CHAPTER cxcv.

A.D. 1879.

An Act for incorporation of the Freiston Shore Reclamation Company, and for authorising them to reclaim certain lands in the Estuary of the Wash; and for other purposes.

[11th August 1879.]

WHEREAS there are large tracts of land situate in the parish of Freiston, and other parishes in the neighbourhood thereof, in the parts of Holland in the county of Lincoln, over the whole or greater part of which land the tide now flows, and which are in their present state incapable of cultivation:

And whereas the reclamation of such tracts of land and the bringing of them into cultivation would be of local and public advantage:

And whereas the persons in that behalf in this Act named, with others, are willing at their own expense to undertake the reclamation of such tracts of land:

And whereas plans and sections of the embankment by this Act authorised to be made and maintained, showing the lines and levels thereof as originally proposed to be authorised by this Act, and books of reference to those plans specifying the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of the lands proposed to be taken for the purposes of the undertaking, have been deposited with the clerk of the peace for the parts of Holland in the county of Lincoln, and are in this Act referred to as the deposited plans, sections, and books of reference:

And whereas plans and sections showing an alteration in the lines and levels of part of the embankment as authorised by this Act (which lines are within those shown on the deposited plans) have been deposited with the said clerk of the peace and are in this Act referred to as the amended plans and sections:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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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; (that is to say,)

Short title.

1. This Act may for all purposes be cited as the Freiston Shore Reclamation Act, 1879.

Incorporation of general Acts.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

2. The Companies Clauses Consolidation Act, 1845, Part I. (cancellation and surrender of shares) and Part III. (debenture stock) of the Companies Clauses Act, 1863, and the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, (save so far as any of the sections or provisions of these Acts respectively are excepted or varied by this Act,) are respectively incorporated with this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context; the expression "the Company" means the Company incorporated by this Act; the expression "the undertaking" means the undertaking by this Act authorised; and for the purposes of this Act the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. William Rickford Collett, W. H. Villiers Sankey, and Stephen William O'Neill, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, are by this Act united into a company for reclaiming lands in and adjoining or near to the several parishes of Freiston, Fishtoft, Butterwick, Bennington, Leverton, and Leake, in the parts of Holland in the county of Lincoln, for making and maintaining the requisite reclamation works, and for all the other purposes of this Act, and for those purposes respectively are by this Act incorporated by the name of "The Freiston Shore Reclamation Company" (herein-after in this Act called "the Company"), and by that name shall be one body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes but subject to the restrictions of this Act.

Capital.

5. The capital of the Company shall be thirty-five thousand pounds in three thousand five hundred shares of ten pounds each.

Shares not to issue until one fifth part paid up.

6. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

7. One fourth of the amount of a share shall be the greatest amount of a call thereon, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls thereon in any one year.

Power to borrow on mortgage.

8. The Company may from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole eleven thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of thirty-five thousand pounds is issued and accepted and the whole thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that the whole thereof has been paid up, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Proceeds of sale of lands to be applied towards paying off mortgages.

9. If any part of the lands acquired by the Company under this Act shall be sold by the Company under the provisions for that purpose herein contained, the purchase money to arise from such sale shall be first applied in or towards the satisfaction of any mortgage created by the Company under the powers herein contained; and the power of borrowing under the powers of this Act shall be from time to time diminished to the extent of the mortgage or mortgages so paid off out of such purchase money.

As to appointment of receiver.

10. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the

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amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand two hundred pounds in the whole.

Application of moneys.

11. All and every part of the moneys raised by the Company under this Act, whether by shares or by borrowing, shall be applied for the purposes of this Act to which capital is properly applicable.

First and subsequent ordinary meetings.

12. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act, and the subsequent ordinary meetings shall be held twice in the year in such months as the Company by the resolution of a general meeting from time to time determine, and unless and until they otherwise so determine shall be held in the months of February and August in every year.

Number and quorum of directors.

13. The number of directors shall be three, and the quorum of a meeting shall be two.

Qualification of directors.

14. The qualification of a director shall be the possession by him in his own right of shares to the aggregate nominal amount of two hundred and fifty pounds.

First directors.

15. William Rickford Collett, W.H. Villiers Sankey, and Stephen William O'Neill shall be the first directors, and shall continue in office until the first ordinary meeting of the Company in the year one thousand eight hundred and eighty.

Retirement of first directors.

