ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. CXXX.

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*.

[19th *July* 1797.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the First, intituled, *An Act for the better Preservation of the Harbour of* Rye, *in the County of* Sussex: And whereas, by an Act, made in the Ninth Year of the Reign of His said Majesty King *George* the First, intituled, *An Act for completing the Repairs of the Harbour of* Dover, *in the County of* Kent; *and for restoring the Harbour of* Rye, *in the County of* Sussex, *to its ancient Goodness*; after reciting that an Act was made in the Eleventh and Twelfth Years of King *William* the Third, intituled, *An Act for the Repair of* Dover *Harbour*; whereby a Duty of Three-pence *per* Ton was laid upon certain Ships and Vessels therein specified, in order to raise Money to be applied for that Purpose; and reciting, that the said last mentioned Act was, by Two other Acts, One made in the Second Year of the Reign of Queen *Anne*, and the other in the Fourth Year of the Reign of King *George* the First, continued unto the First Day of *May* One thousand seven hundred and twenty-seven; it was enacted (amongst other Things) that the

Preamble. 7 *Geo.* I. Cap. 9. 9 *Geo.* I. Cap. 30.

the ſaid Acts of the Eleventh and Twelfth Years of the Reign of King *William* the Third, and the Second Year of the Reign of Queen *Anne*, ſhould continue and be in Force until the Firſt Day of *May* One thouſand ſeven hundred and forty-four; and it was by the ſaid Act directed, that One Third Part of the Income of the Duties thereby continued ſhould be appropriated to the Uſe of *Dover* Harbour, and the other Two Third Parts to the repairing of the ſaid Harbour of *Rye*, and for reſtoring it to its ancient Goodneſs, under the Regulations and Directions therein expreſſed: And whereas, by an Act made in the Tenth Year of the Reign of His ſaid Majeſty King *George* the Firſt, intituled, *An Act for making more effectual an Act, made in the Ninth Year of His Majeſty's Reign, intituled,* '*An Act for completing the Repairs of the Harbour of* Dover, *in the County of* Kent; *and for reſtoring the Harbour of* Rye, *in the County of* Suſſex, *to its ancient Goodneſs,*' *ſo far as the ſame relates to the Harbour of* Rye, the ſaid Two Thirds of the Duties granted or continued by the ſaid laſt-recited Act were directed to be applied to the Uſes and Purpoſes of the ſaid Act now in Recital, and to be paid in the Manner, and to be ſubject to the Regulations and Directions therein expreſſed: And whereas, by an Act, made in the Eleventh Year of the Reign of His late Majeſty King *George* the Second, the ſaid Duties were continued for a further Term of Twenty-one Years, and the Powers given by the former Acts were enlarged: And whereas, by an Act, made in the Second Year of the Reign of His preſent Majeſty, intituled, *An Act to empower the Commiſſioners and Truſtees, named and appointed by and in purſuance of an Act of Parliament, made in the Tenth Year of the Reign of His late Majeſty King* George *the Firſt, for making more effectual an Act, made in the Ninth Year of His Majeſty's Reign, intituled,* '*An Act for completing the Repairs of the Harbour of* Dover, *in the County of* Kent; *and for reſtoring the Harbour of* Rye, *in the County of* Suſſex, '*to its ancient Goodneſs,*' *ſo far as the ſame relates to the Harbour of* Rye), *to let the Sea and Tides into a new Cut or Channel made in purſuance of the ſaid Act of the Tenth Year of His ſaid late Majeſty's Reign, as far as a Wall called* Winchelſea Wall; after reciting the ſaid Act of the Tenth Year of His Majeſty King *George* the Firſt, the Commiſſioners and Truſtees thereby appointed are by the ſaid Act, now in Recital, authorized and empowered to let the Sea and Tides into the new Cut or Channel therein mentioned, and to make Satisfaction to the Owners of any Lands or Hereditaments for ſuch Damage as they might ſuffer by Reaſon of any Thing to be done by virtue of the ſaid Act now in Recital: And whereas by an Act, paſſed in the Fourth Year of the Reign of His preſent Majeſty, intituled, *An Act for continuing One Moiety of the Duties granted by an Act of the Eleventh and Twelfth Years of King* William *the Third, for the Repair of* Dover *Harbour; and which have been, by ſeveral other Acts, continued till the Twelfth Day of* May *One thouſand ſeven hundred and ſixty-five; and for applying the ſame to completing and keeping in Repair the Harbour of* Rye, *in the County of* Suſſex, *and for more effectually completing and keeping in Repair the ſaid Harbour*; it was (amongſt other Things) enacted, that the Moiety of the Duties granted and continued by the ſaid former Acts, and which was not appropriated by the therein recited Act of the Thirty-firſt Year of His late Majeſty King *George* the Second, ſhould be continued for a further Term of Twenty-one Years, from the Twelfth Day of *May* One thouſand ſeven hundred and ſixty-five, and be applied, after defraying the Expences

10 *Geo.* I, Cap. 7,

11 *Geo.* II, Cap. 7,

2 *Geo.* III, Cap. 85,

4 *Geo.* III, Cap. 72,

of obtaining and paſſing the Act now in Recital, for the Purpoſe of completing, maintaining, and keeping in Repair the ſaid Harbour of *Rye*, and for completing the Works, and making certain Cuts, Dams, and Sluices, in Manner therein mentioned; and in order thereto, the ſeveral Powers contained in the ſaid former Acts, ſo far as related to the ſaid Harbour of *Rye*, which were not thereby vacated or altered, were thereby continued, and certain Directions were given for conſtructing, completing, and finiſhing the ſaid Harbour in Manner therein mentioned, and Compenſations were directed to be made to the Owners of Lands for any Damage that might be done to their Property in the Execution of the ſame Act; and it was thereby enacted, that the Commiſſioners thereby appointed, or any Nine or more of them, ſhould, out of the Firſt Monies that ſhould be borrowed for the Purpoſes therein mentioned, inveſt the Sum of Five thouſand Pounds in Old South Sea Annuities, or other Government Securities, in the Names of the Sub-governor and Deputy Governor for the Time being of the Governor and Company of Merchants of *Great Britain* trading to the *South Seas*, and other Parts of *America*, and for encouraging the Fiſhery, as Truſtees for the Purpoſes of the Act in Recital; and the Intereſt accruing therefrom was to be appropriated for the Uſe of the ſaid Harbour of *Rye*, and the Principal to be a Fund for making good ſuch Damages as ſhould accrue to the Owners of certain Marſh Lands near or adjoining to the Harbour of *Rye*, in the Execution and during the Continuance of the Act now in Recital; and it was further enacted, that, after the Expiration of the Term thereby granted, ſo much of the ſaid Sum of Five thouſand Pounds (remaining after ſatisfying the ſaid Damages) as ſhould be neceſſary, ſhould be expended in repairing and maintaining certain Walls and Works made or mentioned to be made under Authority of the ſame Act: And whereas, by an Act, made in the Eighteenth Year of His ſaid preſent Majeſty's Reign, the ſaid Moiety of the Duties, continued and appropriated by the ſaid laſt recited Act, were continued for a further Term of Twenty-one Years from the Expiration of the Term thereby granted, and the Commiſſioners were thereby empowered to erect an additional Dam and an additional Sluice for the Purpoſes therein mentioned: And whereas the ſaid Sum of Five thouſand Pounds, by the ſaid Act of the Fourth Year of His ſaid late Majeſty directed to be laid out, was accordingly inveſted in the Purchaſe of the Sum of Five thouſand ſeven hundred and fourteen Pounds Five Shillings and Ninepence, Old South Sea Annuities, which now ſtands in the Names of the Sub-governor and Deputy Governor of the South Sea Company aforeſaid: And whereas, under the Authority of the ſaid Acts, a new Cut or Channel, with Two Piers at the Entrance thereof, and a Harbour communicating therewith, have been in Part made; but it being found that ſuch new Harbour can never be ſo formed as to receive or protect Ships of a large Size, or to permit Ships or Veſſels of any Size ſafely to come in and anchor in Streſs of Weather, or ſo as effectually to anſwer any of the Objects and Purpoſes intended at the paſſing of the ſaid recited Acts, the Commiſſioners acting under the ſame have for ſome Years diſcontinued the ſaid Works, and it is expedient that no further Attempts ſhall be made towards completing or improving the ſame; and that the Duties impoſed by the ſaid recited Acts, and thereby directed to be applied for the Maintenance, Preſervation, and Improvement of the Harbour of *Rye*, ſhould ceaſe to be raiſed and levied as herein-after mentioned:

