CHAPTER clxxxii.

An Act to authorise the Construction of Works and Reclamation of Lands in Pagham Harbour in the county of Sussex; and for other purposes. [21st July 1873.] A.D. 1873.

WHEREAS there is near Selsey in the county of Sussex a bay or arm of the sea called Pagham Harbour, nearly the whole bed and shore whereof is uncovered and dry at low tide:

And whereas by the construction of an embankment or sea wall across the mouth of the said harbour or bay, and also by the construction of the works herein-after described, the whole or greater part of the said harbour or bay could be reclaimed, and the bed and soil thereof, which is now at low water mud or waste land, could be converted and applied for agricultural purposes, and it would be of great public and local advantage if the same were so reclaimed and brought into cultivation:

And whereas plans and sections showing the line, situation, and levels of the intended works, and the lands to be reclaimed or which may be taken under the authority of this Act, and also books of reference containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of those lands, have been deposited with the clerk of the peace for the county of Sussex, and those plans, sections, and books of reference are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the persons herein-after named, with others, are willing at their own expense to carry such undertaking into execution:

And whereas the several purposes 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:

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Short title.

1. This Act may be cited for all purposes as the "Pagham Harbour Reclamation Act, 1873."

Provisions of Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863" (relating to cancellation and surrender of shares), the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, and section 17 and the provisions (except section 42) "with respect to the temporary occupation of lands near "the railway during the construction thereof," and "with respect "to the recovery of damages not specially provided for, and of "penalties, and to the determination of any other matter referred "to justices," of "The Railways Clauses Consolidation Act, 1845," and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form part of this Act; and the word "railway" in "The Railways Clauses Consolidation Act, 1845," and the word "work" in "The Railways Clauses Act, 1863," shall apply to the works of the Company by this Act authorised.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expression "the undertaking" means the embankment and works by this Act authorised and the lands by this Act authorised to be reclaimed, and the reclamation works connected therewith; the expression "reclamation works" shall mean cuts, locks, sluices, gates, bridges, roads, embankments, landing-stages, and other works and conveniences for the reclamation purposes of this Act, and the drainage of adjoining and reclaimed lands, and the protection thereof from the sea and from flood and other waters; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Company incorporated.

4. Frederick Everett, Frederick Pembroke Jones, William Nicholson, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the embankment and other reclamation works, and for the reclamation of the waste lands by

this Act authorised, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of the "Pagham Harbour Reclamation Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to execute works according to deposited plans and sections.

5. Subject to the provisions of this Act, the Company may make and maintain the embankment or sea wall, and other reclamation works herein-after described, on the lands and in the lines delineated on the deposited plans and according to the levels shown on the deposited sections, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose, and for the other purposes of this Act. The embankment or sea wall hereinbefore referred to and authorised by this Act is,—

An embankment or sea wall one furlong eight decimal seventy chains in length, commencing in the parish of Pagham at a point distant about two hundred and ninety yards in an east-north-easterly direction from the old coastguard house at Pagham, and at or about high-water mark on the western side of the entrance to Pagham Harbour, thence proceeding nearly due south along the course of an old sea wall and across the channel leading into Pagham Harbour, and terminating in the parish of Selsey on the eastern side of the entrance to the said harbour at a point at or near high-water mark on the sea shore called Wall End, otherwise Selsey Beach, about four hundred and seven yards from the aforesaid point of commencement.

General reclamation works.

6. The Company may also, on the lands shown on the deposited plans, make, provide, lay down, and maintain in or adjoining the parishes of Pagham, Selsey, and Siddlesham, and in or near the bed, soil, and shore of the sea and of Pagham Harbour, all necessary cuts, locks, sluices, gates, bridges, roads, approaches, embankments, landing-places, and other works and conveniences which may be necessary for draining Pagham Harbour and reclaiming the same from the sea, and they may also improve, straighten, alter, and divert the course of the low-water channels of the streams which now flow in or through Pagham Harbour, or any part thereof, and execute all other works for reclaiming the shores and bed of the said harbour now subject to be overflowed by the tide.

Capital.

7. The capital of the Company shall be thirty-six thousand pounds, in three thousand six hundred shares of ten pounds each.

Shares not to issue until

8. The Company shall not issue any share created under the

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

one fifth paid up.