16. At the first ordinary meeting of the Company to be held in the year one thousand eight hundred and eighty, the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the first directors being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in the year one thousand eight hundred and eighty-one, and at the first ordinary meeting in every subsequent year, the shareholders present personally or by proxy shall elect persons to supply the places of the directors then retiring from office in conformity with the provisions in this Act and in the Companies Clauses Consolidation Act, 1845, in that behalf contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the last-mentioned Act.

Newspaper for advertisements.

17. The newspaper for advertisements shall be any newspaper published in the county of Lincoln:

Power to take lands for purposes of Act.

18. Subject to the provisions of this Act, the Company from time to time may enter upon, take, and use for any of the purposes of this Act such of the lands shown on the deposited plans and specified in the deposited books of reference as they think expedient.

Errors and omissions in deposited plan may be corrected by two justices who shall certify the same.

19. If any omission, mis-statement, or wrong description is made of any lands, or the owners, lessees, or occupiers of any lands, shown on the several deposited plans or specified in the several deposited books of reference, or any of them respectively, the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, may apply to two justices for the correction thereof, and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake they shall certify the same accordingly, and they shall in the certificate state the particulars of such omission, mis-statement, or wrong description; and the certificate shall, with other documents to which it relates, be deposited with the clerk of the peace for the parts of Holland in the county of Lincoln, and thereupon the plan or book of reference shall be deemed to be corrected according to the certificate, and the Company may take the lands and make the works in accordance with the certificate as if the omission, mis-statement, or wrong description had not been made.

Certificate to be deposited with clerk of the peace.

Copies of plans, &c. to be evidence.

20. Copies of the plans and books of reference, or any extract therefrom certified by such clerk of the peace (which certificate he shall give to all parties interested when required), shall be received in all courts of justice as evidence of the contents thereof.

Period for compulsory purchase of lands.

21. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of seven years after the passing of this Act.

Period for completion of embankment.

22. The powers of the Company for constructing the embankment by this Act authorised shall after the expiration of ten years from the passing of this Act cease and determine.

Purchase of lands by agreement.

23. For the purposes of this Act the Company from time to time may purchase, but only by agreement, any quantity of lands not exceeding fifty acres adjoining or near to any lands which they are by this Act authorised to purchase, and which they deem it expedient for any of those purposes to acquire and use.

Purchase of easements by agreement.

24. Subject to the provisions and for the purposes of this Act the Company may from time to time by agreement purchase, take on lease, or otherwise acquire any easements in and over any lands adjoining or near to the lands herein-before described which may be requisite for any of the purposes of this Act.

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Power to take easements, &c. by agreement.

25. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Company any easement, right, or privilege, not being an easement of water, required for the purposes of this Act, in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and rentcharges, so far as the same are applicable in this behalf, shall extend and apply to such grants and to such easements, rights, and privileges as aforesaid respectively.

Receipt in case of persons not sui juris.

26. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be held a sufficient discharge to the Company.

Power to make works authorised by Act.

27. Subject to the provisions of this Act, the Company from time to time may make the embankment and other works by this Act authorised on the lands delineated on the deposited plans and specified in the deposited books of reference, and so far as the lines and levels thereof are shown on those plans, and on the sections deposited therewith, in the lines and in accordance with the levels so shown as regards that part of the embankment situate between the termination of the alteration marked on the amended plans and the termination of the embankment marked on the deposited plans, and as to the remainder of the embankment in the lines and in accordance with the levels shown on the amended plans and sections.

Works authorised by Act.

28. The works by this Act authorised comprise the following works, together with all proper sluices, openings, bridges, dams, gates, drains, fences, and all other works and conveniences connected therewith; (that is to say,) an embankment commencing beyond the north-eastern boundary of the land conveyed by certain indentures of the 19th day of July 1875, made between the Queen's most Excellent Majesty and the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, of the first part, and William Wilson Macvay, George Bradley, and Job Storr of the second part; passing from thence to or near to a certain tidal gauge on the Freiston Low Sands, thence running near the Boston Deeps, and terminating at a point on the existing sea embankment at or near the boundary separating the parishes of Bennington and Leverton.

Prohibiting the making any jetty, &c.

