



ANNO DECIMO QUINTO

VICTORIÆ REGINÆ.

Cap. lxvi.

An Act for reclaiming from the Sea certain Lands
on and near the Eastern and South-eastern Coast
of *Essex*. [17th June 1852.]

WHEREAS certain Marshes, Mud Banks, and Waste Lands of considerable Extent, abutting on the Eastern and South-eastern Coast of the County of *Essex*, which Marshes, Mud Banks, and Waste Lands respectively are now covered with Water at High Tide, and consequently unproductive, are capable of being reclaimed, and converted to Agricultural Purposes: And whereas the Attainment of the Objects aforesaid would be attended with local and public Advantage, and certain Persons herein-after named, with others, are willing to undertake the Works necessary for carrying the same into effect, in consideration of the Lands reclaimed being vested in them, subject to the Provisions herein-after contained: And whereas it is expedient that the Company proposed to be hereby incorporated should have Power to borrow Money on Mortgage of the Land to be reclaimed, and also to levy Rates for the Maintenance and Protection of the same Land from the Sea: And whereas Her Majesty, in right of Her Crown, is or claims to be seised of the Soil and Freehold of the said Marshes, Mud Banks, and Waste Lands so proposed

[*Local.*]

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to

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to be reclaimed as aforesaid, except such Portions of the same (if any) as may have in Times past been granted by Her or Her Predecessors to or in favour of and which may now be vested in any Person or Persons: And whereas a Plan describing the Situation of the said Marshes, Mud Banks, and Waste Lands, and the Line or Situation of the Embankments and other Works proposed to be executed for reclaiming the same, has been deposited with the Clerk of the Peace for the County, of *Essex*: And whereas the Authority of Parliament is requisite for carrying into effect the several Objects aforesaid, and it is expedient that the same should be granted: 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, in manner following; (that is to say,)

Interpreta-
tion of
Terms.

I. That in this Act the following Words and Expressions shall have the Meanings hereby assigned, unless there be anything in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Lands" shall be held to include Green Samphire and other Marshes, Black Lands, Mud Banks, and other Lands, Shoals, Flats, and Sands covered by the Sea at High Water of Spring Tides, as well as ordinary Lands and other Descriptions of Property comprised under the Term "Lands" in "The Lands Clauses Consolidation Act, 1845:"

The Word "Works" shall be held to include all Embankments, Walls, Slopes, Forelands, Cuts, Channels, Culverts, Drains, Watercourses, Bridges, and other Description of Work, of whatsoever Nature or Description, which may be necessary to be made by the Company for carrying into effect the Objects and Purposes of this Act:

The Word "Owners" shall be held to include all Persons who by "The Lands Clauses Consolidation Act, 1845," are authorized to sell and convey Lands:

The Words or Expressions "Justice" or "Two Justices" shall have the Meaning given by "The Companies Clauses Consolidation Act, 1845," to the same Words or Expressions respectively when used in that Act:

And the Expression "the Company" shall mean "The *South Essex* Estuary and Reclamation Company," hereby incorporated.

Incorporation of Company.

II. That *Charles Cammell, Thomas Hutchings, Arthur John Green*, and all other Persons who have already subscribed or who shall hereafter subscribe to the Undertaking by this Act authorized, and their respective Executors, Administrators, and Assigns, shall be united

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united into a Company for reclaiming from the Sea the Lands defined on the Plan deposited as aforesaid as intended to be so reclaimed, and for the Execution and Maintenance of the Works by this Act authorized, and for other the Purposes of this Act, under the Name or Style of "The *South Essex* Estuary and Reclamation Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall have Power to purchase and to hold Lands, and to sell and dispose thereof, subject to the Provisions herein-after contained.

III. That in citing this Act in any other Act of Parliament, or in any legal Instruments or Pleadings, it shall be sufficient to designate the same as "The *South Essex* Estuary and Reclamation Act, 1852." Short Title.

IV. That "The Companies Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act, except in so far as the same may be inconsistent with the Provisions thereof. 8 & 9 Vict. cc.16.and 18. incorporated with this Act.

V. That the Capital of the Company shall be Four hundred thousand Pounds. Capital.

VI. That such Capital shall be divided into Eight thousand Shares of Fifty Pounds each. Shares.

VII. That Five Pounds *per* Share shall be the greatest Amount of any One Call which the Company may make on the Shareholders, and Two Months at least shall be the Interval between the successive Calls. Calls.

VIII. That it shall be lawful for the Company from Time to Time to borrow at Interest on Mortgage of the Lands by this Act authorized to be reclaimed by and hereby vested in them, except such Portion thereof as is to be allotted to Her Majesty under the Provisions of this Act, any Sums of Money which they may think necessary, not exceeding in the whole the Sum of One hundred and eighty-three thousand Pounds: Provided always, that the Company shall not borrow any Sum exceeding the Proportion of One Third of the Capital for the Time being paid up; and in the event of any Part of such Sum of Money being repaid by the Company, or of any Sum being required to pay off any Mortgages by the Company, it shall be lawful for the Company to reborrow the Sum so repaid or required as aforesaid, from Time to Time; and for securing the Repayment of the Sums so borrowed or reborrowed, with Interest, the Company Power to borrow Money on reclaimed Lands.

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Company may give Bonds, or may mortgage the unpaid Calls of the Capital of the Company, and the Lands which may be reclaimed and become vested in them under the Provisions of this Act, or any Part thereof; and every 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; and the Security given by any such Mortgage shall comprise any Rents or Profits arising out of the Lands which may be the Subject of any such Mortgage to be granted under the Provisions of this Act: Provided further, that if any Part of the Lands to be reclaimed shall be exclusively charged with and subject to the Payment of any Sum or Sums of Money borrowed at Interest on Mortgage under this Act, and shall afterwards be sold by the Company under the Provisions for that Purpose herein-after contained, the Mortgage or Mortgages so exclusively charged thereon shall be paid off and discharged out of the Purchase Money to arise from such Sale, and thereupon and thenceforth the Power of re-borrowing at Interest on Mortgage upon the Security of the said reclaimed Lands shall be from Time to Time diminished to the Extent of the Mortgage or Mortgages so paid off.

Number of Directors.

IX. That the Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Twenty Shares in the Undertaking.

Names of First Directors.

X. That *Charles Cammell, Thomas Hutchings, Arthur John Green, William Brown, Henry Rangeley, and John Cox* shall be the First Directors of the Company.

Quorum.

XI. That the Quorum of a Meeting of the Directors, or of a Committee of the Directors, shall be Three.

Meetings of the Company.

XII. That the Ordinary Meetings of the Company shall be held either in *London* or at some Place within the County of *Essex*.

Time for holding the First Meeting.

XIII. That the First Ordinary Meeting of the Company shall be held within Three Months from the passing of this Act.

Publication of Notices.

XIV. That all Notices relating to the Company, and which are required to be published in a public Newspaper, shall be inserted in some Newspaper published in the County of *Essex*.

XV. That,

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XV. That, subject to the Provisions and Restrictions herein-after contained, it shall be lawful for the Company to make and maintain, upon the Lands delineated and described in the Plan deposited as aforesaid, such Embankments, Walls, Forelands, Sluices, Cuts, Drains, Culverts, Bridges, and other Works as they may consider necessary for warping and reclaiming such Lands or any Part thereof from the Sea, and to enter upon, purchase, take, and use such of the said Lands as they may deem necessary for the Purposes aforesaid, excepting always the Tide Lands or Foreshores of the River *Blackwater*.

Power to
enclose and
embank
Lands.

XVI. That in consideration of and as a Compensation for the Expenses which the Company will incur by reason of the Execution of the Works by this Act authorized, the Fee Simple and the Inheritance of the several Tracts of Land or Lands herein-after mentioned, when and as the same shall be reclaimed and embanked as herein-after provided, (except such of the said Lands as at the Time of the passing of this Act may belong to any Persons other than Her Majesty,) shall be and the same are hereby vested in the said Company, subject to the Provisions of this Act; (that is to say,) all the Green and Samphire Marshes, Saltings, Black Lands, waste and other Lands, Mud Banks, Sands, Flats, and Shoals lying or abutting upon the Eastern and South-eastern Coast of the County of *Essex*, and called or known by the Name of the *Maplin Sands*, the *Foulness Sands*, the *Ray Flats or Sands*, *Dengie Flats*, and *Saint Peter's Sands* respectively, or by any other Name or Names, and situate between the present Sea Banks or Line of High-water Mark at Spring Tides and the Line of the Embankment or Embankments shown on the Plan deposited as aforesaid, with such Alterations as herein-after defined, as proposed to be made for the Reclamation of the said Lands, One of such Embankments commencing near *Wakering Stairs*, at the Boundary between the Parishes of *North Shoebury* and *Great Wakering*, proceeding thence in a South-easterly Direction until it reaches a Line drawn parallel to and at a Distance Four hundred and forty Yards to the Westward of the centre Line of Firing as practised from the Ordnance Battery at *Shoebury Ness*, thence running East-north-east in the said parallel Line with and Four hundred and forty Yards West of the said centre Line of Firing until it reaches a Distance of Three Miles and a Half in a straight Line from the said Battery, thence proceeding at Right Angles to the last-mentioned Line and in a South-east Direction for a Distance of One Mile and a Half or thereabouts, thence in a Direction East-by-north for a Distance of Seven Miles or thereabouts, thence in a North-eastern Direction for a Distance of Five Miles and Three Furlongs or thereabouts, and thence in a Westerly Direction for a Distance of Five

Land, when
reclaimed, to
vest in the
Company in
Fee Simple.

