

ANNO VICESIMO SEXTO & VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

Cap. clxxx.

An Act for incorporating the *Frieston* Reclamation Company, and for authorizing them to reclaim certain Lands in the Estuary of the *Wash*; and for other Purposes. [21st *July* 1863.]

WHEREAS there are large Tracts of Land situate in the Parish of *Frieston*, and other Parishes in the Neighbourhood thereof, in the Parts of *Holland* in the County of *Lincoln*, over the whole or the 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 Embankments by this Act authorized to be made and maintained showing the Lines and Levels thereof, and Books of Reference to those Plans specifying the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of those 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 which are in this Act referred to as the deposited Plans, Sections, and Books of Reference: And whereas the Objects of this Act cannot be attained 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; (that is to say,)

Short Title.

1. This Act may for all Purposes be cited as "*Frieston* Reclamation Act, 1863."

8 & 9 Vict. cc. 16. & 18. and 23 & 24 Vict. c. 106. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," (save so far as any of the Sections or Provisions of those Acts respectively are excepted or varied by this Act,) are respectively incorporated with this Act.

Same Meanings to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts incorporated with this Act, Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Frieston Reclamation Company incorporated.

4. *Thomas Parry, Henry Tootal, Stephen Lewin, Charles Waring, William Eckersley,* and all other Persons who have already subscribed or hereafter subscribe to the Undertaking, and their Executors, Administrators, Successors, and Assigns respectively, are by this Act united into a Company for reclaiming Land in and adjoining or near to the several Parishes of *Frieston, Fishtoft, Butterwick, Bennington,* and *Leverton,* in the Parts of *Holland* in the County of *Lincoln,* and 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 *Frieston* 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 Forty-nine thousand five hundred Pounds in Shares of Ten Pounds each.

Calls on Shares.

6. 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.

7. The Company from Time to Time for the several Purposes of this Act may borrow any Sums not exceeding in the whole Sixteen thousand five hundred Pounds, and for securing the Payment of the Money so borrowed with Interest the Company may mortgage the future Calls of the Capital of the Company and the Lands which may be reclaimed or become vested in them under the Provisions of this Act or any Part thereof;

thereof; provided that no Part of the Sum of Sixteen thousand five hundred Pounds shall be borrowed until the whole of the Capital of Forty-nine thousand five hundred Pounds by this Act authorized to be raised is subscribed for or taken, and One Half thereof paid up, and the Company shall have proved to the Justice who is to certify under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," that the whole of the Capital has been subscribed for *bonâ fide*, and is held by the Subscribers or their Assigns, and for which the Subscribers or their Assigns are legally liable.

Mortgages charged on the Lands to be paid off out of Proceeds of the Sale thereof.

8. Provided always, That 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 affecting the Lands so sold 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.

Arrears may be enforced by Appointment of a Receiver.

9. The Mortgagees of the Company may enforce the Payment of the Arrears of Principal and Interest due on their respective Mortgages by the Appointment of a Receiver, and the Amount to authorize the Requisition for a Receiver is Five thousand Pounds.

Application of Monies.

10. All and every Part of the Monies raised by the Company under this Act, whether by Shares or by borrowing, shall be applied only for Purposes by this Act authorized.

First and other Meetings.

11. 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 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.

12. The Number of Directors shall be Six, and the Quorum of a Meeting shall be Three.

Qualification of Directors.

13. The Qualification of a Director shall be the Possession by him in his own Right of Shares to the aggregate nominal Amount of One thousand Pounds.

First Directors.

14. *Thomas Parry*, *William Eckersley*, *Henry Tootal*, *Thomas Plummer*, *Stephen Lewin*, and *Charles Waring* 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 sixty-four.

15. At

Retirement of First Directors.

15. At the First Ordinary Meeting of the Company to be held in the Year One thousand eight hundred and sixty-four 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 Places of those not continued in Office, the First Directors being eligible for Re-election; and at the First Ordinary Meeting to be held in the Year One thousand eight hundred and sixty-five, 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 resigned, shall continue to be Directors until others are elected in their Stead in manner provided by the last-mentioned Act.

