Anno tricesimo tertio

Georgii II. Regis.

An Act for taking down and removing the Magazine for Gunpowder, and all Buildings thereto belonging, situate near *Greenwich* in the County of *Kent*; and erecting, instead thereof, a new Magazine for Gunpowder at *Purfleet*, near the River of *Thames*, in the County of *Essex*; and applying a Sum of Money granted in this Session of Parliament towards those Purposes; and for obviating Difficulties arisen upon an Act made in the last Session of Parliament, for making Compensation for Lands and Hereditaments purchased for His Majesty's Service at *Portsmouth*, *Chatham*, and *Plymouth*.

WHEREAS the Powder Magazine near the Town of Greenwich in the County of Kent, is very improperly and dangerously situated; and notwithstanding great Care has been taken to support the said Magazine, the same is utterly incapable of being effectually repaired: And whereas Purfleet, near the River Thames, in the County of Essex, is a proper Place for erecting a Powder Magazine; May it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with Preamble.

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 it shall and may be lawful for the Master General of His Majesty's Ordnance for the time being, or for the Lieutenant General and Principal Officers of His Majesty's Ordnance for the time being, or any Three or more of them, to take down and remove the said Powder Magazine situate near the Town of Greenwich, and all the Buildings thereto belonging; and, instead thereof, to erect and build a Magazine for Gunpowder, for Land and Sea Service together, with Barracks, Guardhouse, and other Houses and Buildings necessary and convenient for the Care and Management of such Magazine, and of the Gunpowder that shall from time to time be deposited in it, at Purfleet aforesaid.

The Powder Magazine near *Greenwich*, to be taken down, and removed, by the Board of Ordnance, and a new one, together with Barracks, *&c.* to be erected at *Purfleet*.

And whereas it will be necessary to purchase certain Messuages, Mills, Lands, Tenements, and Hereditaments, in order to build such intended Magazine for Gunpowder, and other Buildings, at Purfleet; be it therefore further enacted by the Authority aforesaid, That it shall and may be lawful to and for His Majesty, by One or more Commission or Commissions by Letters Patent under the Great Seal of Great Britain, to authorize and appoint any Number of Persons to be Commissioners for surveying and setting out all such Messuages, Mills, Lands, Tenements, and Hereditaments, and for executing the other Purposes of this Act, in Manner herein after mentioned.

Commissioners to be appointed by His Majesty for surveying, *&c.* Lands, *&c.* proper for that Purpose;

And be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners so to be appointed, or any Five or more of them, or such Persons as they, or any Five or more of them, shall appoint, to enter upon, make Surveys of, and set out and describe by Lines, Stakes, or other Marks, such Messuages, Mills, Lands, Tenements, and Hereditaments, at Purfleet aforesaid, as they the said Commissioners so to be appointed, or any Five or more of them, shall think proper to be purchased, in order for the erecting and building a Magazine for Gunpowder, and the Guardhouse, Barracks, and other convenient Buildings there.

who are impowered to enter upon and set out the Lands, *&c.* accordingly.

And be it further enacted by the Authority aforesaid, That from and immediately after the making of every such Survey respectively, and the entering thereof in the Books of the said Commissioners as herein after directed, all the Messuages, Mills, Lands, Tenements, and Hereditaments, lying within the Boundaries of such Descriptions respectively as aforesaid, shall be and are hereby vested,

The Lands, *&c.* so surveyed, vested in Trustees;

vested, and declared to be in the actual and real Possession and Seisin of the Right Honourable Arthur Onslow Speaker of the House of Commons, William Harvey Esquire, Sir William Maynard Baronet, the Honourable Lewis Watson, and the Honourable Robert Fairfax, their Heirs and Assigns; in Trust nevertheless for such Person and Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, as, at the Time of making such Survey respectively, are or shall be interested therein, according to their several Estates and Interests, in Possession, Reversion, Remainder, or otherwise, until the Purchase Monies for the same shall be paid, or Certificates for the Payment thereof shall be made forth and deposited in such Manner as is herein after directed.

in Trust for the Persons interested, till Payment of the Purchase Monies.