18 *Geo.* III, Cap. 31.

And whereas the old Harbour of *Rye* might at a ſmall Expence be ſo improved and repaired, as fully to anſwer the Convenience of all Ships and Veſſels which may have Occaſion to reſort thereto: And whereas there is due from the Commiſſioners or Truſtees who were appointed by the ſaid Acts to complete the ſaid Harbour of *Rye*, on Mortgage of the Duties by the ſame Acts directed to be levied and raiſed, a Debt of Seven thouſand three hundred and twenty-one Pounds and One Shilling, incurred by them in carrying on the Works that have already been done under the Authority of the ſaid Acts, bearing an Intereſt of Five Pounds *per Centum per Annum:* And whereas, by an Act, paſſed in the Thirty-ſecond Year of His ſaid preſent Majeſty's Reign, intituled, *An Act for the Maintenance and Improvement of the Harbour of* Ramſgate, *in the County of* Kent, *and for cleanſing, amending, and improving the Haven of* Sandwich, *in the ſaid County*; it was enacted that the Elder Brethren of *Trinity Houſe Deptford Strond* for the Time being, the Lord Warden of the Cinque Ports, and his Deputy, for the Time being, the Mayor of *Sandwich* for the Time being, and certain other Perſons therein named, ſhould be Truſtees for enlarging, building, finiſhing, ſupporting, and improving the ſaid Harbour of *Ramſgate*, in ſuch Manner, and with ſuch Powers and Authorities as are therein mentioned; and by the ſame Act certain Rates and Duties are impoſed upon the Owners of every Ship, Veſſel, or Crayer of certain Deſcriptions paſſing or coming from, to, or by *Ramſgate*: And whereas the greater Part of the Ships which pay the Duties levied and raiſed under the Act of the Thirty-ſecond Year of His preſent Majeſty's Reign, for the Maintenance and Improvement of the Harbour of *Ramſgate*, alſo pay the Duties levied and raiſed for the repairing of the ſaid Harbour of *Rye*, under the ſaid recited Acts to be hereby repealed, and inaſmuch as ſuch Ships and Veſſels will, from and after the paſſing of this Act, be relieved from the Payment of the Duties laſt mentioned, it is expedient that the Debt already contracted in attempting the making a new Harbour at *Rye*, together with the Intereſt due, and to grow due thereon, ſhall be diſcharged out of the Produce of the Tolls and Duties raiſed under Authority of the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty's Reign, and that the ſaid Sum of Five thouſand ſeven hundred and fourteen Pounds Five Shillings and Nine-pence, Old South Sea Annuities, together with the Sum of Two thouſand and five hundred Pounds Sterling, Part of the Monies already produced by the Tolls and Duties impoſed by the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty's Reign, ſhall be applied in erecting a Dam for turning the freſh Water out of the new Cut into the old Harbour of *Rye*, and for the Improvement of the ſame Harbour, and that the Two Meſſuages, and the Lands and Hereditaments herein-after mentioned, which belong to the Truſtees of *Rye* Harbour, and are of the Value of Six hundred Pounds, or thereabouts, ſhall be ſold and diſpoſed of in order to raiſe a Fund for making Reparation to the ſeveral Perſons who have been prejudiced by any of the Works already done towards completing the new Harbour of *Rye*, or by the Abandonment of that Undertaking, and that the Surplus of ſuch Monies (if any there ſhould be), ſhall from Time to Time be applied in or towards the Improvement of the ſaid old Harbour of *Rye*, in purſuance of this Act: 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

32 *Geo.* III, Cap. 74, recited.

preſent Parliament aſſembled, and by the Authority of the ſame, That, from and after the paſſing of this Act, the above recited Acts of the Seventh, Ninth, and Tenth Years of the Reign of His Majeſty King *George* the Firſt, the Eleventh Year of the Reign of His Majeſty King *George* the Second, and the Second, Fourth, and Eighteenth Years of the Reign of His preſent Majeſty, ſhall be, and the ſame are hereby repealed.

That the ſaid Acts of the 7th, 9th, & 10th of *Geo.* I, the 11th *Geo.* II, and the 2d, 4th, & 18th *Geo.* III, ſhall be repealed.

II. And be it further enacted, That ſo much of the ſaid Debt or Sum of Seven thouſand three hundred and twenty-one Pounds and One Shilling, now due and owing from the Commiſſioners for executing the ſaid Acts hereby repealed, for or on Account of the Works which have been already erected or begun for or towards the Completion of the ſaid intended new Harbour of *Rye*, and of the Intereſt due and to grow due thereon, as ſhall not be diſcharged by and out of the Monies received or to be received under Authority of the Acts hereby repealed, or any of them, ſhall be paid off and diſcharged, by Three equal annual Payments, on the Second Day of *Auguſt* in each Year, and the Firſt of ſuch Payments to be made upon the Second Day of *Auguſt* next after the paſſing of this Act, by and out of the Tolls and Duties raiſed under Authority of the ſaid Act of the Thirty-ſecond Year of His preſent Majeſty's Reign, in ſuch Manner as if the ſame Debt had been made payable thereout under the Proviſions contained in the ſaid laſt-mentioned Act.

That the ſaid Debt of 7,321 *l.* 1 *s.* ſhall be diſcharged out of the Funds of *Ramſgate* Harbour.