Newspaper for Advertisements.

16. The Newspaper for Advertisements shall be any Newspaper published in the County of *Lincoln*.

Power to take Land for Purposes of Act.

17. 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 respectively deposited for the Purposes of this Act as they think expedient.

Company to make Compensation for Lands taken.

18. The Company shall make to the Owners and Occupiers of and all other Parties interested in any Lands taken or used for the Purposes of this Act full Compensation for the Value of the Lands so taken or used; and (except where otherwise provided by this Act) the Amount of the Compensation shall be ascertained and determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining Questions of Compensation with respect to Lands purchased or taken under the Provisions thereof, and all the Provisions of that Act shall be applicable to determining the Amount of any such Compensation and to enforcing the Payment or other Satisfaction therefor.

Errors and Omissions in deposited Plans may be corrected by Justices who shall certify the same.

Certificate to be deposited.

19. If any Omission, Mis-statement, or wrong Description is made of any Land, or of 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 any such Omission, Mis-statement, or wrong Description; and the Certificate shall,

shall, with the 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 make the Works in accordance with the Certificate as if the Omission, Mis-statement, or wrong Description had not been made.

Copies of Plans, &c. to be Evidence.

20. Copies of the Plans and Books of Reference, or 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.

Powers for compulsory Purchases limited.

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 Embankments.

22. The Powers of the Company for constructing the Embankments by this Act authorized 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 authorized to purchase, and which they deem it expedient for any of those Purposes to acquire and use.

Purchase of Easements by Agreement.

24. For the Purposes of this Act the Company from Time to Time may purchase, but only by Agreement, any Easements, Rights, or Interests in, over, or affecting any Lands adjoining or near to any Lands which they are by this Act authorized to purchase, and which they deem it expedient for any of those Purposes to acquire and use.

Power for incapacitated Persons to agree with Company.

25. All Persons by "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and this Act respectively, authorized to sell and convey or release Lands may enter into Agreements and Arrangements with the Company for the Purposes of this Act, and may agree to accept Compensation for their Rights and Interests in any Lands, either in Money or in Lands reclaimed or to be reclaimed, and may also in like Manner make Sales, Conveyances, Releases, and other Dispositions of any Easements, or of any Rights and Interests in, over, and affecting any Lands which the Company are by this Act authorized to purchase or reclaim, or which may be adjoining or near thereto, and all such Sales, Conveyances, Releases, and Dispositions shall be subject to the Provisions of those Acts.

Power to make Works authorized by Act.

26. Subject to the Provisions of this Act the Company from Time to Time may make the Embankments and other Works by this Act authorized

authorized in the Lands delineated on the Plans and specified in the Books of Reference respectively deposited for the Purposes in that Behalf of this Act, 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.

Works authorized by Act.

27. The Works by this Act authorized comprise the following Works, together with all proper Sluices, Openings, Bridges, Dams, Gates, Drains, Fences, and other Works and Conveniences connected therewith; (that is say,)

First, an Embankment (No. 1) commencing in the Parish of *Fishtoft*, on the existing Sea Embankment, near *Milk House*, now in the occupation of *Edward Clarke Porter*, passing from thence to or near to a certain tidal Gauge on the *Frieston* Low Sands, and terminating on the existing Sea Embankment near the Hotel in the said Parish of *Frieston* known as *Plummer's* Hotel.

Secondly, an Embankment (No. 2) commencing in the said Parish of *Frieston*, on the existing Sea Embankment, near the Hotel in the said Parish known as *Plummer's* Hotel to or near to a certain tidal Gauge in *Frieston* Low Sands, thence running near to a Buoy known as *Leverton Buoy* in the *Boston Deeps*, and terminating at a Point on the existing Sea Embankment near to the Point of meeting of certain Roads at *Leake Hurn End*.

Limits of Deviation.