And be it further enacted by the Authority aforesaid, That the said Commissioners so to be appointed, or any Five or more of them, may, and they are hereby impowered to treat and agree with the Owners and Persons interested in such Messuages, Mills, Lands, Tenements, and Hereditaments, as aforesaid, for the absolute Purchase thereof, according to their respective Interests therein; and all such Agreements by the Owners and Persons interested of and in such Messuages, Mills, Lands, Tenements, and Hereditaments, with the Commissioners so to be appointed, or any Five or more of them (being entered in a Book or Books in Manner herein after directed) shall be valid and effectual to all Intents and Purposes whatsoever: And in case any Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, shall refuse or neglect to treat or agree as aforesaid, or shall refuse to accept what the said Commissioners, or any Five or more of them, shall think a reasonable Recompence or Satisfaction for the same, for the Space of Thirty Days after Notice in Writing given to such Person or Persons, or to the Principal Officer or Officers of such Bodies Politic or Corporate, Ecclesiastical or Civil, or left at his, her, or their respective Place or Places of Abode, or delivered to the Tenant or Tenants of the Premisses; or if, through any Disability by Non-age, Coverture, or Special Limitations in any Settlement or Settlements, or by reason of any Controversy depending in Law or Equity, or any other Impediment, such Owners or Persons cannot dispose of their respective Properties or Interests; in every such Case the said Commissioners so to be appointed, or any Five or more of them, may, and are hereby authorized and required to issue forth their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of Essex, thereby command-

Commissioners impowered to treat for the absolute Purchase of such Lands.

Agreements entered into deemed valid.

Where Persons shall refuse, or neglect to treat,

or shall be disabled from treating,

the Commissioners are to issue their Warrant to the Sheriff of the County,

to summon and return a Jury to ascertain the Value of the Premisses.

ing him to impanel, summon, and return before the said Commissioners so to be appointed, or any Five or more of them, at such Time and Place, or Times and Places, as shall be appointed in such Warrant or Warrants, Twenty four substantial and indifferent Inhabitants of the said County of Essex, qualified to serve upon Juries at the Assizes, who upon their Oaths (which Oaths the said Commissioners so to be appointed, or any Five or more of them, are hereby impowered to administer) shall enquire into, and, by their Verdict, ascertain and assess the true and real Value of such Messuages, Mills, Lands, Tenements, and Hereditaments, and of the respective Estates, and Interests therein: And the said Sheriff is hereby required to impanel, summon, and return, such Number of Inhabitants as aforesaid; and, at the Return of such Warrant or Warrants, to attend the said Commissioners, with his Bailiffs or Officers, to prove, if necessary, upon Oath (which Oath the said Commissioners so to be appointed, or any Five or more of them, are hereby impowered to administer) the summoning of the Jurors so impanelled and returned respectively; and all Persons shall have their lawful Challenges (but shall not challenge the Array of the Panel) against any of the said Jurymen when they come to be sworn: And in case the said Sheriff shall neglect or refuse (being duly served with such Warrant or Warrants Six Days or more before the Return thereof) to impanel, summon and return, such Jury; or shall not attend the said Commissioners, so to be appointed, with his Bailiffs and Officers, who shall have executed such Warrant or Warrants; then, and in either of the said Cases, the said Commissioners so to be appointed, or any Five or more of them, are hereby authorized and required to impose a Fine upon such Sheriff, not exceeding Twenty Pounds, nor less than Ten Pounds, for any One Offence: And if any Person so to be impanelled, summoned, and returned, shall not appear at the Return of such Warrant or Warrants; or, appearing, shall refuse to be sworn for the Purposes aforesaid, or, being sworn, shall depart without the Licence of the said Commissioners so to be appointed, or any Five or more of them, before the Verdict is given; or shall not give his Verdict, or in any other Manner neglect his Duty in the Premisses; in every such Case the major Part of the Commissioners so to be appointed, then assembled, may and are hereby impowered to set a Fine upon such Person so offending, and not having lawful Excuse (to be allowed by such Commissioners so to be appointed) not exceeding the Sum of Ten

Sheriff to attend at the Return of the Warrant, with his Officers, to prove the summoning the Jurors.

Jury may be challenged.

Sheriff neglecting his Duty, may be fined in a Sum not exceeding 20 *l.*

and Juryman in a Sum not exceeding 10 *l.*

Pounds, upon any One Person for any One Offence: All which Fines the said Commissioners so to be appointed, or any Five or more of them, are hereby authorized and required to estreat in His Majesty's Court of Exchequer, to be levied to the Use of His Majesty. Fines to be returned into the Exchequer.

