Anno ſecundo

Georgii III. Regis.

CAP. XXXVII.

An Act for veſting certain Lands, Tenements, and Hereditaments, upon the Sea Coaſts, in the Counties of *Kent*, *Suſſex*, and *Southampton*, on which Forts and Batteries have been erected for the Defence of the ſaid Coaſts, in Truſtees, for certain Uſes; and for other Purpoſes therein mentioned.



WHEREAS the Coaſts of Suſſex, Kent, and Southampton, lay open and expoſed to the hoſtile Invaſions of His Majeſty's Enemies: And whereas our late moſt Gracious Sovereign Lord George the Second, out of His paternal Affection, tendering the Welfare and Protection of His dutiful and loyal Subjects, did order and direct the Maſter General and Principal Officers of His Ordnance, to erect and build ſeveral Forts and Batteries, at convenient Diſtances, upon the ſaid Coaſts: And whereas, in purſuance of ſuch Orders, Forts and Batteries have been erected by and with the Conſent of the Owners and Proprietors of the ſeveral Lands herein after-mentioned, on which the ſame are reſpectively erected; at Little Hampton, Brighthelmſton, New Haven, Blotch- Preamble.

ington, Seaford, Haſtings, and Rye, in the County of Suſſex; and at Folkſtone and Hyth, in the County of Kent; and in the Pariſh and Iſland of Portſea, in the County of Southampton: And whereas it is juſt and reaſonable that the ſeveral Owners and Proprietors of ſuch Lands ſhould have proper Compenſation and Satisfaction made for their reſpective Intereſt therein, and that the ſaid Lands ſhould be veſted for ever in the Crown, or in Truſtees, for the Uſe and Benefit of your Majeſty, your Heirs, and Succeſſors, after ſuch Compenſation made to the Owners and Proprietors of the ſaid Lands; 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 the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in Parliament aſſembled, and by the Authority of the ſame, That all that Piece or Parcel of Land ſituate on the Sea Shore on the Eaſt Side of the Entrance into Arundel Haven, in the Pariſh of Climpton, in the County of Suſſex, containing Two Acres, Twelve Perch and an Half, on which a Fort or Battery called Little Hampton Battery, with Gunners Barracks, and the Magazine thereto belonging, have lately been erected; and alſo all that Piece or Parcel of Land ſituate on the Sea Shore at the Eaſt Part of the Town of Brighthelmſton, in the ſaid County of Suſſex, containing One Rood, Twenty ſeven Perch and Three Quarters, being Part of the Lands of Brighthelmſton aforeſaid, called The Eaſt Clift, on which ſaid Piece of Land laſt-mentioned, the Fort or Battery called Brighthelmſton Battery, with Gunners Barracks, and the Magazine thereto belonging, have lately been erected; and alſo all that Piece or Parcel of Land ſituate on the North Side, at the Entrance of the Harbour of Newhaven, in the ſaid County of Suſſex, containing One Acre, Two Rood, and Twenty ſeven Perch, Part of the Lands called The Caſtle Hill, on which ſaid Piece of Land laſt-mentioned, the Fort or Battery called Newhaven Battery, with Gunners Barracks, and the Magazine thereto belonging, have lately been erected; and alſo all that Piece or Parcel of Land ſituate in the Pariſh of Blotchington, in the ſaid County of Suſſex, together with a Way and Paſſage Five hundred twenty ſix Feet in Length, and Ten Feet wide, from the Weſt Angle of the ſaid Piece or Parcel of Land, to a certain Well ſituate on Blotchington Down, which ſaid Piece or Parcel of Land, with the ſaid Way or Paſſage, contain Three Acres, Twenty one Perch, and on which ſaid Piece or Parcel of Land, a Fort or Battery called Blotchington Battery, with Gunners Barracks, and the Magazine thereto

The Lands, with the Barracks and Magazines, whereon the ſeveral Forts or Batteries following ſtand, *viz.* Of *Little Hampton*, on the Entrance in *Arundel Haven*;

Brighthelmſton Battery;

Newhaven Battery;

