ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

****

Cap. ccclxxxviii.

An Act for enclosing and reclaiming from the Sea certain Tracts of Land forming Part of the Great Estuary called "The *Wash*," between the Counties of *Norfolk* and *Lincoln*. [18th *August* 1846.]

WHEREAS the Great Estuary called " The *Wash*," between the Counties of *Norfolk* and *Lincoln*, contains extensive Tracts of Land through which the River *Ouze* and other Rivers severally discharge their Waters into the *German Ocean*, and which are now subject to be covered by tidal Waters: And whereas the Queen's most Excellent Majesty, in right of Her Royal Prerogative, claims to be entitled to the said Tracts of Land: And whereas it would be a great public Advantage if the Two Tracts of Land herein-after described (being Part of the said Lands comprised in the said Great Estuary) were embanked and reclaimed from the Sea, under the Powers and Provisions herein-after contained: And whereas the Persons herein-after named are willing, at their own Expence, to carry such Undertaking into execution; 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parlia-

8 & 9 Vict. cc. 18. and 20. incorporated with this Act.

ment assembled, and by the Authority of the same, That the several Acts of Parliament following, (that is to say,) the Companies Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Act, 1845, except so far as the same are altered or otherwise provided for by this Act, shall be incorporated with and form Part of this Act.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The *Norfolk* Estuary Act, 1846."

Subscribers incorporated.

III. And be it enacted, That *William George Frederick Cavendish Bentinck* commonly called Lord *George Bentinck*, Sir *William John Henry Browne Folkes* Baronet, *Martin John West*, *Richard Bagge*, *Richard Greaves Townley*, *George Pryme*, *Joseph Baxendale*, Sir *Thomas Tancred* Baronet, the Honourable *George Charles Agar*, *William Townley Mitford*, and *Joseph Cox*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the said Undertaking, and their respective Executors, Administrators, Successors, and Assigns, shall be united into a Company for the Purpose of reclaiming from the Sea, inclosing, and embanking such of the said Tracts of Land as are herein-after mentioned, according to the Provisions of the said recited Acts and of this Act, and for other the Works and Purposes herein and in the said recited Acts contained; and for the Purposes aforesaid such Company shall be incorporated by the Name of "The Company of Proprietors of the *Norfolk* Estuary," and by that Name shall be a Body Corporate, with perpetual Succession, and shall have a Common Seal, and by that Name shall sue and be sued, and shall have Power to purchase, hold, and sell Lands for the Purposes of the Undertaking, with the Restrictions herein and in the recited Acts taken together contained, and all such other Powers as are by this Act or by the said recited Acts given.

Capital.

IV. And whereas the estimated Expence of making and executing the Enclosure, Embankments, and other Works by this Act authorized to be made is Five hundred thousand Pounds; be it enacted, That the Capital of the Company shall be Five hundred thousand Pounds.

Number and Amount of Shares.

V. And be it enacted, That the Number of Shares into which the Capital shall be divided shall be Ten thousand, and the Amount of each Share shall be Fifty Pounds.

Calls.

VI. And be it enacted, That Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company shall make on the Shareholders, and that One Fifth of the Amount of a Share shall be the greatest aggregate Amount of Calls that may be made in any One Year upon any Share, and that One Month's Notice at the least shall be given on each Call.

Power to borrow Money on Mortgage.

VII. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of Two hundred thousand Pounds, but no Part of such Sum

shall be borrowed until the whole of the said Capital or Sum of Five hundred thousand Pounds shall have been subscribed for, and One Half thereof shall have been actually paid up.

Power to call Special Meetings.

VIII. And be it enacted, That the Number of Shareholders to call or require to be called an Extraordinary General Meeting of the said Company shall be Five or more, such Five or more Shareholders holding in the aggregate One hundred Shares or upwards in the said Undertaking upon which all Calls actually due shall have been paid and satisfied.

First Ordinary Meeting.

IX. And be it enacted, That the first Ordinary Meeting of the Company shall be held within Three Months after the passing of this Act.

Number and Qualification of Directors.

X. And be it enacted, That the Number of Directors shall be Thirteen, including the Mayor of *Lynn* for the Time being, after and so soon as the Directors first herein-after named shall be reduced to that Number; and the Qualification of a Director (excepting the Mayor of *Lynn* for the Time being) shall be the Possession in his own Right of Twenty Shares in the Undertaking; and the Mayor of *Lynn* for the Time being shall be a Director *ex officio*.

First Directors.

XI. And be it enacted, That *William George Frederick Cavendish Bentinck* commonly called Lord *George Bentinck*, Sir *William John Henry Browne Folkes* Baronet, the Mayor of *Lynn* for the Time being, *Martin John West*, *Richard Bagge*, *Richard Greaves Townley*, the Reverend *William Gale Townley*, *George Pryme*, *Edward Everard*, *William Eagle*, *Joseph Browne Wilks*, *Joseph Baxendale*, *Robert Cooper Lee Bevan*, *Joseph Wilson*, *John Stewart*, *William Downes*, *George Alexander Peppercorn*, *Charles Muriel*, and *William Newton* shall be the first Directors of the Company.

Quorum of Directors.

XII. And be it enacted, That the Quorum of a Meeting of Directors shall be Three.

Committees of Directors.

XIII. And be it enacted, That the Number of Directors of which Committees appointed by the Directors shall consist shall not be less than Three nor more than Seven, and the Quorum of such Committee shall be Three.

Newspapers for Insertion of Advertisements.

XIV. And be it enacted, That the Newspapers in which Advertisements giving Notice of General Meetings and Extraordinay General Meetings of the Company, and of Calls and Dividends upon Shares, are to be inserted, shall be "The *Times*" published in *London*, and "The *Norfolk Chronicle*," "The *Cambridge Independent Press*," or such other *London* and Provincial Newspaper as shall from Time to Time be substituted for either of those Newspapers respectively, pursuant to any Order made at a General or Special Meeting of the said Company; and that the Newspaper in which other Advertisements relating to the Affairs of the said Company are to be inserted shall be "The *Norfolk Chronicle*," "The *Cambridge Independent Press*," or such

such other Provincial Newspaper as shall be published for the same in manner aforesaid.

Compensation to be made to the Crown for its Rights.

XV. And be it enacted, That in order to make Compensation to the Queen's most Excellent Majesty, Her Heirs and Successors, for all Her Rights and Interests in the Two Tracts of Land herein-after described, being Part of the said Great Estuary, there shall be payable by the said Company to the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings, for the Use of Her Majesty, Her Heirs and Successors, the Sum of One Pound Sterling for every One hundred Pounds which shall be expended by the said Company in or upon the Works of the said Undertaking, and so in proportion for any less Sum than One hundred Pounds which shall be so expended as aforesaid; and all Monies so to be paid to the said Commissioners shall be applied in the same Manner as the Monies to arise from the Sale of the Land Revenues of the Crown are now applicable by virtue of an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases; of the Land Revenue of the Crown within the Survey of the Exchequer in* England; *and of the Land Revenue of the Crown in* Ireland; *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney.

All Monies to be paid to the Crown to be applied as prescribed by 10 G. 4. c. 50.

Lands vested in the Company chargeable with Payment of Compensation to the Crown.

XVI. And for the Purpose of securing the Payment of the Money by this Act made payable to the Use of Her Majesty, Her Heirs and Successors, as aforesaid, be it enacted, That the Lands by this Act vested in the said Company, and all other the Property of the said Company, shall be chargeable with and answerable for the same Money, and such Money shall be deemed and taken to constitute an express and specific Charge or Lien upon the said Lands and other Property in priority of and preference to all other Charges and Liens thereon.

Company to furnish Balance Sheets of their half-yearly Accounts to the Office of Woods, &c.

XVII. And be it enacted, That the said Company shall from Time to Time, and within Twenty-one Days next after the Times by this Act appointed or authorized for making up their Accounts, deliver to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings a Balance Sheet of the then last preceding Half Year's Accounts, and thereupon pay to the said Commissioners such Sums of Money as upon the Statement of such Account shall appear due and payable to the Crown upon the Amount of Expenditure made during the same Period.

Accounts of the Company to be opened to Inspection of the Commissioners of Woods, &c.

XVIII. And be it enacted, That all the Books, Accounts, Vouchers, and all other Documents whatever of the said Company shall at all Times be open to the Inspection of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or such Person as they shall from Time to Time appoint for that Purpose, and shall be produced as often as the same may be required in any Action, Suit, or other Proceeding which shall or may be had or taken in any Court of Law or Equity, for obtaining an Account of the

the Monies expended by the said Company, or for enforcing Payment of any Money which shall become payable to the Use of Her Majesty, Her Heirs or Successors, as aforesaid, or otherwise in relation to the Interest of the Crown in the said Undertaking; and that any Officer of the said Company shall, when and as often as required by the Persons so appointed as Inspector as aforesaid, make an Affidavit, Declaration, or Affirmation, as the Nature of the Case may require, to the best of his Knowledge and Belief, in proof of any Book, Account, Voucher, or other Document of the said Company, or any Matter, Subject, or Thing relating to the Contents thereof.

Expences of Commissioners of Woods, &c. in relation to this Undertaking, to be paid by the Company.

XIX. And be it enacted, That all Costs and Expences of every Description already occasioned or to be occasioned to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in relation to the said Undertaking, either before or after the passing of this Act, or by reason or in consequence of any of the Provisions in this Act contained, or incident or relating thereto, shall be wholly borne and defrayed by the said Company.

Certain Tracts of Land to be vested in the Company as Compensation for Expences incurred.

XX. And be it enacted, That, in consideration of and as a Compensation for the Expences which the said Company will incur in the making and executing the Works by this Act authorized to be made and executed, the Two several Tracts of Land herein-after described, (that is to say,) all that Tract of Land, Part of the said Great Estuary called the *Wash*, comprised in a Boundary beginning at a Point on the North Side a certain Fleet or Watercourse called *Fisher Fleet*, in the Parish of *Gaywood* in the said County of *Norfolk*, at the West Extremity of the *Old Green Salt Marsh*, and extending from thence in a Northerly Direction along Part of the Coast of the said County of *Norfolk* to a certain Point Five Furlongs North of *Shepherd's Port* in the Parish of *Snettisham* in the said County of *Norfolk*, thence in a Westerly Direction, across the Lands, Sands, Beach, Mud Banks, Channels, Sladways, and Washways, forming Part of the said Estuary, until it meets a Place or Point at the North-east End of the Mouth or Outlet of the intended new Cut or Channel herein-after authorized to be made for the Waters of the River *Ouze*, and thence along the East Side or Bank of the said intended new Cut until it meets the green Marsh in the Parish of *Clenchwharton* at or near a Place called *Howard's Sluice*, thence along the Edge of the present Salt Marshes in the said Parishes of *Clenchwharton* and *North Lynn* to the proposed Course of *Fisher Fleet* aforesaid, and thence across the Bed of the present Channel of the said River *Ouze* in a South-easterly Direction to the said Point where the said Boundary begins and also terminates; and also all that other Tract of Land (other Part of the said Estuary) comprised in a Boundary beginning at a Point near *Howard's Sluice* aforesaid, on the Western Side of the said intended new Cut, thence along the Edge of the present Salt Marshes, up to a certain Point called *Bentinck's Corner*, thence to and along the Line described by an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for improving the Outfall of the River* Nene, *and the Drainage of the Lands discharging their Waters into the* Wisbeach River, *and the Navigation of the said* Wisbeach River *from the upper End of* Kinderley's Cut *to the Sea*; 7 & 8 Vict. c. 85.

and for embanking the Salt Marshes and bare Sands lying between the said Cut and the Sea, to the End thereof at or near the Eastern Building called the *Lighthouse Tower* at the lower End of the embanked Portion of the said *Nene Outfall*, and thence proceeding in a North-easterly Direction on the Eastern Side of the said *Nene Outfall* to a Place or Point at the Western End of the said Mouth or Outlet of the said intended new Cut, and thence along the West Bank or Side of the said intended new Cut until it meets the Main Land at the said Point where the said last-mentioned Boundary begins and also terminates, the same Two Tracts of Land containing together Thirty-two thousand Acres, or thereabouts, and being more particularly delineated or described in a Map or Plan thereof signed by the Commissioners of Her Majesty's Woods and Forests, and deposited in their Office, shall, when and as the same shall be reclaimed and embanked, as herein-after provided, be and the same are hereby, subject to the Provisions herein-after contained, vested, under the Name of "The *Norfolk* Estuary," in the said Company and their Successors, to be holden of the Queen's Majesty, Her Heirs and Successors, of Her Manor of *East Greenwich* in the County of *Kent*, by Fealty only, and in Free and Common Socage, and not otherwise: Provided always, that nothing in this Act contained shall extend or be construed to extend to vest in the said Company, otherwise than as Purchasers under the Provisions herein-after contained, any Part of the said Tracts of Land which at the Time of the passing of this Act hath been already left by the Sea, and is not at present the Property of the Crown, and which it is hereby enacted shall be embanked by the said Company, at their exclusive Costs, for the Benefit of the Persons and Bodies Corporate respectively entitled to the same.

Saving of existing Rights.

XXI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to defeat or prejudice or in any Manner affect the Claim of any Person or Persons, or Body Corporate or Bodies Corporate, claiming or to claim any Estate, Right, Title, or Interest into, out of, or over the said Tracts of Land, or either of them, or any Part or Parts thereof respectively, or the Right to prosecute the same Claim in any Court of Law or Equity.