And be it enacted by the Authority aforesaid, That in case a sufficient Jury shall not appear, upon the Return of the said Warrant or Warrants, to take the Inquest, it shall be lawful for the said Commissioners so to be appointed, or any Five or more of them, from time to time, to adjourn the Inquest to any future Day, not exceeding Fourteen Days, nor less than Seven Days, from the Adjournment thereof; and to issue out their Warrant or Warrants for impanelling, summoning, and returning a Number of Jurors Double the Number of Jurors making Default, to attend such Commissioners so to be appointed at such adjourned Meeting, together with the Jurors before returned by the said Sheriff, or at any future Meeting or Meetings to be held by Adjournment or Adjournments, which the said Commissioners so to be appointed are hereby authorized to make from time to time. Where a sufficient Jury shall not appear, the Inquest may be adjourned, and a fresh Warrant issued for returning Double the Number of Jurors making Default.

Provided always, and be it further enacted by the Authority aforesaid, That Twelve good and lawful Men shall be sufficient to take the Inquest aforesaid; and that in case Twelve or more shall appear upon the Return of the said Warrant or Warrants, then, and in such Case, the said Commissioners, or any Five or more of them, shall proceed to take the said Inquest, and give Judgement, and make Decrees thereon. Twelve sufficient to take the Inquest.

And be it further enacted by the Authority aforesaid, That the said Commissioners so to be appointed, or any Five or more of them, may and are hereby impowered to summon, by Writing under their Hands, any Person or Persons to attend any Jury to be summoned by virtue of this Act, and to examine such Person or Persons upon Oath, in relation to the Matters in Question; which Oath the said Commissioners so to be appointed, or any Five or more of them, are hereby impowered to administer. Witnesses may be summoned, and examined upon Oath.

And be it further enacted by the Authority aforesaid, That Five or more of the said Commissioners so to be appointed, shall cause Notice to be given in Writing of the Days appointed for the Meeting of such Juries as aforesaid, Seven Days at the least before every such Meeting; which Notices shall be affixed upon the Door of the Miller's House, and of the Publick House at Purfleet called The Crown, and published in the London Gazette; Notice to be given of the Days appointed for the Meeting of the Juries.

and

and if any Person or Persons shall not appear pursuant to such Notice, that then the said Commissioners so to be appointed, and also the said Jury, shall proceed and determine upon the best Information they can then procure or obtain: And if any Persons summoned to attend such Commissioners so to be appointed, and Jury so to be impanelled and sworn, as a Witness, shall not appear, or appearing, refuse to be sworn or to give Evidence, the major Part of the Commissioners then assembled may impose a Fine upon every Person so offending, and not having lawful Excuse (to be allowed by such Commissioners) not exceeding Five Pounds upon any One Person for any One Offence: All which Fines shall be estreated and levied, in such Manner as the Fines herein before mentioned are directed to be estreated and levied.

Witnesses refusing to attend, or to give Evidence, may be fined in any Sum not exceeding 5*l.*

And be it further enacted by the Authority aforesaid, That the Orders and Decrees which shall be made by the said Commissioners so to be appointed, or any Five or more of them, relating to or concerning such Agreements, which shall be made between the said Commissioners so to be appointed, or any Five or more of them, and such Owners and Persons interested as aforesaid; and also all the Verdicts of such Juries, and the Judgements and Decrees of the said Commissioners so to be appointed, or any Five or more of them, thereupon; shall be final, and shall be binding and conclusive to all and every Person and Persons, Bodies Politic and Corporate, Ecclesiastical and Civil, their Heirs, Successors, Executors, Administrators, and Assigns, and all other Persons whatsoever, claiming, or to claim, in Remainder, Reversion, or in any other Manner howsoever, notwithstanding any Disability or Incapacity; any Law, Statute, or Custom, or other Matter or Thing whatsoever, to the contrary notwithstanding.

Orders and Decrees of the Commissioners,

and Verdicts of the Juries, and the Judgements thereupon, are to be final and conclusive to all Parties.