Blotchington Battery;

thereto belonging, have lately been erected; and alſo all *Seaford Battery;* that Piece or Parcel of Waſte Land ſituate in the Pariſh of Seaford, in the ſaid County of Suſſex, containing, together with a Well at the Town of Seaford, One Acre, One Rood, and Seven Perch, being the greateſt Part thereof Waſte Lands called Seaford Beach, on which the Fort and Battery called Seaford Battery, with the Gunners Barracks, and Magazines thereto belonging, have lately been erected; and alſo all that Piece or Parcel *Haſting Battery;* of Waſte Land, ſituate in the Pariſh of Saint Mary of the Caſtle, on the Pier at the Weſt Side of the Town of Haſting, in the ſaid County of Suſſex, on which a Battery called Haſting Battery has lately been erected; and alſo all that other Piece or Parcel of Land, ſituate on the ſaid Pier, on which the Gunners Barracks, and Magazine belonging to the ſaid Battery laſt-mentioned, have lately been erected, which ſaid Two Pieces or Parcels of Land laſt-mentioned, contain together One Rood and Twenty five Perch; and alſo all that Piece or Parcel of *Gun Garden Battery, at Rye;* Waſte Land ſituate at Rye, in the ſaid County of Suſſex, containing One Acre, Two Rood, and Thirty three Perch, called The Gun Garden Battery, where an old Battery formerly ſtood, and on which Two new Batteries called with the *Upper* and *Lower Batteries* there; the Upper Battery and Lower Battery, and the Magazine to them belonging, have lately been erected; and alſo all that other Piece or Parcel of Waſte Land ſituate at Rye aforeſaid, containing Six Perch, being Part of the Waſte called The Old Church Yard, on which the Gunners Barracks, belonging to the ſaid Batteries laſt-mentioned, have lately been erected; and alſo all that Piece *Folkeſtone Battery;* or Parcel of Land ſituate at Folkeſtone in the County of Kent, containing One Acre, One Rood, and Twelve Perch, being Part of a Piece of Land called The Upper Bail Ground, on which a Fort or Battery has been lately erected; and alſo all that Piece or Parcel of Waſte Land *Hyth Battery;* ſituate near the Town of Hyth, in the ſaid County of Kent, containing Twenty one Perch, on which a Battery of Five Guns has been lately erected; and alſo all that other Piece or Parcel of Waſte Land near the ſaid Town of Hyth, containing Twenty four Perch, on which the Gunners Barracks, and Magazine belonging to the ſaid Battery laſt mentioned, have been lately erected; and alſo *Lump's Battery, at Portſea;* all that Piece or Parcel of Land ſituate in the Pariſh of Portſea in the County of Southampton, containing Four Acres, Three Rood, and Seventeen Perch, being Part of Two Fields called The Sixteen Acre Field and The Eighteen Acre Field, belonging to Lump's Farm, in the ſaid Pariſh of Portſea, on which a Fort or Battery, called Lump's Battery, with the Gunners Barracks, and Magazine thereto

belonging, have lately been erected; and also all that Piece or Parcel of Land situate in the said Parish of Portsea, containing Six Acres, Two Rood, and Twenty one Perch, being Part of Two Fields called Lock's Pintock, and the Thirty Acre Field belonging to a Farm called Eastney Farm, in the said Parish of Portsea, on which a Fort or Battery called Eastney Battery, with the Gunners Barracks, and Magazine thereto belonging, have lately been erected, together with the Beach or Shingle between High Water Mark and Low Water Mark, contiguous to, and adjoining the said several Pieces or Parcels of Land, or any or either of them; and all other Rights, Members, and Appurtenances, to them, or any or either of them, belonging or appertaining, shall be, and are hereby, vested and declared to be in the actual and real Possession and Seisin of Sir John Cust Baronet, Speaker of the House of Commons; the Honourable Robert Fairfax, Sir Wyndham Knatchbull Wyndham Baronet, Thomas Pelham Esquire, John Butler Esquire, the Right Honourable Henry Bilson Legge, and Sir Simeon Stuart Baronet, their Heirs and Assigns for ever, in Trust nevertheless for such Person and Persons, Bodies Politic or Corporate, Ecclesiastical or Civil, as at or immediately before the Time of making this Act, were the several and respective Owners and Proprietors thereof, according to their several Estates and Interests therein at the same Time, in Possession, Reversion, Remainder, or otherwise, until such Estates and Interests shall be respectively adjudged and determined, and reasonable and just Compensation and Satisfaction shall be made for the same.