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Miles

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Miles and Three Furlongs or thereabouts along the South Margin of the Low-water Channel of the River *Crouch*, and terminating at the existing Sea Wall or Embankment at a Point distant Half a Mile or thereabouts to the West of *Foulness Point* in the Parish and Island of *Foulness*; and another of such Embankments commencing on the North Side of the said River *Crouch* at the present Sea Wall or Embankment at or near to *Holywell Point* in the Parish of *Burnham*, proceeding thence in an Easterly Direction for a Distance of Two and a Half Miles or thereabouts along the Northern Shore of the said River *Crouch*; thence in a Direction North-north-east for a Distance of Six Miles or thereabouts, thence in a Westerly Direction for a Distance of Two Miles and One Furlong or thereabouts, and thence Southward for a Distance of Seven Furlongs or thereabouts, and terminating at the existing Sea Wall or Embankment at or near *Sales Point* in the Parish of *Bradwell*; also all the Green and Samphire Marshes, Saltings, Black Grounds, Mud Banks, waste and other Lands, Sands, Flats, and Shoals lying near to the Entrance of the said River *Blackwater* between a Point at the Western End of *Mersea Island* marked IX on the deposited Plan and the Entrance to the River *Colne*, and known as *Mersea Flats* and the *Strood* or *Ray*, or by any other Name or Names, and which will be comprised between the present Sea Walls or Line of High-water Mark, Spring Tides, and the Embankment or Embankments proposed to be made for the Reclamation of the said Lands, such Embankment or Embankments commencing at or near a Point called *West Mersea Point* in the Parish of *West Mersea*, proceeding thence in a Southerly Direction for the Distance of Three Quarters of a Mile or thereabouts, thence in an Easterly Direction for a Distance of Four Miles or thereabouts, and thence in a Northerly Direction for a Distance of One Mile and Three Quarters or thereabouts, and terminating at High-water Mark at or near *Mersea Stone* in the Parish of *East Mersea* in the said County of *Essex*.

Act not to vest the Estate of private Persons in the Company, without Compensation.

XVII. Provided always, That nothing in this Act contained shall be held to defeat or prejudice the Claim of any Person or Corporation claiming or to claim any Estate, Right, Title, or Interest in, over, or out of the said Tracts of Land or any Part thereof by this Act vested in the said Company, or which by this Act they are authorized to embank and reclaim; but it shall be lawful for the said Company (at any Time within Seven Years from the passing of this Act) to purchase all or any of the said Lands which at the Time of the passing of this Act shall belong to any Persons (other than Her Majesty), or any Estate or Interest therein, subject to and in the Manner directed by the said Lands Clauses Consolidation Act.

XVIII. That

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XVIII. That the Lands by this Act vested in the Company, with the Embankments and Works connected therewith, shall be called by the Name of "The *South Essex* Estuary."

Land, when reclaimed, to be called "The *South Essex* Estuary."

XIX. That so much of the said Lands as shall be reclaimed by the Company under the Powers of this Act shall be and be held to be locally situate in the County of *Essex*, and when and so soon as the said Lands or any Part thereof shall have been brought into Cultivation (but not sooner) the same shall be liable to be rated and taxed towards the Rates or Levies of the said County, and shall also be liable to be charged with and assessed to the Rate for Spiritual Aid to which the same Lands are herein-after directed to be subject.

Land to be considered Part of the County of *Essex*.

XX. That the said *South Essex* Estuary shall for ever hereafter be and be deemed and taken to be Tithe-free.

Land to be Tithe-free.

XXI. That it shall be lawful for Her Majesty in Council from Time to Time to constitute such Parts of the said Tracts of Land called the *South Essex* Estuary as shall be reclaimed under this Act, or any Part thereof, into new and distinct Parishes; and Plans, showing the proposed Boundaries of such Parishes respectively, shall from Time to Time be prepared, at the Expense of the Company, in such Manner as Her Majesty in Council shall direct; and the said Plans, when settled and approved of by Her Majesty in Council as aforesaid, shall be deposited with Her Majesty's Commissioners of Woods, Forests, and Land Revenues, and also with the Clerk of the Peace for the County of *Essex*, who shall file the same among the Records of the said Division; and a Copy of any of the Plans so deposited, authenticated by the Signatures of Two of the said Commissioners or of the said Clerk of the Peace, as the Case may be, shall be received as Evidence in all Courts of Law and elsewhere, without Production of the Original.

Her Majesty in Council to constitute embanked Lands into Parishes.

XXII. And for providing for the Spiritual Wants of the Inhabitants who may hereafter reside upon the Lands by this Act vested in the Company, be it enacted, That if at any Time or Times hereafter it shall appear to Her Majesty in Council, on the Representation of the Lord Bishop of the Diocese of which that Portion of the County of *Essex* may from Time to Time form Part, that a sufficient Population is resident on any Part or Parts of the said Lands to need Spiritual Aid, the said Company shall and they are hereby required, upon the Order of Her said Majesty in Council, to make sufficient Provision for the proper Remuneration of any Minister or Ministers for that Purpose, so that the Sum charged or chargeable on the said Lands in respect of such Provision shall not in the aggregate exceed One Shilling

Power to provide Spiritual Aid, if necessary.

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Shilling and Sixpence *per* Acre in any Year, such annual Sum to be a fixed Charge upon the said reclaimed Lands, and to be recoverable in the same Manner as a Rentcharge under the Tithe Commutation Acts, and the same shall be applied in such Way and Manner for the Spiritual Aid of the Population resident on the same Lands as Her Majesty shall direct; and it shall thereupon be lawful for the Lord Bishop of the said Diocese for the Time being to institute One or more duly ordained Minister or Ministers of the Church of *England*, not exceeding Five in Number (to be nominated and appointed as herein-after directed), in order to provide for such Spiritual Aid of the last-mentioned Portion of such Lands: Provided always, that the Right of Patronage and Nomination of such Ministers shall be vested in and may be exercised alternately by Her Majesty and Her Successors and the Lord Bishop of the Diocese, the First of such Nominations being in each Case made by Her Majesty or Her Successors.

Company not to interfere with Havengore Creek, New England Creek, or Shelford Creek, without Consent of the Admiralty.

XXIII. That it shall not be lawful for the Company to stop up, alter, or divert either of the Creeks known as *Havengore Creek, New England Creek, or Shelford Creek*, without the Consent and Authority of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the said Lord High Admiral, and then only according to such Plans and under such Restrictions and Regulations as the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid: Provided always, that in the event of stopping up any or either of the said Creeks, One of the said Creeks shall always be continued and preserved open and free for the Navigation thereof, and so as to preserve the same of the proper Depth and Width and without any Impediment or Obstruction, for the free and commodious Passage of all Persons navigating and using the same to and from the said River *Crouch*, and to and from the Sea, at all Times, as fully and effectually to all Intents and Purposes as any or either of the said Creeks have been heretofore used or navigated.

Power to divert certain Creeks.

XXIV. That, subject as herein-after mentioned, it shall be lawful for the Company to alter and divert the Channels of all other Creeks, Streams, Drains, or Outfalls the Waters whereof are now discharged into the Sea over or across the Lands by this Act authorized to be reclaimed, and to convey such Waters to the Sea by means of new Cuts, Channels, or Outfalls, or otherwise to stop up any of such Channels, Creeks, or Streams; provided that in so doing the Drainage of any adjoining Lands may not be thereby injured or impeded.

XXV. That

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XXV. That in the Formation of any Embankments or other Works shown in the said Plans deposited as aforesaid, it shall be lawful for the said Company to deviate from the Line or Lines of such intended Embankments and Works respectively to the Extent of the Limits of Deviation laid down and defined in the said Plans, or to such other Extent as may from Time to Time be approved of by the Lord High Admiral, or by the Commissioners for executing the Office of Lord High Admiral for the Time being.

