ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. C.

An Act to explain and amend an Act, made in the Sixth Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for erecting Piers in, and for repairing and keeping in Repair, the Harbour of* Littlehampton, *called* Arundel Port, *in the County of* Sussex; and for impowering the Commissioners acting under the said Act to improve the Navigation of the River *Arun*, from the said Harbour to the Town of *Arundel*, in the said County. [30th *April* 1793.]

WHEREAS by an Act made in the Sixth Year of the Reign of His late Majesty King George the Second, intituled, An Act for erecting Piers in, and for repairing and keeping in Repair, the Harbour of *Littlehampton*, called *Arundel Port*, in the County of *Sussex*, certain Persons, therein respectively named, and their Successors, to be nominated Preamble.

6 *Geo.* II, C. 12, recited.

and appointed in such Manner as in the said Act is mentioned, were appointed Commissioners for improving and preserving the said Harbour of Littlehampton, to make a new Cut or Channel through the Sea Beach there, and to erect and make such Pier or Piers and Lock or Locks, and to do such other Works, as should be by them, or any Nine or more of them, thought necessary and convenient for the Purposes aforesaid; and Powers were thereby given to the said Commissioners to collect the several Rates and Duties thereby made payable for or in respect of sundry Kinds of Merchandize and Tonnage of Vessels, and to assign the same as a Security for Money to be borrowed in pursuance and for the Purposes of the said Act: And it was thereby further enacted, That when the said Commissioners were by the said Duties fully reimbursed and paid the principal Monies by them borrowed and laid out for the Purposes aforesaid, together with all Interest and Charges attending the same, One Half Part of all and singular the said respective Duties thereby granted should cease and determine, and the other Half of such Duties respectively should continue, and be collected and paid, for keeping the said Pier or Piers, Lock or Locks, and other Works, in good and sufficient Repair, and for maintaining, keeping, and preserving the said Harbour and River navigable: And whereas a large Sum of Money was subscribed and borrowed for the Purposes in the said Act mentioned, and Piers and Locks were erected, and a new Cut or Channel was made, in pursuance of the Directions therein contained: And whereas all the Monies subscribed for, and borrowed under and by virtue of, the said Act, together with Interest for the same, and all Claims whatever on the said Commissioners, in respect of the said Harbour, Piers, and Works, have been paid and satisfied, and One Moiety or Half Part of all the Duties respectively granted by the said Act hath accordingly ceased and determined: And whereas the said Act hath been found by Experience to be insufficient to answer the good Purposes thereby intended, and in many essential Parts thereof to stand much in need of Explanation and Amendment, and it would also be a very great Improvement to the said Port and Harbour and the Trade thereof, as well as of great publick Advantage, if a good and convenient Haling or Towing Track could be made from the Entrance of the said Harbour of Littlehampton to Arundel in the County of Sussex, for the more safe, easy, and expeditious conveying of Vessels up or down the River Arun: 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 it shall and may be lawful to and for the several Persons appointed to be, or now acting as Commissioners under or by virtue of the said recited Act, and their Successors, to be hereafter nominated and appointed in pursuance of and according to the Directions therein contained, or any Nine or more of them, at any Time or Times from and after the First Day of May One thousand seven hundred and ninety-three, and they are hereby authorized and empowered to cause the Piers now erected and standing at the Mouth of the said River Arun, at or near Littlehampton aforesaid, or either of them, to be extended as much farther into the Sea as may be thought necessary or proper; and also to make such Groins and other Works from the high-water Mark on the Beach there, at any Distance within Five hundred Yards of either of the said Piers, as shall appear to be useful for turning or breaking off the Force of the Tide, or otherwise for the Preservation or Improvement of the aforesaid Harbour; and also from Time to Time to rent and take for and during such Term or Terms for Years as they the said Commissioners for the Time being, or any Nine or more of them, shall think proper to hold the same, so much and such Part or Parts of the Lands or Ground immediately adjoining to or lying near either of the Banks of the said River Arun, from the Mouth or Entrance of the said Harbour, and through or near the several Parishes of Littlehampton, Leominster, Climping, Ford, and Tortington, to the West End of a certain Piece of Land called The Tanners Slipe, in the Parish of Arundel aforesaid, as shall or may from Time to Time be thought necessary for the Purpose of amending and improving the said River, and the Navigation thereof, as herein-after is directed: And the said Commissioners for the Time being, or any Nine or more of them, shall and may, and they are hereby authorized and empowered, at any Time or Times after the First Day of May One thousand seven hundred and ninety-three, by themselves, their Deputies, Agents, Workmen, or Servants, to lay out, order, and direct, where, and in what Manner, a proper and convenient Track or Path, Bank or Way, may be made for the towing, drawing, or conveying of Vessels, Boats, Barges, Lighters, or other Craft, up or down the said River,

Commissioners authorized to extend the Piers, and make Groins, &c.

and impowered to rent Lands for improving the River and Navigation.

and to make a Towing Track, &c.

from the Harbour of Littlehampton to Arundel aforesaid, with or by Men, Horses, or otherwise; and shall and may order and cause the same to be made and perfected accordingly, so as that such Track or Path, Bank or Way, shall follow the Course of the said River, or within the Distance of Fifty Yards from the Edge thereof at Low Water Mark, and shall and may, at any Time or Times hereafter, nominate and appoint their Officers, Agents, Workmen, Servants, or Labourers, who shall be and are hereby authorized and empowered to make, repair, amend, and improve the same, in such Manner as they shall think necessary and convenient for the Purposes aforesaid; and shall and may dig up, remove, and take away, all Trees, Roots, Beds of Gravel, Chalk, or Sand, or any other Obstructions or Impediments whatsoever, except Groins, which may any Way impede, hinder, or prevent the Navigation of the said River, either in sailing, haling, or towing of Vessels, Barges, Boats, Lighters, or other Craft, with or by Men, Horses, or otherwise, be it in, over, or upon the Ground or Soil of the King's most Excellent Majesty, his Heirs or Successors, or any Person or Persons, Bodies Politick, Corporate or Collegiate whatsoever: And they the said Commissioners, or any Nine or more of them, shall and may, and are hereby empowered to erect, make, put, and complete, when, where, and in such Place or Places, on or near the Banks of the said River Arun, as they shall think proper and convenient, any Quays, Winches, or other Engines, Posts and Stoops, Landing Places, Wharfs, Weighing Beams, or Cranes, and also to make good and sufficient Roads to the said Track, or to any of the said Wharfs or Landing Places within the Distance of Two thousand Yards from the Banks of the said River; and also to do and perform all such other Works, Matters, and Things, which they the said Commissioners, or any Nine or more of them, shall judge proper for compleating and maintaining the Navigation of the said River from the Harbour of Littlehampton to the West End of The Tanners Slide, in Arundel aforesaid, and for executing the several Powers and Purposes of this Act; they the said Commissioners for the Time being, their Agents, Servants, or Workmen, doing as little Damage as may be to and upon the Premises, and giving a reasonable Satisfaction to the Owners of and Persons interested in any Lands, Tenements, or Hereditaments, or other Property whatsoever, for any Injury or Damage done or occasioned thereby, according to the true Intent and Meaning of this Act.

Power to remove Obstructions, &c.

and to erect Quays, Wharfs, &c.

giving Satisfaction for Damages.

II. Provided nevertheless, and it is hereby enacted and declared, That nothing herein contained shall authorize or impower the said Commissioners or their Successors to make any Road, Way or Passage in, through, or over any of the Lands and Grounds the Property of the most Noble Charles Duke of Norfolk, situate in the Parishes of Arundel or Tortington, for the Purpose of going to any Quays, Wharfs, or Landing Places, or for any other Purpose, save and except a Road to the West End of The Tanners Slipe, in Arundel aforesaid, from the high Road near the Rooks Pond leading from Arundel aforesaid to the City of Chichester, in the said County of Sussex, for the Purposes of passing to and from the Towing Path only; and that it shall and may be lawful to and for the said Duke and his Successors, Owners of the said Lands, at any Time or Times to shut up the said Road against any Person or Persons other than the said Commissioners or their Successors, and all such other Persons as shall or may use the said Track or Path for the Purpose of towing or haling any Vessel up or down the River Arun. Restriction on Commissioners relative to the Lands of the Duke of *Norfolk*.

