



ANNO TERTIO

# GULIELMI IV. REGIS.

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## Cap. lxxvii.

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. [10th *June* 1833.]

**W**HEREAS an Act was passed in the Thirty-seventh Year of the Reign of His Majesty King George the Third, intituled *An Act for discontinuing the new Harbour of Rye in the County of Sussex, and for repealing several Acts relating thereto, and for providing for the Discharge of a Debt accrued on account thereof, and for making Reparation for certain Losses, and for the Improvement of the old Harbour of Rye*: And whereas another Act was passed in the Forty-first Year of the Reign of His said 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 whereas another Act was passed in the First Year of the Reign of His present 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*: And whereas the said Harbour has of late Years been much injured, and is now in great Danger of being choked up and destroyed, by Accumulations of Silt deposited

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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* will be injured, but also the Shipping and Craft resorting thither will be deprived of the Benefit and Protection which might be afforded by the said Harbour if its Condition were improved: And whereas it is 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 present Harbour Channel from the Points aforesaid in some Parts thereof be 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 whereas 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* have been and are at present overflowed at the highest Spring Tides, and are thus rendered during such Tides unprofitable and unfit for the Purposes of Husbandry or Pasturage, and 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 the Proprietors and Persons entitled to and interested in such Lands are desirous that such Sea Walls should be built by the Commissioners of the said Harbour at their Expence, by having such Compensation paid and secured, for preventing such Flux of the Sea, as is herein-after mentioned and provided for: And whereas it is expedient that such Sea Walls should be built, and that the Monies which may be raised by Sale to the Owners of any such Lands of the Rights of the Commissioners of the said Harbour to have the same overflowed might be rendered applicable to the Purposes of this Act: And whereas by reason of there not being sufficient Depth of Water in the said Harbour Channel at low Tides loaded Vessels are occasionally prevented from reaching the said Town of *Rye*: And whereas it would be of great public Convenience, and much to the Benefit of Persons interested in Ships or Vessels trading to and from and using the said Port of *Rye*, if a public Carriage Road for all Vehicles, Cattle, and Persons to pass without paying Toll were made from a certain Part of the High Road leading from *Rye* to *Winchelsea*, opposite the Martello Tower, on the North Side of the said Road numbered Thirty, to the Bridge proposed to be erected over a certain Sluice called the *Bridge Point* or *Brede Sluice*, and from thence to the Mouth of the said Harbour, so as to facilitate the Land Carriage between the said Harbour and the Town of *Rye* of Goods, Wares, and Merchandize brought or carried in Ships, Vessels, or Craft trading to and from the said Town or Port of *Rye*, when such Ships, Vessels, or Craft cannot reach the said Town of *Rye*: And whereas it would greatly benefit the Trade and Commerce of the Town and Port of *Rye* if the Sluice called the *Bridge Point* or *Brede Sluice*, situate on the South-west Side of the said Town across the Channel called the *Brede Channel*, leading from the Harbour Channel to *Brede Bridge*, were repaired, altered, and made navigable, and the Opening or Channel on the North



Side thereof stopped up, and also if the said *Brede* Channel were deepened and made of sufficient Width that Barges navigating the same might be enabled to pass each other on their Passage to and from *Brede Bridge*: And whereas the said Sluice called *Bridge Point* or *Brede Sluice* is the Property of the Commissioners of Sewers for the Levels within the Rapes of *Pevensey* and *Hastings* in the County of *Sussex*, and the Sewage and Drainage of the Lands and Levels through which the said *Brede* Channel passes from the said *Bridge Point* or *Brede Sluice* to *Brede Bridge* are under their Controul and Direction: And whereas the said Sluice called the *Bridge Point* or *Brede Sluice* is at present useless for the Purpose of preventing the Flow of Water up the *Brede* Channel, by reason whereof several Lands lying in the said *Brede* Levels are inundated, and the said *Brede* Channel has become much choked up, and is thereby rendered almost useless for the Purpose of the Sewage and Drainage of the Lands lying in the said Level of *Brede* and in the Level of *Pett*, and almost unfit for the Purpose of Navigation: And whereas it has been ascertained that the Sewage and Drainage of the said Lands may be much benefited and the Inundation of the said Lands prevented by having the said *Bridge Point* or *Brede Sluice* repaired and lengthened, and proper Sluicing Gates affixed thereto, so as to prevent the Flow of the Water up the said *Brede* Channel at Spring Tides, but so nevertheless as to permit such Quantity of Water to pass up the said *Brede* Channel at Spring Tides through the Scuttles of the said Sluicing Gates, and to continue there during the Neap Tides, as will be sufficient for the Purposes of Navigation, provided there shall not during the Neap Tides be more than Three Feet of Water at *Brede Bridge*, which it has been ascertained will be sufficient for the Purposes of Navigation, without Prejudice to the Sewage of the said Lands: And whereas the Alterations and Improvements aforesaid cannot be made under the Provisions contained in the said recited Acts: And whereas for the better accomplishing of the Objects aforesaid it is advisable that the Rates and Duties imposed by the said recited Acts 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 Commissioners of the said Harbour: But inasmuch as the several Purposes aforesaid 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 Acts, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things whatsoever therein respectively contained, so far as the same are not hereby altered, amended, varied, or repealed, shall extend and be construed to extend to operate and enure, and be in full Force and Effect, with respect to the Works, Matters, and Things hereafter to be done, or which may happen or arise in the Execution of this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in this Act; and the said recited Acts respectively and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Recited Acts to continue in force, except so far as hereby repealed.

II. And be it further enacted, That the Commissioners acting under and by virtue of any Act now in force relating to the said Harbour, or any Person

Commissioners of the Harbour empowered to



do Works for  
Improvement  
of the Har-  
bour and  
Channels  
thereof.

Person or Persons whom the said Commissioners shall by Writing under their Hands nominate and appoint, and their Contractors, Agents, Officers, Workmen, and Servants, shall be and they are hereby respectively empowered, authorized, and required from Time to Time as Occasion may require to alter, repair, or rebuild the said Sluice called the *Tillingham Sluice*, and the Bridge over the same, and to do such other Works, Matters, and Things to the said last-mentioned Sluice as the Commissioners of the said Harbour may from Time to Time consider necessary and expedient for the Benefit of the said Harbour, but not so as in any Manner to injure the Drainage of Lands sewing into *Tillingham Channel*; and also to alter, deepen, widen, restrict, divert, embank, cleanse, scour, enlarge, diminish, straighten, or improve the present Channels and Mouth of the said Harbour of *Rye* or any Part thereof, or to make any new Channel or Channels for the same or any Part thereof, or any Cut or Cuts communicating therewith or any Part thereof, and to alter, deepen, widen, restrict, divert, embank, cleanse, scour, enlarge, diminish, straighten, or improve such new Channel or Channels, Cut or Cuts, and to do all such Acts, Matters, and Things as shall be deemed by the Commissioners of the said Harbour necessary or expedient for those Purposes, or any or either of them; and to raise any Mounds, Banks, Dams, Wicker Works, Sluices, Bridges, Sea Banks, and Sea Walls, and to cut, dig, remove, take up, or carry away any Rock, Stones, Soil, Sand, Gravel, Silt, Rubbish, Banks, or other Obstructions whatsoever which may in any way obstruct, hinder, impede, or prevent the altering, deepening, widening, restricting, diverting, embanking, cleansing, scouring, enlarging, diminishing, straightening, or improving the present Channels of the said Harbour of *Rye*, or the making of such new Channel or Channels, or Cut or Cuts, for the same, or altering, deepening, widening, restricting, diverting, embanking, cleansing, scouring, enlarging, diminishing, straightening, or improving the said new Channel or Channels, Cut or Cuts; and also to build, set up, erect, and make in the said Harbour, or upon the Lands adjoining or near the same, such Juttees, Crabs, Capsterns, Mooring Anchors or Mooring Frames, or any other Engines, Piles, Posts, Timber, Wood Work, Wicker Work, Bridges, or other Works whatsoever, for the Purposes of carrying on, completing, maintaining, and preserving the present Harbour of *Rye*, or any Channel or Channels, Cut or Cuts, to be made as afore mentioned, and for rendering the said Harbour safe and commodious, as and where from Time to Time and as often as by the Commissioners of the said Harbour shall be judged proper and convenient; and also to make, amend, widen, turn, alter, or enlarge any Roads, Ways, Passages, or other Conveniences for the carrying and conveying of all Sorts of Materials to and from the said Harbour during the Progress of the said Improvements and Alterations by this Act authorized or intended, and also to carry and convey the same in, over, and upon any Lands or Grounds, in order to the making, carrying, or protecting and finishing of the said Improvements and Alterations, and also to lay, work, and manufacture the said Materials upon the Ground near to the Place or Places where the said Works or any of them are or are intended to be made, erected, or done; and also to get, dig, and carry away the Soil, Sand, Clay, Stones, Rock, Gravel, and other Materials which may be or be deemed proper, requisite, and convenient for making, carrying on, altering, and continuing the said Improvements and Alterations, or any of them, in or from any Ground of any Person or Persons, or any Waste Lands, adjoining or lying contiguous



tiguous to the said Harbour; they the said Commissioners of the said Harbour, and the other Persons hereby empowered to make and perform the said Alterations, Improvements, Works, and Things, doing as little Damage as may be on those Occasions, and giving or tendering such Satisfaction to the Owners and Occupiers, or any Person or Persons interested in any Lands, Tenements, or Hereditaments respectively, for any Damage that may thereby happen or be occasioned to such Lands, Tenements, or Hereditaments; as the Surveyors herein-after named and directed to be appointed, or any Two of them, shall for that Purpose order, adjudge, direct, or appoint; and in case of any Difference or Dispute touching or concerning such Damages or the Quantum thereof, the same shall be settled and determined in the Manner herein-after provided.

III. And be it further enacted, That the Jurisdiction of the Commissioners of the said Harbour shall extend and be considered as extending from the Ebb of the Tide at the Mouth of the said Harbour of *Rye* at Sea upwards to the Fish Market, and from thence in an Easterly Direction to *Scot's Float Sluice*, and over the whole of the *Rock Channel* to the Mouth of the *Brede Channel*, and to *Tillingham Sluice*, and to the Dam to be put in as herein-after mentioned, and (so far as relates to the Flow of the Water only) over the Lands on each Side of the said Harbour and Channels as far as the Banks intended to be erected under the Authority of this Act; and that from henceforth the Lighthouses now erected, standing, and being in the Parish of *Winchelsea* on the Eastern Side of the said Harbour, and heretofore belonging to the Corporation of *Rye*, the Buildings, Materials, and Things belonging thereto, and the Wood Work of the Wharf at the Strand, and also a Slip of Ground of the Width of Fifty Feet, running parallel with the said Harbour Channel on the Town Side from a certain Place called *Pollard's Wharf* to the said *Tillingham Sluice*, but in such Parts only where the said Width of Fifty Feet can be had without interfering with any Buildings now erected on the said Ground or any Part thereof, shall be absolutely vested in and under the Controul of the Commissioners of the said Harbour, they paying to the Corporation of *Rye* the Sum of Five hundred Pounds for such of the Lands, Buildings, and Hereditaments as belong to the said Corporation, and to the Owner or Owners of any other of the said Lands, Buildings, or Hereditaments such Sum or Sums of Money as the Surveyors herein-after mentioned shall award as a Compensation for the same Lands, Buildings, and Hereditaments respectively.

Extent of Jurisdiction of Commissioners of the Harbour.

IV. And be it further enacted, That from and after the passing of this Act the Right and Property of all the Wharfs, Quays, and Buildings, and of all Timber, Iron Work, Wood, Stone, and other Materials now belonging to the Commissioners of the said Harbour under the said recited Acts or any of them, or to be purchased for any of the Purposes of this Act, and the Property of all and every the Works in and about the said Harbour, in pursuance of such Acts or of this Act (except as herein-after mentioned), shall belong to and the same is and are hereby vested in the Commissioners of the said Harbour for the Time being, who are hereby authorized and empowered to cause any Action or Actions to be brought, or any Bill or Bills of Indictment to be preferred, as the Case shall require, against any Person or Persons who shall steal, take or carry away, detain, demolish, destroy, break down, or

Wharfs, Quays, Works, &c. vested in Commissioners of the Harbour for the Time being.

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injure any Part or Parts thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally that the Article or Article, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment shall be preferred, is or are the Property of "The Commissioners for improving the Harbour of *Rye*," without particularly naming such Commissioners; and the Commissioners of the said Harbour shall from Time to Time and at all Times hereafter have full Power and Authority to sell and dispose of all or any Part of such Materials as shall be found useless or unnecessary to such Person or Persons as shall be willing to purchase the same, and the Money to arise therefrom shall be applied for the Purposes of this Act in manner herein-after mentioned.

Power to enter Lands to make Surveys, &c.

V. And be it further enacted, That for the Purposes of this Act it shall be lawful for the Commissioners of the said Harbour, or their Agents, Officers, Workmen, and Servants, and they are hereby authorized and empowered, from and immediately after the passing of this Act, from Time to Time and at all Times until the Works hereby authorized to be made shall be completed, to enter upon any Lands, Tenements, Hereditaments, and Premises whatsoever, for the Purpose of making, surveying, taking a Level of, and marking out the Grounds and Premises intended to be made use of for the Purpose of making the said Works, they the Commissioners of the said Harbour, their Agents, Officers, Workmen, and Servants, doing as little Damage as may be, and giving Three Days Notice in Writing signed by their Clerk to the Occupier or Occupiers of such Lands, Tenements, Hereditaments, and Premises of the Time of their making such Survey, taking such Lands, or marking out such Grounds and Premises, and making such Satisfaction for all Damages that shall be done thereby as the Surveyors herein-after appointed shall award and direct.

Maps and Books of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

VI. And whereas Maps or Plans describing the proposed Alterations in the Course of the said Harbour Channel, and also the new Road to be made and the Lands to be embanked as herein-after mentioned, and certain other Works to be done in pursuance of this Act, and the Lands and Grounds in, through, over, and upon which the same are intended to be carried or made, together with Books of Reference containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers respectively of such Lands and Grounds, have been deposited with the Clerk of the Peace for the Eastern Division of the County of *Sussex*, and also with the respective Town Clerks of the ancient Towns of *Rye* and *Winchelsea*; be it therefore further enacted, That the said Maps or Plans and Books of Reference respectively shall remain in the Custody of the said Clerk of the Peace and Town Clerks respectively for the Time being, and all Persons interested in the Matters aforesaid shall at all seasonable Times have Liberty to inspect and peruse the same or either of them, and to have or take a Copy or Copies thereof, or of such Parts thereof as shall be required, on Payment to the said Clerk of the Peace or to the said Town Clerks respectively in whose Custody the same shall be of the Sum of One Shilling for every such Inspection, and at the Rate of Two-pence for every Seventy-two Words or Figures of such Copies or Extracts.

VII. Pro-



VII. Provided always, and be it further enacted, That if it shall be made appear to any Two or more of His Majesty's Justices of the Peace acting in and for the said County of *Sussex*, and be by them certified accordingly by Writing under their Hands, that the Lands, Tenements, or Hereditaments mentioned or described in the said Maps or Plans or Books of Reference respectively, or in the Schedule to this Act annexed, or any Part of the same respectively, or any of the Places in, through, over, and upon which all or any Part of the Works hereby authorized to be made, done, and executed, or any of the Persons in whose Possession or Occupation the same or any Part thereof are or is described to be, or that any other Person or Party interested in the same or in any Part thereof, is or shall have been, by Mistake or otherwise, misnamed, or incorrectly or insufficiently described, in the said Maps or Plans or Books of Reference respectively, or any or either of them, or that the Lands, Tenements, or Hereditaments which by this Act it is intended should be embanked, or should be taken or used for the Purposes of this Act, or any Part thereof, or the Owners or Proprietors thereof, or other Persons interested in any Manner therein, shall or may have been omitted or left out of the said Maps or Plans or Books of Reference, or either of them, or the said Schedule, or misnamed, or not otherwise noticed or described, it shall be lawful for such Two or more of His Majesty's Justices of the Peace to alter or cause to be altered, corrected, inserted, or supplied, in the same Maps or Plans or Books of Reference respectively, such Words or Figures as may be necessary to rectify the same, and that after such Rectification shall have been made by or by the Order or Orders of such Justices as last aforesaid, such Mistake, Misnomer, incorrect Description, Omission, or Defect, or such Rectification to be made as aforesaid, shall not prevent, hinder, or retard the Execution of this Act, or otherwise prevent or impede the Embankment of the said Salt Marshlands, or the Performance of all or any of the aforesaid Works under the Provisions of this Act, but the same shall and may be embanked, made, done, and performed in such and the same Manner and under the same and the like Powers as are given by this Act in other Cases, as fully and effectually to all Intents and Purposes as if no such Mistake, Misnomer, incorrect Description, Omission, or Defect had been made in the said Maps or Plans or Books of Reference, or in the said Schedule to this Act annexed, or any or either of them respectively.

No Advantage to be taken of any Error or Omission in Plans or Books of Reference.

VIII. And be it further enacted, That it shall be lawful for the Commissioners of the said Harbour, and they are hereby authorized and empowered, for the Purposes of this Act, to contract or agree for the absolute Purchase of any Freehold Lands, Tenements, or Hereditaments, or of the absolute Estate of Inheritance in any Copyhold or Customary Lands, Tenements, or Hereditaments, with any Body Politic, Corporate, Collegiate, or any Tenant or Tenants for Life or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or with any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, or other Trustees whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and also with any Person or Persons whomsoever who are or shall be seised in their own Right, and who shall be willing to sell the same, for the Purpose of improving, widening,

Power to Commissioners of the Harbour to contract for Purchase of Lands and Buildings.

widening, or extending the said Harbour, or for erecting or making any Building or Buildings, or for any other the Purposes of this Act.