And be it further enacted by the Authority aforesaid, That the said Commissioners so to be appointed, or any Five or more of them, shall cause all their Surveys, Orders, Judgements, and Decrees, and also all such Agreements and Verdicts, to be entered in a Book or Books; and in such Surveys, Orders, Judgements, Decrees, and Agreements respectively, shall be expressly mentioned and specified the respective House or Houses, Mill or Mills, Building or Buildings, Number of Acres or Parcels of Land, with their several Abuttals and Boundaries, and the Name or Names of every Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, who shall be interested therein, and also the respective Sum or Sums of Money which shall be agreed for

Surveys, Orders, Judgements, Agreements, and Verdicts, to be entered at Length in proper Books;

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for between the said Commissioners so to be appointed and Parties interested, or which shall be assessed by such Jury to be paid for the same respectively: And all such Surveys, Orders, Judgements, Decrees, Agreements, and Verdicts, shall be also fairly ingrossed on Parchment, and certified under the Hands and Seals of Five or more of the said Commissioners so to be appointed, to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majesty's Court of Exchequer.

and Copies thereof to be ingrossed on Parchment, and certified by the Commissioners to the Clerk in *Chancery*, and the Remembrancer of the *Exchequer*.

And be it further enacted by the Authority aforesaid, That the said Commissioners so to be appointed, or any Five or more of them, shall be and are hereby required, without Fee or Reward, to give their Certificate or Certificates in Writing, under their Hands, to every Proprietor and other Person interested in the Premisses, expressing the respective House or Houses, Mill or Mills, Building or Buildings, Number of Acres or Parcels of Land, and their several Abuttals and Boundaries, with the Name or Names of the Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, and the Sum or Sums he, she, or they, is or are to receive for the same; and such Certificates respectively shall authorize the Surveyor General of the Ordnance for the time being, to make out and allow a Bill or Bills to the Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, mentioned in such Certificates respectively, and in which Bill or Bills shall likewise be expressed the respective House or Houses, Mill or Mills, Building or Buildings, Number of Acres or Parcels of Land, and their several Abuttals and Boundaries, together with the Name or Names of the Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, as aforesaid, and the respective Sum or Sums to be paid; and thereupon One or more Debenture or Debentures shall be prepared for the several and respective Sums as aforesaid, by the Clerk of the Ordnance for the time being, and signed by Three or more of the Principal Officers of the Ordnance for the time being; and such Debentures are hereby required to be paid, with Interest after the Rate of Four Pounds per Centum per Annum, from the Time of demanding the Principal Sums mentioned therein, out of the Money hereby appropriated, or hereafter to be granted by Parliament for the Purpose aforesaid, by the Treasurer of the Ordnance for the time being, who shall take Acquittances from the Persons indorsed thereon; and that immediately from and after the Delivery of such Certificates to the Persons interested as aforesaid, the Trustees before mention-

Certificates of the Purchases to be given by the Commissioners to the Proprietors,

and Bills for the Sums due to be made out by the Surveyor General of the Ordnance;

and Debentures thereupon to be granted them,

with Interest after the Rate of 4 *l. per Cent. per Ann.*

The Trustees thereupon deemed to stand seised of the Premisses.

ed shall be deemed and adjudged to stand seised of the Premisses mentioned in such Certificates respectively, to and for the Use of His Majesty, His Heirs, and Successors, for ever: And if any Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, shall wilfully refuse to accept of or receive any such Certificate; that then, and in such Case, it shall and may be lawful for the said Commissioners so to be appointed, or any Five or more of them, to leave and deposit such Certificates with the Clerk of the Peace of the said County of Essex, and shall make an Entry in their Books of the same, which shall be taken and deemed to be valid; and such Messuages, Mills, Lands, Tenements, and Hereditaments respectively, shall from thenceforth be vested to the Use of His Majesty, His Heirs, and Successors, as if such Certificates had been received by the Parties intitled thereto.

In case of Refusal to accept such Certificates, they may be deposited with the Clerk of the Peace for *Essex*, &c.

Where the Premisses shall belong to any Corporate Body, or to other Persons under a Disability to take and dispose of the Purchase Money,

And be it further enacted by the Authority aforesaid, That if any such Messuages, Mills, Lands, Tenements, or Hereditaments, or any Interest therein, shall belong to any Corporation, or Body Politic, Ecclesiastical or Civil, or to any other Person or Persons whatsoever, who, by Reason of any Disability, are not able or capable by Law to take and dispose of the several Sums which shall be due and payable for and in respect of their

it is then to be paid over to the Dep. Remembrancer for their Use.

several Interests; in every such Case, such Sums of Money shall be paid into the Hands of the Deputy King's Remembrancer of His Majesty's Court of Exchequer at Westminster for the time being, to and for the Uses, Intents, and Purposes, herein after mentioned.

Act 31 *Geo.* II.