III. And be it further enacted, That Sir *Edward Knatchbull*, Sir *George Auguſtus William Shuckburgh Evelyn*, Sir *Godfrey Webſter Vaſſal*, and Sir *William Geary*, Baronets; *James Monypenny*, *Thomas Kemp*, *Thomas Phillipps Lamb*, *Edward Jeremiah Curteis*, and *John Norton*, Eſquires; the Reverend *Drake Hollingbery*, with the Maſter Wardens, and the Reſt of the Elder Brethren of the *Trinity Houſe Deptford Strond*, for the Time being, the Directors of the *London* and *Royal Exchange* Inſurance Offices of *London* for the Time being, all Perſons who during the Time they act ſhall be aſſeſſed to the Land Tax for Lands in the County of *Kent*, or in the County of *Suſſex*, or in both Counties, after the Rate of One hundred Pounds *per Annum*, and every Perſon who ſhall at the Time of acting be in his own Right, or in Right of his Wife, in the actual Poſſeſſion and Enjoyment of Lands and Hereditaments in ſome or one of the Levels ſewing into or out of the ſaid Harbour of *Rye*, of the clear yearly Value of One hundred Pounds, ſhall be, and they are hereby appointed Commiſſioners for the Improvement of the ſaid old Harbour of *Rye*, and otherwiſe for putting this Act into Execution; and if any Perſon, not being qualified, ſhall preſume to act in the Execution of this Act, every ſuch Perſon ſhall, for every ſuch Offence, forfeit any Sum not exceeding One hundred Pounds, nor leſs than Fifty Pounds, to be recovered in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, Bill, Plaint, or Information, with full Coſts of Suit, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and it ſhall be incumbent on the Perſon ſo proſecuted to prove that he is qualified as aforeſaid, and in Default thereof he ſhall pay the Penalty without any Proof or Evidence being neceſſary on the Part of the Proſecutor, other than and except that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners for maintaining the old Harbour of *Rye*, and executing this Act.

IV. And

For holding the Meetings of the Commissioners.

IV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet together at the Court Hall in the Town of *Rye*, in the County of *Sussex*, on the First *Tuesday* in the Month of *August* next after the passing of this Act, and proceed in the Execution of this Act, and shall adjourn themselves from Time to Time to such Times and Places as the said Commissioners, assembled at any such Meeting, shall think most convenient, and that Two Commissioners shall be sufficient for the Purpose of adjourning any Meeting; and that if at any Meeting appointed to be held by virtue of this Act, there shall not be present a sufficient Number of Commissioners to act or to adjourn to another Day, or in case the Commissioners assembled at any such Meeting shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Commissioners, to be appointed as herein directed, shall from Time to Time in either of such Cases, within the Space of Fourteen Days from the Day on which such Meeting shall have been held or appointed to be held, insert an Advertisement in *The London Gazette*, and in Two or more of the Newspapers published in the Counties of *Sussex* and *Kent*, or One of them, appointing the Commissioners to meet on the Tenth Day after the Insertion of such Advertisement, at the Place where the last Meeting was appointed to be held, or was actually holden; and in case there shall be a Vacancy in the Office of Clerk, or if the Clerk or Clerks for the Time being shall refuse or neglect to insert an Advertisement as aforesaid, or shall by any Means be prevented from so doing, it shall and may be lawful for any Five or more of the said Commissioners, at any Time or Times after the Expiration of Three Days from such Refusal, Neglect, or Prevention of the Clerk or Clerks as aforesaid, to insert a like Advertisement in *The London Gazette*, and in such Newspaper as aforesaid, appointing the Commissioners to meet at some House or Place in or near the said Town of *Rye*, on the Tenth Day next after the Insertion thereof, and such Advertisement shall be deemed and taken to be a sufficient Notice for any such Meeting; and that all such Commissioners as are Justices of the Peace, may act as Justices in the Execution of this Act, notwithstanding their being Commissioners (except only in such Cases where they shall be personally interested).

In case the Commissioners shall neglect to adjourn themselves, the Clerk to appoint Meetings.

Commissioners, who are Justices of the Peace, to act as such in Execution of this Act.

For electing a Chairman, &c.

V. And be it further enacted, That the said Commissioners, or any such Five or more of them, at their said Meeting on the First *Tuesday* in the Month of *August* next after the passing of this Act, and afterwards annually on the First *Tuesday* in *August* (or in case such Annual Meeting shall not be held, then at any adjourned or other Meeting to be held by virtue of this Act), shall elect a Chairman and Deputy Chairman to preside at such Meetings, who shall continue in their respective Offices for the Space of One Year, and until a Successor or Successors shall be appointed in pursuance of this Act, and shall not afterwards be disqualified from being re-elected.

In case of Absence of the Chairman and Deputy Chairman, any Five of the Commissioners to elect a Chairman for the Day.

VI. And be it further enacted, That in case it shall so happen that the Chairman and Deputy Chairman shall be both absent at any of the Meetings appointed for transacting the Business of this Act, then and so often it shall and may be lawful for the said Commissioners present at any such Meeting (provided they amount to the Number of Five), to elect and appoint from amongst themselves then present, a Chairman and Deputy Chairman for the Day, who shall respectively have the same Powers and

and Authorities as the actual Chairman and Deputy Chairman would have had if preſent.

All Acts of the Commiſſioners to be determined by the Majority; and the Chairman to have a caſting Vote.

VII. And be it further enacted, That all Acts to be done in purſuance of this Act by the ſaid Commiſſioners at their Meetings, ſhall be determined by a Majority, and ſhall be valid if the Majority of Truſtees preſent at ſuch Meetings (ſuch Majority conſiſting of Five Truſtees at the leaſt) ſhall concur therein; and that in all Caſes where the Number ſhall be equal, the Chairman for the Time being, or the Perſon ſupplying his Place as aforeſaid, ſhall have the caſting Vote.

Commiſſioners to chuſe a Harbour Maſter, and Clerk or Secretary, and other Officers; and to contract with Workmen.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Five or more of them, at their Firſt or any other Meeting, to chuſe a Harbour Maſter and Clerk, or Secretary, and ſuch other Perſons as they ſhall think neceſſary to employ in the Execution of this Act, with ſuch Salaries as they ſhall think reaſonable; and the ſaid Commiſſioners, or ſuch Five or more of them, as aforeſaid, ſhall have full Power to diſplace ſuch Harbour Maſter, Clerk, Secretary, or other Perſons at their Pleaſure, and to appoint others in their Room; and alſo to contract and agree with any Workmen, Artificers, or other Perſons whatſoever, for the making or doing all and every or any Part of the Works to be done in Execution of this Act, and alſo with any Perſon or Perſons for the Materials which ſhall be neceſſary in or about the ſame.

Officers to account on Oath.

