ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. clxxxiv.

An Act to enable "The Trustees of *Newhaven* Harbour and *Ouse* Lower Navigation" to form a new Cut for diverting the Channel of the River *Ouse*, and to construct a Road, Tramway, and other Works for the Improvement of the said Harbour and Navigation; and for other Purposes. [21st *July* 1863.]

WHEREAS, by "The *Newhaven* Harbour and *Ouse* Lower Navigation Act, 1847," the Trustees of *Newhaven* Harbour and *Ouse* Lower Navigation (in this Act called "the Harbour Trustees") were incorporated, and were authorized to maintain and support the Harbour of *Newhaven*, and the Piers, Groynes, Sluices, Wharves, Mooring Berths, and other Works connected therewith; and also to maintain and support the open Navigation of the River *Ouse* between *Newhaven Bridge* and *Lewes Bridge;* and they were also authorized to receive certain Duties in respect of Vessels entering the Harbour and Goods discharged or shipped in the Harbour; and also in respect of Goods passing upon, down, or upon any Part of the said River *Ouse* between *Newhaven Bridge* and *Lewes Bridge* (except as therein is mentioned); 10 & 11 Vict. c. ix.

mentioned); and they were thereby also authorized to borrow at Interest, on the Credit of the said Duties and other the Funds and Property which should belong to or be vested in them (except certain Scots), any Sum of Money which they might think necessary for the Purposes of the Act; and in the event of any Part of the Money so to be borrowed being repaid by the Trustees to reborrow a like Sum, and so *toties quoties:* Provided that it should not be lawful for the said Trustees, except by way of Substitution for Money paid off, to borrow on the Credit of such Duties and other Funds and Property, more than the Sum of Thirty-two thousand five hundred Pounds, unless by the Authority of Two Thirds of the Trustees present at a special Meeting, and with such Consent as therein is mentioned: And whereas the Harbour Trustees have borrowed various Sums of Money on the Credit of the said Duties and other Funds and Property, and the entire Amount of the Principal Monies so borrowed and now remaining due is the Sum of Fifteen thousand three hundred Pounds: And whereas by an Act passed in the Twenty-fourth Year of the Reign of His late Majesty King George the Third, intituled *An Act for building a Bridge over the River* Ouse *at* Newhaven *in the County of* Sussex, the several Persons therein named were appointed Trustees for building, supporting, and maintaining the said Bridge, and for executing the other Powers thereby vested in them; and Provision was thereby made for the Election from Time to Time of a new Trustee in the Room of any Trustee who should die, or by Writing refuse to act in the Execution of that Act; and the said Trustees, or any Five or more of them (in this Act called "the Bridge Trustees"), were thereby authorized to cause a Bridge to be built from the End of the High Street in the Town of *Newhaven* across the said River, and also a Toll House at the End of the said Bridge, on the *Newhaven* Side, and proper Causeways, and to cause the said Bridge, Toll House, and Causeways to be supported, maintained, and kept in good Repair; and that after the said Bridge should be built as aforesaid the same should for ever be and remain a public Bridge; and all Persons, Horses, Cattle, and Carriages should have free Liberty (upon Payment of the respective Tolls therein-after granted) to pass over the same, and the said Trustees were thereby required to provide that an Opening or Waterway, of the Length of Forty Feet from Side to Side, should be made or left in the mid Current of the said River, and that a Drawbridge should be constructed over the said Opening or Waterway of the same Extent; and the said Trustees were thereby authorized to make a Road or Avenue to the said Bridge for Travellers and Carriages to pass and repass from the End of the said Bridge through and over certain Lands in the Parish of *Denton* and to communicate with a certain Road called Long Drove leading towards the Town of *Seaford;* and when the said Road or Avenue should be made as aforesaid the same should be deemed a public Road, and was thereby vested in the said Bridge Trustees

24 G. 3. c. xxi.

Trustees for the Purposes before mentioned; and it was thereby enacted that all the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments, within the said Parish of *Denton*, together with their Workmen, Servants, Cattle, and Carriages laden or unladen, and all Utensils in Husbandry, should have free Liberty to pass and repass to and from the said Houses and Lands over the said Bridge without paying any Toll or Duty; and the said Bridge Trustees were thereby authorized to demand and receive such Tolls in respect of Persons on Foot, Horses, Cattle, or Carriages passing over the said Bridge as the said Bridge Trustees should from Time to Time think proper, not exceeding the respective Sums therein mentioned; and after reciting that several Persons had subscribed or agreed to contribute the Sum of One thousand six hundred and seventy-five Pounds towards carrying the Purposes of that Act into Execution, it was thereby enacted that the Surplus of all the Money which should come to the Hands of the said Bridge Trustees by means of such Subscription and Contribution, or otherwise by virtue of that Act, after the Payments therein mentioned, should be divided amongst the several Persons who should contribute and pay to the Treasurer to the said Trustees, according to the Directions of that Act, the Sum of Twenty-five Pounds or upwards, in part of the said One thousand six hundred and seventy-five Pounds so contributed and subscribed; and the said Contributors were thereby authorized to assign or devise any Share or Shares of the said Sum of One thousand six hundred and seventy-five Pounds, so subscribed or contributed as aforesaid, to any Person or Persons whomsoever, and so *toties quoties*; and it was thereby enacted, that all Orders and Proceedings of the said Bridge Trustees should be made and done at Meetings to be held in pursuance of that Act: And whereas, by an Act passed in the Thirty-eighth Year of the Reign of His late Majesty King George the Third, intituled *An Act to amend an Act made in the Twenty-fourth Year of the Reign of His present Majesty, for building a Bridge over the River* Ouse *at* Newhaven *in the County of* Sussex, after reciting that the said Bridge had been built and completed, and a Road or Avenue made thereto, pursuant to the Directions of the said secondly herein-before recited Act, the said last-mentioned Act was amended, in manner therein mentioned: And whereas it is expedient that for the Improvement of the said Harbour and Navigation, the Harbour Trustees should be authorized to construct and maintain such new Works as are herein-after mentioned; and that the Duties made payable in respect of the Harbour and of the River by the said first-recited Act should be repealed, and that the Harbour Trustees should be authorized to demand and receive the Duties herein-after mentioned in lieu thereof; and that the Harbour Trustees should have Power to borrow further Monies on the Credit of the said Duties and of other Funds and Property belonging to them: And whereas it is