And whereas by virtue and in pursuance of an Act of Parliament passed in the Thirty first Year of the Reign of his present Majesty, intituled, An Act for vesting certain Messuages, Lands, Tenements, and Hereditaments, for the better securing His Majesty's Docks, Ships, and Stores, at *Portsmouth*, *Chatham*, and *Plymouth*, and for the better fortifying the Town of *Portsmouth*, and Citadel of *Plymouth*, in Trustees, for certain Uses, and for other Purposes therein mentioned; and of another Act made and passed in the last Session of this present Parliament, for making Compensation to the Proprietors of such Lands and Hereditaments, as had been purchased for that Purpose, divers Lands, Grounds, Tenements, and Hereditaments, situate, lying, and being, near the said Docks respectively, and particularly certain Lands and Grounds belonging to Sir John Saint Aubin Baronet, which were valued by His Majesty's Commissioners at Seventeen thousand Pounds, and upwards, and which he was not qualified

to convey in Fee Simple; and also certain Lands, Grounds, and Hereditaments, belonging to the Rectory and Church of Stoke Damarell, which could not by Law be aliened in Fee Simple; and several other Lands near the said several Docks; have respectively been taken and made use of for fortifying and securing the said Docks respectively, and are vested in Trustees for that Purpose; and Bills and Debentures have been made out and allowed by the Surveyor General of the Ordnance, for several Sums of Money payable for the Purchase, or as the Value, of the Lands, Tenements, and Hereditaments respectively; and the several Sums of Money which, by the said Act of the last Session, were directed to be paid into the Hands of such Deputy Remembrancer for the time being, are now ready to be paid pursuant to and for the Purposes of the same Act: But as Doubts and Difficulties have arisen touching the Execution of the said Act; therefore, for obviating and removing such Doubts and Difficulties, and for the more effectually carrying the said Act of the last Session, and this present Act, into Execution; be it further enacted by the Authority aforesaid, That the several and respective Sums of Money which, in and by the said last mentioned Act and this present Act respectively, are directed and appointed to be paid and applied for the Benefit of any Corporation, Body Politic, or Person under such Disability, as aforesaid, shall be paid to the Deputy of the King's Remembrancer at the Court of Exchequer at Westminster for the time being, who is hereby authorized, impowered, and required, to receive the same; and shall upon the Receipt of each of the several Sums so paid in for the Use and Benefit of each of the said Owners and Proprietors respectively, sign a Certificate to the Barons of the said Court of Exchequer, under his Hand, purporting and signifying, that every such Sum was received by and paid to him in pursuance of the said former Acts, and of this present Act, for the Use and Benefit of such Owner or Proprietor respectively; and who, in such Certificate, shall be named and described; and which Certificate shall be filed in the said Court of Exchequer, and a true Copy thereof, signed by the said Deputy of the King's Remembrancer, shall and may be read and allowed as Evidence for the Purposes herein after mentioned.

The Monies payable by the recited and present Acts, to Corporate Bodies, or Persons under a legal Disability to receive and apply the same, to be paid over to the Dep. Remembrancer;

who is to grant Certificates for the same to the Owners and Proprietors;

which are to be filed in the *Exchequer*.

And it is hereby further enacted and declared, That the said Deputy Remembrancer for the time being, upon Receipt of any Sum or Sums of Money hereby directed and appointed to be paid to him as aforesaid, shall pay the same into the Bank of England.

The Money received by him to be paid into the Bank.

And

Barons of the *Exchequer* impowered to make Orders for placing out the Monies in the Funds,

and for Payment of the Dividends thereon,

or laying out the Principal in other Purchases, to be settled and applied to the same Uses.