III. Provided always, That where any Part or Parts of such Track or Path, to be so made as aforesaid, shall take in any Bank or Wall, or any Part or Parts of any Bank or Wall made or erected for the Purpose of preventing any of the adjacent Land from being overflowed by the said River Arun, then, and in every such Case, the said Commissioners for the Time being shall, and they are hereby required to cause such Part and Parts of the said Track or Path to be made, kept, and maintained as high as any such Bank or Wall now is or may hereafter be necessary to be made for preventing such adjacent Land from being so overflowed as aforesaid; and also that the said Commissioners for the Time being shall, and they are hereby required, wherever the said Track or Path shall be lower than High Water Mark, to make a sufficient and proper Ditch or Drain on the Land Side of and close to the said Track or Path to convey the Water from the adjoining Land, which Ditch or Drain shall be of the Width of Two Feet, and of the Depth of Two Feet wherever the Owner or Tenant of any Land, through which such Track or Path shall go, shall require or desire the same, and also to make sufficient and proper Drains under the said Track or Path to convey the Water from such Ditch or Drain into the said River Arun, and to make and erect Partitions, with proper double-swing Gates, in every Place where a Partition of Land is now made or set out, and over which such Track or Path shall extend, and at all Times thereafter Regulations relative to preventing Lands being overflowed by the River *Arun*.

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to cause such Ditches and Drains to be scoured and cleansed, and such Partitions and Gates to be kept in sufficient Repair and Condition; and that the said Commissioners shall not stop or cause to be stopped up any Sluice, Watercourse, Ditch, or Drain, whereby any Water is carried into the said River Arun, without the previous Consent and Approbation in Writing of the Person or Persons through whose Ground or Soil such Sluice, Watercourse, Ditch, or Drain respectively shall run or extend.

Commissioners may treat for Lands with incapacitated Persons, and may lease the same.

IV. And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Commissioners and their Successors, or any Nine or more of them, and they are hereby empowered, to agree with the Owners or Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, which they the said Commissioners shall judge necessary or proper for the Purposes aforesaid, for the Recompence to be made to such Owners or Proprietors, and Persons interested, for the Damages they may sustain by the Execution of any of the Powers of this Act; and it shall be lawful for any Bodies Politick, Corporate, or Collegiate, Husbands, Guardians, Trustees, Committees, Executors, or Administrators, for and on the Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunaticks, Ideots, Femes Covert, or other Person or Persons, and to and for all other Person or Persons whomsoever, who are or shall be seized or possessed of or interested in any Messuages, Lands, Tenements, or Hereditaments, to demise and lease the same, or any Part thereof, for any Term or Number of Years, at a certain yearly Rent, (to be incident to and go along with the immediate Reversion of the Premises,) unto the said Commissioners, their Successors or Assigns; or to agree with them for any Recompence to be made for any Injury or Damage which may be done to such Messuages, Lands, Tenements, or Hereditaments, by the Execution of any of the Powers hereby granted; and that all such Contracts, Bargains, Leases, and Agreements shall be good and effectual in the Law to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, or any other Matter or Thing, to the contrary thereof in anywise notwithstanding: And also that all Persons so agreeing, demising, or leasing as aforesaid, are and shall be indemnified for what they shall do by virtue of and in pursuance of this Act: And the said Commissioners or their Successors, or any Nine or more of them, may also adjust what Proportion of the annual

Recompence for Damages to be adjusted.

Commissioners to adjust the Recompence for Tenants, &c.

Rent, to be paid by them, shall be allowed to any Tenant or Tenants of the Premises which may be so leased as aforesaid: And that all such Leases and Agreements respectively shall be inrolled by the Clerk of the Peace for the said County of Sussex, and true Copies of the same, signed by the Clerk of the Peace of the said County for the Time being, shall be deemed and taken to be good Evidence thereof in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, and the Inrollments thereof herein-before mentioned, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, or of any Part thereof, paying for every such Copy after the Rate of Two-pence for every Two hundred Words.

Agreements to be inrolled by the Clerk of the Peace, &c.

V. And be it further enacted, That if any such Bodies Politick, Corporate, or Collegiate, or any other Person or Persons whatsoever, shall, for the Space of Thirty Days next after Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such other Person or Persons respectively, or to the Tenant or Tenants in Possession of any of the Messuages, Lands, Tenements, or Hereditaments adjoining to the said River, or within the Distances aforesaid, or left at the Dwelling-house of such principal Officer or Officers, or such Person or Persons, or of such Tenant or Tenants as aforesaid, neglect or refuse to treat, or shall not agree with the said Commissioners for the Time being, or by reason of Absence shall be prevented from treating, touching the Matters aforesaid, (except such Absence is occasioned by his or their Attendance upon either of the Two Houses of Parliament), then, and in every such Case, the said Commissioners for the Time being, or any Nine or more of them, shall and may, and they are hereby authorized and empowered, from Time to Time to apply to One or more Justice or Justices of the Peace for the said County of Sussex, who is and are hereby commanded and required to issue out his or their Warrant or Warrants under his or their Hands and Seals, to be directed to the Sheriff of the said County of Sussex for the Time being, or in case such Sheriff shall happen to be interested in the Matter in Question, or any ways related to any of the Parties interested or concerned therein, then such Warrant or Warrants to be directed to One of the Coroners of the said County, commanding such Sheriff or Coroner respectively to impannel, summon, and return a Jury; and the said Sheriff or Coroner respectively, to whom the said Warrant or Warrants shall be directed, shall and is

For summoning a Jury on the Refusal of Persons to treat, &c.

hereby required accordingly to impannel, summon, and return a Jury of Twenty-four able and sufficient Men, qualified according to the Laws and Statutes of this Realm, to be returned for Trials of Issues joined in His Majesty's Courts at Westminster, to be and appear before such Justice or Justices of the Peace as aforesaid, at such Time and Place as by such Warrant or Warrants shall be directed and appointed, not being less than Ten Days after such Warrant shall be served upon the said Sheriff or Coroner respectively, or more than Twenty Days after Service, upon Pain of forfeiting for every Default in not making such Return the Sum of Ten Pounds, to be levied and recovered as hereinafter is directed; and also to return in Issues upon every Person so impannelled and returned, and not appearing, contrary to the true Intent and Meaning of this Act, the Sum of Forty Shillings, which shall be levied on the Goods and Chattels of the Person not appearing as aforesaid by the Ways and Means herein-after directed; and in case a sufficient Number of Jurymen shall not appear, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Justice or Justices of the Peace as aforesaid are hereby impowered and required, by Warrant or Warrants under his or their Hand or Hands, and Seal or Seals, from Time to Time, as Occasion shall require, as well at the Request of the said Commissioners or their Successors, or any Nine or more of them, or at the Request of any Person or Persons interested therein, to summon and call before him or them all and every such Person and Persons as shall be thought proper or necessary to be examined as Witnesses by the said Commissioners, or any of the Parties interested, touching the Matters in Question; and such Justice or Justices of the Peace shall and may, in case he or they think the same proper, or shall be required so to do by any Person or Persons interested, order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in Question, which Jury, upon their Oaths, to be administered by the said Justice or Justices (and which Oath, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, such Justice or Justices is and are hereby empowered to administer), shall inquire, assess, and ascertain such Damages

mages or Rent, or Damages and Rent, as they shall adjudge fit, to be respectively awarded against the said Commissioners or their Successors, and to be paid by them to the Owners and Occupiers of, and Persons respectively interested in, any such Messuages, Lands, Tenements, or Hereditaments, or any Part thereof, and the said Jury shall give a Verdict or Judgement for such Damages or Rent, or Damages and Rent so to be assessed by them; which said Verdict, and the Judgement thereupon declared or pronounced by the said Jury, (Notice in Writing being first given of their Meeting by the said Commissioners for the Time being to the Parties concerned, signed by their Clerk, or left at their Dwelling-houses or usual Places of Abode, or with the Tenant or Occupier of the Premises, or left at his, her, or their usual Place or Places of Abode), shall be binding and conclusive, to all Intents and Purposes, against all and every Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Estate, Right, Title, or Interest in the same Messuages, Lands, Tenements, or Hereditaments, or any Thing thereunto belonging or appertaining, in Possession, Reversion, Remainder, or Expectancy, or otherwise, as well Bodies Politick, Corporate, or Collegiate, Infants, Ideots, Lunaticks, Femes Covert, Tenants in Tail, and their respective Heirs, Successors, Executors, or Administrators, and all claiming by, from, or under them or any of them, as all and every other Person and Persons whomsoever.

Penalty on Witnesses not appearing, or refusing to be sworn or to give Evidence.

VI. Provided always, and be it enacted by the Authority aforesaid, That if any Person or Persons so summoned to give Evidence as aforesaid shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by the said Justice or Justices of the Peace as aforesaid for that Purpose, or appearing shall refuse to be sworn or examined or give Evidence before the said Jury, or if any Person summoned as a Juryman as aforesaid shall, after his Appearance, refuse to be sworn, or being so sworn shall refuse to give or shall not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse, to be allowed by the said Justice or Justices, shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Ten Pounds, to be levied and recovered as hereinafter is mentioned.

VII. And

Penalty on giving false Evidence.

VII. And be it further enacted, That all and singular Persons who shall give false Evidence in any Examination to be taken by virtue of this Act, either with respect to the Loading of any Ship or Vessel, or otherwise howsoever, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Penalties, Disqualifications and Punishments as any Person would be subject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Verdicts and Judgements of the Jury to be in Writing, and filed among the Records of the Quarter Sessions, and Copies to be Evidence.