Providing for Deficiency in Tithes or Land Tax.

XXII. And for the Purpose of providing against Deficiencies in the Tithes, or Rent-charge in lieu of Tithes, or in the Assessments for Land Tax, Poor Rates, Highway Rates, and other Parochial Rates, occasioned by the Works authorized by this Act, in the several Parishes or Places wherein the same or any Part thereof may be situate, be it enacted, That if the said Company shall by virtue of this Act become possessed of any Lands subject to Tithes, or Rent-charge in lieu of Tithes, or to Land Tax, or liable to be assessed to the aforesaid Rates or any of them, the said Company shall from Time to Time be liable to make good the Deficiency in Tithes, or Rent-charge in lieu of Tithes, or in the Assessments for the Land Tax, and the several Rates aforesaid, or any of them, arising within such Parishes or Places, by reason of such Lands having been taken or used for the Purposes of this Act; and any Deficiency shall be computed according to the Rental at which such Lands were valued or rated at the Time of the passing of this Act; and the said Company shall, on Demand, pay such Deficiency

to the Person entitled to Tithes, or Rent-charge in lieu of Tithes, or to the Collector of the said Assessments respectively (as the Case may be); but it shall be lawful for the Company at any Time to redeem such Land Tax, if they shall think proper to do so.

Power to enter Lands for the Purposes of this Act.

XXIII. And be it enacted, That, subject to the Provisions of this Act and the said recited Acts, the said Company shall have Power to enter into and upon the said Tracts of Land, and all or any other of the Lands delineated in the Plans and described in the Books of Reference herein-after mentioned which it may be necessary or proper for them to enter for the Purpose of executing the several Works which they are by this Act directed or authorized to execute.

Company to set up Boundaries.

XXIV. And be it enacted, That the said Company shall, as soon as conveniently may be after the passing of this Act, at the Costs and Charges of the said Company, cause the said Tracts of Land hereinbefore described to be set out and bounded by definite Metes and Bounds, with the Privity and subject to the Approbation of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and also cause the same to be delineated and described in Maps or Plans, with suitable Explanations, Descriptions, and References; and all such Maps or Plans shall be approved and signed by the said Commissioners, and shall be prepared in Triplicate, and one Part thereof shall be lodged in the Office of the Land Revenue Records and Enrolments, and another Part in the Admiralty Office, *Whitehall*, and a third Part thereof in the Chief Office of the said Company; and the Boundaries of the said Tracts as laid down or set out in the said Maps or Plans respectively shall, from the Date or respective Dates thereof, and for ever thereafter, be and be taken to be the true Boundaries of the said Tracts.

Power reserved to G.W.P.Bentinck to try Rights to the Land within Six Years after passing of this Act.

XXV. Provided always, and be it enacted, That, notwithstanding any thing in this Act contained, it shall be lawful for *George William Pierrepont Bentinck*, his Heirs or Assigns, claiming, either at Law or in Equity, to be entitled to any Part of the said Tracts of Land, or either of them, or to any Right or Rights or Interest whatsoever in, to, over, or concerning the said Tracts respectively, or any Part thereof, to cause all Action or Actions to be brought in any of Her Majesty's Courts of Law at *Westminster* against the said Company, within Six Years next after the passing of this Act, in every of which Actions the Plaintiff shall deliver One or more feigned Issue or Issues, whereby any such disputed Right or Claim may be tried, and shall proceed to a Trial at Law of such Issue or Issues at the Assizes then next or next but one after such Action shall have been commenced to be holden for the County of *Cambridge*, with Liberty for the Court in which such Issue shall have been commenced, or any Judge of Her Majesty's Courts of Law at *Westminster*, to extend the Time for going to Trial thereon, or to direct the Trial to be in another County, if it shall seem fit to such Court or Judge so to do; and the said Company shall enter an Appearance to such Action, and accept such Issue or Issues; but in case the Parties shall differ as to the Form of such Issue or Issues, or in case the said Company shall fail to enter such Appearance, or accept such Issue or Issues, then the same

same shall be settled under the Direction of the Court in which the Action shall be brought, or by any Judge of Her Majesty's Courts of Law at *Westminster*, and the Plaintiff may proceed therein in like Manner as if the said Company had appeared and accepted such Issue or Issues; and the Verdict which shall be given in any such Action shall be final and binding upon all Parties thereto, unless the Court in which such Action shall be brought shall set aside such Verdict, and order a new Trial of such Issue or Issues to be had, or some other Issue or Issues to be tried between the Parties in lieu thereof, which the said Court may in their Discretion do; and in case the Jury shall determine any Issue or Issues in favour of the Plaintiff, and their Verdict shall not be set aside, such Part or Parts of the said Tracts of Land or either of them as by such Verdict shall be found to belong to such Plaintiff, or such Right or Interest in, to, over, or concerning the same respectively, as shall thereby be found to belong to him or her, shall be and be deemed to be absolutely vested thenceforth in such Plaintiff, his or her Heirs, Executors, Administrators, or Assigns (as the Case may be); and the said Company shall not by any of their Embankments or other Works flood or damage the Land so vested in such Plaintiff, or in any way obstruct or hinder the warping, reclaiming, or improving the same by any such Plaintiff, his Heirs, Executors, Administrators, or Assigns; and the Costs of any such Action, if the Verdict be in favour of the Plaintiff, shall be taxed by the proper Officer of the Court wherein such Cause shall be brought, and shall be recovered by the Plaintiff by the like Execution or Process as if such Costs had been awarded and recovered in an ordinary Action at Law in any of the said Courts: Provided always, that it shall be lawful for the said *George William Pierrepont Bentinck*, his Heirs or Assigns, and the said Company, if they shall so think fit, with the Consent of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to adjust or to refer to Arbitration any such disputed Claim or Claims, instead of the said *George William Pierrepont Bentinck* bringing such Action as aforesaid, and to try the same upon such Terms as shall be approved of in that Behalf by the said Commissioners; and the Decision in Writing of the Arbitrators or Umpire upon any such Claim shall have such and the same Operation as the said Verdict of a Jury under the Provisions herein-before contained; provided nevertheless, that nothing herein contained shall authorize the said Company to take any Proceedings as regards any Purchase or Compensation in respect of any Lands or Claims of the said *George William Pierrepont Bentinck*, his Heirs or Assigns, claiming any Estate, Right, Title, or Interest as aforesaid, under the Lands Clauses Consolidation Act, 1845, or this Act, except the same be made with his or their Consent as aforesaid.

The Tracts to be considered locally situate in Norfolk.

XXVI. And be it enacted, That so much of the said Tracts of Land as shall be embanked by the said Company, under the Powers and Authorities hereby given to them, shall be and be deemed and considered to be locally situate in the said County of *Norfolk*, except such Parts thereof as are herein-after declared to be situate in any Parish in the said County of *Lincoln*.

XXVII. Pro-

Land, when reclaimed, &c., to be subject to County Rates, and to be divided under 9 G. 4. c. 43. and 6 & 7 W. 4. c. 12.

XXVII. Provided always, and be it enacted, That after any Part of the said Tracts shall have been embanked and reclaimed, and brought into Cultivation, but not sooner, the same shall be liable to be rated and taxed towards the Rates or Levies of the said County, and shall also be subject to be divided pursuant to the Provisions and for the Purposes of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better Regulation of Divisions in the several Counties of* England *and* Wales, and of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, for amending the last-mentioned Act.

Her Majesty in Council may declare to what Parishes embanked Lands are to belong.

XXVIII. And be it enacted, That it shall be lawful for Her Majesty in Council from Time to Time to ascertain, fix, and declare to what Parish or Parishes any Portion of the Lands as are herein declared to be within the County of *Norfolk* shall henceforth belong and form Part, or to constitute new and distinct Parishes within the said District; and Plans, showing the proposed Boundaries of the said Parishes respectively, shall from Time to Time be prepared, in such Manner as Her Majesty in Council shall direct, but at the Expence of the said Company; and the said Plans, when settled and approved by Her Majesty in Council as aforesaid, shall be deposited with the Commissioners of Her Majesty's Woods and Forests; and any Copy of or Extract from the said Plans, authenticated by the Signature of Two of the said Commissioners, shall and may be produced and received in Evidence in the same Manner as the other Plans described by this Act to be deposited with the said Commissioners.

Maps, when deposited, to be open to Inspection.

XXIX. And be it enacted, That the Maps or Plans by this Act directed to be deposited in the Chief Office of the said Company as aforesaid, when so deposited, shall remain open for the Inspection of all Persons claiming in any Manner to be interested in respect to the Boundary Line described in the said Maps or Plans, who shall have Liberty at all reasonable Times to inspect the same, paying to the Clerk or Secretary to the said Company for every Inspection the Sum of Two Shillings and Sixpence; and Copies of such Maps or Plans, or Extracts from the same respectively, certified by the Clerk or Secretary to the said Company, or any One of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, shall be and are hereby declared to be good Evidence as to the said Boundary Line in all Courts of Law or elsewhere, and no Evidence shall be necessary of the Appointment as Clerk or Secretary to the said Company of the Person certifying such Copies or Extracts.

Cut to be formed across the Marshes between Lynn Harbour and the present Channel.

XXX. And be it enacted, That the said Company shall commence their Works by forming a Two-mile Cut across the Marshes between *Lynn* Harbour and the present Channel below "The *Ballast Bank*," in a Line to be laid out so as to correspond with the present Harbour Lines, and to be subject to the Approval of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

New Cut to be formed from Marsh Cut to the present Channel near Breast Beacon.

XXXI. And be it enacted, That the said Company shall also form a new Cut or Channel Two Miles in Length from the lower End of the *Marsh Cut* across the "*Vinegar Middle*," and which Cut shall fall again into the present Channel of the River near the "*Breast Beacon*" in a fair Line, to be approved of as last aforesaid, so as to reclaim the Portions of the Lands which will be within a Line drawn across the Estuary to the Shores on each Side, in a due East and West Direction from the Point where the last-mentioned *Marsh Cut* will fall into the River.

Company to maintain Channels entering the Wash from Injury.

XXXII. And be it enacted, That the said Company shall from Time to Time and at all Times hereafter keep and maintain all the navigable Channels of or entering the *Wash* from all Injury or Detriment which in the Opinion of the said Lord High Admiral or the said Commissioners may be caused or be likely to arise thereto by reason or in consequence of any of the Works of the said Company; and in case the said Company shall neglect or refuse to keep and maintain all such Channels in manner aforesaid, the said Lord High Admiral or the said Commissioners are to be at liberty and they are hereby authorized and empowered to do or cause to be done, at any Time and from Time to Time, all and every such Act and Acts as he or they may consider necessary to keep and maintain all or any One or more of such Channels as aforesaid, at the Cost of the said Company; and the Amount of Expences so incurred shall be a Debt due to the Crown, and shall and may be recovered accordingly; and further, that every such Debt, until paid, shall be the first and direct Lien or Charge upon all the Tracts of Land hereby authorized to be embanked and reclaimed.

Plans, &c. to be deposited with Secretary of the Admiralty, and to be approved of before Work commenced.

XXXIII. And be it enacted, That, previous to the Commencement of any of the Works hereby authorized to be constructed, the said Company shall deposit with the Secretary of the Admiralty, at the Admiralty Office, *Whitehall*, Plans and Working Drawings of each and every Part of the said Works; and the said Company shall not construct the said Works, or either or any of them, or any Works connected therewith, until such Plans and Working Drawings have been deposited as aforesaid, nor until the same shall have been approved by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in Writing under the Hand of the Secretary of the Admiralty; and also, while such Works are in progress, and from Time to Time, if required by the said Lord High Admiral or the said Commissioners, the said Company shall make an accurate Survey of all the navigable Channels of the *Wash*, at the Expence of the said Company, and deposit the same in manner aforesaid, together with Plans and Working Drawings, showing the Progress made in all such Works, so as to serve as a Guide for the future Extension of the said Works; and no Work shall be carried further than the Shoal called "*Lloyd's Middle*" without a separate Consent of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty.

XXXIV. And

Company to extend and divert the Outfall of Woólferton and other Creeks.

XXXIV. And be it enacted, That the said Company shall and they are hereby required to extend and divert the present Outfall of a certain River, Creek, or Watercourse called *Woolferton Creek*, on the Eastern or *Norfolk* Side of the said Estuary, by carrying or conducting the Waters of the said River, Creek, or Watercourse into the said new River or Cut, or below the same, through Part of the said Land intended to be reclaimed, or the Land adjoining thereto, by means of a Cut and Embankments, or otherwise; and also to extend and divert the present Outfall of a certain other River, Creek, or Watercourse called *Castle Rising River* or *Babingley Creek*, on the said Eastern or *Norfolk* Side of the said Estuary, by carrying the Waters of the said last-mentioned River, Creek, or Watercourse into the said new River or Cut, or below the same, through Part of the Land intended to be reclaimed, or the Land adjoining thereto, by means of a Cut and Embankments, or otherwise; and also to extend and divert the present Outfall of the aforesaid Fleet or Watercourse called *Fisher Fleet*, by carrying or conducting the Water of the same Fleet or Watercourse into the said new River or Cut, or below the same, through Part of the Land intended to be reclaimed, or the Land adjoining thereto, by means of a Cut or Embankment, or otherwise; and also to extend, alter, and divert the Outfall of all other Creeks, Drains, Sewers, or Watercourses within the Estuary, Townships, Parishes, Hamlets, extra-parochial or other Places herein-before named, or some of them, which now discharge their Waters into the said Estuary, on the Eastern or *Norfolk* Side thereof, by conducting the last-mentioned Waters into the said new River or Cut, or below the same, or otherwise to provide for the Drainage thereof as may be found most convenient; and also to make and complete all such Drains, Sluices, and Tunnels as shall be necessary for discharging the Waters into the said new Cut from all or any Lands or Grounds which will be deprived of their Outfall by the said new Works; and also to make proper Fence Ditches at the Back of each of the Banks of the said new Cut or Channel, and extended and diverted Outfalls, with such proper and sufficient Tunnels in and Bridges across the same as shall, by reason or in consequence of the said new Cut and extended and diverted Outfalls being so respectively made as aforesaid, be requisite or necessary for the Use of the respective Owners and Occupiers of any of the Lands or Grounds adjoining thereto.

