



ANNO PRIMO

GULIELMI IV. REGIS.

Cap. cxxxv.

An Act to amend an Act passed in the Forty-first Year of His late Majesty King *George* the Third, intituled *An Act for more effectually improving and maintaining the old Harbour of Rye in the County of Sussex*; and to appoint new Commissioners; and to enable the Commissioners to raise additional Funds on the Tolls, by way of Mortgage or otherwise. [16th July 1830.]

WHEREAS the Harbour of *Rye* in the County of *Sussex* is of great public Utility, and the Preservation and Improvement thereof are of considerable Importance to all Persons interested in Shipping: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for more effectually improving and maintaining the old Harbour of Rye in the County of Sussex*: And

41 G.3. c.53.

[*Local.*]

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any such Term or Number of Years, and in such Manner and Form, as to the said Commissioners, or any Nine or more of them, should seem meet, as a Security for any such Sum or Sums of Money which they should so borrow, to such Person or Persons as should lend the same, with Interest for the same not exceeding the Rate of Five Pounds *per Centum per Annum*. And whereas the said Sum of One thousand Pounds has been raised by virtue of the Power given in the said Act, and the same still remains charged on the said Rates and Duties, but such Sum has proved wholly insufficient for the Purposes contemplated by the said Act, and there are also other Sums, exclusive of the said Sum of One thousand Pounds, due to various Persons on account of the said Harbour: And whereas it is expedient to raise further Monies on the said Rates and Duties; and it is also expedient that the Qualification specified in the said Act for Persons acting as Commissioners of the said Harbour should be altered, and that new Commissioners should be appointed; but as the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all the Powers and Provisions therein contained, shall remain and continue in full Force and Effect, in so far as the same are not repealed, altered, or amended by this Act, and shall, together with this Act, be put in execution for the Purpose of maintaining and improving the said Harbour, as fully and effectually, to all Intents and Purposes, as if the same were repeated and re-enacted in the Body of this Act.

Powers of recited Act to extend to this Act, except as hereby altered or repealed.

Qualification of Commissioners.

II. And be it further enacted, That the Qualification required by the said recited Act for Persons acting as Commissioners in the Execution thereof shall be and the same is hereby repealed; and that from and after the passing of this Act, the Lord High Admiral of *Great Britain* for the Time being, or the Lords Commissioners for the Time being for executing the Office of Lord High Admiral of *Great Britain*, the Mayor and Jurats for the Time being of the Town and Port of *Rye* in the County of *Sussex*, and also Twelve Persons resident in the Town of *Rye* or within Three Miles thereof, not being Commissioners of Sewers for any or either of the Levels sewing into the said Harbour, and each of whom shall be himself interested in Ships or Vessels, or a Ship or Vessel, trading to or from the said Town of *Rye*, and registered at the Port of *Rye*, to the Extent of Twenty registered Tons, and also Twelve inhabitant Householders resident in the Town or Parish of *Rye*, rated to the Relief or Maintenance of the Poor of the said Parish by One or more Rate or Rates to the Amount of Ten Pounds *per Annum*, and not having qualified to act as Commissioners of Sewers for any or either of the Levels aforesaid, and also Twelve Persons being respectively Commissioners of Sewers acting in and for the Four following Levels, (that is to say,) the *Kent* and *Sussex Rother Levels*, *Walland Marsh Level*, *Guldeford Level*, and *Pevensey Level*, in the respective Counties of *Kent* and *Sussex*, shall be and they are hereby

hereby appointed Commissioners of the said Harbour of *Rye*, for putting this Act and the said recited Act, and all other Acts now in force relating to the said Harbour, into execution.

III. And be it further enacted, That the Twelve Commissioners herein-before directed to be appointed by virtue of their Interest in Shipping shall be elected and chosen by the Majority of Persons resident in the said Town of *Rye*, or within Three Miles thereof, each of whom shall be interested in Ships or Vessels, or a Ship or Vessel, trading to and from the said Town of *Rye*, to the Extent of Ten Tons or upwards, at a Meeting to be held for such Purpose within the said Town of *Rye* on *Tuesday* the Third Day of *August* next; and in case there shall not be a sufficient Number of Persons interested in Shipping to the Amount or Value of Twenty Tons, to make up the said Number of Twelve Commissioners, then that so many other Persons interested in Shipping as aforesaid to the Amount of Ten Tons, shall be elected and chosen as will be sufficient to make up the full Number of Twelve such Commissioners.

Election of Commissioners by virtue of their Interest in Shipping.