Power to deviate.

XXVI. That it shall be lawful for the Company, for the Purpose of the Works by this Act authorized, to enter upon any Lands and other Places described in the Plan deposited as aforesaid, and in the Book of Reference lodged therewith, and to take Levels thereof, and to dig and break up the Soil of such Lands, and to trench and sough the same, and to remove or use all Earth, Stones, Sand, or other Materials which may be dug or gotten out of the same.

Power to enter on Lands described in deposited Plan, &c.

XXVII. That the Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the temporary Occupation of Lands during the Construction of the Works therein referred to, and which are comprised within the Sections numbered from XXX. to XLIV., both inclusive, of the same Act, shall, so far as such Clauses respectively may be applicable, be held to be incorporated with this Act, with reference to the Works hereby authorized, as though such Works were specified in the said Provisions, in lieu of the Works therein mentioned, and the Limits within which such Provisions may be acted upon shall be held to comprise all the Lands described in the Plan deposited as aforesaid.

As to temporary Occupation of Lands.

XXVIII. That nothing in this Act contained shall extend to empower the Company to injure the Drainage of any Lands adjoining or near to the Lands which may become vested in them by virtue of this Act, nor to prevent the free Discharge of the Waters of any Rivers or navigable Streams, nor to injure or impede the Navigation and Drainage of or by the same respectively.

The Company not to injure Drainage of Lands nor Navigation of Rivers.

XXIX. That the Plan and Section which have been lodged with the Clerk of the Peace for the County of *Essex* as aforesaid, and the Book of Reference to the said Plan lodged therewith, shall remain with and be kept by the said Clerk of the Peace, who shall allow all Persons to inspect the same, and to make Copies and Extracts of and from the same, in like Manner and upon the like Terms, and under the like Penalty for Default, as is provided by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, with reference to the Documents therein referred to.

Deposited Plan, &c. to remain with the Clerk of the Peace.

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XXX. That

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Copies of
Plan, &c. to
be Evidence.

XXX. That Copies of the said Plan, Section, and Book of Reference, or Extracts therefrom, duly certified by the said Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Errors in
Plan, &c.
may be recti-
fied by Two
Justices, who
shall certify
the same.

XXXI. That if any Omission, Mis-statement, or erroneous Description shall be made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands delineated on the said Plan deposited as aforesaid, or described or referred to in the Book of Reference lodged therewith, it shall be lawful for the Company to apply to Two Justices for the Correction thereof; and if it shall be proved to the Satisfaction of such Justices that any such Error or Omission arose from Mistake or Inadvertence, they shall certify the same accordingly; and such Certificate shall be lodged with the said Clerk of the Peace, who shall keep the same with the said Plan and Book of Reference; and the said Plans or Book of Reference, as the Case may be, shall be amended or held to be amended in accordance with such Certificate, and it shall be lawful for the Company to make their Works in accordance with such Certificate.

Certificate to
be deposited.

Works to be
vested in
Company.

XXXII. That, subject to such Powers, Authorities, and Jurisdiction as by this Act are given to and vested in the Commissioners of Sewers acting in and for the Levels herein-after in this Act mentioned, all Cuts, Walls, Embankments, Dams, Banks, Shores, Forelands, Drains, Engines, Sluices, Tunnels, Roads, Bridges, Headings, Fences, and other Works which may be executed by the Company under the Provisions of this Act, upon the Lands by this Act authorized to be taken by or vested in them, shall be and the same are hereby vested in the Company.

Period
limited for
Completion
of Works.

XXXIII. That the Works authorized by this Act shall be completed within Fourteen Years after the passing of the said Act, and on the Expiration of such Period the Powers by this Act and the Acts incorporated herewith given to the Company for constructing the said Works shall cease to be exercised, except as to so much of them as shall be then completed.

Works below
High-water
Mark not to
be executed
without the
Consent of
the Admi-
ralty.

XXXIV. That it shall not be lawful for the Company to construct below High-water Mark at ordinary Spring Tides any Embankments or other Works hereby authorized to be made, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral, or the Commissioners for
executing

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executing the Office of Lord High Admiral, may approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Embankment or Work shall be commenced, altered, or completed contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

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

XXXVI. That previous to the Commencement of any of the Works hereby authorized to be constructed the said Company shall deposit with the Secretary of the Admiralty, at the Admiralty Office, *Whitehall*, Plans and Working Drawings of each and every Part of the said Works; and the said Company shall not construct the said Works, or either or any of them, or any Works connected therewith, until such Plans and Working Drawings have been deposited as aforesaid, nor until the same shall have been approved by the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in Writing under the Hand of the Secretary of the Admiralty; and also while such Works are in progress, and from Time to Time, if required by the said Lord High Admiral or the

Company to maintain navigable Channels of the East and West Swin, and Channels leading to the Crouch, Blackwater, and Colne.

Plans, &c. of Works to be deposited at the Admiralty.

said

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said Commissioners, the said Company shall make an accurate Survey of all the navigable Channels of the *East* and *West Swin*, the Channels leading to the Rivers *Crouch*, *Blackwater*, and *Colne*, at the Expense of the said Company, and deposit the same in manner aforesaid, together with Plans and Working Drawings showing the Progress made in all such Works, so as to serve as a Guide for the future Extension of the said Works.

Company not to construct Works or Bridges in or across any tidal Water or navigable River without Consent of Admiralty.

XXXVII. That it shall not be lawful for the said Company to construct on the Sea, or on the Shore of the Sea, or of any Creek, Bay, Arm of the Sea, or navigable River communicating therewith, where and so far up the same as the Tide flows and reflows, any Work, or to construct any Bridge across any Creek, Bay, Arm of the Sea, or navigable River, where and so far up the same as the Tide flows and reflows, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of the Lord High Admiral aforesaid, for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners may approve of, such Approval being signified as last aforesaid; and when any Work or Bridge shall have been constructed it shall not be lawful for the said Company at any Time to alter or extend the same without obtaining previously to making any such Alteration or Extension the like Consent or Approval, and if any such Work or Bridge shall be commenced or completed contrary to the Provisions of this Act it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Company, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly.

Company to give Notice, &c. to the Admiralty of any such intended Work or Bridge.

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

Protection of the Navigation of the East and

XXXIX. And whereas it is expedient to make due Provision for the effectual Security of the Navigation of the Channels of the *East* and *West Swin*, and the Channels leading to the Rivers *Crouch*, *Blackwater*,

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Blackwater, and Colne: Now be it enacted, That if any Detriment or Injury shall at any Time or Times hereafter, in the Opinion of the Lord High Admiral or of the Commissioners for executing the Office of Lord High Admiral, be found to result or be likely to result to the Navigation of the said River and Channels, or any of them, by or in consequence of any of the Works hereby authorized to be executed, then and in such Case the said Company shall with all practicable Dispatch remove the Cause of or Tendency to such Injury or Detriment at their own Expense, and shall thereupon make and execute such Works as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral for the Time being shall think necessary or proper to be executed, and the Costs and Charges incident to such last-mentioned Works shall be defrayed by the Company, and shall also be an express Charge or Lien upon the Lands reclaimed under the Powers of this Act; provided nevertheless, that it shall be lawful for the said Company to sell any Part or Parts of the said Lands subject to such Lien.

West Swin,
and Channels
leading to
the Crouch,
Blackwater,
and Colne.

XL. That if after Working Drawings of the Works hereby authorized shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works, or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty
may require
a local Sur-
vey of such
Works, &c.

XLI. That if any Work now or hereafter to be constructed by the Company in or across any tidal Water or navigable River, or if any Portion of such Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay by the Company, it shall be lawful for the Lord High Admiral or the said Commissioners to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

If Works
constructed
in or across
any tidal
Water or
navigable
River fall
into Decay,
&c., Admi-
ralty may
repair same
at Expense of
Company.

XLII. That there shall be set out and allotted by the Company to the Queen's most Excellent Majesty, Her Heirs and Successors, in right of Her Crown, from Time to Time, when and as the same shall be required, by Notice in Writing from the Commissioners for

Allotments
to be made
to Her Ma-
jesty in right
of Her
Crown.

[Local.]

