



CHAPTER xcvi.

An Act for the Improvement of the Drainage of the Upper and Wittersham Levels, otherwise the Kent and Sussex Rother Levels ; and for other purposes. A.D. 1880.

[2nd August 1880.]

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" (which Act is herein-after referred to as the Rother Level Commissioners Act of 1826): 7 Geo. 4. c. cxxii.

And whereas an Act was passed in the first year of the reign of His late Majesty King William the Fourth, intituled "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" (which Act is herein-after referred to as the Rother Level Commissioners Act of 1830): 1 Will. 4. c. cxxxvi.

And whereas the Commissioners appointed by the Rother Level Commissioners Act of 1826 (in this Act called "the Rother Level Commissioners") have vested in them by that Act and the Rother Level Commissioners Act of 1830 several powers for the draining and preserving of certain marsh lands and low grounds in the counties of Kent and Sussex above Scot's Float Sluice on the River Rother, and drained by such river:

And whereas the Rother Level Commissioners have proceeded in the execution of the several powers vested in them as aforesaid:

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And whereas the Rother Level Commissioners are empowered by the said Acts to assess, rate, tax, and charge the said marsh lands and low grounds with such sum or sums of money per acre as they should think proper for the purpose of enabling them to carry into effect the powers conferred upon them by the said Acts, but so that each acre of the said marsh lands and low grounds lying within the limits of Wittersham Level should be assessed, rated, scotted, and liable to one fourth the amount only that should be assessed, rated, scotted, or charged on each acre of the marsh lands and low grounds lying within the limits of the upper levels, being the residue of the said marsh lands and low grounds :

1 Will. 4. c.
cxxxv.

And whereas an Act was passed in the first year of the reign of His late Majesty King William the Fourth, intituled “ An Act to amend an Act passed in the forty-first year of His late Majesty King George the Third, intituled ‘ An Act for more effectually improving and maintaining the old harbour of Rye in the County of Sussex, and to appoint new Commissioners, and to enable the Commissioners to raise additional funds on the tolls by way of mortgage or otherwise ’ ” (which Act is herein-after referred to as the Rye Harbour Act of 1830) :

3 & 4 Will. 4.
c. lxxvii.

And whereas an Act was passed in the third year of the reign of His late Majesty King William the Fourth, intituled “ An Act to alter and amend the powers of several Acts passed relating to the harbour of Rye in the county of Sussex, and for granting further powers for improving and completing the said harbour and the navigation thereof,” by which Act (herein-after referred to as the Rye Harbour Act of 1833) it is recited that the said harbour of Rye had of late years been much injured and was in great danger of being choked up and destroyed by accumulations of silt deposited by the flow of the sea tides and by sand banks formed in the channel of the harbour, whereby not only the trade of the town of Rye would be injured but also the shipping and craft resorting thither would be deprived of the benefit and protection which might be afforded by the said harbour if its condition were improved ; and that it was expedient, as well for preserving and increasing the trade of the town of Rye as for preserving and rendering the said harbour more commodious, that the harbour channel leading from the sluice called Scot’s Float Sluice and from the mouth of the Brede Channel and from the sluice called the Tillingham Sluice into the same channel near to the town of Rye, and also from the channel leading from Scot’s Float Sluice to the mouth of the said harbour at sea, should be altered, varied, enlarged, diminished, straightened, and improved, and the bed of the harbour channel from the points aforesaid in some parts

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thereof deepened and rendered more commodious for the reception of ships and vessels trading to and from the said port or taking shelter there, and that the Tillingham Sluice and the bridge over the same should be rebuilt or repaired; and that the marshes and lands to a great extent on each side of the said harbour of Rye, from the mouth of the said harbour at sea to and beyond the town of Rye, had been and were overflowed at the highest spring tides, and thus rendered during such tides unprofitable and unfit for the purposes of husbandry or pasturage, and that such lands might be rendered fit for the purposes of husbandry if a sea-wall or sea-walls were erected to prevent the flux of the sea from overflowing the said lands, and that the proprietors and persons entitled to and interested in such lands were desirous that such sea-walls should be built by the Commissioners of the said harbour (in this Act called the "Rye Harbour Commissioners") at their expense by having such compensation paid and secured for preventing such flux of the sea as was therein provided; and that for the better accomplishing of these objects it was advisable that the rates and duties imposed by the Acts relating to the Rye Harbour Commissioners on shipping and craft trading to and from the port and town of Rye should be altered and increased, and other and more extensive powers given to the Rye Harbour Commissioners: A.D. 1880.