38 G. 3. c. cxiv.

expedient

expedient that the Harbour Trustees should be authorized to purchase *Newhaven Bridge* aforesaid and the said Toll House and Causeways, and if necessary to pull down or alter the said Bridge and Toll House, or to stop up the said Bridge and Causeways and the said Road or Avenue made in connexion therewith; and that such other Powers and Authorities should be conferred upon the Harbour Trustees as are herein-after contained: And whereas the said intended new Works, or some of them, will tend to the Convenience and Advantage of the *London, Brighton, and South Coast* Railway Company, and it is expedient that they should be empowered to contribute towards the Costs and Expenses thereof, and to enter into Arrangements with the Harbour Trustees in relation thereto: And whereas the several Purposes aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Newhaven* Harbour and *Ouse* Lower Navigation Improvement Act, 1863."

This Act and first-recited Act to be as One.

2. This Act shall be construed with and so far as the Nature of the Case will admit shall be considered as Part of the said first-recited Act.

8 & 9 Vict. c. 18. and 10 & 11 Vict. c. 27. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," and Sections Fourteen, Fifteen, Twenty-four, Twenty-eight, Thirty-one, Thirty-two, and Fifty-two of "The Harbours, Docks, and Piers Clauses Act, 1847," except so far as the Provisions thereof are inconsistent with this Act, shall be incorporated with and form Part of this Act.

First-recited Act in part repealed.

4. Sections Fifty-five and Eighty-two of the said first-recited Act shall be and the same are hereby repealed, but nevertheless everything before the Commencement of this Act done or suffered under the said repealed Sections, or either of them, shall be as valid in all respects as if the same had not been repealed; and the Repeal thereof and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all Rights, Liabilities, Claims, and Demands, both present and future, which, if the said Sections were not repealed, would be incident to or consequent on any or every thing so done or suffered.

5. The

Harbour Trustees authorized to execute Works.

5. The Harbour Trustees shall have Power to construct and for ever maintain the following Works, namely:

First, a new Cut to divert the Channel of the River *Ouse* in the County of *Sussex*, commencing in the Parishes of *Denton* and *Meeching* otherwise *Newhaven* (or One of them), at or near a Point Sixty Yards to the Southward of a Fence across the Western Tide-bank of the said River, and situate Eight hundred and forty Yards, or thereabouts, to the Northward of *Newhaven Bridge*, measured along the said Western Tide-bank, and terminating in the Parish of *Meeching* otherwise *Newhaven*, at or near a Point immediately opposite to the North-eastern Corner of *Bennett's* Bonded Warehouses, being Eighty Yards, or thereabouts, to the Southward of the *Ark* Inn, on the Western Side of *Newhaven* Harbour:

Secondly, a new Road, commencing in the Parish of *Denton* at or near a Point opposite the *Railway* Inn and the Entrance Gate of the Approach Road to the *Newhaven* Town Railway Station, and terminating in the Parish of *Meeching* otherwise *Newhaven*, at the North-western Corner of the *Bridge* Inn, in the Town of *Newhaven*:

Thirdly, a Tramway, to be wholly situate in the said Parish of *Meeching*, otherwise *Newhaven*, commencing by a Junction with the *Newhaven* Branch of the *London, Brighton, and South Coast* Railway, at or near a Point distant One hundred and thirty Yards, or thereabouts, to the Southward of the South End of the Goods Warehouse at the *Newhaven* Town Station, and thence passing over the River *Ouse*, at or near the Point where the last-mentioned intended new Road will cross the said River, and terminating at or near a Point on the Western Embankment of the said Harbour distant about Fifty Yards to the Southward of the Watch-house occupied by Her Majesty's Board of Customs, such Point being at the North-eastern Angle of the Marsh or Flood Land known as "*Sleepers Hole*":

Fourthly, to construct all such Embankments, Works, Wharves, Quays, Yards, Stages, Gates, Landing Places, Warehouses, Sheds, Cranes, Dolphins, Bridges, Dams, Sluices, Culverts, Drains, Sewers, and other Works and Conveniences in connexion with or incidental to the several Works herein-before described as may be necessary for effecting the Objects of this Act.

Diversion of River.

6. It shall be lawful for the Harbour Trustees to divert the Waters of the River *Ouse*, and the several Tributaries thereof, into the said intended new Cut, and for that Purpose to construct a Dam or other Works across the present Course of the said River, commencing in the said Parish of *Meeching*, otherwise *Newhaven*, at or near a Point on the Western

Western Tide-bank of the said River, distant One hundred and fourteen Yards, or thereabouts, to the Southward of the Fence referred to in the above Description of the Works firstly herein-before described, and terminating in the Parish of *Denton*, at or near a Point on the Eastern Tide-bank of the said River, distant Five hundred and twenty Yards, or thereabouts, to the Northward of the North End of the *Newhaven Bridge*, measured along the said Eastern Tide-bank.

New Cut Part of Harbour.