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the

The South Essex Estuary and Reclamation Act, 1852.

the Time being of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, on behalf of Her Majesty, such Part and Parts of the Lands which at the Date of every such Requisition shall have been inclosed or reclaimed by the Company under the Authority of this Act as shall, in the Judgment of a Valuer to be for that Purpose named on each Occasion by the Inclosure Commissioners for *England and Wales*, at the Request of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, be equal (Quantity and Value considered) to One Fortieth Part of the Lands so from Time to Time inclosed or reclaimed by the Company; and every such Allotment shall be set out with a good and convenient Road and Access thereto, and in such Situation as shall be approved by the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues, and each successive Allotment to Her Majesty shall, as far as the Circumstances of its Locality will permit, be set out adjoining or near to the preceding Allotment or Allotments to Her Majesty, and convenient to be occupied therewith, so as to form together One connected and compact Estate: Provided also, that no such Allotment shall be made to Her Majesty for or in respect of any Lands (being Parcel of the Lands to be so inclosed or reclaimed by the Company) which have been heretofore expressly granted by Her Majesty or any of Her Predecessors to and which are now vested in any other Person or Corporation for any greater Estate or Interest than a Tenancy at Will or for Years.

Such Allotment to be in satisfaction of Her Majesty's prerogative Right in Soil of Lands reclaimed.

XLIII. That such Allotment or Allotments shall be deemed as the Compensation for and in satisfaction of the paramount prerogative Right of Her Majesty into and over the Soil of the Lands so inclosed and reclaimed, and shall vest in and be held by Her Majesty, Her Heirs, Successors, and Assigns, in Severalty, as Part and Parcel of the Hereditary Possessions and Land Revenues of Her Crown, freed and discharged of and from all Rights and Claims whatsoever.

Crown Allotment to be fenced off by the Company, and to be subject to Rates.

XLIV. That every such Allotment or Allotments shall, when and so soon as the Extent and Site thereof respectively shall have been determined, as herein-before provided, be set out and sufficiently fenced off with all convenient Speed, by and at the Expense of the said Company; and that the same Allotment or Allotments shall, except as to such Part or Parts thereof as may for the Time being be occupied or used for the Service of Her Majesty, be subject to all Rates, Charges, Assessments, and Impositions whatsoever to which the other Lands to be reclaimed under the Powers of this Act are hereby made liable.

XLV. That

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XLV. That the whole of the said Lands now belonging to the Queen's most Excellent Majesty, or to any other Person, which the said Company are hereby authorized to inclose and reclaim, shall be inclosed and reclaimed by them within Fourteen Years from the passing of this Act, unless such Time shall be extended by Her Majesty in Council, or by Parliament; and as regards such of the said Lands as shall not have been inclosed and reclaimed by the Company within the said Space of Fourteen Years, or within such extended Period (if any) as aforesaid, the Rights of Her Majesty and all other Persons into and over such Lands shall, at the End of the said Term of Fourteen Years, or at the End of such extended Period as aforesaid, revive in or revert to Her Majesty, Her Heirs and Successors, and all such other Persons, in the same or the like Manner, to all Intents and Purposes, as if this Act had not passed, freed and discharged from all Claims and Demands of the Company, or of any Persons claiming under them, into or over the same: Provided always, that the Right of Her Majesty, Her Heirs, Successors, or Assigns, to any Allotment or Allotments theretofore set out and awarded to Her or Them under the Provisions of this Act, in compensation for Her paramount prerogative Right of Soil, shall not be affected or prejudiced.

Whole of Crown Lands authorized to be reclaimed to be inclosed within 14 Years, unless Term extended.

XLVI. That a Plan or Plans of the Allotment or Allotments to be made to Her Majesty, Her Heirs and Successors, for or in respect of Her paramount prerogative Right of Soil, and of the Lands in respect of which such Allotment or Allotments shall be made, shall be subscribed by the Inclosure Commissioners for *England* and *Wales*, and by the Valuer named by them as aforesaid, and to such Plan or Plans shall be annexed the solemn Declaration of the said Valuer, that the Allotment or Allotments so set out by him to and for Her Majesty, and described on the said Plan or Plans, is to the best of his Judgment and Belief a full and fair One Fortieth Part or Share (Quantity and Value considered) of the Lands described in the said Plan in respect of which such Allotment or Allotments shall have been made; and such Plan and Declaration shall be entered in the Books of the said Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, and enrolled of Record in the Office of Land Revenue Records and Inrolments.

Plan of Crown Allotment to be subscribed by Inclosure Commissioners.

XLVII. That all the Costs, Charges, and Expenses of the Inclosure Commissioners for *England* and *Wales*, of the Valuer to be appointed by them as aforesaid, and of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, of or incident to the passing of this Act, or the ascertaining and setting out the Allotment or Allotments to Her Majesty in respect of Her paramount prerogative Right of Soil, and perfecting and completing the same,

Expenses incurred by the Crown to be paid by the Company.

pursuant

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pursuant to the Directions of this Act, shall be borne and paid by the said Company.

Saving
Rights of the
Crown as to
Manor of
Dengie.

XLVIII. That nothing in this Act contained shall extend to prejudice or in any way affect the Right, Title, Reversion, Estate, or Interest of Her Majesty, Her Heirs or Successors, in or to the Manor of *Dengie*, or any other Manor whereof Her Majesty is seised in right of Her Crown, any Part of which Manor may be within the Operation of this Act.

For straight-
ening Bound-
aries.

XLIX. That it shall be lawful for the Company and the Owners for the Time being of any Lands adjoining the Lands to be vested in the Company under the Provisions of this Act to agree as to the future Boundaries between such Lands respectively, and to effect such Exchanges of such Lands respectively in such Manner as to secure, so far as may be, an even Boundary Line between the same.

Roads and
Water-
courses to be
continued to
the Sea.

L. That the Company shall make and at all Times maintain, at their own Expense, proper Drains, Sluices, and Culverts, and of such Widths, Depths, Capacities, and Dimensions as shall be necessary and proper for conveying the Waters of and from any existing Drains, Sluices, or Culverts without Obstruction in, over, and through the Lands vested in them as aforesaid to the Sea, or into the before-mentioned Rivers, or some or One of them, so that a good and effectual Drainage may be afforded to the several Owners and Occupiers of Lands adjoining the said Lands hereby authorized to be reclaimed; and the said Company shall make and maintain a hard public Road on the Site of the old or present Road across the Sands from *Foulness Island* to *Shoebury*, and shall also make and maintain such Roads over the Lands vested in them as aforesaid as shall be necessary for the Prevention of any Inconvenience to the Public arising from Loss or Difficulty of Access to the Sea; and the Company shall afford to the Public and the Owners and Occupiers of the Lands adjoining the said Estuary, at or near the Termination of the said Roads or in other convenient Places, the Means of Access to the Sea for the loading or unloading of Goods, Wares, or Merchandise, Lime, Chalk, Shells, Seaweed, or Manure, upon or from Carts, Lighters, or Vessels; but nothing herein contained shall authorize the landing or loading of Goods, Wares, or Merchandise at any other Parts of the Embankment or Works of the Company than the Landing Places so to be afforded, or the Right to use and exercise any more extended Right of landing or loading than is or has been enjoyed at or previous to the passing of this Act: Provided also, that nothing herein contained shall be held or allowed to interfere with the Rights of any of the Owners or Occupiers of Lands in *Foulness Island*,
adjoining

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adjoining or near to the said Estuary, to claim and receive Compensation from the Company for the Loss or Damage (if any) which they may sustain by reason of the Removal or Alteration of any existing Landing or Loading Places or Roads, or the Stoppage of or the Interference with the Supply of Water from the Sea to the Gutters, Ditches, and Sluices commonly called Feeding Gutters in or upon the said Island, but the Company shall be liable to make full Compensation to any such Owners or Occupiers for any such Loss or Damage respectively, according to the Provisions of the said Lands Clauses Consolidation Act in other Cases of Compensation, but so nevertheless that every Claim in respect of such alleged Loss or Damage to be made against the said Company shall be so made within Twelve Calendar Months after the Completion of the Works whereby the Damage complained of shall have been occasioned; and if, in consequence of the Exclusion of the Sea Water from the said Feeding Gutters, by reason of the Operations of the Company, the Health of the Locality through which the said Feeding Gutters now pass shall be injuriously affected, it shall be lawful for the Commissioners of Sewers acting for the District to require the Company to execute such Works as may be necessary for restoring the Supply of Water to the said Gutters or otherwise, for restoring the Salubrity of the said Locality; and if the Company fail to execute such Works the same may be undertaken by the said Commissioners, and the Cost thereof recovered by them against the Company.

LI. That for the better Drainage of the Lands adjoining or near to the Lands by this Act authorized to be reclaimed as aforesaid, it shall be lawful for the Company, from Time to Time and at all Times, to enter upon any such Lands, and to open, dredge, cleanse, or deepen any Culvert, Sewer, Drain, or Watercourse passing in or through the same, and to connect any such Culvert, Sewer, Drain, or Watercourse with any similar Work proposed to be made by the Company in or through the Lands which may become vested in them under the Provisions of this Act.

Power to open and cleanse Drains in adjoining Lands.