And it is hereby further enacted, That the Barons of his Majesty's Court of Exchequer, of the Degree of the Coif, for the time being, or any Two of them, shall be and are hereby authorized and impowered, in a summary Way, upon Motion, or by Petition, for and on the Behalf of the Person or Persons who shall be interested in, or intitled to, the Benefit of the Money so to be paid to, and received by, the said Deputy Remembrancer, or shall be intitled to receive the Interest or Produce thereof; and upon reading the Certificate directed to be signed by the said Deputy Remembrancer concerning the same, as aforesaid, and receiving such further Satisfaction as they shall think necessary; to make and pronounce such Orders and Directions as they shall think just and reasonable for the placing out the said Money in the public Funds, or upon Government or Real Securities, and for calling in, disposing of, and placing out, the same again, in or upon such new or other Funds or Securities, as aforesaid; and for Payment of the Dividends, Interest, or Produce thereof, to the several and respective Persons intitled to receive the same, or for laying out the said Principal Sums, or any Part thereof, in the Purchases of other Messuages, Mills, Lands, Tenements, or Hereditaments, to be conveyed and settled to, for, and upon the same Uses, Trusts, Intents, and Purposes, as the former Estates were settled at the Time they became vested in the Trustees of the said former Act, or at the Time they shall become vested in the Trustees appointed by this Act, or as near as the same can be done, or for and concerning the receiving, issuing, paying, applying, and disposing of, the said Money, for the Benefit of the Person and Persons intitled to the same respectively, by virtue of, and according to, the Tenor and Purport of the said former Acts, and this present Act.

All Mortgages, Stocks, &c. vested by this or the recited Acts in the Deputy Remembrancer, to vest, upon his Death or Removal, in his Successor, subject to the same Trusts;

and the Monies then remaining in his Hands to be paid over by his Executors, &c.

And it is hereby further enacted and declared, That upon the Death or Removal of the present or any future Deputy of the King's Remembrancer of the said Court of Exchequer, all Mortgages, Stocks, and Securities, vested in him by virtue and in pursuance of the said former Acts, and this present Act, shall vest in the succeeding Deputy of the King's Remembrancer for the time being, subject to the Trusts, and for the Purposes, herein before mentioned, without any Assignment or Transfer; and all Monies paid into the Bank in pursuance of this Act, or remaining in the Hands of the present or any future Deputy of the King's Remembrancer at the Time of his Death or Removal, and not invested in the Funds, or placed out on Securities as aforesaid, shall be paid over by the Exe-

cutors or Administrators of such deceased Deputy of the King's said Remembrancer, to the succeeding Deputy of the King's said Remembrancer for the time being.

If there shall be no Dep Remembrancer, the Trusts, &c. under the present and former Acts, are to vest in the Principal Remembrancer.

And it is hereby further enacted and declared, That if, on the Death or Removal of the present or any future Deputy of the King's Remembrancer of the said Court of Exchequer, the King's Remembrancer shall execute the said Office in Person, then, and in such Case, the several Trusts, Powers, and Authorities, in and by the said former Acts, and this present Act, vested in the said Deputy of the King's Remembrancer, and his Successors, shall, during such Time as no Deputy of the King's Remembrancer shall be appointed, vest in, and be executed by, the said King's Remembrancer of the said Court of Exchequer for the time being.

The Mills at *Purfleet* to be taken down;

and the Fleet to be left open;

And whereas the Mills commonly called The Purfleet Mills, by keeping back the fresh Water, and admitting the salt Water out of the Thames into the Fleet or Cut called Mar Ditch, have been found very detrimental to the adjacent Lands, as well as to the Health of the Country in general, and may prove pernicious to the Garrison intended for the Guard of the said Magazine; be it further enacted by the Authority aforesaid, That as soon as the said Commissioners so to be appointed by virtue of this Act shall be in actual Possession and Seisin of the said Mills, the Master General of His Majesty's Ordnance for the time being, or the Lieutenant General and Principal Officers of His Majesty's Ordnance for the time being, or any Three or more of them, shall effectually take down the said Mills; and that no Mills shall hereafter, on any Account, be built, either at the Mouth of the said Fleet or Cut called Mar Ditch, or in any other Part thereof that shall, by virtue of this Act, be vested in the said Commissioners before mentioned; but that the said Fleet or Cut shall be left free and open according to the Directions herein after mentioned; any thing in this Act to the contrary thereof in any wise notwithstanding.

and proper Flood-Gates to be erected to keep out the Sea Water,

and permit the fresh Water to go off with the Ebb Tides, &c.

And be it further enacted by the Authority aforesaid, That the Master General of His Majesty's Ordnance for the time being, or the Lieutenant General and Principal Officers of His Majesty's Ordnance for the time being, or any Three or more of them, shall, when the said Mills shall have been taken down, fix such proper Flood-Gates, not less than Fourteen Feet in Width, to be laid at least Three Feet lower than the Mill Water-Way now is, as shall effectually keep the Sea Water out of the said Fleet, and permit the fresh Water to go off with the Ebb Tides; and shall, from time time, clear the Silt from the Mouth of

of the said Fleet, and cause such other Works to be erected, and such Repairs to be made thereunto, as may be sufficient for the Purpose aforesaid; any thing in this Act to the contrary thereof notwithstanding.