IV. And be it further enacted, That the Twelve inhabitant Householders herein-before directed to be appointed as Commissioners of the said Harbour shall be nominated and elected by the Majority of rated Inhabitants of the Town and Parish of *Rye* aforesaid, present at a Vestry Meeting to be held for such Purpose in the same Town of *Rye* on *Monday* the Second Day of *August* next; and that the said Twelve Commissioners of Sewers also herein-before directed to be appointed as Commissioners of the said Harbour shall be elected and chosen in manner following, (that is to say,) Three of the said Commissioners by the Commissioners of each of the before-mentioned Levels, *videlicet*, the *Kent* and *Sussex Rother Levels*, the *Walland Marsh Level*, the *Guldeford Level*, and the *Pevensy Level*, such Commissioners of the *Pevensy Level* being Owners or Occupiers of Land within the *Pett* or *Brede Levels* respectively, at Meetings of the said respective Commissioners to be held for such Purpose within One Month after the passing of this Act, or as soon after as such Meetings respectively can legally be held: Provided always, that until the Twelve Commissioners to be elected from the Commissioners of the Levels above named shall be nominated and elected as herein-before directed, it shall be lawful for Twelve of the Persons who now act as Commissioners of *Rye* Harbour, and being respectively Commissioners of the said Levels, to act as Commissioners for putting this Act into execution in lieu of the said Twelve Commissioners so to be nominated and elected as aforesaid.

Election of Commissioners being inhabitant Householders, and of Commissioners of Sewers.

V. Provided also, and be it further enacted, That in case of the Death, Removal, declining, becoming disqualified, or ceasing to act of any or either of the said Commissioners of the said Harbour, or in case any or either of such Commissioners not being Jurats, or Mayor or Jurat of the said Town of *Rye*, at the Time of their or his Appointment to act as such Commissioners or Commissioner as aforesaid, shall afterwards become Jurats, or Mayor or Jurat of the said Town,

For supplying Vacancies.

Town, then and in any or either of such Cases happening, another or other Commissioner or Commissioners shall, within One Calendar Month next after such Vacancy shall happen, be elected and chosen in his or their Place or Stead, in such and the same Manner and Form as is herein-before directed for the Appointment of the said Commissioners, at a Meeting to be convened for that Purpose on the Requisition in Writing of any Three Persons entitled to vote in the Election of such Commissioner or Commissioners as aforesaid, and Notice of such Vacancy and Election having been first given by the Clerk for the Time being of the said Commissioners, which Notice the Clerk of the said Commissioners for the Time being is hereby required from Time to Time to give by Advertisement, specifying the Time and Place of Meeting for such Election, to be inserted in One at least of the Newspapers published within the Counties of *Kent* and *Sussex* respectively, Fourteen Days previous to the Election taking place, and so from Time to Time as often as any future Vacancy shall arise or happen, to the Intent and Meaning that there shall be kept up, as near as can be, Twelve Commissioners for putting this Act and the said other Acts relating to the said Harbour into execution, elected and chosen by virtue of their Interest in Shipping, Twelve of the same Commissioners elected and chosen by and from the rated Inhabitants of the said Town and Parish of *Rye*, exclusive of the Mayor and Jurats of *Rye* aforesaid, and Twelve of the same Commissioners elected and chosen by and from the said Commissioners of Levels.

Commissioners not to hold Office, or be concerned in any Contract;

nor act until they have taken the following Oath.

VI. And be it further enacted, That no Person hereby appointed or hereafter to be appointed a Commissioner as aforesaid shall be capable of taking or entering into any Contract under this Act during the Time he shall be such Commissioner, or of acting as such Commissioner during the Time he shall hold or enjoy any Office or Place of Profit under or be concerned or interested in any Contract made by virtue of this Act, or in any Case where he shall be personally interested, except as a Creditor under this Act, nor (except in administering the Oath or Affirmation herein-after mentioned) until he shall have taken and subscribed, before any One or more of the said Commissioners, an Oath, or, being a Quaker, made and subscribed an Affirmation in the following Form of Words, and which Oath or Affirmation, the said Commissioners, or any of them, at any of their Meetings to be holden in pursuance of this Act, are or is hereby authorized to administer :

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will faithfully and impartially act in the Execution of the Trusts and Powers reposed in me by virtue of an Act passed in the First Year of the Reign of King *William* the Fourth, intituled *An Act [here set forth the Title of this Act]*.

‘ So help me GOD.’

And if any Person not being so qualified as herein-before mentioned, or not having taken and subscribed such Oath, or, being a Quaker, not having taken or subscribed such Affirmation, in manner as aforesaid, or being disqualified as in and by this Act is mentioned to act

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as a Commissioner in the Execution of this Act, shall act as a Commissioner in the Execution of this Act, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, together with the full Costs of Suit, in any of His Majesty's Courts of Record in *England*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and every such Person so sued or prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalties, without any other Proof on behalf of the Plaintiff or Prosecutor than that such Person had acted as a Commissioner in the Execution of this Act: Provided nevertheless, that all Acts and Proceedings of every and all Person and Persons acting as a Commissioner or Commissioners in the Execution of this Act, though not duly qualified as aforesaid, previously to his or their being convicted of the said Offence, shall, notwithstanding such Conviction, be as good, valid, and effectual as if such Person or Persons had been qualified according to the Directions of this Act.

