CHAPTER cciii.

An Act to repeal "The Norfolk Estuary Act, 1857," and to re-enact certain of the provisions thereof, with amendments. A.D. 1877.

[6th August 1877.]

Part I.

WHEREAS by "The Norfolk Estuary Act, 1846," the Company of Proprietors of the Norfolk Estuary, herein-after called the Company, were incorporated for the purpose of reclaiming and embanking from the sea certain land, part of the Great Estuary called the Wash, situate in or between the counties of Norfolk and Lincoln, and for other purposes, with the powers and subject to the provisions therein mentioned, and "The Norfolk Estuary Amendment Act, 1849," and "The Norfolk Estuary Amendment Act, 1853," related to the Company, and the said three Acts were repealed and their provisions consolidated and amended, and further powers were granted to the Company by "The Norfolk Estuary Act, 1857," in this Act called "the Act of 1857:" 9 & 10 Vict. c. ccclxxxviii. 12 & 13 Vict. c. xcv. 16 & 17 Vict. c. xiv. 20 & 21 Vict. c. cxlvi.

And whereas by the 94th section of the Act of 1857 the two tracts of land described in the 95th section were, subject to the provisions of that Act, vested in the Company, their successors and assigns, in fee simple, to be held of Her Majesty as of the manor of East Greenwich; and the said tracts were in section 95 described as follows; videlicet, "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 of 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 "existing at the time of the passing of 'The Norfolk Estuary Act, "1846,' 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 and banks, channels, sladways, and wash-"ways forming part of the said estuary, until it meets a place or

A.D. 1877.

" point at the north-east end of the mouth or outlet of the intended " new channel herein authorised to be made for the waters of the " River Ouse, and thence along the east side or bank of the said " intended new channel until it meets the green marsh existing as " aforesaid in the parish of Clenchwarton at or near a place called " Howard's Sluice, thence along the edge of the salt marshes " existing as aforesaid in the said parishes of Clenchwarton and " North Lynn, and across the bed of the channel of the River " Ouse existing as aforesaid to the outlet of the proposed course of " Fisher Fleet where it falls into the harbour of Lynn, and thence " along the north-west and north side of the proposed course of " the Fisher Fleet 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 channel, thence along the edge of the salt " marshes existing as aforesaid 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 in the Wisbeach River, and the navigation of the " 'said Wisbeach River from the upper end of Kindersley's Cut to " 'the sea, 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 channel " of the Ouse, and thence along the west bank or side of the said " intended new channel until it meets the mainland to 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 par- " ticularly 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 in the year one thousand eight hundred " and forty-six :"

And whereas the word "edge" in the expression "edge of salt marshes," as used in the last-mentioned section, was intended to mean the inland edge thereof, and the line marked "limit of deviation" on the said map or plan referred to in the said last-mentioned section was intended to mean the boundary line (subject

to the exceptions and provisions of the said Act) of the said tracts of land where the same abut upon or adjoin the sea coast:

And whereas by the 98th section of the Act of 1857 it was provided that nothing in that Act contained should extend or be construed 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 (other than and except such as had been or might be paid and compensated for by the Company in pursuance of the recited Acts or that Act), or the right to prosecute the same claim in any court of law or equity; and by section 76 of the Act of 1846 (re-enacted and made subject to the Act of 1857 by section 4 of that Act) the Company were authorised to allot to proprietors of land adjoining to the said tracts of land any parts of the same tracts which they might agree to accept by way of purchase, and in lieu and compensation for their rights and interests into, out of, or over the said tracts, and accordingly the several allotments mentioned and set forth in the First Schedule to this Act have already been or are by this Act made to the proprietors therein mentioned of adjoining lands by way of purchase, and in lieu of and as compensation for all their rights and interests as aforesaid in the said tracts:

And whereas by sections 32, 33, 34, and 180 of the Act of 1857 it was provided as follows; that is to say, by section 32, that in order to make compensation to Her Majesty, her heirs and successors, for all her rights and interests in the said tracts of land there should be paid by the Company to the Commissioners of Her Majesty's Woods and Forests, for the use of Her Majesty, her heirs or successors, the sum of one per cent. upon the amount expended by the Company in or upon the works of the undertaking; and by section 33, that such money should be a charge on the said tracts of land; and by section 180, that if the Company should not within twenty-one years after the passing of that Act (which received the Royal Assent on the seventeenth of August 1857) complete the whole of the embankment and reclamation of the said tracts of land, the part or parts thereof of which the embankment and reclamation should not have been completed should, except such parts thereof as should have been purchased by the Company, revert to and be the property of Her Majesty, or the persons or body corporate to whom the same would have belonged if the said Acts had not been passed; and by section 34, that the Commissioners of Her Majesty's Woods and Forests might as therein mentioned, when any parts of the said tracts should have been embanked, grant certificates as

A.D. 1877.

therein mentioned that such parts had been embanked, and that all sums of money for the time being due to Her Majesty had been paid, and upon the granting of any such certificate the lands thereby certified to have been embanked should thereupon be absolutely released and discharged from all estates, rights, right of reverter, right of compensation, title or interest, charge or lien, claim or demand of Her Majesty, or her successors, in, to, or upon the same lands, or any part thereof, whether in respect of title thereto or ownership thereof, or in respect of money theretofore expended or thereafter to be expended by the Company upon the works of the undertaking, or in any other respect by virtue of this Act: and whereas the lands already embanked by the Company, and certified by the Commissioners of Her Majesty's Woods and Forests as aforesaid, are set forth in the Second Schedule to this Act:

And whereas land in the said estuary is rendered fit for agriculture by the gradual deposit of warp or mud held in suspension in the waters of the estuary, the quantity whereof is limited, and the progress of accretion of such land, even when aided by artificial means, is necessarily slow, and the works and expenditure for promoting and accelerating the same are and must necessarily be made and incurred many years before the land operated upon can be rendered ripe and fit for embankment; and the expenditure and risk incurred in the reclamation of such lands, and in making and maintaining the embankments, sluices, and other works thereof, are considerable in proportion to the value of the land when reclaimed:

And whereas the Company have since the commencement of the undertaking expended in pursuance of the said several Acts upwards of three hundred and twenty-five thousand pounds of their own capital moneys, but up to the present time the quantity of land reclaimed by the Company has been comparatively small, and the shareholders have hitherto received no return for their expenditure, and it is probable that the greater part thereof will not ever be reimbursed to the Company:

And whereas it is expedient that the said term of twenty-one years should be extended and prolonged as herein-after mentioned:

And whereas the Company were required by section 30 of "The Norfolk Estuary Act, 1846," to commence their works by forming a two mile cut across the marshes between Lynn Harbour and the then channel below a bank there known as the Ballast Bank; and by section 31 of the same Act to form a new cut or channel, two miles in length from the lower end of the "Marsh Cut" across the "Vinegar Middle;" and by section 35 of the same Act were em-

powered to make and maintain the said Marsh Cut and Vinegar Middle Cut, and the works appertaining thereto, in the line and upon the lands delineated in the plans and described in the books of reference deposited as therein mentioned:

And whereas by section 6 of "The Norfolk Estuary Act of 1849" it was enacted that the Marsh Cut and the Vinegar Middle Cut should be constructed in manner following; that is to say, the bottom thereof should at the commencement of the first-mentioned cut be at least ten feet below the level of zero point on the present gauge of the Eau Brink Free Bridge at Lynn, and should from that point throughout both the cuts increase in depth after the rate of at least four inches per mile, and the cuts should be of the width of at least two hundred and fifty feet at the bottom of the upper end of the first-mentioned cut, and should increase in width after the rate of fifteen feet at least per mile throughout, and the sides of the cut should be constructed with proper and convenient slopes of not less than four feet horizontal measurement to one foot of vertical measurement:

And whereas the Company have at great cost executed the Marsh Cut and partially the Vinegar Middle Cut, and the same are of great public utility and convenience:

And whereas under "The Norfolk Estuary Act, 1849," the Eau Brink Drainage Commissioners, and the mayor, aldermen, and burgesses of Lynn (herein-after called the Lynn Corporation) were respectively liable to contribute and pay a sum of sixty thousand pounds to the Company by instalments towards the cost of making the Marsh Cut and the Vinegar Middle Cut and works connected therewith mentioned in the said Act; and by the 38th and following sections of the Act of 1857 the said sums which had only been partly paid were respectively reduced to fifty-five thousand pounds; and it was provided that the said commissioners and corporation should respectively pay to the Company a sum of twenty-two thousand nine hundred and twenty-four pounds eight shillings and ninepence in satisfaction of the part then remaining unpaid of their respective contributions, and the reduced contributions were charged upon certain navigation tolls, lands, tonnage duties, and property of the commissioners and corporation respectively, and provision was made for levying, raising, and paying the same sums by instalments in manner therein mentioned:

And whereas under the Ouse Outfall Act, 1860, the Eau Brink Drainage Commissioners are now represented by the Conservators of the Ouse Outfall, herein-after called the Ouse Outfall Board:

And whereas the drainage and navigation interests represented by the Ouse Outfall Board and the Lynn Corporation have in con-

