Anno quarto

Georgii III. Regis.

An Act for continuing One Moiety of the Duties granted by an Act of the Eleventh and Twelfth Year 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.



WHEREAS by an Act made in the Eleventh and Twelfth Year of the Reign of King William the Third, intituled, An Act for the Repair of *Dover* Harbour, certain Duties were laid upon Ships and Veſſels for raiſing a Sum of Money to be applied for that Service; which Duties were to have Continuance till the Firſt Day of May, One thouſand ſeven hundred and nine: And whereas the ſaid Act was, by Two other Acts, One made in the Second Year of the Reign of Queen Anne, Preamble.

and the other in the Fourth Year of the Reign of King George the First, further continued until the First Day of May, One thousand seven hundred and twenty seven: And whereas the said Duties were, by another 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, further continued until the First Day of May, One thousand seven hundred and forty four; and the said Act directed, that One Third Part of the Income of the said Duties should be appropriated to the Use of Dover Harbour, and the other Two Third Parts to the repairing the said Harbour of Rye, and restoring it to its ancient Goodness, under the Directions and Regulations in the said Act expressed: And whereas by another Act made in the Tenth Year of the Reign of His said Majesty, for making the said last mentioned Act more effectual, so far as it related to the Harbour of Rye, the Commissioners named in the said Act of the Tenth Year of His said Majesty, and their Successors, were impowered to open or make a new Cut from Winchelsea Water to the Sea, and to do all other Works necessary for effecting the Purposes of the said Act, and were also impowered to repair and heighten the Walls of the Channel of Winchelsea and Breade, from the Cut intended to be made to the Town of Winchelsea, and so far above the said Town as the Commissioners of Sewers should adjudge necessary for the Preservation and Security of the Lands lying near the said Channel: 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 further continued for the further Term of Twenty one Years, and the Powers given by the former Acts enlarged: And whereas by an Act made in the Thirty first Year of the Reign of His said late Majesty King George the Second, it is declared, That, from the Expiration of the Term granted by the said Act of the Eleventh Year of His said late Majesty, which will happen upon the Twelfth Day of May, One thousand seven hundred and sixty five, One Moiety or Half-part of the said Duties, granted and continued by the said former Acts, shall be granted and continued for a further Term of Twenty one Years, and be applied only for the Benefit and Support of the Harbour of Dover: And whereas, in pursuance of the Powers given by the said Act, made in the Tenth Year of His said late Majesty, a new Cut Three hundred

dred Rods at Length, and One hundred and fifty Feet in Breadth, has been made from Winchelsea Wall, which divides the said Cut from the said Channel of Winchelsea and Breade, right out to the Sea, and Stone Piers and other Works have been erected at the End of the said new Cut next the Sea, and a navigable Sluice at the Distance of One hundred and fifty Rods from the said Piers; and the Commissioners and Trustees for putting the said Acts in Execution have, in pursuance of the Powers given them for that Purpose by an Act made in the Second Year of His present Majesty's Reign, let the Sea and Tides into the said new Cut, as far as the said Winchelsea Wall, and many Vessels have come into the said new Cut, and have lain there in great Security, the said Cut being capable of holding a great Number of Ships and Vessels, at Anchor, at a Time: And whereas the letting of the Sea and Tides into the said Channel through the said new Cut, and the issuing of the Waters of more than One hundred thousand Acres of Land, which now sue out of the Old Harbour through the same into the Sea, will be a Means of keeping the said new Cut clean, and will make a navigable Communication between the same and the Town of Rye: And whereas the Wharfing and other Works in the said new Cut have, for want of letting the Sea and Tides in sooner, run greatly to Decay, which could not be repaired, nor many other Works necessary for finishing the said Harbour be performed, for want of a sufficient Fund and Powers for those Purposes: And whereas it might be for the Advantage of the said Harbour, that the Commissioners and Trustees appointed by or in pursuance of the said former Acts, or any or either of them, were divested of all Powers and Authorities given by the said former Acts, or any or either of them, and that the same should be vested in other Commissioners: Wherefore, and to the End that the said Harbour, so useful and beneficial to Trade and Navigation, may be made as complete as possible; May it 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 upon the Second Tuesday in June, One thousand seven hundred and sixty four, the Appointment of the Commissioners and Trustees, by and in pursuance of the said former Acts, or any or either of them, and all and every the Powers thereby

