



# Defence Act 1842

## 1842 CHAPTER 94

### **XX Appeal may be made to the Court of Exchequer, &c. if either Party is dissatisfied with the Verdict of the Jury.**

Provided always, and be it enacted, That if the said principal Officers, or any Person interested in the Lands, Buildings, or other Hereditaments so marked out and surveyed, shall be dissatisfied with the Verdict of any such Jury, it shall be lawful for them, or their Attornies, in *England* and *Ireland*, to apply to the Court of Exchequer at *Westminster* or *Dublin* respectively in the Term next, 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, and to suggest to the said Courts or Lord Ordinary respectively that they have Reason to be dissatisfied with such Verdict, and forthwith give Notice thereof to the said principal Officers on the one Part, or to the Party so interested as aforesaid on the other Part (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, such 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 the County where such Lands, Buildings, or other Hereditaments shall lie, or, if the same shall lie 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 in that Behalf, and as the Court and as such Judge shall allow, and who shall respectively be qualified, according to Law, to appear before the said Justice or Justices 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 either for the absolute Purchase or for the Possession or Use of such Lands, Buildings, or other Hereditaments (as the Case shall be) 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 Court 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, Buildings,

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or other Hereditaments shall lie, or if the same shall lie in Two Counties, to 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 at the next succeeding Circuit, and the Compensation as aforesaid for the Lands, Buildings, or other Hereditaments (as the Case shall be) shall at such Circuit be ascertained by a Jury drawn from the Jury summoned as aforesaid in such Manner as Juries are drawn in *Scotland*, under the Direction of the said Lords or Lord of Justiciary aforesaid, and the Verdict of such last-mentioned Jury shall be final and conclusive, without being subject to Review or Challenge of any Kind : Provided always, that it shall be lawful for the Court that shall have allowed such Inquiry, 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.