Bodies Politic and Persons under Disability empowered to sell and convey to Commissioners of the Harbour.

IX. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, Corporations Aggregate or Sole, and to and for all Tenants for Life and Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, whether in Possession, Reversion, Remainder, Expectancy, or otherwise, and to and for all Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised; possessed of, or interested in their own Right, or entitled to Dower or other Interests therein, and to and for all and every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any such Lands or Grounds, Messuages, Tenements, Hereditaments, and other Property through or over which any of the Works hereby directed to be done shall pass, or upon which any such Works shall be erected or made, to contract and agree with the said Commissioners of the said Harbour for the Satisfaction to be made for the same for any Losses or Damages to be sustained by the Execution of any of the Purposes of this Act, and to sell and convey and transfer to the Commissioners of the said Harbour all or any such Lands or Grounds, Messuages, Tenements, Hereditaments, or Property, as Occasion shall require; and all such Contracts, Sales, and Conveyances or Transfers, shall be made at the Expence of the Commissioners of the said Harbour, and shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; (that is to say,)

Form of Conveyance to Commissioners of the Harbours.

‘ I [or We] of in consideration of  
 ‘ the Sum of paid by the Commissioners of the  
 ‘ Harbour of *Rye*, do hereby grant, release, assign, and confirm unto the  
 ‘ said Commissioners and all Persons who shall hereafter be Commis-  
 ‘ sioners of the said Harbour all [*here describe the Premises to be con-*  
 ‘ *veyed*], and all Right, Title, and Interest of, in, and to the same and  
 ‘ every Part thereof, to hold unto the said Commissioners and all Persons  
 ‘ who shall hereafter be Commissioners of the said Harbour of *Rye* for  
 ‘ ever, according to the true Intent and Meaning of an Act passed in the  
 ‘ Third Year of the Reign of His Majesty King *William* the Fourth,  
 ‘ intituled [*here insert the Title of this Act*]. In witness whereof  
 ‘ have hereunto set Hand and Seal this Day  
 ‘ of in the Year of our Lord One thousand eight  
 ‘ hundred .’

All which Contracts, Agreements, Sales, Conveyances, Transfers, and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and enure as and be a Merger of all outstanding Terms of Years, and be a complete Bar to all Estates Tail and other Estates, Rights, Titles, Trusts, and Interests whatsoever, and be held and enjoyed absolutely freed and discharged therefrom.

X. And



X. And be it further enacted, That if any Owner, Proprietor, Occupier of or other Person or Persons interested in any of the Lands, Tenements, or Hereditaments which the Commissioners of the said Harbour shall judge necessary or proper to be purchased, taken, or used for the Purpose of this Act, or any such Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life, in Fee Tail, General or Special, or for Years determinable on any Life or Lives, Feoffees, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given or left in Writing at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk or head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in possession of the Premises, signed by the Clerk to the Commissioners of the said Harbour, shall for the Space of Forty Days next after such Notice given or left as aforesaid neglect or refuse to treat or shall not agree in the Premises, or by reason of Absence or otherwise shall be prevented from treating, then and in every such Case it shall and may be lawful to and for the Commissioners of the said Harbour, or any Five or more of them, to apply to Two or more Justices of the Peace for the County of *Sussex*, or cause it to be inquired into and ascertained, by or upon the Oaths of a Jury of Twelve indifferent Men of the said County of *Sussex* (which Oath the said Justices of the Peace are hereby empowered to administer), what Damage shall be sustained by and what Recompence and Satisfaction shall be made to such Owner, Proprietor, or other Person or Persons interested for or on account of the taking or using of any such Lands, Tenements, or Hereditaments for the Purposes of this Act; and in order thereto the said Justices of the Peace are hereby empowered and required from Time to Time to summon and call before them all and every Person and Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses touching or concerning the Premises, and shall examine such Witness or Witnesses before the said Jury on Oath (which Oath the said Justices of the Peace are hereby empowered and required to administer), and they shall order and cause the said Jury or any Six of them to view the Place in question, and use all other lawful Ways and Means as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence they the said Justices of the Peace shall thereupon order, adjudge, and determine the Sum or Sums of Money so assessed by the said Jury to be paid in such Shares and Proportions to the Owners, Proprietors, or Occupiers of the said Lands, Tenements, or Hereditaments, or other Persons interested therein respectively, according to the Verdict or Inquisition of the said Jury; which said Verdict or Inquisition, and Judgment, Order, or Determination, so had and made, shall be final, binding, and conclusive to all Intents and Purposes whatsoever against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owner, Proprietors, Occupiers, and Persons anywise interested in such Lands, Tenements, or Hereditaments shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Interest, or Property of, in, to, or out of the same; and upon Payment or Tender of the Money so assessed to the respective Persons entitled thereto, or their Agents, or (as the Case may be) upon paying the same into the Bank of *England* in manner by this Act directed, it shall and may be lawful to or for the said Commissioners of the said Harbour to cause the

If any Persons refuse or are incapable to treat, Recompence to be settled by a Jury.

Witnesses to be summoned by Justices of the Peace for the County of *Sussex*.

Verdict and Judgment thereon to be conclusive on all Parties.

[*Local.*]

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Premises



Sheriff or his  
Deputy to  
summon  
the Jury.

In default of  
Jurymen,  
Standers-by  
may be re-  
turned.

Jurors or  
Witnesses  
not attending  
to be fined.

Expences of  
Jury by  
whom to be  
borne.

Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the Purchase or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning any such Jury the Commissioners of the said Harbour are hereby empowered to apply to Two or more Justices of the Peace for the County of *Sussex* to issue out their Warrant or Warrants under their Hands and Seals to the Sheriff of the County of *Sussex* or to his Deputy, thereby commanding and requiring him to impanel, summon, and return an indifferent Jury of Eighteen Persons to appear before the said Justices of the Peace at such Time and Place as in such Warrant shall be appointed; and such Sheriff or his Deputy is hereby required thereupon to impanel, summon, and return such Eighteen Persons accordingly; and out of the Persons so impanelled, summoned, or returned, or out of such of them as shall appear according to or upon such Summons, the said Justices of the Peace shall swear or cause to be sworn Twelve Persons, who shall be a Jury for the Purposes aforesaid; and in default of a sufficient Number of Jurymen the said Sheriff or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured or summoned to attend that Service, to the Number of Twelve: Provided always, that all Persons concerned shall have their lawful Challenges against the Jurymen to be summoned in pursuance of this Act in such and the like Manner as any Party in any Action depending in any of His Majesty's Courts of Record at *Westminster* is or shall be by Law entitled to, but shall not challenge the Array; and the said Justices of the Peace are hereby empowered to impose any reasonable Fine or Fines on the said Sheriff or his Deputy who shall make default in the Premises, and also on any of the Persons who shall be summoned or returned to serve on such Jury and shall not appear, or after having appeared shall without reasonable Excuse refuse to be sworn on the said Jury, or having been sworn shall refuse to give or shall not give his or their Verdict in the Matter in question, or shall on any other Matter wilfully neglect his or their Duty therein, and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear, or without reasonable Excuse refuse to be sworn or examined or give Evidence touching the same, but no such Fine shall exceed Ten Pounds upon any One Person for One Offence.

XI. And be it further enacted, That in each and every Case where a Verdict shall be given for more Money Rent, or for the absolute Sale of any Lands, Tenements, or other Hereditaments of or belonging to any Body or Bodies Politic, Corporate, or Collegiate, or to any Person or Persons unknown, or as a Compensation for any Damages done or to be done to any Lands, Tenements, or Hereditaments, or other Property, or for a greater annual Rent than had been previously offered by or on the Behalf of the Commissioners of the said Harbour, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, or where no Compensation or a smaller Sum than shall be given by such Verdict had been previously offered or tendered in respect thereof by or on behalf of the Commissioners of the said Harbour, or where by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may



may be legally capacitated to enter into a Contract with and make Conveyance to and receive a Compensation from the Commissioners of the said Harbour, then and in all such Cases all the reasonable Costs and Expences of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled by the said Sheriff or his Deputy, and be defrayed by the Commissioners of the said Harbour; and in case such Costs shall not be paid by the said last-named Commissioners within Thirty Days after the same shall be demanded, the same shall and may be recovered by the Person or Persons, Party or Parties, to whom the same have been given or awarded by the said Justices in an Action at Law in any of His Majesty's Courts of Record at *Westminster* against the Treasurer for the Time being of the said last-named Commissioners; but if any Verdict shall be given for the same Sum or Rent as had been previously offered by or on behalf of the said last-named Commissioners, or for a less Sum than had been so previously offered, or in case of such Refusal or Neglect to enter into a Treaty with, or make such Conveyances to, or receive Compensation from, the said last-named Commissioners, by any Body or Bodies Politic, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat or convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person or Persons shall have been prevented from treating or agreeing as aforesaid, when such Costs and Expences shall be paid by the said last-named Commissioners,) the Costs of impannelling, summoning, and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Sheriff or his Deputy, and be borne and paid in the Manner following; (that is to say,) one Moiety or Half Part of such said Costs and Expences shall be borne and paid by the said last-named Commissioners, and the other Moiety or Half Part thereof by the Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons, with whom the Commissioners of the said Harbour shall have such Disputes or Controversies; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Body or Bodies Politic, Corporate, or Collegiate, or other Person or Persons as aforesaid; and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums of Money so assessed and adjudged; and in case no Compensation shall be given by such Verdict where the Dispute is for Compensation only, such Costs and Expences, after having been so ascertained and settled as aforesaid, shall and may be recovered by the said last-named Commissioners by such Ways and Means as are herein provided for the Recovery of any Penalties or Forfeitures incurred by this Act.

XII. And be it further enacted, That all and every Person and Persons who in any Examination or upon any Oath directed to be taken and made by virtue of this Act shall swear falsely before any Person or Persons hereby empowered to administer such Oath shall and may be prosecuted for the same, and being convicted thereof shall be subject and liable to such and the same Pains, Penalties, Punishments, and Forfeitures as any Person or Persons convicted of wilful and corrupt Perjury can, shall,

Persons  
giving false  
Evidence  
subject to  
Punishment.



shall, or may be subject or liable to by any of the Laws and Statutes of this Realm.

Houses,  
Buildings,  
&c. not to be  
injured.

XIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable the Commissioners of the said Harbour to take, use, injure, or damage any Dwelling House or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners or Proprietor or Proprietors thereof.

Application  
of Purchase  
Money  
where the  
same shall  
amount to  
200*l*.

1 G. 4. c. 35.

XIV. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid, for the Purchase by the Commissioners of the said Harbour of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate other than the Corporation of *Rye*, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of His Majesty's Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by the Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as afore-said stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his  
Name



Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased by virtue of this Act in case such Purchase or other Settlement were made.

XV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by the Commissioners of the said Harbour for the Purposes aforesaid, and belonging to any Corporation or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five or more of the Commissioners of the said Harbour, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Exchequer.

If less than 200*l.* and amounting to 20*l.*

XVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the Commissioners of the said Harbour shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

If less than 20*l.*

XVII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the Commissioners of the

In case a good Title cannot be made, &c. Money to be paid into the said Bank.

[*Local.*]

16 X.



said Harbour, or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the Commissioners of the said Harbour to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Controul, and Disposition of the said Court of Exchequer; which said Court of Exchequer, on the Application of any Person or Persons making claim to any Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of proceeding or otherwise as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum or Sums of Money into the Bank as aforesaid.

Where Title to Money is disputed, the Person in possession to be deemed entitled.

XVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the Satisfaction of the said Court of Exchequer, and the Dividends and Interests of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Where Money laid out in Purchase of other Lands, Court of Exchequer may order reasonable

XIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Exchequer, and be applied in the Purchase of other Lands, Tenements, or Hereditaments to be settled

to



to the same Uses in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, to be paid by the Commissioners of the said Harbour out of the Money to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Expences of Purchases to be paid by Commissioners of the Harbour.

XX. And be it further enacted, That every Sum of Money to be agreed for, awarded, or assessed as aforesaid shall be paid out of the Monies to be received by virtue of this Act; and upon Payment to the Party or Parties respectively entitled to such Monies, or to their Agents respectively, or placing the same in the Bank of *England* to the Credit or for the Use of such Parties or Persons, in manner by this Act directed (as the Case may be), all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand in Law and Equity of the Person or Persons respectively for whose Credit or Use the same shall have been paid, in, to, and out of such Lands, Tenements, or other Hereditaments, shall be and be deemed and taken to be the absolute Estate and the Property of "The Commissioners of the said Harbour of *Rye*" for the Time being; and such Payment shall not only bar all Rights, Title, Interest, Claim, and Demand of the Person or Persons to whose Use or Credit such Payments shall have been made as aforesaid, but also shall extend to and be deemed and construed to bar the Dower of the Wife and Wives and Curtesy of the Husband and Husbands of such Person or Persons respectively, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons and every Person claiming under them, as effectually as Fines and Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law.

On Payment of Purchase Money, Property in Lands purchased to be vested in Commissioners of the Harbour.

XXI. And be it further enacted, That every Lessee or Tenant for Years at Will or otherwise, and every other Person in possession of any Lands, Tenements, or other Hereditaments which shall be purchased by the Commissioners of the said Harbour for the Purpose of this Act, shall deliver up the Possession of such Premises to the Commissioners of the said Harbour, or to such Person or Persons as they shall appoint to take possession of the same, upon having Notice from the Commissioners of the said Harbour or their Clerk to quit the same, at such Time or Times as shall be required by such Notice, they the said last-named Commissioners, or such Person or Persons, making such Satisfaction and Compensation to every such Tenant or Lessee as aforesaid, in case he, she, or they shall be required to quit before the Expiration of his, her, or their Term or Tenancy in the Premises, as the said last-named Commissioners shall deem just and reasonable; and in case any Dispute or Difference shall arise touching or concerning the same, such Satisfaction and Compensation shall be settled and ascertained by a Jury in such and the like Manner as the Satisfaction and Compensation to be made by the said last-named Commissioners for the Purchase of any Lands, Tenements, or Hereditaments is and are herein directed to be settled and ascertained in case of any Difference or Dispute about the same, and that the like Costs shall be paid and recovered in such and the like Manner as are hereinbefore provided with respect to Purchases to be made by the said last-named

Delivery of Possession by Tenants.

Satisfaction to Tenants.



named Commissioners ; and such Person or Persons in possession shall, at such Time or Times as he, she, or they shall be required by the Commissioners of the said Harbour, peaceably and quietly deliver up the Possession of the said Premises to the said last-named Commissioners, or to the Person or Persons authorized by them to take possession thereof ; and if any such Person or Persons so in possession as aforesaid shall refuse to deliver up such Possession, then and in every such Case it shall and may be lawful to and for the Commissioners of the said Harbour or any Five of them to issue their Precept or Precepts to the said Sheriff or his Deputy to deliver Possession of the Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same ; and the said Sheriff or his Deputy is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue, as well by reason of such Dispute or Difference as from the issuing and Execution of such Precept or Precepts, on the Person or Persons so refusing to deliver up Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Commissioners of the Harbour empowered to sell Premises not wanted for the Purposes of this Act.

XXII. And whereas the Commissioners of the said Harbour now are or may by the Means aforesaid be seised of some Piece or Pieces of Ground over and above what may be necessary for effectuating the Purposes of this Act ; be it therefore further enacted, That it shall and may be lawful for the Commissioners of the said Harbour from Time to Time to sell and dispose of, not only such Piece or Pieces of Ground, but also all such Parts of the present Bed of the Harbour Channel as shall be excluded from the said Channel by the Alterations and Improvements hereby authorized to be made, and such other Estates and Property as they have or may be seised of, and which shall not be required for the Purposes of this Act, together or in Parcels, either by public Sale or private Contract (as they shall find most advantageous and convenient), to such Person or Persons as shall be willing to contract for and purchase the same ; and a common Conveyance from any Five of the Commissioners of the said Harbour by Lease and Release shall be deemed a good Title thereto.

First Offer to whom to be made.

XXIII. Provided always, and be it further enacted, That the Commissioners of the said Harbour shall first offer such of the said Piece or Pieces of Ground as shall have been purchased for Sale to the Owner or Owners of the adjoining Land ; and if such Owner or Owners shall then and thereupon refuse or shall not agree (except with respect to or on account of the Price thereof) to purchase the same respectively, on Affidavit to be made and sworn before a Master or Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, Town, or Place where such Ground shall lie, (who are hereby respectively empowered to take such Affidavit,) by some Person or Persons no way interested in the said Piece or Pieces of Ground, stating that such Offer was made by or on behalf of the Commissioners of the said Harbour, and that such Offer was then and thereupon refused or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be) ; and in case such Person or Persons shall be desirous of purchasing such Piece or Pieces of



Ground, and he, she, or they and the Commissioners of the said Harbour shall differ and not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury in manner by this Act directed with respect to the disputed Value of Premises to be purchased by the Commissioners of the said Harbour in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as by this Act is directed with respect to such Purchase made by the said last-named Commissioners, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Commissioners of such Piece or Pieces of Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

XXIV. And be it further enacted, That all and every Bodies and Body Politic, Corporate, and Collegiate, and all and every Person and Persons, having any Mortgage or Mortgages of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in possession thereof by virtue of such Mortgage or Mortgages, shall, on Payment or Tender of the Principal Money and Interest due thereon, together with the Amount of Six Calendar Months Interest on the said Principal Money, by the said Commissioners, or their Clerk or Clerks or Agent, immediately convey, assign, surrender, and transfer such Mortgage or Mortgages to the Commissioners of the said Harbour of *Rye*, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the Commissioners of the said Harbour, or their Clerk or Clerks or Agent, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), then at the End of such Six Calendar Months, upon Payment of the Principal Money and Interest so due, such Mortgagee or Mortgagees shall convey, assign, or transfer his, her, or their Interest in the Premises to the Commissioners of the said Harbour, or to such Person or Persons as they shall appoint; and in case such Mortgagee or Mortgagees shall refuse to convey or assign as aforesaid on such Tender or Payment, then all Interest thereon shall thenceforth cease and determine: Provided always, that in case the Sum due for Principal and Interest upon any Mortgage or Mortgages shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained as in manner herein-before directed by this Act, then the Commissioners of the said Harbour shall not be liable to pay to the said Mortgagee or Mortgagees more than the real Value of the Premises so ascertained as aforesaid, or the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant as herein-before directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey and assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any such Mortgage or Mortgages as aforesaid, or the Amount of the Value of such Premises so ascertained as aforesaid, into the Bank of *England*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the said Bank shall give a Receipt or Receipts for the said Money in like Manner as is by this Act directed

Mortgagees to transfer Securities and give up Possession to Commissioners of the Harbour, on Tender of Principal and Interest.



