



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. cxxxvi.

An Act to amend an Act of His late Majesty, for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Parishes of *Sandhurst, Newenden, Rolvenden, Tenterden, Wittersham, Ebony, Woodchurch, Appledore, and Stone, in the County of Kent, and Ticehurst, Salehurst, Bodiam, Ewhurst, Northiam, Beckly, Peasmarsh, Iden, and Playden, in the County of Sussex.*

[16th July 1830.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty, King *George the Fourth*, intituled *An Act for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Parishes of Sandhurst, Newenden, Rolvenden, Tenterden, Wittersham, Ebony, Woodchurch, Appledore, and Stone, in the County of Kent, and Ticehurst, Salehurst, Bodiam, Ewhurst, Northiam, Beckly, Peasmarsh, Iden, and Playden, in the County of Sussex*: And whereas the said Commissioners appointed by the said recited Act have proceeded in the Execution of several of the Powers vested in them by the said recited Act, and have erected and finished certain of the Works thereby required to be done; but it would be unnecessary and inexpedient that all the Works directed to be done by an Order or Decree of the Court of Chancery, set forth in the said recited Act, and also those directed to be done by the said recited Act, should now be carried into effect, and the Execution

[*Local.*]

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cution of some of such Works would prove highly injurious and detrimental to the effectual Drainage of the Levels and the River *Rother*, which the whole of the Works directed to be done by the said Order or Decree, and the Provisions of the said recited Act, were intended to promote and improve, and in consequence thereof the said Commissioners have not proceeded to carry the Directions of the said Order or Decree, and the Provisions of the said recited Act, into full Effect: And whereas the general Purposes of the said Act would be more readily effected if certain other Works were in some Instances erected and executed in lieu of some of those Works directed by the said Order or Decree and the said recited Act, and if the said Commissioners appointed by the said recited Act were invested with Powers to substitute such new Works; and it is expedient that several of the Provisions of the said recited Act should be altered and amended; but the same cannot be effected without the Authority of Parliament: 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 this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things whatsoever therein contained, so far as the same are not hereby altered, varied, or repealed, shall extend and be construed to extend to operate and be in full Force and Effect with respect to the Works, Matters, and Things to be done or which may arise in the Execution of this Act, as fully and effectually, to all Intents and Purposes, as if the same and every of them, and every Part thereof, were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Act and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Extending
the Provi-
sions of the
recited Act
to this Act.

Commis-
sioners in-
demnified.

II. And be it further enacted, That from and after the passing of this Act the Commissioners of the Levels called the *Upper Levels*, heretofore acting under and by virtue of a certain Commission of Sewers, and also the Commissioners acting, or who may be hereafter called upon to act, under and by virtue of the said recited Act, or any of them, or any other Person or Persons, Party or Parties whomsoever, shall not at any Time hereafter be required or compellable to carry into execution any of the Works, Matters, and Things directed to be done by the said Order or Decree or by the said recited Act, and which, at the Time of the passing of this Act, shall remain unexecuted; and the said Commissioners of the *Upper Levels*, heretofore acting under a Commission of Sewers, and each and every of them, and also the Commissioners acting under the said recited Act, who shall have acted since the passing of the said recited Act in the Execution thereof, and each and every of them, are and is hereby fully indemnified and protected against the Consequences of their not having done, performed, and executed the said several Works, Matters, and Things in the said Order or Decree and the said recited Act directed to be done, in the Manner by the said recited Act specified; any thing in the said recited Act to the contrary notwithstanding.

III. And be it further enacted, That the Commissioners acting under and by virtue of the said recited Act and this Act shall and they are hereby required, at the Costs, Charges, and Expences of the said Levels, to cleanse the said River *Rother* between a Sluice called *Scotsfloat Sluice* and *Bodiam Bridge*, and to remove all Shoals therein, and to deepen the Bed of the said River between the said Sluice and Bridge where the same shall be requisite and necessary, so as that when the Tidal Waters shall be admitted as herein-after directed into the said River *Rother*, to the Height of Ten Feet on the Floor of the said *Scotsfloat Sluice*, there shall not be less than Three Feet Six Inches in Depth of Water in any Part of the said River *Rother* between the said *Scotsfloat Sluice* and *Bodiam Bridge*; and that in deepening the said River between the said Sluice and Bridge, the Bed of the said River shall be formed, as nearly as practicable, on a regular and equal Declivity or Descent from *Bodiam Bridge* to the Floor of the said *Scotsfloat Sluice*, in order that Barges and other Craft navigating down the said River from *Bodiam Bridge* to *Scotsfloat Sluice*, at the Reflux of the Tide, shall have the Benefit and Advantage of deep Water for the whole of such Distance.