LII. That if any Difference shall arise between the Company and any Owner or Occupier as to the Sufficiency of the Access to the Sea afforded by them for the loading or unloading of the Goods, Wares, Merchandise, or any other Things, according to the Provisions herein-before contained, it shall be lawful for any Two Justices in Petty Sessions, at any Time within Twelve Months after the Inclosure or Reclamation of Land under the Provisions of this Act, and upon the Application of any such Owner or Occupier, after due Notice of the Intention to make such Application given to the Company, to order them to make other or more sufficient Roads, Drains, or Culverts, or to afford other and more convenient Places of Access to

Accommodation Works may be required by the Justices.

[*Local.*]

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The South Essex Estuary and Reclamation Act, 1852.

the Sea, as the Case may be, but so nevertheless that the Company shall in no Case be required to make any more or any wider Roads or Drains than the Roads or Drains now abutting on the Seashore, within the Limits of this Act.

Saving
Rights of the
Commissioners
of Sewers
for Foulness
Island.

LIII. That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, abridge, diminish, take away, interfere with, control, or suspend in anywise howsoever any of the Jurisdictions, Powers, Rights, Privileges, or Authorities vested or to become vested in the Commissioners of Sewers, for the Level within the Limits of the Island and Parish of *Foulness* in the County of *Essex*, or in the Borders and Confines of the same, but all such Jurisdictions, Powers, Rights, Privileges, and Authorities shall be and remain as good, valid, and effectual, and as fully and effectually vested in such Commissioners of Sewers, to all Intents and Purposes, as if this Act had not been passed.

Saving
Rights of the
Commissioners
of Sewers
for the Dengie
Levels.

LIV. That nothing in this Act contained shall extend or be construed to extend to prejudice, alter, abridge, diminish, take away, interfere with, control, or suspend in anywise howsoever any of the Jurisdictions, Powers, Rights, Privileges, or Authorities vested or to become vested in the Commissioners of Sewers for the Levels within the Limits of the several Parishes of *Burnham*, *Southminster*, *Mayland*, *Althorne*, *Dengie*, *Saint Lawrence*, *Bradwell*, *Tillingham*, *Steeple* otherwise *Steeple with Stansgate*, *Asheldham*, and *Cricksea* otherwise *Creeksea* in the Hundred of *Dengie* and County of *Essex*, or in the Borders or Confines of the same, but all such Jurisdictions, Powers, Rights, Privileges, and Authorities shall be and remain as good, valid, and effectual, and as fully and effectually vested in such Commissioners of Sewers, to all Intents and Purposes, as if this Act had not been passed.

Public
Sewers to be
extended to
the Sea, and
Extensions,
&c. to be
made to the
Satisfaction
of Commis-
sioners of
Sewers, and
to be main-
tained, &c.
at Expense
of Company.

LV. That the Company shall extend to the Sea (or to the before-mentioned Rivers, or some or One of them), in, upon, across, and over the Lands which shall be reclaimed or embanked by the Company under the Provisions of this Act, all public Drains and Sewers under the Jurisdiction of the said Commissioners of Sewers respectively the Outfall whereof would be otherwise impeded by the Works of the Company, and shall make in, upon, over, and across such Lands, and in, through, over, and across any Walls, Embankments, Dams, and other Works which may be executed by the Company under the Provisions of this Act, all such Sluices, Tunnels, Gutters, Floodgates, Culverts, and other Works, and of such Widths, Depths, Capacities, and Dimensions, as shall be necessary and proper for providing Outlets, and for discharging and carrying off into the Sea without Obstruction or Hindrance the Waters of and from

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from such public Drains and Sewers, and the proposed Extensions of the same, and so as to afford, as far as lies in the Company, at all Times, a good, sufficient, and effectual Drainage to the said Levels respectively, and the Lands, Tenements, Hereditaments, and Premises situate within such Levels respectively; and that all such Extensions, Sluices, Tunnels, Gutters, Flood Gates, Culverts, and other Works to be so made and constructed by the Company for the Purpose of affording such Drainage as aforesaid, and also all such of the Banks, Walls, Drains, and other Works to be made and constructed by the Company under the Provisions and for the Purposes of this Act, as shall be made and constructed in extension of or by way of Substitution for or in connexion with any existing Banks, Walls, Drains, and other Works within any of the said Levels, and under the Jurisdiction of the said Commissioners of Sewers respectively acting in and for the same, or as will, when made and constructed by the Company, adjoin or be opposite to or co-extensive with any of the said Levels, or constitute a Part of the Aids and Defences against the Sea of any such Levels, and the Lands, Tenements, Hereditaments, and Premises within the same respectively, or serve, in the Opinion of the said Commissioners of Sewers acting in and for the said Levels respectively, more effectually to defend and secure any of the Lands, Tenements, Hereditaments, and Premises under the Jurisdiction and Control of such Commissioners respectively, and within such Levels respectively, against the Irruption and Overflowing of the Sea, or to drain and carry off the superfluous Water from any such Lands, Tenements, Hereditaments, and Premises respectively, or anywise relate to or affect any of the said Levels, shall be made and completed to the Satisfaction of the Commissioners of Sewers respectively for the said several Levels to which the same respectively shall adjoin or be contiguous, or for the draining or Defence of which the same respectively shall be made and constructed, or shall be necessary or proper, and shall ever thereafter be properly fenced, repaired, maintained, cleansed, emptied, scoured, and upheld by and at the Costs and Charges of the Company or their Assigns, and that the Lands to be reclaimed and vested in the Company under the Provisions of this Act shall for ever thereafter be liable to and such Lands are hereby charged with the Maintenance and Support of the same, and shall for the Purposes of such Support and Maintenance be within the Jurisdiction of the said Commissioners of Sewers for the said Levels respectively, and be subject for those Purposes to a separate Assessment by such Commissioners respectively, according as they have Jurisdiction over the particular Work or Works for the Time being requiring to be so supported and maintained; and every such Assessment shall be levied and made equally on every Acre of Land reclaimed by the Company from the Sea under the Provisions of this Act, and forming Part of the said *South Essex*

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Essex Estuary, whether the same shall be in the Hands of the Company or shall have been sold by them under the Powers of this Act, and shall be recoverable by such Commissioners respectively in the same Manner as any Assessment by them duly made on any other Lands liable to Sewers Rate within their Jurisdiction; nevertheless, this Provision shall not be taken as qualifying the other Provisions of this Act in regard to the Maintenance and Repair of such Extensions, Sluices, Tunnels, Gutters, Floodgates, Culverts, and other Works, and of such of the said Walls, Banks, Drains, and other Works to be made and constructed by the Company for the Purposes and under the Provisions of this Act, as above mentioned, but as concurrent with such other Provisions, and as capable of being resorted to when and so often and to such Extent as the said Commissioners of Sewers respectively may deem expedient.

Extensions,
&c. to be
under Juris-
diction of
Commission-
ers of Sewers.

LVI. That the said Extensions, Sluices, Tunnels, Gutters, Floodgates, Culverts, and other Works to be so made and constructed by the Company for the Purpose of affording such Drainage to the said Levels respectively as aforesaid, and such of the Banks, Walls, Drains, and other Works to be constructed by the Company under the Provisions and for the Purposes of this Act, as above mentioned, when made and constructed by the Company, shall to all Intents and Purposes whatever be and for ever thereafter remain respectively under the Jurisdiction and Control and within the View and Management of the said Commissioners of Sewers for the said Levels respectively to which such Extensions and other Works respectively shall adjoin or be contiguous, or for the effectual Drainage or Protection of which the same respectively shall be made and constructed, or shall be necessary or proper; and all the Powers and Authorities vested in or exercisable by, or to become vested in or exercisable by the said Commissioners of Sewers respectively, upon and over the now existing Sewers, Drains, Embankments, and other Works under their Jurisdiction and Control respectively, shall extend and be applicable to the said Extensions, Sluices, Tunnels, Gutters, Floodgates, Culverts, and other Works, and also to such of the Banks, Walls, Drains, and other Works to be made and constructed by the Company under the Provisions and for the Purposes of this Act as aforesaid, according as the same respectively may relate to or adjoin or be contiguous to the said Levels respectively, or may be made and constructed or necessary or proper for the Benefit or Protection thereof respectively, or of the Lands, Tenements, Hereditaments, and Premises respectively within the said Levels respectively.