And whereas by the Rye Harbour Acts of 1830 and 1833 powers were conferred upon the Rye Harbour Commissioners, who proceeded to carry the same into effect:

And whereas in consequence of the small income derived under the authority of the Rye Harbour Acts of 1830 and 1833 by the Rye Harbour Commissioners they have been unable effectually to carry out the purposes of the last-mentioned Acts, and the said river between Scot's Float Sluice and the sea is now greatly silted and narrowed, and thereby an obstruction is caused to the proper draining of the said marsh lands and low grounds above Scot's Float Sluice:

And whereas the navigation of the River Rother would be improved, and the trade of the town of Rye increased, and the existing obstruction of the proper drainage of the said marsh lands and low grounds would be removed, if the said river were deepened, widened, and at some places altered, diverted, and straightened:

And whereas it is expedient that the Rother Level Commissioners should be enabled to execute the works necessary for removing the said obstruction to the drainage, and to authorise them to apply the rates leviable by them together with borrowed money for such purpose:

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And whereas it is expedient that the existing powers of the Rother Level Commissioners should be increased so as to include that part of the said river which lies between Scot's Float Sluice and the sea :

And whereas it is expedient that the Rother Level Commissioners should be authorised to raise further sums of money :

And whereas the works authorised by this Act will be new works without the jurisdiction of the Rother Level Commissioners, and will be of equal benefit to the drainage of the marsh lands and low grounds within the limits of the Wittersham Level, as well as of those lying within the limits of the upper levels, and it is expedient that the cost of such works should be borne by an equal rate or scot levied upon all lands whether situate in the Wittersham or the upper levels :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas plans and sections showing the lines and levels of the works authorised by this Act, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerks of the peace for the counties of Kent and Sussex, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

May it therefore please Your Majesty that it may be enacted ; and be it enacted by the Queen'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, as follows :

Short title.

1. This Act may be cited for all purposes as the Kent and Sussex Rother Levels Act, 1880.

Interpreta-
tion of terms.

2. In this Act the following words and expressions have the respective meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction ; (that is to say,)

"The upper river" means the part of the River Rother before the passing of this Act under the jurisdiction of the Rother Level Commissioners :

"The lower river" means the part of the River Rother under the jurisdiction of the Rye Harbour Commissioners :

"The river" means the upper river and the lower river :

"The Rother Level Commissioners recited Acts" means the

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Rother Level Commissioners Act of 1826, and the Rother Level Commissioners Act of 1830 : A.D. 1880.

“The Lands Clauses Acts” means the Lands Clauses Consolidation Acts, 1845, 1860, and 1869. 8 & 9 Vict. c. 18.
 23 & 24 Vict. c. 106.

3. The Rother Level Commissioners recited Acts, as amended by this Act, shall be read and construed together with this Act. 32 & 33 Vict. c. 18.

4. All the powers conferred by the Rother Level Commissioners recited Acts upon the Rother Level Commissioners with respect to the upper river are hereby extended so as to include the lower river, and the Rother Level Commissioners recited Acts shall be read and construed as applicable to the river. Construction of Act.
 Extension of power of Commissioners.

5. Subject to the provisions of this Act, the Rother Level Commissioners may make and maintain the works shown in the deposited plans with all proper works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are— Power to make works.