VIII. And be it further enacted by the Authority aforesaid, That the said Verdicts and Judgements shall be set down in Writing under the Hands and Seals of the said Jury, and shall be kept amongst the Records and Writings of the Quarter Sessions of the Peace for the Time being of the said County, and the same, or true Copies thereof, shall be taken, adjudged and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever, and all Persons may have Recourse to the same gratis at all convenient Times, and may take Copies thereof, paying for every Copy not exceeding One hundred Words the Sum of Two-pence, and so proportionably for any greater or less Number of Words.

Satisfaction being made or tendered, the Commissioners may proceed on their Works.

IX. And be it further enacted by the Authority aforesaid, That after Payment of the Sum or Sums so agreed on, contracted for or assessed and adjudged for Damages as aforesaid, or legal Tender made of the same, which Sum or Sums of Money, as well as the Money to be raised for the necessary Purposes of this Act, the said Commissioners, their Successors or Assigns, are hereby authorized to pay out of the Monies collected, or which may hereafter be collected, by virtue of the said herein-before recited Act, or of this present Act; or in case any such Parties cannot be met with, or shall refuse to accept the same, then upon Payment of such Sum or Sums of Money into the Hands of such Person or Persons as the said Commissioners, their Successors or Assigns, or any Nine or more of them, shall, under their Hands and Seals, in Writing, nominate and appoint for the Use of the Parties interested as aforesaid, it shall and may be lawful to and for the said Commissioners, their Successors or Assigns, and their Agents, Workmen or Servants, to enter upon, remove, dig, cut or use such or so much of the said Lands, Tenements or Hereditaments, for which such Damages shall have been contracted for, agreed on, assessed or adjudged, as aforesaid, and thereon to make, erect and do any Works, Matters or Things, for the effecting, improving and amending the said Navigation, and for the supporting

and maintaining of the same, or for executing any of the Powers of this Act, as the said Commissioners, their Successors or Assigns, shall think proper; and this Act shall be sufficient to indemnify the said Commissioners, their Successors, or Assigns, and all Persons employed or authorized by them, as well against the Owners, Occupiers or other Persons interested, their Heirs, Successors, Executors, Administrators and Assigns, as against all and every other Person and Persons, to all Intents and Purposes whatsoever.

Commissioners may make a Survey without previous Satisfaction.

X. Provided always, and be it further enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners and their Successors, or such Person or Persons as they, or any Nine or more of them, shall appoint, without any previous Payment or Tender of Recompence, to enter upon and take a Survey and Level of, and to mark out, any Lands, Tenements, or Hereditaments, which they the said Commissioners or their Successors, or any Nine or more of them, shall think necessary to be used for any of the Purposes of this Act, doing thereby as little Damage as may be, and giving Forty-eight Hours previous Notice of such intended Survey or Entry to the respective Owners or Occupiers of such Lands, Tenements or Hereditaments, and making Satisfaction as soon as may be for all Damages which shall be thereby occasioned, in case such Damages exceed the Sum of Sixpence.

How Damages may be recovered from Commissioners.

XI. And be it further enacted by the Authority aforesaid, That in Default of Payment of such Sum or Sums of Money, at such Times and in such Manner as shall be assessed and awarded by the said Jury to be paid by the said Commissioners, or their Successors, for Damages by virtue of this Act, it shall and may be lawful to and for any such Person or Persons to whom such Sum and Sums of Money was or were to be paid by the said Commissioners, or their Successors, for such Damages, by any Instrument in Writing, to appoint One or more Person or Persons to receive the Rates and Duties imposed by the said recited or by this present Act, or which shall be then subsisting or payable, and thereout in the first Place to pay all such Damages so determined or assessed as aforesaid, with Costs (if any), occasioned by such Refusal or Default of Payment, and the Money so to be received by such Person or Persons shall and is hereby declared to be as so much Money received for the Use of such Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determination shall be in Priority of Time; and after such Damages and Costs shall be paid and satisfied

tisfied the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine, or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum and Sums of Money so to be assessed and awarded, and which shall not be paid, according to the Judgement of the said Jury as aforesaid, by Action at Law in any of His Majesty's Courts of Record at Westminster against the said Commissioners, or their Successors, to recover the same, with full Costs of Suit.

Satisfaction for future Damages.

XII. And be it further enacted by the Authority aforesaid, That if any Person or Persons, Bodies Politick, Corporate, or Collegiate, at any Time after the said Commissioners or their Successors, or any Person or Persons employed or authorized by them, shall have begun to carry this Act into Execution, or shall have compleated the same, shall happen to sustain any Damages or Injury in his, her, or their Lands, Grounds, Fences, Tenements, or Property whatsoever, by any Act, Neglect, or Default of the said Commissioners or their Successors, or their Agents, Workmen, or Servants, or by reason of any Works to be made or done by virtue of this Act, for which they shall have had no Recompence or Satisfaction, or for which no Recompence or Satisfaction is hereby otherwise provided, then, and in every such Case, if the said Commissioners or their Successors, or any Nine or more of them, and the Parties by whom such Damages shall be sustained, shall not agree touching such Damages, the said Commissioners for the Time being, or any Nine or more of them, and also every such Person and Persons, Body Politick, Corporate, or Collegiate, who shall so sustain such Damages or Injury, shall and may, and they are hereby authorized and empowered, to enquire of and ascertain such Damages by a Jury to be impannelled and returned as aforesaid, who shall give Judgement for the Party or Parties aggrieved, and record the same respectively in the same Manner and Form as the Damages and Rent hereby appointed to be assessed and adjudged for or in respect of any Lands, Tenements, Hereditaments, and Premises, which shall any Ways be made Use of or damnified for the Purposes of this Act, or any of them, as aforesaid; and in case the said Commissioners or their Successors, or any Nine or more of them, shall not, when thereunto required, satisfy and recompence such Damages or Injury as shall be so assessed and settled as aforesaid within Twenty Days after such Request made as aforesaid, it shall and may be lawful to and for the Person or Persons aggrieved to appoint One or more Person or Persons to receive the Rates and Duties

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to arise by the said recited or by this present Act, and thereout to pay all such Damages so to be assessed and settled as aforesaid; and the Money to be received by such Receiver or Receivers shall, and is hereby declared to be, as so much Money received for the Use of such Person or Persons receiving Damage or Injury as aforesaid, in Order and Course successively as such Determinations shall be in Priority of Time; and after such Damages so settled and assessed as aforesaid shall be paid and satisfied, the Power and Authority of such Receiver or Receivers, for the Purposes last mentioned, shall cease and determine, any Thing herein contained to the contrary notwithstanding.

Expences of Juries how to be paid.

XIII. And be it further enacted, That in all Cases where any Verdict or Assessment shall be given or made for a greater Rent, Sum, or Recompence than shall have been offered by or on Behalf of the said Commissioners or their Successors, before the summoning of such Jury, for or in respect of any such Lands, Tenements, or Damages as aforesaid, then all the Expences of summoning and maintaining such Jury and the Witnesses, and of taking such Inquest, shall be defrayed by the said Commissioners, or their Successors, out of the Monies to arise by virtue of the said recited or this present Act; but if any Verdict shall be given for no more or a less Rent, Sum, or Recompence than shall have been previously offered by or on Behalf of the said Commissioners, or their Successors, then, and in every such Case, such Expences (to be settled by any Two of His Majesty's Justices of the Peace for the said County of Sussex) shall be defrayed by the Person or Persons interested in the said Lands, Tenements, or Hereditaments in Question, or intitled to Damages as aforesaid, and the Expences so settled and ascertained shall be deducted and taken out of the Monies so assessed and adjudged, and the Payment or Tender of the Remainder of such Monies shall be deemed, within the true Intent and Meaning of this Act, to be a full Satisfaction and Payment of and for the same Monies to be so assessed and adjudged as last aforesaid.

Persons requesting a Jury to enter into a Bond to prosecute.

XIV. And be it further enacted, That all and every Person or Persons making Complaint, and requesting such Jury, shall, previous to the summoning of such Jury as aforesaid, enter into a Bond, with Two sufficient Sureties, to the Treasurer or Clerk of the said Commissioners for the Time being, in the Penalty of Twenty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest, in case a Ver-

dict shall be given for no more or a less Rent, Sum, or Recompence, than had been offered by or on Behalf of the said Commissioners, or their Successors, before the summoning and returning the said Jury or Juries, as or for the Rent of any such Lands, Grounds, or Hereditaments, or as a Recompence for any Damage or Damages done to the same as aforesaid.

Annual Rents chargeable upon the Rates.