7. The said intended new Cut when completed shall form Part of *Newhaven* Harbour, and shall be open to all Persons for Navigation, and for the shipping and unshipping of Goods, and the embarking and landing of Passengers, on Payment of the Duties hereby made payable and subject to the other Provisions hereof.

New Road free of Tolls.

8. The said intended new Road when completed shall be opened for public Use in lieu of the Road herein-after authorized to be stopped up, and shall be free from all Tolls and Duties.

Mode of constructing Bridge over River.

9. The Bridge whereby the said intended new Road and Tramway shall be carried across the River *Ouse*, or proposed new Cut, shall be constructed with a moveable Leaf across the middle Opening for the Passage of Vessels through the same, and such moveable Leaf of the said Bridge shall, whenever necessary, be opened by some Person or Persons appointed expressly for that Purpose, by and at the Expense of the Harbour Trustees, for the Passage of Vessels, and under such Regulations as shall from Time to Time be made by them in relation thereto.

Height and Width of Bridge.

10. The Bridges across the Harbour of *Newhaven* shall be constructed with opening Spans of not less than Forty Feet in Width, and with clear Headways of Six Feet above High-water Mark of ordinary Spring Tides.

Lights to be exhibited during and after Construction of Works, according to Directions of Board of Trade.

11. During the Construction of the Bridges across the Harbour of *Newhaven* and Works connected therewith the Harbour Trustees shall exhibit every Night from Sunset to Sunrise a Light or Lights, to be kept burning by and at the Expense of the Harbour Trustees, for the Guidance of Vessels; and after the Completion of the Bridges the Harbour Trustees shall exhibit upon the Bridges every Night from Sunset to Sunrise a Light or Lights, to be kept burning by and at the Expense of the Harbour Trustees, for the Guidance of Vessels, which Lights shall be from Time to Time altered by the Harbour Trustees in such Manner and be of such Description and be so used and placed as the Board of Trade by Writing under the Hand of a Secretary or Assistant Secretary of the Board

Board directs or approves; and in case the Harbour Trustees shall neglect to exhibit and keep any such Light burning as aforesaid they shall for every such Neglect be liable to a Penalty not exceeding Ten Pounds.

Provision for regulating opening of Bridge over River.

12. It shall not be lawful for the Harbour Trustees or any Person acting under them, to detain any Vessel, Barge, or Boat navigating the Harbour for a longer Space of Time than may be sufficient for admitting any Carriages or Trains regularly traversing the said Road and Tramway and approaching the said Bridges to cross the said Harbour, and for opening the said Bridges to admit such Vessel, Barge, or Boat to pass; and in case the Harbour Trustees or any Person acting under them shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person, Vessel, Barge, or Boat, the Harbour Trustees or every Person so offending shall in every such Case be liable to a Penalty not exceeding Ten Pounds; but nothing in this Act shall prevent any Remedy for Damage which any Party may sustain in respect of any such Detention as aforesaid.

Provision respecting Access to the Shore under or across the Railway.

13. Where the Tramway cuts off or will cut off Access between the Land and the Shore of the Harbour, the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to Works for the Accommodation of Lands adjoining the Railway, shall apply as if the Shore were such Lands as therein mentioned; and further, if the Shore there belongs to Her Majesty in right of Her Crown, or if the Public have heretofore had access from the Land to the Shore there, then and in such Case the Harbour Trustees shall during the Formation of the Line of Railway, and from Time to Time thereafter, make and for ever maintain and allow to be used by all Persons and at all Times, free of Toll or other Charge, all such Footways and Carriageways over, under, or across the Railway, or on a Level therewith, as the Board of Trade from Time to Time by Writing under the Hand of a Secretary or Assistant Secretary of the Board directs or approves.

Provision for requiring Deposit of Working Drawings and Approval of Board of Trade.

14. Before commencing the Bridges across the Harbour, the new Cut, or any other Works below High-water Mark, the Harbour Trustees shall deposit at the Office of the Board of Trade, Plans, Sections, and Working Drawings of the said Bridges, new Cut, and Works for the Approval of the Board of Trade (such Approval to be signified in Writing under the Hand of a Secretary or Assistant Secretary of the Board), and such Bridges, new Cut, and Works shall be constructed only in accordance with such Approval, and after the Construction of such Bridges, new Cut, and Works the Harbour Trustees shall not at any Time alter

or

or extend the same without first obtaining the like Approval, and if the Harbour Trustees act in any respect contrary to the Provisions of the present Section in relation to any Work the Board of Trade may abate and remove the same, or any Part thereof, and restore the Site thereof to its former Condition at the Expense of the Harbour Trustees, and the Amount of such Expense shall be a Debt due from the Harbour Trustees to the Crown, and be recoverable accordingly with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Harbour Trustees.

Power to Board of Trade to order local Survey at Expense of Harbour Trustees.

15. If at any Time it is deemed expedient by the Board of Trade to order a local Survey and Examination of any Works of the Harbour Trustees in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Harbour Trustees shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due from the Harbour Trustees to the Crown, and be recoverable accordingly, with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Harbour Trustees.

Works affecting tidal Waters abandoned may be removed by Board of Trade at Expense of Harbour Trustees.

16. If any Work to be constructed by the Harbour Trustees in, under, over, through or across any tidal or navigable Water or River, or if any Portion of any Work which affects or may affect any such Water or River, or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, the Board of Trade may abate and remove the same or any Part thereof, and restore the Site thereof to its former Condition at the Expense of the Harbour Trustees, and the Amount of such Expense shall be a Debt due from the Harbour Trustees to the Crown, and be recoverable accordingly with Costs, or may be recovered with Costs as a Penalty is or may be recoverable from the Harbour Trustees.

Power to take Lands.