A.D. 1877.

sequence of the works of the Company been for many years in the enjoyment of a greatly improved channel, and the Company from time to time since the year 1857 have expended large sums of money, exceeding in the whole sixty thousand pounds, and are expending further large sums in various works which in their opinion are proper and expedient for the permanent construction and completion of the Vinegar Middle Cut, but the said board and corporation respectively contend that, although such works may tend thereto, they are not works which the board and corporation are within the intent and meaning of the Act of 1857 bound to pay for:

And whereas contentions and disputes have arisen between the Company and the said board and corporation respectively in reference to the payment of the contributions and to the certificates in relation thereto, and in order to settle the said existing disputes and avoid further disputes it is expedient that the provisions contained in Part III. of this Act should be made:

And whereas by the 18th section of the Act of 1857 the capital of the Company was declared to be four hundred and fifty-five thousand seven hundred pounds, and was divided into nine thousand one hundred and fourteen shares, of fifty pounds each, but two thousand seven hundred and seventy-four of those shares have since been declared forfeited for nonpayment of calls, and pursuant to the 20th and 22nd sections of the Act of 1857 have been cancelled, and the capital of the Company reduced to the sum of three hundred and seventeen thousand pounds, and there now remain six thousand three hundred and forty shares only upon which an aggregate sum of forty-seven pounds has been called up and wholly or partly paid:

And whereas it is expedient that the Act of 1857 should be repealed, and that certain of the provisions thereof should be re-enacted and others altered and amended, and that further powers should be conferred upon the Company and others in reference to the undertaking:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Part II.

Short title.

1. This Act may be cited for any purpose as "The Norfolk Estuary Act, 1877."

A.D. 1877.

Incorporation of provisions of general Acts herein named.

2. "The Companies Clauses Consolidation Act, 1845," except the provisions thereof with respect to the borrowing of money by the Company on mortgage or bond, and with respect to the conversion of the borrowed money into capital; Part I. of "The Companies Clauses Act, 1863," except sections 9, 10, and 11; "The Lands Clauses Consolidation Act, 1845," except section 133, so far as if at all the same may apply to land taken for the purposes of the Marsh Cut and covered with water, and except the provisions with respect to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking; "The Lands Clauses Consolidation Acts, 1860 and 1869;" section 17 of "The Railways Clauses Consolidation Act, 1845," and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," and the provisions relative to arbitration in "The Common Law Procedure Act, 1854," are, subject to the provisions of this Act, hereby incorporated with this Act; and in construing those Acts for the purposes of this Act, the words "railway" and "work," which occur in the sections of the Acts relating to railways incorporated with this Act, shall be taken to mean all works below high-water mark which the Company are by this Act authorised to construct; and the other words and expressions to which by the said incorporated Acts meanings are assigned shall have in this Act the same respective meanings, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Schedules to form part of Act.

3. The schedules to this Act shall for all purposes be deemed part of this Act.

Interpretation clause.

4. In this Act the following words and expressions shall have the meaning hereby assigned to them respectively, unless there be in the subject or the context something repugnant to or inconsistent with such construction; (that is to say,)

The "Company" shall mean the Company of Proprietors of the Norfolk Estuary hereby continued incorporated, their successors and assigns;

"Persons" shall include corporations, public bodies, and companies, as well as individuals;

"The repealed Acts" shall mean the Acts repealed by the Act of 1857 or by this Act;

"Lands" shall mean and include lands and sands covered by the sea partly or wholly, as well as ordinary land and other descriptions of property comprised under the term "lands" in "The Lands Clauses Consolidation Act, 1845";

"The tracts of land" shall mean the tracts of land described in section 95 of the Act of 1857;

A.D. 1877.

"Vested lands" shall mean any lands acquired by the Company under this Act or the repealed Acts, and for the time being remaining vested in the Company;

"Landowners" shall mean all persons who are either owners of or competent to sell lands, including persons who, being otherwise incapacitated, are by "The Lands Clauses Consolidation Act, 1845," empowered to sell land;

"Works" shall mean and include all banks, jetties, walls, dams, shores, slopes, forelands, cuts, channels, culverts, drains, engines, sluices, tunnels, roads, headings, fences, watercourses, bridges, and other things made or used or to be made or used by the Company for carrying into effect the purposes of the recited Acts and of this Act respectively;

"Tidal water" shall mean any part of the sea or of a river within the flow and ebb of the tide at ordinary spring tides;

"The Commissioners of Woods" shall mean the Commissioners or Commissioner for the time being of Her Majesty's Woods, Forests, and Land Revenues having the management and direction of the land revenues of the Crown in the county of Norfolk;

"The Ouse Outfall Board" shall mean the Conservators of the Ouse Outfall under "The Ouse Outfall Act, 1860," or any statutory modification or extension thereof;

"The Lynn Corporation" shall mean the mayor, aldermen, and burgesses of the borough of King's Lynn;

"The Harbour Mooring Commissioners" shall mean the Mooring Harbour Commissioners for the port of King's Lynn, acting in execution of the Acts 13 Geo. III. cap. 30. and 4 & 5 Vict. cap. 47., relating to pilots in reference to the port of King's Lynn, or any Act for amending the same, and referred to in the 88th section of "The Norfolk Estuary Act, 1857";

"The referee" shall mean the civil engineer appointed by the Company, the Ouse Outfall Board, and the Lynn Corporation, or in the case of difference by the Board of Trade, as by this Act provided;

"The Ouse Outfall Channel" shall mean the channel of the River Ouse north of Fisher Fleet at King's Lynn, and any extension of such channel seaward;

"The Marsh Cut" shall mean so much of the Ouse Outfall Channel as lies north of Fisher Fleet aforesaid, and south of a line drawn at a right angle with and across the said channel at a point distant two chains north of the north sluice in the west bank of the said channel;

"The Vinegar Middle Cut" shall mean so much of the Ouse Outfall Channel as lies within two miles north of and in continuation of the Marsh Cut;

"The Wisbech Corporation" shall mean the mayor, aldermen, and burgesses of the borough of Wisbech;

"The Commissioners of the Nene Outfall" shall mean the Commissioners acting in the execution of an Act passed in the seventh and eighth year of the reign of His late Majesty King George the Fourth, commonly called "The Nene Outfall Act," or any statutory modification or extension thereof;

"The Nene Outfall Northern Boundary Line" shall mean the line drawn on a certain plan which for the purposes of the Nene Outfall Act was made by Thomas Pear, of Spalding in the county of Lincoln, land surveyor, of the open marshes, bare sands, and channel by that Act authorised to be embanked, such line being drawn from a certain place called Terrington Marsh Corner, on a certain bank usually called Admiral's Bank, in Terrington in the county of Norfolk, on the east side of the said marshes, to a certain other place called Skate's 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, which said plan of the said Thomas Pear was by the authority of that Act authenticated by the signatures of the Commissioners of His then 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;

"The Mid Channel Line" shall mean a certain other line also drawn upon the last-mentioned plan from the southern end of the said sands and channel to the said northern boundary line, and designated and known as the Mid Channel Line of the said marshes, sands, and channel;

"The Extended Mid Channel Line" shall mean a line commencing at the northern termination of the Mid Channel Line, and running thence in a direct line in a north-easterly direction at an angle of one hundred degrees with that part of the Nene Outfall Northern Boundary Line which lies westward of the Mid

A.D. 1877.

Channel Line, until it meets the outward or seaward boundary line of the tract of land first described in the 95th section of the Act of 1857.

Repeal of Norfolk Estuary Act, 1857.

5. Subject to the provisions of this Act, the Act of 1857 shall henceforth be and the same is hereby repealed; but such repeal shall not operate retrospectively nor invalidate anything already made, done, or executed under the authority or in pursuance of the repealed Acts which may hereafter, notwithstanding the repeal thereof, be cited by their respective short titles: Provided always, that such repeal shall not exonerate the Company from any payment of money for which at the time of the passing of this Act they may be liable pursuant to section 112 of the Act of 1857.

6. Notwithstanding such repeal, and subject to the provisions of this Act, the following provisions shall take effect:

Company to continue incorporated.

(A.) The Company, as from the passing of the Norfolk Estuary Act, 1846, shall remain incorporated by the name of the Company of Proprietors of the Norfolk Estuary, with power to purchase, acquire, take, hold, and dispose of lands and other property for the purposes of this Act, and with all the other incidents of an incorporated Company:

To hold their property.

(B.) The Company shall continue seised and possessed of and entitled to all the lands, works, rights, privileges, goods, chattels, credits, and property of every description whereof or whereto they were seised, possessed, or entitled immediately before the passing of this Act, and as to such part or parts of the said tracts of land as may be or but for this Act might have become liable to the operation of the clause or provision of reverter contained in the 180th section of the Act of 1857, freed and absolutely discharged from all such liability, but subject to the clause or provision for reverter contained in this Act:

Deeds to remain in force.

(C.) Every deed, instrument, certificate, contract, agreement, transaction, matter, and thing executed, given, entered into, made, or done under or by virtue of or in relation to any of the said former Acts shall remain in full force and virtue, and shall operate accordingly:

Actions not to abate.