Former Commissioners Power to cease.

thereby granted and vested in them, for all or any the Purposes in the said Acts, or any or either of them mentioned, so far as the same relate to the said Harbour of Rye, shall cease and determine; and that from and after the Second Tuesday in June, One thousand seven hundred and sixty four, the Master, Wardens, and the rest of the Elder Brethren of the Trinity House of London 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 shall act, shall be assessed to the Land Tax for Land in the Counties of Kent or Sussex only, after the Rate of One hundred Pounds per Annum; together with 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, in some or One of the Levels flueing 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 putting the said Acts, and this Act, in Execution, so far as the same relate to the Harbour of Rye; which said Commissioners so appointed, shall be, and they are hereby invested with such and the same Powers and Authorities in all Respects, and to all Intents, Constructions, and Purposes, as the said former Commissioners or Trustees were immediately before the passing of this Act vested with, by virtue of the said former Acts, or any or either of them, so far as relates to the said Harbour of Rye, subject nevertheless to the Alterations and further Directions made by, and given in, this Act: And if any Person, not being so qualified, shall presume to act, contrary to the Intent and Meaning of this Act, every such Person shall, for every such Offence, forfeit the Sum of One hundred 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 Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and the Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of One hundred Pounds, without any other Proof or Evidence on the Part of the Prosecutor, than that such Person hath acted as a Commissioner in the Execution of the said Acts, or of this Act, or of some or One of them.

New Commissioners.

And be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall meet together at the Red Lion Inn in the Town

Commissioners first Meeting.

3

Town of Rye, in the County of Sussex, on the Second Wednesday in June, One thousand seven hundred and sixty four, and proceed to the Execution of this Act, and shall adjourn themselves, from time to time, to such Times and Places as the said Commissioners, or any Nine or more of them, shall think most convenient, as often as it shall be necessary for putting the said former Acts, and this Act, in Execution; and if, at any Meeting appointed to be held by virtue of this Act, there shall not appear a sufficient Number of Commissioners to act, and to adjourn to another Day; or in case the Commissioners, at any Time so assembled, shall omit or neglect to adjourn themselves, the Clerk or Clerks to the said Commissioners shall, from time to time, in either of such Cases, by Notice to be given in the London Gazette, at least Ten Days before the next Meeting, appoint the Commissioners to meet at the Place where the last Meeting was appointed to be held, and that Three Commissioners shall be sufficient for the Purpose of Adjournment; and if it shall happen at any Time, that no Commissioner shall appear at the Time and Place appointed for any of the Meetings of Commissioners under this Act, then in case the Clerk or Clerks to the said Commissioners shall refuse or neglect to give Notice as aforesaid, or shall by any Means be prevented from giving Notice as aforesaid, it shall and may be lawful for any Five or more of the said Commissioners, at any Time or Times (the Space of Three Days after such Refusal, Neglect, or Prevention, of the Clerk or Clerks having intervened) to appoint such Commissioners to meet at some House or Place in or near the said Town of Rye, on the Tenth Day next after a Notice to be given for that Purpose in the London Gazette, and the same 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 the said former Acts, and this Act, notwithstanding their being Commissioners, except only in such Cases where they shall be personally interested; but no Commissioner shall be concerned in any Contract for providing Materials for the Use of the said Harbour, directly or indirectly, either in his own Name, or in the Name of any other Person or Persons whatsoever, in Trust for him or them, or to his or their Use or Benefit, except for such Things as are the Produce of his or their Estates; but that any such Commissioner, being concerned in any Respect in any such Contract, shall be for ever after incapable of

Manner of Adjournment.

Commissioners may act as Justices,

but not have any Share in the Contracts, under a Penalty.

acting

acting as a Commissioner under the said former Acts, or this Act, for the said Harbour of Rye, and shall also forfeit and pay the Sum of Two hundred Pounds to the Receiver, or Treasurer of the said Harbour, to be applied towards repairing the same; which Penalty shall and may 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 Essoin, Protection, Wager of Law, or more than One Imparlance shall be allowed.

The other Moiety of the Duties to be further continued.