28. In the Execution of the Works by this Act authorized the Company may deviate laterally from the Lines thereof shown on the Plans deposited for the Purposes in that Behalf of this Act to any Extent within the Limits of Deviation shown thereon, and may deviate 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.

29. The Company from Time to Time may by means of the Works by this Act authorized reclaim and may bring into a State fit for Cultivation or other Use such of the Lands which they are by this Act authorized to acquire as they think fit, and may do all Works and Things which may be necessary or proper for the Purpose.

As to Compensation for the Rights of the Crown.

30. Whereas Her Majesty is or claims to be seised of and in the Soil of the Lands lying below ordinary High-water Mark which the Company are hereby authorized 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 or 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 of the other Part, at the Sum of Six thousand five hundred Pounds, but which Sum does

does not include Compensation for any such Rights or Easements over the said Lands as aforesaid): Therefore the Company shall, on or before the First Day of *January* One thousand eight hundred and sixty-seven, pay into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery in *England*, the Sum of Six thousand five hundred Pounds, to be placed to the Account there of such Accountant General to an Account to be entitled "The Account of "the Queen's Most Excellent Majesty and any other Persons entitled "to the Soil of the Lands below ordinary High-water Mark to be "reclaimed under the *Frieston* Reclamation Act, 1863," pursuant to the Provisions of the "Lands Clauses Consolidation Act, 1845."

Provision for Payment of Interest on Purchase Money.

31. If default be made by the Company in Payment into Court of the said Sum of Six thousand five hundred Pounds, or any Part thereof, within the Time by this Act limited, the said Sum of Six 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 Six 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 the Company in case Purchase Money or Interest remain unpaid.

32. If the said Sum of Six 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 sixty-eight, it shall be lawful for the Commissioners 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 the Lands so purchased by him with respect to the Execution of the Works hereby authorized 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.

33. 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 Monies arose:

arose: (2.) In Payment into the Bank of England in manner aforesaid to the Account aforesaid of the whole or of so much of the said Principal Sum of Six thousand five hundred Pounds and the Interest thereon as shall remain unpaid: (3.) The Surplus (if any) shall be paid to the Company.

Power to apportion Purchase Money on particular Portions of the Lands as and when reclaimed.

34. Provided always, That if the Company shall, at any Time before the First Day of *January* One thousand eight hundred and sixty-eight, 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 Land Revenues, and which has been or is intended to be deposited at the office of 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 Pounds, Part of the said Sum of Six thousand five hundred Pounds, with Interest on the said Sum of Two thousand Pounds from the said First Day of *January* One thousand eight hundred and sixty-seven (if that 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 Pounds, and all 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 of the said Sum of Six thousand five hundred Pounds, and thereupon the said Lands specified in such Certificate shall thenceforth be freed and discharged from all such Claim accordingly, of which the said Certificate shall be conclusive Evidence; and the Balance of the said Sum of Six thousand five hundred Pounds and Interest thereon remaining unpaid shall thenceforth be and remain chargeable exclusively on the Lands not included in such Certificate.

Payment to Commissioners of Woods, &c. to be accepted in full Satisfaction of the Rights of the Crown.

35. If the Right of Her Majesty to the Ownership of the said Lands lying below ordinary High-water Mark hereby authorized to be taken, or any Part thereof, shall be established the said Sum of Six thousand five hundred Pounds and Interest, 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 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 Costs of the Conveyance, which shall be paid by the Company; and if the Right of other Persons to the Ownership of the said Lands, or any Part thereof, be established, then the said Sum of Six thousand five hundred Pounds and Interest thereon, or a proportionate Part thereof respectively (such proportionate Part to be settled by a practical Surveyor, to be appointed by the President for the Time being of the Institution of Civil Engineers by any Writing under his Hand, the Charges of such

Surveyor

Surveyor to be paid by the Company), shall be applied in or towards the Payment or Satisfaction of the Amount of the Purchase Monies which may be ascertained and become payable to such Persons respectively; and in case, after satisfying the Rights or Claims of Her Majesty, or any such Persons as aforesaid, there shall remain any Balance of the said Sum of Six thousand five hundred Pounds, or the Interest thereon, such Balance shall belong to the Company, who shall pay to the Owners the Excess (if any) of the Purchase Monies over the Sum of Six thousand five hundred Pounds, 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 Institution of Civil Engineers, and the Charges of such Engineer or Surveyor shall be paid by the Company.