IX. And be it further enacted, That all Officers and other Perſons who ſhall have been or ſhall hereafter be employed, or who ſhall have received or who ſhall at any Time hereafter receive any Money by virtue of the ſeveral Acts hereby repealed, or any of them, or of this preſent Act, or who ſhall have in their Cuſtody or Poſſeſſion any Books, Accounts, Papers, Writings, or other Things relating to the ſaid Harbour of *Rye*, ſhall from Time to Time, when thereunto required by the ſaid Commiſſioners, or any Five or more of them, deliver to ſuch Commiſſioners, or to ſuch Perſon or Perſons as they ſhall for that Purpoſe appoint, a true and perfect Account, in Writing under their reſpective Hands, of all Monies which ſhall have been by them reſpectively had, collected, or received, by virtue of the Acts hereby repealed, or any of them, or of this Act, and how, and to whom, and for what Purpoſes, the ſame and every Part thereof hath been diſpoſed of, together with proper Vouchers and Receipts for ſuch Payments; and ſhall verify the Accounts upon Oath, if thereunto required by the ſaid Commiſſioners, or any Five or more of them; and ſuch Officers and Perſons ſhall, and they are hereby reſpectively required to pay all ſuch Monies as upon the Balance of ſuch Account or Accounts ſhall appear to be in their Hands to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall appoint to receive the ſame; and if any of the ſaid Officers or Perſons ſhall refuſe or neglect to render or give ſuch Accounts as aforeſaid, or to produce and deliver up the Vouchers and Receipts relating to the ſame, or to verify the Articles thereof upon Oath (which Oath the ſaid Commiſſioners, or any One or more of them, is and are hereby authorized and empowered to adminiſter), or to pay the Balance remaining in their Hands, when thereunto required in Manner aforeſaid; or if any ſuch Officers or Perſons ſhall refuſe or neglect to de-

liver up to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they, or any Five or more of them, ſhall appoint, within Ten Days after being thereunto required by the ſaid Commiſſioners, or any Five or more of them, all Books, Accounts, Papers, and Writings, in their reſpective Cuſtody or Power, anyways relating to the ſaid Harbour of *Rye*, and Complaint ſhall be made of any ſuch Neglect or Refuſal to any Juſtice of the Peace for the County or Place where the Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall be or reſide, by any Five or more of the ſaid Commiſſioners, ſuch Juſtice may and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to cauſe ſuch Officer or Officers, Perſon or Perſons, to be brought before him, and upon his, her, or their appearing, or not appearing, to hear and determine the Matter of ſuch Complaint in a ſummary Way, and to ſettle the ſaid Account or Accounts, if produced, in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, might have done; and if upon the Confeſſion of the Officer or Officers, Perſon or Perſons againſt whom any ſuch Complaint ſhall be made, or by the Oath or Oaths of any credible Witneſs or Witneſſes, it ſhall appear to ſuch Juſtice that any of the Monies which ſhall have been collected or received ſhall be in the Hands of ſuch Officer or Officers, Perſon or Perſons, ſuch Juſtice may, and he is hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his Hand and Seal, to cauſe ſuch Money to be levied and recovered by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Officers, Perſon or Perſons reſpectively; and if no Goods or Chattels ſhall be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale, or if ſuch Officer or Officers, Perſon or Perſons, ſhall not appear before the ſaid Juſtice at the Time and Place by him appointed for that Purpoſe, or if appearing, ſhall refuſe or neglect to give and deliver to the ſaid Juſtice an Account or Accounts of the Receipts and Payments as aforeſaid, or to verify the Truth of any ſuch Account, or of the Articles thereof, upon Oath as aforeſaid, or to produce and deliver to the ſaid Juſtice the ſeveral Vouchers and Receipts relating to ſuch Accounts reſpectively, or the Books, Accounts, Papers, and Writings, in his, her, or their Cuſtody or Power, relating to the ſaid Harbour, then and in either of the Caſes aforeſaid the ſaid Juſtice may, and is hereby authorized and required, by Warrant or Warrants under his Hand and Seal, to commit ſuch Officer or Officers, Perſon or Perſons, to the Common Gaol of the County or Place where he, ſhe, or they, ſhall be or reſide, there to remain without Bail or Mainprize until he, ſhe, or they, ſhall have delivered in or ſettled his, her, or their Accounts, and have verified the ſame on Oath, and ſhall have delivered up the Vouchers and Receipts relating thereto, and ſhall have paid the Money which ſhall appear to be in his, her, or their reſpective Hands, and the reaſonable Charges of ſuch Diſtreſs and Sale, as ſhall in that Reſpect have been made, or until he, ſhe, or they, ſhall have compounded with the ſaid Commiſſioners, or any Five or more of them, for the ſame, and paid the Compoſition Money to the ſaid Commiſſioners, or any Five or more of them, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, (and which Compoſition the ſaid Commiſſioners, or any Five or more of them, are hereby in ſuch Caſe empowered to make), or until he, ſhe, or they, ſhall deliver up ſuch Books, Accounts, Papers, and Writings

as aforeſaid, or have given Satisfaction in reſpect thereof to the ſaid Commiſſioners, or any Five or more of them reſpectively: Provided always, that no Perſon ſhall be committed for Want of ſufficient Diſtreſs for any longer Space of Time than Six Calendar Months.

To make Bye Laws, &c.

X. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, at their Firſt or any other Meeting or Meetings to be held in purſuance of this Act, to direct ſuch Works to be done as they may think proper for the Improvement and Preſervation of the ſaid Old Harbour of *Rye*, and to make and frame ſuch Bye Laws, Rules, Orders, Regulations, and Ordinances, as they ſhall think fit, for the better Regulation of the ſaid Old Harbour, and the mooring and ſtationing of Veſſels there, and at the Wharfs, Quays, or Channels appertaining thereto, and for the Relief and Aſſiſtance of the Ships, Veſſels, or Crayers reſorting to, or ſeeking Shelter at or in the ſaid Old Harbour, and for the Conduct and Regulation of Officers, Servants, Pilots, and other Perſons employed in or about the ſame, and for preventing any Ballaſt, Earth, Rubbiſh, or Stones, from being thereon or emptied in the ſaid Old Harbour, and alſo for preventing the Beach, Shingle, Stones, or other Things, from being taken or carried away at or from improper Places on or near the ſaid Harbour to the Damage thereof, or of the adjoining Lands, and alſo for other the Purpoſes of this Act; and to annex ſuch reaſonable Penalties and Forfeitures for the Breach of ſuch Bye Laws, Rules, Orders, and Ordinances, or any of them, as to the ſaid Commiſſioners, or any Five or more of them, aſſembled at any Meeting as aforeſaid, ſhall ſeem proper, not exceeding the Sum of Five Pounds nor leſs than the Sum of Forty Shillings for each Offence; and ſuch Bye Laws, Rules, and Ordinances, from Time to Time, to alter and amend, and ſuch other Bye Laws, Rules, and Ordinances, from Time to Time to make, as they ſhall think proper; and that all and every ſuch Bye Laws, Rules, Orders, and Ordinances, ſo made as aforeſaid, ſhall be obſerved and kept, and put in Execution, and have the ſame Form, Effect, and Operation, to all Intents and Purpoſes, as if the ſame were reſpectively enacted and declared by this Act, ſo as they or any of them be not contrary to any expreſs Clauſe or Proviſo herein contained or hereby made, nor contrary or repugnant to any of the Laws of this Realm.

and to annex reaſonable Penalties for the Breach of ſuch Bye Laws, &c.

To alter the ſame.

Copies of ſuch Bye Laws to be affixed in ſome conſpicuous Place near the ſaid Harbour:

XI. Provided nevertheleſs, That Copies of all ſuch Bye Laws, Rules, Orders, and Ordinances, as ſhall be ſo made as aforeſaid, or of ſo much thereof as ſhall concern or relate to the Conduct and Regulation of the ſaid Harbour, or of any Officers, Servants, Pilots, or other Perſons employed in or about the ſame, or of the Perſons reſorting to or making Uſe thereof, ſhall be written or printed in large Characters, and in all the moſt uſual *European* Languages, and affixed in ſome conſpicuous Place in or near the ſaid Old Harbour.