(D.) No action, suit, prosecution, or other proceeding by or against the Company pending immediately before the passing of this Act shall abate or be discontinued or be prejudicially affected, and all offences against the provisions of the said former Acts, or any of them, committed before the passing of this Act may be prosecuted, and all penalties incurred by reason of such offences may be recovered by or against the Company:

(E.) All moneys immediately before the passing of this Act due or owing to or from the Company, or any person on their behalf, shall remain and be due or owing to, from, or on behalf of the Company, and, with any interest accruing thereon, shall be payable and recoverable accordingly: Debts due to and by the Company to be paid to and by them.

(F.) Every present officer and servant of the Company shall continue in his office and employment, and receive the salary and emoluments thereof, until he shall retire or be removed therefrom by the Company or the directors: Officers to continue.

(G.) All books, plans, sections, certificates, writings, and documents which would have been receivable in evidence under any of the repealed Acts shall be admitted in evidence in all courts whatsoever: Books to be evidence.

(H.) All resolutions, orders, notices, and proceedings of the Company, and of the directors thereof, made and taken before the passing of this Act shall (until altered by the Company under the provisions of this Act) continue in full force and effect. Resolutions to remain in force.

7. The number of directors shall be such, not being more than nine or less than four, as the Company shall from time to time in general meeting determine, and until the Company shall otherwise determine shall be eight. The qualification of a director shall be the holding in his own sole right of twenty shares in the undertaking. The present directors, notwithstanding the passing of this Act, shall continue in and retire from office in the same rotation and at the same times as they would have done if this Act had not been passed. Number and qualification of directors.

8. The directors may appoint a treasurer, or any three directors may execute the office of treasurer. Treasurer.

9. The newspaper for advertisements for all purposes of this Act shall be a newspaper published in the county of Norfolk, and for the purpose of general meetings and adjournments thereof shall be also a London daily morning newspaper. Newspaper for advertisements.

10. Seven shareholders present personally or by proxy, and holding in the aggregate not less than ten thousand pounds in the capital of the Company, shall be a quorum at a general meeting. Quorum of shareholders.

11. The capital of the Company consists of three hundred and seventeen thousand pounds, divided into six thousand three hundred and forty shares of fifty pounds a-piece, on each of which forty-seven pounds have been called up. The Company may call up from the respective holders of those shares the remaining three pounds per share as and when they think fit, and shall have the same Capital 317,000*l.* in 6,340 shares of 50*l.*

A.D. 1877.

powers for enforcing payment of calls in arrear at the time of the passing of this Act, and of forfeiting shares for nonpayment of calls so in arrear, as they have in respect of calls made after the passing of this Act.

Company may buy and cancel shares.

12. The Company may at any time purchase or accept a surrender of any of the shares in the Company upon such terms as shall from time to time be sanctioned by a general meeting of the Company, and shall cancel all shares so purchased or surrendered, and whenever any shares are cancelled under this Act, the capital of the Company shall be reduced by such an amount as represents the nominal value of the shares so cancelled.

Creation of common fund.

13. All moneys received and not already expended, or which shall hereafter be received by the Company, whether arising from calls, interest, profits on investments, sales of land, loans, payments by frontagers, rents, tolls, dues, profits, or other sources whatsoever, shall form one common fund, which may from time to time be applied and disposed of in executing works of the Company, or in repayment of moneys borrowed, or in payment of interest thereon, or rentcharges payable by the Company, or in payment of any other moneys or any costs or expenses payable by the Company, or in paying dividends to the shareholders, or in such other manner (if any), including the payment of contributions or subscriptions to or towards the foundation, endowment, or maintenance of buildings or places for public worship, or for schools or charities for the use or benefit of the occupiers of the vested lands, or for persons employed by the Company, or otherwise, as the Company shall think fit.

Company may reclaim and embank land.

14. Subject to the provisions of this Act, the Company may from time to time reclaim and embank such parts of the tracts of land as may be for the time being unembanked, and for these purposes, or any of them, may enter upon and occupy such lands respectively, and may make, erect, and maintain thereon any works for the purposes aforesaid, and from time to time extend, alter, or remove the same or any part thereof: Provided always, that, subject to the provisions of this Act, any landowner may, as and when he shall think fit so to do, reclaim and embank his own land.

Compensation to be made for improvements to landowners' land when embanked.

15. Any parts of the tracts of land which at any time after the passing of this Act shall be embanked by any landowner or by the Company for any landowner shall, unless otherwise provided by this Act, stand charged from and immediately after the embankment thereof with the payment to the Company of a gross sum of money equal to one third of the increased value, if any, which shall have accrued to such lands in consequence of any works already or

hereafter executed by or at the cost of the Company, whereby or as a result whereof such lands have been or shall then have been accreted, reclaimed, improved, or embanked; any gross sum of money which may be charged under this section shall carry interest at the rate of five per cent. per annum from the time when the said land is to be deemed, as herein-after mentioned, to have been embanked, whether the sum to be charged shall or shall not have been then actually ascertained. If any dispute shall arise between the landowner and the Company respecting the fact of the accretion, reclamation, improvement, or embankment of such lands, or any part thereof, by or in consequence of the works of the Company, or respecting the increased value of such lands, or the amount of the charge to be imposed thereon under this section, such dispute shall be referred to arbitration under Part VII. of this Act, and any costs which the arbitrator shall decide and award to be payable otherwise than by the Company shall, if not immediately paid by the landowner, be added to the sum awarded to the Company, and charged under this section.

Land when deemed to be embanked.

16. For the purposes of the section last preceding, and of the next following section, land shall be deemed to have been embanked at the expiration of six calendar months after the time when the waters of the sea shall have been excluded from the land embanked, and of two calendar months after notice thereof shall have been given by the Company to the landowner, whichever period shall last expire, and if any dispute shall arise as to the time when the land ought to be deemed to have been embanked for the purposes of this section, the same shall be referred to arbitration under Part VII. of this Act.

Amount of compensation raisable by mortgage.

17. In case any principal money or interest charged as aforesaid shall not be paid by the landowner to the Company within two years after the land in respect whereof the same shall be charged shall have been embanked, the Company may thereupon, or at any time afterwards while any such money shall remain owing, appoint, convey, and assure by deed all or any of the land so charged as aforesaid with such money to any person in fee simple in possession, or for any less estate or interest in possession, with or without impeachment of waste, by way of mortgage for securing to such person either beneficially or as a trustee for such purposes, as the Company shall think fit, the aggregate sum then owing for such principal and interest as aforesaid, and for the costs of and incidental to the mortgage (such costs not to exceed ten per cent. of such principal and interest), together with interest thereon at any rate not exceeding five per cent. per annum, payable on the half-yearly days aforesaid. Every mortgage made or purporting to be made

A.D. 1877.

under the authority of this section shall have all the incidents and shall confer on the mortgagee all the powers by the Act of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter 145, Part II., conferred and thereby annexed and made incident to mortgages. Any principal sums and interest so charged as aforesaid, and any principal and interest which may be secured by a mortgage as aforesaid, and the mortgage for securing the same, shall have priority over all other charges, liens, estates, and interests for the time being subsisting or capable of taking effect upon or in the land so charged under this Act.

For the protection of and as to lands of Mr. Walker.

18. Nothing in this Act contained shall in any way affect or alter the existing rights and liabilities of Mr. James Walker or of the Company with respect to the five hundred and forty-nine acres two roods and twenty-seven perches of land referred to in an indenture dated the twenty-ninth day of December one thousand eight hundred and fifty-eight, and made between the Company and George William Pierrepont Bentinck, Esquire.

Company may purchase land by agreement.

19. The Company may by agreement with the landowner purchase any parts of the tracts of land belonging to such landowner, or any estate or interest in, or rights, privileges, or easements over or affecting the same.

Roads to vested lands.

20. The Company may agree with any landowner for the use by the Company of any existing private road of such landowner, or for the laying down and constructing through and across the land of such landowner any new road, and for the use thereof, when so laid down and constructed, for the purpose of obtaining access to the vested lands.

Embankments, &c. to be maintained by owners.

21. The Company and the owners for the time being of any lands which have been or may be embanked by the Company shall in manner herein-after provided maintain and keep in an efficient state of repair all the sea and other banks which from time to time have been or may be made by the Company for the embankment of any such lands, and which shall for the time being protect or help to protect the same or any part thereof from inundation, and shall also maintain in repair, except as otherwise provided by this Act, all such roads, drains, sluices, and culverts as may be made by the Company under the provisions of this Act in and upon the lands vested in them by virtue of this Act: Provided that the rate, tax, or charge to be made and levied on such owners for the maintenance of the embankments and works executed by the Company shall not exceed in any one year the sum of three shillings for each acre of the lands so embanked; and if the amount yielded by such rate, tax, or charge in any one year shall be insufficient to defray

the cost of the maintenance of such embankments and works as aforesaid, the balance shall be payable by the Company, and may be recovered from them by the Commissioners next herein-after mentioned: Provided always, that if the rate, tax, or charge of three shillings per acre as aforesaid shall in any subsequent year or years exceed the cost of maintenance in such subsequent year or years, the excess shall be raised and paid to the Company until they shall have been recouped the amount of such balance with interest at the rate of five pounds per centum per annum, and so from time to time as often as the same shall occur, and when and during such time as no such balance shall be due to the Company, the amount of the said rate, tax, or charge to be raised under the provisions of this Act shall not in any year exceed the amount estimated to be requisite to cover the cost of maintenance of such embankments and works as aforesaid.

