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ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

C. A. P. CLIX.

An Act for settling and securing a certain Annuity on *William Lord Amherst*, and the Representatives of the late *Jeffery Lord Amherst*, in Consideration of the eminent Services performed by him during his Command in *America*. [12th August 1803.]

Most Gracious Sovereign,

WHEREAS Your Majesty was graciously pleased, on the Twenty-fourth Day of *May* One thousand seven hundred and seventy, to refer to a Committee of the Lords of your Majesty's most Honourable Privy Council, the humble Petition of Sir *Jeffery Amherst* (afterwards *Jeffery Lord Amherst*), setting forth, That Your Majesty having been graciously pleased to signify an Intention of bestowing a Mark of Your Royal Favour in *America* on the Petitioner, and praying Your Majesty to grant him the Estates belonging to the Jesuits in *Canada*: And whereas the Right Honourable the Lords of the said Committee of Council, by their Report to Your Majesty of the Second Day of *November* One thousand seven hundred and seventy, humbly reported as their Opinion to Your Majesty, that it might be advisable for Your Majesty to comply with the Petitioner's Request, and to direct Your Majesty's Attorney and Solicitor General to prepare and lay before Your Majesty in Council for your Royal Approbation, a Draught of a proper Instrument, in Order to be passed under the Great Seal of *Great Britain*, for granting to the Petitioner the Estates belonging to the Jesuits in *Canada*, reserving

to Your Majesty, Your Heirs and Successors, for Public Uses, the Colleges and Chapels, with their Apartments, which belonged to the Society, in *Quebec*, *Montreal*, and *Trois Riviere*, the Grantee engaging to make Satisfaction to such of the Possessors as were in Possession at the Time of the Conquest: And whereas Your Majesty in Council was graciously pleased to approve of the said Report, and to order that Your Majesty's Attorney and Solicitor General should prepare a Draught of a proper Instrument, agreeable to what was proposed in the said Report, and to lay the same before Your Majesty in Council, for Your Royal Approbation: And whereas the said *Jeffery Lord Amberst*, by his last Will and Testament in Writing, bearing Date the Twenty-fourth Day of *July* One thousand seven hundred and ninety-four, gave, amongst other Estates, the said Estate of the Jesuits in *Canada*, which had been ordered to be granted to him by Your Majesty in Council, to his Nephew *William Pitt Amberst*, now *Lord Amberst*, for his natural Life, and to the Issue of his Body lawfully begotten; and in Failure of such Issue, the said Testator gave the Whole of his Estates to Lieutenant Colonel *Amberst* of His Majesty's Tenth Regiment of Foot, and Deputy Adjutant General, and to the Heirs Male of his Body lawfully begotten; and in Failure of such Heirs Male, he gave the Whole of his Estates to his Niece *Elizabeth Amberst*, and her Heirs for ever: And whereas the said *Jeffery Lord Amberst* died without revoking or altering his said Will: And whereas Your Majesty, by Your most gracious Message to Your most faithful Commons, has been pleased to acquaint them that in Consideration of the eminent Services of the said *Jeffery Lord Amberst* during his Command in *America*, and particularly in the Reduction of the Province of *Canada*, Your Majesty was induced, subsequent to the War during which those Services were rendered, to direct that a Grant should be made to his Lordship, his Heirs and Successors, of a certain Tract of Land in that Province; but that in consequence of Difficulties arising from local Circumstances, Your Majesty's Intentions have not been carried into Effect, and that Your Majesty relied with Confidence on the Justice and Liberality of Your faithful Commons, to make such Compensation to the Representatives of the late *Lord Amberst* as under the Circumstances of the Case should appear to be adequate and proper: We Your Majesty's most dutiful and loyal Subjects the Commons of *Great Britain* and *Ireland* in Parliament assembled, duly considering Your Majesty's most gracious Intention, do most humbly beseech Your Majesty that it may be enacted; and be it enacted by the King'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, That One Annuity, or yearly Rent or Sum of Three Thousand Pounds of lawful Money of *Great Britain*, shall be issuing and payable out of, and charged and chargeable upon, the Consolidated Fund of *Great Britain* (after paying, or reserving sufficient to pay, all such Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid out of the same, but with Preference to all other Payments which shall or may hereafter be charged upon, or payable out of, the said Fund); and the same shall from Time to Time be paid Quarterly to the Right Honourable *John Lord Boringdon* and *John Campbell* Esquire, and their Heirs and Assigns, for ever, but nevertheless upon Trust, to permit and suffer the same to be enjoyed by, and to make such Conveyances or Assignments thereof, for the Benefit of such Person

An Annuity
of 3000*l.* per
Ann. granted
for the Pur-
poses herein-
mentioned.

or Persons, and for such Estate and Estates, and with, under, and subject to such Limitations as the High Court of Chancery shall, upon any Bill filed for that Purpose, direct, such Court being hereby required to have Regard in any Decree and Directions to be made or given to what shall appear to the said Court to have been the real Intent and Meaning of the said Testator, with respect to the said Estates in *Canada*, as intended to be expressed concerning the same in the said recited Will, whether such Will shall or shall not be deemed in the Law to be an effectual Disposition thereof.