Power to make Works according to deposited Plans.

XXXV. And whereas Plans and Sections, describing the several Cuts proposed to be executed, and also Books of Reference, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands through or over which the said several Cuts and Works appertaining thereto are proposed to be carried or made, have been deposited with the Clerk of the Peace for the County of *Norfolk*, and with the Clerk of the Peace for the Borough of *King's Lynn*, and with the Clerk of the Peace of the Division of *South Holland* in the County of *Lincoln;* be it enacted, That, subject to the Provisions in this and the said recited Acts contained, it shall be lawful for the said Company to make and maintain the said Cuts and Works appertaining thereto (in the Line and upon the Lands delineated in the said Plans and described in the said Books

Books of Reference,) and to enter upon, take, and use such of the said Lands as may be necessary for that Purpose.

Errors, &c. in Plans, &c. may be corrected by Two Justices, who shall certify the same.

XXXVI. And be it enacted, That if any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands, described on the said Plans or Books of Reference, it shall be lawful for the Company, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of any such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the Clerks of the Peace of the several Counties in which the Lands affected thereby shall be situate, and shall also be deposited with the Parish Clerks of the several Parishes in which the Lands affected thereby shall be situate, and such Certificate shall be kept by such Clerks of the Peace and Parish Clerks respectively along with the other Documents to which they relate; and thereupon such Plans and Books of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Company to make the Works in accordance with such Certificate.

Certificate to be deposited.

Copies of Plans, &c., or of Alterations, to be Evidence.

XXXVII. And be it enacted, That true Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof or Extract therefrom, certified by any such Clerk of the Peace, which Certificate such Clerk of the Peace shall give to all Parties interested when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

As to Limits of Deviation from Lines marked on Plans.

XXXVIII. And be it enacted, That it shall be lawful for the Company to deviate from the Line delineated on the Plans of the said new Cut so deposited, provided that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated upon the said Plans, nor to a greater Extent, in passing through a Town, Village, or Lands continuously built upon, than Ten Yards, or elsewhere to a greater Extent than One hundred Yards from the said Line, and that the Cut by means of such Deviation be not made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Books of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner herein provided for in Cases of unintentional Errors in the said Books of Reference.

Works East of Mid-channel Line shall be executed of such Capacity as

XXXIX. And be it enacted, That such Part of the said Cut or Channel, and the Channel below the same, as shall be situate to the Eastward of the extended Mid-channel Line herein-after mentioned, shall be of such Capacity, and the same, and also the Banks and Forelands

lands thereof, and the Works connected therewith, shall be made in such Manner, as Three Civil Engineers, one of whom shall be appointed by the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, another by the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, and the third by the said Company, or, in case the said Three Engineers shall differ in opinion, as a Civil Engineer, to be appointed by the Lord High Admiral for the Time being, or the Commissioners for executing the Office of Lord High Admiral, (whose Decision shall be final,) shall from Time to Time, by Writing signed by them or him, direct; and that such Part of the said Channel, and the Banks and Forelands thereof, as shall be situate to the Westward of the said extended Mid-channel Line, and the Works connected therewith, shall be made and executed in such Manner as Three Engineers to be appointed as aforesaid, and One Engineer to be appointed by the *Nene Outfall* Commissioners and the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, or, in case the said Four Engineers shall differ in opinion, as a Civil Engineer to be appointed by the Lord High Admiral for the Time being, or the Commissioners for executing the Office of Lord High Admiral, (whose Decision shall be final,) shall from Time to Time, by Writing signed by them or him, direct.

certain Engineers shall approve of.

XL. And be it enacted, That the Costs of the respective Engineers to be appointed by the said Governor, Bailiffs, and Conservators, the Mayor, Aldermen, and Burgesses of *Lynn*, and the said Company, and the said Commissioners of the *Nene Outfall*, and the said Mayor, Aldermen, and Burgesses of the said Borough of *Wisbech*, for the Purposes last mentioned, shall be borne by the said Bodies respectively; and that the Costs of every Engineer to be appointed by the said Lord High Admiral, or the Commissioners for the Time being for executing the Office of Lord High Admiral, shall be borne by the said Company.

As to Expences of Engineers under preceding Enactment.

XLI. And be it enacted, That it shall not be lawful for any Person or Persons to moor or fix, or continue moored or fixed, Two or more Vessels abreast of each other in the said new Cut or Channel during the Time of an Upland Flood passing through the same, or during the Time of any extraordinary Pressure of Water or Ice therein; and if during any such Time as aforesaid any Two or more Vessels shall be lying abreast of each other in the said Cut, and the Master or Masters or other Person or Persons having the Care of the same Vessels or any of them shall not immediately, on Notice given to him or them by any Officer of the *Bedford Level* Corporation, or of the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, displace any such Vessel or Vessels so lying abreast as aforesaid, and remove the same to such convenient Place or Places as shall be directed by such Officer, then it shall be lawful for such Officer, with proper Assistants, so to displace and remove such Vessel or Vessels, and the Costs and Charges of so displacing and removing the same shall be paid by the Master or Person having the Care of such Vessel or Vessels to such Officer, and if not so paid shall and may be recovered by any such Officer against such Master or other Person in

As to mooring Vessels in Times of Flood, &c.

the same Manner as any Fine, Penalty, or Forfeiture may be recovered under any of the Provisions of this Act.

When such new Cut shall be completed, the Company to proceed to form an Embankment across the River Ouze, &c.

XLII. And be it enacted, That at such Time after the said new Cut shall have been completed to and through the Bank adjoining *Howard's Sluice*, and a Passage for the Waters of the *Ouze* obtained through the same into the said Estuary, as Three Civil Engineers, to be appointed as aforesaid by the Governor, Bailiffs, and Conservators of the *Bedford Level* Corporation, the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, and by the said Company, and, in case they shall differ, as an Engineer to be appointed as aforesaid by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall deem proper, the said Company shall proceed with all practicable Despatch to form and complete an Embankment across the Channel of the River *Ouze* and the Lands adjoining, from the North Side of the said new Cut at or near its Junction with the present Harbour of *King's Lynn* to the opposite Side of the said Harbour, and which Embankment shall be of such Dimensions and so formed and constructed as to resist the tidal and other Waters of the River *Ouze*, and to divert and turn them into the said new Cut; and the said Company shall also, when the Lands to be reclaimed on the East Side of the said Cut or Channel shall be in a fit State for the Purpose, make and complete a proper and substantial Sea Bank along the Northern Boundary of the Lands intended to be reclaimed under the Act, and which said several Embankments shall at all Times thereafter be maintained by the said Company.

The Company not to injure Drainage of Lands or Navigation of Rivers.

XLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to empower the said Company to injure the Drainage of any Lands adjoining the said Tracts of Land, nor to prevent the free Discharge of the Waters of the said River *Ouze*, or any other such Rivers or Streams as aforesaid, or to injure or impede the Navigation and Drainage of or by the same respectively.

No Works to be constructed below High-water Mark, without the Consent of the Admiralty.

XLIV. And be it enacted, That it shall not be lawful for the said Company to construct in the Sea, or on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and re-flows, any Work, or to construct any Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and re-flows, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners may approve of, such Approval being signified as last aforesaid; and where any such Work or Bridge shall have been constructed it shall not be lawful for the said Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration

or

or Extension, the like Consent or Approval; and if any such Work or Bridge shall be commenced or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Notice to be given to the Admiralty of Works, &c. intended to be made.

XLV. And to enable the said Lord High Admiral or the said Commissioners for executing the said Office of Lord High Admiral to form a Judgment of any such Work or Bridge, it is hereby enacted, That Three Calendar Months Notice in Writing shall be given by the said Company to the Secretary of the Admiralty of every such Work or Bridge intended to be made, which Notice shall be accompanied by a Plan and Specification of the said Work or Bridge so intended to be made.

Lands not to be reclaimed before opening of new Cut, without Consent of the Admiralty.

XLVI. Provided always, and be it enacted, That the said Company shall not, before the completing and opening of the said new Cut for the Waters of the River *Ouze*, take any Steps for the reclaiming of the said Tracts of Land, without the Consent in Writing of the Lord High Admiral or the Lords Commissioners for executing the Office of the Lord High Admiral for the Time being.

Rights of Drainage to cease as to old Channel rendered useless.

XLVII. And be it enacted, That when and so soon as the Embankment across the present Channel is completed, under the Provisions in this Act contained, all Rights of Drainage and Navigation through the Part thereby cut off and rendered useless of the said old Channel shall cease and be at an end.

Said Channel to be vested in the Company.

XLVIII. And be it enacted, That the Part and Parts to be cut off and rendered useless of the said old Channel of the River *Ouze* shall be vested in the said Company and their Successors as Part of the said Tracts of Land hereby vested in the said Company.

New Cut to be subject to all the same Liabilities as the One for which it is substituted.

XLIX. And be it enacted, That the said new Cut, and the said extended and diverted Outfall of the said River *Ouze*, shall be and be deemed to be to all Intents and Purposes within and Part of the Port and Harbour of *King's Lynn*, and shall be subject to all the same Rights, Powers, and Remedies now vested in the said Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn*, of fixing, putting down, and removing Mooring Posts from Time to Time, and of levying and recovering Tolls and Tonnage Dues, and other Powers now vested in the said Corporation in respect of the present Channel and Outfalls, and that all Persons navigating Vessels between the Town of *King's Lynn* aforesaid and the Sea, and their respective Servants or other Persons employed by them, shall at all Times have a free Use and Passage of and through the said new Cut, for the Purpose of navigating Vessels in, along, and through the same Cut, in like Manner as they now have along and through the present Channel of the said River *Ouze*, and generally that the said new Cut, and the Banks and Forelands thereof, and the said extended

and

and diverted Outfalls, and the Banks and Forelands thereof respectively, shall be respectively subject to all the same Rights and Privileges as the present Channel of the said River *Ouze*, and Outfalls thereinto respectively, are now subject to, and shall respectively be to all Intents and Purposes considered and taken to be respectively Parts and Parcels of the ancient Channel of the said River *Ouze* and Outfalls, and of the Banks and Forelands thereof respectively: Provided always, that the Herbage of the said Banks or Forelands of the said Cut shall belong exclusively to the said Company.

Substituted Channel to be subject to Provisions of Lynn Port and Harbour Acts, 13 G. 3. c. 30., 10 G. 4. c. 5., and 4&5 Vict. c. 47.

L. And whereas an Act of Parliament was passed in the Thirteenth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the better Regulation and Government of the Pilots conducting Ships and other Vessels to and out of the Port of* King's Lynn, *and of the Bridgemen conducting Gangs of Lighters or Barges to or from the same, and for laying down Moorings in the Harbour of the said Port, and for preventing Mischiefs by Fire therein:* And whereas another Act of Parliament was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually supplying the Inhabitants of the Borough of* King's Lynn *with Water, and for regulating the Markets, and Vessels using the Port thereof:* And whereas another Act of Parliament was passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act to alter and amend an Act passed in the Thirteenth Year of the Reign of King* George *the Third, for the better Regulation of Pilots and Bridgemen, and for laying down Moorings, and preventing Mischief by Fire in the Port of* King's Lynn; now be it enacted, That the said last-mentioned Acts shall, as soon as the said new Cut shall be completed and opened, be deemed and held to include and comprise and apply to the said new Cut, as if the same were Part of the present Channel of the said River *Ouze* below the Town of *King's Lynn* aforesaid.

Buildings, &c. not to be erected on the Banks or Forelands.

LI. And be it enacted, That it shall not be lawful for the said Company, nor for any other Person or Persons whomsoever, to erect or place any Tenement, Building, or Erection whatsoever upon the Banks or Forelands of the said new Cut, so as to endanger the Security of the said Banks, or to diminish the Waterway between the same, or to impede the Navigation or Drainage through or by the said Cut, or the said extended or diverted Outfalls, or any of them, or the Passage of the Waters along the same, or along the Forelands thereof.

No Ferry to be used within One Mile of West Lynn Ferry.

LII. And be it enacted, That it shall not be lawful for the said Company nor for any Person or Persons to convey for Hire any Person, or any Carriage, Horse, Beast, or other Cattle, nor any Stones, Brick, Lime, Manure, or any other Article or Thing, across the said new Cut, within One Mile from the present Ferry Landing Place at *West Lynn*, with Intent to evade the Payment of the Tolls and Charges payable at the Ferry now established between *King's Lynn* aforesaid and *West Lynn*; and if any Person or Persons shall act contrary to this Provision every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LIII. And

Plan showing "The Extended Mid-channel Line" of the River Nene to be deposited at certain Places herein specified.