To deepen, widen, alter, divert, and straighten the main channel of the lower river from Scot’s Float Sluice in the parish of Playden to a point three hundred yards or thereabouts measured in a southerly direction from the outer or southern extremity of the east pier at the mouth of Rye Harbour, in the parishes of Saint Thomas the Apostle, Winchelsea, and Icklesham, with sundry intermediate works, all in the county of Sussex; that is to say,

1st. To deepen, widen, and alter the existing channel of the lower river in the parish of Playden from Scot’s Float Sluice for a distance of two furlongs three chains or thereabouts below Scot’s Float Sluice aforesaid :

2nd. To divert the existing course of the lower river at Woollett’s Turn in the parish of Playden from a point two furlongs three chains or thereabouts below Scot’s Float Sluice aforesaid to a point four furlongs three chains or thereabouts below the said sluice; also to form a flood bank along the eastern side of the said diversion of the lower river at Woollett’s Turn; also to form an embankment across the north end of the existing channel of the lower river, where the latter will be intersected by the intended channel :

3rd. To deepen, widen, and alter the existing connecting channel between Union Sluice in the parish of Playden and the aforesaid intended channel of the lower river :

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- 4th. To deepen, widen, and alter the existing channel of the lower river in the parish of Playden from a point four furlongs three chains or thereabouts below Scot's Float Sluice aforesaid to a point five furlongs four chains or thereabouts below the said sluice :
- 5th. To divert the existing course of the lower river at Neal Point in the parishes of Playden and East Guldeford, from a point five furlongs four chains or thereabouts below Scot's Float Sluice to a point seven furlongs nine chains or thereabouts below the said sluice ; also to form a flood bank along the western side of the last-mentioned intended diversion of the lower river at Neal Point ; also to form an embankment across the north end of the existing channel of the lower river where the latter will be intersected by the intended channel :
- 6th. To widen, deepen, and alter the existing channel of the lower river in the parishes of Playden, East Guldeford, and Rye, from a point seven furlongs nine chains or thereabouts below Scot's Float Sluice aforesaid to a point one mile seven furlongs eight chains or thereabouts below the said sluice at the junction of the Rock Channel with the existing course of the lower river :
- 7th. To divert the existing course of the lower river across the marsh or salting eastward of the mouth of the Rock Channel in the parish of Rye, from a point one mile seven furlongs eight chains or thereabouts below Scot's Float Sluice to a point two miles nine chains or thereabouts below the said sluice ; also to form an embankment across the north end of the existing channel of the lower river where the latter will be intersected by the last-mentioned intended main channel :
- 8th. To divert the outfall of the Rock Channel for a length of sixty yards or thereabouts from a point opposite the Rother ironworks in the parish of Rye to the last-mentioned intended main channel of the lower river at a point two miles one chain or thereabouts below Scot's Float Sluice aforesaid :
- 9th. To form a reclamation to the eastward of the lower river frontage between the western side of the said intended channel of the lower river and the north side of the proposed diversion of the Rock Channel :
- 10th. To deepen, widen, and alter the existing channel of the

lower river in the parishes of Rye, Saint Thomas the Apostle, Winchelsea, and Icklesham, from a point two miles nine chains or thereabouts below Scot's Float Sluice aforesaid to a point three hundred yards or thereabouts measured in a southerly direction from the southern extremity of the east pier at the mouth of Rye Harbour. A.D. 1880.

6. Subject to the provisions of this Act, the Rother Level Commissioners in making the works authorised by this Act shall make the same in the lines and according to the levels shown on the deposited plans and sections so far as the same are shown thereon, but they may deviate laterally to any extent within the limits of deviation shown on those plans and vertically to any extent not exceeding five feet: Provided always, that no deviation of such works shall be made from the lines thereof as marked on the deposited plans, even within the limits of deviation shown on such plans, in such manner as to diminish the navigable space of the lower river, without the previous consent of the Board of Trade or otherwise than in such manner as is expressly authorised by the Board of Trade: Provided that such works as may be executed under the powers of this Act opposite the pier and landing-stage of the South-eastern Railway Company at Rye Harbour, and for one hundred feet above and below such pier and landing-stage, shall be carried out to the reasonable satisfaction of the engineer of the South-eastern Railway Company: Provided also, that should any question, difference, or dispute arise between the Rother Level Commissioners and the South-eastern Railway Company with reference to the last-mentioned proviso or anything therein contained, the matter in difference shall be referred to an engineer to be appointed by the Board of Trade, and the decision of such last-named engineer shall be final and conclusive upon all parties, and the costs of and incidental to any such reference shall be borne and paid by such party or parties, and in such proportion or proportions as the engineer appointed by the Board of Trade may by writing under his hand direct. Observance of deposited plans.