River *Rother* to be cleansed and deepened, between *Scotsfloat Sluice* and *Bodiam Bridge*.

IV. And be it further enacted, That when and so soon as the said River *Rother* shall have been so deepened and cleansed between *Bodiam Bridge* and the said *Scotsfloat Sluice*, as herein-before directed, the same shall at all Times thereafter be kept and maintained, cleansed and deepened, to the Extent and in Manner herein-before specified, between the said Bridge and Sluice, at the Costs, Charges, and Expences of the said Commissioners of the *Rother* Levels.

The River to be maintained by the Commissioners.

V. And be it further enacted, That the said Commissioners of the *Rother* Levels shall and they are hereby required, at the Expence, Costs, and Charges of the said Levels, to pull and take down Two certain Bridges over the said River *Rother*, and situate between the said *Scotsfloat Sluice* and *Bodiam Bridge* called *New Bridge* and *Blackwall Bridge*, and to erect and build, in lieu thereof, Two new Bridges over the said River *Rother*, at the like Expence, Costs, and Charges of the said Levels, in a substantial and proper Manner: Provided always, that the Abutments of the said Two new Bridges shall be built and constructed parallel to the Stream of the said River *Rother*, and the said Bridges shall be built so as to have a clear and free Waterway under and through each of the said new Bridges respectively of not less than Sixty Feet, for the Flood Water and for the Navigation upon the said River *Rother*: Provided also, that nothing herein contained shall extend to exonerate or release the Inhabitants of the Counties of *Kent* and *Sussex* respectively, or either of them, from any Liability to repair or keep in repair such Two new Bridges, in the same Manner as such Liability now exists to subject the said Inhabitants, or any of them, to repair or keep in repair the said Bridges called *New Bridge* and *Blackwall Bridge*, at the Time of the passing of this Act.

New Bridge and Blackwall Bridge to be taken down and rebuilt.

VI. And be it further enacted, That all and every the Works, Matters, and Things by this Act directed and authorized to be erected, done, and performed by the Commissioners acting by and under

Time for completing the Works.

under the Authority of the said recited Act and this Act, shall be done, performed, and executed within the Period of Six Years from the passing of this Act.

SluiceKeeper
at Scotsfloat
to open the
Scuttles un-
der certain
Circum-
stances.

VII. And be it further enacted, That when and so soon as the Commissioners of the Harbour of *Rye* shall have so removed the Shoals in and so deepened the said Harbour between *Scotsfloat Sluice* and the outer Bar of the said Harbour that, upon admitting the Tide to the Depth of Ten Feet on the Floor of the said Sluice as hereinafter mentioned, the Surface of Low Water of an ordinary Spring Tide can be reduced on the seaward Side of the said Sluice to a Level corresponding with Five Feet Six Inches on the Floor of the said Sluice, it shall be the Duty of the Sluice Keeper to be from Time to Time appointed by and under the Authority of the Commissioners acting under and by virtue of the said recited Act and this Act to take charge of and manage the said Sluice, at the Period of Twenty Minutes after the Commencement of the Flux of every Tide at *Scotsfloat Sluice*, to open so many of the Scuttles of the said Sluice as shall be required to admit through the same, during the Remainder of the Flux of the same Tide, so much Water as shall be sufficient to raise the Water in the River *Rother* to the Level of not less than Ten Feet on the Floor of the said Sluice; and that the Commissioners of *Rother* Levels shall at their own Expence make all such Embankments and do all such Works as may be necessary for protecting the Lands within the said Levels from being overflowed by the Admission of such Tidal Water; and in case the present Scuttles of the said Sluice shall at any Time hereafter prove insufficient for admitting the Water required, additional or new Scuttles shall be formed by and at the Expence of the Commissioners acting under and by virtue of the said recited Act and this Act: Provided always, that until the said Harbour shall be so deepened as herein-before mentioned, the said Sluice Keeper shall not be required or compellable to admit more of the Tidal Water through the said Sluice than will raise the Water in the said River to the Level of Eight Feet for the Purpose of Scour to the said Harbour Channel as herein-before mentioned on the Floor of the said Sluice, or such other higher Level, not exceeding Ten Feet, as can be reduced during the Ebb of One Tide to the said Level of Five Feet Six Inches; any thing in the said recited Act or Order therein mentioned to the contrary in anywise notwithstanding.