And be it further enacted by the Authority aforesaid, That the remaining Moiety of the said Duties granted and continued by the said former Acts, and which was not appropriated by the said Act of the Thirty first Year of His said late Majesty, shall be, and the same is hereby declared to be, further continued from the said Twelfth Day of May, One thousand seven hundred and sixty five, for the Term of Twenty one Years, and shall be answered and paid to the said Commissioners herein or hereby appointed, or any Nine or more of them, or to such Person or Persons as they shall appoint to receive the same, at such Place or Places, and in such Manner, as the said Commissioners, or any Nine or more of them, shall, from time to time, order and appoint for the Receipt thereof; and the Person or Persons so appointed, shall, immediately upon the Receipt thereof, deliver gratis to the Person or Persons paying such Duties, a Receipt under his or their Hands, for the several and respective Duties so received, which Receipt shall be deemed a sufficient Discharge for the Duties therein expressed to be so received; and the said Duties shall be appropriated, paid, and applied, in the first Place, in defraying all the Charges and Expences incurred in obtaining and passing this Act, and afterwards for the Purpose of completing the said Harbour of Rye, in Manner herein after mentioned; and for maintaining and keeping in Repair the said Harbour for the future, and to or for no other Use or Purpose whatsoever; and that all and every the Authorities, Regulations, Provisions, Powers, Clauses, Penalties, Forfeitures, Punishments, Matters, and Things, contained in the said former Acts of King William, King George the First, King George the Second, and His present Majesty, so far as the same relate to the said Harbour of Rye, and to the Defence, Security, and Sewage of the Marsh Lands, sewing into the present Harbour of Rye, on either Side thereof (except such as are or may be contrary to, or inconsistent with, the Intent and Purpose

and to be applied to the Use of the Harbour of *Rye*.

Powers of former Acts further continued.

of

of this Act, or are hereby vacated or altered) shall be and continue in as full Force as they now are by virtue of the said Acts, or of any or either of them, for and during the said further Term for which the aforementioned Moiety of the said Duties is hereby granted and continued, as if the same were herein repeated and reenacted; and all Penalties, Forfeitures, and Damages, in the said Acts, or in any or either of them, or in this Act contained, shall be recovered by and in such Manner, and paid to such Person or Persons, and applied in like Manner, and for such Uses and Purposes, as by the said Acts, or any or either of them, is directed.

All Persons to deliver upon Oath all Books and Writings relating to the Duties.

And be it further enacted by the Authority aforesaid, That all Persons who shall have in their Custody any Books, Papers, Writings, or Accounts, touching or concerning the Duties arising by the said Acts, or otherwise relating to the Execution of the said Acts, any or either of them, with respect to the said Harbour of Rye, shall and are hereby respectively required, on Fourteen Days Notice to be given them by the said Commissioners, or any Nine or more of them, to deliver over, upon Oath, to the said Commissioners, or any Nine or more of them, all such Books, Papers, Writings, and Accounts, whatsoever; which Oath the said Commissioners, or any Two or more of them, are hereby impowered to administer; and in case any Person, after receiving such Notice as aforesaid, shall refuse or neglect to deliver over such Books, Papers, Writings, or Accounts, then each and every Person, so refusing or neglecting, shall forfeit and pay to the said Commissioners, or any Nine or more of them, the Sum of Fifty Pounds, to be recovered by the said Commissioners, or any One of them, by Action of Debt, or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, with full Costs of Suit; in which Action, no Essoin, Protection, or Wager of Law, or more than One Imparlance shall be allowed.

On Penalty of 50*l.*

Manner how the Harbour shall be finished.

And be it further enacted by the Authority aforesaid, That the Works for constructing, completing, and finishing, the said Harbour, shall be made and carried on in such Manner, as is mentioned and described in the Schedule hereunto annexed, subject to such Alterations as are herein after authorized, in case the same shall be found necessary.

Provided always, and be it further enacted by the Authority aforesaid, That it shall be lawful for the said Commissioners, or any Nine or more of them, and they

Works to be erected to preserve the Harbour or adjoining Lands from immediate Danger.

are hereby required, in the First Place, to cause such proper and sufficient Groins of Wharfing or other Works, to be provided, placed, and maintained, at or near the East Stone Pier Head, as shall be necessary to support a Full of Beach sufficient for the Security and Defence of the adjoining Lands, against any Damage being done thereto by the Sea or Tides.

On what Occasion the Scheme may be deviated from.