29. Notwithstanding anything contained in this Act or shown on the deposited or amended plans and sections or on the Ordnance sheet or sheets deposited with those plans and sections, it shall not

be lawful for the Company under the powers of this Act to make any jetty, pier, or spur, or to make or execute any cut or other work to the seaward of the embankment to be constructed under the powers of this Act, save and except such cut or cuts as may be necessary for the purpose of draining the lands or any part thereof authorised by this Act to be reclaimed.

Limits of deviation.

30. In the execution of the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans and amended plans respectively to any extent within the limits of deviation shown thereon respectively, and may deviate upwards vertically from the levels thereof shown on the sections deposited with those plans to any extent the Company may think fit.

Power to Company to reclaim lands.

31. The Company from time to time may, by means of the works by this Act authorised, reclaim and may bring into a state fit for cultivation or other use such of the lands which they are by this Act authorised to acquire as they think fit, and may do all works and things which may be necessary or proper for the purpose.

Saving rights of George Bradley and others.

32. Notwithstanding anything in this Act contained, the Company shall not enter upon, take, or use any part of the lands situate in the parishes of Freiston and Fishtoft, in the parts of Holland in the county of Lincoln, belonging to George Bradley, of Castleford, in the county of York, solicitor; William Wilson Macvay, of the same place, glass manufacturer; and the heir-at-law or devisee of Job Storr, late of Boston, in the county of Lincoln, gentleman, deceased, without the previous consent in writing of the said George Bradley, William Wilson Macvay, and the said heir-at-law or devisee of the said Job Storr, deceased, or of the successors to their respective rights in the said lands for the time being.

Amount of compensation for rights of Crown.

33. Whereas Her Majesty is or claims to be seised of and in the soil of the lands now lying below ordinary high-water mark which the Company are hereby authorised to purchase for the purpose of the undertaking, and divers other persons are or claim to be owners of the soil of the said lands or to be entitled to certain rights and easements thereover, and it is expedient that proper provision be made for securing payment of the purchase money or compensation in respect of the soil of such lands, (the amount of which purchase money or compensation is hereby fixed, as between Her Majesty of the one part, and the Company on the other part, at the sum of four thousand five hundred pounds,) which sum does not include compensation to other persons for

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any such ownership, rights, or easements of or over the said lands aforesaid; therefore the Company shall, on or before the first day of January one thousand eight hundred and eighty-three, deposit with the Chancery Division of the High Court of Justice in England the sum of four thousand five hundred pounds to be placed to the account to be entitled "The account of the Queen's "most Excellent Majesty in respect of Her Majesty's estate "and interest in and of any other persons entitled to the soil of "the lands below ordinary high-water mark to be reclaimed "under the Freiston Shore Reclamation Act, 1879," pursuant to the provisions of the Lands Clauses Consolidation Act, 1845.

Provision for payment of interest on purchase money.

34. If default be made by the Company in payment into court of the said sum of four thousand five hundred pounds, or any part thereof, within the time by this Act limited, the said sum of four thousand five hundred pounds, or so much thereof as shall from time to time remain unpaid, shall carry interest at the rate of four pounds per centum per annum until the principal is wholly paid, such interest to be paid into the bank in manner aforesaid to the account aforesaid, and until payment the said sum of four thousand five hundred pounds and interest, or so much thereof respectively as shall for the time being remain unpaid, shall be a charge on the said lands in priority over all other charges and incumbrances whatsoever to be created by the Company.

Provision for sale of lands of Company in case purchase money or interest remain unpaid.

35. If the said sum of four thousand five hundred pounds or any part thereof, or any interest thereon, shall remain unpaid on the first day of January one thousand eight hundred and eighty-five, it shall be lawful for the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues, or either of them, to sell, in such manner, at such price, and subject to such conditions as they or he may think fit, so much of the said lands as the said Commissioners or Commissioner may think requisite to raise and pay the principal and interest remaining unpaid, and the costs of the sale, and to convey the land so sold to the purchaser; and every conveyance by the said Commissioners, or either of them, shall effectually convey to the purchaser the land sold, and every purchaser shall have the same rights and powers over any land so purchased by him with respect to the execution of the works hereby authorised and the embankment and reclamation of the said lands as are by this Act vested in and conferred upon the Company; and the receipt of the said Commissioners, or either of them, shall be a good discharge to every purchaser, and no purchaser shall be bound to see to the application of the purchase money.

Application of purchase money by Commissioners.