Provision  
where Mort-  
gages com-  
prise other  
Premises  
besides those  
purchased by  
Commis-  
sioners of the  
Harbour.

in Cases of other Payments into the said Bank; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of every such Mortgagee or Mortgagees, and also of every Mortgagor or Owner of the same Premises, and of all and every Person and Persons in Trust for him, her, or them, or any of them, shall vest in the Commissioners of the said Harbour, and they shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that in case any such Mortgage or Mortgages shall comprise any Lands, Tenements, or Hereditaments other than and besides those which shall be so purchased or taken by the Commissioners of the said Harbour, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained to be the Value of the said Lands, Tenements, or Hereditaments purchased or taken as aforesaid, forthwith convey, assign, surrender, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments to the Commissioners of the said Harbour, or to such Person or Persons as shall be appointed in Trust for them; and in default of their executing such Conveyance, Assignment, or Transfer, and on Payment of such Money into the Bank of *England* for the Use of such Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt as aforesaid; and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and also of every Mortgagor or Owner of the same Premises, and of all and every Person and Persons in Trust for him or them or any of them, in the Lands, Tenements, or Hereditaments the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the Commissioners of the said Harbour, and they shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

Appointment  
of Surveyors.

XXV. And whereas it is expedient that Surveyors should be appointed for the Purpose of ascertaining the Compensation which ought to be paid to the Commissioners of the said Harbour by each respective Owner or Person interested in the Salt Marshlands to be embanked under the Authority of this Act; and, with a View of better ascertaining what is a fair Compensation to be paid for the embanking of the same, certain Salt Marshlands belonging to *Thomas Cooper Langford* Esquire and the Representatives of *Willaim Croughton* Esquire, deceased, numbered Six, Seven, and Eight in the First Schedule hereunto annexed (Part of the Lands proposed to be embanked as aforesaid), have been valued, and it is ascertained that the Sum of Fourteen Pounds Ten Shillings for each and every Acre of the said Lands is a fair Compensation to be paid to the said Commissioners of *Rye* Harbour, provided the respective Owners be required to maintain and keep in repair all and every the Walls and Banks to be made and erected after the said Embankment shall have been completed in manner herein-after mentioned: And whereas it is also expedient that a Committee consisting of Nine of the Commissioners of the said Harbour should be appointed for the Purpose of carrying into effect the Provisions of this Act so far as relates to the several Works, Matters, and Things hereby directed to be done and performed; be it therefore further enacted, That *William Lake* of *Cobham* in the County of *Kent*, Gentleman,



Gentleman, *Thomas Neve* of *Benenden* in the County of *Kent*, Gentleman, and *James Hodson* of *East Dean* in the County of *Sussex*, Gentleman, shall be and they are hereby appointed Surveyors for the Purpose of ascertaining the improved Value and the Sum and Sums of Money to be paid by each respective Owner or Person or Persons interested in the Salt Marshlands mentioned in the Schedules hereunto annexed, for each and every Acre thereof to be embanked and excluded from the Tidal Water under the Provisions of this Act, and that the Award in Writing of the said Surveyors or any Two of them shall be final and conclusive.

XXVI. And be it further enacted, That it shall be lawful for the said Commissioners of the Harbour of *Rye*, at a public Meeting to be held within Thirty Days after the passing of this Act, to appoint Nine Commissioners, One of such Nine to be nominated by the Commissioners for executing the Office of Lord High Admiral for the Time being, to act as Members of a Committee for carrying into execution the Provisions of this Act, and from Time to Time at any future public Meeting of the Commissioners of the said Harbour to revoke the Appointment of such Committee, and to appoint another Committee, and also to fill up the Place or Places of such of the Members of the said Committee as shall at any Time hereafter happen to die, or neglect or refuse to act.

Commissioners of the Harbour to appoint a Committee.

XXVII. And be it further enacted, That from and immediately after the passing of this Act it shall be lawful for the said *William Lake*, *Thomas Neve*, and *James Hodson*, and they are hereby required, to enter upon and view each and every of the said Pieces of Salt Marshland, and to make a Valuation thereof, for the Purpose of ascertaining what Sum *per* Acre shall be paid or secured as herein-after mentioned by each respective Owner, Proprietor, or Person interested in the said Salt Marshlands, as a Compensation to the Commissioners of the said Harbour; and the said *William Lake*, *Thomas Neve*, and *James Hodson* are hereby required to take as a Standard and to use as a Criterion or Guide, in estimating the Amount of such Compensation, the Valuation which has been made of the Lands belonging to or in the Possession of the said *Thomas Cooper Langford* and the Representatives of *William Croughton* Esquire, deceased, and to value all other Salt Marshlands from which the Flow of the Water shall be excluded in proportion and with reference to the comparative Value of the Salt Marshlands belonging to the said *Thomas Cooper Langford* and the Representatives of *William Croughton* Esquire, deceased, and also with reference to such other Circumstances as may tend to increase or diminish the Value of the said other Lands, in order that a fair Compensation may be paid to the Commissioners of the said Harbour by each respective Owner, Proprietor, or Person interested in all or any of the said Lands for the prospective Increase or Addition which by means of such Embankment and Exclusion as aforesaid shall be made in or to the Value of such Lands respectively.

Surveyors to make a Valuation of Salt Marshlands.

XXVIII. And be it further enacted, That the Commissioners of the said Harbour shall be entitled to demand and receive from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or any Tenant for Life, or in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or any Feoffee or Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees of Lunatics

Persons interested in Lands to be embanked to pay such Compensation as Surveyor shall award.



Lunatics and Idiots, or other Trustees whatsoever, or Owner or Owners of or Person or Persons interested in any Land heretofore subject to be overflowed and hereafter to be embanked as aforesaid, not only for and on the Behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts respectively, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert who are or shall be seised in their own Right, or any Person or Persons whatsoever, who is or are or shall be seised or possessed of or interested in such Lands subject to be overflowed as aforesaid, such Compensation as is herein-before specified for the Lands numbered Six, Seven, and Eight in the First Schedule hereunto annexed, and such Compensation for all other Lands comprised in the Schedules hereunto annexed as the Surveyors for the Time being acting under the Authority of this Act shall award to be paid, or such Security for the same as is herein-after mentioned; and on Receipt thereof as herein-after mentioned the Commissioners of the said Harbour shall for ever thereafter be precluded from any Right to the Flow of the Tidal Waters over any of the said Lands comprised in the Schedules hereunto annexed in respect of which such Compensation shall be paid as aforesaid.

Receipts of Commissioners of the Harbour to be sufficient Discharges.

XXIX. And be it further enacted, That the Receipt or Receipts of any Five or more of the Commissioners of the said Harbour, being Members of the Committee to be appointed as aforesaid, shall from Time to Time be a sufficient and effectual Discharge and Discharges to the Person or Persons paying such Money as aforesaid for the Monies in such Receipt or Receipts expressed or acknowledged to be received; and such Monies shall be paid to and become vested in the Commissioners of the said Harbour respectively, and be by them applied and disposed of in manner herein-after directed, but the Person or Persons paying the same shall not in any respect be answerable or accountable for the Application or Misapplication or Nonapplication of such Monies or any Part thereof.

Compensation how to be paid, and at what Periods.

XXX. And be it further enacted, That for the Purpose of ascertaining what Sum and Sums of Money the respective Proprietors of the Lands proposed to be embanked under the Authority of this Act shall be called upon to contribute at the Commencement of and for and towards the carrying on and completing of the Works and Things aforesaid, and by way of such Compensation as is herein-before mentioned, the respective Quantities and Number of Acres of each and every of the said Pieces of Land, as stated in the Schedules hereunto annexed, shall for the Purposes aforesaid (but subject as herein-after mentioned) be deemed and taken to be a correct Statement of the Quantities and Number of Acres of such Lands respectively; and each and every Proprietor of the said Lands respectively shall, within Thirty Days next after the Commencement of the Embankment to be erected for the Purpose of excluding the Tidal Water from the said Lands respectively, as well for such Lands upon which the said Embankment shall have been commenced as for the Lands from which the said Tidal Waters shall be excluded by reason of such Embankment, pay into the Hands of the Treasurer of the Commissioners of the said Harbour, to be by him applied as herein-after mentioned, such Sum and Sums of Money as shall be equal to One Third Part of the whole Sum which the said Surveyors shall award to be paid as a Compensation for the Piece of Land in respect of which he or she shall



shall be called upon to contribute, and likewise do and shall in like Manner, and for the Purposes aforesaid, pay one other Third Part thereof on or before the Expiration of One Year from and after the Embankment of the Pieces of Land respectively in respect of which the Compensation shall be payable shall have been completed to the Satisfaction of the said Surveyors, and so by them certified by Writing under their Hands, and the remaining Third Part thereof on or before the Expiration of Two Years from and after the Completion of the Embankment of such Pieces of Land respectively, but so nevertheless that no Proprietor as aforesaid shall be liable to contribute any Sum or Sums of Money as aforesaid for any One or more Piece or Pieces of Land until the Embankment of the Piece or Pieces of Land in respect of which he shall be called upon to contribute shall have been commenced.

XXXI. And be it further enacted, That it shall be lawful for the Commissioners of the said Harbour and they are hereby directed, if required by the Person or Persons or Body Corporate herein-after mentioned, to have such respective Sum or Sums as the Surveyors herein-before appointed shall allow to be paid as herein-after mentioned in respect of each and every Acre of the said Salt Marshes to be embanked as aforesaid, belonging to or in or to which Sir *William Ashburnham* Baronet or his Trustees, *William Alexander Morland* Esquire, and the Corporation of *Rye*, or either of them respectively, are or is interested or entitled, secured by the said Lands being charged and made chargeable with the Payment of such Sum or Sums as aforesaid under the Provisions of this Act, and with Interest on such Charge or Charges respectively at the Rate of Four Pounds *per Centum per Annum*, to commence from the respective Times at which the Principal Money and the several Portions and Instalments thereof would become payable as aforesaid; and that the Commissioners of the said Harbour shall also be empowered and required to allow the Monies to be charged upon the Lands belonging to Sir *William Ashburnham* Baronet or his Trustees, or in which they or he are or is interested, to continue charged thereon as aforesaid for the Period of Fourteen Years from the passing of this Act, if required by the said Sir *William Ashburnham*, or the Proprietor or Proprietors or Person or Persons interested for the Time being, and shall allow the Monies to be charged upon the Lands belonging to or in which the said *William Alexander Morland* is interested to continue charged thereon as aforesaid until the Expiration of One Year after the Person or Persons who is or are entitled to the Fee Simple thereof in Reversion or Remainder shall come into possession of such last-mentioned Lands, and shall also allow the Monies to be paid in respect of Lands belonging to the Corporation of *Rye* (if required) to be charged thereon as aforesaid until the Expiration of Fourteen Years from the passing of this Act.

Compensation awarded to be paid by Sir William Ashburnham Bart., William Alexander Morland Esq., and the Corporation of Rye, to be secured by Charge of the Lands.

XXXII. And be it further enacted, That every Grant, Mortgage, Lease, or Demise, and every such Charge as aforesaid, to be made of or upon any of the Lands to be embanked as aforesaid, shall be good, valid, and effectual in the Law for the Purposes hereby intended, notwithstanding any Want of Title in the Person or Persons making or granting the same, and notwithstanding any Settlement, Will, Trust, Use, Remainder, Limitation, Judgment, or other Incumbrance now in existence or hereafter to

Such Charges to be valid notwithstanding prior Settlement or Incumbrance.



be made upon, of, or concerning the said Lands to be embanked as aforesaid, or any Part or Parts thereof, to the contrary.

Power to mortgage Lands intended to be embanked.

XXXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Sole or Aggregate, Rectors, Vicars, Tenants in Tail or for Life, or Tenants pour autre vie, or for Years determinable on Lives, Governors, Guardians, Trustees, and Feoffees in Trust, Attornies, Committees, Executors, Administrators, and all other Persons whomsoever acting as Trustees, Attornies, or Governors for any Charity, or for any Infant, Lunatic, Idiot, Minor, Issue unborn, Persons beyond Seas or otherwise incapable of acting for themselves, Husbands, Femes Covert, and all and every other Person and Persons under any legal Disability whatsoever, possessed of or interested in any of the Lands and Grounds hereby intended to be embanked and excluded from the Tidal Waters as aforesaid, from Time to Time, by any Deed or Writing under their Hands and Seals, to charge and encumber such Part or Parts of the said Lands and Grounds intended to be embanked and excluded from the Tidal Waters by virtue of this Act, as he, she, or they shall respectively be entitled to as aforesaid, with such Part of the Sum or Sums of Money as shall be by him, her, or them respectively paid in pursuance of this Act to the said Commissioners, as herein-after mentioned, and with Interest for the same from the Time or respective Times of Payment thereof, and for securing the Repayment of such Sum and Sums of Money, with Interest for the same, to grant, charge, mortgage, lease, surrender, or demise, or otherwise subject the said Lands and Grounds, or any Part or Parts thereof, unto such Person or Persons as shall advance and lend the same respectively, for any Term or Number of Years; so that in every such Grant, Charge, Mortgage, Lease, Surrender, or Demise there be contained a Proviso or Condition for avoiding the same on full Payment and Satisfaction of the Sum and Sums of Money and Interest therein and thereby mentioned to be secured; and so that in every such Grant, Charge, Mortgage, Lease, Surrender, or Demise there be contained a Proviso or Condition that the Person or Persons entitled to the Remainder, Reversion, or future Possession of the same Lands and Grounds shall not be liable to or chargeable with any further or greater Arrear of Interest than for One Year next preceding the Time that the Title to such Possession shall have commenced; and so that the whole Sum so to be charged as aforesaid by any such Rector, Vicar, or other Incumbent be fully paid and satisfied within the Term of Twenty Years from the borrowing of the said Sum, by even and equal yearly Portions, by the said Rector, Vicar, or other Incumbent; and every Grant, Charge, Mortgage, Lease, Surrender, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Appointment of new Surveyors in case of Death, &c. of Surveyors hereby appointed.

XXXIV. And be it further enacted, That in case the said *William Lake*, or any Surveyor to be appointed in his Place, shall die, decline, refuse, or become incapable to act, it shall be lawful for the Commissioners of the said Harbour from Time to Time to nominate and appoint a Surveyor in the Place of the said *William Lake* or his Successor; and in case the said *Thomas Neve*, or any Surveyor to be appointed in his Place, shall die, or decline or become incapable to act, it shall be lawful for the Majority of the



the Proprietors and Persons interested in the said Salt Marshes present at a Meeting, such Meeting to consist of Three at the least of such Proprietors or Persons interested, whereof and of the Purport whereof Fourteen Days Notice shall have been given in One of the Newspapers circulating in the said County of *Sussex*, to appoint a Surveyor in the Place of the said *Thomas Neve* or his Successor; and in case the said *James Hodson*, or any Successor to be appointed in his Place, shall die, decline, refuse, or become incapable to act, it shall be lawful for the Commissioners of the said Harbour, and the Proprietors of and Persons interested in the said Salt Marshlands, at a Meeting to be convened for that Purpose, at which Meeting Three at the least of such Proprietors or Persons interested shall be present, whereof and of the Purport whereof Fourteen Days Notice shall have been given in One of the before-mentioned Newspapers, jointly to appoint another Surveyor in the Place of the said *James Hodson* or his Successor, such joint Appointment to be made with the Concurrence of the Majority of the said Commissioners, and also of the Majority of the said Proprietors or Persons interested in the said Salt Marshes, present at the said Meeting; but in case the said Commissioners of the Harbour, and the Owners, Proprietors, and Persons interested in the said Salt Marshes, shall not agree to make such last-mentioned Appointment in manner aforesaid, it shall be lawful for the Two Surveyors then acting or to be appointed as aforesaid, after Fourteen Days Notice to be given either by the Commissioners of the said Harbour, or by the Owners, Proprietors, or Persons interested in such Salt Marshes as aforesaid, for that Purpose, and they the said Surveyors are hereby required, to appoint a Third Person to act as a Surveyor, and from Time to Time to continue such Appointment when Occasion may require; and such newly-appointed Surveyor and Surveyors shall have, and he and they is and are hereby required to exercise, the same Powers, Duties, and Authorities as the Surveyors herein-before particularly named.