II. And be it further enacted, That the said Annuity, or yearly Rent or Sum, shall commence and take Effect from the Fifth Day of *January* One thousand eight hundred and three, the first Payment whereof shall be made for Three Quarters of a Year, on the Tenth Day of *October* One thousand eight hundred and three, and shall thereafter be paid and payable at the Four usual Days of Payment in the Year, that is to say, the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October*, by even and equal Portions.

Commencement of Annuity and Times of Payment.

III. And it is hereby further enacted, That it shall and may be lawful to and for the Commissioners of His Majesty's Treasury now being, or any Three or more of them, and the Lord High Treasurer and Under Treasurer of the Exchequer, and Commissioners of the Treasury for the Time being, and they are hereby authorized and required, by Warrant under their Hands, to direct the Auditor of the Receipt of the Exchequer now and for the Time being, to make forth and pass Debentures from Time to Time for paying the said Annuity or yearly Rent or Sum of Three Thousand Pounds, as the same shall from Time to Time become due and payable, without any Fees or Charges to be demanded or taken for paying the same or any Part thereof; which said Warrant, and the Debentures to be made forth and passed thereupon, shall be a sufficient Authority to the several and respective Officers of the Receipt of the Exchequer now and for the Time being for the Payment of the said Annuity or yearly Rent or Sum, to the said the Right Honourable *John Lord Boringdon* and *John Campbell* Esquire, or their Heirs or Assigns, in Trust as aforesaid, or to such other Person or Persons as shall be entitled to receive the said Annuity or any Part thereof, at the respective Quarterly Feast Days in this Act before appointed for Payment thereof, without any further or other Warrant to be sued for, had, or obtained, in that Behalf.

The Annuity to be paid at the Exchequer, without Fees.

IV. And it is hereby further enacted, That after signing of such Warrant, the same shall be good, valid, and effectual in Law, according to the Purport and true Meaning thereof, and of this Act, and shall not be determinable or revocable by or upon the Demise of His Majesty (whom God long preserve) or of any of His Heirs or Successors, or by or upon the Death or Removal of any of the said Commissioners of the Treasury, or the Lord High Treasurer, or by or upon the Determination of the Power, Office or Offices of them, or any of them.

The Warrant for Payment of the Annuity not to be determinable upon the Demise of His Majesty, &c.

V. And be it further enacted, That the Commissioners of the Treasury now being, and the High Treasurer for the Time being, Chancellor and Under Treasurer, Chamberlains and Barons of the Exchequer, and all other the Officers and Ministers of the Court of Exchequer, and of the Receipt thereof, now and for the Time being, shall, and they are hereby

Commissioners of the Treasury, Chancellor of the Exchequer, &c. are hereby

to do all Things necessary for the Execution of this Act, without Fees.

hereby authorized and strictly enjoined and required to do, without Fee or Reward, all such Acts, Matters, and Things, as are herein-before directed and required, or shall be necessary to be done and performed by them, or any or either of them, in order to render this Act, and the several Payments hereby directed, effectual.

The Receipt of Persons entitled to receive Annuity shall be a sufficient Discharge.

Annuity to be Tax free. How the Annuity may be recovered.

VI. And be it enacted, That the Acquittance or Acquittances, Receipt or Receipts, of the said the Right Honourable *John Lord Boringdon* and *John Campbell* Esquire, their Heirs or Assigns, and of such other Person or Persons as shall be entitled or authorized to receive the said Annuity or yearly Rent or Sum, or any Part thereof, shall be a good and sufficient Discharge for the Payment thereof, without any further or other Warrant to be sued for or obtained in that Behalf; and that the said Annuity, or yearly Rent or Sum, and every Part thereof, shall be free and clear from all Taxes, Impositions, and other public Charges whatsoever: And in case any of the Officers of the Receipt of His Majesty's Exchequer shall refuse or neglect to pay the said Annuity or yearly Rent or Sum, or any Part thereof, according to the true Intent and Meaning of this Act, or to do any Act necessary to enable the said Right Honourable *John Lord Boringdon* and *John Campbell* Esquire, their Heirs and Assigns, and such other Person or Persons as shall be entitled to receive the said Annuity, or any Part thereof, to receive the same, then the said Right Honourable *John Lord Boringdon* and *John Campbell* Esquire, their Heirs and Assigns and such other Person or Persons as shall be entitled to receive the said Annuity or yearly Rent or Sum, or any Part thereof, may from Time to Time sue, prosecute, and implead such Officers, or any of them, their Executors and Administrators, by Bill, Plaint, or Action of Debt, and shall or may recover Judgments, and sue out Executions thereupon, against such Officers respectively, their Heirs, Executors, or Administrators, for so much of such Sum or Sums of Money then due and owing upon the said Annuity yearly Rent or Sum, or any Part thereof, as shall have been in the Hands of the Officer or Officers of the Receipt of the Exchequer at the Time or Times when Demands shall have been legally made of the Payment of the said Annuity yearly Rent or Sum, or any Part thereof as aforesaid, or for the Refusal or Neglect to do any Act necessary to be done by such Officer or Officers respectively.