Height of
of Water to
be admitted
into the River
Rother.

VIII. And be it further enacted, That if at any Time after the said Harbour of *Rye* shall have been so deepened and cleansed that the Tidal Water to be admitted into the said River *Rother* to the Height of Ten Feet on the Floor of the said Sluice can be reduced to a Level of Five Feet Six Inches during the Ebb of One Tide as aforesaid, it shall happen that the said Harbour or Harbour Channel below *Scotsfloat Sluice* shall from any Cause whatever become so silted, swarved, or otherwise injured, that the Tidal Water to be admitted into the River *Rother* as before mentioned cannot be reduced to the Level of Five Feet Six Inches on the Floor of the said Sluice during the Ebb of One Tide as aforesaid, the said Sluice Keeper at *Scotsfloat*, or the said Commissioners of the *Rother* Levels, shall not be required or compellable to raise the Tidal Water in the
said

said River to the Level of Ten Feet, or to any higher Level than can be reduced to the Level of Five Feet Six Inches on the Floor of the said Sluice during the Ebb of One Tide as aforesaid, until the said Harbour or Harbour Channel shall be again deepened and cleansed by or at the Expence of the Commissioners of the said Harbour, in the Manner and to the Extent herein-before provided, it being the true Intent and Meaning of this Act that the said Commissioners of the *Rother* Levels shall not at any Time be required or compellable to admit more Tidal Water into the said River *Rother* than will raise the Water in the said River to the Level of Eight Feet on the Floor of the said Sluice, or such higher Level, not exceeding Ten Feet on the Flux of any Tide, as can be reduced to the Level of Five Feet Six Inches on the said Floor during the Ebb of an ordinary Spring Tide.

IX. And for the better and more effectual cleansing of the said River *Rother* and the Harbour of *Rye*, below the said Sluice called *Scotsfloat Sluice*, be it further enacted, That from and after the passing of this Act it shall be the Duty of the said Sluice Keeper, at every alternate Tide, and at the Periods when the Land Freshes in the said River shall not exceed Seven Feet on the Floor of *Scotsfloat Sluice*, to close the Gates, and let off the Water so admitted as herein-before directed into the said River *Rother*, during the last Quarter of the Ebb of such Tide, or earlier if necessary and requisite, so as to run off the whole of the Water so admitted before the Commencement of the Flux of the next ensuing Tide, by means of the Sluicing or Scouring Gates lately erected by the Commissioners of the said Harbour of *Rye*, in pursuance of the said Order or Decree and the said recited Act.

For cleansing the River and Harbour below Scotsfloat Sluice.

X. And whereas great Damage has lately been done to the said Sluice called *Scotsfloat Sluice*, and the Sluicing or Scouring Gates lately erected, and also to the Bridge over the said Sluice; be it further enacted, That the said Commissioners of the said Levels shall within Two Months from the passing of this Act repair the said Sluice, so that it shall be made navigable for Barges passing into and from the said River *Rother*, in the same Manner as it existed previous to such Damage being done; and that the Transom Beams and Bridge to be re-constructed over or across such Sluice shall be of the same Height as they respectively were previous to such Damage as aforesaid.

Commissioners to repair Scotsfloat Sluice, &c.