XXXV. Provided nevertheless, and be it further enacted, That nothing in this Act contained shall authorize any Body or Bodies Politic, Corporate, or Collegiate, Spiritual or Lay, Ecclesiastical or Civil, Corporations Aggregate or Sole, or any Tenant or Tenants for Life, or Tenants in Fee Tail, General or Special, or for Years determinable on any Life or Lives, or any Governors, Guardians, Trustees, or Feoffees in Trust, Attornies, Committee, Executors, Administrators, or any other Person or Persons whosoever acting as Trustees, Attornies, or Governors for any Charity, or for any Infant, Lunatic, Idiot, Minor, Issue unborn, Persons beyond the Seas or otherwise incapable of acting for themselves, or any Husbands, Femmes Covert, or any other Person or Persons whosoever, to charge and encumber any of the said Salt Marshlands in respect of which a Compensation shall be payable to the Commissioners of the Harbour of *Rye* as aforesaid with any Sum of Money exceeding the Improvement in Value which will accrue to the same Lands respectively by the Embankment and Exclusion aforesaid; and that such improved Value shall be ascertained by the said Surveyors for the Time being appointed by or under the Authority of this Act, a Certificate in Writing under whose Hands or the Hands of any Two of whom shall be conclusive Evidence that the Amount so charged and encumbered as aforesaid does not exceed the improved Value of the said Lands respectively.

Bodies Politic, &c. and Persons under Disability, not to charge Lands with Payment of more than the actual improved Value.

XXXVI. And



Commis-  
sioners of the  
Harbour to  
make Walls  
and Banks.

XXXVI. And be it further enacted, That from and immediately after the passing of this Act the Commissioners of the said Harbour, at their Expence, shall cause to be made and erected, to the Satisfaction of the Surveyors herein-before mentioned or to be appointed as aforesaid, all such Walls and Banks as shall be necessary for effectually shutting out and excluding the Tidal Waters from the said Salt Marshes and Lands.

Commis-  
sioners to  
take Soil for  
making Walls  
from the  
Channel Side  
thereof,  
and to put in  
Sewing Guts,  
&c.

XXXVII. And be it further enacted, That the Commissioners of the said Harbour shall be allowed, empowered, and required to take so much of the Soil from the Channel Side only of the Walls and Banks to be erected as aforesaid as will be sufficient for the Purposes of making and erecting the said Walls and Banks, and of maintaining the same for the Period herein-after mentioned; and the Commissioners of the said Harbour shall also, at their Expence, put in proper Sewing Guts and Drains at such Places and in such Manner as shall be necessary for the Preservation of the said Lands and the Sewage and Drainage thereof; and each respective Line of Embankment, and the Guts and Drains thereunto belonging, shall be maintained and kept in repair by and at the Expence of the Commissioners of the said Harbour for the Period of One Year from the Completion thereof respectively, such Completion to be certified as aforesaid; and from and after the said Walls and Banks shall have been made so as effectually to shut out the Sea from the said Salt Marshlands, the said Walls and Banks shall be and become the Property of the Owners of the said Salt Marshlands, who shall, after the Expiration of One Year from the Completion of each Line of Embankment respectively, do all such Works as may be necessary for maintaining and keeping the same in repair, at their Expence, except such Works as are herein-after mentioned and directed to be done by the Commissioners of the said Harbour for that Purpose.

Groins and  
Wicker Work  
to be put in  
and done at  
the Expence  
of the Com-  
missioners of  
the Harbour.

XXXVIII. And be it further enacted, That all Groins and Wicker Work or any other Works which may be required to be done in any Part of the said Harbour Channel, for effectually protecting and preventing the undermining of any of the said Walls or Banks by the Operation of the Tidal Waters, shall be made, and the Expences thereof shall be borne and paid, by the Commissioners of the said Harbour, who are hereby required from Time to Time to cause such last-mentioned Works to be done; and in default thereof after Twenty-eight Days Notice from any Proprietor whose Lands shall be injured or rendered liable to Inundation by the Nonperformance of such Works it shall be lawful for such Proprietor or Proprietors to cause the said Works to be done, and to charge the said Commissioners of the Harbour of *Rye* with the Expences thereby incurred; which Expences shall be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Complaint, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance, shall be allowed.

When Em-  
bankments  
completed,  
Lands to be  
measured,  
and the Dif-

XXXIX. And be it further enacted, That when and so soon as the Embankment of any Part of the said Salt Marshlands shall have been completed, the Lands from which the Tidal Waters shall be excluded by reason of such Embankment shall be admeasured by some competent Person to be named and authorized by the Surveyors herein-before  
2 appointed



appointed or to be appointed as aforesaid, so as to ascertain exactly the actual Contents of each and every of the said Pieces of Land from which the Flow of Water shall be excluded, which said Admeasurement shall be made from the Centre of the Top of the Banks or Walls proposed to be erected under the Authority of this Act to the Edge of the opposite Ditches, Walls, or Fences in each respective Piece of Land; and if it shall appear after such Admeasurement shall have been made that any or either of the said Owners, Proprietors, or Persons interested in the said Salt Marshes shall have paid for a greater Number or Quantity of Acres or the fractional Parts of an Acre than his, her, or their Piece or Pieces of Land shall contain according to such last-mentioned Admeasurement, then and in such Case the said Owners, Proprietors, and Persons interested in the said Salt Marshes shall be and they are hereby made liable to pay to the Commissioners of the said Harbour (at the Time the Second Payment is herein-before directed to be made) such a Sum as (with the Sums so overpaid and Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Time of such Overpayment) will amount together to the Sum due at the Time the said Second Payment is hereby directed to be made; but in case any or either of the said Owners, Proprietors, or Persons interested in the said Salt Marshes as aforesaid shall have paid for a less Quantity than such Piece or Pieces of Land shall be found on such last Admeasurement to contain, then and in that Case such Proprietor or Proprietors or Persons interested as aforesaid shall immediately thereupon pay to the Commissioners of the said Harbour such Sum or Sums of Money as shall be sufficient to make up the Deficiency between the Sum or Sums actually paid and the Sum or Sums which ought to have been paid as aforesaid, with Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Time at which such Deficiency ought to have been paid; and in default thereof the said Lands shall continue charged with the Payment of such Sums and Interest thereon at the Rate aforesaid, to be computed from the Time at which such Payment ought to have been paid in the Manner herein mentioned.

ference in Value between Contents in Plan and the Admeasurement to be paid or allowed.

XL. And be it further enacted, That each and every the Proprietor and Proprietors of the said Salt Marshlands shall be entitled to a Right or Rights of Road for Horses, Vehicles, and all Cattle, and Persons, to, from, and over his, her, or their Lands respectively, at such convenient Place or Places, and through, over, and upon such Land or Lands, as by the said Surveyors herein-before appointed or to be appointed as aforesaid shall be thought reasonable and proper, and as shall be by them awarded in Writing; and that such Compensation shall be paid by the Proprietor or respective Proprietors for whose Benefit such Right or Rights of Road respectively shall be given, to the Person or Persons respectively in, through, upon, or over whose Land or Lands such Right or Rights of Road respectively shall be given, as the said Surveyors shall think fair and reasonable, and by Writing under their Hands shall award and order in that Behalf.

Surveyors to award Right of Road to or over Lands to be embanked.

XLI. And be it further enacted, That the said Commissioners of Rye Harbour shall allow and deduct out of the Sum or Sums for the Payment of which Sir *William Ashburnham* Baronet or his Trustees, *William Lucas Shadwell* Esquire, and *Christopher Thorpe* Gentleman, shall be respectively liable to pay by virtue of this Act, such Sum and Sums of Money as

Commissioners to make Allowances for Lands taken for Road to be made from

[Local.]

17 A

the



Bridge Point  
Sluice to the  
Mouth of the  
Harbour.

the said Surveyors shall adjudge to be a fair and reasonable Compensation for the Land or Lands which shall be used or taken for the Road to be made under the Powers and Authorities of this Act from the *Bridge Point* or *Brede Sluice* to the Mouth of the said Harbour on the Western Side thereof,

Expences of  
Valuation  
and Admea-  
surement  
how to be  
paid.

XLII. And be it further enacted, That the Costs, Charges, and Expences of the Valuation and Admeasurement to be made as aforesaid shall be borne and paid in equal Moieties by and between the Commissioners of the said Harbour, and the Owners, Proprietors, and Persons interested in the said Salt Marshlands, the Moiety of the said Owners, Proprietors, and Persons interested as aforesaid to be paid and charged and recoverable in such Proportions as the said Surveyors shall, with reference to the Value of each respective Piece of Land, award, order, and direct.

Power of  
Distress for  
Arrears of  
Interest on  
Sums by way  
of Compens-  
ation se-  
cured on  
Mortgage.

XLIII. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay all or any Part of the Interest to which he, she, or they is and are hereby made liable in respect of any Lands charged with the Payment of Sums by way of Compensation as aforesaid for the Space of Two Calendar Months next after the Days or Times herein-before limited and appointed for the Payment of the same respectively, then and in every such Case it shall be lawful for the Treasurer or Clerk to the Commissioners of the said Harbour, or any Person or Persons empowered or appointed by them by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the Commissioners of the said Harbour, which Warrant or Precept any Five or more of such Commissioners are hereby authorized and required from Time to Time to grant and make as Occasion shall require (and whether assembled at a Meeting or not), to enter into and upon all or any Part of the Lands hereby directed or authorized to be charged as aforesaid in respect of which such Interest shall be due and owing or payable, and to levy the Sum or Sums of Money due and payable for such Interest and Penalties by Distress of any Goods, Chattels, or Effects which shall or may be found thereon; and where no sufficient Distress can be found upon such Lands whereon to levy the Interest which shall then be in arrear in respect thereof by virtue of this Act it shall be lawful for the Treasurer or Clerk to the Commissioners of the said Harbour, or any other Person or Persons authorized or empowered by them by virtue of any Warrant or Precept under the Hands and Seals of any Five or more of the Commissioners of the said Harbour, which said Warrant or Precept such Commissioners, or any Five or more of them, are hereby empowered and required from Time to Time to make as Occasion shall require (and whether assembled at a Meeting or not), to levy all and every the said Interest which shall be then in arrear by Distress of any Goods or Chattels of the Person or Persons so occupying any Lands chargeable with any such Interest, whensoever and wheresoever such Goods and Chattels shall be found; and it shall be lawful for the Person or Persons distraining any Goods, Chattels, and Effects for any such Interest to impound and keep the same on the Premises where any such Distress shall be made, or to take, lead, drive, carry away, and impound the same elsewhere, for the Space of Five Days, including the Day on which such Goods, Chattels, or Effects shall be taken, at the Costs and Charges of the Person or Persons liable to pay such



such Interest and Penalties, delivering to the Occupier or Occupiers of such Land, or leaving at his, her, or their last or usual Place of Abode or Residence, Notice in Writing of such Distress being made, and of the Cause thereof, and of the Place or Places where such Distress is intended to be or shall be led, driven, taken away, impounded, and kept; and in case the Sum or Sums of Money for which the Distress or Distresses shall be made, and all Costs, Charges, and Expences attending such Distress, shall not be paid and discharged to the Treasurer or Clerk to the Commissioners of the said Harbour, or to the Person or Persons making such Distress, within the said Five Days after the making of such Distress, the Person or Persons so making such Distress shall or may, with the Constable of the Parish, Town, or Hundred where such Distress shall be made, which said Constable is hereby directed, upon being thereunto required, to assist therein, and cause the Goods, Chattels, and Effects so distrained to be appraised by Two indifferent Persons upon Oath (which Oath the said Constable is hereby required and empowered to administer), and such Two Persons are hereby required to appraise the same according to the best of their Judgment; and after Appraisement it shall be lawful for the Person or Persons making such Distress to sell or cause to be sold the Goods, Chattels, and Effects so distrained, for the best Price that can be reasonably had or gotten for the same, for and towards the Satisfaction of the Monies for which such Distress and Sale shall be so made, and the Costs, Charges, and Expences of taking, keeping, appraising, and selling the same, rendering the Overplus of the Monies arising from any such Sale (if any), on Demand, to the Person or Persons entitled thereto.

XLIV. And be it further enacted, That the several and respective Tenants of the said Lands and Grounds to be embanked as aforesaid, who or whose Landlords shall be taxed and assessed or be liable to the Payment of Interest by virtue of this Act, are hereby required and authorized to pay such Sum or Sums of Money as shall be so taxed and assessed or be due, and to deduct the same out of his, her, or their Rent; and every Tenant and Tenants who shall make such Payment shall be acquitted and discharged for so much Money as such Tax, Assessment, or Interest shall amount unto, as if the same had been actually paid unto the Person or Persons to whom his, her, or their Rent was due and payable, except where a Lease of Three or more Years shall be unexpired immediately before the passing of this Act, and in such Case the Proportion of such Tax, Assessment, or Interest which the Tenant ought to bear and pay in consideration of the Benefit he or she receives by such Lease shall be adjusted and awarded by the said Surveyors; and in case any such Payment so to be made by any such Tenant as aforesaid shall exceed the Rent which shall be then in arrear and unpaid, then and in such Case it shall be lawful for such Tenants to hold, possess, and enjoy the Lands and Tenements which he, she, or they shall so occupy at and under the same Rent and Conditions as he, she, or they shall hold the same at the Time of making such Payment, and retain in his, her, or their Hand or Hands such Rents until he, she, or they shall be thereby fully paid such Sum or Sums of Money as he, she, or they shall have so paid and advanced, with lawful Interest for the same from the Time or respective Times of advancing thereof, and until he, she, or they shall be reimbursed and paid the same by his, her, or their Landlord or Landlords.

Tenants of Lands to be embanked to pay Interest of Money charged thereon, and deduct the same out of the Rent.

XLV. Pro-



Provision  
where Lands  
are unoccu-  
pied, so that  
no sufficient  
Distress can  
be found.

XLV. Provided always, and be it further enacted, That in case any of the said Salt Marshlands liable to be charged by virtue of this Act shall at any Time or Times hereafter be untenanted or unoccupied, so that no sufficient Distress can be found for levying the said Interest, then the Lands and Grounds chargeable therewith shall always remain a Security for Payment thereof, and all Goods and Chattels which shall at any Time thereafter be found thereon shall and may be distrained, removed, impounded, and kept, appraised, and sold in manner aforesaid, until all Arrears of the said Interest and the Charges of such Distress shall be fully paid and satisfied.

Commis-  
sioners of the  
Harbour may  
let Lands left  
unoccupied  
a Year with-  
out Interest  
being paid  
or any Goods  
and Chattels  
whereon to  
distrain.

XLVI. And whereas it may sometimes happen that some of the said Marshlands to be charged as aforesaid may be untenanted or unoccupied for a considerable Time, and that no Distress can be found thereon for levying the said Interest due in respect of the same; therefore, for enforcing the Payment thereof in all such Cases, be it further enacted, That where any Part of the said Interest shall be in arrear and unpaid by the Space of One Year, and no sufficient Distress can be found upon the Lands and Grounds charged therewith, then and in every such Case the Commissioners of the said Harbour, or any Five or more of them, shall at any of their Meetings have full Power and Authority to let the whole or so much of the said Lands or Grounds upon which any such Interest shall be so in arrear as they shall judge sufficient, for such Term or Terms of Years, not exceeding Three Years at each Letting, at such Rent or Rents, and upon such Terms and Conditions, as to them shall seem meet, and to apply the Rent or Rents arising therefrom in Payment and Discharge of all such Interest, and the Penalties incurred for Nonpayment thereof, and of such other Charges and Expences as they the Commissioners of the said Harbour shall incur or be liable to in consequence of all or any of such last-mentioned Proceedings.

Commis-  
sioners of the  
Harbour  
may make  
Contracts,  
&c.

XLVII. And be it further enacted, That it shall and may be lawful to and for the Commissioners of the said Harbour, or the Committee to be by them appointed as herein-before mentioned, and they are hereby authorized and empowered, to engage, employ, contract, and agree with any Engineer or Engineers, Builder, Artizan, Workman, or other Person or Persons, for the Performance of all and every or any of the Works hereby authorized to be made and done by the Commissioners of the said Harbour, and for providing proper Engines, Utensils, and Materials for the Purposes aforesaid, and all other Matters, Articles, and Things concerning or relating to the same, in such Manner, and upon such Terms, and for such Sum and Sums of Money, and under such Stipulations, Regulations, and Restrictions, as the Commissioners of the said Harbour or the said Committee shall think proper; and all such Contracts so to be made shall be entered in a Book to be kept for that Purpose by the Clerk to the said last-named Commissioners, and signed by any Five or more of the said last-named Commissioners, and by the Person or Persons with whom the said Commissioners shall enter into such Contract or Contracts, and shall be valid and binding in all respects and for all Intents and Purposes upon the said last-named Commissioners and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators; and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said last-named Commissioners,



or any or either of the Parties failing in the Execution thereof; but no Contract above the Value of Twenty Pounds shall be entered into unless previous to the making of such Contract Fourteen Days Notice at the least shall be given in One or more of the public Newspapers published in the County of *Sussex*, expressing the Intentions of the Commissioners of the said Harbour to enter into such Contract, and the Time and Place at which Tenders for the Performance of the Works to be done and performed under such Contract may be made or delivered to the said Commissioners or to the said Committee, in such Manner and Form as by the said Commissioners or the said Committee shall be directed, and specified in such Notice: Provided always, that if the said last-named Commissioners or the said Committee shall be of opinion that it will not be advantageous to contract with the Person or Persons offering to perform any of the before-mentioned Works at the lowest Price mentioned in the Tender so to be delivered, it shall be lawful for the said last-named Commissioners or the Committee to contract with such other Person or Persons as they or a Majority of them shall think proper for the Purposes aforesaid, or any of them.