The Fleet to be under the Commissioners of Sewers for the Levels of *Avely* and *W. Thurrock*; but the Expences of the Repairs, &c. to be paid out of the Monies granted for the Ordnance Service.

And be it further enacted by the Authority aforesaid, That the said Fleet commonly called Mar Ditch, and all the Works erected or to be erected thereon, shall still continue under the Authority of the Commissioners of Sewers for the Levels of Avely and West Thurrock, to be preserved by them for the Benefit of the Country in the State they are directed to be by this Act; nevertheless, so as all the Expences of erecting and keeping in Repair the said Flood-Gates, and other Works, shall be borne and paid for out of the Monies granted or to be granted by Parliament for the Service of the Ordnance; any thing herein contained to the contrary thereof notwithstanding.

Commissioners impowered to hear and redress Grievances of the Owners and Occupiers of Lands;

and make Satisfaction for Damages.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, upon the Complaint of any Owner or Owners, Occupier or Occupiers, of any other Messuages, Lands, and Hereditaments, adjoining to any Part of the Lands and Hereditaments by this Act vested in the said Trustees, that he, she, or they have received any Damage by bringing, loading, or carrying any Materials necessary to erect or compleat any of the Works thereto belonging, or by any other Means whatsoever, to examine into and hear every such Complaint; and if the same shall be made out to their Satisfaction, then such Commissioners, or any Five or more of them, are hereby authorized to make such Recompence for such Damages to the Party or Parties injured, out of the Monies hereby granted, as to the said Commissioners, or any Five or more of them, shall, from time to time, seem just and reasonable.

15,000*l* granted out of the Supplies for the Year 1760, towards removing the said Magazine, and building a new one.

And be it further enacted by the Authority aforesaid, That out of all or any the Aids and Supplies granted to His Majesty for the Service of the Year One thousand seven hundred and sixty, there shall and may be issued and applied any Sum or Sums of Money, not exceeding the Sum of Fifteen thousand Pounds, towards the taking down and removing the said Magazine, and all Buildings belonging thereto, situate near the Town of Greenwich, and erecting a new Magazine for Gunpowder, and other Buildings necessary thereto, at Purfleet aforesaid, and purchasing Messuages, Mills, Lands, Tenements, and Hereditaments, for that Purpose.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Master General

General and Principal Officers of His Majesty's Ordnance for the time being, to appoint proper Secretaries, Clerks, Assistants, or other Officers, for the more effectual carrying this Act into Execution; and that the necessary Expences and Charges attending the same shall be paid out of the Monies hereby granted. Board of Ordnance to appoint Officers for carrying this Act into Execution.

And be it further enacted by the Authority aforesaid, That an Account of the Application of the Monies hereby appropriated towards taking down and removing the said Magazine, situate near the said Town of Greenwich, and all Buildings thereto belonging, and towards building the said Magazine, Guardhouse, Barracks, and other convenient Buildings, at Purfleet aforesaid, shall be laid before both Houses of Parliament within Thirty Days after the Opening of every Session of Parliament. Accounts to be laid before Parliament.

And be it further enacted by the Authority aforesaid, That all such Costs and Charges as shall be incurred in obtaining this Act, shall be in the first Place paid out of the Monies hereby granted. Charges of this Act to be first paid.

And be it further enacted by the Authority aforesaid, That if any Action or Suit shall be commenced against any Person or Persons, for any Thing done in pursuance of this Act, every such Action and Suit shall be commenced within the Space of Six Calendar Months next after the Cause of such Action or Suit shall have arisen, and not afterwards; and the Defendant or Defendants in all such Actions and Suits may plead the General Issue, and give the Special Matter in Evidence, at any Trial to be had thereupon; and that the same was done in pursuance of this Act: And if the same shall appear to have been so done, or if any such Action or Suit shall not be commenced within the Time before limited; then, and in either of such Cases, the Jury shall find for the Defendant or Defendants; and if a Verdict shall be found for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall be Nonsuited, or suffer a Discontinuance, after the Defendant or Defendants shall have appeared, or if, upon any Demurrer, Judgement shall be given for the Defendant or Defendants; in each of the Cases aforesaid, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for recovering Costs in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

FINIS.