36. The said Commissioners or Commissioner shall apply the purchase money so received by them or him in the following manner:

(1.) In payment of the costs, charges, and expenses incurred in carrying into effect the sale or sales whereby the said purchase money arose:

(2.) In payment into the Bank of England in manner aforesaid to the account aforesaid of the whole or so much of the said principal sum of four thousand five hundred pounds and the interest thereon as shall remain unpaid:

(3.) The surplus (if any) shall be paid to the Company.

Provisions on reclamation of certain lands by Company.

37. Provided always, that if the Company shall at any time before the first day of January one thousand eight hundred and eighty-five reclaim, to the satisfaction of the said Commissioners, the lands, containing about one thousand two hundred acres, which are coloured green on a copy of the deposited plans which has been signed by the Honourable Charles Alexander Gore, a Commissioner of Her Majesty's Woods, Forests, and Land Revenues, and which has been or is intended to be deposited at the Office of the Land Revenue Records and Enrolments, and shall pay into the Bank of England in manner aforesaid to the same account the sum of two thousand two hundred and fifty pounds, part of the said sum of four thousand five hundred pounds, with interest on the said sum of two thousand two hundred and fifty pounds from the said first day of January one thousand eight hundred and eighty-five (if the day be then passed), the said Commissioners, or one of them, shall give to the Company a certificate under the hands of the said Commissioners, or one of them, that the sum of two thousand two hundred and fifty pounds, and all the interest in respect thereof, has been paid into the bank, and that the said lands specified in the said certificate are discharged from all claims in respect to the said sum of four thousand five hundred pounds, and thereupon the said lands specified in such certificate shall thenceforth be freed and discharged from all such claims accordingly, of which the said certificate shall be conclusive evidence; and the balance of the said sum of four thousand five hundred pounds and interest thereon remaining unpaid shall henceforth be and remain chargeable exclusively on the lands not included in such certificate.

Payment to Commissioners or others to be accepted in

38. If the right of Her Majesty to the ownership of the said lands lying below ordinary high-water mark hereby authorised to be taken, or any part thereof, shall be established, the sum of four thousand five hundred pounds and interest, or a proportionate part

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full satisfaction of rights of owner of certain lands.

thereof respectively, is to be accepted as the full purchase money of the soil of the said lands, or such part thereof as aforesaid, and shall be paid to the said Commissioners or Commissioner, and all the estate and interest of Her Majesty in the said lands, or such part thereof as aforesaid, shall be conveyed to the Company without any further payment beyond the cost of the conveyance, which shall be paid by the Company; and if the right of any other person or persons to the ownership of the said lands, or any part thereof, be established, then the said sum of four thousand five hundred pounds and the interest thereon, or a proportionate part thereof respectively, is to be accepted as the full purchase money of the soil of the said lands or such part thereof as aforesaid, and shall be paid to such other person or persons, and all the estate and interest of Her Majesty in the said lands, or such part thereof as aforesaid, shall be conveyed to the Company without any further payment beyond the cost of the conveyance which shall be paid by the Company, and the line of ordinary high-water mark shall be conclusively settled by the award of an engineer or surveyor to be appointed by the President for the time being of the Institute of Civil Engineers, and the charges of such engineer or surveyor shall be paid by the Company.

Investment of purchase money until paid out.

39. Until payment as aforesaid is made to the said Commissioners or Commissioner, or other the persons entitled to the same, all moneys paid into the bank in manner aforesaid to the said account shall be invested in the manner provided by the seventieth section of the Lands Clauses Consolidation Act, 1845, and the dividends thereon shall be in like manner re-invested, and the Company shall pay the costs of such investment and of any application for payment of the said sum and interest out of court (except so far as they would not be liable to pay such costs under the provisions of the same Act).

Payment of purchase money not to affect rights of owners of lands abutting on lands to be taken.

40. Provided always, and it is by this Act declared, that the said sum of four thousand five hundred pounds is to be paid only in respect of the ownership of the soil of the said lands lying below ordinary high-water mark, and nothing in this Act contained with reference to the said sum of four thousand five hundred pounds shall affect the rights or claims of Her Majesty or any other person or persons as owner or owners of lands abutting on the lands hereby authorised to be taken, or any rights or easements over such lands other than the rights to the soil thereof.

Saving rights as to future accretions.