VII. And be it further enacted, That a Book or Roll shall be kept by the Clerk for the Time being to the said Commissioners, in which the said Oath or Oaths shall be entered, and the same shall be signed by the Person taking such Oath, and also by the Commissioners or Commissioner by whom the same shall be administered; and an Entry thereof shall be made in the Minutes of the Proceedings of the said Commissioners, and such Entry shall be and be deemed and taken as sufficient Evidence in any Court of Law or Equity, and before all Judges, Justices, and others, of such Commissioner having duly taken such Oath as aforesaid in manner by this Act directed.

Oaths to be entered in a Book.

VIII. And be it further enacted, That the said Commissioners, or any Five or more of them, shall meet at the Town of *Rye* aforesaid, within Two Months after the passing of this Act, and shall then proceed to put this Act in execution, and then adjourn themselves for any Period not exceeding Six Calendar Months, and shall afterwards meet from Time to Time at the Place aforesaid as often as it shall be necessary for putting this Act in execution; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by Adjournment, or at any Special Meeting, a sufficient Number of Commissioners to act at such Meeting, then and in that Case any One or more of the Commissioners (if any shall be present) at such appointed Meeting shall and may adjourn the said Meeting to any other Day, not exceeding Two Months from thence next following; and if it shall happen that at any such Meeting there shall not be a sufficient Number of Commissioners to act, or a Commissioner to make such Adjournment, then and in that Case the Clerk to the said Commissioners, by Fourteen Days previous Notice in Writing under his Hand, to be affixed on the principal outer Door of the Parish Church of *Rye* aforesaid, and the Front Door of the Town Hall in *Rye* aforesaid, and also by an Advertisement in One of the Newspapers published in the Counties of *Kent* and *Sussex*, shall appoint the said Commissioners to meet at the

Meetings of Commissioners.

[*Local.*]

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House

Commissioners to pay their own Expences at Meetings.

House where the last Meeting was appointed to be held, on any Day within Twenty-one Days of the Day on which the said last Meeting was appointed to be held; and Notice of every Meeting held under the Authority of this Act shall be affixed on the principal outer Door of the Parish Church aforesaid, and on the Front of the Town Hall in *Rye* aforesaid, by the Clerk to the said Commissioners, Six Days previous to any such Meeting; and all such Commissioners as are Justices of the Peace may act as Justices in the Execution of this Act notwithstanding their being Commissioners: Provided always, that at all Meetings of the Commissioners appointed or to be appointed for putting this Act in execution, the said Commissioners shall pay their own Expences in attending such Meeting, but the Charge for the Use of the Room, and also all Charges for Stationery, shall be defrayed out of the Rates arising under the Authority of this Act.

Chairman and Deputy Chairman to be appointed.

IX. And be it further enacted, That the said Commissioners at their said First Meeting within Two Months after the passing of this Act, and afterwards annually on the first *Tuesday* in *July*, 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 who shall be qualified to be re-elected the ensuing or any subsequent Year.

In case of Absence, another Chairman or Deputy may be appointed for the Day.

X. And be it further enacted, That in case it shall happen that the Chairman or Deputy Chairman, or either of them, shall be 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 of such Meetings, provided they amount to the Number of Five, to elect and appoint from amongst themselves then present a Chairman or Deputy Chairman, or one of them, for the Day, who shall respectively have the same Powers and Authorities as the actual Chairman and Deputy would have had if present.

All Acts to be determined by the Majority of Commissioners present at Meetings.

XI. 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 done, executed, and determined by a Majority of the said Commissioners present at such Meetings (such Meeting consisting of Five Commissioners at the least); and in all Cases where the Number shall be equal, the Chairman for the Time being, or the Person supplying his Place as aforesaid, shall, besides his own Vote, have the casting Vote.

Meetings on Emergencies.

XII. And be it further enacted, That if after any Adjournment of the said Commissioners it shall at any Time be thought necessary that an earlier Day of Meeting should be appointed than the Day appointed by such Adjournment, in that Case any Two of the said Commissioners, or the Clerk to the said Commissioners, upon an Order in Writing signed by Six or more of the said Commissioners, mentioning

mentioning the Time, Place, and Purpose of such Meeting, shall forthwith give Notice thereof, and of the Time and Place of such earlier Meeting, (such Meeting not being less than Fourteen Days after such Notice,) and such earlier Meeting shall and may be held accordingly; and all the Orders and Determinations of the said Commissioners at all such Meetings shall be as valid and effectual as they would have been in case such Meetings had been held in pursuance of Adjournment, but no Order or Resolution shall be made at any such Meeting, except such as shall have express Reference to the Object for which the Meeting was called.

XIII. And be it further enacted, That all Orders and Proceedings of the Commissioners shall be entered in a Book or Books to be kept for that Purpose; and such Orders and Proceedings so entered shall be signed by the Commissioners making the same, or their Chairman, or the Person supplying his Place as aforesaid; which Book or Books, and also the Book or Books herein-after directed to be kept for registering Mortgages and Assignments, or Transfers thereof, shall be admitted in Evidence in all Courts whatsoever touching any thing done in pursuance of this Act; to which Books the said Commissioners, or any of them, shall have free Access at all seasonable Times, to inspect the same, at his or their Pleasure, without paying any Fee or Reward whatsoever; and all Creditors on the Rates or Duties shall at all seasonable Times be permitted to have Copies of any of the Entries in such Books, paying for such Copies after the Rate of Sixpence for every Seventy-two Words.