XV. And be it further enacted, That all and every such yearly Rents or Sums of Money as shall be settled or ascertained, or agreed, assessed, or awarded to be paid by the said Commissioners or their Successors, or any Nine or more of them, for or in respect of any Lands, Tenements, or Hereditaments, Roads or Ways, that shall be wanted or made use of for the Purposes of this Act, and taken or held on a Lease or Leases, or for any Term or Terms for Years, by such Commissioners, shall be charged and chargeable on the Rates and Duties arising by virtue of the said recited or this present Act, and shall be paid by the said Commissioners, or their Successors, by even and equal quarterly Payments, unto the Person or Persons who for the Time being shall be seized of or intitled to the next or immediate Estate of Freehold or Inheritance of or in such Lands, Tenements, or Hereditaments, Roads or Ways, as and when the same yearly Rents or Sums of Money shall respectively become due and payable; and in case of Nonpayment thereof within Twenty-one Days next after the same shall become due, it shall and may be lawful to and for all and every such Person and Persons, to whom such annual Rents or Sums shall be payable, by any Instrument or Writing under his or their Hand or Hands and Seal or Seals, to appoint One or more Person or Persons to receive the Rates or Duties to be payable by virtue of the said recited or this present Act, and to pay the same unto such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid respectively, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid.

Commissioners restrained from exercising their Powers through any Garden, &c. without the Consent of the Owners;

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize the said Commissioners or their Successors, or any Person or Persons employed by them, to exercise any of the Powers hereby given upon, through, or over any Land or Ground whatsoever, which on the Twenty-fourth Day of June One thousand seven hundred and ninety-two was a Garden, Fold Yard, Park, Paddock, planted Walk, or Avenue to a Walk, or

Lane inclosed, adjoining to any Mansion House, Messuage, or Tenement, or through or over any Ground, which on the said Twenty-fourth Day of June One thousand seven hundred and ninety-two, was inclosed or used for the Purpose of carrying on any Manufactory, or through any Dwelling House, Warehouse, or other Building, without the Consent of the Proprietor or Proprietors thereof respectively; nor shall any Thing herein contained extend, or be deemed, construed, or taken to extend, to oblige, authorize, or empower the said Commissioners, or their Successors, to use, take, or rent any Lands, Tenements, or Hereditaments, under or by virtue of this Act, for any other Purpose or Purposes than for making such Track or Path, and such good and convenient Roads thereto, as is and are herein-before mentioned and directed in that Behalf, without the previous Consent and Approbation in Writing of the Owner or Owners of such Lands, Tenements, or Hereditaments respectively.

and from taking any Lands, &c. except for making the Towing Track and Roads thereto.

XVII. Provided also, and it is hereby further enacted, That it shall and may be lawful to and for all and every Persons, having or possessing any Right or Rights of Fishery in the said River Arun, to draw out their Nets upon or over such Track or Path as aforesaid, or any Part thereof; and also to and for the Proprietors or Owners of Land lying near or contiguous to the said River to pass over, upon or across the same Track or Path, or any Part thereof, (except so much of the same, and such Land or Ground, Place or Places, as shall be used or taken by the said Commissioners for the Purpose of making, erecting, constructing, or placing any Quay, Wharf, Landing Place, Weighing Beams or Cranes, Posts, Stoops, Winches, or other Engines thereon), either for repairing the Banks of such River, or for landing of Chalk or other Goods, or for any other Purpose whatsoever.

Power for Persons having Right of Fishery, &c. to pass over the Towing Track.

XVIII. And be it further enacted, That when and as any Quays, Winches, Engines, Landing Places, Wharfs, Weighing Beams, or Cranes, shall be built, made, or constructed, by the Order or Directions of the said Commissioners, or their Successors, under or by virtue of this Act, upon or near to the Banks of the said River Arun, it shall and may be lawful to and for the said Commissioners, and their Successors, from Time to Time to ask, demand, and receive, of or from the Masters or Owners of any Ships or other Vessels, Lighters, Boats, or Barges, or other Person or Persons using or occupying the same Quays, Winches, Engines, Land-

Commissioners may lay a Toll on all Goods landed, &c. at any Wharf, Weighing Place, &c.

ing Places, Wharfs, Weighing Beams, or Cranes, such Tolls, Rates, or Duties, for or in respect of such Goods, Wares, or Merchandize, as shall be landed or weighed at or deposited within the same Quays, Winches, Engines, Landing Places, Wharfs, Beams, or Cranes respectively, as they the said Commissioners or their Successors, or any Nine or more of them, shall think proper or reasonable in that Behalf: All which Tolls, Rates, or Duties shall be payable and recoverable in like Manner, and be applied and disposed of for such Purposes, as the Rates and Duties arising under the said recited or this present Act are therein or herein directed to be recoverable and disposed of; but so nevertheless as that a Table of the several Tolls, Rates, or Fees, to be taken for the Use of the said Quays, Engines, Winches, Landing or Weighing Places, Beams, Wharfs, or Cranes, shall be provided and fixed up on some conspicuous Part of the Port of Arundel aforesaid.

Certain of the Duties granted by the former Act to cease, and new Duties to be taken in lieu thereof.

XIX. And whereas the several Duties granted and made payable by the said recited Act for or in respect of the several Articles herein-after particularized have been found to be unequally laid on, and Difficulties have occurred in the Payment and Collection of the same; be it therefore enacted by the Authority aforesaid, That, from and after the First Day of May One thousand seven hundred and ninety-three, the several Duties or Sums of Money granted and made payable by the said recited Act, and now subsisting, for, upon, or in respect of such Tan or Bark, Spars, Ufers, Pipe, Hogshead, and Barrel Staves, and Flour or Meal, which should be exported or imported, laid on board, landed, or discharged out of any Ship or Vessel in the said Port of Arundel, shall respectively cease and determine; and that in Lieu thereof the Duties or Sums of Money following shall be collected and received for or in respect of all such Tan or Bark, Spars, Ufers, Pipe, Hogshead, and Barrel Staves, and Flour or Meal, which shall be exported or imported, laid on board, landed, or discharged out of any Ship or Vessel in the said Port of Arundel; (that is to say),

For every Ton of Tan or Bark, the Sum of Sixpence:

For every Dozen of Spars or Ufers, the Sum of Four-pence:

For every One hundred of Pipe Staves, the Sum of Sixpence:

For

For every One hundred of Hogshead Staves, the Sum of Four-pence:

For every One hundred of Barrel Staves, the Sum of Two-pence:

And for every Quarter of Flour or Meal, the Sum of One Penny Halfpenny.

Which said several last mentioned respective Duties or Sums of Money shall be paid by such Person or Persons, and shall be ascertained in such and the like Manner, and shall be recovered under such and the like Penalties and Forfeitures, as are directed and authorized by the said recited or by this present Act, with respect to the Duties granted and made payable by such recited Act, and not so hereby repealed as aforesaid.

Tolls payable under the Act of 6 *Geo.* II. to be applied for the Purposes of this Act, and for keeping the Works, Piers, &c. in Repair.

XX. And be it further enacted, That the several Rates or Duties now subsisting or payable, or hereafter to be subsisting or payable, under or by virtue of the said recited Act of Parliament, and all Accumulations or Savings of the same, which now remain undisposed of, shall from Time to Time, together with the several and respective Duties or Sums of Money imposed by or arising under this present Act, be respectively paid, applied, and disposed of, in, for, or towards carrying the several Works, Improvements, and Purposes hereby intended, and herein-before mentioned and directed, into full and complete Execution, and for hereafter amending, repairing, and keeping the same, together with the present Piers and Works of or belonging to the aforesaid Harbour, in good and perfect Repair and Condition.

Application of Duties.

XXI. Provided always, and be it further enacted, That the several Rates or Duties now subsisting or payable, or hereafter to be subsisting or payable, under or by virtue of the said recited Act of Parliament, and all Accumulations or Savings of the same which now remain undisposed of, together with the several and respective Duties or Sums of Money imposed or directed to be borrowed under or by virtue of this Act, shall be first applied and expended in repairing and keeping in Repair the Piers and other Works of or belonging to the said Harbour; and that no Part of any such Rates, Duties, or Sums of Money shall be applied or expended in the renting of any Land for the Purpose of making the Track or Path herein-before directed to be made, or in making the said Track or Path, until the said Piers and Works are put in good and complete Repair.

Commissioners may borrow any Sums not exceeding

XXII. And in case such Tolls, Duties, and Accumulations shall fall short or be insufficient to effectuate the immediate

2000 *l.* for the Purposes of this Act, by Assignment, &c.

mediate Purposes of this Act; be it further enacted, That it shall and may be lawful to and for the said Commissioners and their Successors, or any Nine or more of them, from Time to Time, and at any Time or Times hereafter, upon the Credit of the several and respective Rates and Duties authorized by the said recited Act and by this present Act respectively to be levied and collected, and now or to be subsisting or payable, to borrow and take up at Interest any Sum or Sums of Money whatsoever; and by any Writing under their Hands and Seals, or by such other Ways and Means as they shall think proper, to assign such Rates and Duties as a Security for the Repayment of the Money so borrowed, together with Interest for the same at and after the Rate of Five Pounds per Centum per Annum, or any lower Rate of Interest; all which Assignments shall be in the Words or to the Effect following; (that is to say);

Form of Assignment.