17. And whereas Plan and Sections showing the Lines, Situation, and Levels of the said intended Works, and a Book of Reference to the said Plan, have been deposited for public Inspection in the Office at *Lewes* of the Clerk of the Peace for the County of *Sussex*: It shall be lawful for the Trustees, subject to the Provisions of this Act and "The Lands Clauses Consolidation Act, 1845," incorporated herewith, to take and use such of the Lands marked and delineated on the said Plan, and described in the said Book of Reference, as may be necessary for the Purposes of this Act, and to make and maintain the Cut, Road, Tramway, and other Works described on the said Plan and Sections in the Lines and according to the Levels defined on the said Plan and Sections: Provided always, that it shall be lawful for the Harbour Trustees to deviate in the Construction

Construction of the Works hereby authorized from the Lines and Levels thereof as shown on the Plan herein-before mentioned to the Extent defined on the same Plan.

Power to cross and alter Roads, &c.

18. Subject to the Provisions and Restrictions in "The Railways Clauses Consolidation Act," it shall be lawful for the Harbour Trustees, in constructing the Works hereby authorized, and for other the Purposes of this Act, to cross, alter, divert, or stop up, either temporarily or permanently, all such Roads, Streets, and other Highways, Sewers, Drains, Bridges, Streams, Canals, and Navigations, in the Manner and within the Lands described in the said deposited Plans or mentioned in the said Book of Reference.

Duties as in Sched. (A.)

19. It shall be lawful for the Harbour Trustees to demand and receive, in respect of all Vessels which shall enter the said Harbour of *Newhaven*, and all Goods which shall be discharged or shipped in the said Harbour, and also in respect of all Goods which shall pass up or down upon any Part of the said River *Ouse* between the said Point Eight hundred and forty Yards, or thereabouts, to the Northward of *Newhaven Bridge*, at which the said new Cut is intended to commence, and *Lewes Bridge* (except as herein-after is mentioned), for any Time of their so entering, being discharged or shipped, or passing respectively, such Duties as the Harbour Trustees shall from Time to Time order and direct, not exceeding the several Duties specified in the Schedule (A.) to this Act annexed: Provided always, that no such Duties shall be demanded in respect of any Goods which shall only pass up and down upon the said River between *Lewes Bridge* and the Mouth of *Cockshut Stream*, or between the said Point Eight hundred and forty Yards, or thereabouts, to the Northward of *Newhaven Bridge* and *Lock Hole*, and no further.

Certain Clauses of first-recited Act to apply to new Duties.

20. All the Clauses and Provisions contained in the said first-recited Act (except Section Fifty-five thereof) having Reference to the Duties thereby made payable and specified in the Schedule (A.) thereunto annexed, shall (except as is hereby otherwise expressly enacted) apply to the Duties hereby made payable and specified in the said Schedule (A.) hereto annexed in the same Manner as if the same Clauses and Provisions were severally repeated herein; and wherever in any of the Clauses and Provisions of the said last-recited Act that Part of the River *Ouse* between *Newhaven Bridge* and *Lewes Bridge* is mentioned, the same shall be read and construed as applying to that Part of the said River *Ouse* which lies between the said Point Eight hundred and forty Yards, or thereabouts, to the Northward of *Newhaven Bridge* and *Lewes Bridge*.

Trustees may compound for Duties.

21. The Harbour Trustees may compound with any Company or Companies, or Person or Persons engaged in extensive Concerns or Business connected with the said Harbour or Navigation, for the Payment by them respectively of Duties in respect of the several Matters specified in the said Schedule (A.) hereto annexed, at such Rates or on such Terms lower than those for the Time being payable by or applicable to other Companies and Persons as the Harbour Trustees shall think fit: Provided always, that such Composition shall be made equally with all Persons and Companies in similar Circumstances desiring the same: Provided also, that in every Case where the said Duties shall be so compounded for it shall be a Condition in such Agreement that the Composition agreed upon shall be paid in advance.

Power to borrow Money.

22. The Harbour Trustees may from Time to Time borrow at Interest on the Credit of the Duties authorized by this Act, and other the Funds and Property which shall belong to or be vested in them (except the Scots by the said last-recited Act authorized to be collected and raised), any Sum of Money which they may think necessary for the Purposes of the said first-recited Act and this Act or either of them; and in the event of any Part of the Money so to be borrowed being paid off, then to reborrow a like Sum, and so *toties quoties*; and the Harbour Trustees may in every Case mortgage the said Duties and other Funds and Property or any Part thereof respectively, to the Person who shall lend such Money or his Trustee, as a Security for the Repayment of the Money so to be borrowed, with Interest for the same: Provided always, that it shall not be lawful for the Harbour Trustees, except by way of Substitution for Money paid off, to borrow on the Credit of such Duties and other Funds and Property more than the Sum of Fifty thousand Pounds, unless by the Authority of Two Thirds of the Harbour Trustees present at a Special Meeting to be convened for the Purpose, and with the Consent of the Persons who shall together be entitled to at least Five Sixths of the Money for the Time being due on the Credit of such Duties and other Funds and Property.

Form of Mortgage.

23. Every Mortgage to be made under this Act shall be by Deed duly stamped, and shall be under the Common Seal of the Harbour Trustees and shall be numbered with a progressive Number, and may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect; and any Person entitled to any such Mortgage may assign his Right and Interest therein to any other Person by Deed duly stamped, and such Deed may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

Sections of last-recited Act to apply

24. The Eighty-fifth, Eighty-sixth, Eighty-eighth, and Eighty-ninth Sections of the said first-recited Act shall apply to all Mortgages to be made

made under this Act. The Ninety-first Section of the said first-recited Act shall not apply to any Mortgage to be made under this Act. to Mortgages under this Act.