7. If any work shown on the deposited plans and sections is not completed within ten years from the passing of this Act, then at the end of that time the powers of the Rother Level Commissioners for executing the same under this Act shall cease. Period for completion of works.

8. If any omission, misstatement, or erroneous description is found to have been made of land or of an owner, lessee, or occupier of land described or intended to be described in the deposited plans Corrections of omissions, &c.

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or books of reference, the Rother Level Commissioners may apply to two justices for the correction thereof after giving ten days notice to the owners, lessees, and occupiers of the land, and if it appears to the justices that the same arose from mistake they shall certify accordingly, stating the particulars, and their certificate shall be deposited with, and shall be kept with, and shall be part of the deposited plans or books of reference, and the same shall thereupon be deemed to be corrected according to the certificate, and the Rother Level Commissioners may enter on, take hold, and use the land accordingly.

Period for
compulsory
purchase of
lands.

9. The powers of the Rother Level Commissioners for the compulsory purchase of lands required for the works authorised by this Act shall not be exercised after the expiration of five years from the passing of this Act.

Works below
high-water
mark.

10. Neither the Rother Level Commissioners nor the Rye Harbour Commissioners shall under the authority of this Act construct any works on any part of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary where and so far up the same as the tide flows and reflows, without the previous consent of the Board of Trade, to be signified in writing, and then only according to such plan and under such restrictions and regulations as the said Board approve of, such approval being signified as last aforesaid, and where any such work shall have been constructed with such consent as aforesaid the Rother Level Commissioners or the Rye Harbour Commissioners, as the case may be, shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consent and approval, and if any such work shall be commenced or completed without such consent and approval the said Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs of the Rother Level Commissioners or the Rye Harbour Commissioners, as the case may be, and the amount of such costs shall be a debt due to the Crown and recoverable against the Rother Level Commissioners or the Rye Harbour Commissioners accordingly.

Abatement
of work
abandoned or
decayed.

11. If a work constructed by the Rother Level Commissioners or by the Rye Harbour Commissioners under the authority of this Act on, in, over, through, or across tidal lands or a tidal water is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition, at the expense of the Rother Level Commissioners or the Rye Harbour Commissioners, and the amount

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of such expense shall be a debt due from the Rother Level Commissioners or the Rye Harbour Commissioners to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Rother Level Commissioners or the Rye Harbour Commissioners.

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12. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Rother Level Commissioners or by the Rye Harbour Commissioners under the authority of this Act on, in, over, through, or across tidal lands or tidal water, or of the intended site of any such work, the Rother Level Commissioners or the Rye Harbour Commissioners shall defray the expense of the survey and examination, and the amount thereof shall be a debt due from the Rother Level Commissioners or the Rye Harbour Commissioners to the Crown and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Rother Level Commissioners or the Rye Harbour Commissioners.

Survey of
works by
Board of
Trade.

13. The Rother Level Commissioners and the Rye Harbour Commissioners shall at the outer extremity of any works beyond the mouth of the river which they may construct under the authority of this Act exhibit and keep burning from sunset to sunrise such lights (if any) as the Corporation of Trinity House of Deptford Strond shall from time to time direct.

Commis-
sioners to
exhibit
lights.