XLVIII. And be it further enacted, That the Commissioners of the said Harbour shall and may cause all and every the Works to be done in pursuance of this Act to be inspected by the Surveyors herein-before appointed or to be appointed, or by such other Person as they shall appoint; and in case the same shall not be well and sufficiently performed according to the Terms, Intent, and Meaning of the Contract for the same, the Commissioners of the said Harbour may bring or cause to be brought any Action at Law or Suit in Equity against the Person so neglecting to perform such Contract or Contracts, for the Penalty contained in such Contract, or for any Damage sustained in consequence of any Breach or Nonperformance thereof; and on Proof of the signing of the said Contract, and Nonperformance thereof, the Commissioners of the said Harbour shall be entitled to and shall recover such Penalty or Damage as may be awarded, with full Costs of Suit: Provided always, that it shall be lawful for the Commissioners of the said Harbour, if they think fit, to compound and agree with any Contractor, or his Surety or Sureties, for any Penalty incurred by him or them for the Breach or Nonperformance of any such Contract for such Sum of Money as the Commissioners of the said Harbour shall think proper.

Surveyor to inspect Works when completed.

Commissioners may sue Contractors if Work not well performed.

Commissioners may compound with Contractors, &c.

XLIX. And whereas by the Provisions of this Act the Walls and Banks to be erected and made for the Protection of the said Salt Marshes or Lands comprised in the Schedules hereunto annexed, and the Exclusion thereof from the Tidal Waters, are to be erected, made, and done in the first instance by and at the Expence of the Commissioners of the said Harbour, but all such Walls and Banks are to be maintained and kept in good and sufficient Repair by the Proprietors, Owners, or Persons interested in such Salt Marshes or Lands respectively; and it has been ascertained that in consequence of the future Expences which must necessarily be incurred by the respective Owners, Proprietors, or Persons interested therein in maintaining and keeping in good and sufficient Repair the said Walls and Banks, the Value of the said Lands to the said Owners, Proprietors, or Persons interested as aforesaid will be diminished by Three Pounds *per*

Surveyors to apportion if any and what Part of the Sum of 3*l.* per Acre shall be paid by Owners, &c. of Lands in the First Schedule to Owners, &c. of Lands in the Second and Third Schedules

[*Local.*]

17 B

Acre



Acre upon an Average, and the Valuation and Calculation herein-before mentioned and hereby directed to be made have been found and ascertained and agreed to by the said Owners, Proprietors, and Persons, and by the Commissioners of the said Harbour, with reference to the Allowance and Deduction from the actual Value of the same Lands of the said Sum of Three Pounds *per* Acre, which last-mentioned Sum or Deduction has been made in such Calculation, shall be considered as a Sum retained by and allowed to the several Owners, Proprietors, and Persons interested in such Salt Marshes or Lands, and that the same shall hereby be made subject to such Apportionment as is herein-after mentioned: And whereas the Salt Marshlands comprised in the said Schedules, Numbers One, Two, and Three, to this Act annexed, will be excluded and protected from the Tidal Water by Three separate and distinct Lines of Embankment, and the Drainage thereof effected by distinct Drains and Sewing Guts; and inasmuch as some of the Owners, Proprietors, and Persons interested in the Lands in some or one of the said Schedules consider that the Embankments and Works to be erected for the Protection and Drainage of their Lands, as well from their Situation as from the Quantity of Land protected and drained, in proportion to the Extent of Embankment and Works, require hereafter a greater proportionable and annual Expence to maintain and preserve such Embankment and Works than the Lands comprised in the others or other of the said Schedules, and it is therefore expedient that the several Sums of Three Pounds *per* Acre, ascertained on an Average as before mentioned, shall be apportioned amongst the several Owners, Proprietors, and Persons interested in the said Lands according to the greater or less Amount of Expences which they or he may be considered liable to incur and be put to respectively in maintaining and keeping in repair the said Walls, Banks, and Works on their or his respective Lands; be it therefore further enacted, That it shall be lawful for the said *William Lake, Thomas Neve, and James Hodson*, or the Surveyors or Surveyor to be appointed as aforesaid, and they are hereby empowered and required, after the said Embankment shall have been completed, to view the said Lands respectively comprised in the said Schedules, Numbers One, Two, and Three, hereto annexed, and to compute and ascertain whether any, and if any what Portion of the said Sum of Three Pounds *per* Acre so as aforesaid to be retained by the Proprietors, Owners, or Persons interested in such Parts of the said Salt Marshes or Lands as are comprised in either of the said Schedules, should be allowed and paid to the Proprietors, Owners, or Persons interested in the said Salt Marshes or Lands comprised and described in both or either, and if only One, then in which of the other of the said Schedules respectively, so that the said Sums of Three Pounds *per* Acre shall be fairly apportioned amongst the Proprietors, Owners, or Persons interested in such Salt Marshes or Lands comprised and classed in the said several Schedules, Numbers One, Two, and Three respectively, according to the Amount of Expences which each Class respectively will, in the Opinion of the said *William Lake, Thomas Neve, and James Hodson*, incur and be put to in maintaining and keeping in repair the several Walls, Banks, and Works to be erected for the Purpose of excluding the Tidal Waters from the Lands comprised in each Schedule respectively, as herein-before mentioned.

L. And



L. And be it further enacted, That the respective Sums of Money, if any, which after such View and Apportionment as aforesaid shall be deemed proper and decided by the said *William Lake*, *Thomas Neve*, and *James Hodson*, or the Surveyors or Surveyor to be appointed as aforesaid, to be allowed and paid by the Proprietors, Owners, or Persons interested in such Salt Marshes or Lands comprised in either of the said Schedules, to the Proprietors, Owners, or Persons interested in such Salt Marshes or Lands comprised in both or either of the other Schedules, in respect of such Sums of Three Pounds *per* Acre to be retained as aforesaid, shall be calculated according to the Proportion and Number of Acres in manner following, *videlicet*, at so much for each Acre upon the total Number of Acres of the said Salt Marshes or Lands comprised in the said Schedules respectively, and that the Proportion to be contributed by the several and respective Proprietors, Owners, or Persons interested therein shall be apportioned according to the respective Proportions and Number of Acres in such total Quantity, and that the said Sums of Money so to be paid as aforesaid to the Proprietors, Owners, or Persons interested in the said Salt Marshes or Lands comprised in both or either of the said other Schedules shall be paid and apportioned to and amongst the said Proprietors, Owners, or Persons interested in the said Lands respectively comprised in both or either of such Schedules, in such Parts, Shares, and Proportions as the said *William Lake*, *Thomas Neve*, and *James Hodson*, or the Surveyors or Surveyor to be appointed as aforesaid, shall by Writing under their Hands or the Hand of any Two of them award, order, and direct; which Apportionment, and the Award to be made relating thereto, shall be final and conclusive on all Parties; and the Sums so awarded to be paid shall, in default of Payment, be recoverable, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Mode of  
Calculation.

Mode of  
recovering  
Sums appor-  
tioned and  
awarded to  
be paid.

LI. And be it further enacted, That the Sum or Sums (if any) which shall be awarded to be paid as a proportional Part of the said Three Pounds *per* Acre in respect of the Lands belonging to or in which Sir *William Ashburnham* Baronet or his Trustees, *William Alexander Morland* Esquire, and the Corporation of *Rye*, or either of them, are or is interested, shall, if required by the other Owners, Proprietors, or Persons interested in the said Salt Marshes or Lands comprised in the Schedules hereunto annexed, be paid by the Commissioners of the said Harbour; and such Sum or Sums which shall be so paid by the said Commissioners shall be a Charge upon the said Lands respectively in respect of which such Sum or Sums shall be paid as aforesaid, in addition to and in the same Manner as the Sum or Sums awarded to be paid as a Compensation for the making the said Walls and Embankments, and the Interest thereof, is or are herein-before directed to be charged upon such last-mentioned Lands respectively; but in case any Sum or Sums shall be awarded to be received as the apportioned Part of the said Three Pounds *per* Acre in respect of the Lands above mentioned or either of them respectively, such Sum or Sums shall be received by the Commissioners of the said Harbour, and shall be by them respectively applied in reduction of the Sum and Sums which shall be charged upon the said Lands last above mentioned by way of Compensation as herein-before provided.

As to the  
Sums appor-  
tioned in re-  
spect of the  
Lands be-  
longing to or  
in which Sir  
William Ash-  
burnham  
Bart., W. A.  
Morland,  
Esq., and the  
Corporation  
of Rye may  
be interested.

LII. And



Mode of  
raising Sums  
to be applied  
in maintain-  
ing Walls, &c.

Appoint-  
ment of  
Expenditor.

Distress.

Award

LII. And whereas it is also expedient for the Benefit of the said Harbour that Provision should be made to compel the respective Owners, Proprietors, and Persons interested in the Lands comprised in the Schedules hereunto annexed, and from which the Tidal Waters will be excluded as aforesaid, to keep in good Order and Repair the said Walls, Banks, and other Works to be erected and made for the Protection and Drainage of the said Salt Marshlands, after the Expiration of the Time limited by this Act for the Commissioners of the said Harbour to repair the same; be it therefore further enacted, That it shall be lawful for each Class of Owners, Proprietors, and Persons interested in the Lands comprised in each of the Schedules hereunto annexed, and they are hereby required, to assess, rate, tax, and charge, by separate Rates, Taxes, Charges, or Assessments, in respect of the Lands comprised in each respective Schedule, and not one with the other, such Sum or Sums of Money *per* Acre as the said Owners, Proprietors, or Persons interested in such schedule or Schedules respectively, or a Majority of them, at a Meeting to be convened for that Purpose within Thirty Days after the Completion of each respective Line of Embankment, and so from Time to Time at any future Meeting or Meetings to be convened for the like Purpose by each respective Class of Owners, Proprietors, or Persons interested as aforesaid, shall think proper, of which Meeting or Meetings Fourteen Days Notice shall be given in some Newspaper circulated in the County of *Sussex*; and all the Rates and Taxes hereby authorized to be raised shall be paid to the Receiver or Receivers, Collector or Collectors, or Expenditor or Expenditors for the Time being to be appointed by each respective Class of Owners, Proprietors, and Persons interested in the said Lands comprised in each of the said Schedules respectively, or a Majority of them, and at such Place or Places, and in such Proportion and Manner, as a Majority of them shall direct; and in case of the Nonpayment within One Month from the Time appointed for the Payment thereof the said Sum or Sums so taxed, charged, or assessed as aforesaid shall be recoverable by Warrant or Warrants of Distress under the Hands of any Three of the said Owners, Proprietors, or Persons interested in the said Lands as aforesaid, and with the same Powers in all other respects as are herein-before given for the Recovery of any Arrears of Interest which may become due and payable in respect of the Sums directed to be charged upon Part of the said Lands by way of Compensation as herein-before mentioned: Provided always, that it shall be necessary for the major Part of the Owners, Proprietors, or Persons interested in each Schedule to be present at every such Meeting, and that any One or more of such Owners, Proprietors, or Persons interested may attend any such Meeting and vote thereat by any Agent or Agents to be appointed by Writing under his, her, or their Hand or Hands.

LIII. And be it further enacted, That within the Space of Three Calendar Months from and after the Completion of the said Embankments the said Surveyors herein-before appointed, or their Successors for the Time being, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity in Statute Measure of Acres, Roods, and Perches contained in the said Lands to be embanked and excluded from the Tidal Waters as aforesaid, and the Quantity and Contents of each Owner's Property in the same Lands, to be ascertained in manner aforesaid, and shall specify the Right



or Rights of Road herein-before authorized to be awarded and set out by the said Surveyors or their Successors as aforesaid in, to, through, over, or upon the same Lands respectively or any Part thereof, and shall also contain all such Orders, Regulations, and Determinations as are in and by this Act mentioned, declared, required, or authorized to be made or established relating to the said Embankment, and such other Orders and Regulations as shall be necessary or proper, conformably to the Tenor of this Act, for the more easy, convenient, and effectual Completion of the said Embankments, and for preventing all Difficulties and Disputes in relation thereto; which Award or Instrument shall be fairly engrossed or written upon Parchment, and signed and sealed by the said Surveyors or their Successors for the Time being, or any Two of them; and the said Award or Instrument shall, within the Space of Six Calendar Months after such signing and sealing, together with a proper Map or Plan or Maps or Plans of the said Lands to be embanked as aforesaid, and signed by the said Surveyors or any Two of them, be enrolled in the Office of the Clerk of the Peace for the County of *Sussex*, and in One of His Majesty's Courts of Record at *Westminster*, to the end that Recourse may be had to the same by any Person or Persons interested in the said Embankments or Works; and the said Award, with the said Map or Plan, Maps or Plans, or a true Copy of the Enrolment thereof or of any Part thereof respectively, certified by the proper Officer, shall from Time to Time be admitted in all Courts whatsoever as legal Evidence; which Copy or Copies the proper Officer for the Time being of the Court wherein such Enrolment shall be made is hereby directed to make and deliver to any Person or Persons desiring the same, he, she, or they paying for such Copy after the Rate of Four-pence *per* Sheet, reckoning Seventy-two Words to each Sheet; and any Person or Persons shall have Liberty to inspect and peruse the said Enrolments, paying for every such Inspection and Perusal One Shilling, and no more; and that all Orders, Directions, Regulations, and Determinations so to be made as aforesaid shall be binding and conclusive unto and upon all Parties interested therein; and the said original Award or Instrument, together with the said Map or Plan or Maps or Plans, after the same shall have been enrolled as aforesaid, shall be deposited with the Clerk for the Time being to the said Commissioners of the Harbour of *Rye*, and kept in a Box or Boxes among the Records and Proceedings of the said Commissioners of the Harbour of *Rye*, so that the same may at all reasonable Times be inspected and perused by the Commissioners of the Harbour of *Rye*, and the several Owners and Proprietors of the said Lands to be embanked as aforesaid, without the Payment of any Fee for such Inspection.

LIV. And be it further enacted, That the said Commissioners of Sewers for the Time being acting for the Levels of *Brede* and *Pett* shall, at the Expence of the said Levels of *Brede* and *Pett*, put in a Dam at that Part of the *Brede* Channel which is on the North Side of the said Sluice called *Bridge Point* or *Brede Sluice*, so as to divert the Waters of the said *Brede* Channel into and through the said *Bridge Point* or *Brede Sluice*, and shall also at the like Expence erect, build, and maintain a Bridge over the said *Bridge Point* or *Brede Sluice*, and alter, repair, lengthen, or rebuild the said *Bridge Point* or *Brede Sluice* so as to make the same a navigable Tidal Sluice with Three Pair of Sluicing Gates, such Dam, Sluice, and Bridge to be put in and completed on or before the Twenty-ninth Day of

[*Local.*]

17 C

September

Commissioners of *Brede* Level to put in a Dam opposite the *Bridge Point* Sluice on the North-west Side, and to build a Bridge over the *Bridge Point* Sluice.



*September* One thousand eight hundred and thirty-four, and shall also from Time to Time and at all Times thereafter keep the said Sluice and Bridge in repair, and shall also cause the Bed of the said *Bridge Point* or *Brede Sluice* to be put Two Feet lower than it stands at present when the said Commissioners of Sewers shall have Occasion to put in a new Bed to the said *Bridge Point* or *Brede Sluice*; and from and after the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-four all such Barges, Boats, and Craft as are usually navigated on a certain River called the *Rother*, in the Counties of *Kent* and *Sussex*, shall and may pass and repass at all Times through the said *Bridge Point* or *Brede Sluice*, and up the said *Brede* Channel to *Brede Bridge*, without Payment of any Tolls or Dues, without Prejudice however to any of the Works hereby directed to be done in or relating to the said *Brede* Channel, and so that such last-mentioned Works be not obstructed or impeded in their Progress by reason of such Navigation; and all Persons, Vehicles, and Cattle shall be permitted to pass and repass over the said Dam and Bridge without paying Toll for the same.

Controul of  
Bridge Point  
Sluice.

LV. And be it further enacted, That the said *Bridge Point* or *Brede Sluice* and the Works relating thereto shall, until the Twenty-ninth Day of *September* One thousand eight hundred and thirty-six, be under the sole Superintendence and Controul of the said Commissioners of Sewers for the Time being acting for the said Levels of *Brede* and *Pett*, but from and after the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-six the said *Bridge Point* or *Brede Sluice* shall be under the joint Controul of the said Commissioners of *Rye* Harbour and the said Commissioners of Sewers for the Time being acting for the Levels of *Brede* and *Pett*; and that a Joint Committee to manage the same shall be appointed before the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-six, which said Joint Committee shall consist of Three Commissioners of the said Harbour of *Rye*, not being Commissioners of any Levels or Level the Waters of which sew into *Rye* Harbour, to be appointed at a public Meeting of the said last-named Commissioners, and Three Commissioners of Sewers acting for the said *Brede* Levels, to be appointed in such Manner as the Commissioners of Sewers for the Time being acting for the said Levels of *Brede* and *Pett* shall from Time to Time think proper; and that such Committee shall be empowered, and they are hereby authorized and required, from Time to Time to appoint such Person as they may think proper to act as Sluice-keeper, and to give such Salary as they may consider necessary, which Salary shall be paid in equal Moieties by the Commissioners of *Rye* Harbour and the Commissioners of Sewers for the Time being acting for the said Levels of *Brede* and *Pett*, notwithstanding any Law or Usage to the contrary: Provided always, that in case the Members of the said Joint Committee shall, by reason of an equal Division between them, be unable to come to a Decision upon any Matters or Things to be done or ordered by them, then and in such Case it shall be lawful for the Members of the said Joint Committee, and they are hereby required forthwith, and from Time to Time, as Occasion may require, to appoint Two indifferent Persons to act as Arbitrators, one to be chosen by the Three Commissioners of the said Harbour, Members of the said Joint Committee, and the other by the Three Commissioners of Sewers, Members of the said Joint Committee; and in case the Two Arbitrators so to be appointed shall disagree, then a Third



Person as an Umpire shall be appointed by the said Arbitrators ; and the Decision of such Arbitrators, or in case of their Disagreement the Decision of such Umpire, shall be final and conclusive on all Parties.