And the ſaid 5,714*l.* 5*s.* 9*d.* Old South Sea Annuities ſhall, after the paſſing of this Act, be paid or transferred into

XII. And be it further enacted, That the ſaid Five thouſand ſeven hundred and fourteen Pounds Five Shillings and Nine-pence, Old South Sea Annuities, ſo ſtanding in the Names of the Sub-Governor and Deputy Governor of the Company of Merchants trading to the South Seas, under the ſaid recited Acts, and all Intereſt or Dividends due thereon, ſhall, immediately after the paſſing of this Act, be transferred or paid by

the Names of Nine of the Commiſſioners.

by the ſaid Sub-Governor and Deputy Governor of the South Sea Company to and into the Names of the ſaid Sir *Edward Knatchbull*, Sir *Godfrey Webſter Vaſſal*, Sir *George Auguſtus William Shuckburgh Evelyn*, Sir *William Geary*, *James Monypenny*, *Thomas Kemp*, *Thomas Phillipps Lamb*, *Edward Jeremiah Curteis*, *John Norton*, and *Drake Hollingbery*, being Ten of the Commiſſioners for putting this Act in Execution, or any Three or more of them, and that there ſhall likewiſe be paid to them the ſaid Sir *Edward Knatchbull*, Sir *Godfrey Webſter Vaſſal*, Sir *George Auguſtus William Shuckburgh Evelyn*, Sir *William Geary*, *James Monypenny*, *Thomas Kemp*, *Thomas Phillipps Lamb*, *Edward Jeremiah Curteis*, *John Norton*, and *Drake Hollingbery*, or any Three or more of them, on or before the Second Day of *Auguſt* next, the Sum of Two thouſand five hundred Pounds Sterling, out of the Monies produced or to be produced from the Rates and Duties impoſed by the ſaid Act of the Thirty-ſecond Year of His ſaid preſent Majeſty's Reign, and that the Receipt or Receipts of them, or any Three or more of them, ſhall be a ſufficient Diſcharge for the ſame; and that they the ſaid Sir *Edward Knatchbull*, Sir *Godfrey Webſter Vaſſal*, Sir *George Auguſtus William Shuckburgh Evelyn*, Sir *William Geary*, *James Monypenny*, *Thomas Kemp*, *Thomas Phillipps Lamb*, *Edward Jeremiah Curteis*, *John Norton*, and *Drake Hollingbery*, and the Survivors and Survivor of them, and the Executors and Adminiſtrators of ſuch Survivor, ſhall ſell and diſpoſe of the ſaid South Sea Annuities, at ſuch Time or Times as any Five or more of the Commiſſioners hereby appointed and aſſembled as aforeſaid ſhall direct, and ſhall apply and diſpoſe of the Monies ariſing thereby, and from the Dividends thereof, until Sale, and alſo of the ſaid Sum of Two thouſand five hundred Pounds, and every Part thereof reſpectively, for the Ends, Intents, and Purpoſes herein-after directed.

2,500 *l.* to be paid out of the Funds of *Ramſgate* Harbour for the Purpoſes herein-after expreſſed.

XIII. And be it further enacted, That the ſaid Commiſſioners for executing this Act, or any Five or more of them, ſhall cauſe a Dam to be made acroſs the new Cut or Channel, from the Gate called *The Lime Kiln Gate* to the Gate upon the Wall oppoſite thereto, or as near thereto as may be, in order that the freſh Water which now runs out of the ſaid new Cut to the Sea may be turned into the old Harbour of *Rye*, the better to ſupply and cleanſe the ſame with Water, and that ſuch Dam ſhall be made as high as the preſent Walls on each Side of the ſaid new Cut, and of ſufficient Strength to turn the freſh Water aforeſaid into the old Harbour, and alſo of ſufficient Width for Carriages to paſs and repaſs thereon, and that ſuch Dam, when made, ſhall be kept in Repair by the Commiſſioners of the Level adjoining thereto; and that the Commiſſioners for putting this Act into Execution, or any Five or more of them, ſhall and may, by and out of the Monies to come to their or any of their Hands by virtue of this Act, apply any Sum or Sums of Money, not exceeding the Sum of Seven hundred Pounds Sterling, for making and completing the ſaid Dam.

Application of Money coming to the Hands of the Commiſſioners.

XIV. And be it further enacted, That all Monies which ſhall from Time to Time be received by or become veſted in the Commiſſioners appointed by or by virtue of this Act, or any of them, the Application of which is not hereby particularly directed, ſhall be veſted in the ſaid Commiſſioners for the Time being, upon Truſt to apply and diſpoſe of the ſame in repairing or improving the old Harbour of *Rye*, and in erecting or conſtructing any Work or Works in or about the ſame, in

ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time think proper and direct.

XV. And be it further enacted, That the Walls of the Oyſter Creeks, or any other Walls, Banks, Dams, or Boundaries, of or belonging to the Eſtate of the Right Reverend *William* Lord Biſhop of *Chicheſter*, lying between the ſaid new Cut and the old Harbour of *Rye*, or any of the Sluices upon the Channels or Streams flowing into the ſaid old Harbour, ſhall not be broken down, damaged, or abated in any Manner or under any Pretence whatſoever. Certain Walls and Oyſter Creeks not to be broken down.

XVI. And be it further enacted, That no new Wall, Bank, Dam, or Stop ſhall hereafter be erected, ſet up, or made on either Side of the Water, ſo as to reſtrain, ſtop, hinder, or alter the preſent Flux or Reflux of the Sea, between the Mouth of the ſaid old Harbour of *Rye*, bounded by Two Points of Land called the *Camber* and *Caſtle Points*, and a certain Wall called *Old Craven Wall*, extending from a certain Place called *Beckett's Salts*, on the Eaſt Part, to the Three Points at *Craven*, on the Weſt Part, and from the Mouth of the ſaid Harbour to the Two Sluices called *Tillingham* and *Winchelſea Sluices*. No new Dams or Stops to be made to prevent the Flux or Reflux of the Sea to and from the old Harbour.

XVII. And be it further enacted, That all ſuch Walls, Dams, and Stops, which ſhall hereafter be erected within the Limits aforeſaid, or between High and Low Water Mark within the ſaid Limits, ſhall be, and the ſame are hereby declared to be publick Nuiſances to the Port and Harbour of *Rye*, and ſhall be liable to be abated, pulled down, and removed, as any other publick Nuiſance or Nuiſances, and the Perſon and Perſons erecting, ſetting up, or making any ſuch new Wall, Bank, Dam, or Stop, ſhall be liable to be proſecuted and proceeded againſt for the erecting, ſetting up, or making the ſame, at the Aſſizes or Quarter Seſſions of the Peace to be held for the County or Diſtrict in which any ſuch new Wall, Bank, Dam, or Stop ſhall be ſo erected, ſet up, or made, in ſuch and the like Manner as any Perſon or Perſons is or are liable to be proſecuted and proceeded againſt for the erecting any publick Nuiſance by any Law or Statute now in Force. Walls, Banks, &c. erected within certain Limits to be conſidered as publick Nuiſances.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the Lords Bailiffs and Jurats of *Romney Marſh*, and the Commiſſioners of Sewers for the Time being, or ſuch Number of them as have Power, by virtue of any Commiſſion of Sewers or otherwiſe, to make any Order for all or any of the Levels, the Proprietors whereof, or of any Part whereof, now ſew or have a Right to ſew out their Waters at the *Camber Point*, or the preſent Mouth of *Rye Harbour*, at any Time or Times hereafter, when they or any of them ſhall be obſtructed in the ſewing out their Waters at the preſent Sluices or Sewing Gutts reſpectively, to make from Time to Time any ſuch new Cut or Cuts, Dam or Dams, as ſhall be neceſſary to ſew their Waters, and to remove their Sluices or Sewing Gutts reſpectively from the Place or Places where they now are nearer to the Sea: Provided always, that nothing herein contained ſhall extend to enable the ſaid Lords Bailiffs and Jurats of *Romney Marſh*, and Commiſſioners of Sewers, or any or either of them, to erect, ſet up, or make any Wall, Bank, Dam, or Stop, except only ſuch as ſhall be abſolutely neceſſary for ſewing the ſaid Waters only as aforeſaid. Commiſſioners of Sewers to direct the ſewing out the Water near the Harbour of *Rye*: But not to erect any Bank or Wall contrary to this Act.

