



ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

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## *Cap. cclxxxiii.*

An Act for removing Doubts as to the Purchase of  
Lands by the Dock Company at *Kingston-upon-*  
*Hull* in certain Cases. [22d July 1847.]

**W**HEREAS an Act was passed in the Fourteenth Year of the  
Reign of His Majesty King *George* the Third, intituled *An Act for making and establishing public Quays or Wharfs at Kingston-upon-Hull, for the better securing His Majesty's Revenues of Customs, and for the Benefit of Commerce in the Port of Kingston-upon-Hull; for making a Basin or Dock, with Reservoirs, Sluices, Roads, and other Works, for the Accommodation of Vessels using the said Port; and for appropriating certain Lands belonging to His Majesty, and for applying certain Sums of Money out of His Majesty's Customs at the said Port, for those Purposes; and for establishing other necessary Regulations within the Town and Port of Kingston-upon-Hull: And whereas another Act was passed in the Forty-second* 14 G. 3. c. 56.  
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Year of the Reign of His said Majesty, for the Purpose of amending the Act aforesaid, and for making additional Basins or Docks at *Kingston-upon-Hull*, with an Entrance into the same from the River *Humber*, and for granting certain Lands belonging to His Majesty in aid of such Works: And whereas another Act was passed in the

45 G. 3. c. 42. Forty-fifth Year of the Reign of His said Majesty, intituled *An Act for raising a further Sum of Money for carrying into execution the Act passed in the Forty-second Year of the Reign of His present Majesty, for making additional Basins or Docks at Kingston-upon-Hull*: And whereas another Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present

7 & 8 Vict. c. 103. Majesty Queen *Victoria*, intituled *An Act for making new Docks, and other Works connected therewith, in addition to the present Docks at Kingston-upon-Hull; and for amending the Acts relating to such last-mentioned Docks*: And whereas another Act was passed in the

8 & 9 Vict. c. 5. Eighth Year of the Reign of Her said Majesty, intituled *An Act for amending the Acts relating to the Docks at Kingston-upon-Hull; and for enlarging One of the said Docks*: And whereas by virtue of the fourthly recited Act the Dock Company at *Kingston-upon-Hull* were authorized and required to construct certain new Docks, Basins, Communications, and other Works upon certain Lands described upon the Plans therein referred to: And whereas the Powers of the Company for the compulsory Purchase of Land will expire on the Sixth Day of *August* next: And whereas the fourthly recited Act contains no sufficient Provision as to the Steps to be taken by the Company for the Purchase of Land in case any Person being entitled to or interested in any Land required for the Purposes of the Act should by being placed under Restraint on account of Insanity or Imbecility become incapacitated from treating or agreeing, or receiving any Notice as to the Purchase of such Lands, and by reason of no Committee having been appointed for managing the Estate of such Person so becoming insane: And whereas by reason of the Absence of any such Provision as herein-before mentioned the Execution of the Works of the said Undertaking is likely to be retarded, and the Company will be unable to obtain Possession of the Land required for a Portion of the said Works, unless the recited Act be amended by Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and

Provisions of this Act extended to recited Acts. Things contained in this Act shall extend to operate upon and be in force in respect to the Objects and Purposes of the recited Acts, as fully and effectually to all Intents and Purposes as if the same Provisions, Matters, and Things had been enacted in the recited Acts with reference to the Objects and Purposes thereof.

II. And

II. And be it enacted, That the Purchase Money or Compensation to be paid for any Lands, or any Part or Share of any Lands, to be purchased or taken by the Dock Company at *Kingston-upon-Hull* from any Party who by reason of his being or being supposed to be of unsound Mind shall be placed under Restraint, and thereby be prevented from treating or agreeing, or receiving Notice as to the Purchase of such Land, or any Part or Share thereof, and with respect to whose Estate no Committee shall have been appointed, shall be such as shall be determined by the Valuation of such able practical Surveyor as Two Justices of the Borough of *Kingston-upon-Hull* (not being Shareholders in the said Company) shall nominate for that Purpose, as herein-after provided.

Compensation to Party of unsound Mind to be determined by a Surveyor appointed by Two Justices.

III. And be it enacted, That upon Application by the Company to such Two Justices as aforesaid, and upon such Proof as shall be satisfactory to them that any such Party is, by reason of his being under Restraint on account of being or being supposed to be of unsound Mind, prevented from treating or agreeing, or receiving Notice as to the Purchase of such Lands, or Part or Share thereof, and that no Committee has been appointed for managing the Estate of any such Person, the said Justices shall by Writing under their Hands nominate an able practical Surveyor for determining such Purchase Money or Compensation as aforesaid, and such Surveyor shall determine accordingly, and shall annex to his Valuation a Declaration in Writing subscribed by him of the Correctness thereof.

Power to Two Justices to nominate a Surveyor.

IV. And be it enacted, That before such Surveyor shall enter upon the Duty of making such Valuation as aforesaid he shall, in the Presence of the said Justices or either of them, make and subscribe the Declaration following at the Foot of such Nomination; that is to say,

Declaration to be made by Surveyor before acting.

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute the Duty of making the Valuation hereby referred to me. *A.B.*

‘ Made and subscribed in the Presence of .’