LVI. And be it further enacted, That the Commissioners of Sewers for the Time being acting for the Levels of *Brede* and *Pett* shall, before the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-six, make new or repair and amend the Walls and Banks on each Side of the said *Brede* Channel from the said *Bridge Point* or *Brede Sluice* to *Brede Bridge*, so as effectually to protect the Lands on each Side of the said Channel from the Tidal Waters which are to be admitted through the Scuttles of the said Sluicing Gates of the said Sluice called *Bridge Point* or *Brede Sluice*, and shall also cause the said Channel to be deepened, scoured, and cleansed, so that there shall be at the flowing of the Tides Three Feet Six Inches of Water in all Parts of the said Channel between the said *Bridge Point* or *Brede Sluice* and *Brede Bridge* when the Tide shall flow to the Height of Nine Feet on the Sill of the *Bridge Point* or *Brede Sluice*, as at present constructed ; and that in deepening the said Channel between the said *Bridge Point* or *Brede Sluice* and *Brede Bridge* the Bed of the said Channel shall be formed as near as is practicable in a regular Declivity or Descent from *Brede Bridge* to the said *Bridge Point* or *Bridge Sluice* ; and also that the said Channel between the Points above mentioned shall either be Twenty-four Feet in Width at all Places, or in default thereof the said Commissioners of Sewers for the Time being acting for the Levels of *Brede* and *Pett* shall cause Recesses to be made at such convenient Parts of the said Channel as shall not contain Twenty-four Feet in Width, in order that there may be no Impediment or Obstruction to Barges, Boats, and Craft passing each other in the said Channel.

Commissioners of Sewers, before 29th September 1836, to repair Walls and Banks to protect Lands on each Side of *Brede* Channel.

LVII. And be it further enacted, That the Sluice-keeper of the said *Bridge Point* or *Brede Sluice* shall, at all Times between the First Day of *April* and the First Day of *November* in every Year after the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-six, permit the Waters of the Spring Tides to flow up the said Channel through the Scuttles of the Sluicing Gates, and shall cause the said Waters to be penned up, so that there shall be at all Times during the Continuance of Neap Tides Three Feet of Water at *Brede Bridge* if it shall be requisite for the Purposes of Navigation up the said *Brede Channel*, provided the Lands sewing into the said Channel be not prejudiced thereby.

Three Feet of Water to be penned up in the Channel between 1st April and 1st November in every Year during Neap Tides.

LVIII. And be it further enacted, That the Expenditor for the Time being of the said Levels of *Brede* shall be required to see that the Lands sewing into the said Channel or the Drainage thereof be not prejudiced by reason of the penning up of the Water between the said First Day of *April* and the First Day of *November* as aforesaid ; and if it shall appear to the said Expenditor that any of the Lands lying in the said Levels of *Brede* and *Pett*, or the Sewage or Drainage thereof, or any other Lands sewing into the said Channel, are prejudiced by the penning up of the said Water, it shall be lawful for the said Expenditor, and he is hereby authorized and required, to give Notice in Writing to the said Sluice-keeper requiring him to cause the whole of the Water which may then be in the said Channel, or so much thereof as may be necessary for the Purpose

Expenditor of Levels to see that Lands are not prejudiced by Water being so penned up, and give Notice to Sluice-keeper.



Purpose of effectually draining the Lands sewing into the said Channel, to be immediately drawn off.

Sluice-keeper neglecting his Duty to be discharged.

LIX. And be it further enacted, That if the Sluice-keeper shall neglect to cause the Water to be drawn off after having had Notice from the Expenditor as aforesaid it shall be lawful for any Member of the said Joint Committee to be appointed as aforesaid to proceed to the said *Bridge Point* or *Brede Sluice*, or to order and direct any Person or Persons to proceed to the said *Bridge Point* or *Brede Sluice*, and forthwith to open the said Sluicing Gates, in order that the Water may be immediately drawn off, and the Committee shall in such Case forthwith discharge such Sluice-keeper, and appoint another in his Place.

Commissioners of Brede Levels may suspend the Navigation during the Repair of Works.

LX. And be it further enacted, That if at any Time or Times after the said Twenty-ninth Day of *September* One thousand eight hundred and thirty-four the Works herein-before directed to be done in or relating to the said *Brede* Channel and the Walls and Banks thereof, or any Works relating thereto, shall in anywise be obstructed or impeded in their Progress, or when any of the Walls, Banks, Sluices, Drains, Sewing Guts, Gates, or other Works for protecting or draining the Lands sewing into the said Channel of *Brede* shall be in decay or out of repair, or require to be repaired, scoured, or cleansed, it shall and may be lawful to and for the said Commissioners of Sewers for the Time being acting for, the said Levels of *Brede* and *Pett*, or the Person or Persons appointed to superintend the said *Bridge Point* or *Brede Sluice* as aforesaid, from Time to Time and at all Times to prevent the Tidal Waters from passing into the said *Brede* Channel, and also to draw off the Water from the said Channel, and to suspend the Navigation thereof, but for such Time only as may be absolutely necessary for performing, repairing, reinstating, scouring, or cleansing any such Works; any thing herein-before contained to the contrary notwithstanding.

Commissioners of Sewers to raise and levy Scots.

LXI. And be it further enacted, That for the Purpose of defraying the necessary Charges and Expences in and about the making, repairing, and doing of any Works to be done by virtue of this Act at any Time or Times after the passing thereof, or by virtue of the existing Commission of Sewers or any Commission of Sewers hereafter to be issued touching or in anywise relating to the said *Bridge Point* or *Brede Sluice*, or to any Works connected therewith, or to the said Dam so to be put down in the said *Brede* Channel, or to the Walls or Banks on each Side of the *Brede* Channel up to *Brede Bridge*, or in reinstating, repairing, scouring, cleansing, keeping, maintaining, and supporting the same or any other Works relating thereto, it shall and may be lawful to and for any Six or more of the Commissioners of Sewers for the Time being, whereof Three of such Commissioners of Sewers shall be of the Quorum, from Time to Time to meet and assemble together on any Day or Days to be appointed by them for that Purpose, and at such Meeting to raise and levy such Sum or Sums of Money as shall from Time to Time be deemed necessary for the Purposes aforesaid by way of Rate, Tax, Cess, or Scot upon the Lands, Tenements, and Rents within the Levels of *Brede* and *Pett* of all and every Person or Persons whose Lands shall be benefited from Time to Time by such Works as aforesaid, after the Quantity of their Lands, Tenements, and Rents, by the Number of



of Acres and Perches, after the Rate of every Person's Portion, Tenure, or Profit, and after the Quantity of their Common of Pasture, in such Proportions, Manner, and Form as any Rate, Tax, Cess, or Scot, Sum or Sums of Money, have heretofore been raised, levied, and collected within the said Levels for the like Purpose, or in such other Proportions, Manner, and Form as the said Commissioners of Sewers shall from Time to Time at such Meetings see just and necessary, and shall by Writing under their Hands order and decree; which Orders and Decrees shall be kept by the Clerk of the Commissioners of Sewers for the Time being amongst the Records of the Court of such Commissioners; and that such Rates, Taxes, Cesses, or Scots so to be made, ordered, and decreed as aforesaid shall be valid and effectual to all Intents and Purposes whatsoever; and that such Rates, Taxes, Cesses, or Scots so to be made as aforesaid shall be collected, levied, raised, distrained for, and enforced in the same Way and Manner as any Sewer's Rate, Tax, Cess, or Scot is now by Law collected, levied, raised, distrained for, and enforced, notwithstanding any Law, Usage, or Custom to the contrary thereof.

LXII. And be it further enacted, That it shall and may be lawful for the said Commissioners of *Rye Harbour*, or any Five of them, and the Commissioners of Sewers for the Time being acting for the said Levels of *Brede* and *Pett*, or any Three of them, at any Time and from Time to Time after the passing of this Act, to make such Arrangements for the Alteration, Regulation, Order, and Management of the said Sluice called the *Bridge Point* or *Brede Sluice*, and the Works connected therewith, and also as to the Navigation of the said *Brede Channel*, as to them shall seem proper and necessary; which Arrangements shall be submitted in Writing to a public Meeting of the said Commissioners of *Rye Harbour* to be convened for that Purpose, and to a General or Special Session of Sewers to be holden for the said Levels of *Brede* and *Pett*, and if approved of and confirmed by the Majority of the Commissioners of *Rye Harbour* present at such public Meeting, and by any Six or more of the Commissioners of Sewers at such General or Special Session of Sewers, the same shall and may be acted upon, and shall be binding, conclusive, and effectual to all Intents and Purposes whatsoever; any thing in this Act contained to the contrary thereof in anywise notwithstanding.

Commissioners of *Rye Harbour* and Commissioners of Sewers to make such Arrangements for the Management of the *Bridge Point* in *Brede Sluice* as they may consider expedient.

LXIII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Powers, Privileges, and Authorities vested in the said Commissioners of Sewers by virtue of any Act or Commission of Sewers now in force or which may hereafter issue, and under which they are or shall be acting, except so far as by this Act is expressly enacted and declared.

Saving of Rights of Commissioners of Sewers.

LXIV. And whereas by reason of making Alterations in pursuance of the said Acts and this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Parishes, Townships, Precincts, or Places herein described; be it therefore further enacted, That for preventing the same the said Commissioners shall, from and after they shall become seised or possessed of the Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Commissioners shall think fit to redeem the same under the Powers of the Acts for the

For supplying Deficiencies in the Land Tax.

[*Local.*]

17 D

Redemption



Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of the said Parish or Parishes, Township or Townships, Precinct, or Places, out of the Monies to arise by virtue of the said recited Acts and this Act, all such Sum or Sums of Money as shall be deficient in the said several Assessments for Land Tax within the said Parish or Parishes, Township or Townships, Precincts, or Places, by reason or means of taking down or using for the Purposes of this Act any Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments for such Parishes or Townships.

Owners accountable for Damage done by Boatmen.

LXV. And be it further enacted, That the Owner and Owners of any Barge, Boat, or other Craft navigating the said *Brede* Channel shall be, and he, she, and they is and are hereby made answerable for all Trespasses, Damage, Spoil, or Mischief that shall be done by such Barge, Boat, or other Craft, or by any of the Boatmen, Bargemen, Watermen, or other Person or Persons belonging to or employed in or about the same respectively, by any Means whatsoever, to the said *Bridge Point* or *Brede Sluice*, or to any of the Banks or other Works erected, maintained, or repaired under the Provisions of this Act; and the Owner or Owners of every such Barge, Boat, or other Craft shall for every such Trespass, Damage, Spoil, or Mischief so committed as aforesaid, upon Conviction of the Boatman, Bargeman, Waterman, or other Person or Persons committing the same, before any Justice of the Peace for the County of *Sussex*, who shall have Power to hear and determine the Matter although the Offence may have been committed within any Limits where such Justice, except for the Provisions of this Act, would not have Jurisdiction, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby authorized to administer), or on the Confession of the Party or Parties offending, pay to the Clerk to the Commissioners of Sewers for the Time being acting for the said Level of *Brede* such Damages, Satisfaction, and Compensation as shall be ascertained, fixed, and determined by such Justice, together with all Costs, Charges, and Expences attending such Conviction, provided that such Damages, Satisfaction, or Compensation shall not exceed the Sum of Twenty Pounds besides the Costs of such Conviction, and shall also forfeit and pay to the Informer or Informers any Sum not exceeding Five Pounds, to be settled and determined by such Justice; and in case such Damages, Satisfaction, or Compensation, Penalty and Costs, shall not be paid on Demand, the same shall be recoverable in the same Manner as any Penalty is in and by this Act directed to be recovered; but in case such Damages shall exceed the Sum of Twenty Pounds, the said Owner or Owners may be sued by the Commissioners of Sewers for the Time being acting for the said Level of *Brede* for such Damages, Satisfaction, and Compensation, in the Name or Names of their Clerk or Clerks for the Time being, in any of His Majesty's Courts of Record at *Westminster*, at the Discretion of the Commissioners of Sewers for the Time being acting for the said Level of *Brede*; and no such Action or Suit shall abate or be discontinued by the Death or Removal of such Clerk or Clerks.

LXVI. Pro-



LXVI. Provided always, and be it further enacted, That every such Boatman, Bargeman, Waterman, or other Person so offending as last aforesaid shall be answerable for and shall repay all such Damages, Satisfaction, Compensation, and Penalty as shall be so ascertained, fixed, determined, and recovered as aforesaid, with all the Costs of levying and recovering thereof, to his Master or Masters or Owner or Owners; and in case of Nonpayment thereof, on Demand, and Oath made by such Master or Masters, Owner or Owners, of the Payment made by him, her, or them of such Damages, Satisfaction, Compensation, Penalty, and Costs, and that the same have been demanded of such Servant, Boatman, Bargeman, Waterman, or other Person respectively, but that the same have not been repaid (such Oath to be made before any One of His Majesty's Justices of the Peace for the said County of *Sussex*), the Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be levied and recovered, by Warrant under the Hand and Seal of such Justice.

Boatmen to  
be answerable  
to their Mas-  
ters for all  
such Damages  
and Costs.

LXVII. And be it further enacted, That it shall and may be lawful for any of the Commissioners of Sewers for the Time being acting for the said Levels of *Brede* and *Pett*, or for any of their Surveyors, Collectors, or other Officers, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, being unknown to such Commissioners, Surveyors, Collectors, or Officers, who shall commit any Offence or Offences against this Act, and to deliver him, her, or them into the Custody of any Peace Officer in order to be secured and conveyed before any Justice or Justices of the Peace for the County of *Sussex*, and such Justice or Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions in this Act contained.

For securing  
transient  
Offenders.

LXVIII. And be it further enacted, That from and immediately after the passing of this Act it shall and may be lawful to and for the Commissioners of the said Harbour to make or cause to be made a proper and commodious public Carriage Road of the Width of Thirty Feet, for all Persons, Vehicles, and Cattle to pass and repass, without paying Toll, from a certain Part of the High Road leading from *Rye* to *Winchelsea* in the County of *Sussex*, opposite a Martello Tower, numbered Thirty, on the North Side of the said Road, to and over the Dam to be made in the *Brede* Channel as herein-before mentioned, and from the said Dam to the said Bridge to be erected over the said Sluice called the *Bridge Point* or *Brede Sluice*, as herein-before also mentioned, and from thence to and over the said Lands belonging to Sir *William Ashburnham* Baronet, *William Lucas Shadwell* Esquire, and *Christopher Thorpe* Gentleman, situate in the Parishes of *Rye* and *Icklesham*, or One of them, in the said County of *Sussex*, to the Mouth of the said Harbour on the Western Side thereof; and that it shall and may be lawful to and for the Commissioners of the said Harbour, for the Purpose of making the said Road, and for their Agents and Workmen, to enter into and upon the Lands belonging to any Person or Persons, Bodies Politic or Corporate or Collegiate whatsoever, through which the said intended Road is to pass, and to set out and ascertain, subject to the Powers and Directions of this Act, such Parts thereof as they shall think necessary and proper for making the said Road; and when and so soon as the same shall be so set out and ascer-

Commission-  
ers of the  
Harbour to  
make a public  
Carriage  
Road from  
the High  
Road (lead-  
ing from *Rye*  
to *Winchel-  
sea*) to the  
Mouth of the  
Harbour.

tained,



tained, and Compensation to the Parties interested shall have been agreed upon, or made or tendered, as herein-before mentioned, by the Commissioners of the said Harbour, then it shall be lawful for the Commissioners of the said Harbour to separate the Lands so intended for the said Road from the adjoining Lands, Tenements, or Hereditaments, as shall be found necessary and convenient; and such Parts of the said Road as are not upon the said Bridge to be made and erected as aforesaid shall be made, and at all Times afterwards maintained and repaired, at the proper Costs and Charges of the Commissioners of the said Harbour, by and out of the Rates and Dues received or to be received under or by virtue of any Act of Parliament now in force relating to the said Harbour.

Harbour  
Rates and  
Duties.

LXIX. And be it further enacted, That from and after the First Day of *January* One thousand eight hundred and thirty-four it shall and may be lawful for the Commissioners of the said Harbour, and such Person and Persons as they shall appoint, to demand, collect, receive, and take of and from all and every the Masters and Owners of any Ships, Boats, Barges, or other Vessels which shall come into or depart from the said Harbour the several Rates and Duties following; (that is to say,)

For every Ship, Boat, Barge, or other Vessel belonging to any Port or Ports whatsoever, not specially exempted by this Act, laden with any Cargo (except Chalk), the Sum of One Shilling *per* Ton; and if laden with Chalk, the Sum of Three-pence *per* Load.

Exemption  
for Vessels  
coming into  
Harbour  
under Stress  
of Weather.

LXX. Provided nevertheless, and be it further enacted, That no Ship, Barge, Boat, or Vessel (which shall come into the said Harbour under Stress of Weather, or for Orders, or for any other temporary or contingent Cause, and shall not unload any Part of the Cargo,) shall be liable to the Payment of any of the before-mentioned Dues; but if any such Ship, Barge, Boat, or Vessel shall come into the said Harbour under Stress of Weather, and shall require such Repairs as may render it necessary to unload any Part of the Cargo, that the Master or Owner of such Ship, Barge, Boat, or Vessel shall forthwith pay the Rates and Dues above mentioned; but after such Repairs shall have been completed, and the whole of the Cargo so landed shall have been reshipped, in order that the Master or Owner of such Ship, Boat, Barge, or Vessel may proceed on his Voyage, then the Master or Owner of such Ship, Barge, Boat, or Vessel shall be entitled to have such Dues repaid to him as shall have been so paid in respect of the Cargo which shall be so reshipped, without any Fee or Deduction whatsoever.