Company to
repair Ex-
tensions, &c.,
and failing

LVII. That in case any of the said Extensions, Sluices, Tunnels, Gutters, Floodgates, Culverts, and other Works, or any of the above-mentioned Banks, Walls, Drains, and other Works, so as aforesaid to be

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be made and constructed by the Company for the Purposes of this Act, after they have been so constructed and made by the Company, shall stand in need of Reparation and Amendment, it shall be lawful for the said Commissioners of Sewers respectively having Jurisdiction over the same respectively, and such Commissioners are hereby authorized, to require the Commissioners to be appointed under this Act for the Purpose of maintaining the Embankments and Works hereby authorized to put the same into good and proper Repair, within such reasonable Time as such Commissioners of Sewers shall, by Notice in Writing to be for that Purpose given to the said Commissioners to be appointed under this Act, limit and appoint for that Purpose; and in case the said last-mentioned Commissioners shall fail to comply with such Requisition, it shall be further lawful for the said Commissioners of Sewers respectively so having such Jurisdiction as last aforesaid, and they are hereby authorized, to cause the same to be put in good and sufficient Repair; and the Expenses to be incurred thereby, and also the Expenses of and incidental to such Requisition, shall be borne and paid by the Company to such Commissioners of Sewers; and that in the event of the Company failing to pay such Expenses, the same shall be recoverable by such Commissioners of Sewers upon or against the Company or the Land to be reclaimed under the Provisions of this Act, in such Manner and by such Ways and Means as any Sewers Rate, Scot, or Assessment duly assessed on any sewable Lands lying within the Limits of any Commission of Sewers is now in Law recoverable.

to do so,
Commission-
ers of Sewers
may repair,
and recover
Expenses
from Com-
pany.

LVIII. That if by the Exercise of the Powers of this Act or any Act incorporated therewith, or for or by reason or means or in consequence of any Works or other Matters or Things done or to be done by the Company in pursuance of the Powers of this Act, or otherwise, any new or additional Works shall, in the Judgment of any Third Person, to be agreed upon between the Company and the Commissioners of Sewers for any of the said Levels, or in case such Commissioners of Sewers and the Company cannot agree in the Choice of any such Third Person, of such Person as the Inclosure Commissioners for *England* and *Wales* (who are hereby required, on the Application either of such Commissioners or of the Company for that Purpose, to make such Appointment,) may appoint, shall become necessary, or if any Reparation or Alteration of any existing Banks, Sewers, or other Works for the Time being under the Jurisdiction of the Commissioners of Sewers for any of the said Levels, or any Increase of Expenditure, in and about the maintaining and repairing of any such Banks, Sewers, and other Works, or any new or existing Works, shall, in the Judgment of any Third Person, to be agreed upon between such Commissioners of Sewers and the Company, or in case such Commissioners of Sewers and the Company cannot agree in

If new Works
rendered
necessary by
Act of Com-
pany, Com-
missioners of
Sewers may
order them,
and Com-
pany to pay
the Expenses.

[Local.]

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the Choice of any such Third Person, of such Person as the Inclosure Commissioners for *England* and *Wales* (who are hereby required, on the Application either of such Commissioners or of the Company for that Purpose, to make such Appointment) may appoint, become necessary, it shall be lawful for the Commissioners of Sewers acting in and for any such Level to decree, order, and direct the doing and making of such Repairs or Alterations, or of such new or additional Works, or such Increase of Expenditure, and the Costs, Charges, and Expenses of such new or additional Works, or of such Repairs or Alterations, or the Amount of such increased Expenditure, as the Case may be, shall be recoverable by such Commissioners of Sewers upon or against the Company, or the Land to be reclaimed under the Provisions of this Act, in such Manner and by such Ways and Means as any Sewers Rate, Scot, or Assessment duly assessed on any sewable Lands lying within the Limits of any Commission of Sewers is now in Law recoverable.

Expenses,
&c. payable
by Company
to Commis-
sioners of
Sewers made
a Charge on
reclaimed
Lands.

LIX. That for the more effectually securing the Repayment of the Costs, Charges, and Expenses which the Company may by this Act become liable as aforesaid to pay to the Commissioners of Sewers for the said Levels respectively, the same, as and when they shall from Time to Time become due and payable, under the Provisions of this Act, shall be taken to constitute and shall be a Charge and Lien upon and shall be payable out of such Parts of the said Land as shall for the Time being have been reclaimed by the Company from the Sea, whether the same shall belong to the Company, or shall have been sold, leased, or mortgaged by the Company; and such Costs, Charges, and Expenses shall have Priority and Preference over all other Liens and Charges upon such Parts of the said Lands, and the same may be levied by the Commissioners of Sewers for any of the said Levels to whom the same respectively shall be so due and payable as aforesaid, by Mortgage or Sale of any such Parts of the said Lands; and that the Receipts of such Commissioners of Sewers for the Money arising by or from any such Mortgage or Sale shall be sufficient and effectual Releases and Discharges to Mortgagees or Purchasers for such Monies, and shall exonerate them from seeing to the Application of such their Mortgage or Purchase Monies, or from inquiring into the Necessity or Propriety of any such Mortgage or Sale: Provided always, that this Provision shall not be taken as qualifying the other Provisions of this Act in regard to any such Costs, Charges, and Expenses, but as concurrent with such other Provisions, and as capable of being resorted to when and so often as and to such Extent as the Commissioners of Sewers for any of the said Levels entitled under this Act to be repaid such Costs, Charges, and Expenses may deem expedient.

LX. That

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LX. That in case the Funds of the Company and the Lands to be reclaimed by the Company under the Provisions of this Act shall at any Time or Times hereafter become inadequate to pay and satisfy any such Costs, Charges, and Expenses as last aforesaid, as and when the same may become due and payable as aforesaid, or any of them, or any Part thereof, it shall be lawful for the Commissioners of Sewers for any of the aforesaid Levels who may be entitled to be paid the same under the Provisions of this Act, as and when the same shall become due and payable to such Commissioners, to make a Rate or Rates for the Purpose of discharging any such Costs, Charges, and Expenses, or such Part thereof as such Funds and Lands may for the Time being be inadequate to pay and satisfy as aforesaid, upon the sewable Lands, Tenements, Hereditaments, and Premises within their Jurisdiction, and within the Level in regard of which such Costs, Charges, and Expenses have been incurred or to which the same may relate, and that such Lands, Tenements, Hereditaments, and Premises respectively shall be liable to and shall contribute to such Rate or Rates in the like Proportion as to any Sewers Rate, Scot, or Assessment duly assessed on such Lands, Tenements, Hereditaments, and Premises respectively under the Laws relating to Sewers, and that the said Rate or Rates shall be recovered and recoverable in such Manner and by all such Ways and Means as any Sewers Rate, Scot, or Assessment is now by Law recoverable, and that the Money to be collected and received by virtue of any such Rate or Rates shall be paid and applied by such Commissioners of Sewers (who are hereby authorized and empowered so to pay and apply the same) to and for the Purpose of discharging and satisfying such Costs, Charges, and Expenses; and in case any such Costs, Charges, and Expenses shall apply to or be incurred in respect of or relate to Two or more of such Levels respectively, the same shall be apportioned and divided between such Levels in such Manner as the Commissioners for those Levels respectively shall adjudge to be fair and equitable, and a distinct and separate Rate shall in every such Case be made by the Commissioners of Sewers acting in and for each of such Levels upon the Lands, Tenements, Hereditaments, and Premises within that Level, for its apportioned Part of such Costs, Charges, and Expenses, so that each Level shall bear its own Share of the same, the Lands, Tenements, Hereditaments, and Premises within each and every of such Levels to contribute to every such Rate upon the same in such Proportion and such Rate to be recoverable in such Manner as herein-before in this Section mentioned, and the Money collected thereby to be applicable by the Commissioners of Sewers for the particular Level to which such Rate relates, for the Purpose of discharging the Part of such Costs, Charges, and Expenses so as aforesaid apportioned and assigned to such Level.

If Funds of Company and re-claimed Land inadequate to meet Expenses, &c. Commissioners of Sewers may make a Rate for them on Levels.

LXI. That

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Nothing herein, &c. to discharge Owners of Property from Liability.

LXI. That nothing in this Act contained, or that shall be done under the Provisions of the same, shall extend or shall be taken to extend to release or discharge any Person, Body Politic or Corporate, from any Liability to repair, maintain, scour, or cleanse, or to pay or contribute towards the Costs and Expenses of repairing, maintaining, scouring, or cleansing any of the Walls, Delves, Gutters, Outfalls, Sluices, and other Works under the Jurisdiction and Control of the said Commissioners of Sewers for the said Levels respectively, or from any other Liability in respect or in regard of any Lands, Tenements, Hereditaments, or Premises by such Person, Body Politic or Corporate, owned or occupied within the said Levels respectively, and the Jurisdiction of the said Commissioners of Sewers respectively, or under the Laws relating to Sewers to which such Person, Body Politic or Corporate, was before the passing of this Act subject, but every such Person, Body Politic or Corporate, shall be and remain subject to all the same Rates, Scots, Assessments, Duties, Burdens, Obligations, and Liabilities to which such Person, Body Politic or Corporate, would have been subject in respect or in regard of any Lands, Tenements, Hereditaments, or Premises by such Person, Body Politic or Corporate, owned or occupied within the said Levels respectively, and the Jurisdiction of the said Commissioners of Sewers respectively, or under the Laws relating to Sewers, as if this Act had not been passed.

