

The Rossall Sea Wall Act, 1854.

Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows :

Short Title. I. In citing this Act in any Instrument, Document, or Proceeding it shall be sufficient to use the Expression "The *Rossall* Sea Wall Act, 1854."

Interpretations of Terms. II. That the following Words and Expressions in this Act and in the Acts wholly or partially incorporated herewith shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Word "Person" shall include a Corporation, whether aggregate or sole :

The Expression "Quarter Sessions" shall mean the Court of General or Quarter Sessions of the Peace for the County Palatine of *Lancaster*, held by Adjournment at *Preston* in the said County :

The Expression "the Commissioners" shall mean the Commissioners for the Time being acting in execution of this Act :

The Expression "the Clerk" shall mean the Clerk of the Commissioners :

The Word "Owner" used with reference to any Lands mentioned and described in the Schedules A, B, and C, to this Act annexed, in respect of which any Rate is to be paid under this Act, shall mean the Person for the Time being entitled to receive, or who, if such Land were let to a Tenant at Rackrent, would be entitled to receive the Rackrent from the Occupier thereof.

Limits of the Act. III. That the Limits of this Act shall comprise so much of the Township of *Thornton* aforesaid as is shown in a Plan signed in Duplicate by the Honourable *Edward Pleydell Bouverie*, Member of Parliament, and One Part whereof is deposited in the Private Bill Office of the Honourable the House of Commons.

Map of Limits to be deposited with Clerk of the Peace. IV. That within One Month after the passing of this Act the other Part of that Plan shall be deposited with the Clerk of the Peace of the County Palatine of *Lancaster*, who is hereby directed to receive and retain the Custody of the same, and permit all Persons interested to inspect the same, and make Extracts from or Copies of the same, in like Manner, upon like Terms, and under like Penalty for Default, as by the Act of the First Year of Her present Majesty, Chapter Eighty-three, is provided with respect to Documents therein specified; and every such Penalty shall and may be recovered in the same Manner as any Penalties are recoverable under the said Act of the First Year of Her present Majesty, Chapter Eighty-three.

V. That

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V. That the Sections of "The Commissioners Clauses Act, 1847," with respect to the Qualification of Commissioners (except the Sections numbered Six, Seven, and Sixteen) shall be incorporated with this Act. 10 & 11 Vict. c. 16. incorporated.

VI. That, except as herein-after mentioned, a Person shall not act as a Commissioner for executing this Act unless he be the Owner of Two hundred Acres of Land within the Limits of this Act. Qualification of a Commissioner.

VII. That Sir *Peter Hesketh Fleetwood* Baronet, *John Horrocks* Esquire, and the Head Master of an Institution for the Education of Youth commonly called "*Rossall College*," and their Successors, to be respectively nominated and appointed as herein-after provided, shall be Commissioners for executing this Act, under the Name of "The Commissioners of the *Rossall Sea Wall*." Commissioners for executing Act.

VIII. That the Head Master for the Time being of *Rossall College* shall be *ex officio* a Commissioner for executing this Act, and in case there shall be no such Head Master, then the Owner or One of the Owners for the Time being of the Capital Messuage or Mansion House called *Rossall Hall* shall be a Commissioner for executing this Act, although such Head Master or such Owner shall not be qualified as herein-before mentioned. Head Master of Rossall College to be *ex officio* a Commissioner, or if no Head Master then the Owner of Rossall Hall.

IX. That if the said Sir *Peter Hesketh Fleetwood*, or any Person who may from Time to Time under the Provisions of this Act be appointed a Commissioner in the Place or Stead of him or of any of his Successors, shall die, resign, be disqualified, or cease to be a Commissioner from any other Cause, it shall be lawful for the Owners for the Time being of the Messuages, Lands, Tenements, and Hereditaments mentioned and referred to in Schedule A. to this Act annexed, and they are hereby required to elect, nominate, and appoint One of their Number to be a Commissioner in the Place or Stead of the Commissioner so dying, retiring, resigning, being disqualified, or ceasing to be a Commissioner. Vacancies in Office of Commissioner for Lands in Schedule A. to be filled up.

