

Summary & Usage

**BERMUDA.**

1923:—No. 35.

THE BERMUDA DEVELOPMENT COMPANY ACT, 1923.

(23rd. June, 1923.)

WHEREAS the Bermuda Development Company, Limited, has petitioned the Legislature of these Islands for the passing of an Act enabling the Company to acquire such interests in the lands at Tucker's Town as cannot now be acquired under the provisions of The Bermuda Development Company Act, (No. 2), 1920, and it is expedient to pass an Act for such purpose:

Be it, therefore, enacted by the Governor, Legislative Council and Assembly of the Bermudas or Somers Islands as follows:—

1. In this Act the expression "the principal Act" means The Bermuda Development Company Act, (No. 2), 1920, and the expressions and words interpreted in the first section of that Act have the meanings respectively assigned to them in that section.

2. (1) If at any hearing before the Commissioners it shall transpire that any patient in the Lunatic Asylum is the reputed owner of an interest in any land required by the Company, the Commissioners shall, after such notice

it Procedure in
case of lunatic
owners

to any of the known relatives in these Islands as the Commissioners shall deem expedient, proceed to assess and award the amount of compensation to be paid by the Company for such interest.

* (2) If the Company shall give written notice to the Commissioners that the Company accepts the title of any such reputed owner and is prepared to complete the purchase on the terms contained in the award, the Commissioners shall, on such terms being complied with by the Company, make an order in writing under their hands and seals vesting the interest of such reputed owner in such land in the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be; and such order shall be of the same force and effect in all respects as if the reputed owner and the wife of such owner entitled to any dower right in such premises had duly executed a proper deed of conveyance of their respective estates and interests in the premises in question to the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be.

(3) The amount of compensation awarded by the Commissioners in any such case shall be paid to such officer of the Government as the Governor in Council shall direct, and be applied towards the cost of maintenance of the reputed owner so long as he shall continue to be a patient in the Lunatic Asylum; and the unexpended balance, if any, shall be paid to such patient on his discharge from the Asylum, or in the event of his death in the Asylum shall be paid to such person or persons as the Governor in Council shall authorize to receive the same.

(4) If the Company shall give written notice to the Commissioners that the Company is not prepared to accept the title of any such reputed owner, the Commissioners, on proof to their satisfaction that the amount of the award has been paid into Court for the use of the owner or owners of the premises in respect of which the award was made, shall make an order in writing under their hands and seals vesting in the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be, the interest in the said premises of such

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owner or owners, and such order shall be of the same force and effect as a vesting order made under sub-section (2) of this section.

3. (1) If the Company shall notify the Commissioners in writing that the reputed owner or any part owner of any land required by the Company is under the age of twenty-one years, the Commissioners shall proceed to assess and award the amount of compensation to be paid by the Company for the benefit of such owner.

Procedure in case of owners.

(2) As soon as conveniently may be after the receipt of such notification, the Commissioners shall appoint a place and time for dealing with the proposed acquisition by the Company of the interest of such reputed owner hereinafter referred to as "the hearing which shall include any adjournment thereof", and shall give written notice thereof to the Company and to the father of the reputed owner, if he shall be living, or if not to the mother. If neither the father nor the mother shall be living, such written notice shall be given to such one or more of the next-of-kin of such reputed owner as the Commissioners shall direct.

(3) At the hearing the Commissioners, after considering any representations brought forward on behalf of the Company and of the reputed owner, shall make an award in writing fixing the compensation to be paid by the Company for the interest of the reputed owner, and specifying the manner in which the amount of the compensation shall be applied for the benefit of the reputed owner, and a copy of such award shall be furnished to the Company and to the person (if any) who represented the reputed owner at the hearing.

(4) If the Company shall give written notice to the Commissioners that the Company accepts the title of any such reputed owner and is prepared to complete the purchase on the terms contained in the award, the Commissioners shall on such terms being complied with by the Company, make an order in writing under their hands and seals vesting in the Company, its successors and assigns, the interest of the owner of such premises in fee simple, or in fee simple

conditional, as the case may be, and such order shall be of the same force and effect in all respects as if the reputed owner and the wife of any such owner entitled to any dower right in such premises had duly executed a proper deed of conveyance of their respective estates and interest in the premises in question, to the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be.

(5) If the Company shall give written notice to the Commissioners that the Company is not prepared to accept the title of any such reputed owner, the Commissioners, on proof to their satisfaction that the amount of the award has been paid into Court for the use of the owner or owners of the premises in respect of which the award was made, shall make an order in writing under their hands and seals vesting in the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be, the interest in the said premises of such owner or owners, and such order shall be of the same force and effect as a vesting order made under sub-section (4) of this section.

Procedure where reputed owner neglects or refuses to furnish particulars of title or to accept compensation assessed by jury.

4. If, after the finding of the verdict of a jury chosen under the principal Act to assess the compensation to be paid to any reputed owner of any land required by the Company, such reputed owner has neglected or refused or shall neglect or refuse to furnish to the Commissioners full particulars of his title to such premises as required by Section 23 (1) of the principal Act, or has refused or shall refuse to accept the amount of compensation assessed by the jury for his estate, share or interest in the premises in question, on the same being tendered to him by or on behalf of the Company, the Company may pay into Court, for the use of the owner of such premises, the amount of compensation assessed by the jury, and the Commissioners, on proof to their satisfaction that such payment into Court has been made, shall make order in writing under their hands and seals vesting such premises, or the estate, share or interest therein of such owner, in the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be; and such order shall be of the same force and

effect in all respects as if the reputed owner entitled to any dower right in such premises had duly executed a proper deed of conveyance of their respective estates and interests in the premises in question, to the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be.

5. The provisions of the Bermuda Development Company Act, 1923, shall apply to any money or property of the provisions of the Act.

6. Nothing in this section shall affect the rights of any body politic or corporate persons except such as may be provided by, from or under the provisions of the Act.

effect in all respects as if the owner and the wife of such owner entitled to any dower right in such premises had duly executed a proper deed of conveyance of their respective estates and interests in the premises in question to the Company, its successors and assigns, in fee simple, or in fee simple conditional, as the case may be.

5. The provisions of the twenty-seventh section of The Bermuda Development Company Act, (No. 2), 1920, shall apply to any money paid into Court by the Company under any of the provisions of this Act.

Provisions of
sect. 27 of Act
No. 25 of 1920
apply.

6. Nothing in this Act contained shall be construed to affect the rights of His Majesty, his heirs and successors, or of any body politic or corporate, or of any other person or persons except such as are mentioned in this Act and those claiming by, from or under them.

Saving rights
of Crown and
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