25. The Trustees shall appropriate and set apart every Year, out of the Duties to be received by them under the Powers of this Act, a Sum equal to One Fortieth Part of the Sums borrowed under the Authority of this Act as a Sinking Fund, to be applied in paying off the Principal Monies so borrowed; and such Sinking Fund shall be laid out, invested, accumulated, and applied according to the Provisions of "The Commissioners Clauses Act, 1847," Section Eighty-four: Provided always, that it shall not be lawful for the Trustees to reborrow any Sum or Sums of Money paid off by means of the Sinking Fund. Sinking Fund.

26. The Monies which shall be in the Hands of the Trustees upon the passing of this Act, or which they shall thereafter receive in respect of the Duties hereby made payable, shall be applied in manner following; namely, Application of Monies.

First, in paying the Interest to become due on the Money to be borrowed on the Credit of the said Duties and other Funds and Property by virtue of this Act:

Secondly, in providing the Sinking Fund in manner herein-before provided for paying off the Monies to be borrowed under the Powers of this Act:

Thirdly, in paying the Salaries of Officers and other Persons employed by the Trustees in the Management of the said Harbour and Works:

Lastly, in paying off the said Sum of Fifteen thousand three hundred Pounds, borrowed on the Credit of the said Duties, and other Funds and Property by virtue of the said first-recited Act and now remaining due, and the Interest thereon.

27. The Monies which shall be borrowed under the Powers of this Act shall be applied in manner following: Application of Monies borrowed.

First, in paying the Expenses of passing this Act, or incidental thereto:

Secondly, in constructing the Works by this Act authorized.

28. The Harbour Trustees may apply for or towards the Costs of this Act, and of carrying into execution the Purposes thereof, any Money which is or may be in their Hands by virtue of the said first-recited Act, and such Money is hereby made applicable for carrying the Purposes of this Act into execution. Monies under first-recited Act may be applied for Purposes of this Act.

29. All Principal Monies borrowed by the Harbour Trustees under the Authority of the said first-recited Act on the Credit of the said Duties specified Mortgages under first-recited Act charged

under this Act and to have Priority.

specified in the said Schedule (A.) thereto annexed, and now remaining unpaid, and the Interest due and to grow due thereon, shall from and after the Commencement of this Act be and the same are hereby charged upon the said Duties specified in the said Schedule (A.) hereto annexed; and all Mortgages for securing such Principal Money and Interest shall during the Continuance thereof have Priority over all Mortgages to be granted under this Act.

London, Brighton, and South Coast Company may contribute to Works;

30. It shall be lawful for the *London, Brighton, and South Coast* Railway Company (herein-after called the Company) to contribute and pay any Sum or Sums not exceeding in the whole Ten thousand Pounds towards the Purposes of this Act, and to apply for those Purposes or either of them any Monies raised or to be raised by them under any Act or Acts of Parliament and not required for the Purposes to which they are by any such Act or Acts made specially applicable.

and may raise additional Capital.

31. The said Company may from Time to Time raise by the Creation of new Shares and Stock in their Undertaking, or by either of those Means (in addition to such Sums of Money as they now are or by any other Act of the present Session of Parliament may be authorized to raise), any further Sum or Sums not exceeding in the whole Ten thousand Pounds.

Trustees may make Arrangements with London, Brighton, and South Coast Company as to Tramway.

32. It shall be lawful for the Harbour Trustees and the said Company to enter into any Contracts, Agreements, or Arrangements as to the Construction, Maintenance, Use, and Working of the said intended Tramway, and the Roads, Approaches, Works, and Conveniences connected therewith, on such Terms and Conditions in all respects as the Harbour Trustees and said Company shall think fit.

Tolls for Use of Tramway.

33. The Harbour Trustees may demand and receive for the Use of the said Tramway any Tolls or Rates as they think fit, not exceeding the maximum Tolls *per* Mile authorized to be levied on the *Seaford and Newhaven* Branch Railway, authorized by an Act passed in the Ninth Year of the Reign of Her present Majesty Queen *Victoria* for making Railways from the *Brighton, Lewes, and Hastings* Railway to *Eastbourne*, to *Hailsham*, and to *Seaford* and *Newhaven*, and certain Deviations from the Line of the said Railway, all in the County of *Sussex*, and for this Purpose the said Tramway shall be considered as forming Part of the said Railway.

Not to take Lands of the London, Brighton, and South

34. Nothing in this Act contained shall extend or be deemed or construed to extend to authorize or enable the Harbour Trustees to take or enter upon any of the Lands belonging to the *London, Brighton, and South*

South Coast Railway Company, or to alter, vary, or interfere with their Railway, or any of the Works thereof, without the Consent in Writing of that Company for that Purpose first had and obtained. Coast Company without Consent.

35. Nothing in this Act contained shall, except where otherwise specifically enacted, prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities of or vested in or belonging to the *London, Brighton, and South Coast* Railway Company, but all their Rights, Powers, and Authorities under their several Acts of Parliament and otherwise are, except as aforesaid, expressly saved and reserved as against and with respect to the Company. Saving Rights of the London, Brighton, and South Coast Company.

36. And whereas an Agreement, conditional on the passing of this Act during the present Session of Parliament, has been entered into between the Bridge Trustees and the Harbour Trustees for the Sale by the Bridge Trustees and the Purchase by the Harbour Trustees of the said *Newhaven Bridge* and the Toll House, Causeways, Roads, Approaches, Works, and Conveniences connected therewith, on the Terms therein mentioned, and such Agreement is set forth in the Schedule (D.) hereunto annexed: Be it enacted, That the said Agreement be and the same is hereby confirmed and declared valid and binding on the said Bridge Trustees and the said Harbour Trustees respectively. Confirming Agreement for Sale of Bridge to Harbour Trustees.