Commissioners to be appointed for maintaining banks.

22. In order to provide for the permanent maintenance of the same embankments, and of the said roads, drains, sluices, and culverts in such state of repair as aforesaid, the directors for the time being of the Company, and all the owners of fifty acres of land embanked by the Company as aforesaid, shall be commissioners for that purpose, and every such commissioner may from time to time, by writing under his hand, appoint a deputy with full power to act in all respects as such commissioner might do. The chairman for the time being of the said directors or of the same commissioners, or any three of the same commissioners, shall have power at any time to convene a meeting of such commissioners by advertisement published at least for two weeks prior to such meeting in some newspaper circulating in the county of Norfolk, and any five commissioners who shall be present at such meeting shall form a quorum.

Chairman to be appointed.

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

Officers may be appointed.

24. The same commissioners shall have power to appoint any officer or officers for the purpose of superintending the embankments and other works confided to their care, and to pay such officer or officers such reasonable salary as they may see fit, and

A.D. 1877.

the Company shall delegate to the commissioners such powers of entering upon lands for the purpose of the said embankments, or otherwise in relation thereto, as the Company now possess or may hereafter acquire.

How expense of salary, &c. to be provided for.

25. The salary of such officer or officers, as well as all other costs, charges, and expenses which may be incurred by the same commissioners in carrying this Act into execution, shall be defrayed by means of the aforesaid rate to be assessed and levied upon and in respect of the lands for the time being embanked from the sea under the powers of this Act.

How contributions to be assessed.

26. The amount of such rate shall from time to time be fixed and determined by the same commissioners, and shall be assessed equally in respect of every acre of land for the time being so embanked from the sea.

For recovery of assessment.

27. In case the said rate shall not be paid within a period of twenty-one days after the day appointed by the same commissioners for the payment thereof, it shall be lawful for the commissioners to levy the amount thereof by distress and sale of the goods and chattels of the occupier of the lands, subject to the payment of such rate, and for such purpose to enter upon such lands, and to seize and take and to carry away and sell such goods and chattels without being liable for any action or trespass, or otherwise in respect thereof: Provided always, that unless otherwise agreed between the owner and occupier of any such lands, it shall be lawful for the occupier thereof to deduct from the rent payable by him to his landlord the amount which he may have paid, or in respect of which distraint may have been made for and towards such rate as aforesaid: Provided also, that for the purposes aforesaid the Company shall be considered the occupier of any lands liable to such rate as aforesaid, and which shall not have been sold by them at the time of making such rate.

Drainage Commissioners and others may agree with Company for execution of certain works.

28. 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, shall be of opinion that any such banks or other works would be maintained and executed more effectually or advantageously, or at a lower price, if maintained and executed by the Company on account of any convenience or advantage resulting from the works which the Company are by this Act authorised to execute, it shall be lawful for the Company and such body corporate, commissioners, trustees, or other persons to treat and agree for the taking upon the Company either for a limited period or in perpetuity 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.

Company to provide outfall for drainage of lands deprived of outfall by works of Company, &c.

29. The Company shall provide and maintain a good and sufficient outfall for the drainage of all lands injured in their outfall by the works of the Company, but the Company shall not be liable to any person for or in respect of any injury caused to the drainage of any lands by or in consequence of any embankments or works executed by any landowner under the power reserved by this Act to landowners to embank their own lands, nor be liable to any landowner for or in respect of any injury caused to the drainage of any lands of any such landowner by or in consequence of any works executed by the Company pursuant to any agreements made with or to any provisions imposed by this Act, or any of the repealed Acts upon the Company by or for or for the benefit of any such landowner. Any injury which may be caused to the drainage of the tracts of lands, or of any parts thereof, or of the lands adjoining thereto, or of any other lands by or in consequence of any works, whether executed by the Company irrespective of any agreement or provisions as aforesaid, or by landowners as aforesaid, or by the Company pursuant to any such agreement or provisions as aforesaid, shall, but with due regard to the supply of fresh water, be as far as possible removed, remedied, or alleviated by the execution of such works and in such manner and at such cost as the Company and the person sustaining or suffering such injury shall mutually concur in and agree upon. In case any difference shall arise between the Company and any landowner, or between any two or more landowners, as to the cause of any such injury as aforesaid, or as to the remedial works to be executed for the removal or alleviation thereof, having due regard to the supply of fresh water as aforesaid, or as to the person by whom the cost thereof shall be borne, the same shall be referred to arbitration under Part VII. of this Act.

Improvement of vested lands.

30. The Company may from time to time occupy, manage, improve, and cultivate the vested lands, and may erect and maintain thereon buildings for public worship or schools, also farm and other houses, cottages, warehouses, mills, and commercial and other buildings, and may construct roads for the purposes of commerce or otherwise, in, upon, or over the same lands, and otherwise deal therewith as they shall think fit.

Power to lease.

31. The Company may from time to time let any of the vested lands from year to year, or for any term of years, in possession or reversion, at such rents, either with or without fine or premuim, and subject to such covenants, provisions, and restrictions, upon such conditions, and in such manner as they shall think fit.

A.D. 1877.

Power to borrow money.

32. The Company may from time to time borrow and reborrow at interest any sums of money which they may think necessary upon mortgage of the vested lands or of any part thereof, and any such mortgage may contain such provisions as the parties thereto may deem expedient for continuing the loan, or for the payment of the sum thereby secured by instalments, or for reducing the rate of interest reserved thereon, and may also contain powers of sale of the mortgaged premises, or for the appointment of a receiver, and such other provisions as shall be in that behalf agreed upon.

Power of sale.

33. The Company may absolutely sell and dispose of the vested lands or any of them, or any part thereof respectively, at such time, in such manner, and subject to such conditions as they shall think proper, and may by deed convey and assure the same to the purchaser, or as he shall direct.

As to pre-emption in respect of certain lands.

34. Before the Company let or sell any part of the vested lands adjoining the lands of His Royal Highness the Prince of Wales, they shall offer the same to the said Prince or other the owner of the said adjoining lands for the time being, who may, if he thinks fit, become the lessee or purchaser thereof, as the case may be, by agreement with the Company, or failing agreement, upon terms to be settled by arbitration.

Power of exchange.

35. The Company and any landowner may exchange any of their respective lands adjoining or near to each other, and may by deed convey to each other the lands to be given in exchange, and every such conveyance shall operate as a conveyance and limitation of the lands given in exchange to the same uses, upon the same trusts, and for the same estates and interests, and with and subject to the same powers, charges, and conditions (if any) as the lands received in exchange were theretofore subject to, and shall discharge the same lands from all uses, trusts, estates, interests, powers, charges, and conditions (if any) theretofore affecting the lands given in exchange.

Receipt of treasurer to be a discharge.

36. The receipt of the treasurer for the time being of the Company for any moneys payable to the Company under this Act shall effectually discharge the person paying the same therefrom and from being concerned to see to the application thereof. No lessee or mortgagee of or purchaser from the Company shall be bound to ascertain or inquire as to the propriety of any lease, mortgage, or sale by the Company; and the lands so leased, mortgaged, or sold shall to the extent of the interest therein expressed to be given thereby to the lessee, mortgagee, or purchaser thereof, be freed and absolutely discharged from all obligations and liability

of the Company under this Act, or any of the repealed Acts, save and except that every lease, mortgage, sale, or exchange of any part of the tracts of land which may for the time being be unembanked shall so long as the same shall remain unembanked be and remain subject to the provisions for making compensation to the Crown, and for reverter on the 18th of August 1878 or on the 18th of August 1909, as the case may be, and as to the construction of works below high-water mark, severally contained or referred to in this Act.

Part III.

Appointment of referee.

37. The Company, the Ouse Outfall Board, and the Lynn Corporation may from time to time appoint a civil engineer to be the referee mentioned in this Act, and in case any difference shall arise as to the person to be appointed, or otherwise in relation thereto, the Board of Trade shall, upon the application of any one or more of the said three bodies, appoint such referee, and so from time to time as often as occasion may require. The Company, the Ouse Outfall Board, and the Lynn Corporation may, by a joint notice in writing addressed to the referee at his last known or usual place of abode or business, terminate any such appointment as aforesaid upon a day to be named in such notice. In case any one or two of the said bodies shall, for twenty-one days after receipt of a request in writing by any one or two of the said bodies so to do, decline or neglect to concur in any such notice, then the Board of Trade may, upon the application of any one or more of the said bodies, if the said Board shall think fit so to do, by notice in writing addressed to the referee in manner aforesaid, terminate any such appointment as aforesaid, and so from time to time as often as occasion may require. The referee for the time being may resign his appointment, giving written notice of such resignation to the Company and the Ouse Outfall Board and Lynn Corporation.

