



Defence Act 1842

1842 CHAPTER 94

XXI Jury may ascertain the Proportion to be paid out of Compensation for Land to Lessees, &c.

Provided always, and be it enacted, That it shall be lawful for any Jury impanelled before any Justice of the Peace or Magistrate, or Deputy Lieutenant or Deputy Governor, or before any Judge of Assize or Nisi Prius, to ascertain the Compensation to be paid for any Lands, Buildings, or other Hereditaments under this Act, and they are hereby required to ascertain and settle the Proportion to be paid out of such Compensation to any Persons having any Interest as Lessees or Tenants at Will, or otherwise, in any such Lands, Buildings, or other Hereditaments, 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 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, Buildings, or other Hereditaments, 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, Buildings, or other Hereditaments, 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 such Inquiry as aforesaid had before any Judge of Assize or Nisi Prius, as to any such Compensation, on the Application of any such Officer as aforesaid, in any Case in which the whole Compensation awarded by them shall be the same as the whole Compensation awarded by the former Jury, to alter the Proportion that shall have been settled by any such former Jury, as to any separate Interests in any such Lands, Buildings, or other Hereditaments.