Calls.

9. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

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

Power to borrow on mortgage.

11. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, and may include in any mortgage the lands which may become vested in them under the provisions of this Act, or any part of such lands; but no part of the said sum of ten thousand pounds shall be borrowed until the whole capital of thirty-six thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant his certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Mortgages charged on the lands to be paid off out of proceeds of the sale thereof.

12. Provided always, that if any part of the lands acquired by the Company under this Act shall be sold by the Company under the provisions for that purpose herein contained, the purchase money to arise from such sale shall be first applied in or towards the satisfaction of any mortgage affecting the lands so sold, and subject thereto in or towards the satisfaction or redemption of any other mortgage, debt, or debenture stock created by the Company under the powers herein contained; and the power of borrowing under the powers of this Act shall be from time to time diminished

to the extent of the mortgage or mortgages so paid off out of such purchase money.

Arrears may be enforced by appointment of a receiver.

13. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Debenture stock.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," but, notwithstanding anything therein contained, the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Application of moneys.

15. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

16. The first ordinary meeting of the Company shall be held within nine months after the passing of this Act.

Number of directors.

17. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

18. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

19. The quorum of a meeting of directors shall be three, and if the directors are reduced to three the quorum shall be two.

First directors.

20. Frederick Everett, Frederick Pembroke Jones, William Nicholson, and two persons to be nominated by them or the majority of them, and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act, or nominated as aforesaid, being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall, subject to the power herein-before contained for reducing the number of directors, elect

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persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845," and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Powers for compulsory purchases limited.

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

As to property of James Clayton.

22. The Company shall not, after the expiration of one year after the passing of this Act, enter upon, take, use, or appropriate any lands or property in the parish of Siddlesham belonging at the time of the passing of this Act to James Clayton, without the consent of the said James Clayton, his heirs or assigns.

Power to deviate.

23. In the execution of the works by this Act authorised, the Company may deviate laterally from the lines thereof shown on the deposited plans of those works to any extent within the limits of deviation shown on those plans, and may also deviate vertically from the levels of those works shown on the deposited sections to any extent not exceeding seven feet which the Company may think fit.

Correction of errors on plan, section, and book of reference.

24. If any omission, mis-statement, or erroneous description be made of any land or work shown on the deposited plans or sections, or of the owners, lessees, or occupiers of any lands shown on the deposited plans, or described or referred to in the deposited books of reference, the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, may apply to two justices for the correction thereof, and if it shall be proved to them that such omission, mis-statement, or erroneous description arose from mistake or inadvertence they shall certify the same accordingly, and such certificate shall be deposited with the clerk of the peace for the county of Sussex, with the documents to which the same relate, who shall keep the same with the said plans and books of reference, and the same shall be amended, or held to be amended, in accordance with such certificate.

Clerk of the peace to allow inspection of documents.

25. The clerk of the peace shall permit all persons to inspect any of the documents, and to make copies and extracts thereof, in like manner and on like terms, and under like penalty for default, as is provided with respect to documents therein referred to by the Act of the first year of Her present Majesty, chapter eighty-three.

Copies of plans to be evidence.

26. Copies of the deposited plans, sections, and books of reference, or of any alteration or correction thereof, or extracts

therefrom respectively, certified by the clerk of the peace (which certificate he, when required, shall give to all parties interested), shall be received in all courts of justice and elsewhere as evidence of the contents thereof.

Company may purchase all rights in such lands and reclaim same.

27. For the reclamation purposes by this Act authorised, the Company may from time to time purchase by agreement any lands situate in or near Pagham Harbour, which can be reclaimed in consequence of the construction of the embankment and works by this Act authorised, and all rights, estates, and interests of every kind in, over, and upon such lands or any part thereof, and may reclaim the same, and may make in and upon any lands so reclaimed such and so many reclamation works as they may think fit, and may do all other things proper for reclaiming and improving the same lands.

Power to purchase other rights in Pagham Harbour.

28. The Company may by agreement purchase or make compensation for, vary or extinguish, exclude or modify, all rights of foreshore and frontage, and all ferry and wharfage, rights of anchorage and beaching, and other rights, powers, privileges, franchises, and jurisdictions, if any, which might impede or interfere or be inconsistent with the objects and purposes of this Act, or any of them, and confer other rights and privileges upon the parties to any such agreement.