Proceedings to be entered in a Book.

XIV. And be it further enacted, That the said Commissioners may and they are hereby empowered to appoint a Collector of the Dues and Rates, Treasurer, Clerk or Clerks, Engineer, Harbour Master, and such other Officer or Officers as the said Commissioners shall think necessary, and such Collector, Treasurer, Clerk or Clerks, Engineer, Harbour Master, and other Officer or Officers, or any of them, from Time to Time to remove, and on Removal, Death, or Resignation of any such Collector, Treasurer, Clerk or Clerks, Engineer, Harbour Master, or other Officer or Officers, to appoint others in their Stead; and may and are hereby authorized and empowered, out of any of the Monies arising by virtue of this Act, to allow and pay to such Collector, Treasurer, Engineer, Clerk or Clerks, Harbour Master, or other Officer or Officers, and to such other Person or Persons as shall be assisting them, or any of them, in or about the Execution of this Act, such Salaries, Rewards, and Allowances for their Attendance, Care, Labour, and Services as the said Commissioners shall deem reasonable; and all such Officers and Persons shall from Time to Time, when thereunto required by the said Commissioners, deliver to such Commissioners, or to such Person or Persons as they shall for that Purpose appoint, true, exact, and perfect Accounts, in Writing under their respective Hands, of all Monies which they and every of them respectively shall have received to that Time by virtue of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper Vouchers for such Payments, and shall pay all such Monies as shall remain in their or any of their Hands to the said Commissioners, or to such Person

Appointing Officers, &c.

Officers to account.

Proceedings
in case of
Default.

Person or Persons as they shall appoint to receive the same, and not otherwise; and if any such Officer or Person shall refuse or neglect to produce or deliver up such Vouchers relating to the same, or shall refuse or neglect to pay the Money due on such Account in manner aforesaid, or if any such Officer or Person shall refuse or neglect to deliver up to the said Trustees, or to such Person or Persons as they shall appoint, within Fourteen Days after being thereunto required by the said Commissioners, all the Books, Papers, and Writings in his Custody and Power relating to the Execution of this Act, and with which he shall have been entrusted by virtue of such Office or Employment, then and in every or any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the County, City, Town, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, upon Complaint in Writing made to them by the said Commissioners or their Clerk, and such Justices are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause such Officer or Officers, Person or Persons, to be brought before them, and upon his or their not appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced; and if upon 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 Witness or Witnesses, (which Oath such Justices are hereby empowered and required to administer, without Fee or Reward, except the usual Fee to the Clerk to such Justices,) or upon Inspection of the said Accounts, if produced, it shall appear to such Justices 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 Justices may and they are hereby authorized and required, upon Nonpayment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Monies to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if such Officer or Officers, or other Person or Persons, shall not appear before the said Justices, unless for some sufficient Excuse, at the Time and Place appointed by them for that Purpose, or if appearing shall refuse or neglect to give and deliver to such Justices an Account or Accounts of all Receipts and Payments as aforesaid, or to produce and deliver up to the said Justices 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 Execution of this Act, or to the said Harbour, then and in either of the Cases aforesaid such Justices may and they are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County, City, Town, or Place where such Offender or Offenders shall be or reside, there to remain without Bail or Mainprize until he or they shall have compounded and agreed with the said Commissioners, and shall have paid such Composition in such Manner as the said Commissioners shall appoint, (which Composition the said Commissioners are hereby empowered to make,) or
until

until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or made Satisfaction in respect thereof to the said Commissioners: Provided always, that no Person who shall be so committed for Want of sufficient Distress shall be detained in Prison by virtue of this Act for a longer Space of Time than Twelve Calendar Months.

XV. And be it further enacted, That the said Commissioners shall and they are hereby required to take such Security from the Treasurer or Treasurers, Receiver or Receivers, Collector or Collectors, and any other Officers to be appointed for the Purposes of this Act, for the faithful Execution of their respective Offices, as the said Commissioners shall think necessary and sufficient.

Treasurer to give Security.

XVI. And be it further enacted, That upon the Death, Absconding, Incapacity, or Absence of any Collector, Receiver of the Dues or Rates, or the Harbour Master, any Three or more of the Commissioners being on the Committee of Survey herein-after mentioned, though not assembled at any Meeting of the Commissioners appointed by virtue of this Act, by Writing under their respective Hands shall and may nominate and appoint a proper Person to be a Collector or Receiver of the said Dues or Rates, or Harbour Master, to continue till the then next Meeting of the said Commissioners, in the Stead of such Collector or Receiver or Harbour Master as shall so die, become incapable, abscond, or absent himself; which Person so nominated and appointed shall have the like Power and Authority, and be answerable and accountable in the same Manner in all respects as the Person who shall so die, become incapable, abscond, or absent himself, would have had or been subject to.

Commissioners may appoint temporary Collectors, or Harbour Master, in certain Cases.