37. The Bridge Trustees shall divide the Surplus of the Money to be received by them for the Sale of the said Bridge, Toll House, and Premises, after Payment thereout of all Expenses and all Debts and Liabilities affecting the same, amongst the Persons for the Time being entitled to a Share or Shares of and in the Sum of Two thousand five hundred and twenty-five Pounds, being the Capital now represented by Shares in the said Bridge, in due Proportion to the Number of the said Shares to which such Persons shall be so respectively entitled: Provided that if any Person or Persons so entitled shall be under Disability, or shall refuse to receive or give a Receipt to the Bridge Trustees or their Treasurer for the Shares or Share of the said Purchase Money payable to him, her, or them respectively, or shall be resident abroad, or if any such Person or Persons cannot be found, it shall be lawful for the Bridge Trustees to pay the Share or Shares of all and every such Person or Persons into the Bank of *England* as Trust Monies under the Provisions of an Act passed in the Eleventh Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act for better securing Trust Funds and for the Relief of Trustees*; and after the Division amongst the Persons entitled thereto, or Payment into the Bank of *England* (as the Case may be) of the Surplus of the said Purchase Money as aforesaid, the said Bridge Trustees and their Treasurer and Officers shall be discharged from their Bridge Trustees to divide Monies arising from Sale of Bridge. 10 & 11 Vict. c. 96.

their Functions as such Trustees, Treasurer, and Officers, and from all Liabilities under the said secondly and thirdly herein-before recited Acts or otherwise howsoever.

Harbour Trustees may exercise Powers over Newhaven Bridge.

38. From and after the Execution of such Conveyance, and in the meantime and until the Completion and Opening for public Traffic of the said proposed new Road, the Harbour Trustees may exercise all Powers and Authorities conferred on the Bridge Trustees by the said secondly and thirdly recited Acts: Provided that no Tolls shall at any Time thereafter be demanded or taken in respect of the said Bridge and Road.

Power to pull down or stop up Newhaven Bridge, &c.

39. At any Time after the opening of the said intended new Road, if the said Bridge, Toll House, and Premises shall then have been conveyed to the Harbour Trustees, it shall be lawful for them to pull down the said Bridge and Toll House, or to alter or stop up the said Bridge and the Causeways, Roads, Approaches, Works, and Conveniences connected therewith, and to extinguish all Rights of Way over or upon the same respectively and all Tolls payable for the Use thereof: Provided always, that the said Bridge shall not be pulled down, stopped up, or in any Manner rendered or allowed to become impassable unless and until some other convenient Means of Access and Return to and from *Newhaven* on Foot and with Horses, Cattle, and Carriages shall have been provided by the Harbour Trustees for the free Use of the Owners and Occupiers of the Messuages, Lands, and Hereditaments in the said Parish of *Denton* lying to the Westward of the Line of the said proposed new Cut, and which Messuages, Lands, and Hereditaments will, on the said new Cut being formed, become an Island, bounded on the Eastern Side by the said new Cut and on all other Parts by the River *Ouse*, except so far as the same will be connected with *Newhaven* by the said Bridge; and such other Means of Access and Return, if and when so provided, shall be for ever thereafter maintained by the Harbour Trustees.

Power to stop up Road in Denton.

40. It shall be lawful for the Harbour Trustees, at any Time after the Completion and Opening for public Traffic of the said intended new Road, to stop up and discontinue as a public Highway the Road situate in the said Parish of *Denton*, commencing from the Foot of *Newhaven* Bridge aforesaid, at the North End thereof, and terminating at or near the *Railway* Inn and Entrance Gate of the Approach to the *Newhaven* Town Railway Station, being a Distance of Two hundred and eighty Yards, or thereabouts, from the Foot of the said Bridge.

Trustees absolved from Liability as to Part of River.

41. From and after the Completion and Opening of the said intended Cut new the Harbour Trustees shall be absolved from all Liability as to the Repair, Maintenance of, or otherwise in connexion with that Portion of the River *Ouse* and *Newhaven* Harbour which lies between the Site of the

the said intended Dam to be made for diverting the Waters of the said River into the said intended new Cut and the Point where such new Cut will intersect the River below or on the Eastern Side of *Newhaven* Bridge, and at a Distance of One hundred and twenty Yards, or thereabouts, from the said Bridge.

Power to sell Newhaven Bridge and other Lands and Property.

42. It shall be lawful for the Harbour Trustees either absolutely to Sell or to dispose of by way of Exchange with the Owner or Owners of any adjoining Lands, or otherwise to deal with the said Bridge, Toll House, and Causeways, and the several Roads, Approaches, Works, and Conveniences connected therewith, and the said Road situate in the said Parish of *Denton*, hereby authorized to be stopped up, and any Lands to be reclaimed by the Works hereby authorized, and any other Lands, Property, Rights, or Easements acquired or to be acquired by the Harbour Trustees, and the Monies to be received on any such Sales shall be applied for the Purposes of this Act.

Property of the Commissioners of the Lewes and Laughton Levels not to be injured.

43. No Act or Thing shall be done by the Harbour Trustees in constructing or carrying into effect the Works hereby authorized whereby or by reason whereof any Damage shall accrue to the Property under the Control of the Commissioners of the *Lewes* and *Laughton* Levels, or whereby any Expense shall be occasioned to the Owners or Occupiers of such Property, and if any such Damage shall accrue or Expense be occasioned the said Trustees shall be liable to make fair and reasonable Compensation for the same.

Commencement of Act.

44. This Act shall come into operation on the Third *Monday* next after the passing thereof.

SCHE-

SCHEDULE (A.)