Power to dredge.

29. The Company may dredge, scour, widen and deepen, from time to time, the bed and soil of the several streams and low-water channels, or any of them, in and through Pagham Harbour, and of the sea at or near the mouth of that harbour, and also dredge, scour, and deepen all channels from time to time forming a means of access to the intended embankment and other works, or any of them, by this Act authorised.

Maintenance of drainage by Company.

30. The Company shall not by means of the reclamation works interrupt the drainage of any lands adjoining or near to the lands to be reclaimed, or prevent or hinder the free discharge of any stream flowing therefrom, but the Company may and shall make and maintain in and through the reclaimed lands all proper and sufficient drains, cuts, or channels, and other works and conveniences for the effectual drainage thereof, and of those adjoining or neighbouring lands, and the free flowing of every such stream.

Line of fences.

31. In fencing off the reclaimed lands, or any parts thereof, from any adjoining lands, the Company may by agreement with the owner of such adjoining lands make the lines and fences as straight or otherwise convenient as reasonably can be, giving and taking by way of exchange and by agreement with the owners and other

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parties interested any small portions of land cut off by the fences from the reclaimed lands and the lands adjoining thereto respectively, but so that the pieces of land so given by the Company to any owner be not of less extent or value than the pieces of land so taken by them from him.

Power to agree as to drainage works.

32. The Company from time to time may enter into and carry into effect any agreement with the owners of lands adjoining high-water mark at ordinary spring tides in or around Pagham Harbour, and of the bed and foreshore thereof, and with the Commissioners for Sewers with respect to the maintenance and construction of any sluices or channels, or other works, now existing or to be made by the Company or such owners or Commissioners for the purpose of draining the adjoining lands into any existing or new channels to be made in or through the said harbour.

Company to make roads in continuation of existing roads.

33. The Company shall, on the lands from time to time reclaimed under this Act, make, in as direct a line as circumstances admit, roads, in continuation of all roads which now extend to or terminate at those lands, and shall allow to all persons entitled to the user of those now existing roads like user of the roads so made in continuation thereof, and free passage to and from the same.

Sluice gates at Pagham to be constructed to satisfaction of lord of manor.

34. All sluices, sluice gates, locks, and tide gates to be constructed by the Company shall be constructed according to plans and designs to be agreed upon between the engineer for the time being of the Company and an engineer to be appointed by the lord of the manor, as regards works to be constructed on any lands comprised in such manor, and the Commissioners of Sewers, and in case of any difference between such engineers, then the same shall be determined by a third engineer to be named by the two engineers before they enter upon the matters to be decided by them, and the decision of such two engineers or of such third engineer, as the case may be, shall be final and conclusive upon all parties, and the cost of the reference shall be paid by the Company, unless such engineers or engineer shall determine that any part of such costs shall be paid by the lord of the manor and Commissioners of Sewers, and in such case such costs shall be apportioned and paid as such engineers or engineer shall direct.

Power to incapacitated persons to agree with Company.

35. All persons by "The Lands Clauses Consolidation Act, 1845," authorised to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, enter into agreements with the Company for the purposes of this Act, and for the reclamation of any lands, as defined in this Act, which can

be reclaimed in consequence of the construction of the embankment and works by this Act authorised, and for the sale or relinquishment of all their estate, rights, or interests in or over such lands and in or over Pagham Harbour, and may agree to accept compensation for such rights and interests in the lands so reclaimed, either in money by a sum in gross or by an annual payment, or in lands when reclaimed, and may also in like manner make sales, conveyances, releases, and other dispositions of any easements or of any rights and interests in, over, and affecting any lands which the Company are by this Act authorised to reclaim or purchase, or which may be adjoining or near to Pagham Harbour, or any part thereof, and all such sales, conveyances, releases, and dispositions shall be subject to the provisions of those Acts.

Period for completion of works.

36. If the embankment and other works by this Act authorised is not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for executing those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Provision as to Crown lands.