Officers may  
enter and  
measure Ves-  
sels to ascer-  
tain Tonnage.

LXXI. And for better ascertaining the Rates and Duties by this Act made payable, be it further enacted, That in case any Officer or Officers appointed or to be appointed by virtue of this Act or any other Act in force relating to the said Harbour, and the Owner, Master, or other Person having the Charge or Command of any Ship, Boat, Barge, or other Vessel in respect whereof or of the Cargo whereof any of the said Rates or Duties are made payable, cannot agree as to the Amount of the Tonnage thereof, it shall be lawful for such Officer or Officers at any seasonable Time to enter into such Ship, Boat, Barge, or other Vessel, and view and measure the same or the Cargo thereof; and if any such



Master or other Person having Charge or Command of any such Ship, Boat, Barge, or other Vessel, or any other Person or Persons whomsoever, shall obstruct, delay, or hinder the viewing and measuring of any such Ship, Boat, Barge, or other Vessel, or the Cargo thereof as aforesaid, the Master or Owner or such other Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Double the Amount of Tonnage Duty, to be applied in like Manner as the said Rates and Duties are hereby directed to be applied.

LXXII. And be it further enacted, That it shall be lawful for any such Officer or Officers as aforesaid, either to go on board any Ship, Boat, Barge, or other Vessel in respect of which the Masters or Owners are made liable to any of the Rates or Duties hereby granted or made payable, and to demand, collect, and receive the said Rates or Duties, or otherwise to demand the same publicly on the Shore, Quay, or Pier adjoining the said Harbour, and in case of Nonpayment thereof upon Demand made on board such Ship, Boat, Barge, or other Vessel, or on the said Shore, Quay, or Pier, to take, seize, and distrain any such Ship, Boat, Barge, or other Vessel, and all or any Tackle, Apparel, or Furniture thereto belonging, or the Cargo thereof, or which shall have been landed thereupon, or any Part thereof respectively, and the same to detain and keep until he or they shall be fully satisfied and paid the said Rates and Duties; and in case of Neglect or Delay in Payment of any of the said Rates or Duties for Five Days after such Seizure or Distress made, then the Person or Persons so levying or distraining may cause such Ship, Boat, Barge, or other Vessel, or other Goods and Things so distrained, or any Part thereof, to be sold for the Payment of the Rates and Duties so neglected or delayed to be paid as aforesaid, and for which such Seizure or Distress shall have been so made as aforesaid, together with the reasonable Costs and Charges of taking, keeping, and selling such Distress respectively, rendering to the Master or other Person having the Rule or Command of such Ship, Boat, Barge, or other Vessel, or being the Owner or Proprietor, or being in possession of any such Goods or other Things, the Overplus (if any), on Demand, after deducting the reasonable Charges of such Seizure, Distress, and Sale as aforesaid.

Manner of recovering Rates and Duties when unpaid.

LXXIII. And be it further enacted, That if any Owner or Owners, Master, or other Person as aforesaid shall by any Means whatsoever at any Time or Times elude, evade, or avoid the Payment of the Rates or Duties hereby made payable, or any Part of the same, each and every Person or Persons eluding, evading, or avoiding Payment as aforesaid shall forfeit and pay to the Commissioners of the said Harbour or their Successors a Sum equal to the Amount of such Rates and Duties; and the same shall be recovered from such Owner or Owners, Master, or other Person in the same Manner as Fines and Penalties imposed by this Act are to be levied and recovered, or by Action or Actions at Law, and shall also stand charged with and be liable to the Payment of the said Rates and Duties.

Owners or Masters of Vessels evading Payment to continue chargeable.

LXXIV. And be it further enacted, That the Master or Agent of any Ship, Boat, Barge, or other Vessel who shall have paid the said Rates, Dues, and Duties to the said Collector or Collectors thereof is hereby

Masters of Vessels having paid Duties on Cargo may

[*Local.*]

17 E

authorized



recover the same from the Owners thereof.

authorized to take and detain the Goods and Commodities which shall be brought or shipped on board in such Ship, Boat, Barge, or other Vessel until he shall have been repaid by the Owner or Owners of such Goods and Commodities all such Sum or Sums of Money so paid; and if such Sum or Sums shall not be paid within Five Days after the same shall have been demanded, such Master or Agent is hereby empowered to sell the same, and after deducting all Charges and Expences attendant thereon to pay the Overplus to the Owner or Owners of such Goods and Commodities; and that the Receipt of the Collector of such Rates, Dues, and Duties for the Time being shall be Evidence of the Payment thereof, and received as such in any Court of Law or Equity: Provided always, that nothing herein contained shall affect or be construed to affect any Agreement in Writing which may have been made between the Master or Agent and Owner or Owners of any such Goods and Commodities respecting the Payment of any Rates, Dues, or Duties.

Exemptions of Vessels in His Majesty's Service.

LXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to charge His Majesty, or any other Person in His Behalf, with the Payment of any of the Rates or Duties under this Act or either of the said recited Acts in respect of any of His Majesty's Ships of War, or any other Ship, Transport, or Packet of His Majesty, His Heirs or Successors, or any Vessel employed in His Majesty's Revenue or Customs or Excise, or in the Service or Employ of the Ordnance, or any Ship, Transport, or Packet employed in carrying the Mails of Letters and Expresses under the Authority of His Majesty's Postmaster General, or any Vessel employed in or upon His Majesty's Service, or in the Conveyance of any Officers or Soldiers, or any Horses, Arms, Ammunition, or Baggage to them or any of them belonging; and if any Person or Persons shall claim and take the Benefit of any such Exemption as aforesaid without being entitled thereto, every such Person shall for every such Offence forfeit and pay the Sum of Twenty Pounds.

Custom-house Officers not to clear Vessel until Rates and Duties under this Act have been paid.

LXXVI. And be it further enacted, That for the more effectually securing of the Payment of the said Rates and Duties herein-before granted and authorized to be taken, the Collector, Comptroller, or other Officer of His Majesty's Customs shall at any Time after the passing of this Act be authorized to refuse to give or make out a Cocket or other Discharge, or take any Report outwards for any Ship, Boat, Barge, or other Vessel within the said Harbour, or to permit any Ship, Boat, Barge, or other Vessel to go out of the said Harbour, or from any Landing Place within the Limits thereof, until the Master or Owner or other Person having the Rule or Command of such Ship, Boat, Barge, or other Vessel shall produce a Certificate from the Collector or Collectors of the said Harbour that the Rates or Duties by this Act herein-before granted or imposed are paid or secured to be paid; which said Certificate the Collector or Collectors is and are hereby required to give without Fee or Reward.

Power to alter Rates and Duties.

LXXVII. And be it further enacted, That it shall be lawful for the Commissioners of the said Harbour, at any General or Special Meeting from Time to Time to be held by them, to reduce and lessen the Rates and Duties by this Act granted for such Time or Times as they shall think proper, and so from Time to Time as often as they shall think fit, again



again to advance and raise the same or any of them to any Sum or Sums of Money not exceeding the Rates and Duties herein respectively specified; and all such Rates and Duties so reduced and lessened, or advanced and raised again, shall be recovered, levied, applied, and disposed of in like Manner, and subject and liable to the like Powers, Regulations, and Directions, as are herein mentioned with respect to the Rates and Duties herein-before granted.

LXXVIII. And whereas it is expedient that proper and skilful Persons should be licensed and appointed Pilots of the said Port and Harbour of *Rye* and the adjoining Coasts, but Doubts are entertained whether there be any Authority competent, according to the Laws now in force, to license or appoint Pilots for the said Port and Harbour and adjoining Coasts; be it therefore declared and enacted, That it shall and may be lawful for the Corporation of Trinity House of *Deptford Strond*, and they are hereby required, to appoint from Time to Time (as often and for such Periods as they in their Discretion shall think fit) proper and competent Persons (not to exceed Five nor to be less than Three Persons) resident within the Port of *Rye* to act as Sub-commissioners of Pilotage for the said Port and Harbour, and who shall be called "Sub-commissioners of Pilotage," and shall take the Oath prescribed by the Act of Parliament passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Amendment of the Law respecting Pilots and Pilotage, and also for the better Preservation of Floating Lights, Buoys, and Beacons*, and set forth in the Schedule marked (C.) to the said Act annexed, for the faithful Discharge of their Duty; and such Persons so to be appointed shall examine and they are hereby authorized (so long as their Deputation or Appointment shall not be revoked or superseded) to examine into the Qualification of Persons to act as Pilots for the said Port and Harbour and the adjoining Coasts; and it shall be lawful for the said Corporation, upon their receiving a satisfactory Certificate under the Hands of any Three of the Persons so to be appointed Sub-commissioners as aforesaid, if the whole Number shall consist of Four or Five, and of any Two, if the whole Number shall consist of Three, that any such Person so examined as aforesaid is duly qualified to act for such Port and Harbour and the adjoining Coasts, to give a Licence to such Person to act as a Pilot within the particular Limits (describing the same) for which he shall have passed such Examination; and when and so soon as the said Corporation shall have licensed any Pilot or Pilots for the said Port or Harbour and the adjoining Coast, they shall cause such Notice thereof to be given, and in such Manner and Form, and so to be published, as a Notice directed to be given by the said Act of Parliament passed in the Sixth Year of His late Majesty's Reign, in the Case of Licences granted by the said Corporation under the Authority of that Act to Pilots for any particular Port or Ports and the Coasts near the same; and from and after a Time or Times to be limited in the said Notice, which shall not in any Case, or in relation to any Ships or Vessels whatsoever, be less than Six Weeks from the Publication thereof as aforesaid, and shall be proportionally more, at the Discretion of the said Corporation, in relation to Ships and Vessels engaged in Foreign Voyages at the Time of such Publication, all Ships and Vessels sailing, navigating, or passing into or out of the said Port or Harbour, or upon the Coasts thereof, (save and

The Corporation of *Deptford Strond* shall appoint Sub-commissioners to examine Pilots, and on their Certificate of Qualification may grant Licences.

6 G. 4. c. 125.

Notice of Appointment of Pilots by the Corporation to be published, &c. in like Manner as is directed by 6 G. 4. c. 125.



and except under such Circumstances as are saved and excepted in and by the said Act of Parliament), shall be conducted and piloted by such Pilots only as shall be so licensed as aforesaid, and by no other Pilots or Persons whomsoever.

Said Corporation to establish Rates for Pilotage.

LXXIX. And be it further enacted, That the said Corporation shall be and they are hereby invested with the same Power and Authority to establish, vary, and alter from Time to Time Rates of Pilotage in relation to all Pilotage performed in the said Port or Harbour, or upon the adjoining Coasts, by any Pilot to be licensed by the said Corporation as aforesaid, as the said Corporation is now invested with in regard to Pilotage performed in any Port or on the adjoining Coasts thereof by any Pilot licensed by the said Corporation for any particular Port or Place under the Authority of the said Act of Parliament, subject to the same Right of Appeal as is given by the said Act; of which Establishment or Alteration of Rates of Pilotage such Notice shall be given, and in such Manner and Form, as are directed by the said Act of Parliament; and no greater or less Rates or other Reward or Emolument for such Pilotage shall, under any Pretence whatever, be demanded, solicited, received, paid, or offered, on pain of forfeiting Ten Pounds for every such Offence, as well by the Person demanding, soliciting, or receiving, as by the Person paying or offering, such greater or less Rates, Reward, or Emolument.

Licences to be granted in same Form as Licences under 6 G. 4. c. 125.

and the Provisions of that Act to apply to all Pilots, Masters, &c. as if such Pilots had been licensed under the same.

LXXX. And be it further enacted, That the Licences to be granted by the said Corporation under the Authority of this Act shall be granted in such Form, and for such Period, and subject to such Power of Renewal and Suspension, Amendment or Revocation, as the Licences granted under the said Act of Parliament herein-before mentioned; and such Pilots, when so licensed as aforesaid under the Authority of this Act, shall, for all Purposes and to all Intents whatsoever, be deemed and taken to be Pilots licensed under the said Act of Parliament so passed as aforesaid in the Sixth Year of His late Majesty's Reign; and all and every the Enactments, Protections, Provisions, Forfeitures, Penalties, Matters, and Things contained in that Act of Parliament, conferred or imposed thereby, and all Bye Laws made by the said Corporation in pursuance thereof, shall be deemed and taken to apply to Pilots so to be licensed as aforesaid under the Authority of this Act, and to all Masters and Owners of Ships and Vessels, and other Persons whatever, in the same Manner and to the same Extent, and the said Forfeitures and Penalties shall be recovered and applied in the same Way, as if the said last-mentioned Pilots had been duly licensed under the said Act of Parliament so passed as aforesaid in the Sixth Year of the Reign of His late Majesty.

Saving the Rights of the Lord Warden of the Cinque Ports.

LXXXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from any of the Powers or Authorities, Rights or Privileges of the Lord Warden of the Cinque Ports and Constable of *Dover* Castle, or his Lieutenant for the Time being, under the said Act of Parliament of the Sixth Year of the Reign of His late Majesty King *George* the Fourth.

Saving the Rights of Trinity House.

LXXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate



derogate from any of the Rights or Privileges of the said Corporation of Trinity House of *Deptford Strond*.

LXXXIII. And be it further enacted, That in case any Vessel shall be wilfully or negligently run or driven, either against any Pier or Piers, or any other of the Works erected or to be erected or made for the protecting and improving of the said Harbour, so as to break, damage, or injure the same, the Person having the Government or Rule of such Ship, or acting as such, shall be liable to answer and make good the Damage or Injury done to the same, to be recovered by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Privilege, nor more than One Imparlance shall be granted or allowed.

Commanders of Vessels liable for Damages done by Vessels to Piers and Works of Harbour.

LXXXIV. And be it further enacted, That the Owner, Master, or other Person having the Command of every Ship, Barge, Boat, or other Vessel coming into the said Harbour shall be and is hereby made answerable to the Commissioners of the said Harbour for the Amount or Value of any Damage or Injury that shall be done by such Ship, Barge, Boat, or other Vessel to any of the Works and Walls of the said Harbour through the wilful, negligent, or unskilful Conduct of any Person belonging to or having the Care or Management of the same; and the said Owner, Master, or other Person having the Command as aforesaid shall for every such Damage, upon Conviction before any Two or more Justices of the Peace for the Towns of *Rye* or *Winchelsea*, either by Confession of the Party or Parties offending, or upon the Oath or (being one of the People called *Quakers*) on the Affirmation of One or more credible Witness or Witnesses, pay to the Commissioners of the said Harbour the Damages, to be ascertained by such Justices, and all Costs, Charges, and Expences attending such Conviction; and in case such Damages and Costs shall not be paid upon Demand, the same shall be recoverable by the Commissioners of the said Harbour in like Manner as any Penalty is in and by this Act directed to be recovered.

Masters of Vessels liable for Damages done to Works and Walls of Harbour.

LXXXV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Channels of *Brede* or *Tillingham* so as to obstruct the Navigation of the said Channel or Channels, or shall navigate on the aforesaid Channel or Channels respectively any Boat or Vessel laden with Timber which shall lie over the Sides of such Boat or Vessel in such a Way as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given of such Obstruction, haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Channel or Channels, or shall wilfully damage or obstruct the same or the Navigation thereof, or shall in any Manner howsoever injure or obstruct any of the Trenches, Sluices, Sewing Guts, Drains, or other Passages for Water now made or to be made in pursuance of this Act; or if any Person or Persons shall unlawfully and wantonly or unnecessarily open or draw, or cause to be opened and drawn, any Lock, Paddle, Valve, or Sluice belonging to the said

Penalty on Persons floating Timber on Harbour Channels, or obstructing the Navigation, or throwing Ballast in Channels, &c.

[*Local.*]

17 F

Channel

unnecessarily opening Locks or wasting Water;



or hindering  
the Execu-  
tion of this  
Act.

Channel or Channels, or shall wilfully or unlawfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the said Channel or Channels, or shall leave any of the Gates or Sluices open after any Boat or Vessel shall have passed through the same, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act; every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Twenty Pounds nor less than One Pound, to be recovered in like Manner as herein-before provided for the Recovery of other Penalties by this Act inflicted and imposed for Offences committed within the Jurisdiction of the said Commissioners of Sewers, and to be paid to the Clerk of the Commissioners of the Level of *Brede* aforesaid, and be by him applied for the Purposes of the said Level.

Punishment  
of Persons  
wilfully de-  
stroying  
Works.

LXXXVI. And be it further enacted, That if any Person or Persons shall wilfully cut, break, throw down, demolish, or destroy any Quays, Wharfs, Piers, Jetties, or any of the Works now constructed and belonging or which shall be constructed and belong to the said Harbour, or if any Person or Persons shall wilfully cut, break, throw down, damage, demolish, or destroy any Bridge or Bridges, Sluice or Sluices, Dam or Dams, Bank or Banks, Wall or Walls, Lock or Locks, Erections or Buildings, or other Works heretofore erected and made by the said Commissioners of the said Harbour or Commissioners of Sewers respectively, or which shall hereafter be erecting, making, or erected or made, under the Provisions of this Act, every Person so offending shall be and be deemed guilty of Felony, and being lawfully convicted shall be transported as Felons are directed to be transported by the Laws and Statutes of the Realm, for any Term not less than Seven Years.

Collector of  
Rates not  
disqualified  
from giving  
Evidence.

LXXXVII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or relating to the said Rates or Duties, or any of them, the Person or Persons now or at any Time hereafter to be appointed to collect the said Rates or Duties under the Authority of the Commissioners of the said Harbour shall not be disqualified from giving Evidence in any such Dispute, Suit, or Litigation by reason of his, her, or their being appointed to collect such Rates or Duties.

Commission-  
ers of the  
Harbour may  
make Bye  
Laws.