Eastney and Eastney Battery vested in Trust for the respective Owners and Proprietors thereof, &c. are severally vested, with the Rights, Members, and Appurtenances thereto belonging, in the Trustees hereby mentioned.

And be it further enacted by the Authority aforesaid, That for the better ascertaining the several Owners and Proprietors of the said Lands, and their respective Titles and Claims thereto, 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 to hear and determine all Titles and Claims that shall or may be made to the said Lands, Tenements, and Hereditaments, or to any Part or Parcel thereof; which Commissioners to be appointed, or any Five or more of them, are hereby authorized and required, and shall and may, in a summary Manner, proceed, act, and determine, by and upon the Testimony of Witnesses upon Oath (which Oath they, or any Five or more of them, are hereby empowered to administer) Inspection and Examination of Deeds, Writings, and Records, or by Inquest of Twelve good and lawful Men to be impa-

His Majesty impowered to issue Letters Patent, appointing Commissioners to hear and determine the Titles and Claims of the several Proprietors of the said Lands, Tenements, and Hereditaments, and their respective Interests therein:

They are to proceed therein in a summary Way by the Testimony of Witnesses upon Oath,

nelled and sworn in Manner herein after mentioned and directed, or by all or any of the said Ways, or otherwise, according to their Discretion, all and all Manner of Rights, Estates, and Interests, and all Controversies, Debates, and Questions, which shall happen and arise between any Person or Persons whatsoever, or any other Matter or Thing relating to any of the Premisses, or any Part thereof; and shall have Power to send for any Person or Persons, and oblige them to produce their Deeds or Writings, upon Oath, relating to any of the same Premisses; and also shall and may, by Agreement with the respective Person or Persons that shall be determined to be the Owners and Proprietors of the said Lands, or by the said Inquest of the said Twelve good and lawful Men to be impanelled and sworn, inquire, proceed, and determine, touching and concerning the true and real Value of the said Premisses, or any Part or Parcel thereof, were or was of at the Time the same were first made use of for the Purposes aforesaid: And the said Commissioners, or any Five or more of them, are hereby required to cause all their Judgements and Decrees to be entered fairly in Books; which Judgements and Decrees shall expressly mention and specify the respective Number of Acres or Parcels of Land, with their several Abuttals and Boundaries, together with the Name or Names of every Person or Persons interested respectively in the same; and the respective Sum or Sums that shall be so agreed for or assessed by the said Jury to be paid for the same respectively; which Judgements and Decrees shall likewise be fairly ingrossed on Parchment, and certified to the Clerk of the Crown in Chancery, and to the King's Remembrancer in His Majesty's Court of Exchequer; and such Judgements and Decrees made as aforesaid shall be final, and shall conclude all and every Person and Persons, Bodies Politic and Corporate, Ecclesiastical and Civil, their Heirs, Successors, Executors, Administrators, and Assigns respectively, notwithstanding any Disability or Incapacity whatsoever; any Law, Statute, or Custom, or other Matter or Thing whatsoever, to the contrary notwithstanding; Copies of which said Judgements and Decrees shall be laid forthwith before both Houses of Parliament, that a just and reasonable Compensation and Satisfaction may be made to the several Owners and Proprietors of the said Lands, Tenements, and Hereditaments.

Inspection and Examination of Deeds and other Evidences, or by Inquest, &c.

And they are impowered to send for any Persons, and oblige them to produce their Deeds, &c. relating to the Premisses; and, by Agreement or Inquest, to settle the Value thereof;

They are to cause their Judgements and Decrees to be entered in Books, specifying the Description and Boundaries of the said Lands, with the Names of the Parties interested, and the Sums agreed for or assessed by the Jury to be paid for the same.