37. And whereas a plan of the lands intended to be reclaimed under the authority of this Act, and of certain other lands contiguous thereto, has been deposited at the office of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and has been signed by the Honourable Charles Alexander Gore, one of such Commissioners, and is herein-after called the Crown plan, and upon the Crown plan the land authorised to be reclaimed under the authority of this Act is coloured green and brown (all which land is within the limits of deviation shown on the deposited plans), and certain Crown land adjacent thereto and lying above high-water mark is coloured red, and it is expedient that such provisions as are in this Act contained should be made with respect to the rights and interests of Her Majesty, therefore the following provisions shall have effect; that is to say,

(1.) As compensation for the interest of the Crown in the land coloured green on the Crown plan, the land coloured brown on such plan shall be effectually embanked and reclaimed by the Company from the flow of the sea, at their expense, and shall be and continue vested in Her Majesty in fee simple, freed and discharged from all claims and demands of the Company, and of every other corporation and person:

(2.) Upon the land so coloured brown upon the Crown plan being effectually embanked and reclaimed by the operations of the Company, and all other works in the subsequent para-

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graphs of this section having been executed to the satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, to be signified by some certificate in writing under their or one of their hands or hand, all the estate and interest of the Crown in the land coloured green on the Crown plan shall (except as after mentioned), and subject nevertheless to such rights of drainage as in this Act mentioned, become vested in the Company and their successors for the purposes of this Act:

(3.) A piece of land 20 feet in width between the point D and the point E on the Crown plan shall be reserved to Her Majesty, and shall be under the management of the Board of Trade, their grantees or assigns:

(4.) The Company shall not injure the drainage of the Crown lands coloured red on the Crown plan, or of any other Crown lands in the vicinity thereof, but shall construct and maintain all necessary drains, culverts, sluices, and other works for carrying off the drainage from all the Crown lands (including therein the lands coloured brown on the Crown plan) to the main outfall for the drainage of the lands coloured green and brown on the Crown plan, and Her Majesty, her heirs and successors, shall be for ever entitled to the use of and free access to all the said works for the purposes aforesaid, and shall be entitled to make, form, and maintain such drains into and junctions with the drains, culverts, and works of the Company as the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, shall deem necessary:

(5.) The Company shall not commence any works until a plan showing in detail the works proposed for the drainage of the lands coloured green and brown on the Crown plan, and of the Crown land in the vicinity thereof, shall have been approved in writing by one of the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, and the Company shall not afterwards depart from such drainage plan without the like consent in writing:

(6.) The Company shall construct and maintain a substantial fence between the land coloured green on the Crown plan and the lands coloured red thereon:

(7.) The Company shall also construct a substantial fence round the land coloured brown on the Crown plan, and shall at all times maintain such fence, and the Company shall also within eighteen months after the passing of this Act, or

within such further time (not being more than twelve months after the completion of the embankment between the lands coloured green on the Crown plan and the sea) as the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, may by writing under their or his hands or hand allow for the purpose, construct a new sluice at the point marked F on the Crown plan, and the said sluice shall be constructed so as to allow the flow through the same of all water from the landward or western side of such sluice, and to prevent the entrance of any water from the seaward or eastern side thereof to the western side of such sluice, and the said fences (mentioned in this and the last preceding paragraph) and sluice shall be constructed to the satisfaction of the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, and according to plans and specifications to be approved by them or him in writing under their or his hands or hand:

(8.) The Company shall pay to the Crown all costs, charges, and expenses which have been or may be incurred by or on behalf of the Crown in relation to the application for or passing of this Act, and consequent thereon, or on the execution of the works thereby authorised:

(9.) The Company shall not take, use, or interfere with any lands, rights, or hereditaments belonging to Her Majesty in right of her Crown without the consent in writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or one of them, under their or his hands or hand, and of the Board of Trade, under the hand of the Secretary of such Board, first obtained for that purpose.

Waste lands vested in the Company.

38. When the embankment or sea wall by this Act authorised shall have been completed, or from time to time as any part of those works is completed, so as to exclude the sea at high water of ordinary spring tides from the whole or any part of the mud lands, and such completion of those works or any part thereof shall have been certified by two justices of the county of Sussex not interested in the matter, and their certificate shall have been deposited with the clerk of the peace for the county of Sussex, then and in such case (provided that such certificate shall have been obtained from the Commissioners of Her Majesty's Woods, Forests, and Land Revenues on behalf of Her Majesty, as in this Act provided, and that all the rights and interests of the adjoining owners on the said mud lands shall also have been purchased by the Company,) the said mud lands coloured green on the Crown plan which shall be

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so reclaimed, or from time to time reclaimed as aforesaid (and except such part of the said mud lands as is by this Act reserved to Her Majesty), shall thenceforth be vested in and become the property of the Company, their successors and assigns for ever, and thenceforth all and every the estate, right, title, and interest of Her Majesty and of all corporations and persons whatsoever in the mud lands shall be barred and determined.