Powers of Commiſſioners of Sewers not to be affected.

XIX. Provided always, and it is hereby further enacted and declared, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Powers, Privileges, and Authorities veſted in the Commiſſioners of Sewers by virtue of any Act or Commiſſion of Sewers now in Force.

To prevent Damage to the Marſh Lands no Stop to be made in Time of Land Floods.

XX. And, for preventing any Damage being done to the Marſh Lands lying near or adjoining to the Channel of *Winchelſea* and *Breade*, or the Channel of *Tillingham*, or any of the Marſh Lands lying and being in the Levels of *Pett*, *Pannell*, and *Dimſdale*, whoſe Waters ſew into the ſaid Channel of *Winchelſea*, by Means of the Commiſſioners of the ſaid Harbour of *Rye*, or their Officers, ſtopping the Sluices, or otherwiſe penning up the Waters of the ſaid Channel; be it further enacted, That no Stop or Stops ſhall be made, nor any Waters pent up in any of the Channels, nor ſhall the Courſe or Drainage of the Waters of the ſaid ſeveral Channels, or any of them, be ſtopped or hindered in anywiſe howſoever, by any Sluice or Sluices, or other Works whatſoever, now already made and ſet up, or hereafter to be made and ſet up, by the ſaid Commiſſioners, in the ſaid Channels of *Winchelſea*, *Breade*, or *Tillingham*, or otherwiſe in the ſaid Harbour of *Rye*, in the Time of Land Floods, or whilſt any of the Marſh Lands ſhall be overflowed, or likely to be overflowed, for Want of a ſufficient Fall or Drainage for the Water at the Door of their reſpective Outfall Sluices, but that during the Continuance of ſuch Land Floods or Overflowings, or Likelihoods of ſuch Overflowings, all the Waters of the ſaid Channels ſhall have free and open Paſſage to the Sea through the aforeſaid Channels, without any Stop, Impediment, Hindrance, or Interruption whatſoever; and in caſe the Gates of any of the Sluices ſhall not be opened in the Space of Six Hours after Notice given in Writing, under the Hands of Three Commiſſioners of the ſaid Levels, to the Perſon or Perſons intruſted with the Care of the ſaid Sluices, or in his Abſence in Six Hours after Notice in Writing has been given to ſome One of the Commiſſioners of *Rye* Harbour, then and upon, and after ſuch Neglect or Refuſal, the Expenditor of the ſaid Levels, or other Perſon or Perſons by him appointed, ſhall and may be at Liberty, and he and they is and are hereby authorized and empowered, to open and work the ſaid Sluices, until he or they ſhall think the ſaid Marſh Lands to be out of and free from Danger of being overflowed or damaged by the freſh Waters.

Notice for opening Sluices, and Remedy in caſe of Default.

Meſſuages and Cottages belonging to *Rye* Harbour to be veſted in Truſtees to be ſold, and the Monies to be applied to Indemnity.

XXI. And be it further enacted, That all thoſe Two Meſſuages, Cottages, or Tenements, ſituate, ſtanding, and being, upon or near the Road called *The Colt*, on the Eaſt Side of the ſaid new Harbour or Cut, and now in the ſeveral Tenures or Occupations of *John Eaſton* and *James Wimble*, and the Stone Sluice and Bridge, and Weſt Pier Head, and the Timber and Materials there, and alſo all the Land lying on each Side of the ſaid new Harbour or Cut, from the Mouth of the ſaid Harbour or the Town of *Rye*, belonging to the Commiſſioners of the ſaid Harbour, and containing by Eſtimation Thirty-five Acres or thereabouts, and which Premiſes are of the Value of Six hundred Pounds or thereabouts, whereof the Commiſſioners or Truſtees in the ſaid Act of the Fourth Year of His preſent Majeſty's Reign, or any of them, or any other Perſon or Perſons who now are, is, or may be ſeiſed of or entitled thereto for the Purpoſes of that Act, ſhall, from and immediately after the paſſing of this Act, veſt in the ſaid *Thomas Phillipps Lamb*, *Edward*

Edward Jeremiah Curties, and *Drake Hollingbery*, and the Survivors and Survivor of them, and the Heirs of ſuch Survivor, freed and diſcharged from all Truſts, Intents, and Purpoſes to and for which the ſame are reſpectively ſubject and liable under and by virtue of the ſaid laſt-mentioned Act, nevertheleſs, upon Truſt to ſell and diſpoſe thereof, with all convenient Speed, at ſuch Time or Times, in ſuch Manner, upon ſuch Terms, and for ſuch Sum or Sums of Money as they the ſaid *Thomas Phillipps Lamb*, *Edward Jeremiah Curteis*, and *Drake Hollingbery*, or the Survivors or Survivor of them, or the Heirs of ſuch Survivor, ſhall judge proper and direct; and that the Receipt or Receipts of them, or the Survivors or Survivor of them, or the Heirs of ſuch Survivor, ſhall be an effectual Diſcharge to the Perſon or Perſons purchaſing the ſame, or any Part thereof, for his or their Purchaſe Money; and that the clear Monies ariſing from ſuch Sale or Sales, after anſwering the Expences of ſuch Sale or Sales, ſhall be paid to and become veſted in the Commiſſioners for putting this Act in Execution, and be by them applied upon the Truſts and for the Purpoſes hereinafter mentioned.

East Pier Head not to be taken down without the Conſent of the Lord Biſhop of *Chicheſter*.

XXII. Provided always, and be it further enacted, That the Eaſt Pier Head belonging to the ſaid Harbour of *Rye*, ſhall not be ſold or parted with, but ſhall henceforth be veſted in the Commiſſioners for putting this Act in Execution, for the Purpoſe of protecting and defending the adjoining Lands of the ſaid *William* Lord Biſhop of *Chicheſter* from the Sea and Tides; and that ſuch Pier Head ſhall not at any Time hereafter be taken away, damaged, or abated, without the expreſs Conſent and Approbation in Writing of the ſaid *William* Lord Biſhop of *Chicheſter*, his Heirs or Aſſigns, Owners and Proprietors for the Time being of the Farm and Lands called *The Caſtle Farm*; and that the Timber and Materials of the ſaid Eaſt Pier Head, or any Part thereof, ſhall not be ſold or taken away by the ſaid Commiſſioners of *Rye* Harbour, or any other Perſon or Perſons whomſoever, without ſuch Conſent as aforeſaid.