The said Judgements and Decrees to be likewise ingrossed on Parchment, and certified to the Clerk of the Crown in Chancery, and the King's Remembrancer in the Exchequer;

The same declared to be final and conclusive to all Parties; and Copies thereof are to be laid forthwith before both Houses of Parliament, in order that a reasonable Compensation may be made to the several Owners;

And be it further enacted by the Authority aforesaid, That for the better carrying the said Commission or Commissions into Execution, the said Commissioners to be appointed in and by the said Commission or Commissions, or

Commissioners impowered to issue Warrants to the Sheriffs for impanelling and returning a sufficient Jury.

or any Five or more of them, shall, and lawfully may, and are hereby authorized and required to issue forth their Warrant or Warrants, under their Hands and Seals, to be directed to the respective Sheriffs of the respective Counties wherein such Lands, Tenements, or Hereditaments shall lie, thereby commanding them respectively to impanel, summon, and return, before the said Commissioners, at such Times and Places as shall be appointed in such Warrant or Warrants, a good and sufficient Jury of Twenty four good and lawful Men qualified to serve upon Juries, at the Assizes for the said respective Counties; who upon their Oaths (which Oaths the said Commissioners, or any Five or more of them, shall have Power to administer) shall enquire into the true and real Value of the said Lands, Tenements, and Hereditaments, and every Part or Parcel thereof, and who respectively are the Owners and Proprietors thereof, and their respective Estates and Interests therein; and the better to enable the said Jurors to make such Enquiry, the said Commissioners shall, and lawfully may, direct, in such their Warrant or Warrants to the said respective Sheriffs, a View to be taken by Six or more of the said Jurors, of the several Lands in the said respective Counties, at some Time previous to the Meeting of the said Commissioners; and the Sheriffs of the said Counties respectively, upon Receipt of such Warrant or Warrants from the said Commissioners as aforesaid, are hereby required to impanel, summon, and return, Twenty four good and lawful Men qualified to serve upon Juries at the Assizes for the said respective Counties, and in the mean Time to have Six or more of the said Jurors so impanelled and sworn, to view the said Lands in their respective Counties; and at the Return of such Warrant or Warrants to attend the said Commissioners, with his Bailiffs or Officers, to prove, if necessary, the Summons of the Jurors so to be impanelled and returned respectively, upon Oath, which Oath the said Commissioners, or any Five or more of them, shall have Power to administer to the said Sheriff, and his Bailiffs and Officers, or any or either of them: And in case the said Sheriff or Sheriffs, and his or their Bailiffs and Officers, or any or either of them, shall neglect or refuse, being duly served with such Warrant or Warrants of the said Commissioners Fourteen Days before the Return thereof, to impanel, summon, and return, such Jury of good and lawful Men as aforesaid, or otherwise refuse to execute such Warrant or Warrants, or shall not attend the said Commissioners, with his Bailiffs and Officers,

Jury to be sworn:

Their Duty.

6 or more of them may be directed to take a View of the Premises.

Sheriff to impanel and summon a Jury accordingly, &c.

and, at the Return of the Warrants, to attend, with his Officers, the Commissioners, in order to prove the Service of the Summons;

who

who ſhall ſummon the ſaid Jurors, at the Return of ſuch Warrant or Warrants, as aforeſaid; then, and in either of the ſaid Caſes, the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and required to impoſe a Fine on ſuch Sheriff, Bailiffs, and Officers, or any or either of them, ſo making Default, not exceeding Twenty Pounds, nor leſs than Ten Pounds, for any One Offence; and in caſe the ſaid Jurors ſo to be impanelled, ſummoned, and returned, or any or either of them, ſhall neglect or refuſe to appear at the Return of ſuch Warrant or Warrants, and to be ſworn for the Purpoſes aforeſaid; then, and in ſuch Caſe, it ſhall and may be lawful to and for the ſaid Commiſſioners then aſſembled and met, to impoſe a Fine upon each and every of the Jurors ſo impanelled, ſummoned, and returned, and without lawful Excuſe, (to be allowed of by the ſaid Commiſſioners then ſitting, or the major Part of them) making Default or refuſing to be ſworn, not exceeding the Sum of Ten Pounds of lawful Money of Great Britain; which Fine and Fines ſo to be impoſed and ſet, the ſaid Commiſſioners are hereby authorized and required to eſtreat into his Majeſty's Court of Exchequer, to be levied to the Uſe of His Majeſty.

may be fined by the Commiſſioners in a Sum not exceeding 20*l.* nor leſs than 10*l.* for One Offence.