BY virtue of an Act, made in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled [*Here set forth the Title of the Act*], we,

of the Commissioners appointed by or acting under or in pursuance of the said Act, or of the said Act of the Sixth Year of the Reign of His late Majesty King *George* the Second, for and in Consideration of the Sum of of lawful *British* Money, to our Treasurer in Hand paid by *A. B.* of do assign unto the said *A. B.* Executors, Administrators, and Assigns, all and singular the Rates, Tolls, or Duties arising or payable under or by virtue of the said Act of the Sixth Year of the Reign of His late Majesty King *George* the Second, or the said Act of the Thirty-third Year of His Majesty King *George* the Third, or either of them, to hold the same until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be fully paid. Given under our Hands and Seals, this Day of

Copies of all which Assignments or Securities, or Abstracts thereof, shall be entered in a Book or Books to be kept by the Clerk to the said Commissioners for the Time being, for that Purpose; and all and every Sum and Sums of Money to be so borrowed shall be applied in such Manner and for such Purposes as the several and respective Rates and Duties granted by the said recited Act, and this present Act, and now or to be subsisting or

payable, are directed to be applied, and to no other Purpose whatsoever.

XXIII. Provided always nevertheless, That the Amount of the Money to be borrowed, taken up, and secured upon the Credit of such Rates and Duties as aforesaid, under or by virtue of this Act, shall never at any One Time exceed the Sum of Two thousand Pounds.

Creditors, on Default of Payment of Interest, to receive and possess the Rates and Duties.

XXIV. And, for the more effectual securing to the Persons who shall advance any such Money as aforesaid the punctual Payment of Interest for the same; be it further enacted, That if any Interest of Money borrowed on the Credit of this Act shall be behind and unpaid by the Space of Forty Days next after any of the Days or Times which shall be limited for Payment thereof, and Demand thereof made, then, and in that Case, and from Time to Time as often as it shall so happen, it shall and may be lawful to and for the Person or Persons entitled thereto to receive, take, possess, and enjoy the said several Rates, Duties, and Payments, until thereby or therewith, or otherwise, the said Interest, or so much thereof as shall be so in Arrear, and all Damages sustained by Nonpayment thereof, and all Costs and Charges attending such Receipt and Possession, shall be duly satisfied.

Power to transfer.

XXV. And be it further enacted, That all and every Person and Persons to whom any Assignment or Assignments shall be made as aforesaid, or who shall be intitled to the Money thereby secured, shall and may transfer such Assignment by Indorsement made thereon in the Words or the Effect following; that is to say:

Form of Transfer.

I Do transfer this Assignment, with all my Right and Title to the Principal Money thereby secured, and all Interest now due or hereafter to become due thereon, to *C. D.* of Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord

Witness, *A. B.*
E. F.

Which said Transfer shall be notified to the Clerk of the said Commissioners or their Successors within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorandum thereof to be made, containing the Dates, Parties Names, and Sums of Money therein mentioned to be transferred, in a Book to be kept for that Purpose, for which the said Clerk

shall be paid such Sum of Money as the said Commissioners or their Successors, or any Nine or more of them, shall order and direct, not exceeding Five Shillings; and after such Entry made, but not till then, such Assignment or Transfer shall entitle such Assignee, his or her Executors, Administrators, or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like Manner assign or transfer the same again, and so toties quoties: And it shall not be in the Power of any Person who shall have made such Transfer by Indorsement, to make void, release or discharge the same, or any Monies thereon due, or any Part thereof.

No Assignment to be good unless properly entered.

XXVI. Provided always, That no such Assignment or Transfer shall be deemed good and effectual unless an Entry or Memorandum thereof shall have been made in a Book to be kept for that Purpose by the Clerk to the said Commissioners, and such Book may at all seasonable Times be inspected by any Person or Persons interested, paying for every such Search the Sum of One Shilling.

Copies of Assignments, &c. signed by the Treasurer or Clerk, to be given in Evidence.

XXVII. Provided nevertheless, and be it enacted, That all Copies and Memorandums of Assignments, Transfers or Securities, or of any Extracts or Entries, and also all Copies of any Contract or Agreement, or of any of the Rules, Orders, Bye-laws, and Constitutions made by the said Commissioners for carrying into Execution the Purposes of this Act, signed by their Treasurer or Clerk, and purporting the same to be a true Copy, shall be taken and adjudged to be good and sufficient Evidence thereof in all Cases whatsoever.

Power to lessen or restore the Rates now payable.

XXVIII. Provided also, and be it hereby further enacted, That when the Works and Improvements intended to be made or done under the Authority of this Act shall have been completed, and the Expence thereof paid and satisfied, and every Debt and Incumbrance thereby raised or incurred shall have been discharged or fully provided for, or from an Increase of Trade, or by reason of any other extraordinary Amount of the Rates and Duties now payable under or by virtue of the said recited Act, or to become payable under or by virtue of this present Act, it shall appear that the same Rates and Duties are more than sufficient for or adequate to the Maintenance and Preservation of the said Piers, and other Works and Improvements, and the Continuation of the Purposes of this Act, it shall and may be lawful to and for the said Commissioners and their Successors, or any Nine or more of them, after One Month's Notice given by Writing fixed in some conspicuous Part of the said

Port

Port of Arundel of such their Intention, to reduce or lessen the said Rates or Duties to such Payments as they shall think equal to secure and maintain the said Piers, Works, Improvements, and Purposes herein-before mentioned, or otherwise to advance the said Rates and Duties, or cause the same to be returned and levied to the full Amount of the Rates and Duties now payable or to be payable under or by virtue of the before recited Act, and of this present Act, if from any Accident to the aforesaid Piers or Works, or by reason of any other unforeseen Causes or Omissions whatsoever, it shall be judged by the said Commissioners or their Successors, or any Nine or more of them, to be necessary and expedient to be done: So that whenever any Alteration shall be made in the said Rates or Duties, all and singular such Rates or Duties shall be diminished, raised again, or restored, rateably and proportionably, or as near as Circumstances will admit.

For better enforcing the Payment of Duties.

XXIX. And, to the Intent that the several Rates and Duties laid and granted, and now existing or payable or to be payable, by or by virtue of the said recited Act of the Sixth Year of the Reign of His said late Majesty, and of this present Act, or so much and such Parts thereof as shall from Time to Time be payable, according to the true Intent and Meaning of this Act, may be duly levied, collected, and received, be it further enacted, That every Master or other Person, having the Rule or Command of any Ship or Vessel within the said Port of Arundel, shall, before he shall be permitted to clear at the Custom House within the said Port, take and subscribe the following Oath, which Oath the Collector or Collectors of the said Rates and Duties appointed or to be appointed by the said Commissioners or their Successors, or any Nine or more of them, is and are hereby required and empowered to administer without Fee or Reward:

The Oath.

I *A. B.* do swear, [*or, being One of the People called Quakers,* I *A. B.* do affirm,] That the Quantity of Goods now shipped or intended to be shipped on board the of of which I am for the present Voyage the Master, (*or, if landed,* now landed or intended to be landed) does not exceed the Quantity specified in the Certificate hereunto annexed; but that the same is a full and true Account of the Goods by me landed from (*or* taken on board) my said Vessel, to the best of my Knowledge and Belief.

So help me GOD.

Which said Oath, subscribed by the said Master, or other Person having the Rule or Command of such Ship or Vessel, together with a Certificate of the Payment of the said Rates and Duties, signed by the Collector or Collectors of the same for the Time being, shall be produced to the Collector, Customer, or Comptroller, or other Officer of the Customs for the said Port of Arundel, before such Master or other Person shall be permitted to clear at the Custom House there; which said Certificate shall be taken, adjudged, and deemed good and sufficient Evidence and Proof of the Payment of the said Rates and Duties, and as such shall be admitted in any Court of Law or Equity whatsoever; and any Collector, Customer, or Comptroller, or other Officer of or concerned in the said Customs, making Default in any of the Premises hereby enjoined, or any Person having the Rule or Command of any such Ship or Vessel as aforesaid making or giving a false Entry or Account of the Loading or Freight of such Ship or Vessel, shall forfeit and pay the Sum of Twenty-five Pounds for each and every such Offence as aforesaid, to be recovered in such Manner as herein-after is directed; One Moiety of such Forfeiture to be paid to the Use of the Person or Persons who shall inform and sue for the same, and the other Moiety thereof to be paid into the Hands of the said Commissioners or their Successors, or to their Treasurer for the Time being, to be applied for and towards maintaining, repairing, and keeping in Repair the Pier or Piers and other necessary Works of the said Harbour.

