by the Death, Resignation, or Removal of the Commissioners or any of them, and the Commissioners shall in all such Actions, Suits, and Proceedings be entitled to recover and be liable to pay Costs as in ordinary Actions, Suits, and Proceedings between Subject and Subject.

Purchase Money, &c. how to be provided.

19. All Monies which under this Act shall be agreed to be paid by or shall be recovered against the Commissioners by way of Purchase or Compensation Money, or Damages, Costs, or otherwise, shall be paid by Monies to be provided and appropriated for that Purpose by Parliament.

Provisions of this Act may apply to any of the said Lands already purchased.

20. The Provisions of this Act shall, so far as the Commissioners may at any Time or Times deem expedient for effecting any of the Objects of this Act, extend and be applicable to any of the said Lands purchased or taken or agreed to be purchased or taken by them before the passing of this Act, as also to all the Lands which shall hereafter be purchased or taken by virtue of this Act.

Nothing to lessen Powers of Admiralty.

21. Nothing in this Act shall extend to take away, lessen, or prejudice any Powers, Rights, or Authorities which would or might have been vested in or exercised by the Commissioners if this Act had not been passed.

Protection to Commissioners.

22. The Commissioners shall not, by reason of anything done or omitted to be done under this Act, be liable, collectively or individually,

dually, to any Fine, Penalty, or Forfeiture, or to Execution of any Process against the Person or Property.

Any Two Commissioners may execute Powers.

23. All Acts, Deeds, Matters, and Things hereby authorized to be done or executed by the Commissioners, and all Powers and Authorities hereby given to or conferred upon the Commissioners, may be done, executed, and exercised by any Two of them, and when so done, executed, or exercised the same shall be as valid and effectual as if the same were and had been done, executed, or exercised by all the Commissioners, and all Privileges hereby given to the Commissioners shall be enjoyed and may be exercised by any Two of them.

Lord High Admiral to have the same Powers as Commissioners of Admiralty.

24. If it shall please Her Majesty, Her Heirs and Successors, to appoint a Lord High Admiral of the United Kingdom, then, and so long and as often as there shall be a Lord High Admiral of the United Kingdom, all the Powers, Privileges, and Exemptions vested in or given to and all the Lands vested in the Commissioners under or by virtue of this Act shall be and become vested in the Lord High Admiral of the United Kingdom for the Time being, and all such Lands shall vest in him according to the Nature and Quality thereof respectively, and to the Estate, Term, Share, or Interest acquired therein respectively by him or the Commissioners in trust for Her Majesty, Her Heirs and Successors, for the Public Service; and in any Action or Suit respecting any such Lands the Lord High Admiral shall be called "the Lord High Admiral of the United Kingdom," without being named; and no such Action or Suit shall abate by the Death, Resignation, or Removal of any Lord High Admiral; and in the Construction of the said incorporated Provisions in connexion with this Act the Lord High Admiral for the Time being shall be deemed to be himself solely the Promoter of the Undertaking, and he shall have sole Authority for carrying this Act into effect, and generally in all respects as far as may be the Lord High Admiral for the Time being shall come in place of the Commissioners for the Purpose of this Act.

Powers for compulsory Purchases limited.

25. The compulsory Powers hereby given for effecting the Purchases of and taking Lands shall not be exercised after the Expiration of Five Years from the passing of this Act.

Short Title.

26. This Act may be cited as "The *Plymouth* Marine Barracks Act, 1861."

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.