41. Whereas the lands to the seaward of the lands by this Act authorised to be embanked or reclaimed now are below the line of ordinary high-water mark; therefore, if any such lands so situate as

aforesaid shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above instead of below such line of ordinary high-water mark, the Company shall not by virtue of the ownership of any lands which they are by this Act empowered to reclaim have any estate, right, or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Act authorised or otherwise, but the right and title to the soil and freehold of such lands when so raised in height or reclaimed shall continue vested in the Queen's most Excellent Majesty, or such other corporation or person or persons as is or are or would have been entitled to the same if this Act had not been passed, and as if the same had continued as the same now are subject to the flow and re-flow of the ordinary tides.

Consent of Board of Trade to works on seashore.

42. Before the Company begin any work below high-water mark at ordinary tides they shall deposit at the Board of Trade plans, sections, and working drawings of every such work for the approval of the Board of Trade, to be signified in writing under the hand of the secretary or assistant secretary of that Board, and every such work shall be made only in accordance with their approval; and when any such works are begun or made the Company shall not at any time alter or extend the same without obtaining, before beginning the alteration or extension, the like approval.

Abatement by Board of Trade of works on seashore made without approval.

43. If any such work be begun or completed, or be altered, or extended, or made contrary to the provisions of this Act, the Board of Trade may abate, alter, and remove the same, and restore the site thereof to its former condition at the expense of the Company, and the amount of such expense shall be a debt due from the Company to the Crown, and be recoverable with costs of suit accordingly.

Works affecting tidal waters abandoned may be removed by Board of Trade at expense of Company.

44. If any work made by the Company affecting or which may affect any tidal water or navigable river or the access thereto be abandoned or suffered to fall into disuse or decay, the Board of Trade may restore the work or otherwise may abate and remove the same, or such parts thereof as they from time to time think fit, and may restore the site thereof to its former condition at the expense of the Company; or if the Board of Trade deem it expedient that the work should be repaired or restored they may repair or restore it at the expense of the Company, and in every such case the amount of the expense shall be a debt due from

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the Company to the Crown, and be recoverable with costs of suit accordingly.

Board of Trade may order a local survey at expense of Company.

45. If and whenever the Board of Trade deem it expedient to order a local survey and examination of any works of the Company in, over, or affecting tidal or navigable waters, the Company shall defray the expense of every such local survey and examination, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable with costs of suit accordingly.

Company not to interfere with drainage of adjoining lands.

46. Nothing in this Act contained shall authorise the Company to interfere injuriously with the drainage of any lands adjoining or near to the lands from time to time reclaimed or inclosed under this Act, or to prevent the free discharge of the waters of any river, creek, or stream flowing from those adjoining or neighbouring lands.

Parishes in which reclaimed lands are to be deemed situate.

47. The embankment by this Act authorised, and the lands from time to time reclaimed under this Act when such embankment has been completed to the satisfaction of two justices of the peace for the county of Lincoln, to be testified by a certificate under their hands, and which certificate is to be deposited with the clerk of the peace for the parts of Holland in the said county, shall be deemed to be locally situate wholly within the parts of Holland in the county of Lincoln, and within the parishes of Freiston, Fishtoft, Butterwick, Bennington, Leverton, and Leake, or some or one of them, and the boundary lines between the same parishes across the lands to be reclaimed shall run from each point where such boundary lines now meet at high-water mark at a right angle from the existing sea embankment towards low-water mark, taking as a base an average line of the direction of the said embankment, and so far as the boundaries of the said parishes run within the limits of the reclaimed lands the Company shall by bound stones, or other proper and sufficient marks, define the boundaries.

Power of Company to dispose of lands.

48. The Company from time to time may lease, sell, exchange, charge, or otherwise dispose of, for their own benefit, the lands from time to time vested in or acquired by them under this Act, or any part or parts thereof, to such person or persons, for such purposes, in such manner, and on such terms and conditions as the Company think fit.

As to disposal of superfluous lands.

49. The provisions of the Lands Clauses Consolidation Act, 1845, with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be acquired for the purposes thereof, shall apply only to such of the lands from time to time

acquired by the Company under this Act, or such estates or interests therein as remain vested in the Company at the expiration of ten years after the complete reclamation of all the lands by this Act authorised to be reclaimed; and when the Company, before they finally dispose of their superfluous lands, make any lease or charge thereof, or create any other particular estate or interest, then they shall dispose of the same as superfluous land, subject and without prejudice to the lease, charge, estate, or int rest so made or created.