For making Satisfaction to thoſe having Claims on the Harbour.

XXIII. And be it further enacted, That the Commiſſioners appointed by virtue of this Act ſhall ſtand poſſeſſed of the Monies which ſhall be received by them, or any of them, from the Sale of the ſaid Meſſuages and Hereditaments as laſt mentioned, in Truſt, in the Firſt Place, to make Satisfaction to all and every Perſon or Perſons whatſoever who have been prejudiced, or in any Reſpect damnified by any of the Works already done towards completing the ſaid new Harbour of *Rye*, or by the Abandonment of that Undertaking, and to apply the Reſidue of ſuch Monies (if any) for the general Purpoſes of this Act in ſuch Manner as they ſhall think proper and direct.

In caſe of Refuſal to treat, *etc.* to impannel a Jury.

XXIV. Provided always, and be it further enacted, That in caſe ſuch Perſon or Perſons ſo prejudiced or damnified as aforeſaid, ſhall refuſe to treat or agree with the ſaid Commiſſioners reſpecting ſuch Prejudice or Damage, or ſhall not agree to accept ſuch Recompence or Satisfaction as the ſaid Commiſſioners, or any Five or more of them, ſhall offer for any ſuch Prejudice or Damage, that then and in every ſuch Caſe the ſaid Commiſſioners, or any Two or more of them, are hereby authorized and empowered from Time to Time to iſſue out their Warrants under their

their Hands and Seals to the Sheriff of the County of *Suſſex*, for the impannelling, ſummoning, and returning, and the ſaid Sheriff is 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 of Record at *Weſtminſter*, to appear before the ſaid Sheriff or his Deputy for the Time being, at ſuch Time and Place as by ſuch Warrant or Warrants ſhall be appointed, and alſo to return Iſſues upon every Perſon ſo impannelled and returned the Sum of Forty Shillings, which ſhall be duly eſtreated and levied; and for Default of a ſufficient Number of Jurymen appearing, the ſaid Sheriff or his Deputy ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, to make up the ſaid Jury to the Number of Twelve; and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not be at Liberty to challenge the Array; and the ſaid Sheriff or his Deputy for the Time being as aforeſaid, upon the Application of the ſaid Commiſſioners, or any Five or more of them, is hereby empowered by Precept, from Time to Time as Occaſion ſhall require, to call before him all and every Perſon and Perſons who ſhall be thought proper to be examined as a Witneſs or Witneſſes on Oath touching and concerning the Premiſes; and ſuch Sheriff or his Deputy is hereby empowered to order and authorize the ſaid Jury to view the ſaid Prejudice or Damage as they ſhall think fit; and the ſaid Sheriff or his Deputy ſhall have Power to adjourn the ſaid Meeting as Occaſion ſhall require, and to command ſuch Jury, Witneſſes, and the reſpective Parties, to attend until all ſuch Affairs for which they were ſummoned ſhall be concluded; and the ſaid Jury upon their Oaths (which Oaths, as alſo the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Sheriff or his Deputy is hereby empowered to adminiſter) ſhall enquire into the Prejudice or Damage ſo done or ſuſtained by ſuch Perſon or Perſons as aforeſaid, and ſhall aſſeſs the Value thereof as aforeſaid, and the Recompence to be awarded for the ſame, and ſhall marſhall the ſame between the Parties having any Intereſt therein or Claim thereto, in ſuch Manner as they ſhall judge proper; and the ſaid Sheriff or his Deputy ſhall give Judgement for the Sum or Sums to be aſſeſſed by ſuch Jury or Juries; which Verdict, and the Judgement or Determination thereupon pronounced, (Notice in Writing being firſt given of their Meeting, at leaſt Twenty Days before declaring the Time and Place of their Meeting, to the Perſon or Perſons having ſuſtained ſuch Prejudice or Damage, or pretending to have ſo done, or being left in Writing at the uſual Reſidence or Place of Abode of ſuch Perſon or Perſons), ſhall be binding to all Intents and Purpoſes, againſt all and every the ſaid Perſon or Perſons, and all others claiming or to claim by, from, through, or under him, her, or them, ſo as ſuch Judgement or Determination ſhall be ſet down in Writing, under the Hand and Seal of the Sheriff or his Deputy for the Time being who ſhall make the ſame; and which ſaid Judgement or Determination, ſo reduced into Writing, ſhall be kept amongſt the Records and Writings of the County of *Suſſex*, and the ſame, or true Copies thereof, ſhall be taken, adjudged, and deemed good and ſufficient Evidence, in Proof, in any Court of Law or Equity whatſoever.

Challenging Jurors.

Verdict to be final, but Notice to be given.

XXV. And

XXV. And be it further enacted, That in caſe any Jury ſhall give in and deliver a Verdict or Aſſeſſment for more Money, as a Recompence or Satisfaction to any Perſon or Perſons who ſhall have been prejudiced, or in any Reſpect damnified by any of the Works already done towards completing the new Harbour of *Rye*, or by the Abandonment of that Undertaking, than what ſhall have been offered by or on Behalf of the Commiſſioners for putting this Act in Execution, before the ſummoning and returning of the Jury, as a Recompence or Satisfaction for any ſuch Prejudice or Damage as aforeſaid, then and in ſuch Caſe the Coſts and Expences of ſummoning and maintaining the Jury and Witneſſes, and taking ſuch Inqueſt, ſhall be borne and paid by the ſaid Commiſſioners, out of the Monies to come to their Hands by virtue of this Act; but if ſuch Jury ſhall give in and deliver a Verdict or Aſſeſſment for no more, or for leſs Money than ſhall have been offered by or on Behalf of the ſaid Commiſſioners, before the ſummoning and returning of the ſaid Jury, as a Recompence or Satisfaction for any ſuch Prejudice or Damage as aforeſaid, then and in ſuch Caſe the full Coſts and Expences of ſummoning and maintaining the ſaid Jury and Witneſſes, and taking ſuch Inqueſt, ſhall be borne and paid by the Perſon or Perſons with whom the ſaid Commiſſioners ſhall have ſuch Controverſy or Diſpute, and ſuch Coſts and Charges ſhall be aſcertained and ſettled by One of His Majeſty's Juſtices of the Peace for the County or Place wherein the Cauſe or Diſpute ſhall ariſe (ſuch Juſtice not being intereſted in the Matters in queſtion), and the Sum ſo aſcertained as the Amount of ſuch Coſts and Expences, ſhall and may be deducted out of the Money ſo aſſeſſed, as ſo much advanced to and for the Uſe of ſuch Perſon or Perſons, and the Payment or Tender of the Remainder of ſuch Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment and Tender of the whole Sum or Sums ſo aſſeſſed or adjudged; or ſuch Coſts and Expences, in caſe the ſame be not paid upon Demand, after being ſo aſcertained and ſettled as aforeſaid, may be recovered by the Clerk to the ſaid Commiſſioners, by ſuch Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures.