XVII. And be it further enacted, That all Persons who are or have been employed, or who have received any Dues or Rates, by virtue or on account of the said recited Act, or any other Act or Acts now in force relating to the said Harbour, or any of them, or who have or shall have in their Custody or Possession any Money, Books, Accounts, Deeds, Papers, Writings, or other Things relating to the said Harbour, shall account for and pay and deliver over the same and every Part thereof to the Commissioners nominated, elected, and chosen under and by virtue of this Act, in like Manner and under the like Penalties as the several Collectors and other Persons receiving any Money by virtue of this Act are herein-before required to pay, account for, and deliver over the same.

Books, &c. to be delivered to the Commissioners.

XVIII. And be it further enacted, That the said Commissioners may sue and be sued for or concerning any thing to be done by virtue or in pursuance of this Act in the Name of One of the said Commissioners, or of their Clerk for the Time being; and no Action or Suit to be brought or commenced by the Direction of or against the said Commissioners by virtue of this Act, in the Name of One of the said Commissioners or of their Clerk, shall abate or be discontinued by the Death or Removal of any such Commissioner or Clerk, without the Consent of the said Commissioners; but One of the said Commissioners, or the Clerk for the Time being to the said Commis-

Commissioners may sue or be sued in the Name of their Clerk or Treasurer.

sioners, shall be deemed to be Plaintiff or Defendant, as the Case may be: Provided always, that every such Commissioner or Clerk in whose Name any Action or Suit shall be commenced, sued, prosecuted, or defended in pursuance of this Act, shall be fully reimbursed and paid out of the Monies to arise by virtue of this Act or of the said recited Act, or of any other Acts now in force relating to the said Harbour, all such Costs, Charges, Damages, and Expences as by the Event or in consequence of any such Action or Proceeding he shall pay, bear, expend, or be put unto, or become chargeable with by reason of his being so made Plaintiff or Defendant as aforesaid.

Accounts to
be kept of
Receipts and
Disburse-
ments.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required from Time to Time and at all Times to order and direct a Book or Books to be provided and kept by their Treasurer for the Time being, in which Book or Books such Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of this Act or of the said Harbour, and the several Articles, Matters, and Things for which any Sums of Money shall have been disbursed, laid out, and paid; and such Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners, or any Creditor or Creditors on the Rates and Dues granted by this Act, without Fee or Reward; and the said Commissioners or Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Treasurer shall refuse to permit or shall not permit the said Commissioners or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Treasurer shall forfeit and pay any Sum not exceeding Ten Pounds, to be levied and recovered in manner herein-after directed.

Clerk not to
act as Trea-
surer, and
vice versâ.

XX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint any Person who has been or may be appointed their Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk or any other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, to be the Treasurer for the Purposes of this Act, or to continue or appoint any Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk of any other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of any other Person in the Service or Employ of any such Clerk or of the Partner of any such Clerk, shall act as Treasurer, or as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk of any other Person in the Service or Employ of any such Treasurer or of his Partner, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution
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of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered with full Costs of Suit in any of His Majesty's Court of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XXI. And be it further enacted, That the said Commissioners shall be and they are hereby exonerated and discharged of, from, and against all Actions, Suits, or Informations that may be brought or commenced against them for any thing done in pursuance of this Act (except in Cases of wilful Corruption and Misconduct); and in case any Person or Persons shall be injured by any Acts or Proceedings of the said Commissioners (except as aforesaid), such Person or Persons shall have full Recompence or Satisfaction out of the said Rates and Dues.

Commissioners indemnified.

XXII. And to the Intent that the Impediments and Obstructions in and to the said Port and Harbour, and the Navigation thereof, may be prevented or remedied, be it further enacted, That it shall be lawful for the said Commissioners, or any Nine or more of them, at their First General Meeting, and at every subsequent General Meeting yearly, on the first *Tuesday* in *July*, to elect, choose, and appoint, by an Order in Writing under their Hands, Five of the said Commissioners acting or who have acted in execution of this Act to be a Committee for the Purposes herein-after mentioned, which Committee shall be called "The Committee of Survey;" and it shall and may be lawful to and for such Committee, or any Three or more of them, to use and exercise the several Powers and Authorities vested in them in and by this Act for the Term of One Year only, or until other Persons shall be chosen in their Place by virtue of this Act; and all Instruments or Nominations of any Person or Persons to be of such Committee shall be entered in a Book to be kept by the Clerk of the said Commissioners for that Purpose.