LXXXVIII. And be it further enacted, That a Majority of the Commissioners of the said Harbour present at any Meeting called for that Purpose shall have full Power and Authority from Time to Time to make such Bye Laws, Rules, Orders, and Regulations as to them shall seem right and proper for the better regulating of the said Port and Harbour, and for the good Government of the Officers and Servants of the Commissioners of the said Harbour, and for the Security and Safety of the Works to be made and done by the said Commissioners of the Harbour in pursuance of this Act, and for the Regulation of all Officers, Workmen, and Servants to be employed in or about the said Works, and for the Superintendence and Management of the said Undertaking, and for the Appointment, Regulation, Direction, and well conducting of Ships, Boats, Barges, or other Vessels into, out of, or whilst within the said Port and Harbour, and from Time to Time to alter, vary, or repeal such Bye Laws, Rules, Orders, and Regulations, or any of them, and to impose others, as Occasion shall be or require, and to impose and inflict reasonable Fines and Forfeitures for the Breach or Non-performance



performance of such Bye Laws, Rules, Orders, and Regulations, or any of them, so as no One Penalty or Forfeiture shall exceed Five Pounds; which Fines and Forfeitures shall be recovered and levied as other Fines and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered and levied; and that all such Bye Laws, Rules, Orders, Regulations, and the Fines and Forfeitures imposed and inflicted for the Breach or Nonperformance thereof, shall from Time to Time, as often as the same shall be made, altered, or varied, and when the same shall have been entered in the Books of the Commissioners of the said Harbour, be printed, and the same shall also be painted upon a Table or Tables, Board or Boards, which Table or Tables, Board or Boards, shall be affixed on the Strand Wharf of the said Town of *Rye*, and in such other Place or Places as the Commissioners of the said Harbour shall appoint, and shall be renewed from Time to Time as often as the same shall be pulled down, defaced, or obliterated; and upon Application a Copy thereof shall be delivered to the Owner or Owners or Person or Persons having the Rule or Command of any Ship, Boat, Barge, or other Vessel, requiring the same; and such Table or Tables, Board or Boards, when so fixed or put up, shall be and be deemed to be full and conclusive Evidence of Notice of all such Bye Laws, Rules, Orders, and Regulations on and to all Persons whomsoever, and all such Bye Laws, Rules, Orders, and Regulations shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, Orders, and Regulations be not inconsistent with or repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to the Provisions and Directions in this Act contained; and all such Bye Laws, Rules, Orders, and Regulations, and all Convictions for Offences against the same, shall be subject to Appeal in manner herein-after directed.

LXXXIX. And be it further enacted, That the Commissioners of the said Harbour shall and they are hereby required from Time to Time to order and direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, and on what Account and from whom the same shall have been received, and of all Sums of Money paid and expended for or on account of the Purposes of this Act or the said recited Acts, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book and Books shall at all seasonable Times be open to the Inspection of the Commissioners of the said Harbour of *Rye*, and every Creditor of the Rates and Duties, without Fee or Reward; and the said last-named Commissioners and Creditors, or any of them, shall or may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Treasurer or other Person with whom the same shall be deposited shall on any reasonable Demand refuse to permit or shall not permit the Commissioners of the said Harbour, or Creditors, or any of them, to inspect the same, such Treasurer or other Person so refusing shall forfeit and pay for every such Offence a Penalty or Sum not exceeding Ten Pounds, to be recovered as herein-after mentioned.

Books of Account to be kept by Treasurer.

XC. And



One Month's  
Notice to be  
given before  
Actions are  
brought.

XC. And be it further enacted, That no Action, Suit, or Information shall be brought or commenced against any Body or Bodies Politic, Corporate, or Collegiate, or any Person or Persons, for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, until Notice in Writing shall have been given to the Defendant or Defendants One Calendar Month before such Action, Suit, or Information shall be commenced, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause or Intention of and for commencing such Action, Suit, or Information; nor shall the Plaintiff or Plaintiffs recover in any such Action, Suit, or Information if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on the Behalf of the Defendant or Defendants, before such Action, Suit, or Information brought or commenced; and in case no such Tender shall be made it shall and may be lawful to and for the Defendant or Defendants in any such Action, Suit, or Information, by Leave of the Court, after such Action, Suit, or Information shall have been brought or commenced, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of  
Actions.

XCI. Provided always, and be it further enacted, That no Action, Suit, or Information shall be brought or commenced against any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any thing done in pursuance of this Act after Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards; and every such Action, Suit, or Information shall be laid or brought in the County where the Matter in dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance of and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought, laid, or commenced after the Time so limited for bringing the same, or shall be brought, laid, or commenced in any other County than as aforesaid, then and in that Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his or their Action or Actions, Suit, or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have full Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

General  
Issue.

Commis-  
sioners of  
Harbour may  
sue and be  
sued in the

XCII. And be it further enacted, That the Commissioners of the said Harbour may sue and be sued, for or concerning any thing to be done by virtue or in pursuance of this Act, in the Name of One of the last-



named Commissioners or of their Clerk for the Time being; and no Action or Suit to be brought or commenced by the Direction of or against the Commissioners of the said Harbour by virtue of this Act, in the Name of One of the said last-named Commissioners or of their Clerk, shall abate or be discontinued by the Death or Removal of any such Commissioner or Clerk without the Consent of the Commissioners of the said Harbour, but One of the Commissioners of the said Harbour, or the Clerk for the Time being of the said last-named Commissioners, shall be deemed to be Plaintiff or Plaintiffs, as the Case may be: Provided always, that every such Commissioner or Clerk in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act shall be fully reimbursed and paid, out of the Monies to arise by virtue of this Act or of the said recited Acts, or either of them, or any other Acts now in force relating to the said Harbour, all such Costs, Charges, Damages, and Expences as by the event or in consequence of any such Action or Proceeding he shall bear, pay, expend, or be put unto, or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Name of One  
Commis-  
sioner or of  
their Clerk.

XCIII. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed), shall and may be made before One or more Justice or Justices of the Peace for the County, City, or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or, upon Complaint upon Oath, to issue his or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, or upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint or Information by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals for levying the Fine, Penalty, or Forfeiture by virtue of this Act, or of any Regulation made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful for any Justice or Justices to order any Person or Persons so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until it can be ascertained whether such Person or Persons hath or have any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be forthwith paid, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice or Justices shall not be required to issue such Warrant of

Recovery of  
Penalties.

[Local.]

17 G

Distress;



Distress ; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his or their Hand or Seal or Hands or Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Twelve Calendar Months, unless or until such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied ; and all such Fines, Penalties, and Forfeitures when recovered shall, where the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Commissioners of the Harbour of *Rye*, and shall be applied and disposed of towards defraying the Expences of the said Navigation, Harbour, and other Works ; and the Overplus (if any) arising from such Distress or Sale, after Payment of the Penalty and Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Justices may proceed by Summons in the Recovery of Penalties.

XCIV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint in a summary Way, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice ; and all such Proceedings by Summons without such Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

XCV. And be it further enacted, That all and every Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or any other Form of Words to the same Effect :

‘ to wit. } **BE** it remembered, That on [*Time of Conviction*] at [*Place of Conviction*] *A. B.* [*Name of Offender*] was duly convicted before me [*or us, Name and Style of convicting Justice or Justices,*] for that the said [*Name of Offender*] on [*Time of committing Offence*] at [*Place of committing Offence*] did [*here state the Offence against the Act according to the Fact*], contrary to the Form of the Statute made in the Third Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], and I [*or we*] do therefore declare and adjudge that the said [*Name of Offender*] has forfeited for the said Offence the Sum of [*Fine*] to be paid to the Treasurer of the said Commissioners [*if the Penalty goes to the Commissioners*] or to the Party entitled thereto, [*if any other Party ; or, if the Penalty is Fine and Imprisonment,*] declare and adjudge that the said [*Name of Offender*] is guilty of the said Offence, and shall be committed to [*Place of Imprisonment*] for the Space of [*Time of Imprisonment*]. Given under my Hand and Seal [*or our Hands and Seals*] the Day and Year first above written.’



XCVI. And be it further enacted, That in case there be no Goods and Chattels of the Offender on which any pecuniary Penalty can be levied, and the Offender refuses to pay the same, it shall be sufficient for the said Justice in the Warrant for committing the Offender to Prison as hereinbefore mentioned to recite the Conviction shortly according to the Form aforesaid, and to state that the Offender had no Goods and Chattels on which to levy the Distress, and that he refused to pay, and to commit him accordingly unto the Common Gaol or House of Correction for any Term not exceeding Twelve Calendar Months, or until the Penalty and Charges to be specified are paid.

Where there are no Goods and Chattels on which to levy a Distress.

XCVII. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, or the Party or Parties making same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Persons making an irregular Distress not to be deemed Trespassers *ab initio*.

XCVIII. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Proceedings not to be quashed for Want of Form.

XCIX. Provided always, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, shall think himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the Commissioners of the said Harbour of *Rye*, or any Order, Conviction, or Determination of any Justice or Justices, or by any Bye Law, Rule, Order, or Regulation of the said last-named Commissioners, or by any Matter or Thing done in pursuance of this Act (for which no particular Method of Relief hath been already provided), it shall and may be lawful for such Person or Persons, or Body or Bodies Politic or Corporate, to appeal, within Three Calendar Months next after the Cause of Complaint shall have arisen, to the Justices of the Peace at any General Quarter Sessions of the Peace to be held in and for the County or Place where the Cause of Complaint shall have arisen, and not elsewhere, such Appellant or Appellants having first given at least Fourteen Days Notice in Writing of his or their Intention to appeal as aforesaid, and of the Matter or Cause thereof, to the principal Clerk of the Commissioners of the said Harbour, or other the Respondent or Respondents, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for such County or Place, with Two sufficient Sureties, or in case of the Absence Abroad or the Sickness of the Party appealing, then and in that Case on Two competent Persons entering into such Recognizance, conditioned to try such Appeal, and to abide the Order of and to pay such Costs as shall be awarded by the said Justices at such Sessions; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way

Parties aggrieved may appeal.



Way hear and determine such Complaint at such General Quarter Sessions of the Peace to be held for such County or Place, or, if they think proper, may adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County or Place, and, if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of any Rule, Bye Law, Order, or Determination, and also shall and may, according to their Discretion, award such Satisfaction and Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding to and upon all Parties to all Intents and Purposes whatsoever.

Application  
of Compensation  
Monies.

C. And be it further enacted, That all the Money which shall come to the Hands of the Commissioners of the said Harbour or any of them, or their Treasurer, by virtue of this Act, for Compensation to be paid for excluding the Tidal Waters as herein-before mentioned, and all Money which shall at the Time of the passing of this Act be in the Hands of the said Treasurer, shall be applied by the Commissioners of the said Harbour, or any Five or more of them, in manner following; (that is to say,) in the first place, in Payment and Discharge of all the Costs and Expences incurred by the Direction and with the Sanction of the Commissioners of the said Harbour attending the obtaining and passing of this Act, such Costs, Charges, and Expences to be settled by the Commissioners of the said Harbour or any Five or more of them; and in the next place in Payment and Discharge of the Expences of making the said Walls and Embankments, putting in the said Sewing Guts and Drains, and maintaining the said Walls and Embankments, Sewing Guts and Drains, during the Period herein-before directed; and in the next place in Payment of such Sum and Sums of Money as the said Surveyors shall award to be paid by the Commissioners of the said Harbour as the apportioned Part of the said Sum of Three Pounds *per Acre* in respect of the Lands to be charged with the Payment of such Sum or Sums respectively; and in the next place in Payment of the Costs, Charges, and Expences of the said Surveyors herein-before named, or to be appointed as herein-before directed, and the Costs, Charges, and Expences of any Award to be made by them relating to any of the Works, Matters, and Things authorized to be made and done under the Authority of this Act; and in the next place in Payment of such Sum or Sums of Money as may be awarded for the Purchase of any Lands, Tenements, or Hereditaments for the Purposes of or under the Authority of this Act, or for Compensation or Damage in respect thereof; and in the next place in Payment and Discharge of all such Damages, Costs, and other Expences hereby provided for and directed to be paid by the Commissioners of the said Harbour; and in the next place in Payment of such Sum and Sums of Money as were at the Time of the passing of the said recited Act of the First of *William* the Fourth due and owing upon Mortgage of the Rates and Dues of the said Harbour as shall be required to be paid, and the Interest upon such Mortgage or Mortgages respectively; and in the next place in Payment and Discharge of all other Sums of Money now due and owing by the Commissioners of the said Harbour of *Rye* in respect or on account of the said Harbour, and in the Order in which the said Debts and Sums of Money were contracted.

CI. And



CI. And be it further enacted, That from and after the passing of this Act all Monies which shall come to the Hands of the Commissioners of the said Harbour or their Treasurer, as Sums received for Rates and Dues, and the Revenues of the said Harbour, shall be applied, in the first place, in Payment of such Charges and Expences as may be incurred in maintaining and improving the said Harbour, and the several Works, Matters, and Things thereto belonging, or in keeping them or either of them in repair; and in the next place in Payment and Discharge of the Interest hereafter to grow due upon any Sums raised subsequent to the passing of the said recited Act of the First Year of the Reign of His Majesty King *William* the Fourth, to be raised by way of Mortgage of the Rates and Dues of the said Harbour, and so much of the Principal Money as shall hereafter be required to be paid or tendered by the Commissioners of the said Harbour in discharge of such Mortgage or Mortgages hereafter to be created; and after all such Charges and Expences as aforesaid shall be paid and satisfied all the Money remaining in the Hands of the Commissioners of the said Harbour shall be invested and afterwards applied for such Purposes as the Commissioners of the said Harbour for the Time being shall deem expedient, and for the Benefit of the said Harbour.

Application  
of Revenue.

CII. Provided always, and be it further enacted, That it shall be lawful for the Owners and Masters of any Boat, Barge, or Vessel navigating the said Harbour, or any Channel or Channels communicating therewith, and the Servants of such Owners or Masters, and all other Persons whomsoever, to use so much of the Ground as shall lie between the Walls and Banks to be erected under the Authority of this Act and the said Harbour Channel, on each Side thereof, from the Mouth of the said Harbour to the said *Bridge Point* or *Brede Sluice*, *Scot's Float Sluice*, and *Tillingham Sluice*,) or so much thereof as shall be necessary for the Purpose of a Towing or Tracking Path and Footpath; and that it shall be lawful for the Commissioners of the said Harbour to cause such Mooring Posts and Capsterns to be put in and upon the said Ground as shall be necessary for mooring any Vessel, Craft, Boat, or Barge which may navigate the said Harbour or Channel; and also that it shall be lawful to and for the Masters or Owners of any Ship, Boat, Craft, or Vessel, Waggon, Cart, or other Carriage, and their Servants or Workmen as aforesaid, and for all other Persons whomsoever, to take such Beach or Shingle from the Lands lying contiguous to the said Harbour as may be required for Ballast, or for making or repairing any Road or Roads, or for any other Purpose whatsoever, and as heretofore free of any Charge, but nevertheless without doing Damage or Injury to the said Walls and Banks to be erected as aforesaid, or to the Lands from which the said Beach or Shingle shall be so taken as aforesaid.

Towing and  
Tracking  
Paths.

CIII. Provided always, and be it further enacted, That in case the said intended Embankments, Road, and other Works (save and except only such Works as are hereby directed to be completed within a less Period) shall not have been completed and made, unless prevented by inevitable Accident, within the Space of Twenty Years to be computed from the passing of this Act, then from and after the Expiration of the said Term of Twenty Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any)

Powers given  
by this Act  
to cease if  
Works not  
completed  
within a cer-  
tain Period.

[*Local.*]

17 H—I

of



of the said Embankments, Road, and other Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace for the County of *Sussex* assembled at the General Quarter Sessions of the Peace to be holden in and for the said County of *Sussex* at any Time before the Expiration of the said Term of Twenty Years, or within Six Calendar Months next after the Expiration thereof.

Public Act.

CIV. 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.



The SCHEDULES referred to by the foregoing Act.

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FIRST SCHEDULE.

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NAMES OF PROPRIETORS.

	A.	R.	P.
1. William Alexander Morland Esquire - - - - -	46	—	—
2. William Alexander Morland Esquire - - - - -	55	2	—
3. John Luxford Esquire - - - - -	14	2	—
4. Edward Jeremiah Curteis Esquire - - - - -	42	—	—
5. John Luxford Esquire - - - - -	57	1	34
6. Thomas Cooper Langford Esquire - - - - -	7	—	—
7. Thomas Cooper Langford Esquire - - - - -	38	2	—
8. The Heirs of William Croughton Esquire, deceased	63	—	—
13. Corporation of Rye - - - - -	87	—	—
14. Edward Jeremiah Curteis Esquire - - - - -	132	2	37
15. Mrs. Curteis - - - - -	19	2	—
16. Mrs. Curteis - - - - -	10	1	—
17. Mrs. Curteis - - - - -	3	—	—
	<hr/> 576	<hr/> 1	<hr/> 31

SECOND SCHEDULE.

9. Edward Jeremiah Curteis Esquire - - - - -	34	1	2
10. Tilden Smith - - - - -	7	2	9
11. Edward Jeremiah Curteis Esquire - - - - -	4	—	29
12. Corporation of Rye - - - - -	30	1	32
	<hr/> 76	<hr/> 1	<hr/> 32

THIRD SCHEDULE.

18. Sir William Ashburnham Baronet - - - - -	114	1	22
19. William Lucas Shadwell Esquire and Christopher } Thorpe Gentleman - - - - -	55	3	27
	<hr/> 170	<hr/> 1	<hr/> 9
Total Quantity -	<hr/> 823	<hr/> —	<hr/> 32