Duties in respect of the Harbour.

		£	s.	d.
For Coals of every Description, Culm, and Clinkers (except Coals intended for the Purpose of being shipped in the Harbour for Consumption on board any Steam Vessel and so actually shipped) - - - - - -	per Ton	0	0	10
For Coke, Ashes, Patent Fuel, Tiles, Bricks, Salt, Plaster of Paris, Cement, Clay of all Sorts, Stone and Marble in Blocks or broken, old Metal, old Rope, Tan, Bark, Alkali, Soda, Slates, Guano, Bone Dust, and other light Manures, Sand, Oil and Rape Cake, Anchors, Chains - - - -	per Ton	0	1	0
For Wheat, Peas, Tares, Beans, and all heavy Grain	per Quarter	0	0	3
For Barley, Malt, Oats, Cinque Foin, and all light Grain	per Quarter	0	0	2
For Deals, and Wood Goods of every Description, not otherwise charged, being sawn or split -	per Load of 50 Cubic Feet	0	1	2
For Oak, Pine, and Wood Goods of every Description, not otherwise charged, being hewn. -	per Load of 50 Cubic Feet	0	1	0
For all Timber and Wood Goods adjusted in the Customs Tariff by the Ton - - - -	per Ton	0	1	2
For Laths and Lathwood -	per Fathom of 216 Cubic Feet	0	1	0
For Firewood - -	per Fathom of 216 Cubic Feet	0	0	6
For Handspikes and Oars - - -	per Dozen	0	0	3
For Treenails and Wedges - - -	per 1,000	0	0	6
For Wine, Spirits, Oil, and all Liquids in Casks,	per Pipe or Puncheon	0	1	6
,, ,, ,, ,, - -	per Hogshead	0	1	0
,, ,, ,, ,, - -	- per Barrel	0	0	8
,, ,, ,, ,,	per Kilderkin or Quarter Cask	0	0	4
,, ,, ,, ,,	per Firkin or Anker	0	0	2
For Sugar, Tobacco, Tea, Coffee, Cocoa, Rice, Pepper, and Groceries of all Sorts - - - - -	per Cwt.	0	0	1½
For Pitch, Tar, fresh Vegetables, cured Fish, Gunpowder, Shot, Alum, Cheese, Butter, Tallow, Grease, Colours, Manufactures of Iron, Steel, Copper, Lead, Zinc, Pewter, and other Metal (not being Jewellery, Cutlery, or finely-wrought Instruments), Flour, Meal, Bran, Pollard, Potatoes, Onions, Cotton, Hemp, Wool, Oakum, Rags, Paper, new Cordage and Sails, Hides - - - - - -	per Cwt.	0	0	1
For Horses, Cattle, and Sporting Dogs - -	per Head	0	0	6
For Cases, Baskets, or Bundles, containing Wine, Spirits, or other Liquid, Confectionery, Sweetmeats, Dried Fruit, Perfumery, Jewellery,				

		£	s.	d.
Jewellery, Cutlery, Tools, Ironmongery, Optical and Scientific Instruments, China, Glass, Earthenware, Clocks, Millinery, Haberdashery, Leather Manufactures, Chemical Oils, Vitriol, Poultry, Game, preserved Fish and Meat, and all Goods in Cases, Baskets, or Bundles, not otherwise rated, and being of the Value of 1*l.* per Package: Under 1 Cwt., each Package		0	0	2
Under 2 Cwt., each Package		0	0	3
Under 3 Cwt., each Package		0	0	4
And if exceeding 3 Cwt., for every additional 1 Cwt., or Portion thereof, exceeding 28 lbs. - -		0	0	1
For Bottles of Stone or common Green Glass -	per Gross	0	0	3
For Boulders, Flints, and all heavy Manure, including common Salt to be used for Manure - - - -	per Ton	0	0	3
(Boulders and Flints, when used for Ballast, exempt.)				
For Sucking Calves - - - -	per Head	0	0	3
For Sheep and Swine - - - -	per Head	0	0	2
For fresh Fruit and preserved Vegetables -	per Bushel	0	0	0½
For Carriages, four-wheeled - - - -	each	0	2	0
„ two-wheeled - - - -	each	0	1	0
For heavy Goods, not otherwise enumerated or charged -	per Ton	0	1	0
For light Goods, not otherwise enumerated or charged -	per Ton	0	1	8
For every Ship or Vessel which shall load or unload within the Limits of the Port of Newhaven (except Steam Tugs and Fishing Vessels) according to the registered Tonnage	per Ton	0	0	3
For every Vessel (except Fishing Boats or Vessels) which shall enter the said Harbour, and neither load or unload therein, according to the registered Tonnage.				
If under 100 Tons	per Ton	0	0	1
Exceeding 100 Tons	per Ton	0	0	2

DUTIES IN RESPECT OF THE RIVER.

For Beach, Gravel, and other Materials to be used for making or repairing Roads, Chalk, Lime, Dung, Mould, Soil, Compost, or other Articles for the manuring of Land - -	per Ton	0	0	4
For all other Goods, Wares, and Merchandise whatsover (except Materials for any Works to be done under this Act)	per Ton	0	0	8

Fractional Parts of a Ton to be charged in proportion, but no fractional Part of a Penny to be charged.

SCHEDULE (B.)

FORM OF MORTGAGE DEED.

By virtue of "The Newhaven Harbour and Ouse Lower Navigation Improvement Act, 1863," we, the Trustees of Newhaven Harbour and Ouse Lower Navigation, in consideration of the Sum of Pounds paid by

The Newhaven Harbour and Ouse Lower Navigation Improvement Act, 1863.