Jurors neglecting their Duty, without lawful Excuſe, may be fined in like Manner;

in a Sum not exceeding 10*l.*

Fines may be eſtreated into the *Exchequer*; and levied to the Uſe of His Majeſty.

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 and may be lawful to and for the ſaid Commiſſioners, or any Five or more of them, to adjourn the ſaid Inqueſt to any future Day, not exceeding Fourteen Days, nor leſs than Four Days from the Adjournment thereof, and to iſſue out their Warrant or Warrants for impanelling, ſummoning, and returning an equal Number of Jurors to thoſe ſo making Default, who together with the Jurors before returned by the Sheriffs of the reſpective Counties upon ſuch Second Warrant or Warrants afterwards to be iſſued, or upon any future Warrant or Warrants, Adjournment or Adjournments, which the ſaid Commiſſioners are hereby authorized to iſſue and make, from time to time, until a ſufficient Jury can be had, ſhall enquire as aforeſaid.

If a ſufficient Jury ſhall not be found upon Return of the Warrant,

the Commiſſioners may adjourn the Inqueſt to ſome future Day, not exceeding 14 Days, nor leſs than 4;

and iſſue their Warrant for ſummoning and returning a Number equal to thoſe making Default.

Provided always, That Twelve good and lawful Men ſhall be ſufficient to take the Inqueſt aforeſaid; and that in caſe Twelve or more (not exceeding Twenty three in the Whole) ſhall appear and be ſworn to take ſuch Inqueſt, then, and in ſuch Caſe, the ſaid Commiſſioners ſhall continue and ſit from Day to Day, until the ſaid Inqueſt ſhall be taken; and after the Inqueſt ſhall be taken, may adjourn to ſome future Day for making their Judgements and Decrees thereon.

Twelve deemed a ſufficient Jury.

The Jury being ſworn, the Commiſſioners are to ſit from Day to Day, until the Inqueſt is taken;

and may then adjourn to ſome future Day for making their Judgments and Decrees thereon.

Commissioners to give 30 Days Notice, previous to their Meeting for the Purposes aforesaid, the same to be affixed on the Doors of the Guild Hall of *Canterbury*, Town Hall of *Lewes*, and *Portsmouth*, and the principal Gates, and Entrances into the respective Forts and Batteries before mentioned; and published in the *London Gazette*.

Where Persons refuse to appear, or produce their Evidences, pursuant to such Notice, the Commissioners and Jurors are to proceed upon the best Information they can get; and the Judgements and Decrees thereupon made, are declared to be final and conclusive.

Upon Payment of the Sums decreed to the respective Proprietors, the Trustees before mentioned shall be adjudged to stand seised of the Premisses, to the Use of the Crown, for ever, freed and discharged of all Claims, &c.

Commissioners, upon Complaint made to them of any Damage done to adjoining Lands, by erecting or compleating any of the said Works,

And, to the Intent that no Person or Persons may have any Cause or Pretence for not appearing to make out their Claims or Title to the said Lands, Tenements, or Hereditaments, or any Part or Parcel thereof; be it further enacted by the Authority aforesaid, That Five or more of the said Commissioners shall give Notice in Writing Thirty Days at least before their Meeting at each Place, which Writing shall be affixed at the respective Doors of the Guild Hall of the City of Canterbury, the Town Hall of the Borough of Lewes, and the Town Hall of the Borough of Portsmouth, and at the principal Gates of, and Entrances into, the respective Forts and Batteries before mentioned; and shall likewise be published in the London Gazette: And if any Person or Persons shall neglect or refuse to appear, or, when he or they shall appear, shall wilfully refuse to shew his or their Deeds or Writings relating to the Premisses, that then the said Commissioners, or any Five or more of them, and the Jurors to be impanelled and sworn upon such Inquest, shall proceed, upon the best Information they can get or have, to make such Inquest, Judgements, and Decrees, as before directed; and all such Judgements and Decrees, being entered and certified as aforesaid, shall be final and conclusive.

