



Defence Act 1842

1842 CHAPTER 94

XIX In default of treating, or where the Parties do not agree, the Persons authorized by Her Majesty may require Two Justices, &c. to put Her Majesty's Officers in possession. Jury to be summoned to value the Premises.

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, Buildings, or other Hereditaments which shall be so marked out and surveyed as aforesaid, shall for the Space of Fourteen Days next after Notice in Writing subscribed by or on behalf of the said principal Officers shall have been given to the chief 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 the said principal Officers, or shall refuse to accept such Sum of Money as shall be offered by the said principal Officers as the Consideration for the absolute Purchase of such Lands, Buildings, or other Hereditaments, or such annual Rent or Sum as shall be offered for the Hire thereof, either for a Time certain or for such Period as the Exigence of the public Service may require, then and in such Case it shall be lawful for the said principal Officers to require Two or more Justices of the Peace, or Three or more Deputy Lieutenants (One of whom shall be a Justice of the Peace), or Two or more Deputy Governors for the County, Riding, Stewartry, City, or Place where such Lands, Buildings, or other Hereditaments shall be, to put the said principal Officers, or any Person. appointed by them, into immediate Possession of such Lands, Buildings, or other, Hereditaments, which such Justices or Deputy Lieutenants or Deputy Governors are hereby required to do, and shall for that Purpose issue their Warrants under their Hands and Seals, commanding Possession to be so delivered, and shall also issue their Warrants to the Sheriff of the County, Riding, Stewartry, City, or Place wherein such Lands, Buildings, or Hereditaments shall be situate, to summon a Jury; and every such Sheriff is hereby authorized and required to summon and return a Jury, properly qualified, of the Number of Twenty-four, and in the Manner required by the Laws of *England, Ireland, and Scotland* respectively, who shall meet at some, convenient Time and Place to be mentioned in such Summons, out of whom a Jury of Twelve shall be drawn, in such Manner as Juries for the Trial of Issues joined in Her Majesty's Courts at *Westminster* and *Dublin* are drawn by Law in *England* and *Ireland* respectively, and

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in such Manner as Juries are drawn by Law for any Trial in *Scotland* ; and in case a sufficient Number shall, not appear, the said Sheriff shall choose others of the By-standers, or that can speedily be procured, feeling qualified as aforesaid ; and the said Jurymen may be challenged by the Parties on either Side, but not the Array; and the said Justices, Deputy Lieutenants, or Governors respectively may summon Witnesses, and adjourn any such Meeting if Jurymen or Witnesses do not attend; and the Jury, on hearing any Witnesses and Evidence that may be produced, shall on their Oaths (which Oaths, as also the Oaths of such Witnesses, the said Justices, Deputy Lieutenants, or Governors respectively are hereby empowered and required to administer,) find the Compensation to be paid, either for the absolute Purchase of such Lands, Buildings, or other Hereditaments, or for the Possession or Use thereof, as the Case may be: Provided always, that it shall not be lawful for the said principal Officers to use any Lands, Buildings, or Hereditaments taken under the compulsory Process aforesaid for the Barrack Service, or to erect any Barrack Buildings thereon.