A.B. to the Treasurer appointed by us in pursuance of "The Newhaven Harbour and Ouse Lower Navigation Act, 1847," do hereby assign to the said *A.B.* [or to his Trustee, *as the Case may be*], his Executors, Administrators, and Assigns, the [*here insert the Duties or Properties to be assigned*], with all Powers and Authorities for collecting and raising the same, to hold the same for his and their own Use from the Day of 18· until the said Sum of Pounds, with Interest at the Rate of per Centum per Annum, shall be repaid at [the Principal Sum to be repaid the End of Years from the Date hereof, *in case any Period be agreed upon for that Purpose*].

In witness whereof we the said Trustees of Newhaven Harbour and Ouse Lower Navigation have hereunto set our Common Seal, the Day of in the Year of our Lord .

SCHEDULE (C.)

Form of Transfer of Mortgage.

I, *A.B.*, of in consideration of the Sum of Pounds paid to me by *C.D.* of do hereby transfer to the said *C.D.* his Executors, Administrators, and Assigns, a certain Mortgage Number made by "The Trustees of Newhaven Harbour and Ouse Lower Navigation," to bearing Date the Day of One thousand eight hundred and for securing the Sum of Pounds and Interest [*or if such Transfer be by Endorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured and in and to the Duties and Property thereby assigned. In witness whereof I have hereunto set my Hand and Seal this Day of One thousand eight hundred and

SCHEDULE (D.)

An Agreement made this Twenty-sixth Day of May One thousand eight hundred and sixty-three, between the Undersigned, being Five of the Trustees of Newhaven Bridge duly empowered for this Purpose, and acting on the Behalf of the Trustees of the said Bridge, herein-after called "the Bridge Trustees," of the one Part, and the Trustees of Newhaven Harbour and Ouse Lower Navigation, herein-after called "the Harbour Trustees," of the other Part. Whereas a Bill is in progress through Parliament, promoted by the said Trustees of Newhaven Harbour and Ouse Lower Navigation, and intituled "A Bill to enable the Trustees of Newhaven Harbour and Ouse Lower Navigation

The Newhaven Harbour and Ouse Lower Navigation Improvement Act, 1863.

Navigation to form a new Cut for diverting the Channel of the River Ouse, and to construct a Road, Tramway, and other Works for the Improvement of the said Harbour and Navigation; and for other Purposes:"

Now it is hereby agreed between the Bridge Trustees and the Harbour Trustees as follows, namely:

The Harbour Trustees shall cause to be introduced into the said Bill a proper Clause or Clauses for confirming and giving full Effect to this Agreement, and shall use their best Endeavours to procure the passing of the said Bill, with such Clause or Clauses inserted therein, during the present Session of Parliament.

The Bridge Trustees shall sell and the Harbour Trustees shall purchase the said Newhaven Bridge and the Toll House, Causeways, Roads, Approaches, Works, and Conveniences connected therewith, at such Price as shall be fixed by Two competent Persons, one of whom shall be appointed by the Bridge Trustees and the other by the Harbour Trustees, within Three Calendar Months after the passing of an Act confirming this Agreement; or in case such Two Persons shall not be able to agree, then at such Price as shall be fixed by an Umpire to be appointed by the Two Persons so first appointed before entering on the Valuation, it being hereby expressly declared and agreed that the Sum of Two thousand five hundred and twenty-five Pounds is the Capital now represented by Shares in the said Bridge, and that the Harbour Trustees shall pay all Expenses whatsoever in relation to the whole Matters, as well those on the Part of the Vendors as those on the Part of the Purchasers.

The Purchase Money to be fixed as aforesaid shall be paid by the Harbour Trustees to the Treasurer of the Bridge Trustees within Six Calendar Months next after the Price shall be so fixed as aforesaid, and the Receipt of such Treasurer shall be a good Discharge for the same, and on Payment of such Purchase Money the Bridge Trustees, or any Five of them, to be appointed for the Purpose by the Order of any Meeting of such Trustees, shall by Deed duly stamped convey the said Bridge, Toll House, and Premises to the Harbour Trustees.

Concurrently with the Completion of the said Purchase the Harbour Trustees shall pay to the said William Stevens such Sum of Money by way of Compensation for the Loss of his Office as Clerk to the Bridge Trustees as the said Two Valuers, or their Umpires, shall at the Time of making such Valuation as aforesaid declare to be just and reasonable.

Proper Provisions shall be introduced into the said Bill for authorizing the Bridge Trustees to divide the Surplus of the said Purchase Money, after Payment of all Debts and Liabilities affecting the same, amongst the Persons entitled thereto, and after such Division for discharging the Bridge Trustees and their Treasurer and other Officers from their Functions as such Trustees, Treasurer, and Officers, and from all Liabilities under the Bridge Acts or otherwise howsoever.

If the said Harbour Trustees shall be unable to procure the passing of the said Bill, with such Clauses and Provisions therein as aforesaid, during the present Session of Parliament this Agreement shall be void.

In

The Newhaven Harbour and Ouse Lower Navigation Improvement Act, 1863.

In witness whereof the said Bridge Trustees have hereunto set their Hands and Seals, and the said Harbour Trustees have hereunto set their Common Seal, the Day and Year first above written.

Signed, sealed, and delivered by the said Five Newhaven Bridge Trustees in the Presence of

WM. STEVENS,
Clerk to the Trustees of Newhaven Bridge.

JOHN NOAKES L.S.

EDGAR STONHAM L.S.

FREDERICK NOAKES L.S.

JAMES TOMPSETT L.S.

JOSEPH DAVEY L.S.

The Common Seal of the said Harbour Trustees was affixed in the Presence of

JOHN LEWIS,
Clerk to the Harbour Trustees. L.S.

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