Chairman and Deputy Chairman of Company for the Time being to be *ex officio* Commissioners of Sewers.

LXII. That the Chairman and Deputy Chairman for the Time being of the Company shall be *ex officio* Commissioners of Sewers for the said Levels respectively, and shall, while they respectively continue in Office, have the same Powers and Authorities as if they had been appointed such Commissioners under the Provisions of any of the Acts of Parliament relating to Sewers; and that it shall be lawful for such Chairman and Deputy Chairman respectively, whilst they continue in Office, and they are hereby authorized and empowered during such Period, to act as Commissioners of Sewers for the said Levels respectively without being qualified as by Law required with regard to Commissioners of Sewers in general, and without being required to take and subscribe and without taking and subscribing the Oath or Affirmation by Law prescribed to be taken and subscribed by Commissioners of Sewers in general with regard to their Qualification, and without being liable to the Penalty or Forfeiture by Law imposed upon Commissioners of Sewers in general for acting without being qualified as aforesaid; and as often as a new Chairman or Deputy Chairman shall be elected, such new Chairman or Deputy Chairman shall, upon his Election to Office, become, and so long as he shall continue in the same, be *ex officio* a Commissioner of Sewers for the said Levels respectively, and as such shall be entitled to act in the same Manner, and shall have the like

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like Powers and Authorities as any former Chairman or Deputy Chairman whilst he continued in Office and was *ex officio* such Commissioner.

LXIII. That nothing herein contained shall authorize or empower the Company to purchase or hold, enter upon, take, or use, without the previous Consent of the Owner or Owners of the same, any Portion of the existing Sea Bank or Walls, or any Lands situate within or on the Land Side of the same, except for temporary Purposes in connexion with the Construction or Maintenance of the Works by this Act authorized, or any Part thereof: Provided always, that in case any Part of the said Sea Banks or Walls shall be required by the Company for such temporary Purposes as aforesaid, they shall in the first instance effectually, and to the Satisfaction of the Commissioners of Sewers for the Time being acting for that District or Level, protect the Lands within such Sea Walls or Banks respectively from any Inundation or Damage by Sea Breaches which might arise or be caused by reason of such temporary Use and Occupation.

Company not to take any Portion of existing Sea Walls (except for temporary Purposes), without Consent.

LXIV. And whereas Sir *John Tyssen Tyrell* Baronet is or claims to be a Lord of the Lordships and Manors of *Great and Little Wakering*, with all the respective Rights, Members, and Appurtenances thereto, situate, lying, and being in the Parishes of *Great Wakering* and *Little Wakering* or elsewhere in the County of *Essex*, and is or claims to be entitled, in right of the said Lordships or otherwise, to divers Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Rivers, Streams, Watercourses, Fishings, and Fisheries, with their respective Appurtenances, situate, lying, and being within the said Manors respectively, and bordering upon or adjoining or adjacent to certain Islands, Main Lands, and Localities called or known by the several Names of *Havengore*, *New England*, *Potton*, *Rushley*, and *Barling*, or contiguous or near thereto respectively: And whereas it is alleged that the said Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Streams, Watercourses, Fishings, and Fisheries, with their respective Appurtenances, or some of them, or some Part thereof, may be injuriously affected by and in consequence of the Exercise by the Company of the Powers of this Act and the Acts incorporated therewith respectively: Be it therefore enacted, That the said Sir *John Tyssen Tyrell*, his Heirs and Assigns, and all other Persons for the Time being interested in the said Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, and Fisheries, with their respective Appurtenances, shall, if the same shall be so injuriously affected, be entitled to Compensation, and shall have and may exercise all the same Rights and Powers of compelling the Company to make Compensation

Compensation to be given to Sir J. T. Tyrell, Bart., for certain Oyster Beds, &c., pursuant to Provisions of 8 & 9 Vict. c. 18., but not to affect Right of Title.

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tion by reason of the same Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, and Fisheries, or any of them, or any Part thereof, being so injuriously affected as aforesaid, as by the said Lands Clauses Consolidation Act are given to Parties interested in respect of any Lands, or any Interest therein, which may be injuriously affected by the Execution of the Works, and for which the Promoters of the Undertaking may not have made Satisfaction under the Provisions of the same Act or of this Act; provided that nothing herein contained shall operate as a Recognition or Confirmation of the Title of the said Sir *John Tyssen Tyrell* or any other Person to the said Sea Grounds or Oyster Layings, Oyster Beds, Fishings, and Fisheries, or to vest in him or them any larger or other Estate, Right, Title, or Interest therein or thereto than he or they had before the passing of this Act, or in any way to prejudice or affect the Title of the said Sir *John Tyssen Tyrell* or any other Person.

Company
not to inter-
fere with any
Part of the
Soil or Bed
of the River
Crouch, or
the Fisheries
of Lady
Mildmay
therein.

LXV. And whereas Dame *Jane Saint John Mildmay* is or claims to be the Owner of an Oyster Fishery in the River *Crouch*: Be it enacted, That nothing in this Act contained shall authorize and empower the said Company to embank, encroach upon, or interfere with any Part of the Soil or Bed of the said River or the Shores thereof, nor shall anything herein contained be construed or allowed to alter, lessen, weaken, defeat, abridge, or destroy the Claim for or Right to Compensation of the said Dame *Jane Saint John Mildmay*, or the Person or Persons who for the Time being shall be the Owner or Owners of the Fishery of the said River *Crouch*, upon or against the said Company, under the general Provisions for Compensation contained in this or the said Lands Clauses Consolidation Act, for or in respect of any Damage, Spoil, or Injury which the said Company may do or occasion to the said River *Crouch*, or to the Bed thereof, or to the said Fishery, or to all or any of the Oyster Layings therein, or to the Oysters or Oyster Brood therein, but the said Dame *Jane Saint John Mildmay*, and the Person or Persons aforesaid, shall have and enjoy the said Fishery, and all such Right, Title, and Interest to and in the same, and to and in the said River *Crouch*, and the Bed, Soil, and Shores thereof, and the Oyster Layings, Oysters, and Oyster Brood therein, as they heretofore had and enjoyed, as fully, freely, and effectually, to all Intents and Purposes whatsoever, as if this Act had not been passed; provided that nothing herein contained shall operate to confirm the Title of the said Dame *Jane Saint John Mildmay* and the Person and Persons aforesaid to the said Fishery and Oyster Layings, or to vest in her or them any larger or other Estate, Right, Title, or Interest in or to the said River, and the Bed, Soil, and Shores thereof, than they had before the passing of this Act.

LXVI. And

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LXVI. And whereas *George Finch* of *Burley* in the County of *Rutland*, Esquire, is or claims to be possessed of or entitled to certain Oyster Layings or Oyster Beds in the River *Crouch* and *Shelford Creek*, and it is alleged that the same Oyster Layings and Oyster Beds may be injuriously affected by or in consequence of the Exercise by the Company of the Powers of this Act and the Acts incorporated therewith respectively: Be it enacted, That the said *George Finch*, his Heirs and Assigns, and all other Persons interested in the said Oyster Layings and Oyster Beds respectively, shall, if the same shall be so injuriously affected, be entitled to Compensation, and shall have and may exercise all the same Rights and Powers of compelling the Company to make Compensation, by reason of the same Oyster Layings and Oyster Beds, or any of them, being so injuriously affected as aforesaid, as by the said Lands Clauses Consolidation Act are given to Parties interested in respect of any Lands or any Interest therein which may be injuriously affected by the Execution of the Works, and for which the Promoters of the Undertaking may not have made Satisfaction under the Provision of the same Act or of this Act; provided that nothing herein contained shall operate to confirm the Title of the said *George Finch* or any other Person to the said Oyster Layings and Oyster Beds, or to vest in him or them any larger or other Estate or Interest in or to the same than he or they had before the passing of this Act.

For Compensation for Oyster Beds belonging to G. Finch, Esq.