Reservation of the Act of 19 *Geo.* II, Cap. 22.

XXX. Provided always, That nothing herein contained shall be construed to restrain, revoke, or annul, or in any wise affect, the Powers of an Act of the Nineteenth Year of His said late Majesty King George the Second, intituled, An Act for the better Preservation of Havens, Roads, Channels, and navigable Rivers, within that Part of *Great Britain* called *England*, or the Penalties inflicted on Persons offending against the same, but that the same shall remain in full Force and Effect.

No Ships to cast Anchor in the River.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and their Successors to erect and place Mooring Rings, Posts, Chains, and Capsterns at proper and convenient Places near the Mouth and on the Sides of the said River Arun; and that after such Mooring Rings, Posts, Chains, and Capsterns shall be so erected and placed, no Ship or Vessel shall moor with an Anchor in the said River, provided there shall be convenient Posts, Rings,

and Chains for mooring the same, except by Stress of Weather, and that for Twenty-four Hours only, to be ascertained by the Harbour Master herein-after mentioned.

Vessels, &c. damaging Piers or Works to make good the same.

XXXII. And be it further enacted, That in case any Ship or Vessel shall be wilfully, negligently, or accidentally run or driven against either of the Piers or Works erected or to be erected or made in pursuance or by virtue of the said recited or this present Act, so as to break, damage, or injure the same, the Person having the Government or Rule of such Ship or Vessel, or acting as such, shall be liable to answer or make good the Damage or Injury done thereto, to be settled and ascertained in a summary Way by any Two or more of the Justices of the Peace for the said County of Sussex; and in case such Person shall refuse to pay the Sum or Sums to be awarded by the said Justices for or in respect of such Damage or Injury, it shall and may be lawful to and for the said Justices, by Warrant under their Hands and Seals, to cause such Ship or Vessel to be seized and distrained, together with the Tackle, Furniture, or Apparel thereof, until due Payment thereof, together with the reasonable Charges of such Seizure and Distress; and if such Ship or Vessel shall not be redeemed within Six Days next after the same shall be so seized or distrained, it shall and may be lawful for the Person or Persons so seizing or distraining the same to sell so much of the Tackle, Furniture, or Apparel, of or belonging to such Ship or Vessel, as shall be sufficient to answer and make good the said Damage or Injury, and all Costs and Charges in consequence thereof, rendering the Overplus to the Owner or Master of such Ship or Vessel.

Masters or Owners of Vessels, Barges, &c. answerable for Damages.

XXXIII. And be it further enacted, That the Master or Owner of any Ship, Boat, Barge, or other Vessel, navigating upon the said River Arun, shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Ship, Boat, Barge, or other Vessel, or any of the Sailors, Boatmen, Watermen, or others belonging to or employed in or about the same, unto any of the Piers or other Works in, upon, or belonging to the said Harbour or River, or by loading or unloading any Boat or Barge, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Erections, Lands, or Tenements adjoining or lying near to the same, or any of them, or any other Trespass whatsoever; the Amount or Value of such Damage, Spoil, Mischief, or Trespass to be recovered in like Manner as any Penalty is herein-

Masters to recover back from their Servants Sums paid for their Defaults.

after mentioned or directed to be recovered; and in case the Owner of any such Ship, Vessel, Boat, or Barge as aforesaid shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by reason of any wilful Act or Default done or committed by his Servant or Servants, every such Servant shall be liable to repay such Penalty, or the Money paid for any such Damage or Trespass, to such Owner; and in case of Nonpayment thereof upon Demand, the same shall be recoverable by such Owner in like Manner as any Penalty is herein-after authorized or directed to be recovered.

Vessels belonging to the Port of *Arundel* exempted from certain Duties.

XXXIV. And whereas the Inhabitants of the said Town and Port of Arundel have expended the Sum of Twenty-eight thousand three hundred Pounds and upwards in erecting and keeping in Repair the Piers and other necessary Works of and belonging to the said Harbour of Littlehampton, and the said Piers and Works being now old must continue to be very chargeable to the Inhabitants of the said Town and Port, and therefore it is but just and reasonable that such Inhabitants should have the Benefit of such Exemption as herein-after is contained, be it therefore further enacted, That all Ships and Vessels belonging to the said Port of Arundel shall be and are hereby freed and exempted from the Payment of all and every of the Duties, Sum or Sums of Money, charged or made payable by any Act or Acts of Parliament passed for making, enlarging, repairing, maintaining, amending, improving, or preserving of, or in anywise relating to, the several Harbours, Ports, or Havens of Dover, Rye, Ramsgate, and Sandwich, or any or either of them respectively, any Thing contained in any of such Acts to the contrary thereof in anywise notwithstanding, so as that the Master of every such Ship or Vessel belonging to the said Port of Arundel, or some other Mariner on his Behalf, shall produce and shew to any Person lawfully authorized to demand such Duties, Sum or Sums of Money, or any of them, a Certificate, verified upon Oath before the Mayor of Arundel, (and which Oath the said Mayor is hereby empowered to administer), and under the Common Seal of the Corporation of Arundel aforesaid, that such Ship or Vessel doth belong to the said Port of Arundel, and that the Owner or Owners of the Whole or the major Part of such Ship or Vessel is or are Inhabitants of the said Town or Port of Arundel.

Powers of the Harbour Master to direct

XXXV. And be it further enacted, That for the future Convenience and Accommodation of the Trade of the said

said Harbour and Port, the Person or Persons now appointed, or hereafter to be appointed, under or by virtue of the said recited Act of the Sixth Year of the Reign of King George the Second, as the Harbour Master or Masters of or for the said Port or Harbour, shall order and direct every Person having the Rule or Command of any Ship or Vessel lading or unlading any Goods, Wares, or Merchandize, or any light Ship or Vessel, or any Hoy, Boat, Barge, Lighter, or other Craft entering into or lying within the said River Arun, or any Person who may be on Board, having the Care of the same respectively, to lie and moor at or in such proper Place or Places as such Harbour Master or Masters shall assign or direct for such Purpose; and in case such Person or Persons, having the Rule or Command of such Ship or Vessel, Hoy, Boat, Barge, Lighter, or other Craft, or any Person or Persons on Board the same, having the Care thereof, shall neglect or refuse to remove or moor his said Ship or Vessel, Hoy, Boat, Barge, Lighter, or other Craft as aforesaid, or in case there shall not be any Person on Board such Ship or Vessel, or other Craft, such Harbour Master or Masters may cause every such Ship or Vessel, or other Craft, to slack down, and to be unmoored, removed, and moored in such Birth as he may think proper, and the Expence of such Removal shall be paid by such Commander, Ruler, or Person having the Care of such Ship or Vessel, or other Craft, as aforesaid, to be recovered as aforesaid by Distress of the said Ship or Vessel, or other Craft, her Furniture, Tackle, and Apparel, and the Master or Commander, Ruler, or other Person having the Care thereof, shall also forfeit and pay the Sum of Five Pounds, to be recovered as in this Act is provided; but so nevertheless as that nothing herein contained shall extend, or be construed to extend, to authorize or impower such Harbour Master or Masters, or any Person or Persons employed by him or them, to prevent or hinder any Ship or Vessel, or other Craft, from proceeding to and lying or mooring at or as near as reasonably may be to any Wharf or Bank where such Ship or Vessel, or other Craft, intends to unload or take in her Cargo, or any Part thereof: And no Person or Persons shall throw or empty in any other Part of the said River, than in the Place where the said Harbour Master or Masters shall order and direct, any Ballast, Dust, Ashes, Stones, Chalk, or other Rubbish, or do any other Matter or Thing to prejudice or annoy the same; and if any such Prejudice or Annoyance shall be done, the Matter thereof shall be examined into by any One or more of

the Mooring of Ships, &c.

His Majesty's Justices of the Peace in and for the said County of Sussex, who, upon Confession of the Offender, or Proof thereof made by the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths the said Justice or Justices is and are hereby impowered to administer), shall and may, for every such Offence, impose any Fine or Fines upon every Person or Persons so offending not exceeding Five Pounds; and if any Person or Persons shall wilfully damage, destroy, hurt, or otherwise injure the Pier or Piers of the said Harbour, or any other the Works belonging thereto, or shall wilfully damage, destroy, hurt, or injure any of the Works hereafter to be done in pursuance of this Act, he or they shall, for every such Offence, forfeit and pay any Sum not exceeding the Sum of Fifty Pounds, nor less than the Sum of Five Pounds; which said Fine or Fines, Forfeiture or Forfeitures, when recovered, shall be paid, One Moiety thereof to the Informer or Person suing for the same, and the other Moiety thereof to the Treasurer, or other Person appointed by the said Commissioners, or any Nine or more of them, to receive the same, to be applied for or towards the Purposes of this Act.