Payment of contributions by Ouse Outfall Board and Lynn Corporation.

38. The Ouse Outfall Board and the Lynn Corporation shall on or before the first day of August one thousand eight hundred and seventy-seven pay in equal moieties to the Company the several sums of two thousand pounds and ten thousand pounds, and invest in equal moieties as provided by this Act the sums of ten thousand pounds and five thousand pounds, but the Ouse Outfall Board and the Lynn Corporation, or either of the said bodies, or any member thereof, shall not be personally liable to pay the said several sums or any part thereof. In case the said several sums shall not be fully paid and invested on or before the first day of August one thousand eight hundred and seventy-seven, the same,

A.D. 1877.

or so much thereof respectively as shall not be so paid and invested, shall bear interest from that day at the rate of five pounds per centum till payment or investment.

Powers of raising contributions.

39. The Ouse Outfall Board and Lynn Corporation shall, as soon as conveniently may be, levy and raise by the ways and means mentioned or referred to in the Norfolk Estuary Act, 1857, with respect to the contributions and instalments made payable by that Act, and in case of default by them respectively for twelve months after the first day of August one thousand eight hundred and seventy-seven the Company may, levy and raise by the ways and means aforesaid all or any part of the said sums then unpaid and uninvested respectively, with interest thereon respectively at the rate and from the time aforesaid, in the same manner as if such sums respectively were instalments overdue and payable to the Company under an award pursuant to the forty-seventh section of the Norfolk Estuary Act, 1857; accordingly all the clauses and provisions in that Act and in the schedule thereto contained relative to levying and raising the contributions and instalments by that Act made payable shall continue in force for the purpose of levying and raising and shall be applicable to the said respective sums, and the interest thereof, and the costs, charges, and expenses of and incidental to the levying and raising of the same respectively: Provided always, that nothing herein contained shall affect or diminish the charges, liens, securities, rights, priorities, privileges, or benefits of any person entitled or claiming to be entitled under sections 61 to 64 and 68 to 74, all inclusive, of the Act of 1857, or under any of those sections, but the same, so far as they may be still subsisting, shall remain in full force as if this Act had not been passed: Provided always, that in addition to the expenses to be raised by and allowed to the Harbour Mooring Commissioners under section 89 of the Act of 1857, the said commissioners shall be entitled by the ways and means aforesaid to raise and retain any costs and expenses properly incurred by them in reference to the applications by the Company to Parliament, or incidental thereto.

Application of contributions.

Partly in payment to the Company.

40. The said several sums, and the interest thereon respectively, shall be dealt with in the following manner:

(A.) The said sum of two thousand pounds, being the amount admitted to be due to the Company from the Ouse Outfall Board and the Lynn Corporation respectively in respect of unpaid moneys from time to time since Midsummer one thousand eight hundred and sixty-five expended in and about the construction of the Vinegar Middle Cut, and the banks and foreshores thereof, and interest thereon up to the first day of August one thousand eight hundred and seventy-

seven, and the said sum of ten thousand pounds so to be paid to the Company, shall be retained by them for their own use:

Partly in forming a Marsh Cut fund.

(B.) The said sum of ten thousand pounds to be invested shall be invested by the Ouse Outfall Board and Lynn Corporation, or, as the case may be, by the Company in the names of the Company, the Ouse Outfall Board, and the Lynn Corporation, in such one or more of the stocks, funds, shares, or securities authorised for the investment of trust funds, or in or upon the stocks or securities of any municipal corporation or commissioners incorporated by Act of Parliament, or of the London and North-western, London and South-western, Great Eastern, Great Northern, Great Western, or Midland Railway Companies respectively, as the Company, the Ouse Outfall Board, and the Lynn Corporation shall approve of; this fund is in this Act referred to as the Marsh Cut fund:

Partly in forming an indemnity fund.

(C.) The said sum of five thousand pounds shall be invested in like manner, in the same names, and upon any of the securities as by this Act provided in respect of the Marsh Cut fund, but as a separate investment; this fund is in this Act referred to as the indemnity fund.

Release of claims upon the Ouse Outfall Board and Lynn Corporation.

41. The moieties of the said four several sums, and the interest thereon, until the payment or raising thereof respectively, as the case may be, when paid and invested by the Ouse Outfall Board and Lynn Corporation respectively, or, as the case may be, raised by the Company, shall thenceforth be in full satisfaction and discharge of all claims and demands of or by the Company against the Ouse Outfall Board and Lynn Corporation respectively, on account of the contributions and instalments payable by them respectively to the Company under any of the repealed Acts, and on the other hand the Company shall be and are hereby discharged from any existing liability to the Ouse Outfall Board and Lynn Corporation respectively in respect of costs, charges, or expenses of or in relation to any past or pending litigation between the Company on the one hand and the Ouse Outfall Board and the Lynn Corporation, or either of them, on the other hand; and such costs, charges, and expenses, so far as the Ouse Outfall Board are concerned, may be provided for in the same way as the said moiety of the said four several sums payable as aforesaid by the said Board; and, so far as the said Corporation are concerned, in the same way as the said moiety of the said four several sums payable as aforesaid by the Corporation.

Application of income of Marsh Cut fund.

42. The yearly income of the Marsh Cut fund, or a sufficient portion thereof, shall from time to time, as occasion requires, be

A.D. 1877.

received and applied by the Company exclusively in or towards the maintenance or repair of the Marsh Cut and the banks and foreshores thereof; the cost or value of labour and materials, whether purchased or provided by the Company, also a reasonable allowance for engineering, superintendence, plant, and contingencies, shall be deemed to be part of such maintenance and repair: Provided always, that this provision shall not in any way lessen any liability of the Company under this Act to such maintenance.

Application of income of indemnity fund.

43. The income of the indemnity fund may be received by the Company for their own use so long as but no longer than the Company shall maintain the Marsh Cut and the Vinegar Middle Cut so far as it now extends; that is to say, so far as it has been at present to a certain height embanked free from injury or detriment which may be caused or likely to arise to the said cuts, or either of them, by reason or in consequence of any of the works of the Company.

Application of income of Marsh Cut fund, and in case of default of indemnity fund.

44. As to the expenditure on account of the income of the Marsh Cut fund, and after default as aforesaid of the income of the indemnity fund, the Company shall in every month of January transmit to the respective clerks of the Ouse Outfall Board and Lynn Corporation a statement in writing of the available income of the said funds respectively and of the works which have been executed, and of the expenditure thereon during and up to the end of the preceding year, and shall, if required, produce proper vouchers in verification thereof. The Ouse Outfall Board and the Lynn Corporation, or either of them, if dissatisfied with any such statement, or with any works commenced or done by the Company in or about the maintenance and repair of the Marsh Cut, and the banks and foreshores thereof, or with any omission on the part of the Company to do works necessary therefor, or if not satisfied that the Company have, as in this Act mentioned, maintained the Marsh Cut and the Vinegar Middle Cut so far as it now extends free from injury or detriment as aforesaid, may within twenty-eight days after the receipt of such statement, or from time to time as regards any such omission or dissatisfaction as last aforesaid, give notice in writing specifying the grounds of their dissatisfaction to the Company, and in case the Company shall not agree with and satisfy the complaining body or bodies as to all the matters so in difference within twenty-eight days from the receipt of such notice, then within the further period of twenty-eight days, or within twenty-eight days after the appointment of the referee, as the case may require, the same may be referred by the complaining body to the referee, who shall forthwith proceed to inquire therein and decide all matters then remaining in difference, and shall also have power to direct

any works to be done that he may consider proper and needful for the due maintenance and repair of the Marsh Cut and the banks and foreshores thereof, but so far only as the income of the Marsh Cut fund shall extend, or for maintaining the Marsh Cut and the Vinegar Middle Cut so far as it now extends free from injury or detriment as aforesaid, but so far only as the income of the indemnity fund shall extend; and the award of the referee shall be final, and the costs of the reference shall be borne and paid as the referee shall thereby direct.

Providing for excess or deficiency of income.

45. If the income of the Marsh Cut fund shall in any year exceed the expenditure to be made thereout as by this Act provided during such year, the Company may retain the surplus in or towards the reimbursement of any excess of expenditure made by the Company after the passing of this Act on such maintenance until the entire liquidation thereof; so much of the income of the fund as shall not be retained or applied as aforesaid shall from time to time be added to the fund by way of accumulation thereof by compound interest, and the accumulation shall be applicable and applied as income when and as often as occasion may require.

General maintenance of Marsh and Vinegar Middle Cuts.

46. The Company shall maintain, repair, and keep up to at least their present height the existing stone banks of the Vinegar Middle Cut until they shall have made and completed some other banks or works, or have accreted land which, in the opinion of the referee mentioned in this Act, shall be not less effective for maintaining the Vinegar Middle Cut so far as it now extends. The Marsh Cut and the banks, sluices, and existing foreshores thereof, and the Vinegar Middle Cut so far as it now extends, or so far as any further portion thereof may hereafter be embanked by the Company, shall for ever be maintained by the Company in the line and of the depth in the centre or mid-channel not less than set forth in the 6th section of "The Norfolk Estuary Act, 1849."