14. The Rother Level Commissioners may for the purposes of this Act from time to time purchase, lease, provide, or hire such steam or other dredgers, with or without communications with the side of the river, steam or other engines, steam or other vessels, lighters, hopper barges, tools, plant, or other appliances and materials as they think fit, and may from time to time as they think fit sell and dispose of or let the same, or any or either of them; and the Rother Level Commissioners may, at such times and at such places within the river as they think expedient, provide moorings for and moor such dredgers, lighters, barges, engines, and vessels.

Power to
provide
dredgers and
other plant.

15. The Rother Level Commissioners may at all times hereafter deposit the rock, stones, gravel, sand, clay, soil, and other materials dug or dredged by them within the river by using the same in the repair or formation of towing-paths, sea-walls, embankments, or roads, or by filling in and raising creeks, channels, inlets, bends, and flats in and adjoining the lower river, or deposit such materials on the sides of or upon lands adjoining the lower river; and the Rother Level Commissioners shall make compensation to the owners and

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deposit
materials
dredged.

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Extension of powers of Rye Harbour Commissioners to diverted river.

16. Subject to the provisions of this Act, all the powers and authorities conferred upon or vested in the Rye Harbour Commissioners by the Rye Harbour Acts of 1830 and 1833 with respect to the lower river shall extend to the lower river as altered, diverted, widened, deepened, and straightened under the powers of this Act.

Power to purchase lands by agreement.

17. The Rother Level Commissioners may from time to time purchase by agreement any lands required for any of the purposes of this Act and hold the same, so that the lands held by them under this section do not exceed in the whole at one time twenty acres, and that such lands be used for the purposes of the Rother Level Commissioners recited Acts and this Act only: Provided always, that land used by the Rother Level Commissioners for the deposit of mud, rock, stones, gravel, sand, clay, soil, and other materials dredged within the river shall not be considered as part of the said twenty acres.

Power to agree for easements.

18. Persons empowered by the Lands Clauses Acts or otherwise to sell and convey or release lands may, but as regards persons so empowered by the Lands Clauses Acts only subject to the provisions of those Acts and of this Act, grant to the Rother Level Commissioners, and the Rother Level Commissioners may take and hold, any easement, term, right, or privilege required for the purposes of this Act or affecting lands for a gross sum or at a yearly rent or otherwise, and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements, terms, rights, and privileges as aforesaid.

Surplus lands.

19. The clauses of the Lands Clauses Consolidation Act, 1845, with respect to lands acquired by the promoters of the undertaking and not required for the purposes thereof shall apply to and are hereby incorporated with this Act.

Power to raise equal rates over the levels for executing works.

20. For the purpose of enabling the Rother Level Commissioners to execute the works herein-before authorised, and to purchase the steam or other dredgers, steam or other engines, steam or other vessels, lighters, hopper barges, tools, plant, or other materials herein-before referred to, they may from time to time assess, rate, tax, scot, and charge all the said marsh lands and low grounds, including those lying within the limits of Wittersham Level, with such sum or sums as they shall think proper at an equal rate per acre, and the sums so raised shall, except as otherwise by this Act provided, be

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applied for no other purpose. And all other expenses of the Rother Level Commissioners, except as aforesaid, in carrying into effect the provisions of the Rother Level Commissioners recited Acts or this Act shall be raised in manner provided by the said Rother Level Commissioners recited Acts. A.D. 1880.

21. Subject to the provisions of this Act, the powers and duties of the Rother Level Commissioners under the Rother Level Commissioners recited Acts or either of them with respect to the levying and assessing and recovery of rates, and otherwise, shall apply to the works by this Act authorised and to this Act, and the Rother Level Commissioners shall be entitled to provide the funds necessary for defraying and to defray the expense of executing and maintaining the said works in every respect as if the same had been authorised by the Rother Level Commissioners Act of 1826, and as if the provisions of the Rother Level Commissioners recited Acts had expressly applied to the same. Expense of works and powers of Commissioners.