Commissioners to elect a Committee of Survey;

XXIII. And be it further enacted, That the Persons who shall be appointed to be of the Committee of Survey as aforesaid, or any Three or more of them, shall, Twice at least in every Year, previous to the General Meeting on the said first *Tuesday* in *July*, or oftener if they shall see Occasion, at such other Time and Times and Seasons as they shall think fit, survey and view the said Harbour, with the Appurtenances, and the Impediments, Obstructions, Encroachments, and Annoyances therein, and the several Wharfs abutting thereon; and the said Committee, or any Three or more of them who shall make such Survey, shall give and report to the said Commissioners, at their said General Meeting, on the Day and Time last aforesaid, yearly, or at the then next or some subsequent public Meeting of the Commissioners, after such Survey and View as aforesaid, the Impediments, Obstructions, Encroachments, and Annoyances in, upon, or to the Prejudice of the said Harbour, and of such of the said Wharfs as are or may be irregular, and of all other Nuisances and Abuses to the said Harbour, or the Navigation thereof; and the Engineer of the said Commissioners shall, if required, attend the

who shall report to Commissioners the State of the Wharfs, &c.

said

said Committee on their said several Views and Surveys, to take Minutes for them, and to give his Advice and Opinion as to all Matters relating to the said Harbour.

Commissioners to take Report into Consideration, and give Orders for removing Annoyances, &c.

XXIV. And be it further enacted, That the said Commissioners shall proceed at the same or some subsequent General Meeting to take the said Report into Consideration, and then, or at any future public Meeting, make such Order and Orders for remedying and removing the said Impediments, Annoyances, Encroachments, and Obstructions, within such Time or Times as the said Commissioners shall think fit, and shall cause Notice in Writing to be given to the Person or Persons doing, committing, or permitting the said Impediments, Annoyances, Encroachments, or Obstructions, which Notice shall be given personally, or left at the Dwelling House or Houses or Place or Places of Abode of the Person or Persons committing or permitting the said Impediments, Annoyances, Encroachments, or Obstructions, or with some Tenants or Agents on the Premises on or near which any such Impediment, Obstruction, Encroachment, or Annoyance is found, and reported to be made or occasioned, specifying the Particulars wherein such Impediments, Obstructions, Encroachments, or Annoyances consist, and the Time or Times allowed by the said Commissioners for remedying or removing the same; and in case such Impediments, Annoyances, Encroachments, or Obstructions shall not be remedied and removed within such Time or Times as the said Commissioners shall have appointed for that Purpose, the said Person or Persons doing, committing, or permitting the same shall forfeit and pay such Sum and Sums of Money as the said Commissioners shall think fit, not exceeding the Sum of Fifty Pounds, and for every Month that such Defects or Annoyances so found are not remedied or removed, from and after the Time allowed by the Commissioners as aforesaid, a Sum or Sums of Money not exceeding Five Pounds: Provided always, that in case any Person or Persons upon whom such Fine or Fines, Penalty or Penalties, shall be imposed or inflicted as aforesaid, shall give Notice of his, her, or their Intention to appeal to the General or Quarter Sessions of the Peace, and shall enter into a Recognizance to prosecute such Appeal in manner and pursuant to the Powers and Authority for that Purpose hereinafter contained, then and in such Case no further Fine or Penalty shall be imposed or inflicted for the same Offence, until such Appeal shall have been heard and determined, or shall have been abandoned.

Penalty on Persons neglecting to remove Annoyances.

Commissioners empowered to purchase Boats, &c.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby empowered to purchase all such Boats and other Vessels and Craft as shall in their Judgment be deemed necessary for the Use of the Committee of Survey and other Officers appointed under and by virtue of this Act.

Power to borrow Money on Security of the Rates.

XXVI. And be it further enacted, That the said Commissioners shall and may and they are hereby empowered from Time to Time to borrow and take up at Interest any Sum or Sums of Money which they shall think proper, so that the Sum due and outstanding at any one Time shall not exceed in the whole the Sum of Five thousand Pounds

Pounds (exclusive of the before-mentioned Sum of One thousand Pounds due and owing from the Commissioners acting under the said recited Act), and by Writing under the Hands and Seals of any Five of the said Commissioners to mortgage or assign the Rates and Duties to be levied and collected under and by virtue of this Act, or any Part thereof, for any such Term or Number of Years and in such Manner and Form as the said Commissioners, or any Five or more of them, shall seem meet, as a Security for such Monies as they shall so borrow, to such Person or Persons as shall lend the same, or his, her, or their Trustee or Trustees, Executors, Administrators, and Assigns, with Interest for the same, not exceeding the Rate of Five Pounds *per Centum per Annum*, and the Costs and Charges of preparing such Mortgage, to be paid out of the Rates and Duties; which said Security or Securities shall be granted under the Hands and Seals of at least Five of the said Commissioners, and shall be in the Form or to the Effect following; (that is to say,)

‘ **B**Y virtue of an Act made in the First Year of the Reign of King *Form of*
 ‘ *William* the Fourth, [*set forth the Title of this Act,*] we whose *Mortgage.*
 ‘ Names are hereunto subscribed and Seals affixed, (being Commis-
 ‘ sioners acting in execution of the said Act,) in consideration of the
 ‘ Sum of _____ to the Treasurer of the Harbour of *Rye* in
 ‘ hand paid by *A. B.*, do hereby grant, bargain, sell, and demise
 ‘ unto the said *A. B.* _____ Executors, Administrators, and
 ‘ Assigns, such Proportion of the Duties and Sums of Money arising
 ‘ by virtue of the said Act, or any other Act or Acts relating to the
 ‘ said Harbour, as the said Sum of _____ do or shall bear
 ‘ to the Sum of [*here insert the Sum raised by Mortgage*], charged
 ‘ and advanced or to be charged and advanced by way of Mortgage
 ‘ on the Credit of the said Act; to be had and holden from this
 ‘ _____ Day of _____ in the Year of our
 ‘ Lord _____ unless the said Sum of _____
 ‘ with Interest after the Rate of _____ *per Centum per Annum*,
 ‘ shall be sooner repaid and satisfied. Given under our Hands and
 ‘ Seals this _____ Day of _____ in the Year
 ‘ of our Lord _____ ’