LIII. And whereas for the Purposes of the herein-before mentioned Act of Parliament passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, commonly called "The *Nene Outfall* Act," a Plan of the open Marshes, bare Sands, and Channel thereby authorized to be embanked was made by *Thomas Pear* of *Spalding* in the County of *Lincoln*, Land Surveyor, upon which Plan a Line was drawn from a certain Place called *Terrington Marsh Corner*, on a certain Bank usually called the *Admiral's Bank*, in *Terrington* in the County of *Norfolk*, on the East Side of the said Marshes, to a certain other Place called *Skates Corner* in *Long Sutton* in the County of *Lincoln*, on the West Side of the said Marshes, as the Northern Boundary Line of the said Marshes, Sands, and Channel to be comprised within the Operation of that Act, (and being the Line herein-before referred to as being the Boundary of the secondly herein-before mentioned Tract of Land from *Bentinck's Corner* to the *Lighthouse Tower* at the lower End of the embanked Portion of the said *Nene Outfall Cut*,) and another Line was also drawn upon the said Plan from the Southern End of the said Sands and Channel to the said Northern Boundary Line, to be designated and known as the Mid-channel Line of the said Marshes, Sands, and Channel, and which said Plan of the said *Thomas Pear* was by the Authority of that Act authenticated by the Signatures of the Commissioners of His Majesty's Woods and Forests, and was deposited in the *Abbey House* at *Thorney* in the *Isle of Ely*, to be there kept at all Times, under the Care of the Steward for the Time being of the Duke of *Bedford*, his Heirs or Assigns, and Two Copies of which said Plan, authenticated in like Manner, were severally deposited with the respective Clerks of the Peace for the County of *Norfolk* and for the Parts of *Holland* in the County of *Lincoln*, or their respective Deputies, to be kept at all Times among the Records of their respective Offices: And whereas, for the Purposes herein-after mentioned, a Map or Plan hath been made by Sir *John Rennie*, comprising a Copy, distinguished by the Letter (A.), of the said Plan so made by the said *Thomas Pear*, with the said Lines drawn thereupon as aforesaid, and continuing the same with a Plan distinguished by the Letter (B.) of the said Two Tracts of Land, and also showing the intended Line or Course of the said intended new Cut or Channel for the Passage of the Waters of the River *Ouze*, and upon which said Map or Plan made by the said Sir *John Rennie* a Line hath been drawn from the Northern Termination of the said Line designated as the Mid-channel Line on the said Plan and Copy Plan of the said *Thomas Pear* to a certain Beacon called the *Hull Sand Beacon*, shown on the said Plan, and thence to the Northern Boundary of the said firstly mentioned Tract of Land, the same Line to be designated and known as "The Extended Mid-channel Line;" be it enacted, That the said Map or Plan so made by the said Sir *John Rennie* shall, as soon as conveniently may be after the passing of this Act, be authenticated by the Signatures of the Commissioners of Her Majesty's Woods and Forests, or any Two of them, and when so authenticated shall be deposited in the *Abbey House* at *Thorney* aforesaid, and shall be there kept at all Times, under the Care of the Steward for the Time being of the Duke of *Bedford*, his Heirs

or Assigns, and Three Copies of the said Plan shall, as soon as conveniently may be after the passing of this Act, be made by the said Sir *John Rennie*, or by some other Person to be authorized for that Purpose by the said Company, and shall also be severally authenticated by the Signatures of the said Commissioners of Her Majesty's Woods and Forests, or any Two of them, and when so authenticated shall be severally deposited with the said Commissioners of Her Majesty's Woods and Forests and the Clerk of the said Company and the Clerk of the President and Governors of *Guy's Hospital*, and shall be severally kept by the said Commissioners and Clerks among the Records of their respective Offices, and the said Plan and Copies thereof, being so respectively authenticated and deposited as aforesaid, and each or either of them, shall and may be produced and received in Evidence in all Courts and Places whatsoever, and before all Judges, Justices, and Persons whomsoever, and shall and may be severally inspected at any Time or Times, at reasonable Hours, by any Person interested therein, on Payment of Five Shillings for every Inspection thereof, and of Five Shillings more for every Hour occupied in such Inspection.

Before executing certain Works West of Mid-channel Line, Plans to be furnished to the Nene Outfall Commissioners and Corporation of Wisbech, &c.

LIV. And in order to avoid any Injury being done to the Outfall of the River *Nene*, or to the Drainage thereby, or to the Navigation of the said *Wisbech River*, or of the said *Nene Outfall Cut*, be it enacted, That before any Embankment or other Works whatsoever shall at any Time or from Time to Time be begun to be made or executed by the said Company under the Authority of this Act on the Western Side of the said Extended Mid-channel Line the Engineer for the Time being of the said Company shall from Time to Time, Two Calendar Months at least before the Commencement of any such Work, transmit a Notice and Description of such Works, and the proposed Mode of executing them, to the Clerk of the Commissioners of the *Nene Outfall* and to the Town Clerk of the Borough of *Wisbech*, and also to the Treasurer for the Time being of *Guy's Hospital*.

No Drains to be made into the Nene.

LV. And be it enacted, That it shall not be lawful for the said Company, or any other Persons or Bodies acting in the Execution of this Act, to form or make, or permit or suffer to be formed or made, any Drains, Creeks, or Watercourses into the said *Nene Outfall Cut*, or Channel of the River *Nene*, except with the Consent of the Commissioners of the *Nene Outfall* under their Common Seal first obtained.

Bank against the Nene to be set out with proper Forelands.

LVI. And be it enacted, That the Bank to be constructed on the Western Boundary of the Lands intended to be enclosed and reclaimed from the Sea under the Provision of the Act, along the East Side of the said *Nene Outfall Cut*, or Channel of the River *Nene*, shall be set out, made, and completed by the said Company, with proper and sufficient Slopes and Forelands next the said Cut and Channel, to the Satisfaction of the Engineer for the Time being of the Commissioners of the *Nene Outfall*.

Company to protect by stoning the

LVII. And be it enacted, That the said Company shall, at their own Costs and Charges, protect the Channel of the River *Nene* beyond

beyond or seaward of the stoning or jettying of the *Nene Outfall* from all Injury, Obstruction, or Detriment from or by reason of any of the Works of the said Company hereby authorized to be made, and by all such Works, Defences, and Means as the Engineer for the Time being of the said *Nene Outfall* Commissioners, and the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, and the Engineer for the Time being of the said Company, or, in case of their Disagreement, as a Civil Engineer to be so appointed by the Lord High Admiral for the Time being, or the Lords Commissioners for the Time being for executing the Office of Lord High Admiral, (whose Decision shall be final,) shall from Time to Time think proper, and shall and will, at their own Costs, repair, remove, and obviate all Injury, Obstruction, or Detriment to be occasioned thereto by or by the Operation of any of the said Works.

Channel of the Nene seaward of the stoning.

LVIII. And be it enacted, That simultaneously, or as nearly so as Circumstances will admit, with the making of such Part of the said new Cut or Channel as will lie to the Westward of the said Extended Mid-channel Line, the said Company shall and they are hereby required, at the sole Costs of the said Company, to extend and prolong the said *Nene Outfall* Cut or Channel of the River *Nene* from the stoning and jettying of the *Nene Outfall*, as far out to Sea as the Channel of the River *Ouze* shall be carried by the new Cut by this Act authorized to be made, so and in such Manner as that the Waters of the River *Nene* shall be carried out to Sea by the said extended or prolonged Cut on Terms of equal Advantage with the Waters of the River *Ouze* by the new Cut by this Act authorized to be made for them; and in order thereto the respective Lines of such extended or prolonged Channel for the Passage of the Waters of the River *Nene*, and of such Part of the said intended new Cut for the Passage of the Waters of the River *Ouze* as will lie to the Westward of the said Extended Mid-channel Line, shall be respectively set out, and the same extended or prolonged Channel, and such Part aforesaid of the said intended new Cut, shall be respectively made with reference to each other, and be respectively made in such Directions and of such Dimensions respectively, and with such Banks and Forelands, and generally of such Construction and in such Manner respectively as the Engineer for the Time being of the said Commissioners of the *Nene Outfall*, and of the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech*, to be by them appointed for that Purpose on the Part of the said Commissioners, and the said Mayor, Aldermen, and Burgesses, and the Engineer for the Time being of the said Company on the Part of the said Company, shall mutually agree upon and determine, or in case of their Disagreement in the said Matters, or in any of them, then as a Civil Engineer to be for that Purpose, on the Application of either of the said Parties, appointed by the Lord High Admiral for the Time being, or the said Lords Commissioners for the Time being for executing the Office of Lord High Admiral, and which Appointment he or they is or are hereby empowered to make, shall think proper and direct, whose Decision shall be final and conclusive.

Company to extend Nene Outfall Channel simultaneously with the Ouze Cut.

LIX. And

Provision in case Company fail to make the Nene and Ouze Channels simultaneously.

LIX. And be it enacted, That in case the said Company shall fail to comply with the said Enactments last herein-before contained, and to set out, make, and execute in manner respectively aforesaid such extended or prolonged Cut or Channel for the Passage of the Waters of the River *Nene*, simultaneously, or as nearly so as Circumstances will admit, with the making of such Part of the said new Cut or Channel for the Passage of the Waters of the River *Ouze* as will lie to the Westward of the said Extended Mid-channel Line as aforesaid, then and in such Case it shall be lawful for the said Commissioners of the *Nene Outfall*, after leaving at the Office of the said Company Three Calendar Months previous Notice in Writing of their Intention so to do, at the Costs of the said Company, to set out, make, and execute in manner aforesaid such extended or prolonged Cut or Channel for the Discharge of the Waters of the River *Nene* to Sea aforesaid, with suitable Banks and Forelands, and also, if the said Commissioners shall think proper, to make and execute such temporary Works during the Pendency of the said Notice, before the Expiration of the said Three Calendar Months, as they shall think requisite, for the Protection of the Channel of the River *Nene*, and the Drainage and Navigation thereby; and that the Land intended to be inclosed and reclaimed from the Sea under the Provisions of this Act, lying to the Westward of the Extended Mid-channel Line, (except so much thereof as the President and Governor of the Hospital founded at the sole Costs and Charges of *Thomas Guy* Esquire claim to be entitled to, as herein-after mentioned, until they shall have had the whole Seven hundred Acres set out and allotted to them by the said Company, as herein-after provided for, and then except only such Seven hundred Acres,) shall be chargeable with and answerable for the Costs of so setting out, making, and executing such extended or prolonged Cut or Channel as aforesaid, and such Costs shall be deemed and taken to constitute an express Charge or Lien upon the same Lands (except as aforesaid) in priority and preference to all other Charges and Liens thereon, and may be levied by the said Commissioners of the *Nene Outfall* by Sale or Mortgage of the same Lands, whose Receipts shall be sufficient Discharges to Purchasers or Mortgagees, and shall exonerate them from seeing to the Application of their Mortgage or Purchase Monies, or from inquiring into the Necessity or Propriety of any such Sale or Mortgage, or if such previous Notice had been given as aforesaid.

Provision as to Costs in reference to Matters arising between Admiralty and Company.

LX. Provided always, and be it enacted, That the Costs of every or any such Reference as aforesaid to the Lord High Admiral, or the said Lords Commissioners for the Time being for executing the Office of Lord High Admiral, and of the Engineer to be so by him or them appointed for the Time being as aforesaid, and of the Award to be made in pursuance thereof, shall be paid by such One of the Parties in difference wholly, or between the said Parties in such Proportions as such Umpire for the Time being shall think proper and direct.

Extended Mid-channel to belong to

LXI. And be it enacted, That the said extended or prolonged Cut or Channel for the Passage and Discharge of the Waters of the River *Nene*,

Nene, and the Banks and Forelands thereof, and all the Materials thereof, (except the Banks and Forelands vested in the President and Governors of *Guy's Hospital* under the Provisions of this Act, and the Materials thereof,) shall be fully and solely vested in the said Commissioners of the *Nene Outfall*, and their Successors for ever, who shall at all Times, by themselves or their said Committee, have full Authority and Control over the same, in like Manner as if the said extended or prolonged Cut, Banks and Forelands, were respectively Parts of the said *Nene Outfall Cut*, Banks and Forelands, respectively made and executed under the Authority of the said Act passed in the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth; provided nevertheless, that nothing herein contained shall render the said Company liable to maintain the Shores, Banks, and Forelands of the said extended or prolonged Cut or Channel for the River *Nene* after the first Construction and Completion thereof. Nene Commissioners.