22. Subject to the provisions of this Act, the Rother Level Commissioners may from time to time and at all times hereafter, in addition to the works authorised by the Rother Level Commissioners recited Acts or by this Act, by means of dredging or otherwise, scour, deepen, and cleanse the river. Power to deepen and widen river.

23. The Rother Level Commissioners shall, during the whole time of the constructing, altering, or extending of any work on, in, over, through, or across tidal lands or a tidal water, exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) on or near the work as the Board of Trade from time to time requires or approves, and the Rye Harbour Commissioners (notwithstanding the enactments for the time being in force respecting lighthouses) shall on or near the work, when completed, always maintain, exhibit, and keep burning at their own expense every night from sunset to sunrise such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves. If the Rother Level Commissioners or the Rye Harbour Commissioners fail to comply in any respect with the provisions of this section they shall respectively for each night in which they so fail be liable to a penalty not exceeding twenty pounds. Lights on works.

24. No ballast, rubbish, or other material shall be thrown out of any vessel into the river except by permission of the Rother Level Commissioners, and every master or other person who shall throw out any ballast, rubbish, or other material from any vessel into the No ballast or rubbish to be thrown into river without permission.

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Byelaws. 25. Sections 83 to 91 (both inclusive) of the Harbours, Docks, and Piers Clauses Act, 1847, so far as they are applicable to the making of byelaws as herein-after mentioned, and to the purposes of and are not varied by or inconsistent with this Act, are hereby incorporated with this Act, and the Rother Level Commissioners may, subject to the provisions of this Act, from time to time make such byelaws as they shall think fit for all or any of the following purposes; (that is to say,)

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For preventing and removing obstructions or impediments within the river, and at or in or on the walls, banks, piers, quays, and other works and roads and accesses of the river.

For preventing interference with the working or use of the dredgers, lighters, barges, engines, vessels, or plant belonging to or used by the Rother Level Commissioners.

Provided that the Rother Level Commissioners shall make full compensation to all parties interested for any damage sustained by them through the exercise of the power given by such byelaws, the amount to be ascertained and recovered in manner provided by the clauses of the Railways Clauses Act, 1845, with respect to the recovery of damages not specially provided for, which are hereby incorporated with this Act.

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c. 20.

Application
of penalties.

26. All penalties, fines, forfeitures, and damages imposed by the Rother Level Commissioners recited Acts or this Act, or by any byelaw in force or to be made in pursuance of the Rother Level Commissioners recited Acts or this Act (except penalties incurred for not maintaining lights on works), shall when levied (notwithstanding anything to the contrary in any other Act) be paid to the Rother Level Commissioners for the purposes of this Act.

Commis-
sioners may
borrow
money and
grant bonds.

27. In addition to any sum the Rother Level Commissioners are already authorised to borrow they may from time to time for the purposes of this Act borrow by way of mortgage, or by the creation of annuities at interest on the credit of the rates authorised to be levied by this Act, any sums of money not exceeding in the whole the sum of twenty thousand pounds, and in the event of any part of such sum of twenty thousand pounds being repaid by the Rother Level Commissioners except by means of the sinking fund herein-after provided they may again borrow the same, and so from time to time, and the money so borrowed shall be applied for the purpose of executing the works by this Act authorised and for no other purpose. The clauses of the Commissioners Clauses Act, 1847, with

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respect to the mortgages to be executed by the Commissioners are hereby incorporated with this Act. A.D. 1880.

28. The respective holders of mortgages to be granted for money to be borrowed for the purposes of this Act shall be entitled one with another to their respective proportions of the rates hereby authorised according to the respective principal sums contained in and due under such mortgages, and to be repaid such principal sums and the interest thereon without any preference one above another by reason of the priority of advancing such moneys or of the dates of any such mortgages. Rights of creditors under this Act.

29. The mortgagees of the Rother Level Commissioners may enforce the payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than £1,000 in the whole. Appointment of a receiver.

30. All moneys raised on mortgage by the Rother Level Commissioners under this Act, and the interest due thereon, shall have priority against such Commissioners and the rates hereby authorised over all other claims on account of debts incurred or engagements entered into by such Commissioners after the passing of this Act. Priority of mortgages over other debts.