Saving Clause relative to the Duke of *Norfolk.*

XXXVI. Provided always, That nothing herein contained shall extend, or be construed to extend, to affect or prejudice the Right, Title, or Interest of the most Noble Charles Duke of Norfolk, of, in, or to the Nomination and Appointment of a Water Bailiff of the said River Arun, or the ancient and usual Right, Power, and Authority of such Water Bailiff, or any other Right, Title, Interest, or Privilege of the said Duke, in anywise howsoever.

A Cloth to be placed from every Vessel to the Shore, whilst Ballast, Coals, &c. are lading or unlading, to prevent any Part falling into the River.

XXXVII. And be it further enacted, That the Master, Owner or other Person having the Care of any Ship, Lighter or other Vessel, being in any Part of the aforesaid Harbour or River, shall, and he is hereby required, before and during all the Time that any Ballast, Coals, Cinders, Stones, Bricks, Tiles, or any other loose Matter or Thing, shall be loading or unloading into or from any such Ship, Lighter or Vessel, to cause a Canvass or other Cloth to be nailed or otherwise fastened to such Ship, Lighter or other Vessel, which Canvass or Cloth shall extend from such Ship, Lighter or other Vessel, unto the Wharf, Bank or Quay, to or from which such Loading or Unloading is or shall be conveying or conveyed, or unto any other Ship, Lighter, Boat or other Vessel, to or from which such Loading or Unloading is or shall be conveying or conveyed, as the Case shall happen to be, so and in such Manner as to prevent any Part of such Loading or Unloading from passing or falling into the said Harbour

bour or River, or any Part thereof; and when and as soon as any such Ballast, Coals, Cinders, Stones, Bricks, Tiles or other Matter is or shall be landed from such Ship, Lighter or Vessel, the same shall be by such Master, Owner, or other Person as aforesaid, laid and placed, or caused to be laid and placed, back at least Four Feet distant from the Edge of such Wharf, Bank or Quay, and taken or carried, or caused to be taken and carried, from such Wharf, Bank or Quay, within Twenty-four Hours after the Time of landing the same as aforesaid; and in case any Master, Owner, or other Person, having the Care of any such Ship, Lighter or Vessel, shall neglect or refuse to fix such Canvals, or to lay and place and carry away such Ballast, Coals, Cinders, Stones, Bricks, Tiles or other Matter, in Manner and Form and within the Time aforesaid, such Master, Owner or other Person shall for every Day after which he or they shall so neglect or refuse forfeit and pay the Sum of Forty Shillings.

Persons to be kept on board Vessels to prevent Accidents.

XXXVIII. And be it also enacted, That during the Time any Ship or Vessel (such Vessel not being a Boat, Barge or Lighter), shall be or remain within the said River Arun, the Owner or Owners, Consignee or Consignees, Master or Person having the Care thereof, shall cause a proper Person to remain on board thereof, to prevent Accidents happening by Fire, or by the drifting of such Ship or Vessel; and in case any Ship or Vessel, so being in or upon the said River, shall at any Time be left without a proper Person on board to prevent such Accidents as aforesaid, the Owner or Owners, Consignee or Consignees, Master or other Person having the Care of such Ship or Vessel, shall for every such Neglect or Omission forfeit and pay the Sum of Five Pounds.

Regulations respecting Masters of Ships extended to Boatmen.

XXXIX. And be it further enacted, That all Clauses, Powers, Provisoes, Penalties and other Matters and Things included in this Act, or in the said recited Act of the Sixth Year of King George the Second, respecting the Regulation, Government and Management of Masters of Ships and other Vessels within the said Harbour and Port of Arundel, in the said River, shall be and the same are hereby fully extended to Lightermen, Bargemen, and Boatmen, working or employed in the said Harbour, Port, or River, as fully to all Intents and Purposes as if such Lightermen, Bargemen, and Boatmen, had been or were particularly mentioned in this Act.

All Works, &c. vested in the Commissioners, and their Powers to extend to

XL. And be it further enacted by the Authority aforesaid, That all and every the Piers and other Works erected, made, or done by virtue or in pursuance of the before-recited Act of the Sixth Year of His said late Ma-

Arundel Bridge, except, &c.

jesty, or to be hereafter erected, made, or done in pursuance or by virtue of this Act, shall be and are hereby absolutely vested in the said Commissioners now appointed by or acting under or by virtue of the said Act of the Sixth Year of his said late Majesty, and their Successors, for the Purposes of the said last mentioned and of this present Act, according to the true Intent and Meaning of the same respectively; and that all and every the Powers and Authorities by the said recited Act and hereby respectively given to or vested in the said Commissioners, and their Successors, shall and lawfully may be extended, exercised, and enjoyed by them, to and from the Entrance of the Piers at the said Harbour of Littlehampton to the Bridge commonly called Arundel Bridge: But nevertheless the said Track or Path herein-before directed to be made shall not be brought any nearer to the said Bridge than to the West End of the aforesaid Piece of Land, in the said Parish of Arundel, called The Tanners Slipe.

Commissioners to appoint Pilots,

XLI. And whereas it hath often happened that Vessels coming in or going out of the said Harbour of Littlehampton, called Arundel Port, have received considerable Damage and Injury for want of having proper People appointed to take charge of and pilot the said Vessels in or out of the said Harbour: Be it therefore further enacted, That, from and after the First Day of May One thousand seven hundred and ninety-three, it shall not be lawful for any Person or Persons, except such as shall be duly and from Time to Time appointed by the said Commissioners or their Successors, or any Nine or more of them, by some Writing or Writings under their respective Hands, to pilot or take Charge of any Ship or Vessel going out of or coming into the said Harbour, or in any Manner to act as a Pilot or Pilots within the said Harbour, under the Penalty of Twenty Pounds for every Offence committed contrary to this Act; and every Person so appointed by the said Commissioners as a Pilot as aforesaid shall, before he shall be permitted to pilot any Ship or Vessel in or out of the said Harbour, give good and sufficient Security to the said Commissioners, or their Treasurer or Clerk for the Time being, himself in a Bond for Fifty Pounds, with Two Sureties for Twenty-five Pounds each, to answer for any Damage or Injury occasioned by his Carelessness or Neglect; and that it shall and may be lawful to and for the said Commissioners and their Successors, or any Nine or more of them, from Time to Time, when and so often as they shall think proper, by any Writing or Writings under their Hands, to displace any such Person or Persons who may be so appointed to be a Pilot or Pilots as aforesaid,

who may be displaced.

either

either for Want of Skill, Carelessness, or for any other Cause which shall seem sufficient to the said Commissioners or their Successors, or any Nine or more of them; and such Person or Persons who may be so displaced shall not afterwards act as a Pilot or Pilots in, or otherwise take Charge of, any Ship or Vessel going out of or coming into the said Harbour, unless or until he shall be restored or re-appointed by the said Commissioners, under the Penalty of Twenty Pounds for every such Offence.

Commissioners may demise the Tolls, &c. arising under the late or this present Act.

XLII. And be it further enacted, That it shall and may be lawful for the said Commissioners and their Successors, at any Time from and after the First Day of May One thousand seven hundred and ninety-three, by any Instrument in Writing under their Hands and Seals, or under the Hands and Seals of any Nine or more of them, to let or demise the said Rates and Duties arising from or to be payable under or by virtue of the said recited Act of the Sixth Year of King George the Second, and of this present Act, for any Term not exceeding One Year at any One Time, to any Person or Persons, for the highest Rent that can be got for the same, either by publick Bidding or otherwise, provided that One Month's previous Notice be given in some of the publick Newspapers circulated in the said County of Sussex of the Intention of the said Commissioners to lease or demise the said Rates and Duties, and so as that the Person or Persons renting the same shall give satisfactory Security to the said Commissioners by Articles in Writing for the well and true Performance of his, her, or their Bargain, Contract, or Agreement with them; and the Persons so renting the said Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every respect be deemed and taken to be the Collector appointed by the said Commissioners, and any Certificate signed by him, her, or them, that the said Duties are paid or secured to be paid by any Master or other Person having the Rule or Command of any Ship or Vessel, shall be deemed and taken as a good and sufficient Discharge by any Collector, Customer, Comptroller, or other Officer of the Customs within the said Port of Arundel.