LXII. And be it enacted, That for the several Purposes of an Act passed in the Fiftieth Year of His late Majesty King *George* the Third, intituled *An Act for establishing a Cattle Market within the Town of* Wisbech *in the Isle of* Ely, *for taking down and removing the Shambles therein, for paving, cleansing, lighting, and watching the said Town, and removing Nuisances therein, for preserving and improving the Port and Harbour of* Wisbech, *and for increasing the Duties payable at the said Port*, and of the said recited Act passed in the Seventh and Eighth Years of His late Majesty King *George* the Fourth, the said extended or prolonged Cut or Channel for the Discharge of the Waters of the River *Nene*, and the Coasts and Shores on each Side thereof, shall be and be deemed to be within and a Part of the Port of *Wisbech* aforesaid, and shall be included and comprised within the several Enactments and Provisions of the same several Acts, in the same Manner and to the same Extent as the present Channel of the *Wisbech River*, and the Coasts and Shores thereof, and the present Channel of the *Nene Outfall Cut*, and the Coasts and Shores on each Side thereof, or either of them, or any Part of them respectively, are or is included and comprised in the same several Acts or either of them, to all Intents and Purposes; and the said Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* shall have such and the like Power of fixing and putting down Mooring Piles and Posts in and upon the Banks and Forelands of the said extended Cut or Channel, and with such and the like Power to the Commissioners of the *Nene Outfall*, or their Committee, of removing and fixing elsewhere the said Mooring Piles and Posts, and respectively under such and the like Restrictions and Provisions, as are in and by the said Act passed in the Seventh and Eighth Years of King *George* the Fourth in respect of the original Cut, Bank, Forelands, and Works thereby authorized to be made, and the said Mayor, Aldermen, and Burgesses shall also have such and the like Power of fixing and putting down such Buoys and Beacons as they shall judge proper for the Guidance of Ships and Vessels into, through, and out of the Port and Harbour of *Wisbech* aforesaid, as are now exercised and enjoyed by them. Mid-channel to be subject to Provisions of Wisbech Port Acts, 50 G. 3. c. 206. and 7 & 8 G. 4. c. 85.

Until Lands West of Mid-channel Line are embanked, present Streams, &c. to be kept open.

LXIII. And be it enacted, That in the meantime, until the Marshes and Lands lying Westward of the said Extended Mid-channel Line shall be embanked and inclosed, under the Authority of this Act, it shall be lawful for the Commissioners of the *Nene Outfall* to keep open, divert, or close any Runs or Watercourses now being or which shall or may from Time to Time exist thereupon; and also, in such meantime as aforesaid, it shall be lawful for the said Commissioners of the *Nene Outfall*, and for their Committee, and their several Officers and Servants, and others acting under their Authority and Direction, from Time to Time to dig, cut, take, and carry away all such Earth, Clay, Sands, Sods, and other Materials in, upon, and from any of the Marshes and Lands hereby authorized to be embanked, and lying within the Distance of Five hundred Yards from the Right Bank or Side of the Channel of the said River *Nene*, on paying to the said President and Governors Compensation for such Part of the same as shall or may be dug, cut, taken, or carried away from the Marshes and Lands between the aforesaid Northern Boundary Line and a Line drawn from the Outfall of *Boatmeer Creek* at Right Angles with the general Course of the *Nene Outfall* as aforesaid, the Amount of such Compensation to be determined by Two Persons, one to be chosen by the said Commissioners, and the other by the Treasurer for the Time being of *Guy's Hospital*, or by their Umpire, but without paying any Compensation for such Part of the same as shall or may be dug, cut, taken, or carried away from the Marshes and Lands lying to the North of the aforesaid Line drawn from the Outfall of *Boatmeer Creek* at Right Angles with the general Course of the *Nene Outfall*.

Herbage of Banks to belong to the Company.

LXIV. Provided always, and be it enacted, That the Herbage of the Banks and Forelands of the said extended or prolonged Cut or Channel of the River *Nene* lying Northwards of the aforesaid Line drawn from the Outfall of *Boatmeer Creek* at Right Angles to the general Course of the *Nene Outfall* shall belong to and be from Time to Time and at all Times hereafter enjoyed by the said Company, or their Successors or Assigns, without Hindrance, Molestation, or Interruption by the said Commissioners or their Committee or Servants, except during the Continuance of any Works which shall or may at any Time or Times hereafter require to be executed, and be in progress of Execution thereupon.

Nene Outfall Commissioners to pay a certain Sum per Acre for Land embanked belonging to them.

LXV. Provided also, and be it enacted, That in case the said *Nene Outfall* Cut or Channel of the River *Nene* shall be so extended or prolonged as aforesaid, and the said Company shall at any Time or Times hereafter, out of their own proper Funds, embank any Marshes or Sands belonging to and vested in the said Commissioners of the *Nene Outfall*, which in the Opinion of the Surveyor for the Time being of the said Commissioners, to be found by his Report in Writing, shall be in a ripe and proper State for being embanked with Advantage, then and in such Case (but not otherwise) the said Commissioners shall pay to the said Company the Sum of Fifteen Pounds for every Acre of the said Marshes and Sands to be so embanked by the said Company as last-mentioned, by way of Compensation for the Costs to be thereby saved to the said Commissioners for embanking the same; and the Marshes and Sands so to be embanked as last mentioned shall be

be chargeable with and answerable for the Payment of such Sum of Fifteen Pounds *per* Acre, and such Sum of Fifteen Pounds *per* Acre shall be deemed and taken to constitute an express or specific Charge or Lien upon the same Marshes and Sands, in priority of and preference to all other Charges and Liens thereupon.

As to Depth of Water and Lowness of Ebb Tide in Rivers Ouze and Nene.

LXVI. And be it enacted, That the Works of the said Company shall be so constructed and maintained, at the Costs of the said Company, as to insure the Preservation at all Times of as great a Depth of Water at High Water of the Tide, and at least the same Lowness of Ebb Tide, as have existed during the last Five Years in Land Floods in the said River *Ouze* in the Harbour of *Lynn*, and in the said River *Nene* below the Point known as *Skate's Corner*, and at least the same Advantages of Drainage and Navigation as at present exist in the said Rivers respectively below the said Points; and it shall be lawful for the Governor, Bailiffs, and Conservators of the Great Level of the Fens called *Bedford Level*, if in their Discretion they shall so think fit, but at the Costs of the said Company, to appoint a Civil Engineer for ascertaining and preserving a permanent Record of the Depths of Water and Lowness of Ebb Tide of the said respective Rivers, or either of them, at the Points aforesaid, during the said Period of Five Years last past, and such Civil Engineer, when so appointed, shall with all convenient Speed make his Report in Writing thereon, which Report shall be deposited at the Fen Office, and shall at all Times there remain for the Inspection of all Parties interested.

Allotment of 700 Acres to be set out for Guy's Hospital. 20 G. 2. c. 9.

LXVII. And whereas an Act of Parliament was passed in the Twentieth Year of the Reign of His late Majesty King *George* the Second, intituled *An Act to confirm a Decree of the Court of the Duchy of* Lancaster *concerning certain Marsh Lands called* Sutton Marsh *in the County of* Lincoln, *and a Conveyance from* Lascelles Metcalf *Esquire of the same to the Corporation of the President and Governors of the Hospital founded at the sole Costs and Charges of* Thomas Guy *Esquire:* And whereas under or by virtue of the said Act, and of the Grant, Deeds, Conveyances, and other Documents in the said Act mentioned or referred to, the said President and Governors claim to be entitled to certain Parts of the said Tracts of Land intended to be reclaimed from the Sea under or by virtue of this Act, which for the Purposes of this Act may be defined as follows; *videlicet*, the Lands or Sands lying to the Northward of the aforesaid Line designated as the Northern Boundary Line in the aforesaid Plan of the said *Thomas Pear*, and lying between the Line to be designated and known as the Extended Mid-channel Line as aforesaid, and the River *Nene* or *Wisbech River* and its Outfall, and lying South of a Line drawn from the Outfall of *Boatmeer Creek* at Right Angles to the general Course of the *Nene Outfall:* And whereas it has been proposed that the said Company shall embank, at their own Expence, all the said Land claimed by the said President and Governors, and shall allot to the said President and Governors, their Successors or Assigns, free of Expence to the said President and Governors, their Successors or Assigns, Seven hundred Acres, Part of the said Lands, and immediately fronting their open Marsh Land on the West Side of the River *Nene* or *Wisbech River* and its Outfall, and in a Line contiguous to

and

and along the whole Length of the River *Nene* or *Wisbech River* and its Outfall, from the aforesaid Northern Boundary Line to the aforesaid Line drawn from the Outfall of *Boatmeer Creek* at Right Angles to the general Course of the *Nene Outfall;* and that in consideration thereof the Residue of the said Lands shall, upon such Allotment being made to the said President and Governors, their Successors or Assigns, belong to and be vested in the said Company, freed from all Claims to or on such Residue on the Part of the said President and Governors, their Successors or Assigns; now be it enacted, That Seven hundred Acres, exclusive of Banks and Forelands appurtenant to such Seven hundred Acres, and of any Road or Roads, Drain or Drains, to be set out or made across the Allotments to be made to the said President and Governors, their Successors or Assigns, under any of the Provisions of this Act to be allotted and set out in manner herein-after mentioned, out of such of the said Lands and Sands intended to be reclaimed by the Authority of this Act as shall be bounded by the aforesaid Northern Boundary Line towards the South by the River *Nene* or *Wisbech River* and its Outfall aforesaid towards the West, by the Line to be designated and known as the Extended Mid-channel Line as aforesaid towards the East, and by the aforesaid Line drawn from the Outfall of *Boatmeer Creek* at Right Angles to the general Course of the *Nene Outfall* towards the North, shall from and immediately after the passing of this Act belong to and be and remain vested in the said President and Governors, their Successors and Assigns, to be held and enjoyed by them, according to the Nature and Quality of their Estate, Interests, and Trusts in the contiguous inclosed Marsh Lands of them the said President and Governors in the Parish of *Sutton Saint Mary's* otherwise *Long Sutton* in the County of *Lincoln*, and that the said last-mentioned Lands and Sands which shall be so respectively set out and allotted to and for the said President and Governors, their Successors or Assigns, as aforesaid, shall be and at all Times hereafter shall be deemed to lie and be situate in the Parish of *Sutton Saint Mary's* otherwise *Long Sutton* aforesaid, and in the District of *Sutton Saint Matthew*, and that the same, when so set out and allotted, shall be in full Satisfaction and Discharge of all the Right and Title of the said President and Governors, their Successors or Assigns, under the said last-mentioned Act or otherwise, to the said Residue of the said Tracts of Land intended under the Authority of this Act to be reclaimed and embanked, or any Part of Parts thereof.

Banks and Forelands to belong to Guy's Hospital.

LXVIII. And be it enacted, That the Ownership and Property of the Soil and Herbage of the Banks and Forelands appertaining and belonging which shall or may appertain or belong to the aforesaid Seven hundred Acres hereby vested in the said President and Governors, their Successors and Assigns, as aforesaid, shall, to all Intents and Purposes whatsoever, other than the Purposes of embanking, remain and be vested in the said President and Governors, their Successors and Assigns, for ever.

Guy's Hospital not to be liable to Rates.

LXIX. And be it enacted, That the aforesaid Seven hundred Acres, and the said President and Governors, their Successors or Assigns, shall not be liable to any Part of any Assessment, Rate, Tax, or

or Charge which shall be assessed, rated, taxed, or charged, under or by virtue of any of the Provisions of this Act or otherwise, with reference to the Sea Banks, Main Drains, Sluices, or Roads.

Company to embank the Property vested in Guy's Hospital.

LXX. And be it enacted, That the said Company shall, as soon after the passing of this Act as practicable, proceed to reclaim and embank, at their own Expence, and in a proper, workmanlike, and scientific Manner, the Lands and Sands herein last mentioned as lying to the Northward of the aforesaid Northern Boundary Line, and particularly the aforesaid Seven hundred Acres, so that the said Seven hundred Acres may be set out and allotted to the said President and Governors, their Successors or Assigns, as soon as practicable, and that the said Company shall and will from Time to Time, when and as soon as any of the aforesaid Seven hundred Acres shall be reclaimed and embanked from the Sea, allot and set out the same to the said President and Governors, their Successors or Assigns, until the whole of the said Amount of Seven hundred Acres so vested in the said President and Governors, their Successors or Assigns, as aforesaid, shall have been so allotted and set out to them.

Embankments West of Mid-channel Line to be pari passu for the Company and Guy's Hospital.

LXXI. And be it enacted, That simultaneously, or as nearly so as Circumstances will admit, with the making of the Embankment of that Portion of the Lands or Sands lying to the Northward of the aforesaid Line designated as the Northern Boundary Line in the aforesaid Plan of the said *Thomas Pear*, and lying between the Line to be designated and known as the Extended Mid-channel Line as aforesaid and the River *Nene* or *Wisbech River* and its Outfall, and lying South of a Line drawn from the Outfall of *Boatmeer Creek* at Right Angles to the general Course of the *Nene Outfall*, as under the Provisions of this Act is eventually to belong to and be vested in the said Company as aforesaid, the said Company shall and they are hereby required to embank and reclaim from the Sea a fair and just Proportion of the aforesaid Seven hundred Acres.

In case Company do not embank Hospital Lands, President and Governors may do so.