31. Whereas the outfall of the main drain of the level of Walland Marsh and Elderton's Innings, in the counties of Kent and Sussex, discharges through the Union Sluice into the lower river; and whereas so much of the works by this Act authorised as are situate between such sluice and the sea will improve the drainage of the lands within the limits of the said level of Walland Marsh and Elderton's Innings, and it is expedient that the owners of lands in the same level should make a contribution equal in amount to five several acreage scots or rates of sixpence the acre, each to be levied upon all the lands situate within or scottable to the level of Walland Marsh and Elderton's Innings: Be it enacted as follows; that is to say, Provisions as to contribution by Commissioners of the level of Walland Marsh and Elderton's Innings.

When and so soon as the Rother Level Commissioners shall have commenced such part of the works authorised by this Act as are situate between the Union Sluice and the sea, the Commissioners of the level of Walland Marsh and Elderton's Innings (in this Act called "the Walland Marsh Commissioners") shall, within three months after notice in writing from the Rother Level Commissioners shall have been left at the office of the clerk of the Walland Marsh Commissioners notifying such commencement of work as

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aforesaid, pay to the Rother Level Commissioners the sum of four hundred and thirty pounds seven shillings and ninepence, being the amount of an acreage scot or rate of sixpence the acre upon all lands lying within or scottable to the aforesaid level of Walland Marsh and Elderton's Innings; and further, the Walland Marsh Commissioners shall, after such commencement of work as aforesaid, and upon like notice as aforesaid, pay to the Rother Level Commissioners four additional sums of four hundred and thirty pounds seven shillings and ninepence each, making in the aggregate the sum of two thousand one hundred and fifty-one pounds eighteen shillings and ninepence: Provided that neither of the last four contributions shall be demanded until the expiration of twelve months after any previous demand, nor be payable until the engineer of the Walland Marsh Commissioners shall have certified in writing that expenditure to the amount of all previous contributions has been incurred by the Rother Level Commissioners between the Union Sluice and the sea in works under this Act: Provided also, that in the event of the Rother Level Commissioners not receiving the certificate of the engineer aforesaid within one month after the service of either of the notices required to be given as aforesaid, then and in any of such events the Rother Level Commissioners may apply to the Board of Trade, who, if they think fit, may appoint another engineer, who shall have the same power of certifying, and with the like effect as is herein-before provided with respect to the engineer of the Walland Marsh Commissioners, and the cost of such application, including the charges of the said engineer, shall be repaid to the Rother Level Commissioners by the Walland Marsh Commissioners. The payments or contributions hereby provided for shall only be recoverable by the Rother Level Commissioners by action or Mandamus against the Walland Marsh Commissioners, which may be brought against such last-mentioned Commissioners in the name of their clerk.

Lands belonging to South-eastern Railway Company to be scotted according to acreage.
Power to make agreements.

32. Provided always, that any lands and hereditaments belonging to the South-eastern Railway Company lying within or scottable to the aforesaid levels shall be scotted, charged, or rated according to their acreage, and not according to their poor assessment or other rateable value.

33. The Rother Level Commissioners may enter into agreements with the Rye Harbour Commissioners, the Walland Marsh Commissioners, the South-eastern Railway Company, or any other public body, with respect to the execution of the powers of this Act, the flow of water to or from the river, or the maintenance of works for regulating such flow.

[43 & 44 VICT.] *Kent and Sussex Rother Levels* [Ch. xcviij.]
Act, 1880.