Embankments, &c. to be maintained in an efficient state.

50. The Company shall maintain and keep in an efficient state of repair the embankment and works hereby authorised to be constructed, or which may from time to time be essential for protecting the reclaimed lands, or any part thereof, from inundation, including all such roads, drains, sluices, and culverts as may be made by them under the provisions of this Act until commissioners shall be appointed for such purpose in terms of this Act; and until the appointment of such commissioners the Company shall, on any conveyance, sale, or lease of any of the reclaimed lands, provide for the payment of the expense of maintaining the embankment and other works.

Provisions for permanent maintenance of the undertaking.

51. As soon as the embankment shall have been completed, and there shall not be less than three persons duly qualified to be commissioners as herein-after provided in respect of the lands reclaimed by such embankment, the said embankment and the works in connexion therewith shall cease to be maintained by the Company, and shall thenceforth be maintained by the commissioners.

Qualification of commissioners.

52. Every owner for the time being of not less than fifty acres of reclaimed land shall be a commissioner for the purposes of this Act.

Appointment of commissioner by Company.

53. So long as the Company shall retain the qualification of a commissioner it shall be lawful for them from time to time to appoint by writing under the seal of the Company any person to act as commissioner for them, and such appointment shall continue in force until another person shall be appointed to be such commissioner.

Meetings of commissioners, &c.

54. Any two of the commissioners may from time to time convene a meeting of the commissioners by advertisement published seven days at least before the day for meeting in some newspaper circulating in the county of Lincoln, and three commissioners shall be a quorum; and for the purposes of the provisions of this Act, with respect to the maintenance of the embankment and works, the word "owner" has the meaning which is assigned to it by the Lands Clauses Consolidation Act, 1845.

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Chairman to be appointed.

55. The commissioners shall meet once at least in every year, and at their first meeting in every year shall elect a chairman, who shall remain in office until another chairman is elected in his stead, and after the appointment of the chairman any meeting of the commissioners may be convened by circular addressed to the respective places of abode of the commissioners by order of the chairman; provided that it shall not be necessary for the chairman to be present in order to constitute a meeting of commissioners.

Officers may be appointed.

56. The commissioners, if necessary, may appoint any officers for the purpose of superintending the embankment and other works and collecting the contributions by this Act authorised, and may pay to the officers such reasonable salaries as the commissioners think fit.

How expense of *salaries*, &c. to be provided for.

57. The expense of maintaining and repairing the embankment and works, the salaries of the officers, and all other expenses properly incurred by the commissioners, shall be defrayed by means of a contribution to be assessed and levied upon and in respect of the reclaimed lands, and which shall be paid by the owners thereof.

How contribution to be assessed.

58. The amount of the contribution shall from time to time be determined by the commissioners, and shall be assessed equally and proportionally in respect of every acre of the reclaimed lands.

Recovery of assessment.

59. In case the contribution be not paid within twenty-one days after the day appointed by the commissioners for payment thereof, and after notice and demand, they may levy the amount thereof by distress and sale of the goods and chattels of the occupier of the lands subject to the payment thereof, and for the purpose may enter upon the lands of the occupier and deal with the distress there found as in the case of a distress for rent reserved on a lease for years: Provided that, unless otherwise agreed between the owner and occupier, the occupier may deduct from the rent payable by him the amount of contribution paid by or levied on him: Provided also, that the occupier shall not be liable to pay more than the amount of the rent so payable by him; provided also, that this Act shall not prejudice any agreement between any landlord and tenant of any part of the reclaimed lands.

Lights on works.

60. The Company shall, on or near any work below high-water mark during the whole time of the constructing, altering, or extending thereof, exhibit and keep burning, at their own expense, every night from sunset to sunrise, such lights (if any) as the Board of Trade from time to time requires or approves, and shall also on or near the work, when completed, always maintain, exhibit, and

keep burning at their own expense, every night from sunset to sunrise, such lights (if any) for the guidance of ships as the Board of Trade from time to time requires or approves.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night on which they so fail be liable to a penalty not exceeding twenty pounds.

Saving rights of Crown.

61. Except as in this Act expressly provided, nothing contained in this Act shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority vested in or enjoyed or exerciseable by Her Majesty, her heirs or successors.

Expenses of Act.

62. All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, or preparatory thereto, shall be paid by the Company.

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