Maintenance of Ship Channel.

47. The Company shall from time to time and at all times hereafter keep and maintain in its present position, or as near thereto as may be from the northern end of the Vinegar Middle Cut, so far as it now extends, the westernmost of the navigable channels (now known as the Lynn Ship Channel), so far as the Company's two tracts of land extend, free from all injury or detriment which may be caused or be likely to arise thereto by reason or in consequence of any of the works of the Company, and so that the navigation of the said channel may not in any way be made subservient to the Company's works of reclamation.

A.D. 1877.

Part IV.

Compensation for Crown rights to be a per-centage on expenditure by Company on new works.

48. In order to make compensation to the Queen's most Excellent Majesty, her heirs and successors, for all her rights and interests in so much of the said tracts of land remaining unembanked as have not been purchased by the Company, there shall be payable to the Commissioners of Woods, for the use of Her Majesty, her heirs and successors, in addition to the sums already paid to such Commissioners under the repealed Acts respectively, or some of them, a sum after the rate of one pound sterling for every one hundred pounds (and proportionally for any less sum) which shall be expended by the Company in or upon such of the works of the undertaking as are in this behalf after mentioned, and all moneys so to be paid to the said Commissioners shall be applied in the same manner as the moneys 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 pro-"visions relating to the same to the Isles of Man and Alderney," and the Acts amending the same.

Basis for calculation of per-centage.

49. The said per-centage shall be charged upon or in respect of all expenditure after the passing of this Act upon any works executed or to be executed by the Company, whether below high-water mark or not, and also upon the expenditure incurred in lengthening, heightening, or strengthening any existing or new works beyond or by way of addition to the original length, height, or strength thereof, but the said per-centage shall not be chargeable upon the cost of the repairs, restoration, or reconstruction of any such works in consequence of the wear and tear or destruction thereof, whether caused by storm, natural decay, or otherwise, save and except to the extent of the expenditure upon any increase in the length, height, or substance thereof as aforesaid, nor shall the said per-centage be chargeable in respect of any works or buildings or cultivation upon or of the said lands after the same shall have been embanked, and the tidal waters excluded therefrom, nor upon any expenditure of the income of the said Marsh Cut fund nor of the indemnity fund, if and so long as the same shall not be received by the Company for their own use as by this Act provided; and if at any time any question shall arise under this section as to the

time when any such lands as last aforesaid shall have been embanked, and the tidal waters excluded therefrom, then every such question shall be left to the sole decision of the Commissioners of Woods, whose opinion in writing shall be conclusive evidence of such decision.

Lands chargeable with payment of compensation to the Crown.

50. The money by this Act made payable to the use of Her Majesty, her heirs and successors, as aforesaid shall be a charge upon such of the said tracts of lands as are vested in the Company (other than such parts thereof as have been purchased by the Company) as shall not have been or shall not from time to time be released therefrom by the operation of the 34th section of the Act of 1857, or of the next following section, and shall have priority over all other charges for the time being thereon.

Certificate of Commissioners of Woods to release Crown lien on lands.

51. The Commissioners of Woods from time to time, upon proof being given to their satisfaction by the Company that any further part of the tracts of land has been embanked, and upon payment to them of all money for the time being due from the Company to Her Majesty, her heirs and successors, shall grant a certificate in duplicate, under the hand of one of the said Commissioners, that such part of the said lands has been embanked, and that such money has been paid, and one part of such certificate shall be delivered to the Company and the other part shall be deposited at the Office of the Land Revenue Records and Inrolments, and either of such certificates, or a copy thereof certified by the Keeper of Land Revenue Records, or by the secretary of the Company, to be a true copy, shall be received as primâ facie evidence in all courts of law and elsewhere that such part of the said land has been so embanked, and that such money has been paid; immediately upon the granting of every such certificate the land so certified shall be for ever thereafter absolutely released and discharged from the aforesaid charge and from all right of reverter to and other claims or demands of Her Majesty, her heirs or successors, under this Act or otherwise.

Company to furnish half-yearly balance sheets to Commissioners of Woods.

52. The Company shall within twenty-eight days after every first of January and first of July deliver to the Commissioners of Woods a balance sheet of their last preceding half year's accounts, and thereupon pay to the Commissioners such money as upon the statement of such accounts shall appear due and payable to the Crown in respect of the said expenditure during the same period.

Company's accounts to be open to Commissioners of Woods.

53. All the books, accounts, vouchers, and documents of the Company shall at all times be open to the inspection of the Commissioners of Woods, or any person appointed by them, and shall be produced at such times, in such places, and to such persons as the Commissioners shall require, and shall be verified, if and when

A.D. 1877

required by the Commissioners, by the declaration or affirmation of the proper officer of the Company.

Company to pay Commissioners of Woods expenses.

54. All costs and expenses of the Commissioners of Woods in relation to the Company's undertaking, either before or after the passing of this Act, shall be paid by the Company.

Reverter.

55. If the Company shall not before the 18th of August 1878 embank the whole of the tracts of land, then such of those lands as shall not have been purchased by the Company, and shall not or, if this Act and the repealed Acts had not been passed, would not have belonged to Her Majesty, and shall then remain unembanked, shall on that day revert to and again become the property of the person to whom the same would have belonged if this Act and the repealed Acts had not been passed, freed and discharged from all the rights, powers, claims, and demands of the Company, or of any person claiming through the Company; and if the Company shall not before the 18th of August 1909 (being a further term of thirty-one years from the said 18th of August 1878) embank the whole of the said tracts of land, then such of those lands as shall not have been purchased by the Company, or under the provisions contained in this section, shall not have reverted to and become the property of some person other than Her Majesty, her heirs or successors, and shall then remain unembanked, shall on that day revert to and again become the property of Her Majesty, her heirs and successors, freed and discharged from all the rights, powers, claims, and demands of the Company, or of any person claiming through the Company: Provided always, that, as agreed between the Company and Hamon Le Strange, no part of the estate or lands of Hamon Le Strange shall be deemed to be lands purchased by the Company, and that as between the Company and His Royal Highness the Prince of Wales the 108th section of the Act of 1857 shall remain in force as if this Act had not been passed.

Commissioners of Woods' surveyor to report what land remains unembanked.

56. The Commissioners of Woods may at any time after the eighteenth of August one thousand nine hundred and nine appoint a surveyor to examine into and report what part, if any, of the tracts of land remained unembanked on that day, and his report being enrolled in the Office of Land Revenue Records and Inrolments shall be conclusive on the subject; but such surveyor shall have no power to examine into or report upon any lands which the Commissioners of Woods shall in accordance with this Act or the repealed Acts have certified to have been embanked or which (whether then embanked or not) shall have been purchased by the Company.

PART V.

New Cuts to be part of the port and harbour of King's Lynn.

57. Subject to the provisions of this Act, the Marsh Cut and the Vinegar Middle Cut shall to all intents and purposes be within and part of the port and harbour of King's Lynn, and be subject to all the same rights, jurisdictions, powers, and remedies as are now vested in the Lynn Corporation and the Harbour Mooring Commissioners respectively in respect of the said port and harbour; and the said cuts and the banks and foreshores thereof shall be subject to the same rights of navigation and other the public rights and privileges as the former and ancient channel of the River Ouse and the banks and foreshores thereof were respectively subject to immediately before the passing of the Norfolk Estuary Act, 1846: Provided always, that no tolls, dues, or other payments authorised by this or any of the repealed Acts shall be demanded or become payable upon any vessels for the time being used or employed exclusively, or upon any implements, materials, or things employed or used exclusively in or about the works of the Company, but this exemption shall not be claimable in any case in which the vessel brings up in the harbour, and uses or occupies any of the berths or moorings therein belonging to the Harbour Mooring Commissioners.

Harbour Mooring Commissioners may put down mooring posts.

58. Subject to the provisions of this Act, the Harbour Mooring Commissioners may from time to time put, fix, and maintain on the banks and foreshores of the Ouse Outfall Channel such and so many mooring posts, buoys, and beacons, and at such places as the commissioners shall think expedient, the commissioners making good any damage which may thereby be done to the works of the Company, and the Company shall allow such mooring posts to be used gratuitously by all boats and vessels navigating the said channel: Provided always, that nothing in this Act contained shall in any manner take away, lessen, prejudice, or alter any right, power, or authority of the Lynn Corporation or the Harbour Mooring Commissioners of putting and fixing buoys, lights, and beacons on the banks and foreshores of the Ouse Outfall Channel as they had and enjoyed on the banks and foreshores of the former or ancient channel of the River Ouse before the passing of "The Norfolk Estuary Act, 1846," they nevertheless making good any damage which may thereby be done to the works of the Company; but nothing in this Act contained shall give the Lynn Corporation or the Harbour Mooring Commissioners any right or title to the banks or foreshores of the said channel.

Mooring vessels in time of flood.

59. No person shall moor or fix or continue moored or fixed two or more boats, barges, or other vessels abreast of each other in the

A.D. 1877.