34. From and after the commencement of this Act, the Rother Level Commissioners shall commence and thenceforth continue to set apart and appropriate annually from the rates leviable a sum not less than one pound per centum on the aggregate amount of the principal moneys which shall have been borrowed by them as a sinking fund for the repayment of those principal moneys, which sinking fund shall be from time to time invested by the Rother Level Commissioners in the names of any five or more of the Rother Level Commissioners in any securities in which by law trust moneys may from time to time be invested, and shall be accumulated in the way of compound interest, and the Rother Level Commissioners may from time to time apply the sums so set apart in repayment of the principal moneys so borrowed: Provided always, that whenever any of such principal moneys have been so paid off, the Rother Level Commissioners shall thenceforward, until the whole of such principal moneys have been paid off, pay into the sinking fund every year, in addition to the sum herein-before required to be set apart and appropriated, a sum equal to the annual interest of the principal money so paid off: Provided also, that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Rother Level Commissioners may, in lieu of investing the said yearly income, apply the same in payment of such interest, and may during such periods discontinue the payment to such sinking fund of the yearly sums herein-before required to be paid thereto: Provided further, that the Rother Level Commissioners may, if they think fit, pay off moneys borrowed by equal annual instalments of principal and interest extending over a period not exceeding thirty years.

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Commis-
sioners to
set apart a
sinking fund
for repay-
ment of
moneys bor-
rowed or pay
off such
moneys by
instalments.

35. The clerk to the Rother Level Commissioners shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or paid as an instalment under this Act, transmit to the Local Government Board a return in such form as may be prescribed by that Board, and verified by statutory declaration if so required by them, showing the amount which has been invested for the purpose of such sinking fund or paid as an instalment during the year preceding the making of such return, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such return the clerk shall

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

[Ch. xcvi.] *Kent and Sussex Rother Levels* [43 & 44 Vict.]
Act, 1880.

A.D. 1880. — be liable to a penalty not exceeding twenty pounds. If it appear to the Local Government Board, by such return or otherwise, that the Rother Level Commissioners have failed to pay any instalment or to set apart any sum required by this Act for the sinking fund, or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act, the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice.

Provision as
to Merchant
Shipping
Acts.
17 & 18 Vict.
c. 104.
18 & 19 Vict.
c. 91.

36. Nothing contained in this Act shall be deemed to exempt the lower river or the Rye Harbour Commissioners from the provisions of the Merchant Shipping Act, 1854, or the Merchant Shipping Amendment Act, 1855, or of any general Act relating to merchant shipping, harbours, or docks, or dues on shipping or on goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates authorised by this Act or the recited Acts or any of them.

Saving rights
of the Crown.

29 & 30 Vict.
c. 62.

37. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights, powers, or authorities mentioned in or reserved by sections twenty, twenty-one, and twenty-two of the Crown Lands Act, 1866, or shall divest, alter, or affect any other estate, right, or interest belonging to the Queen's most Excellent Majesty, her heirs or successors.

Saving rights
of the Crown
in the fore-
shore.

38. Nothing contained in this Act or in the Rother Level Commissioners recited Acts shall authorise the Rother Level Commissioners or the Rye Harbour Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, the management of which is vested in the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything contained in this Act extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

[43 & 44 VICT.] *Kent and Sussex Rother Levels* [Ch. xcviij.]
Act, 1880.

39. Nothing contained in this Act shall authorise or empower the said Rother Level Commissioners to object to or oppose, nor shall the said Commissioners object to or oppose, the erection of a permanent bridge without a central pier in place of the present swing bridge carrying the Ashford and Hastings line of the South-eastern Railway Company over the said River Rother, and the removal of the piers in the centre of the said river. Neither shall the said Commissioners object to the South-eastern Railway Company appointing a representative or representatives upon the Rye Harbour Board with the consent of the Rye Harbour Commissioners.

A.D. 1880.

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Saving clause
of the South-
eastern
Railway
Company.

40. Except as by this Act otherwise provided nothing in this Act shall take away, lessen, prejudice, alter, or affect any of the liabilities, rights, privileges, property, powers, and authorities of the Rye Harbour Commissioners.

Saving rights
of Rye Har-
bour Com-
missioners.

41. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Rother Level Commissioners out of the equal rate herein-before authorised to be levied or the money authorised to be borrowed under the provisions of this Act.

Expenses of
Act.

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