LXVII. And whereas *Philip Bennet* of *Rougham Old Hall* in the County of *Suffolk*, Esquire, is or claims to be interested in or entitled to divers Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, and Fisheries situate in or near the Estuary of the River *Blackwater* or the Creeks connected therewith, and near to the Parishes or Hamlets of *Tollesbury*, *Tolleshunt*, *Knights*, *Little Wigborough*, and *Salcot*, in the said County of *Essex*, or some or One of the said Parishes or Hamlets, or elsewhere in the said County: And whereas it is alleged that the same Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, and Fisheries, or some of them, or some Part or Parts thereof, may be injuriously affected by or in consequence of the Exercise by the Company of the Powers of this Act and the Acts incorporated therewith respectively: Be it therefore enacted, That the said *Philip Bennet*, his Heirs and Assigns, (if interested or entitled as aforesaid,) and all other Persons for the Time being interested in the said Sea Grounds, Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, and Fisheries shall, if the same shall be so injuriously affected, be entitled to Compensation, and shall have and may exercise all the same Rights and Powers of compelling the Company to make Compensation by reason of the same Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, and Fisheries, or any of them, or any Part thereof,

Providing for Compensation in case of Injury to Sea Grounds, Oyster Beds, &c. of the Blackwater Estuary.

being

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being so injuriously affected as aforesaid, as by the said Lands Clauses Consolidation Act are given to Parties interested in respect of Lands purchased or taken under the Provisions thereof, and which may be injuriously affected by the Execution of the Works, and for which the Promoters of the Undertaking shall not have made Satisfaction under the Provisions of the same Act or of this Act: Provided, that nothing herein contained shall operate to confirm the Title of the said *Philip Bennet*, or any other Person, to the said Sea Grounds or Oyster Layings, Oyster Grounds, Oyster Beds, Fishings, or Fisheries, or to vest in him or them any larger or other Estate or Interest in or to the same than he or they had had before the passing of this Act.

Embankments, &c. to be maintained by Owners of reclaimed Lands.

LXVIII. That the said Company and the Owners for the Time being of any Lands which may be sold by them under the Provisions of this Act shall, at their own Expense, and in manner herein-after provided, maintain and keep in an efficient State of Repair, except as otherwise provided in this Act, all the Embankments and Works which may from Time to Time be made by the Company, for the Reclamation of any such Lands, and which shall for the Time being be essential for protecting the same or any Part thereof, and all other Lands affected by their Works, from Inundation, and shall also maintain in repair, except as last aforesaid, all such Roads, Drains, Sluices, and Culverts as may be made by them under the Provisions of this Act in and from the Lands which may become vested in them by virtue of this Act, for the Prevention of Inconvenience to the Public arising from Loss or Difficulty of Access to or from Obstruction of Drainage arising through the Works of the Company; and all Lands which may be sold by the said Company as aforesaid shall be so sold subject to such Liability as aforesaid.

Commissioners to be appointed for maintaining Banks.

LXIX. That in order to provide for the permanent Maintenance of the said Embankments and Works, and of the said Roads, Drains, and Culverts, in such State of Repair as aforesaid, the Directors for the Time being of the Company, and all the Owners of Fifty or more Acres of Land sold by the said Company as aforesaid, shall be Commissioners for that Purpose; and the Chairman for the Time being of the said Directors or of the said Commissioners, or any Three of the said 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 *Essex*, and any Five Commissioners who shall be present at such Meeting shall form a Quorum.

Appointment of Chairman.

LXX. That the said Commissioners shall meet once at least in every Year, and at their First Meeting in each Year shall elect a Chairman,

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Chairman, who shall remain in Office until another Chairman is elected in his Stead: Provided always, that it shall not be necessary for such Chairman to be present in order to constitute a Meeting of Commissioners.

LXXI. That the said 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 to such Officer or Officers such reasonable Salary as they may see fit. Officers may be appointed.

LXXII. That the Salary of such Officer or Officers, as well as all other Costs, Charges, and Expenses which may be incurred by the said Commissioners in carrying this Act into execution, shall be defrayed by means of a Rate to be assessed and levied upon and in respect of the Lands for the Time being reclaimed from the Sea under the Powers of this Act, and forming Part of the *South Essex Estuary*. As to providing for Payment of Salaries, &c.

LXXIII. That the Amount of such Rate shall and may from Time to Time be fixed and determined by the said Commissioners, and shall be assessed equally in respect of every Acre of Land so reclaimed from the Sea, and forming Part of the said *South Essex Estuary*, whether the same be in the Hands of the Company, or shall have been sold by them under the Powers of this Act. How Contributions to be assessed.

LXXIV. That in case the said Rate shall not be paid within a Period of Twenty-one Days after the Day appointed by the Commissioners for Payment thereof, it shall be lawful for the said 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, wheresoever the same may be found, and for such Purpose to enter upon the Lands and Premises of such Occupier, and to seize and take, and to carry away and sell, such Goods and Chattels, without being liable for any Action of 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 said 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. For Recovery of Assessment.

LXXV. That it shall be lawful for the Company, from Time to Time, and in such Manner as to them shall appear expedient, and Power for Company to sell Lands.
 [Local.] 11 K either

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either by Public Auction or Private Contract, or partly by Public Auction and partly by Private Contract, and under and subject to such Conditions, Restrictions, and Regulations as to Title or otherwise as to them may seem necessary or desirable, to sell and dispose of the Lands hereby vested in them as aforesaid, or any Part or Parts thereof, and that either before or after the same shall have been fully reclaimed, embanked, and inclosed; and if any such Lands be offered for Sale by Public Auction the Company may reserve thereon any Price they may think fit as the minimum Price at which such Lands shall be disposed of at such Auction; and the Company may make and execute all proper Acts and Contracts, and by Deed under their Common Seal, in the Form, *mutatis mutandis*, or as nearly as may be, prescribed by the "Lands Clauses Consolidation Act, 1845," with regard to the Conveyance of Lands, or in such other Form as the Company shall order or direct, may convey and assure the Lands so sold unto the Purchaser thereof and his Heirs, or as he shall direct; and the Receipts of the Treasurer of the Company for the Purchase Monies arising by or from any such Sale as aforesaid shall be sufficient and effectual Releases and Discharges to the several Purchasers for so much Money as in such Receipts respectively shall be acknowledged to be received, and the Purchaser of any of the said Lands shall not be obliged to see to the Application of his Purchase Money, nor be accountable for the Misapplication or Nonapplication of the same: Provided nevertheless, that all such Lands hereby authorized to be sold by the said Company shall in the first instance be offered by them to the Owner or Owners of the Frontage Lands adjoining, in manner directed by the Lands Clauses Consolidation Act with respect to the Sale of superfluous Lands acquired by the Promoters of Undertakings under the Provisions of that Act.

Company to apply Purchase Money in discharge of existing Debts.

LXXVI. That all Purchase Money derived by the Company from such Sale of the Lands vested in them shall be applied in the first instance in and towards the Discharge of any Debts on Mortgage contracted by the Company under the Powers of this Act, and then due and owing, according to their respective Priorities, and in the next place in the Discharge of any other Debts then due and owing by the Company.

Power to lease.

LXXVII. That until such Sale or Sales shall be made as aforesaid it shall be lawful for the Company from Time to Time to let, set, and demise any of the Lands which may be reclaimed as aforesaid, for such Terms, not exceeding Fourteen Years, and under such yearly and other Rent, and subject to such Provisions and Restrictions, and in such Manner, as to the Company shall seem fit.

LXXVIII. That

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LXXVIII. That the Receipt of the Treasurer of the Company shall be a sufficient Discharge for the Money borrowed under this Act, and that the Person advancing any such Money shall not be bound or concerned to see to the Application thereof, or be liable for the Misapplication or Nonapplication thereof. Receipt of Treasurer to be Discharge.

LXXIX. That it shall be lawful for any Two or more Justices of the Peace acting within the County of *Essex*, on the Application and at the Expense of the Company, to appoint such Persons as they may think fit to be Special Constables within the Limits of this Act; and such Constables, when appointed, shall have and may exercise all such and the same Powers within the said Limits as other Constables appointed within the said County of *Essex* may lawfully exercise within the Districts for which they are appointed: Provided always, that any such Constables shall be suspended or removed from their Office on the Requisition of the Company. Special Constables.

LXXX. That if any Person shall throw or wilfully place any Ballast, Rubbish, or other Materials in or upon any Part of the Works authorized by this Act, or shall wilfully obstruct or prevent any Person in the lawful Execution of this Act, or shall do any Matter or Thing to obstruct the free Passage of the Watercourses, Drains, Culverts, Roads, Ways, and other Works by this Act authorized or required to be made and maintained, or injure or damage any of the Embankments, he shall forfeit and pay any Sum not exceeding Twenty Pounds nor less than Two Pounds for every such Offence, in addition to any actual Damage which may be thereby sustained by the Company. Penalty on Persons obstructing Works.

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

LXXXII. That the Costs of applying for and obtaining this Act or incidental thereto shall be paid by the Company. Expenses of Act.

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