Marsh Cut and Vinegar Middle Cut, or either of them, during the time of an upland flood passing through the same, or of any extraordinary pressure of water or ice therein; and if during any such time any two or more boats or barges or other vessels lie abreast of each other in either of the said cuts, and the master or other person having the care thereof shall not immediately, on notice given to him by any officer of the Company or of the Lynn Corporation or of the Harbour Mooring Commissioners, remove any boat, barge, or other vessel so lying to such convenient place as the officer directs, then the officer, with proper assistance, may so remove the same, and the expenses of such removal shall be paid by the master or person having the care of the same to the officer, and if not so paid on demand may be recovered by him from such master or person as a penalty may be recovered under the Companies Clauses Consolidation Act, 1845.

No ferry to be used within one mile of West Lynn Ferry.

60. No person shall convey for hire any person, animal, or thing across the Marsh 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 and West Lynn; and any person infringing this provision shall for every such offence forfeit and pay any sum not exceeding five pounds, to be recovered and dealt with in such manner as penalties may be recovered and dealt with under The Companies Clauses Consolidation Act, 1845.

Works west of extended mid-channel line.

61. The Company shall not execute any works upon any part of the tracts of land west of the extended mid-channel line without the consent of the Wisbech Corporation and the Commissioners of the Nene Outfall, under their respective corporate seals, first obtained, excepting works which the Crown or other owner for the time being of the said lands might have executed if this Act and the repealed Acts had not been passed.

Rights of fishing reserved over tracts of land until embanked.

62. Any rights of fishing that now legally exist in the tidal waters covering any part of the tracts of land may be exercised and enjoyed to such an extent only as that the exercise thereof shall not in any way interfere with the full and free execution of the powers of the Company to reclaim and embank lands, and execute other works: Provided always, that such rights of fishing shall not be exercised and enjoyed over lands after the same shall have been embanked: Provided also, to prevent injury to or disturbance of the stone banks of the Vinegar Middle Cut, or any extension thereof, no dredging, searching for, taking, or removing mussels or other fish shall, unless with the license of the Company, be exercised or enjoyed in, under, or upon the said stone banks.

County boundaries.

63. The whole of the tracts of land, except such as are by this Act declared to be situated in the parish of Sutton Saint Mary otherwise Long Sutton, in the county of Lincoln, shall be deemed locally situate in the county of Norfolk.

Her Majesty in Council may declare to what parishes embanked lands are to belong.

64. Notwithstanding the 27th section of the Poor Law Amendment Act, 1868, Her Majesty in Council may from time to time ascertain, fix, and declare to what parish or parishes any portion of the tracts of land herein declared to be within the county of Norfolk shall belong, or may constitute new and distinct parishes within the said lands, and plans showing the boundaries so determined 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 expense of the 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 also with the Company, and any copy of or extract from the said plans, authenticated by the signature of one of the said Commissioners or of the secretary of the Company, may be produced, and shall be received as primâ facie evidence in all courts of law and elsewhere, without proof of the signature, or that the person whose signature shall appear thereto had power to authenticate the same.

Land when embanked to be subject to rates.

65. Any part or parts of the tracts of land which shall have been embanked by the Company and brought into cultivation shall, when and so soon as they shall have been so embanked and brought into cultivation (but not sooner), and subject to all statutory or usual allowances, be liable to be rated and taxed in common and proportionately with the other lands in the parish wherein the same may be situate, save and except that the same shall not be deemed liable to be charged in the assessment for raising the quota of land tax chargeable by law on the parish or place in which they are situate.

Providing for deficiency in tithe rentcharge.

66. The Company shall from time to time make good any deficiency in tithe rentcharge occasioned by the works of the Company.

Penalty on persons wilfully obstructing the works.

67. If any person shall wilfully obstruct or interfere with any person in the lawful execution of this Act, or shall wilfully throw or place any ballast, rubbish, or other materials in or upon any part of the Company's works, or shall wilfully dig, get, or remove any shingle, soil, loam, silt, or warp therefrom, or shall dredge, search for, remove, or disturb any mussels, oysters, or other fish in, under, from, or upon the stone banks or other works of the Company of or in the Marsh Cut or the Vinegar Middle Cut, or any extension

A.D. 1877.

thereof, without the license of the Company, or shall obstruct the free passage of the watercourses, roads, ways, or other works, or injure or damage any of the Company's works, plant, or land, he and every person aiding or assisting therein shall, upon conviction before two justices, forfeit and pay any sum not exceeding twenty pounds for every such offence, in addition to the amount of any actual damage which may be thereby sustained by the Company. Every such sum may be recovered and dealt with in such manner as penalties may be recovered and dealt with under the Companies Clauses Consolidation Act, 1845.

Justices to appoint special constables.

68. It shall be lawful for two or more justices from time to time to appoint fit and proper persons to be nominated by or on behalf of the Company for that purpose to be special constables within the tracts of land and vested lands, or any part thereof, and every person so appointed 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 their appointment, and shall have, exercise, and enjoy all such powers, authorities, protections, and privileges as constables duly appointed have for the time being by law or statute; and any two or more justices, or any three or more directors of the Company, may dismiss or remove any such constable from his office, and, upon his dismissal or removal, all his powers and privileges under this Act shall cease.

Part VI.

Allotment to Mr. Hamond.

69. The Company shall allot and embank, but subject to the contribution for reclamation and embankment by this Act made payable (which for the purposes of this section shall be taken to be one half instead of one third of the increased value), two parcels of land containing twenty-two acres and twenty-seven perches and one hundred and forty-two acres respectively part of the said tracts of land and adjoining each other, and making together one hundred and sixty-four acres and twenty-seven perches of land, to and for the heirs or assigns of Anthony Hamond, of Westacre High House, in the county of Norfolk, deceased, and fronting his estates in the parishes of North Wootton and South Wootton, or one of them, which two parcels of land are coloured light green on the plan drawn on a certain certificate signed by the Honourable Charles Alexander Gore as one of the Commissioners of Woods, and dated the tenth of May one thousand eight hundred and seventy-five, such allotment to be in lieu and by way of purchase by the Company of all the rights and interests of the said Anthony Hamond, his heirs or assigns, in any other part of the said tracts, and the said one

hundred and sixty-four acres and twenty-seven perches shall be subject to the same uses, and be held upon the same trusts, and with and subject to the same powers, provisoes, and conditions upon, with, and subject to which the old inclosed lands of the said Anthony Hamond, his heirs or assigns, adjoining the said lands so to be embanked shall stand settled or be subject to at the time of such embankment. In estimating the said contribution for reclamation and embankment, the natural value of the land, exclusive of the beneficial effects of the works of the Company, shall be deemed for the purposes of this section to be seven pounds for every acre: Provided always, that no deduction in respect of natural value shall be made if and so far as the same might or would, if made, reduce the increased value consequent on the works of the Company (after making all other deductions) below the sum of fifty pounds per acre.

For protection of Mr. Bentinck and Mr. Walker.

70. The Company shall maintain and keep in good and sufficient repair all the outer sea banks which now protect from the sea the lands in the parish of Terrington belonging to George William Pierrepont Bentinck, so long as but not longer than the same sea banks respectively shall remain outer sea banks, and shall indemnify him, his heirs and assigns (including therein James Walker to the extent of his interest in the said banks as purchaser thereof from the said George William Pierrepont Bentinck), against all loss, damage, costs, and expenses which they respectively, or any of them, may sustain or incur through any neglect or default of the Company in maintaining or repairing such banks.

Apportionment to Guy's Hospital.

71. So much of the tracts of land as is situated north of the Nene Outfall northern boundary line, south of a line drawn parallel therewith, and at a distance of 115 chains northward thereof west of the extended mid-channel line, and east of the channel of the River Nene, including the banks and forelands appertaining or belonging thereto, and abutting upon the River Nene (herein-after in this section called "the said land"), shall be deemed to be situated in the parish of Sutton St. Mary otherwise Long Sutton, in the county of Lincoln; and as between the Company and the President and Governors of Guy's Hospital, herein-after called the President and Governors, the said land, as to fourteen undivided twentieth parts thereof, shall be deemed to be vested in the Company, and as to the remaining six undivided twentieth parts thereof shall be deemed to be vested in the President and Governors. Subject as after mentioned, the President and Governors may at any time and from time to time have and exercise the option of purchasing the fourteen undivided twentieth parts vested in the Company of all or any part or parts of the said land, excluding or including, at the like option,

A.D. 1877.