Commissioners may make Bye Laws,

XLIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners now appointed, or who shall be hereafter appointed, in pursuance of the said recited Act of the Sixth Year of the Reign of His said late Majesty, or any Fifteen or more of them, present at any of their Meetings, to make such Bye Laws, Rules, Orders, and Regulations for the Improvement and Security of the Navigation of the said

said River Arun, and for the Security, Safety, and Convenience of the Ships and Vessels coming into or being or lying in the same, and for the loading, unmooring, and mooring thereof, and for the effecting and Preservation of the Works to be made or done in pursuance or by virtue of this Act, and for the Appointment, Regulation, Direction, and good conducting of the Pilotage and Pilots and Pilot Boats, Hoblers and Helpers of Ships or Vessels, into or out of, or whilst within, the River, Harbour, or Port aforesaid, and the Use of Fires and the melting of combustible Matters on Board any Ship or Vessel within the said River Arun or Port of Arundel, and for keeping clear and unincumbered the publick Piers, Wharfs, Quays, Track, or Path, and removing and preventing Nuisances thereon, as shall from Time to Time appear necessary and proper, and to impose reasonable Fines and Penalties for the Breach and Nonobservance of such Bye Laws, Rules, Orders, and Regulations, (no One Penalty exceeding Five Pounds); which Fines and Penalties shall be recovered and levied as the Fines, Penalties, and Forfeitures by this Act inflicted or imposed are hereby directed to be recovered; and that all such Bye Laws, Rules, Orders, and Regulations, and the Fines and Penalties for the Breach or Nonperformance thereof, shall from Time to Time, as often as they shall be made, altered, or varied, be put up in Writing in a clear legible Hand in the Custom House in the said Town of Arundel, and in such other Place or Places as the said Commissioners, or any Nine or more of them, may appoint, and at all Times to remain and be in the said Places.

and impose Fines and Penalties.

No Rule or Bye Law to be altered, except, &c.

XLIV. Provided also, and be it further enacted, That no Rule, Bye Law, Order, or Regulation, made by the said Commissioners, shall be altered or repealed unless Twenty-one Days previous Notice of such intended Alteration and Repeal shall be fixed in Writing, under the Hand of the Clerk of the said Commissioners for the Time being, upon the Door of the Custom House, and in or near the Market Place of the said Town of Arundel, nor unless Fifteen Commissioners shall be present and consenting thereto.

Owners of Lands not to be liable to repair Banks of the River.

XLV. Provided also, That nothing herein contained shall extend, or be construed to extend, to compel any Owner or Owners of any Land to be rented for the making and using such Path or Track, and Roads as aforesaid, at any Time or Times to repair or keep up the Banks of the said River Arun, for the Support or Preservation of such Path or Track, or Roads, or to render such Owner or Owners liable for any Injury or

Damage

Damage thereto by Means of such Banks not being at any Time or Times repaired or upheld.

XLVI. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act, or by any Bye Laws, Rules, Orders, or Ordinances to be made in pursuance thereof, imposed or to be imposed, inflicted, or incurred as aforesaid, the Manner of recovering and levying whereof is not hereby otherwise particularly directed, shall, if not forthwith paid upon the Conviction of the Person or Persons offending, be levied and recovered by Distress and Sale of the Goods and Chattels of the Person so convicted by virtue of any Warrant or Warrants under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the County of Sussex; and if any Overplus shall remain after Payment of the said respective Fines, Penalties, and Forfeitures, and the Charges of such Distress and Sale, such Overplus shall be restored to the respective Owner or Owners whose Goods and Chattels shall have been so distrained and sold; and in case of no sufficient Distress being found, such Justice or Justices shall and may commit such Offender to the Common Bridewell within the said County of Sussex, there to remain, without Bail or Mainprize, for any Space not exceeding Three Months nor less than Fourteen Days, at his or their Discretion, unless such Fines, Penalties, or Forfeitures shall be sooner paid; or otherwise such Fines, Penalties, and Forfeitures as aforesaid, or any of them, shall and may (in case the same exceed the Sum of Five Pounds) be levied and recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at Westminster, wherein no Essoin, Protection, or Wager of Law, or any more than One Imparlance, shall be allowed, and on the Trial whereof any Inhabitant of the said Town or Port of Arundel, not otherwise disqualified or disabled by Law, shall be admitted to give Evidence, and be deemed a competent Witness; and all and every of such Fines, Penalties, and Forfeitures, imposed and inflicted, or to be imposed, inflicted, and recovered, by or by virtue of this Act, (the Application or Disposition whereof is not hereinbefore otherwise particularly directed), shall be paid into the Hands of the Treasurer or Receiver of the aforesaid Rates or Duties for the Time being, and shall be applied and disposed of for the improving, preserving, and maintaining of the Works belonging to the said Harbour and Port of Arundel, and to and for no other Use or Purpose whatsoever.

Penalties and Forfeitures how to be recovered and applied.

XLVII. Provided always, and be it further enacted, That no Person or Persons shall be subject or liable to

Proceedings to be within Six Months.

the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act for any Offence or Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, unless some Proceeding shall be had according to the Directions of this Act, or of such Rule, Order, or Bye Law respecting such Offence or Offences, within Six Calendar Months next after the Offence committed.

XLVIII. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, or against any Rule, Order, or Bye Law to be made in pursuance thereof, shall and may cause the Conviction to be drawn up in the following Form of Words, or in other Words to the same Effect; viz.

Form of Conviction.

County of *Sussex*, } BE it remembered, That on the Day of
to wit. } in the Year of the Reign of His Majesty King *A B.* is [*or* are] convicted before me [*or* us] One [*or* Two] of His Majesty's Justices of the Peace for the County of *Sussex*, by virtue of an Act of Parliament passed in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled, [*Here set forth the Title of the Act,*] of [*Specifying the Offence, and the Time and Place when and where the same was committed, as the Case shall be*], contrary to the said Act, [*or as the Case shall be*, contrary to a certain Bye Law made on the Day of One thousand seven hundred and pursuant to the said Act, for which Offence I [*or* we] adjudge the said to have forfeited the Sum of [*and if mitigated*] which I [*or* we] mitigate to the Sum of Given under my Hand and Seal [*or* our Hands and Seals], the Day and Year first above written.

Distress not to be deemed unlawful for Want of Form.

XLIX. And be it further enacted, That when 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, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any 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 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 Damage in an Action upon the Case; And that all and every Person or Persons

sons who shall think himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Constitution of the said Commissioners or their Successors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Three Calendar Months next after such Order shall have been made or given, appeal to the Justices of the Peace at their next General Quarter Sessions to be held in and for the said County of Sussex, and not elsewhere, such Appellant first giving or causing to be given Fourteen Days Notice at least in Writing of his or her Intention to bring such Appeal, and of the Matter thereof, to the Clerk of the said Commissioners, and within Three Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, in a summary Way, either hear and finally determine the said Complaint, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be holden for the said County; and, if they see Cause, may mitigate any Fine, Penalty, or Forfeiture, and may order any Money to be returned, which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such Satisfaction to be made to the Party injured as they shall think reasonable, and that no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form only, or be removed by Certiorari into any of His Majesty's Courts of Record at Westminster.

Persons aggrieved may appeal to the Quarter Sessions.

L. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done in pursuance of this Act, or of any Rule, Order, or Bye Law to be made in pursuance thereof, until Twenty-one Days Notice thereof shall be given in Writing to the Clerk of the said Commissioners, or their Successors for the Time being, signed by the intended Plaintiff or Plaintiffs, of the Cause and Intention of and for commencing such Action or Suit; nor at any Time after sufficient Satisfaction, or a Tender thereof hath been made to the Party or Parties aggrieved, which Tender the Defendant or Defendants shall in all Cases have Power to make, nor after Six Calendar Months next after the Fact committed, for which such Action

Limitation of Actions, &c.

Action or Actions, Suit or Suits, shall be so brought; and all such Actions and Suits shall be laid and tried in the said County of Sussex, and not in any other County or Place; and that the Defendant or Defendants in every such Action and Suit, and every of them, may

General Issue. plead the General Issue, and give this present Act and the special Matter in Evidence at any Trial or Trials which may be had thereupon; and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act, or of some Rule, Order, or Bye Law made in pursuance thereof: And if the said Matter or Thing shall appear to have been so done, or if it shall happen that such Action or Suit was brought before Twenty-one Days Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any Action or Suit shall not be commenced within the Time before for that Purpose limited, or shall be laid in any other County or Place than as aforesaid, then the Jury or Juries shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs in such Action or Actions, Suit or Suits, shall become nonsuited, or suffer a Discontinuance in such Action or Actions, Suit or Suits, or if Judgement upon Demurrer shall be given, or a Verdict pass against the Plaintiff or Plaintiffs therein, then, and in either of the Cases afore-

Treble Costs. said, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants may have for his, her, or their Costs in any other Case by Law.

Commissioners may sue and be sued in the Name of their Clerk. LI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners appointed or to be appointed under the Authority of this Act, to sue and be sued in the Name of their Clerk for the Time being, and no Suit shall abate by Reason of the Death or Removal of any such Clerk.

Expences of this Act how to be paid. LII. And be it further enacted, That the Costs, Charges, and Expences incident to or attending the obtaining and passing of this Act shall be paid and discharged out of the First Monies which shall be received by or come to the Hands of the Treasurer to the said Commissioners by virtue or in pursuance of the said recited Act of the Sixth Year of his said late Majesty's Reign, and of this present Act.

Publick Act. LIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons whatsoever, without being specially pleaded.