And Copies of all such Mortgages shall be entered in a Book or *Copies of*
 Books to be kept for that Purpose by the Clerk or Clerks to the said *Mortgages*
 Commissioners; and such Book or Books shall and may at all sea- *to be entered.*
 sonable Times be perused and inspected by any Mortgagee or Com-
 missioner, without Fee or Reward; and all Mortgages which shall
 be made in the Manner and Form aforesaid shall be good, valid, and
 effectual to all Intents and Purposes whatsoever; and all Persons to
 whom any such Mortgages shall be made as aforesaid, or who are
 or shall be entitled to the Money thereby secured, may from Time
 to Time assign and transfer the same Security or Securities respec-
 tively, and all Benefit and Advantage thereof, and all their Right,
 Title, and Interest to the Principal and Interest Money thereby
 respectively secured, or any Part thereof, to any Person or Persons
 whomsoever, by Writing under their Hands and Seals, in the Words
 or to the Effect following:

[*Local.*]

39 *E*

‘ *I A. B.*

Form of
Transfer of
Mortgage.

‘ I *A. B.*, being entitled to the Sum of _____ secured to
 ‘ _____ Executors, Administrators, and Assigns, by
 ‘ virtue of a Mortgage bearing Date the _____ Day
 ‘ of _____ under the Hands and Seals of
 ‘ of the said Commissioners for improving the Harbour of *Rye*,
 ‘ acting in execution of an Act made in the First Year of the Reign
 ‘ of King *William* the Fourth, intituled [*here set forth the Title of*
 ‘ *this Act*], upon the Credit of the said Act, do hereby transfer all
 ‘ my Right and Title in and to the same, and all the Principal and
 ‘ Interest Money now due and owing thereon, unto *C. D.*
 ‘ Executors, Administrators, and Assigns. Dated this _____ Day
 ‘ of _____ in the Year of our Lord _____ .’

And every Transfer shall be produced and notified to the Clerk to the said Commissioners within Two Calendar Months next after the Date thereof, who shall cause an Entry or Memorial to be made thereof, containing the Date, and Names of the Parties, and Sum of Money therein mentioned to be transferred, in the said Book or Books to be kept for entering the said original Mortgages to be made by virtue of this Act, and for which Entry the Clerk who shall enter the same shall be paid Six Shillings and Eight-pence, and no more; and after such Entry made every such Transfer shall entitle the Person to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and after such Entry or Memorial made thereof as aforesaid, it shall not be in the Power of any Person or Persons making such Transfer to make void, release, or discharge the same, or the Monies thereby due, or any Part thereof; and all Persons to whom such Mortgages, Assignments, or Transfers shall be made as aforesaid, shall be, in proportion to the Sums therein respectively mentioned, Creditors on such Duties and Sums of Money in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing any such Monies, or of the Dates of such Mortgages or Assignments.

Application
of Monies.

XXVII. And be it further enacted, That all the Money which shall come to the Hands of the said Commissioners or any of them, or their Treasurer, by virtue of this Act or of the said recited Act, or of any other Act now in force relating to the said Harbour of *Rye*, and also such Money as shall be in the Hands of the Commissioners under the said recited Act, or any other Act now in force relating to the said Harbour, at the passing of this Act, shall be applied by the said Commissioners, or any Five or more of them, in manner following; (that is to say,) in the first place, in Payment and Discharge of all the Charges and Expences incurred in the obtaining and passing of this Act, such Charges and Expences to be settled by the Commissioners appointed by this Act, or any Five or more of them; and then in Payment of so much of the said Sum of One thousand Pounds now due on Mortgage of the Rates and Duties, with the Interest due and to accrue due thereon, as shall be required to be paid by the respective Parties to whom the same shall be payable; and after Payment thereof respectively, then in Payment and Discharge of all Debts and Sums of Money now due and owing on

account of the said Harbour ; and after Payment and Discharge of such last-mentioned Sums, then in Payment and Discharge of all Charges and Expences incurred, previous to the passing of this Act, in protecting or enforcing the Rights of the said Harbour, such Charges and Expences to be settled as aforesaid ; and that the Residue of such Money shall be paid and applied in Payment and Discharge of the Interest of such Monies as shall be raised by way of Mortgage as herein-before mentioned, and afterwards in maintaining and improving the said Harbour, and keeping the same in repair ; and that when all such Charges and Expences as aforesaid shall be paid and satisfied, all the Money from Time to Time remaining in the Hands of the said Commissioners, or a competent Part thereof, shall be applied in Reduction of the Principal Money due or to be borrowed as aforesaid, the Money now due to be paid before any Sums hereafter to be borrowed.