Adjustment between Board of Trade and the Commissioners of Woods.

39. Within six months after the passing of this Act it shall be referred to a practical land surveyor, to be named by the Board of Trade and by the Commissioners of Woods, or one of such Commissioners, to determine the proportion which the value of the interests of the Crown in the land coloured green and brown on the Crown plan under the management of the Board of Trade bears to the value of the interests of the Crown in the land coloured green and brown on the Crown plan under the management of the Commissioners of Woods, and when the land coloured brown on the Crown plan has been so effectually embanked and reclaimed by the Company as in this Act provided, it shall be referred to the surveyor aforesaid, or to some other surveyor to be named in like manner, to value the land coloured brown on the Crown plan in its then existing state, and such value shall be apportioned between the Board of Trade and the Commissioners of Woods in proportion to the value of the interests of the Crown in the lands coloured green and brown on the Crown plan under their management respectively. And the amount which shall be apportioned to the Board of Trade shall be paid to that Department by the Commissioners of Woods out of the capital of the land revenues of the Crown, and shall be applied by the Board of Trade as money arising from the sale of foreshore under their management is now by law applicable.

Power to Company to dispose of reclaimed lands.

40. The Company from time to time, after the lands are vested in them under the provisions of this Act, and having reclaimed the same, may lease, sell, exchange, mortgage, charge, and otherwise dispose of, for their own benefit, the lands reclaimed, and the easements, rights, and privileges, if any, connected therewith, from time to time acquired by them under this Act, or any parts thereof, and may so dispose of the same to such persons, for such purposes, and on such terms, pecuniary and otherwise, and conditions as the Company think fit.

Commissioners to be appointed for maintaining embankment, &c.

41. In order to provide for the permanent maintenance of the embankment and other works in an efficient state of repair, every owner from time to time of the reclaimed lands holding not less than ten acres of such lands shall be a Commissioner for the purpose, and any two of such Commissioners may, at any time before the appointment of a chairman, as herein-after mentioned, convene

a meeting of the Commissioners by advertisement, published seven days at least before the day of the meeting, in some newspaper circulating in the county of Sussex, and three Commissioners shall be a quorum; and for the purposes of the provisions of this Act, with respect to the maintenance of the embankment and other works, the word "owner" has the meaning which is assigned to it by "The Lands Clauses Consolidation Act, 1845."

Chairman to be appointed.

42. The Commissioners after their first meeting shall meet once at least in every year, and at their first meeting in every year shall elect a chairman, who shall remain in office until another chairman is elected in his stead, and after the appointment of the chairman every meeting of the Commissioners shall be convened by circular addressed to the respective places of abode of the Commissioners, by order of the chairman: Provided that it shall not be necessary for the chairman to be present in order to constitute a meeting of Commissioners; but at any meeting of the Commissioners at which the chairman is not present the Commissioners present shall appoint one of their number to preside at such meeting: Provided also, that any two Commissioners may require the chairman to convene a meeting of the Commissioners, and if he shall for one month after such request fail to call such meeting, the Commissioners who signed the requisition for such meeting may themselves call the same by advertisement, as in the case of the first meeting of the Commissioners.

Officers may be appointed.

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

How expense of salaries to be provided for.

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

How contributions to be assessed.

45. The amount of the contributions shall from time to time be determined by the Commissioners, and shall be assessed equally and proportionably in respect of every acre or part of an acre of the reclaimed lands.

For recovery of assessment.