And whereas Accidents and Circumstances unforeseen may hereafter happen, which may make it necessary in some Respects, to deviate from the Scheme directed to be pursued by this Act; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful for the said Commissioners, or any Twenty one or more of them, from time to time, at Meetings to be appointed for that Purpose, by Notice of the Design of such Meetings to be given in the London Gazette, at least Ten Days before every such Meeting shall be held, and they are hereby authorized and impowered to make such Alterations in the said Scheme, for completing the said Harbour and other Works, as they shall think necessary and proper, for rendering such Harbour as useful, safe, and commodious, as may be, to the Shipping, Trade, and Navigation of this Kingdom.

For preserving the Harbour in Emergencies.

Provided always, That in case of Emergency or apparent Danger of the said Harbour, or any of the Works belonging thereto, being destroyed for want of immediate Assistance, it shall be lawful for any Five or more of the said Commissioners, from time to time, to give Directions under their Hands, though not at a public Meeting, for the immediate Preservation of the said Harbour, or of such of the Works thereto belonging, as shall be in Danger of being destroyed as aforesaid.

For Compensation for Direlict Lands.

And whereas, for the Purpose of widening the Channel of Winchelsea, between the said New Cut and the said Town of Rye, it may be necessary to cut through certain Lands that are subject to be overflowed by the Tides, called Direlict Lands; be it therefore further enacted by the Authority aforesaid, That the Owners and Proprietors of such Lands, shall have a Satisfaction made them for the Loss of such Direlict Lands, in like Manner and Form, as the Owners and Proprietors of Lands to be appropriated for the Use of the said intended Harbour are intitled unto, by virtue of any of the herein before recited Acts.

And, for preventing any Damage that may happen to the Marsh Lands lying near or adjoining to the aforesaid Channel of Winchelsea and Breade, or the Channel

of Tillingham, or to any of the Marsh Lands lying and being in the Levels of Pett Pannel and Dimsdale, whose Waters sew into the aforesaid 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 several Channels, at such Times as the same may be hurtful or prejudicial to the said Marsh Lands, or to any Part thereof; be it further enacted by the Authority aforesaid, That no Stop or Stops shall be made, or any Waters pent up in any of the said Channels, or in the New Cut for the said Harbour, or the Course or Sewage of the Waters of the said several Channels stopped or hindered in any wise 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, either in the said New Cut, or in the said Channels of Winchelsea, Breade, or Tillingham, or elsewhere in the said Harbour of Rye, in Time of Land Floods, or whilst any of the said Marsh Lands shall be overflowed, or likely to be overflowed, for want of a sufficient Fall for the Water, at the Door of their respective out-fall Sluices; but that during the Continuance of such Land Floods or Overflowings, or Likelihood of such Overflowings, all the Waters of the said several Channels shall have free and open Passage to the Sea through the aforesaid several Channels, and also through the said New Cut, without any Stop, Impediment, Hindrance, or Interruption, whatsoever; and in case the Gates of the said Sluices shall not be opened in the Space of Six Hours, after Notice given in Writing by the Expenditor 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 fixed in the Day-time upon some public and conspicuous Place or Places near the great Sluice now erected; and if the said Sluice shall not be drawn and opened, and such Obstructions removed, within Six Hours next after every such Notice or Notices shall, from time to time, be so given or affixed as aforesaid, then, and upon and after every such Neglect or Refusal, the said Expenditor, or other Person or Persons by him appointed and employed, shall and may be at Liberty, and he and they are, by the Authority of this Act, authorized, impowered, and appointed, to open and work the said Sluices, until he or they shall think the said Marsh Lands to be out of and free from any Danger of being overflowed or damaged by the fresh Waters, and that all Charges and

For preventing Damage to the Marshes.

and Expences, which the said Expenditor, or such other Person or Persons shall be at, or put unto, in and about opening and working such Sluice or Sluices, shall be reimbursed and paid to him or them, by and out of the Monies granted for the said Harbour of Rye; and in case any Damage shall ensue or be sustained by the Owners or Occupiers of Lands in any Part of the said Levels, by reason of the said Sluices not being open, or the Waters not having a sufficient Passage through the same, then the full and adequate Value of such Damages shall be reimbursed to him or them sustaining the same, with Double Costs of Suit, out of the Monies raised by virtue of the said former Acts, or this Act, for the said Harbour of Rye, and may be recovered and levied in such Manner, and by such Ways and Means, as any Damages which may be sustained by the Overflowings of the New River are by the herein before recited Acts, or by any other Act or Acts made for restoring and improving the said Harbour of Rye, to be recovered and levied, and that as fully and effectually, to all Intents and Purposes, as if the same Words to the like Purposes in those Acts, or either of them, were herein again particularly repeated and re-enacted.