For paying the Expences of the Jury.

XXVI. And be it further enacted, That all Monies which ſhall be paid, awarded, or aſſeſſed in reſpect of any Prejudice or Damage to be done to any Lands or Hereditaments by Reaſon of any of the Works already done towards the completing the new Harbour of *Rye*, or by the Abandonment of that Undertaking, which ſhall be the Property of any Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Guardians, Committees, or other Truſtees, or of any Femes Covert or Feme Covert, or other incapacitated Perſon or Perſons, ſhall, in caſe the ſame ſhall exceed the Sum of Forty Pounds, be paid to ſuch Perſon or Perſons as they ſhall reſpectively nominate to receive the ſame, in Truſt, with all convenient Speed, to be reinveſted in the Purchaſe of Lands, Tenements, or Hereditaments, which ſhall be conveyed and ſettled to and upon, and ſubject to the like Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, Hereditaments, and Premiſes, to which ſuch Prejudice or Damage ſhall be done as aforeſaid were reſpectively ſettled, limited, or aſſured at the Time of the paſſing of this Act, or ſuch of them as ſhall be then exiſting and capable of taking Effect; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Money ſhall be placed out

Monies belonging to Corporations to be reinveſted.

by ſuch Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Perſons, to be nominated by the Party or Parties intereſted therein, and to be approved of by the ſaid Commiſſioners, or any Five or more of them, and the Dividends or Intereſt ariſing or to be produced from ſuch Funds or Securities, ſhall be paid to ſuch Perſon or Perſons reſpectively, as would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, or Hereditaments, ſo to be purchaſed, conveyed, and ſettled by virtue of this Act.

For recovering of Penalties and Forfeitures.

XXVII. And be it further enacted, That all Penalties and Forfeitures which by virtue of this Act, or of any Bye Laws, Rules, Orders, or Ordinances regarding the old Harbour of *Rye* to be made in purſuance thereof, ſhall be impoſed or incurred as aforeſaid (the Manner of recovering and levying whereof is not hereby otherwiſe particularly directed) ſhall be levied and recovered in or by an Action of Debt in any Court of Record, in the Name of any Two of the acting Commiſſioners for the ſaid old Harbour of *Rye* for the Time being, who are hereby empowered to bring ſuch Action or Actions, in which no Eſſoin, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed, or otherwiſe ſhall and may be recovered and levied by Diſtreſs and Sale, by virtue of the Warrants of any One of the Juſtices of the Peace of the County of *Suſſex*, or the Mayor or other Magiſtrate for the Time being of the Towns of *Rye* and *Winchelſea*, or either of them, which Warrants ſuch Juſtices of the Peace, Mayor, or other Magiſtrate, are and is hereby required to grant, either on the Confeſſion of the Party or the Information of One or more Witneſs or Witneſſes, upon Oath, which Oath ſuch Juſtice, Mayor, or other Magiſtrate, is hereby authorized and required to adminiſter; and in caſe of no ſufficient Diſtreſs being found, ſuch Juſtice of the Peace, Mayor, or other Magiſtrate, ſhall and may commit ſuch Offender to Priſon, without Bail or Mainprize, for any Space not exceeding Three Months, nor leſs than Thirty Days, at his Diſcretion, unleſs ſuch Fines or Forfeitures ſhall be ſooner paid; and all Sum and Sums of Money ariſing by Fines, Forfeitures, or otherwiſe, within this Act, and not otherwiſe herein-before particularly directed to be applied, ſhall be paid to the ſaid Commiſſioners, or any Five or more of them, and be applied for and towards the general Purpoſes of this Act.

XXVIII. And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, be it further enacted, That all and every the Juſtice or 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 in any other Form of Words to the ſame Effect, as the Caſe ſhall happen; (*videlicet*),

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace for the County [City, *or* Town of *as the Caſe may be*; *ſpecifying the Offence, Time, and Place, when and where the ſame was committed, as the Caſe ſhall be*]. Given under my Hand and Seal the Day and Year firſt above-mentioned.'

Allowing Parties aggrieved to appeal.

XXIX. Provided always, and be it further enacted, That if any Perſon ſhall think himſelf or herſelf aggrieved by any Thing done in purſuance of this Act, and for which no particular Method of Relief hath been already appointed, ſuch Perſon may appeal to the Juſtices of the Peace at any General or Quarter Seſſions of the Peace to be holden for the County of *Suſſex* within Three Calendar Months after the Cauſe of ſuch Complaint ſhall have ariſen, ſuch Appellant firſt giving or cauſing to be given Ten Days Notice at leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Commiſſioners, and within Four 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 of, and pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch reſpective Quarter Seſſions; and the ſaid Juſtices at ſuch Quarter Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſe and Matter of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Parties appealing or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive, to all Intents and Purpoſes; and the ſaid Juſtices may alſo at ſuch Seſſions, by their Order or Warrant, levy ſuch Coſts ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons who ſhall refuſe to obey the ſame, and for Want of ſufficient Diſtreſs, may commit ſuch Perſon or Perſons to the Common Gaol of or for the ſaid County of *Suſſex*, for any Time not exceeding Six Calendar Months, or until Payment ſhall be made of ſuch Coſts.

Limitation of Actions.

XXX. And be it further enacted, That if any Action or Suit ſhall be brought or proſecuted againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in relation to the Premiſes, every ſuch Action or Suit ſhall be commenced within Three Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid or brought in the County of *Suſſex* and not elſewhere, and the Defendant or Defendants in ſuch Action or Suit may plead the General Iſſue, Not Guilty, and give this Act and the Special Matter in Evidence (without ſpecially pleading the ſame) at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of the ſaid Act; and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought after the Time before limited for bringing the ſame, or ſhall be brought in any other County, then the Jury ſhall find for the Defendant or Defendants; in which Caſe, or if the Plaintiff or Plaintiffs ſhall become nonſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant or Defendants hath or have for Coſts in Suits in other Caſes by Law.

Expence of obtaining the Act how to be paid.

XXXI. And be it further enacted, That the Expence of obtaining and paſſing this Act ſhall be paid by and out of the Tolls and Duties raiſed and to be raiſed under Authority of the ſaid Act made and paſſed in the Thirty-ſecond Year of His Majeſty's Reign.

XXXII. Saving

Saving Clauſe. XXXII. Saving always and reſerving unto the King's moſt Excellent Majeſty, His Heirs, Succeſſors, and Aſſigns, and to all and ſingular other Perſon and Perſons, Bodies Politick and Corporate, and their ſeveral and reſpective Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and beſides the Perſon or Perſons who at the Time of the paſſing of this Act is or are ſeiſed of or entitled to the Meſſuages, Lands, and Hereditaments herein mentioned, under or by virtue of the Acts hereby repealed, or any of them, and their ſeveral and reſpective Heirs, Succeſſors, Adminiſtrators, and Aſſigns) all ſuch Eſtate, Right, Title, or Intereſt, as he, they, or any of them, could or might have proſecuted or recovered in or out of the ſaid Meſſuages, Lands, and Hereditaments, in caſe this Act had not been made.

Publick Act. XXXIII. And be it further enacted, That this Act ſhall be judged, deemed, 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 ſpecially pleading the ſame.

FINIS.