any bank or banks, or may require a partition to be made thereof. The President and Governors may at any time and from time to time give notice to the Company to embank at the expense of the Company all or any part or parts of the said land, and in case the Company shall not comply with the terms of such notice for the space of two years, the President and Governors may within one year after the expiration of such two years embank the lands specified in such notice, and in default thereof the notice shall be deemed never to have been given, and so toties quoties. The entirety of any land so embanked by shall be absolutely vested in the President and Governors, and be without prejudice to their right to six twentieths of the residue of the said land. The Company after but not before the embankment by them of all or any part of the said land may at any time and from time to time by notice in writing require the President and Governors to exercise their option of purchasing or having a partition made of all or any part of the said land so embanked by the Company, and in case the President and Governors shall not comply with the terms of such notice for the space of six months, the Company may within the like period of six months after the expiration of such previous period of six months purchase the six undivided twentieth parts of the President and Governors in the land specified in such notice, and in default thereof such notice shall be deemed never to have been given, and so toties quoties. All such land and undivided or other parts of land as the President and Governors acquire or shall acquire by purchase or on partition or otherwise under this section may be held by them in mortmain without further license, any existing Act of Parliament to the contrary notwithstanding. Any parts of the said land which shall be embanked by the President and Governors shall stand charged from and immediately after the embankment thereof with the payment to the Company of a gross sum of money equal to one half of the increased value, if any, which shall have accrued to such land in consequence of any works executed by or at the cost of the Company, whereby or as a result whereof such lands shall then have been accreted, reclaimed, improved, or embanked, such gross sum to carry interest at five per cent. from the time of such embankment until the payment thereof. In estimating the value of such improvements, the natural value of the land (exclusive of the beneficial effects of any of the works of the Company) and the expense incurred by the President and Governors shall be taken into account. If any dispute shall arise between the President and Governors and the Company respecting the amount of purchase money to be paid on any such purchase, or as to the terms of any such partition as aforesaid, or as to such compensation to the Company, or otherwise in relation to the matters

contained or referred to in this section, such dispute shall be referred to arbitration under Part VII. of this Act. The provisions contained in this section shall be deemed and taken to be as the consideration by way of purchase by the Company of all present or future frontage or other rights of or belonging to or which might by accretion of land or otherwise hereafter belong to or be or which but for this section would or might have belonged to or been acquired by the President and Governors in or over any other parts of the tracts of land, and the arrangement intended to be hereby made between the Company and the President and Governors shall be final and conclusive.

Company may embank lands of Nene Outfall Commissioners and receive compensation therefor.

72. The Company may at any time or times hereafter (if they shall think it expedient so to do) embank any marshes or lands belonging to and vested in the Commissioners of the Nene Outfall, which in the opinion of the respective surveyors for the time being of the said commissioners and the Company (or if they shall differ, of a surveyor to be appointed by the Board of Trade) shall from time to time be in a ripe and proper state for being embanked with advantage. In case the Company shall embank any such marshes or lands, the said commissioners shall pay to the Company the sum of fifteen pounds for every acre of the said marshes and lands to be so embanked by way of compensation for the costs to be thereby saved to the said commissioners, and the marshes and lands so to be embanked as last mentioned shall be chargeable with 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 lands in priority of and preference to all other charges and liens thereupon: Provided always, that the said commissioners shall be bound to pay to the Company the said sum of fifteen pounds for every acre which shall be so embanked as aforesaid as the work of embankment shall proceed: Provided also, that the Company shall not execute any works of embankment upon any part of the tracts of land west of the extended mid-channel line and north of the line 115 chains north of the Nene Outfall northern boundary line mentioned in the last preceding section without the consent of the Commissioners of the Nene Outfall under their corporate seal first obtained, but which consent shall not be unreasonably or capriciously withheld.

Part VII.

General provision for settling disputes by arbitration.

73. If any dispute shall arise between the Company and any landowner respecting any of the matters referable to arbitration under the section of this Act, which provides for compensation to be made for improvements to landowners land when embanked,

A.D. 1877.

or if any dispute shall arise respecting any of the matters referable to arbitration under the section relating to the said President and Governors, or if any other dispute shall arise which under any of the preceding sections is referable to arbitration under Part VII. of this Act, every or any such dispute shall at the request of either party be referred to the decision of a sole arbitrator to be appointed for the purpose by the Board of Trade on the application of either party, whose decision shall be final and conclusive. Every such reference shall have all the incidents of a reference to a sole arbitrator under the provisions of "The Common Law Procedure Act, 1854," and the arbitrator shall have power to examine the parties and witnesses upon oath or affirmation, and either to fix and award the amount of costs to be paid by the parties respectively, or to direct that the same shall be taxed as between solicitor and client, or otherwise, and to direct and award when and by and to whom all or any of such costs shall be paid.

Part VIII.

Saving of rights of the Board of Trade.

74. Nothing herein contained shall diminish, prejudice, take away, alter, suspend, or affect any right, power, authority, privilege, or jurisdiction of the Board of Trade.

General saving of rights of corporations and public bodies and of Duchy of Lancaster.

75. Nothing herein contained shall extend or be construed to extend to defeat, invalidate, alter, lessen, or affect in anywise howsoever any jurisdictions, powers, rights, privileges, or revenues 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, the Trinity House at Deptford Strond, the Commissioners of Sewers acting for any districts or lands in the counties of Norfolk and Lincoln, or either of them, the Corporation of the Bedford Level, the Lynn Corporation, the Harbour Mooring Commissioners, the Wisbech Corporation, the Commissioners of the Nene Outfall, the Middle Level Commissioners, the South Level Drainage and Navigation Commissioners, the Ouse Outfall Board, the Denver Sluice Commissioners, the Ouse Bank Commissioners, or the Duchy of Lancaster, respectively, mentioned or referred to in sections 193 to 201, inclusive, of "the Act of 1857," and as to the Ouse Outfall Board and Denver Sluice Commissioners in "The Ouse Outfall Act, 1860," except in so far as the same are by this Act expressly altered or taken away; and especially nothing in this Act contained shall extend or be construed to extend to defeat, invalidate, alter, lessen, or affect in any way howsoever any power or right of the Commissioners of the Nene Outfall of digging, getting, or removing any soil, loam, silt, or warp, or interfere with any rights of drainage which the said commis-

sioners now or but for the passing of this Act and the repealed Acts would or might have, possess, or enjoy under the said Nene Outfall Act, or any existing statutory modification or extension thereof.

Saving the rights of the Duchy of Cornwall.

76. Nothing contained in this Act shall extend to authorise the Company to take, use, or interfere with any land, soil, water, property, or rights in respect thereof belonging to Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or to the Duke of Cornwall for the time being, or to take away, diminish, alter, prejudice, or affect any property, rights, profits, privileges, powers, or authorities vested in or enjoyed by Her Majesty, her heirs or successors, in right of the Duchy of Cornwall, or in or by the Duke of Cornwall for the time being.

Saving the rights of the Crown.

77. Saving always to the Queen's most Excellent Majesty, her heirs and successors, 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, could have had, held, and enjoyed, of, into, or out of the tracts of land, or any part thereof, in case this Act had not been passed.

Expenses of Act.

78. All costs, charges, and expenses of and incident to preparing, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

Part IX.

The FIRST SCHEDULE.

Allotments to Frontagers.

Owners or Reputed Owners.	Description of Allotments.	A.	R.	P.
The owners of North Lynn Farm (now the devisees of Lady William Bentinck).	Delineated and coloured light green on the plan drawn on a certain certificate (No. 3) signed by the Honourable Charles Alexander Gore as one of the Commissioners of Woods, made pursuant to 101st section of the Act of 1857, and dated the 10th of May 1875.	50	—	—
Assignees or representatives of F. R. Partridge.	Delineated and coloured dark green on the said plan.	15	3	9
Assignees or representatives of R. Nurse.	Delineated and coloured light green on the said plan.	4	2	31
Assignees or representatives of William Hunter.	Delineated and coloured dark green on the said plan.	7	—	—
Assignees or representatives of Rev. S. F. Rippingall.	Delineated and coloured light green on the said plan.	6	3	24
Wyrley Birch, Esq. -	Delineated and coloured dark and light green on the said plan.	10	1	22
Messrs. Ray - -	Delineated and coloured dark green on the said plan.	10	—	—
The Honourable Mary Howard.	Land lying south of the South Bank, No. 1 inclosure, east of land of the Company, north-west and west of the old sea bank, delineated but not coloured on plan drawn on a certain other certificate (No. 2), signed by the said Charles Alexander Gore as such commissioner as aforesaid, and dated the 20th April 1872; and also land lying south-west of Babingley River, east of land of the Company, north of the south bank of the inclosure No. 1, west of the old sea bank of Mrs. Howard, also partly delineated but not coloured on the last-mentioned plan. Total 503A. 3R. 3P., less 2A. 3R. 31P., subsequently acquired from the Company.	500	3	12
The heirs or devisees of Anthony Hamond.	Specially mentioned in this Act - - -	164	—	27
The President and Governors of Guy's Hospital.	Specially mentioned in this Act, six twentieths or other proportion of.	2,000	—	—

The SECOND SCHEDULE.

Lands of the Company certified by the Honourable Charles Alexander Gore, as one of the Commissioners of Woods, pursuant to the 34th Section of the Act of 1857, as having been embanked and reclaimed.

Date of Certificate.	Description of Land certified.	A.	R.	P.
1870. June 9 - -	Coloured red on the plan referred to in the certificate of this date.	132	1	22
1872. April 22 -	Coloured respectively purple, brown, orange, blue, red, and green on the plan referred to in the certificate of this date.	574	1	7

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.