46. In case the contribution be not paid within twenty-one days after the day appointed by the Commissioners for payment thereof, and after notice and demand thereof by the Commissioners or their collector from the occupier, any justice of the peace for the county

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of Sussex, on the application of the Commissioners or their collector, may summon such occupier to appear before him, at a time to be mentioned in the summons, to show cause why the contribution due from him should not be paid, and in case no sufficient cause for the nonpayment of such contribution be shown, the same shall be levied by distress and sale of the goods and chattels of the occupier of the lands subject to the payment thereof, and such justice shall issue his warrant accordingly, and the Commissioners may enter upon the lands of the occupier, and deal with the distrainable goods and other things there found, as in the case of a distress for rent reserved in a lease for years: Provided that unless otherwise agreed in writing between the owner and occupier, the occupier may deduct from the rent payable by him the amount of contribution paid by or levied on him: Provided also, that the occupier shall not be liable to pay more than the amount of the rent so payable by him: Provided also, that this Act shall not prejudice any agreement between any landlord and tenant of any part of the reclaimed lands, or exempt the owner of such lands from his liability to the payment of any contribution which may not be recoverable or recovered from his tenant.

Disposal of superfluous lands.

47. The provisions "with respect to lands acquired by the "promoters of the undertaking under the provision of this or the "special Act, or any Act incorporated therewith, but which shall not "be required for the purposes thereof," of "The Lands Clauses Consolidation Act, 1845," incorporated with this Act, shall not apply to the lands reclaimed, and shall apply to such only of the other lands acquired by the Company under this Act as remain vested in the Company at the expiration of ten years after the passing of this Act, and are then superfluous lands.

Charges on superfluous lands.

48. When before the Company finally dispose of any of their lands, any lease or mortgage or charge thereof, or any other particular estate or interest therein, is made, limited, or reserved, the Company may and shall dispose of the same as superfluous lands, subject and without prejudice to the lease, mortgage, charge, estate, or interest so made, limited, or reserved.

Company and owner of reclaimed lands to maintain the embankments, &c.

49. The owners from time to time of the reclaimed lands, including the Company, shall at their own expense, and in the manner by this Act provided, maintain and keep in an efficient state of repair the whole of the embankment and other works by this Act authorised, and which are from time to time essential for protecting the reclaimed lands and any adjoining or neighbouring lands from inundation, and for securing the enjoyment of the said reclaimed lands, and for maintaining the drainage of any adjoining or neighbouring lands.

Provision for ultimate dissolution of Company.

50. If and when the Company dispose of the whole of their lands, or otherwise wholly cease to have any estate or interest in or right to or claim affecting any of the lands acquired by them under this Act, and all their debts, liabilities, and engagements are fully paid, satisfied, or discharged, and their net assets are duly distributed among their shareholders or their respective representatives, and the affairs of the Company are finally wound up, the directors of the Company shall give notice thereof in the London Gazette, and after a day to be named for that purpose in such notice the Company shall be by this Act dissolved, and shall wholly cease to exist.

Saving of rights.

51. Notwithstanding the dissolution of the Company, and except only as is by this Act otherwise provided, everything before the dissolution done, suffered, and confirmed respectively by or under this Act shall be as valid as if the dissolution had not happened, and the dissolution shall accordingly be subject and without prejudice to everything so done, suffered, and confirmed respectively, and to all rights, liabilities, claims, and demands, both then, present, and future, which, if the dissolution had not happened, would be incident to or consequent on any and every thing so done, suffered, and confirmed respectively.

Penalty on destroying works or obstructing persons in the execution of this Act.

52. If any person shall injure or damage any of the embankments, cuts, channels, drains, sluices, and other works by this Act authorised, or shall wilfully and to the detriment of the Company injure, break, throw down, destroy, steal, or take away any part of the materials of such works, or shall wilfully obstruct or prevent any person in the lawful exercise of this Act, he and every person aiding or assisting therein shall forfeit and pay any sum not exceeding five pounds, besides making good the damages, where damages have arisen by or in consequence of such offence.

Saving rights of the Crown on the foreshore.

53. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown.

54. Nothing contained in this Act shall authorise the Company to take, use, or in any manner interfere with any land or heredita-

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ments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the consent in writing of the same Commissioners or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights as to future accretions.

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

Saving rights of Crown under Crown Lands Act.

56. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866.

Provisions as to general reclamation Acts.

57. Nothing in this Act shall exempt the reclamation works of the Company from the provisions of any future general Act relating to the reclamation of lands subject to be overflowed by the tide.

Expenses of Act.

58. All the costs, charges, and expenses of and incident to the preparing and applying for and obtaining and passing of this Act shall be borne and paid by the Company.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.