X. That if the said *John Horrocks*, or any Person who may from Time to Time under the Provisions of this Act be appointed a Commissioner in the Place or Stead of him, or of any of his Successors, shall die, resign, be disqualified, or cease to be a Commissioner, it shall be lawful for the Owners for the Time being of the Messuages, Lands, Tenements, and Hereditaments mentioned and referred to in Schedule B. to this Act annexed, and they are hereby required to elect, nominate, and appoint One of their Number to be a Commissioner in the Place or Stead of the Commissioner so dying, retiring, resigning, being disqualified, or ceasing to be a Commissioner. Vacancies in Office of Commissioner for Lands in Schedule B. to be filled up.

XI. That

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Meeting of
Owners to fill
up Vacancies.

XI. That for the Purpose of electing a Commissioner from Time to Time in the Place of any Commissioner so dying, resigning, being disqualified, or ceasing to be a Commissioner, a Meeting of the Persons entitled to vote at such Election shall be held at the *North Euston Hotel*, in the Town of *Fleetwood*, or at some other convenient Place, to be appointed by the Commissioners, of which Meeting, and the Time and Place of holding the same, public Notice shall be given by the Clerk by Advertisement in some Newspaper published in the Town of *Preston*, and also by Placards affixed on the principal Doors of the District Church of *Saint Peter* in the Town of *Fleetwood* aforesaid, Seven clear Days at the least before the Day of Election; and at such Meeting or at some Adjournment thereof the Election of a Commissioner shall take place, and any Owner may vote for the Election of himself or of any other duly qualified Person as a Commissioner.

Chairman of
the Meeting.

XII. That at every such Meeting One of the Commissioners to be chosen for that Purpose by the Meeting shall be Chairman; but unless otherwise qualified to attend and vote at such Meeting, the Fact of his being Chairman shall not entitle him to vote thereat, or in the Absence of all the Commissioners that Owner present at such Meeting and being entitled to vote at such Meeting who shall be the Proprietor of the greatest Number of Acres within the Limits of this Act shall be the Chairman, and if no Owner be present, then the Proxy of the Owner who shall be the Proprietor of the greatest Number of Acres within the Limits of this Act shall be the Chairman.

Scale of
Voting.

XIII. That at every such Meeting of Owners for the Election of a Commissioner under this Act, every Owner shall be entitled to vote according to the following Scale; (that is to say,) he shall have One Vote for every One hundred Acres of Land owned by him up to Four hundred Acres, and an additional Vote for every Two hundred Acres of Land owned by him beyond the first Four hundred Acres; Provided always, that in the Case of joint Interest One only of the Persons so jointly interested shall be entitled to vote: Provided also, that the Presence of One Owner, personally or by Proxy, shall be sufficient to constitute a Meeting for the Purpose of electing a Commissioner.

As to Ap-
pointment of
a Commis-
sioner in case
of Females,
or Parties
under Dis-
ability, being
qualified as
Commis-
sioners.

XIV. Provided also, That if at the Time any such Commissioner shall die, resign, be disqualified, or cease to be a Commissioner, any Owner duly qualified to be a Commissioner for executing this Act be a Minor, or a Lunatic or Idiot, or a Female, the Guardian or One of the Guardians of such Minor, or the Committee of such Lunatic or Idiot, or the Husband of such Female, if she be married, or, if she be unmarried, any Person whom she may by Writing under her Hand nominate for that Purpose, may be elected a Commissioner for executing this Act, though not qualified as herein-before mentioned.

XV. That

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XV. That the Owners present at any such Meeting shall proceed in the Execution of the Powers by this Act vested in them with respect to the Matters for which such Meeting shall have been convened, and those only; and every such Meeting may be adjourned from Time to Time and from Place to Place, and no Business shall be transacted at any adjourned Meeting other than the Business left unfinished at the Meeting for which such Adjournment took place.

Business at Meetings and Adjournments.

XVI. That the Votes may be given either personally or by Proxies authorized by Writing, according to the Form in Schedule D. to this Act annexed, or in a Form to the like Effect, under the Hand of the Party nominating such Proxy, or if such Owner be a Corporation, then under their Common Seal; and every Proposition at any such Meeting shall be determined by the Majority of Votes of the Parties present, including Proxies, the Chairman of the Meeting being entitled to vote (except in the Case herein-before mentioned) not only as Principal and Proxy, but to have a Casting Vote if there be an Equality of Votes.

Manner of voting.

XVII. That no Person shall be entitled to vote as such Proxy unless the Instrument appointing such Proxy shall be shown, if required, to the Chairman of the Meeting at such Meeting.

Regulation as to Proxies.