LXXII. And be it enacted, That it shall and may be lawful for the said President and Governors, or their Treasurer for the Time being, at any Time and from Time to Time after the Expiration of the first Two Years next after the Completion of so much of the new Cut or Channel by this Act authorized and directed to be made for the River *Ouze* as will pass through the present inclosed Marsh Land, to require the said Company to reclaim and embank from the Sea, under the Provisions of this Act, all or any Part of the said Lands or Sands to which the said President and Governors claim to be entitled as aforesaid, within such reasonable Time as they the said President and Governors, or their Treasurer for the Time being, shall then appoint and limit for that Purpose; and that in case the said Company shall fail to embank and reclaim from the Sea the said Lands or Sands to which the said President and Governors claim to be entitled as aforesaid, or such Part thereof as from Time to Time shall or may be required as aforesaid, within such Time as the said President and Governors, or their Treasurer for the Time being, shall or may at any Time and from Time to Time appoint for that Purpose, then and in such Case it shall be lawful for the said President and Governors,

their Successors or Assigns, after leaving at the Office of the said Company Six Calendar Months previous Notice in Writing of their Intention so to do, to embank and reclaim from the Sea all or such Part of the same Lands or Sands to which the said President and Governors claim to be entitled as aforesaid as the said Company shall then have failed to embank and reclaim, and that from thenceforth the whole of the said Lands or Sands, to which the said President and Governors claim to be entitled as aforesaid, shall to all Intents and Purposes whatsoever belong to and be and remain vested in the said President and Governors, their Successors and Assigns, for ever, as if this Act had not been made, they the said President and Governors paying to the said Company Fifteen Pounds *per* Acre for such Part of the same Lands or Sands last aforesaid as the said Company shall or may have then embanked at the Expiration of the said Six Months Notice, the Quantity to be so paid for to be ascertained and determined by the Surveyor for the Time being of the said Company and the Surveyor for the Time being of the said President and Governors, or their Umpire.

Roads may be set out across Land belonging to Guy's Hospital.

LXXIII. And be it enacted, That the said Company shall be entitled, for the Purpose of free Communication with the said *Nene Outfall* and *Wisbech River* and the said Tracts of Land, to set out such Roads (if any) across the Allotments to be made to the said President and Governors as shall be required, in the Opinion and Judgment of the Surveyor for the Time being of the said Company and of the Surveyor for the Time being of the said President and Governors, their Successors or Assigns, or their Umpire; and that the said Company, and their Successors and Assigns, and all Persons using the said Roads for the Purpose aforesaid, shall for ever thereafter have free Right of Way over the said Roads, either with or without Horses, Cattle, Sheep, Waggons, Carts, or other Carriages; and that the same Roads, as also all Main Drains and Sluices which shall or may be made or constructed by the said Company upon or through any Part of the Allotments to be made to the said President and Governors, their Successors or Assigns, shall always be properly fenced, repaired, maintained, cleansed, emptied, scoured, and upheld by and at the Costs and Charges of the said Company.

Land to be enjoyed by the Hospital until embanked.

LXXIV. Provided always, and be it enacted, That until the whole of the aforesaid Seven hundred Acres shall be embanked, and set out and allotted to the said President and Governors, their Successors or Assigns, under the Provisions of this Act, the Right of feeding and depasturing the whole of the said Lands or Sands to which the said President and Governors claim to be entitled as aforesaid shall be wholly held and enjoyed, to all Intents and Purposes whatsoever, by the said President and Governors, their Successors and Assigns: Provided always, that the said President and Governors, their Successors or Assigns, shall allow to the said Company Two Thirds of the net Rents or Proceeds of the Lands which shall from Time to Time be so fed and depastured, and which shall not from Time to Time have been set out and allotted to the said President and Governors, their Successors or Assigns, under the Provisions of this Act.

LXXV. Pro-

Saving the Rights of Guy's Hospital.

LXXV. Provided always, and be it enacted, That nothing in this Act contained shall extend to or be construed to extend to take away, defeat, invalidate, prejudice, alter, vary, lessen, interfere with, or affect any of the Rights, Privileges, Estate, Interest, Powers, or Authorities vested in or enjoyed by or in anywise belonging or appertaining to the said President and Governors, their Successors or Assigns, except as herein and hereby expressly enacted and provided for that Purpose.

Company may convey Part of Tracts of Land by way of Compensation.

LXXVI. And be it enacted, That it shall be lawful for the said Company to allot and convey to every or any other Proprietor or Proprietors of Land adjoining to the said Tracts of Land, or either of them, any Part or Parts of the same Tracts respectively, which he or they (whether entitled in Fee or for Life only) shall agree to accept by way of Purchase, and in lieu and in compensation for the whole or in part of his or their Rights and Interests into, out of, or over the same Tracts respectively, but which said Allotments shall be respectively held by the same Titles, and subject to the same Uses, Estates, and Charges, by and subject to which such adjoining Lands are or shall be respectively holden.

Company to make Compensations for Damage done to Works of Ouze Bank Commissioners, under 7 W. 4. & 1 Vict. c. 81, of the First, Second, Fourth, Fifth, and Sixth Districts; and also of the Third District Ouze Banks.

LXXVII. And be it enacted, That the said Company, and their Estates, Goods, and Property, shall be bound and liable to indemnify or compensate the Commissioners of the First, Second, Fourth, Fifth, and Sixth Districts mentioned in an Act of Parliament passed in the First Year of the Reign of Her present Majesty, intituled *An Act to raise and apply Funds for the future Maintenance and Repair of the Banks of the River* Ouze *between* Denver Sluice *and the* Eau Brink Cut *in the County of* Norfolk, and the Funds and Taxes from Time to Time to be raised, received, and applied by the said Commissioners of the said several Districts, under the Powers and Provisions of the said Act, for the Purposes of the said Act, and the several Owners for the Time being of Lands in the said several Districts which under the said Act are liable to be taxed for the Repair of the said *Ouze* Banks lying between *Denver Sluice* and the *Eau Brink Cut* aforesaid, from or for any Amount of Expenditure which the Works authorized by this Act shall render necessary for the Maintenance of the said *Ouze* Banks beyond the full Amount of the annual Taxes which the said respective Commissioners are by the last-mentioned Act authorized to raise and apply for that Purpose; and the said Company, and their Estates, Goods, and Property, shall in like Manner be bound and liable to indemnify or compensate the Commissioners of the Third District mentioned in the said last-mentioned Act, and the Funds and Taxes of the said Commissioners, and the Owners for the Time being of Lands in the said last-mentioned District liable to be taxed for the Repair of the *Ouze* Banks, from or for any Amount of Expenditure which the Works authorized by this Act shall render necessary for the Maintenance of the *Ouze* Banks, beyond One Moiety or Half Part of the full Amount of the annual Taxes which the Commissioners of the said Third District are by the said *Ouze* Bank Act authorized to raise and apply for that Purpose.

LXXVIII. And

Indemnity or Compensation, how to be recovered.

LXXVIII. And be it enacted, That the Indemnity or Compensation which under the Provision lastly herein-before contained the said Company shall be liable to make to the Commissioners of the said several Districts, or the Owners of the Land liable to be taxed as aforesaid, shall be considered as a Debt from the said Company to such District Commissioners respectively, and may be recovered by them in an Action of Debt against the said Company, or by Distress upon any of the Goods of the said Company, or by any other Means by which Damages or Compensations are under or by virtue of the said Consolidation Acts recoverable.

Lands of Company to be Security for such Damage.

LXXIX. And be it enacted, That for further securing the Payment of the Indemnity or Compensation from Time to Time to become payable as last aforesaid the same shall be a Charge upon and payable out of such Parts of the said Tracts of Land as shall for the Time being have been reclaimed from the Sea, whether the same shall for the Time being belong to the said Company, or shall have been sold or leased or mortgaged by them.

For Recovery of such Damage.

LXXX. And be it enacted, That the said District Commissioners respectively shall have the same Powers, Rights, and Remedies, by Distress or otherwise, for recovering or obtaining Payment of the Indemnity or Compensation to which they shall from Time to Time be entitled under the Provisions herein-before contained, out of the Land hereby made liable thereto, as they now have by virtue of the said *Ouze* Bank Act of the First of *Victoria* for recovering and obtaining Payment of the Taxes imposed in pursuance of the said Act out of the respective Lands situated in the respective Districts for which they shall be respectively Commissioners.

Company may appoint Commissioners to act with Ouze Bank Commissioners in reference to the Repair of the Banks.

LXXXI. And be it enacted, That it shall be lawful for the Directors of the said Company to appoint every Year any Number, not exceeding Five, of the Directors for the Time being of the said Company to be General Commissioners to act with the General Commissioners appointed under the said last-mentioned *Ouze* Bank Act, and the Directors so appointed to be Commissioners shall have the same Powers and Authorities as if they had been appointed General Commissioners under the Provisions of the said Act, so far as such Powers relate to the giving of Directions to the Commissioners of the said several Districts, or any of them, to repair the Banks in their said Districts respectively.

Principle upon which Indemnity for Damages is to be calculated.

LXXXII. And be it enacted, That the Indemnity or Compensation which the said Company is herein-before directed to make to the said *Ouze* Bank District Commissioners respectively shall be considered as extending to the increased Expenditure to be occasioned by Damage done to the said *Ouze* Banks in consequence of the Works hereby authorized to be executed, whether by the increased Velocity of either the Flood or the Ebb Tide, or by the scouring or otherwise shifting of the Bed of the River; and the Amount of such Indemnity or Compensation shall, if necessary, include the Expence of setting back any of the River Banks, as well as the increased Expenditure in

the repairing thereof, provided the same shall become necessary in consequence of the Works hereby authorized to be executed.

In case of Dispute Jury to settle Amount of Compensation for Damage.

LXXXIII. And be it enacted, That no Indemnity or Compensation shall be due or payable from the said Company, except by Agreement or Arbitration, nor charged on any of the said Lands, for any Damage done to any of the said *Ouze* Banks, unless and until the Existence of any such Damage, and the Amount of the Indemnity or Compensation proper to be made for the same, shall have been determined by a Jury, to be summoned upon the Requisition of such of the said District Commissioners as shall claim such Indemnity, and to proceed in the Manner directed by the said Lands Clauses Consolidation Act; and in the Inquiry to be made before the said Jury the said District Commissioners shall be considered as the Plaintiffs, and the said Company shall be considered as the Defendants, and the Costs of such Inquiry shall be borne in equal Proportions by the several Parties thereto, unless the Sheriff or other Officer presiding over the said Jury shall determine otherwise, in which Case the Costs shall be at his Discretion.

Mode of ascertaining Existence of Damage.

LXXXIV. And be it enacted, That in order to facilitate the Inquiries to be made in manner aforesaid as to the Existence of any such Damage as aforesaid, and the Amount of the Indemnity or Compensation proper to be made for the same, the said Company shall and they are hereby required, if they shall see proper, at their Expence, to place and maintain Gauges in the said River at such Places and in such Manner as shall be jointly agreed on between the Directors of the said Company and the General Commissioners under the said *Ouze* Bank Act; and such Gauges shall be framed so as to determine as far as possible the Variations of the Velocities of the Tides and the Heights of High and Low Water at different Periods; and such Gauges shall be examined and Returns made by some Person to be from Time to Time jointly appointed by the said Directors and the said General Commissioners appointed under the said *Ouze* Bank Act, at such Salary or Amount of Compensation as the said Directors and General Commissioners under the said *Ouze* Bank Act shall agree upon; but if the said Directors and Commissioners shall at any Time or Times be unable to agree as to the Number, Construction, or Places of the said Gauges, or as to the Appointment of a Person to inspect and make Returns of the said Gauges, or as to the Salary or Amount of Compensation of such Person, then some Person shall be appointed for that Purpose by the Lord High Admiral or the said Lords Commissioners for the Time being, at such Salary or Amount of Compensation as they shall think fit; and the Position, Number, Construction, and Management of the said Gauges shall be under the absolute Control of such last-mentioned Person, and the Salary or Amount of Compensation of the Person to be appointed for the Purpose aforesaid shall be paid by the said Company.

Authorizing Sale of Land free from Charge of Ouze Banks

LXXXV. Provided always, and be it enacted, That it shall be lawful for the said Company to sell any Part or Parts of the Lands so charged as last aforesaid freed and for ever discharged from such Charge,

Indemnity, under certain Provisions.

Charge, provided that a Resolution consenting thereto shall have been passed at a Meeting of the said Commissioners of the said several Districts to be from Time to Time held as Occasion may require, and convened by Seven Days Notice advertised in some Newspaper circulated in the County of *Norfolk*, and signed by the Clerk or Clerks to the said District Commissioners respectively, such Meeting to be considered as a General Meeting of the Commissioners of the said several Districts, and, for the Purposes of this Act, as their united Act, or that an Engineer to be appointed by the said Company, and an Engineer to be appointed by the said Commissioners at a Meeting as aforesaid, shall certify that a sufficient Quantity of the Land already embanked, or in a State of Embankment, shall for the Time being remain subject to the said Charge, to give to the said District Commissioners respectively a full and adequate Security for their Indemnity against the apprehended Injury to the Banks of the said River *Ouze*; and in case the Engineers so appointed as aforesaid shall differ, or in case the said District Commissioners shall not appoint an Engineer within Twenty-eight Days after Notice shall have been given to them by the said Company to appoint such Engineer, then the Question shall be referred to an Engineer to be appointed by the Lord High Admiral, or the Lords Commissioners for executing the Office of Lord High Admiral, and the Decision of such Two Engineers, or of the Engineer to be appointed as last aforesaid, shall be final.

For Payment of Compensation for Damage to Bridges over Ouze.

