ANNO TERTIO

GULIELMI IV. REGIS.

****

Cap. xxix.

An Act to amend Two Acts for more effectually draining and preserving certain Marsh Lands or Low Grounds, in the Counties of *Kent* and *Sussex*, draining into the River *Rother* and Channel of *Appledore*. [6th *May* 1833.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act* 7 G. 4. c. 122. *for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Parishes of* Sandhurst, Newenden, Rolvenden, Tenterden, Wittersham, Ebony, Woodchurch, Appledore, *and* Stone, *in the County of* Kent, *and* Ticehurst, Salehurst, Bodiam, Ewhurst, Northiam, Beckley, Peasmarsh, Iden, *and* Playden, *in the County of* Sussex: And whereas another Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to amend an Act of His* 1 W. 4. c. 136. *late Majesty, for more effectually draining and preserving certain Marsh Lands or Low Grounds in the Parishes of* Sandhurst, Newenden, Rolvenden, Tenterden, Wittersham, Ebony, Woodchurch, Appledore, *and* Stone, *in the County of* Kent, *and* Ticehurst, Salehurst, Bodiam, Ewhurst, Northiam, Beckley, Peasmarsh, Iden, *and* Playden, *in the County of* Sussex: And whereas by the said first-recited Act the Commissioners acting in execution thereof were authorized to make certain Cuts and Works for the Purpose of draining and protecting the said Marsh Lands and Low Grounds, and, among other Things, to unite the River *Rother* with a certain Channel called the *Otter* Channel, at a Place called

the *Wet Level*, Part of the Level of *Wittersham*, in the County of *Kent*: And whereas it is expedient that the said Commissioners should have further Powers and Authorities for the Purposes aforesaid, and that the said recited Acts should be in some respects altered and amended; but the same 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 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 of the Seventh Year of the Reign of His late Majesty, and also the said recited Act of the First Year of the Reign of His present Majesty, and all and every the Powers, Authorities, Provisions, Regulations, Penalties, Forfeitures, Matters, and Things whatsoever therein contained, so far as the same are not altered, varied, or repealed, shall extend and be construed to extend to operate and be in full Force and Effect with respect to this Act, and the Works, Matters, and Things to be done or which may arise in the Execution hereof, as fully and effectually, to all Intents and Purposes, as if the same and every of them, and every Part thereof, were repeated and re-enacted in this Act, and were made Part thereof; and the said recited Acts and this Act shall, as to all Matters and Things whatsoever (except as aforesaid), be construed as One Act.

Extending Provisions of former Acts to this Act.

So much of 7 G. 4. as authorizes the uniting the Rother with the Otter Channel repealed.

II. And be it further enacted, That so much of the said first-recited Act as enables and authorizes the said Commissioners to unite the said River *Rother* with the said Channel called the *Otter* Channel, in, near, or through a certain Piece of Land belonging to *Monypenny*, at a Place called the *Wet Level*, Part of the said Level of *Wittersham*, in manner therein provided, shall be and the same is hereby repealed.

New Powers for uniting the Rother and Otter Channel.

III. And be it further enacted, That the said Commissioners shall have full Power and Authority to unite the said River *Rother* with the said *Otter* Channel at the said Place called the *Wet Level*, in, near, and through certain Lands claimed by or in the Occupation of *Thomas Newman Ward* and *Alexander Anderson*, or their respective Tenants, but so as not to injure the Harbour of *Rye*, or in any Manner impede or obstruct the Navigation of the said River *Rother*, except so far as may be necessary in the Execution of the Works hereby authorized, and for that Purpose to make and construct a certain Cut or Channel from the said River *Rother* in the Parishes of *Beckley* in the County of *Sussex*, and *Wittersham* in the County of *Kent*, in the said Level called the *Wet Level*, to the said *Otter* Channel in the said Parish of *Wittersham*, with such Cuts, Drains, Banks, Dams, Headings, Outlets, Mills, Engines, and other Works in or over or through any of the Lands within the Limits of the said recited Acts and this Act, as they shall from Time to Time think necessary and proper to be made for the draining or protecting of the said Lands.

Power to divert and stop up Part of the River Rother.

IV. And be it further enacted, That when and so soon as the said Commissioners shall have united the said River *Rother* and the said *Otter* Channel in manner hereby authorized, it shall be lawful for the said Commissioners, and they shall have full Power and Authority, to divert and stop up so much of the said River *Rother* as lies between a certain Bridge called

called *Blackwall Bridge*, in the said Parish of *Peasmarsh*, and the Place or Point in the said River above the said Bridge where the said River shall have been so united with the said *Otter* Channel; and when such Cut or Channel shall have been made and completed, the said *Otter* Channel and such new Cut shall be deemed and taken to be Part of the said River *Rother*, and shall be the navigable Channel for the Boats, Barges, and other Craft navigating upon the said River.

Expences of Act.

V. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act shall be paid in such and the like Manner as the Expences of obtaining and passing the said recited Acts were therein directed to be paid.

Saving the Rights of the Crown.

VI. And be it further enacted, That nothing herein contained shall extend or be construed to extend to take away, prejudice, derogate from, or in any Manner affect the Rights, Interests, Privileges, Franchises, Jurisdictions, or Authorities of the King's most Excellent Majesty, in right of His Crown, any thing herein contained to the contrary thereof in anywise notwithstanding.

Public Act.

VII. 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.

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