XI. And whereas, in consequence of the Damage lately done to the said Sluice, and the great Hazard of weakening the same by raising the Transom Beams and Bridge, it is considered more expedient and advisable, both for the Navigation on the said River *Rother* and the Drainage of the said Levels, that the said Commissioners should construct a new Navigable Run for the Passage of Barges by the Side instead of in the Centre of the said Sluice as at present; be it further enacted, That the said Commissioners shall and they are hereby required, on or before the First Day of *October* One thousand eight hundred and thirty-one, to construct on the South-eastern Side of the said Sluice called *Scotsfloat* a Navigable Channel and

Commissioners to construct a Navigable Channel and Lock on the South-eastern Side of Scotsfloat Sluice.

Lock for the Passage of Barges to and from the said River *Rother* and Harbour of *Rye*, such Navigable Lock not being less than Fourteen Feet wide, Sixty Feet long, and of the same Depth as the Cill of the Gates of the present Navigable Run, and to erect a fixed Bridge over such Channel on the landward Side of the Landward Gates of such Lock, the Underside of such Bridge being of the same Height as the Underside of the Transom Beams lately standing across the said Sluice, but that no Transom or other Beams shall be placed over or across the said Lock, nor to the Seaward of the same; and that when such new Lock shall be completed, the Right of Navigation through the present Sluice shall cease and determine; and that the said Sluice called *Scotsfloat Sluice*, when so repaired and used as herein-before is mentioned, and the said new Lock, when erected as aforesaid, shall be and be deemed the lawful Sluice of that Part of the said River *Rother*; any thing in the said recited Act of the Seventh Year of the Reign of His late Majesty, or the said Verdict, Order, or Decree therein recited, to the contrary notwithstanding.

Works to be executed under the Superintendence of the Commissioners.

XII. And be it further enacted, That in the Execution of the several Works hereby directed and hereafter to be executed by the said Commissioners of the said Levels, the same shall be executed by the said Commissioners under the Superintendence and Management of such Person or Persons as shall be appointed by them from Time to Time for that Purpose.

Commissioners to erect Stop Gates.

XIII. And be it further enacted, That when and so soon as the said Harbour shall have been so deepened as aforesaid that the Tidal Water when admitted to the Level of Ten Feet can be reduced below the Level of Five Feet Six Inches on the Floor of the said Sluice during the Ebb of One Tide, in manner aforesaid, the said Commissioners of the *Rother* Levels shall and they are hereby required, upon Application being made to them for such Purpose by the Commissioners of the said Harbour, to make and put down Stop Gates in each of the Runs of the said Sluice, for the Purpose of preserving the Water in the said River *Rother* to the Level of Five Feet Six Inches on the Floor of the said Sluice; and that it shall also be the Duty of the said Sluice Keeper, upon the like Application, and so often as the said Commissioners of the Harbour shall direct, to shut the said last-mentioned Gates when the Water shall have so ebbed off that the Surface is within Five Feet Six Inches of the Floor of the said Sluice.

Notice of Rates.

XIV. And be it further enacted, That the public Notice of the Times and Places appointed for the Payment of the said Rates and Taxes, by advertising the same Twice in Two of the Newspapers usually circulated in those Parts of the Counties of *Kent* and *Sussex* in which the Lands rated are situate, which Notice the said Commissioners are hereby required to give Fourteen Days before the Times respectively appointed for Payment thereof, shall be deemed and taken to be a sufficient Notice to the several Parties liable to pay such Rates, or any of them, without making a personal Demand thereof.

XV. And

XV. And be it further enacted, That so much of the said recited Act as provides that every Person neglecting to pay the Rates and Taxes assessed by the said Commissioners under the said recited Act, within One Month after the Time appointed for Payment thereof, shall forfeit and pay the Sum of Three Shillings and Four-pence for every Twenty Shillings of the Amount of such Rates and Taxes, and so in proportion for every greater or less Sum than Twenty Shillings, shall be and the same is hereby repealed.

Forfeiture for Nonpayment of Rates, &c. under recited Act repealed.