5000 *l.* to be invested in Goverment Securities for Provision to be made for Damages to Marsh Lands.

And, to the Intent that a sufficient Provision may be made to answer such Damages that shall arise to any of the Owners or Proprietors of the said Marsh Lands, lewing out of, or lying near, or adjoining to Rye Harbour; be it further enacted by the Authority aforesaid, That the said Commissioners, or any Nine or more of them, shall, out of the first Monies that shall be borrowed for the Purpose aforesaid, invest the Sum of Five thousand Pounds in Old South Sea Annuities, or other Government Securities, in the Name 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, and as Trustees for the Purposes herein after mentioned, and the Interest accruing therefrom to be appropriated for the Use of the Harbour, and that the said Sum of Five thousand Pounds shall remain and be applied, from time to time, as a Fund or Security to answer and make good such Damages as aforesaid, for and during the Continuance of this present Act; and the said Trustees, in whom the said Sum of Five thousand Pounds shall be so vested, pursuant to the Intention of this Act, shall, immediately after Service of an Order in Writing, under the Hands

Hands and Seals of the said Commissioners, or any Nine or more of them, pay such Part and Proportions of such principal Sum as the said Commissioners respectively shall direct and order to be paid, in Satisfaction of the Damage that shall be done to any of the said Marsh or Marshes, Lands, Tenements, and Hereditaments, and such Order of the said Commissioners, as aforesaid, shall be a sufficient Authority to the said Trustees, in whom the said Sum of Five thousand Pounds shall be vested, as aforesaid, for the Payment of such Sum and Sums of Money as shall be thereby ordered and directed to be paid.

Providing for Maintenance of the Channel Walls.

And whereas by the said recited Act, made in the Tenth Year of His late Majesty King George the First, it is amongst other Things in a Clause therein enacted, That the Walls against the said new intended Cut, and the Channel Walls from the said new intended Cut to the present Harbour of Rye, and also the Channel Walls for Fourscore Rods from the said Cut, towards the said Town of Winchelsea, shall be kept up, and from time to time repaired and amended, by and out of the Monies granted for the said Harbour: And whereas by the constant Flux and Reflux of the Tide, it will be much more burthensome and expensive to keep the said Walls in Repair than before, and no Provision having been made in any of the said recited Acts, for keeping the said Walls in Repair, longer than during the Continuance of the Term granted by this present Act; be it therefore further enacted by the Authority aforesaid, That from and after the Expiration of the Term hereby granted, the Surplus of so much of the said Sum of Five thousand Pounds as shall remain (after Payment and Satisfaction shall have been made to all and every the Owners or Proprietors of the said Marsh Lands, for any Damages sustained by Occasion of the Overflowing of the Waters as aforesaid) as shall be necessary, shall from time to time, and at all Times hereafter, be laid out and expended in repairing, maintaining, and supporting the said Walls, against the said new intended Cut, to the present Harbour of Rye, and also the Channel Walls for Fourscore Rods, from the said Cut towards the said Town of Winchelsea, and also the Groins of Wharfing, or other Works to be placed and maintained at or near the East Stone Pier Head, for the Security and Defence of the adjoining Lands.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the Lords, Bailiff, and Jurats, of Romney Marsh, and the Com-

missioners 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 Orders 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 or either of them, shall be obstructed in the sewing out their Waters at their present Sluices or Sewing Gutts respectively, to make, from time to time, 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.

Proviso. Provided always, That nothing herein contained shall extend to enable the said Lords, Bailiff, and Jurats of Romney Marsh, and Commissioners of Sewers, or any or either of them, to erect, set up, or make any Walls, Banks, Dams, or Stops, contrary to an Act of Parliament made in the Seventh Year of his late Majesty George the First, intituled, An Act for the better Preservation of the Harbour of *Rye*, in the County of *Sussex*, except only such Works and Dams as shall be absolutely necessary for sewing the said Waters only as aforesaid.

Proviso. 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, by the said Acts, or either of them, vested in, provided for, or preserved unto, the Commissioners of Sewers.