And be it further enacted by the Authority aforesaid, That immediately from and after the Time that Payment shall be made of the Sum and Sums of Money so to be agreed for or assessed by the said Jury, and decreed and adjudged by the said Commissioners, or any Five or more of them, to the Owners and Proprietors of the said Lands, Tenements, and Hereditaments herein before mentioned, or to any or either of them, the Trustees herein before-mentioned shall be deemed and adjudged to stand seised of such Part and Parcel of the said Premisses as shall be so paid for, to and for the Use of his Majesty, his Heirs, and Successors, for ever, freed and discharged of and from all and all Manner of Right, Title, Claim, and Demand whatsoever, that can or may be made by any Person or Persons, Bodies Politic or Corporate, Ecclesiastical or Civil.

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 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 the erecting or compleating of any of the Works thereto belonging, to examine into and hear every

such Complaints and shall make an Estimate of such Damage, and shall return such Estimate with, and in the Manner they are herein before directed to return, the aforesaid Judgements and Decrees.

Commissioners are to examine into Complaints, and make and return Estimates of Damages.

And be it further enacted by the Authority aforesaid, That no private Building or Bildings shall be made or erected upon any of the Lands vested by this Act as aforesaid; and that the whole Profits arising, or that shall hereafter arise, from the said Lands, be, and are hereby appropriated and applied for and towards the Erection and Reparation of the respective Fortifications of each Place, and to no other Use or Purpose whatsoever; and all and singular the Premisses shall be and are hereby enacted and declared to be unalienable from the Crown; neither shall any Part of the Premisses be demised or demiseable, otherwise than during Pleasure only.

No private Buildings to be erected upon any of the Lands vested as aforesaid by this Act.

The Profits arising from the said Lands are to be applied towards the Erection and Reparation of the respective Fortifications.

The Premisses declared to be unalienable from the Crown, and are not demiseable, but during Pleasure.

Provided always, That no Commissioner who shall be employed in the Execution of this Act, shall be liable for or by reason of such Execution, to any of the Penalties mentioned in an Act made in the Twenty fifth Year of the Reign of King Charles the Second, intituled, An Act for preventing Dangers which may happen from Popish Recusants; or in One other Act made in the First Year of the Reign of King William and Queen Mary, intituled, An Act for the abrogating the Oaths of Supremacy and Allegiance, and appointing other Oaths; or in One other Act made in the Parliament holden in the Thirteenth and Fourteenth Years of the Reign of the late King William the Third, intituled, An Act for the better Security of His Majesty's Person, and the Succession of the Crown in the Protestant Line; and for extinguishing the Hopes of the pretended Prince of *Wales*, and all other Pretenders, and their open and secret Abettors; or in One other Act made in the Parliament begun and holden in the First Year of the Reign of King George the First, intituled, An Act for the better Security of His Majesty's Person and Government, and the Succession of the Crown in the Heirs of the late Princess *Sophia*, being Protestants; and for extinguishing the Hopes of the pretended Prince of *Wales*, and his open and secret Abettors.

Commissioners exempted from the Penalties of the several Qualification Acts of 25 Car. II. 1 W. & M. 13 & 14 W. III. and 1 Geo. I.

Provided also, and be it enacted, That such Commissioners as His Majesty shall nominate for the Purposes in this Act, or any of them, shall not, by reason thereof, in any Sort be disabled or disqualified from sitting in the House of Commons, or their Election thereby became void; any Law or Statute to the contrary thereof in any wise notwithstanding.

The Commissioners are not disqualified, by being such, from sitting in the House of Commons, or their Election thereby become void.