XVI. And be it further enacted, That in case of Nonpayment of the Rates or Taxes which the said Commissioners acting under and by virtue of the said recited Act and this Act shall at any Time hereafter assess, rate, tax, and charge on the Marsh Lands and Low Grounds lying within the Limits of the said *Rother* Levels, as specified in the said recited Act, within One Calendar Month after the Time appointed by the said Commissioners for Payment thereof, every Person neglecting to pay the same shall forfeit and pay the Sum of Two Shillings for every Twenty Shillings due for such Rates or Taxes, and not paid as aforesaid, and so in proportion for any greater or less Sum than Twenty Shillings, to be recovered in the same Manner as the said Rates and Taxes are by the said recited Act and this Act authorized to be recovered.

Penalties on Nonpayment of Rates and Taxes.

XVII. And be it further enacted, That so much of the said recited Act as provides that if any Person or Persons should refuse or neglect to pay all or any Part of the Rates or Taxes to which he, she, or they were thereby made liable, for the Space of Two Calendar Months after the Time appointed for Payment thereof, or should refuse or neglect to pay all or any Part of the Penalty or Penalties which should become due by reason of the Nonpayment thereof, it should be lawful for the Collector or Expenditor of the said Commissioners, or any other Person appointed by them, by virtue of a Warrant under the Hands and Seals of any Five of the said Commissioners, to enter into any of the Lands thereby authorized to be taxed, for which such Rates, Taxes, and Penalties should be due and owing, and levy the Sums of Money payable for such Rates, Taxes, and Penalties, by Distress of any Goods, Chattels, or Effects which should be found thereon, be and the same and every Part thereof is hereby repealed.

Mode of levying Rates under recited Act repealed.

XVIII. And be it further enacted, That if any Person or Persons shall refuse, omit, or neglect to pay all or any Part of the Rates or Taxes to which he, she, or they is or are by the said recited Act and this Act, or either of them, made liable, for the Space of Two Calendar Months next after the Days or Times appointed by the said Commissioners for Payment of the same respectively, or shall refuse, omit, or neglect to pay all or any Part of the Penalty or Penalties which shall become due by reason of the Nonpayment of such Rates or Taxes, then and in such Case, upon Complaint made by the Collector, Receiver, or Expenditor of the said Commissioners before any Justice or Justices of the Peace of the County, Liberty, or Place within which such Lands shall lie, of the Nonpayment of such Rates, Taxes, and Penalties, and on Proof of the same being due, either by Confession of the Party against whom such Complaint shall be

For enforcing the Payment of Rates, &c.

be made, or by the Oath of the said Collector, Receiver, or Expenditor, (which Oath the said Justice or Justices is and are hereby authorized to administer,) and by the Production of the Order of the said Commissioners granting or levying such Rate or Tax, or a Copy thereof signed by the Clerk to the said Commissioners, and which Copy it is hereby declared shall be good and sufficient Evidence of the granting of such Rate or Tax, the Amount of such Rates or Taxes, with the Penalty or Penalties due in respect thereof, together with all Costs, Charges, and Expences attending the Complaint, shall be levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices (which Warrant such Justice or Justices is and are hereby authorized and required to issue accordingly); and the Overplus, (if any,) after such Rates or Taxes, Penalty or Penalties, and Costs, and also the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels.

Liability of
Lands unoc-
cupied not to
be affected.

XIX. And be it further enacted, That nothing herein contained shall extend or be construed to extend to repeal, annul, alter, or in anywise affect the Provisions contained in the said recited Act, whereby any of the said Marsh Lands or Low Grounds, which may at any Time be untenanted or unoccupied, are declared and made a Security for Payment of such Rates and Taxes, nor to repeal, annul, alter, or affect the Powers thereby granted to the said Commissioners to let such Marsh Lands or Low Grounds so untenanted or unoccupied, for the Purposes in the said recited Act mentioned.

Expences of
Act.

XX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, shall be paid in such and the like Manner as the Expences of obtaining and passing the said recited Act were therein directed to be paid.

Saving the
Rights of
the Crown.

XXI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, prejudice, derogate from, or in any Manner affect the Rights, Interests, Privileges, Franchises, Jurisdictions, or Authorities of the King's most Excellent Majesty in right of His Crown; any thing herein contained to the contrary thereof in anywise notwithstanding.

Public Act.

XXII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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