LXXXVI. And whereas it is apprehended that the Works hereby authorized to be executed by the said Company may cause Damage to all or some or one of the following Bridges over the said River *Ouze*; *videlicet*, *Downham Bridge*, *Stow Bridge*, *Magdalen Bridge*, and *Saint Germans Bridge*, and it is expedient that Provision should be made for making Compensation for such Damage when and as the same shall arise; now be it enacted, That the said Company shall pay to the several and respective Owners or Bridge Reeves of the said Bridges respectively, when and as any Damage shall have been ascertained and certified as hereafter mentioned to have arisen or been occasioned to the said Bridges or any of them, such Sum or Sums of Money, not exceeding in the aggregate the Sum of Four hundred Pounds for any Damage so from Time to Time occasioned to *Downham Bridge*, and the Sum of Four hundred Pounds for the Damage so from Time to Time occasioned to *Stow Bridge*, and the Sum of Eight hundred Pounds for the Damage so from Time to Time occasioned to *Magdalen Bridge*, and the Sum of One thousand four hundred Pounds for the Damage so from Time to Time occasioned to *Saint Germans Bridge*; and if the said Company shall not, immediately upon any such Damage having been ascertained and certified as hereafter mentioned to have arisen or been occasioned as aforesaid, pay the Amount thereof to the Owner or Bridge Reeves of such Bridge so sustaining such Damage, the same shall be considered as and recoverable as ascertained Damages, and be charged upon the Lands of the said Company, and recoverable in the same Manner as any Sum or Sums which may, if Occasion should require, be paid to the said *Ouze* Bank District Commissioners, is by this Act authorized to be recovered and levied: Provided always, that nothing herein contained shall extend the Liability of the said Company to make Compensation for Damage done to such Bridges respectively

tively beyond the Term of Seven Years from the Day of the opening of the said new Channel or Cut.

Damage to such Bridges to be ascertained by reference to certain Engineers.

LXXXVII. And be it enacted, That for the Purpose of determining whether any and what Damage has been occasioned by the Works of the said Company to any of the said Bridges, and what Sum should be paid by the said Company in respect thereof, it shall be lawful for the Owner or Bridge Reeves of the said respective Bridges from Time to Time to appoint an Engineer, and to require the said Company, within the Space of Twenty-eight Days after Notice thereof given to the Clerk or Secretary of the said Company, to appoint another Engineer, and the Engineer or Engineers so appointed shall ascertain the Amount of such Damage to all or any of such Bridges respectively, and certify what Sum or Sums of Money shall be paid for the same, not exceeding the respective Amounts herein-before authorized to be paid for any Damage to such Bridges respectively; and if such Engineers so appointed shall differ, or in case the said Company shall neglect or refuse to appoint an Engineer within the said Twenty-eight Days, then an Engineer or Umpire shall be appointed for that Purpose by the Lord High Admiral, or the Lords Commissioners for executing the Office of the Lord High Admiral, whose Decision shall be final.

If Anthony Hamond, Esq., establish his Right to certain Lands, &c., Arbitrators may award him a Sum of Money for Compensation, &c.

LXXXVIII. And whereas *Anthony Hamond* Esquire claims to be entitled to the Ownership of certain Parts of the said Two Tracts of Land fronting his Estates in the Parishes of *North Wootton* and *South Wootton* in the said County of *Norfolk*, which, although now bare Sands or Samphire Grounds, were formerly green Marsh, and the said *Anthony Hamond* hath continued Possession of the same by exercising Rights of digging and taking Clay therefrom, and otherwise using such Sands or Grounds for his private Emolument; be it therefore enacted, That it shall be lawful for the said *Anthony Hamond* to refer the Question of Ownership over the said Sands and Samphire Grounds to Arbitration in manner directed by the said Lands Clauses Consolidation Act, 1845; and the Arbitrator shall have Power to award such Sum of Money as he shall think reasonable to be paid to the said Company by the said *Anthony Hamond*, in case he shall establish his Right to the said Sands and Samphire Grounds, or any Part thereof, for the Benefit which such Sands and Samphire Grounds shall directly or collaterally derive from the Execution of any of the Works of the said Company by this Act authorized to be made; and in case the Arbitrator shall be of opinion that the said *Anthony Hamond* shall have established a valid Title to the said Sands and Samphire Grounds against the said Company, then and in such Case, and upon Payment of the Sum of Money to be awarded to the said Company as aforesaid, the said Company shall assign, allot, and convey the same Sand and Samphire Grounds to the said *Anthony Hamond*, or as he or they may direct, discharged from all Claim and Demand whatsoever by or on the Part of the said Company.

For protecting Lands of George W. P. Bentinck, Esq.

LXXXIX. And be it enacted, That the said Company and their Assigns shall, at all Times after the passing of this Act, completely maintain and repair, and keep in good and sufficient Repair, all and every the Banks, Fences, or Boundaries of or adjoining to the Lands of

of *George William Pierrepont Bentinck* Esquire, and the Sluices, Tunnels, and Drainage and other Works belonging to or connected therewith, and shall at all Times thereafter well and sufficiently indemnify the said *George William Pierrepont Bentinck*, his Heirs, Executors, Administrators, and Assigns, and others the Owners of the Lands of the said *George William Pierrepont Bentinck*, and every of them, of and from all Losses, Costs, Damages, or Expences which they or any of them may or otherwise might incur, sustain, or be put to for or by reason of any Default in so as aforesaid maintaining and keeping in repair such Banks, Fences, Boundaries, or Works, or for or by reason or means or in consequence of any Works or other Matters or Things to be done by the Company or their Assigns, in pursuance of the Powers of this Act or otherwise.

Compulsory Powers of purchasing Lands limited.

XC. And be it enacted, That 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 Five Years from the passing of this Act.

Period for the Completion of the Works.

XCI. And be it enacted, That the new Cut for the River *Ouze*, and the Works appertaining thereto, shall be completed within Seven Years from the passing of this Act.

Direction for the reclaiming and Embankment of the Tract of Land, and making Roads and Bridges, &c.

XCII. And be it enacted, That the said Company shall, either contemporaneously with or as soon as conveniently may be after the making of the said new Cut for the Waters of the River *Ouze*, take such Steps as shall be necessary or proper, or as they shall be advised are necessary or proper, by warping, Embankment, or otherwise howsoever, for the reclaiming of the said Tracts of Land, or any Part or Parts thereof, and to make, erect, and put down all such Walls, Dams, Banks, Shores, Forelands, Drains, Engines, Sluices, Tunnels, Roads, Bridges, Headings, Fences, and other Works as the said Company shall think requisite for the Purposes aforesaid, and in particular the said Company are hereby required, as soon as conveniently may be, to construct a Road from the Borough of *King's Lynn* through and over Part of the said Tracts to the Northern Termination of the Eastern Boundary thereof.

Certain Works to be vested in the Company.

XCIII. And be it enacted, That the said Cut, and all the Walls, Dams, Banks, Shores, Forelands, Drains, Engines, Sluices, Tunnels, Roads, Bridges, Headings, Fences, and other Works so to be made and executed by the said Company, shall be and the same are hereby vested in the said Company, and their Successors and Assigns, and shall for ever hereafter be maintained by the said Company, their Successors and Assigns; and that the Funds of the said Company, and the Lands to be reclaimed and vested in the said Company, shall for ever be liable and are hereby charged with such Maintenance.

Roads and Watercourses to be continued to the Sea.

XCIV. And to the Intent that the said Undertaking may be carried on and accomplished with as little Inconvenience to the Public or Injury to private Property as possible, be it enacted, That the said Company shall continue over the said Lands, with as little Delay as practicable, all the public or private Roads which at the Time of the passing of this Act extend to or terminate in or upon or

are contiguous to the said Tract or other Land vested in the said Company, in as direct a Line as Circumstances will permit, or the said Company shall make such other Roads as shall be necessary for the Prevention of any Inconvenience to the Public which may arise from Loss of or Difficulty of Access to the Sea; and the said Company shall also, at the like Expence, make, construct, and maintain, upon and through the said Tracts of Land, to each respective navigable Channel, proper and sufficient Watercourses and Tunnels in continuation of or by way of Substitution for any Watercourses and Tunnels which at the Time of the passing of this Act shall extend into, upon, through, or over the said Tracts, from or over any of the Lands adjoining thereto, so as to afford to the Owners and Occupiers of such adjoining Lands, and their Workmen and Servants, the like Advantages of Communication with the Sea by means of the said extended Watercourses and Tunnels (Distance only excepted) as they at present enjoy; and the said Company shall allow to the Public and the Owners of the said adjoining Lands respectively the free landing and loading over the Embankments at the Termination of the said Roads, Watercourses, or Tunnels, or in other necessary and convenient Places, of all Goods, Wares, or Merchandize, Shells, Seaweed, or Manure, from or upon Carts, Lighters, or other Vessels; but nothing herein contained shall authorize the landing or loading of Goods, Wares, or Merchandize at any other Parts of the said Embankment than the public and free Landing Places so to be appointed, or to use and exercise any more extended Right of landing or loading than is or has been enjoyed at or previous to the passing of this Act.

Power for Company to enter adjoining Lands to clear Watercourses.

XCV. And be it enacted, That it shall be lawful for the said Company at all Times to enter into any of the Lands in or near or adjoining to the said Tracts, with Craft or Vessels or otherwise, to dredge, clear away, and remove the Mud and Accumulation in any of the Watercourses or Streams which at the Time of the passing of this Act shall extend into the said Tract, so that no Injury or Damage shall arise to the well draining of the said Lands adjoining, or to the Navigation of any of the said Streams, and that the said Company, during such dredging, clearing away, or removing as aforesaid, shall as little, and for as short a Time as possible, obstruct, abridge, or annoy the Use of such Watercourses or Streams.

Company not to charge Tolls.

XCVI. Provided always, and be it enacted, That no Toll or Charge whatsoever shall be made or taken by the said Company for the Passage or mooring of any Ships, Boats, Barges, Vessels, or other Craft, or the placing of any Buoys or Beacons in, upon, by, or through any Cut, Channel, Stream, or Watercourse which shall be made or constructed or altered under the Provisions of this Act.

Compensation to be made for any Damage to be done by the Company.

XCVII. And be it enacted, That full Compensation shall be made by the said Company for any Loss or Damage which shall ensue to any Person or Body Corporate in consequence of the Nonfeasance or Misfeasance of any Act or Thing which the said Company are hereby directed to do or not to do (as the Case may be), whether in respect of Drainage, Navigation, Irrigation, Right to Tithes, or Rent-charge in lieu of Tithes, Right of Wharfage, Right of digging and

carrying away Stone, Shingle, Seaweed, Sand, Shells, or other Things.

Power for Company to sell Lands.

XCVIII. And be it enacted, That it shall be lawful for the said Company from Time to Time, and at such respective Times and Opportunities, and in such Portions and Parcels, and in such Manner, as to them, in their Discretion, shall appear most advantageous and expedient, and either by public Auction or private Contract, to make sale and absolutely dispose of the said Tracts of Land, and also all other Lands to be vested in the said Company under the Authority of this Act, and by Deed under their Common Seal, and in such Form, *mutatis mutandis*, as is in the said Lands Clauses Consolidation Act directed or prescribed with regard to the Conveyance of superfluous Lands, or in such other Form as the said Company shall order or direct, to convey and assure the said Tracts of Land and other Lands, or such Part or Parts thereof as shall from Time to Time be sold, unto the Purchaser or Purchasers thereof, and his or their Heirs, or as he or they shall direct; and the Receipts of the Treasurer or Treasurers of the said Company for the Purchase Monies arising by or from any such Sale or Disposal as aforesaid, or for any Part or Parts thereof, shall at all Times be sufficient and effectual Releases and Discharges to the several Purchasers of the said Premises, or of any Part or Parts thereof, for so much Money as in such Receipt respectively shall be acknowledged to be received; and in the meantime, until such Sale or respective Sales shall be made as aforesaid, it shall be lawful for the said Company from Time to Time to let, set, and demise the same Lands and Hereditaments, or the Part or Parts thereof from Time to Time remaining unsold, unto such Person or Persons, and for such Terms or Estimates, and under such yearly and other Rents, and subject to such Provisions and Restrictions, and in such Manner as to the said Company shall seem fit.

Lands to be sold within Ten Years.

XCIX. Provided always, and be it enacted, That all and singular the said Tracts of Land, and other Lands and Hereditaments to be vested in the said Company by or by the Authority of this Act, shall be sold by the said Company within Ten Years from and after all the said Tract of Lands shall have been fully reclaimed, embanked, and inclosed, unless by reason of some Defect or Insufficiency of Title, alleged and required on the Part of the Purchaser or Purchasers to be removed or supplied, or by reason of any consequent rescinding or Abandonment of any Contract or Contracts for the Sale thereof, or by reason of any Breach of Contract, or any Action, Suit, or other Proceeding at Law or in Equity relating thereto, or on any other Account, the Completion of such Sale shall be unavoidably delayed or impeded, in which Case such Sale shall take place within Twelve Calendar Months next after such Impediment shall be removed.

Purchasers not bound to inquire into any Delay in such Sale.

C. Provided nevertheless, and be it enacted, That no Purchaser from the said Company, after the Expiration of the said Space of Ten Years, shall be bound to inquire into the Occasion of the Delay incurred in making any such Sale, or shall be liable to have his or her Title to the Hereditaments by him or her purchased impeached, defeated, or anywise affected by any such Delay, for whatever

ever Cause, any more than if such Sale had been made to him or her, and completed within such Space of Ten Years.

Embankment to be proceeded with within Eight Years.