XXVIII. And be it further enacted, That all Penalties, Forfeitures, and Fines hereby inflicted or authorized to be imposed, (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) shall, upon Proof of the Offence respectively before any One or more Justice or Justices of the Peace for the County of *Kent* or *Sussex*, either by the Confession of the Party offending, or by the Oath of any credible Witness or Witnesses, be levied, together with the Costs attending the Information and Conviction, by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices ; and the Overplus (if any), after such Penalties, Forfeitures, and Fines, and the Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, unto the Owner or Owners of such Goods and Chattels ; and the Monies arising from such Penalties, Forfeitures, and Fines respectively, when paid and levied, (if not otherwise directed to be applied by this Act,) shall be from Time to Time paid, one Moiety to the Informer, and the other Moiety to the Commissioners of the said Harbour, or their Treasurer for the Time being ; and in case such Penalties, Forfeitures, and Fines respectively shall not be paid forthwith upon Conviction, then it shall and may be lawful for such Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before him or them on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Six Days from the Time of taking any such Security, and such Security such Justice or Justices is and are hereby empowered to take, by way of Recognizance or otherwise, as to him or them shall seem right and proper ; but if upon Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of such Justice or Justices, either by the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath not nor have Goods and Chattels, within the Jurisdiction of such Justice or Justices,

Recovery and
Application
of Penalties.

sufficient

sufficient whereon to levy such Penalties and Forfeitures, Costs and Charges, such Justice or Justices may, at his or their Discretion, without issuing any Warrant of Distress, commit the Offender or Offenders to the Common Gaol of the said County of *Kent* or *Sussex*, or to any House of Correction within the same, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties, Forfeitures, and Fines, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

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

Form of Conviction.

XXX. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice and Justices of the Peace before whom any Person 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; (that is to say,)

‘ } **BE** it remembered, That on the Day
 ‘ to wit. } of in the Year of our Lord
 ‘ *A. B.* is convicted before me *C. D.* [*or before us, C. D. and E. F.*]
 ‘ One [*or Two, as the Case may be,*] of His Majesty’s Justices of the
 ‘ Peace for the said County, [*here specify the Offence, and when and*
 ‘ *where committed,*] contrary to an Act passed in the First Year of
 ‘ the Reign of King *William* the Fourth, intituled [*here insert the*
 ‘ *Title of this Act*]; for which Offence I [*or we*] adjudge the said
 ‘ *A. B.* to have forfeited the Sum of [*or to be*
 ‘ committed to for the Space].
 ‘ Given under my Hand and Seal [*or our Hands and Seals*] the Day
 ‘ and Year first above written.’

Allowing an Appeal to the Quarter Sessions.

XXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of this Act, such Person or Persons may appeal to the Justices of the Peace at the first General or Quarter Sessions of the Peace to be holden for the County within which the Matter of Appeal shall arise within Four Calendar Months from the Time such Matter of Appeal shall have arisen, the Person or Persons appealing having first given Ten Days Notice at the least of his, her, or their Intention to bring such Appeal, and of the Matter thereof, to the

the Commissioners of the said Harbour, or to their Treasurer or Collector, and within Three Days after such Notice entering into a Recognizance before One or more Justice or Justices of the Peace for such County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, are hereby authorized and required to hear and determine the Matter of such Appeal in a summary Way, and to make such Order and Determination therein, and to award such Costs to either of the Parties, or otherwise, as they shall think proper; and all such Determinations shall be final, binding, and conclusive on all Parties, to all Intents and Purposes whatsoever.

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

Distress not unlawful for Want of Form.

XXXIII. And be it further enacted, That no Order, Judgment, or other Proceedings made touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, any Law or Statute to the contrary thereof in anywise notwithstanding.

Proceedings not to be removed by Certiorari.

XXXIV. And be it further enacted, That if any Person or Persons, upon any Examination upon Oath or Affirmation before any Justice of the Peace acting in execution of this Act, shall wilfully and corruptly give false Evidence touching any Matter or Thing relating to this Act, or shall wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such Person so offending, and being duly convicted thereof, shall be and is hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons guilty of wilful and corrupt Perjury are liable to.

Persons giving false Evidence.

XXXV. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, Ten Days before such Action be commenced, of such intended Action, signed by the Attorney of the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in

Plaintiff not to recover without Notice, or after Tender of Amends.

any Action if Tender of sufficient Amends hath been made to him, her, or them, or to his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of Court, after such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation
of Actions.

XXXVI. And be it further enacted, That all Actions and Complaints for all and every the Penalties and Forfeitures imposed by this Act, or for any Wrong done or Injury suffered in any Matter relative thereto, or in consequence of any of the Powers by this Act given, shall be commenced within the Space of Six Calendar Months after the Penalty or Forfeiture is incurred, or Wrong done, or Injury suffered, and not afterwards.

Public Act.

XXXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1880.