Limitation of Actions. And be it further enacted by the Authority aforesaid, 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 Premisses, every such Action or Suit shall be commenced within Six 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 De-

General Issue. fendants 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 any 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; or if the Plaintiff

or

3

or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if, upon Demurrer, Judgement shall be given against the Plaintiff or Plaintiffs, 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 of Suit in other Cases by Law. Treble Costs.

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

SCHEDULE referred to in the Act.

The Channel of *Winchelsea*, from the upper End of the New Canal to the Town of *Rye*, to be widened, deepened, and streightened, so as to be Fifty Feet wide in the Bottom; each Side to batter at the Rate of Two Feet horizontal to One Foot in Depth; the Bottom to be so disposed, as to make a Part of a Plain regularly inclined from the lower End of *Scotch* Flat Sluice upon the *Rother*, to the Sell of the great Sluice; the Banks or Walls of this Canal to be set at least Forty Feet from the Brink, and to be raised to Twenty five Feet above the Sell of the great Sluice; to be Six Feet top, to batter Three to One towards the Canal, and One to One to Landward.

To make a Cut to the North of the Town of *Rye*, to fall into the River *Rother* at some convenient Point; the Cut to be Forty Feet Bottom, to agree with the inclined Plain aforesaid; its Sides to have the same Batters as the former, and its Banks or Walls to be raised to the same Height, to have the same Dimensions at Top, the same Batters and Distance as before described, as far as the crossing of the present Turnpike Road which leads from *Rye* towards *London*.

To fix a Dam across the River *Rother*, near below the Point of Diversion, and to erect a Sea Wall from the said Dam to some convenient Point, Eastward, upon the present Sea Wall of the Marsh; and to carry another Sea Wall from the said Dam, Westward, to abutt upon the aforesaid Turnpike Road at the said Dam and Walls, which are to be raised to an equal Height with the adjoining Wall against the Marsh; to be Six Feet at Top, and to batter both Ways, as Two one Half to One.

A Bridge

A Bridge to be built upon the ſaid Turnpike Road, for croſſing the Canal, to conſiſt of Three Arches, One of Thirteen Feet Six Inches wide, the others of Twelve Feet each; the large Opening to be furniſhed with Two Pair of folding Gates pointed to Seaward, and One Pair of Ditto pointed to Landward; the Sells of thoſe Gates to be laid even with the propoſed Bottom of the Canal at this Place; that is, about Two Feet Ten Inches above the Sell of the great Sluice, and about One Foot Eight Inches below the lower Sell, and Two Feet Eleven Inches below the Sells of the navigable Chamber of *Scotch* Flat Sluice.

A navigable Sluice to be fixed acroſs the *Tillingham* Channel, at ſome convenient Place within Half a Mile above the Bridge at the Ferry, of Thirteen Feet Six Inches in the Clear, with a Pair of Gates pointing to Seawards, and Ditto to Landwards, with Draw Shuttles or Slakers in the latter, and the Walls or Banks of the *Tillingham* Channel, from the ſaid Sluice downwards, to its Junction with the Canal before deſcribed, to be heightened in ſuch Manner and Proportion as is deſcribed for the main Channel from the New Canal to *Rye*.

A Dam to be fixed acroſs the preſent combined Channel of *Winchelſea* and *Tillingham*, at or near the preſent new Bridge at *Rye*, and the Road to be carried over the ſaid Dam; the Top thereof to be made up to the ſame Height as propoſed for the aforeſaid New Channel from the New Canal to *Rye*.

The Channel of *Winchelſea*, from the preſent Canal to *Winchelſea* Sluice, to be widened and deepened ſo as to be Twenty Feet in the Bottom, and deepened at the Head of the New Canal to Two Feet above the Floor of the Great Sluice, and to be carried upon an inclined Plain, ſo as to agree with the Sell of *Winchelſea* Sluice at that Place; the Batters of its Sides, the Height, Strength, and Batters of its Walls, to be the ſame as propoſed for the main Channel from the New Canal to *Rye*.

In caſe the Diverſion of the Land-Waters ſhall occaſion the Outfall of *Wenway* Sluice to choak up, then a new Channel to be cut, and Sluice erected, for the Diſcharge of *Wenway* Waters, above the propoſed Dam into the *Rother*.

FINIS.