CI. Provided always, That if the said Company shall not within the Space of Eight Years next after the passing of this Act effectually proceed with the Embankment and Reclamation of the said Tracts of Land, all and every the Right, Title, and Powers conferred by this Act upon the said Company to and over the same, except such Parts thereof, if any, as shall have been purchased by the said Company, shall cease and determine, and the said Tracts of Land, except as aforesaid, shall revert to and become the Property of Her Majesty, Her Heirs and Successors, or of other the Person or Persons, Body or Bodies Corporate, to whom the same would have belonged if this Act had not been passed, or if the said Company shall proceed with such Embankment and Reclamation as above mentioned, but shall not complete the same within the Term or Space of Twenty-one Years next after the passing of this Act, the Part or Parts of the said Tracts of Land of which the Embankment and Reclamation shall not have been so completed shall, except as aforesaid, revert to and again become the Property of Her Majesty, Her Heirs and Successors, or of other the Person or Persons, Body or Bodies Corporate, to whom the same would have belonged if this Act had not passed, freed and discharged of and from all Claims and Demands of the said Company or their Assigns, or any Person or Persons whatsoever claiming under or through the said Company.

Copies of Orders of Meeting for Sale, &c. to be Evidence.

CII. And be it enacted, That a Copy of the Order of any General or Special General Meeting of the said Company, authorizing or directing the Sale or letting of any Part of the Lands by or by the Authority of this Act vested in the said Company, or the borrowing or raising of any Sum of Money on Mortgage or Bond as aforesaid, certified by One Director or by the Secretary or Clerk of the said Company to be a true Copy, shall be sufficient Evidence of the making of the Order, and of all Matters necessary to the Validity thereof, without any Proof of such Director, Secretary, or Clerk having been duly appointed.

Company may take upon itself Costs of maintaining certain Banks.

CIII. And be it enacted, That in case any Body Corporate, Drainage Commissioners, Trustees, or other Persons in whom the Duty is or shall be imposed, by any Act of Parliament or otherwise, of maintaining and executing any Banks or other Works which, in the Opinion of such Body Corporate, Commissioners, Trustees, or other Persons, would be maintained and executed more effectually or advantageously, or at a lower Price, if maintained and executed by the said Company, on account of any Convenience or Advantage resulting from the Works which the said Company are by this Act authorized to execute, it shall be lawful for the said Company to treat with such Body Corporate, Commissioners, Trustees, or other Persons for the taking upon the said Company, either for a limited Period or otherwise, the Obligation of maintaining and executing such Banks or other Works as aforesaid, upon such Terms as may be mutually agreed upon between the Parties.

CIV. And

Interest on Calls.

CIV. And be it enacted, That from and after the passing of this Act Interest after a Rate not exceeding Four Pounds *per Centum per Annum* upon the paid-up Capital shall be payable to the Shareholders half-yearly, on the First Day of *January* and the First Day of *July* in every Year, until a Dividend shall be declared; and if in any Year there shall not be declared a Dividend or Dividends together equal in Amount to Interest after the Rate aforesaid, there shall in every such Year be payable to the Shareholders such a further Sum or Sums as shall, together with the Dividend or Dividends (if any) which shall be so declared as aforesaid, make up the full Amount of such Interest; but such Dividends, and Payments by way of Interest as aforesaid, shall be made so far only as not to interfere with the full Payment of the Mortgages and other Charges to which the Capital of the said Company shall for the Time being be subject.

Penalty on Persons wilfully obstructing the Works.

CV. And be it enacted, That if any Person shall throw or wilfully place any Ballast, Rubbish, or other Materials in or upon any Part of the said Works (unless by Authority of the said Company), or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Matter or Thing to obstruct the free Passage of the Watercourses, Roads, Ways, and other Works, or injure or damage any of the Embankments by this Act authorized or required to be done, he, and every Person actually or constructively aiding or assisting therein, shall forfeit and pay any Sum not exceeding Fifty Pounds nor less than Two Pounds for every such Offence, in addition to the Amount of any actual Damage which may be thereby sustained by the Company.

Justices to appoint Special Constables.

CVI. And be it enacted, That it shall be lawful for Two or more Justices of the Peace acting within their Jurisdiction from Time to Time to appoint such fit and proper Person as shall be nominated to them by any Three Directors of the said Company for that Purpose to be a Special Constable within the said Tracts of Land or any Part or Section thereof; and every Person so appointed shall take an Oath, to be administered by the said Justices, duly to execute the Office of a Constable for the Precinct to which he shall be appointed; and every Person so appointed and sworn as aforesaid shall have Power to act as a Constable for the Preservation of the Peace, and for the Security of Persons and Property against Felonies and other unlawful Acts, within the Limits of the said Precinct, and shall have, exercise, and enjoy all such Powers, Authorities, Protections, and Privileges, for the apprehending of Offenders, as well by Night as by Day, and for doing all Acts, Matters, and Things for the Preservation, Discovery, and Prosecution of Felonies and other Offences, and for the Preservation of the Peace, as Constables duly appointed now have by the Laws and Statutes of this Kingdom; and it shall be lawful for the said Justices, or any Three or more Directors of the said Company, to dismiss or remove any such Constable from his Office of Constable, and upon his Dismissal or Removal all Powers, Authorities, Protections, and Privileges by virtue of such Appointment as aforesaid vested in any Person so dismissed or removed shall wholly cease.

CVII. And

General Power to Justices to administer Oaths.

CVII. And be it enacted, That in all Cases in which any Justice of the Peace is authorized by this Act to examine any Person, or take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath, or to receive the Affirmation of any Person being a Quaker, before he shall be examined by or before such Justices.

Persons making false Declaration to be guilty of Misdemeanor, 5 & 6 W. 4. c. 62.

CVIII. And be it enacted, That where for the Purpose of this Act a Declaration is directed to be used for the Purpose of the Confirmation of any written Instruments or Allegation, or of the Execution of Deeds or other Matters, the same may be made in the Form prescribed in the Schedule to an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make other Provisions for the Abolition of unnecessary Oaths*, or as near thereto as the Circumstances of the Case will admit, and shall be of the like Force and Effect as if an Affidavit or Affirmation in Writing had been made; and if any Declarations so made shall be false or untrue in any material Particular, such Person wilfully making such Declaration shall be deemed guilty of a Misdemeanor.

For compelling the Attendance of Witnesses.

CIX. And be it enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information, Order, or Complaint laid in pursuance of or for any Offence committed against this Act, or any Matter which is hereby referred to any Justice of the Peace, either on the Part of the Prosecutor or on the Part of the Party summoned or accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Costs and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath or (in the Case of a Quaker) Affirmation, to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Directors empowered to grant Releases to Witnesses.

CX. And be it enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Company, in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the Directors of the said Company to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purposes of qualifying any Person to give Evidence as a Witness in such Action, Suit, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in such Action, Suit, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any

Action, Suit, Arbitration, Reference, or other Proceeding; and every such Release, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the Company.

Indemnity against Injury to Navigation of all Rivers discharginginto the Wash.

CXI. And whereas it is expedient to make due Provision for the effectual Security of the Navigation of all the Rivers discharging their Waters into the *Wash;* now be it enacted, That if any Detriment or Injury shall at any Time or Times hereafter, in the Opinion of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, be found to result or be likely to result to the Navigation of the said Rivers or any of them, or of any Channel in the *Wash*, by or in consequence of any of the Works hereby authorized to be executed, then and in such Case the said Company shall, with all practicable Despatch, remove the Cause of or Tendency to such Injury or Detriment at their own Expence, and shall thereupon make and execute such Works as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being shall think necessary or proper to be executed, and the Costs and Charges incident to such last-mentioned Works shall be defrayed by the Company, and shall also be an express Charge or Lien upon the said Two Tracts of Land: Provided nevertheless, that it shall be lawful for the said Company to sell any Portion not exceeding a Moiety of any Part or Parts of the said Two Tracts of Land which may have been reclaimed and embanked, free from the Charge or Lien lastly herein-before mentioned.

Saving the Rights of the Trinity House of Deptford Strond.

CXII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, invalidate, alter, lessen, or affect, in anywise howsoever, any of the Jurisdictions, Powers, Rights, Privileges, or Revenues given to or vested in the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided Trinity and of *Saint Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of *Trinity House* of *Deptford Strond*, under or by virtue of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for vesting Lighthouses, Lights, and Sea Marks on the Coasts of* England *in the Corporation of* Trinity House *of* Deptford Strond; *and for making Provisions respecting Lighthouses, Lights, Buoys, Beacons, and Sea Marks, and the Tolls and Duties payable in respect thereof,* or any Rights, Liberties, or Privileges which the said Master, Wardens, and Assistants were possessed of or had a Right unto by Charter, Prescription, or otherwise, before the passing of this Act.

6 & 7 W. 4. c. 79.

Saving the Rights of the Commissioners of Sewers.

CXIII. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to take away, defeat, invalidate, alter, lessen, or affect, in anywise however, any of the Jurisdictions, Powers, Rights, Privileges, or Revenues given, granted, appertaining, or belonging to any Commissioners of Sewers acting for any District or Lands in the said Counties of *Norfolk* and *Lincoln*, or either of them, save and except so far as the same are by this Act expressed to be taken away, defeated, invalidated, altered, lessened,

or

or affected, and so far as regards the several Powers and Authorities given and granted by this Act, which are to be exercised nevertheless with due Regard to such Jurisdictions, Powers, Rights, Privileges, and Revenues respectively hereby declared to be saved and reserved, nor to render any such Commissioners, or any Funds or Property belonging to them or at their Disposal, in any respect liable to the Maintenance or Repair of any Channels, Banks, or Works to be made or done under the Provisions of this Act, or to render them responsible for any Damage or Injury in anywise occasioned or to be occasioned hereafter in consequence of any Works or Measures to be taken under the Provisions of this Act.

Saving the Rights of the Corporation of Bedford Level.

CXIV. Provided also, and be it enacted, That this Act or any thing herein contained shall not extend or be construed to extend to empower the said Company to have, use, or exercise any Power or Authority over or to intermeddle with any of the Sewers or Works already made or hereafter to be made by the Governor, Bailiffs, and Commonalty of the Company of Conservators of the Great Level of the Fens called *Bedford Level*, by virtue of an Act of Parliament made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled *An Act for settling the Drainage of the Great Level of the Fens called* Bedford Level, or by virtue of any other Act or Statute whatsoever, or to invalidate, lessen, diminish, or take away any of the Rights, Powers, or Authorities vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, but that all Rights, Powers, and Authorities whatsoever which by virtue of the said Act made in the Fifteenth Year of the Reign of King *Charles* the Second, or any other Act or Statute, now are vested in the said Governor, Bailiffs, and Commonalty, or in the said Governor, Bailiffs, and Conservators, shall for ever hereafter remain, continue, and be in the said Bailiffs and Commonalty, or Governor, Bailiffs, and Conservators, and every of them, as fully and amply to all Intents and Purposes as if this Act had not been passed. 15 C. 2. c. 17.

Saving the Rights of the Corporation of Lynn.

CXV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, or take away any of the Rights, Privileges, Liberties, Franchises, or any former or other Jurisdiction which the Mayor, Aldermen, and Burgesses of the Borough of *King's Lynn* were possessed of or had a Right unto, by Statute, Charter, Prescription, Custom, or otherwise, before the passing of this Aect, xcept so far as the same are by this Act expressly altered or taken away.

Saving the Rights of the Corporation of Wisbech.

CXVI. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to alter, abridge, diminish, or take away any of the Rights, Privileges, Liberties, or Franchises, or for any former or other Jurisdiction which the Mayor, Aldermen, and Burgesses of the Borough of *Wisbech* were possessed of or had a Right unto by Charter, Prescription, Custom, or otherwise, before the passing of this Act, except so far as the same are by this Act expressly altered or taken away.

CXVII. Pro-

Saving the Rights of the River Nene Commissioners.

CXVII. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend to alter, abridge, diminish, or take away any of the Rights, Powers, or Privileges of or belonging to or exercised by certain Commissioners for improving the Outfall of the River *Nene*, or to injure, prejudice, or damnify any Part of the Buildings, Sluices, Drains, or Works under their Management, Control, or Direction, or to impede or stop the Flow and Reflow of the Water up, down, and through a certain Channel called *Kinderley's Cut*, or of the Channel recently made for continuing such Cut towards the Outfall at Sea, but all the same Rights, Powers, and Privileges shall be and remain as fully and effectually as if this Act had not been made, other than and except the necessary Works which are absolutely required to be executed under the Authority of this Act.

Saving the Rights of the Middle and South Levels and Eau Brink and Ouze Bank Commissioners.

CXVIII. Provided also and be it enacted, That nothing herein contained shall extend to alter, abridge, diminish, or take away any of the Rights, Powers, or Privileges of the Commissioners for Drainage and Navigation of the Middle and South Levels, or of the Commissioners for Drainage and Navigation respectively of the *Eau Brink Cut* or of the *Ouze* Bank Commissioners, or any of them, except so far as any of such Rights, Powers, or Privileges are hereby altered, abridged, diminished, or taken away.

Saving the Rights of the Duchy of Lancaster.

CXIX. Provided always, and be it enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Queen's most Excellent Majesty, Her Heirs and Successors, in right of Her Duchy of *Lancaster*.

Saving the Rights of the Crown.

CXX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all other Persons, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and extinguished by this Act, or as are paid for or compensated for in pursuance of this Act,) as Her said Majesty, Her Heirs or Successors, or any other Person, could have had, held, and enjoyed of, in, to, or out of the said Tracts or any Part thereof in case this Act had not been passed.

Expences of Act.

CXXI. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing of this Act, or otherwise incidental thereto, shall be paid by the said Company out of the Money received or to be received by them under the Authority of this Act.

Public Act.

CXXII. And be it enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such.

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