Investment of Purchase Money until paid out.

36. Until Payment as aforesaid is made to the said Commissioners or Commissioner, or other the Persons entitled to the same, all Monies paid into the Bank in manner aforesaid to the same 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 reinvested, 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).

The Payment of such Purchase Money not to affect the Rights of Owners of Lands abutting on the Lands to be taken.

37. Provided always, and it is by this Act declared, That the said Sum of Six 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 herein contained with reference to the said Sum of Six thousand five hundred Pounds shall affect the Rights or Claims of Her Majesty or any other Persons as Owner or Owners of Lands abutting on the Lands hereby authorized to be taken, or to any Rights or Easements over such Lands other than the Rights to the Soil thereof.

Saving of Rights as to future Accretions.

38. If any Land to the Seaward of the Lands by this Act authorized to be embanked or reclaimed shall, at any Time after the Execution of any Works under the Authority of this Act, by Alluvion, Accretion, or otherwise, and whether gradually or imperceptibly or otherwise, become raised in Height, or reclaimed so as to be above instead of being, as the same now is, below the 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 acquire, nor shall the Owners of any Frontage abutting on such Lands have any Estate, Right, or Interest in or to the Land so raised in Height or reclaimed, by reason that such raising or Reclamation has been gradual or imperceptible, or has been caused by the Works by this Act authorized, but the Right and Title to the Soil and Freehold of such Land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other Person or Persons as is or are at the Time of the passing of this Act entitled to the same,

and as if the same had continued, as the same now is, subject to the Flow and Reflow of ordinary Tides.

Consent of Board of Trade to Works on Sea Shore.

39. 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 the 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 Sea Shore made without Approval.

40. 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.

41. 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 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.

42. 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.

43. Nothing in this Act contained shall authorize the Company to interfere injuriously with the Drainage of any Lands adjoining or near to the Lands from Time to Time reclaimed or enclosed 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.

44. The Embankments by this Act authorized and the Lands from Time to Time reclaimed under this Act when such Embankments have 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

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 *Fishtoft*, *Frieston*, *Butterwick*, *Bennington*, and *Leverton*, or some or one of them, and the Boundary Line between the same Parishes across the Lands to be reclaimed shall run from each Point where such Boundary Line now meets the 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 Land the Company shall by Bound Stones, or other proper and sufficient Marks, define the Boundaries.

Power to Company to dispose of Lands.

45. 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 Persons, for such Purposes, in such Manner and on such Terms and Conditions as the Company think fit.

As to Disposal of superfluous Lands.

46. The Provisions "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 required for the Purposes thereof," of "The Lands Clauses Consolidation Act, 1845," 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 authorized to be reclaimed; and when the Company, before they finally dispose of any 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 Interest so made or created.

Commissioners to be appointed for maintaining Embankments.

47. In order to provide for the permanent Maintenance of the Embankments and Works in an efficient State of Repair, the Owners from Time to Time of not less than Fifty Acres of the reclaimed Land shall be Commissioners for the Purpose, and 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 the 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."

Chairman to be appointed.

48. 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

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.

49. The Commissioners if necessary may appoint any Officers for the Purpose of superintending the Embankments and other Works and collecting the Contributions by this Act authorized, and may pay to the Officers such reasonable Salaries as the Commissioners think fit.

How Expense of Salaries to be provided for.

50. The Expense of maintaining and repairing the Embankments 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 Contributions to be assessed.

51. The Amount of the Contribution shall from Time to Time be determined by the Commissioners, and shall be assessed equally and proportionably in respect of every Acre of the reclaimed Land.

For Recovery of Assessment.

52. 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.

Saving Rights of the Crown.

53. 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.

54. 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.

LONDON:

Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1863.