And if any Surveyor shall corruptly make such Declaration, or, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

V. And be it enacted, That the said Nomination and Declaration shall be annexed to the Valuation to be made by such Surveyor, and shall be preserved together therewith by the Company, and they shall at all Times produce the said Valuation and other Documents, on Demand, to the Owner of the Lands, or Part or Share of the Lands, comprised

Valuation, &c. to be produced, on Demand.

comprised in the said Valuation, or to the Committee of his Person or Estate, and to all other Parties interested therein, or in the other Parts or Shares of the same Lands.

Expences to be borne by Dock Company.

VI. And be it enacted, That all the Expences of and incident to every such Valuation shall be borne by the Company.

Purchase Money and Compensation how to be estimated.

VII. And be it enacted, That in estimating the Purchase Money or Compensation to be paid by the Company in the Case aforesaid regard shall be had by the Surveyor, not only to the Value of the Land to be purchased or taken by the Company, but also to the Damage, if any, to be sustained by the Owner of the Lands by reason of the severing of the Lands taken from the other Lands of such Owner, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the recited Acts.

Certain Clauses of 8 & 9 Vict. c. 18. extended to this Act.

VIII. And be it enacted, That the Clauses of the Lands Consolidation Act, 1845, with respect to the Purchase Money or Compensation coming to Parties having limited Interests, or prevented from treating, or not making Title, shall extend to the Purchase Money or Compensation so to be determined or ascertained by such Surveyor under the Provisions of this Act.

Court of Chancery may order Inquiry as to Amount of Valuation.

IX. And be it enacted, That if a Committee of the Estate of such Person as aforesaid shall not have been appointed at the Time of the Deposit of the Purchase Money in the Bank of *England* under the Provisions of this Act, it shall be lawful for the Court of Chancery, upon the Petition, within Six Months after such Deposit, of the Heir at Law of such Person so being or being supposed to be of unsound Mind, and whose Estate and Interest in any Land shall have been taken by the Company under the Provisions herein contained, to inquire and ascertain whether the Value determined by the Surveyor appointed by the said Justices is a fair and sufficient Value of the Estate or Interest of such Person, and the Company shall pay any further Sum, in addition to the Sum previously deposited by them, as the Court shall direct to be paid in pursuance of such Inquiry; and all Costs, Charges, and Expences attending or incident to such Petition and Inquiry, and any Order of the Court thereupon, shall be paid by the said Company.

Compensation determined by Surveyor may be submitted to a Jury.

X. And be it enacted, That when the Purchase Money or Compensation payable in respect of any such Lands, or any Part or Share or Interest therein, shall have been ascertained by the Valuation of the Surveyor, and the Amount thereof deposited in the Bank under the Provisions herein-before contained, it shall be lawful, in case the Court of Chancery shall not in the meantime direct the Inquiry into

the Value determined by the Surveyor as aforesaid, for the Person entitled to or interested in such Lands, or in such Part or Share thereof, in case he shall become competent again to manage his Affairs, or his Committee, when appointed, or the Heirs of such Person in case of his Death before the Appointment of such Committee, if he or they shall be dissatisfied with such Valuation, within Three Months after such Recovery, Appointment, or Decease, as the Case may be, and before he or they shall have applied to the Court of Chancery for Payment or Investment of the Monies so deposited under the Provisions herein-before contained, by Notice in Writing to the Company to require the Question of such Compensation to be determined by the Verdict of a Jury, and thereupon the same shall be so settled and determined accordingly, in the same Manner as in other Cases of disputed Compensation in the fourthly recited Act authorized or required to be determined by the Verdict of a Jury.

XI. And be it enacted, That the Question to be submitted to the Jury in the Case last aforesaid shall be whether the said Sum so deposited as aforesaid by the Company was a sufficient Sum, or whether any and what further Sum ought to be paid or deposited by them. Question to be submitted to the Jury.

XII. And be it enacted, That if the Jury shall award by their Verdict that a further Sum ought to be paid or deposited by the Company, they shall pay or deposit, as the Case may require, such further Sum within Fourteen Days after such Verdict, together with Interest on such further Sum at and after the Rate of Four Pounds *per Centum per Annum* from the Time at which such Valuation shall have been ascertained by the Surveyor as aforesaid to the Time of Payment or Deposit of such further Sum as aforesaid, or in default thereof the same may be enforced by Attachment, or recovered, with Costs, by Action or Suit in any of the Superior Courts. If further Sum awarded, Dock Company to pay or deposit same within Fourteen Days.

XIII. And be it enacted, That if the Jury shall determine that the Sum so deposited was sufficient, the reasonable Costs, Charges, and Expences of and incident to such Inquiry, to be determined by the Sheriff, shall be borne, one Half by the Company and the other Half by the Person requiring such Jury; but if the Jury shall determine that a further Sum ought to be paid or deposited by the Company, all the reasonable Costs, Charges, and Expences of and incident to the Inquiry shall be borne by the Company. Costs of the Inquiry.

XIV. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act shall be paid out of the Funds of the Company. Expences of Act.

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XV. And

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10° & 11° VICTORIÆ, *Cap. cclxxxiii.*

Public Act.

XV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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