XVIII. That if any Owner be a Lunatic or Idiot, such Lunatic or Idiot may vote by his Committee; and if any Owner be a Minor, he may vote by his Guardian, or any One of his Guardians; and every such Vote may be given either in Person or by Proxy.

Votes of Lunatics, Minors, &c.

XIX. Whenever in this Act a Majority of Votes at any Meeting of any Owners is required in order to authorize any Proceeding of such Owners, such Majority shall only be required to be proved in the event of a Poll being demanded at such Meeting; and if such Poll be not demanded, then a Declaration by the Chairman that the Resolution authorizing such Proceeding has been carried, and an Entry to that Effect in the Book of Proceedings of the Owners to be kept for that Purpose by the Clerk shall be sufficient Authority for such Proceeding, without Proof of the Number or Proportion of Votes recorded in favour of or against the same.

Proof of a Majority of Votes only required if a Poll demanded.

XX. That all Expenses of or incident to any Election of a Commissioner shall be paid by the Commissioners out of the Monies arising from the Rates authorized to be levied for the Purposes of this Act.

As to Expenses of Election of Commissioners.

XXI. That the Commissioners or their Proxies (to be appointed as herein-after mentioned) shall hold their First Meeting at the *North Euston Hotel*, in *Fleetwood* aforesaid, on the Third *Monday* after the passing of this Act, between the Hours of Ten o'Clock in the Forenoon

First and other Meetings of the Commissioners.

[Local.]

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and Five o'Clock in the Afternoon, and in case from any Circumstance they shall be prevented from holding such Meeting at the Place and Time aforesaid, then at such other Place in the County Palatine of *Lancaster* and at such other Time as may be appointed by the Commissioners or their Proxies, whereof due Notice shall be given by Advertisement in some Newspaper published in the Town of *Preston*, and shall proceed to put this Act into execution, and the Commissioners or their Proxies may hold Meetings at such other Times as they may appoint for the Purpose, and may meet and adjourn from Time to Time, and from Place to Place in *Fleetwood* aforesaid, or elsewhere within the said County, and they shall hold an Annual Meeting in *Fleetwood* aforesaid on the Third *Monday* in the Month of *May* in every Year, and the First Annual Meeting shall be held in *Fleetwood* aforesaid on the Third *Monday* in the Month of *May* One thousand eight hundred and fifty-five, and at any Time any One of the Commissioners, or the Proxy of any Commissioner, may require their Clerk to call a Special Meeting of the Commissioners to be held at *Fleetwood* aforesaid, or at *Poulton* or *Preston* in the County Palatine of *Lancaster*, of which Seven Days Notice shall be given to each Commissioner or his Proxy for the Time being, which Notice shall be in Writing, and shall specify the Time and Place of meeting, and the Object thereof, and such Notice shall be delivered or sent by Post to the usual Place of Abode or Place of Business of such Commissioner or Proxy, and no Business shall be transacted at any Special Meeting except such as shall be stated in the Notice thereof; and in order to constitute a Meeting of Commissioners for the Purposes of this Act, there shall be present, in Person or by Proxy, at least Two Members of their Body, and all Questions at every such Meeting as aforesaid shall, if Three Commissioners be present by Person or by Proxy, be determined by the Majority of Votes of such Commissioners, including Proxies, and if Two Commissioners only, including Proxies, be present, and there be an Equality of Votes, the Question upon which there shall be such Equality of Votes shall stand adjourned to the next Meeting of the Commissioners; and if at any Meeting of the Commissioners there be not Two Commissioners present in Person or by Proxy within One Hour after the Time appointed for such Meeting, the Commissioner or Proxy present, or the Clerk if no Commissioner be present in Person or by Proxy, may adjourn such Meeting to another Day, at the same Time and Place.

Commissioners may vote by Proxy.

XXII. That any Commissioner may vote at any Meeting of the Commissioners, either personally or by Proxy authorized by Writing under the Hand of the Commissioner nominating such Proxy, and Notice in Writing of the Appointment of every such Proxy shall from Time to Time be given or sent by Post by the Commissioner appointing such Proxy to the Clerk to the Commissioners, and such Notice shall specify the Christian Name and Surname of the Person appointed such
Proxy

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Proxy and his usual Place of Abode, and until Notice in Writing be given or sent by Post by such Commissioner to the Clerk of the Revocation of the Instrument appointing such Proxy, the Person so appointed shall for the Purposes of this Act, so far as it enables any Commissioner to act by Proxy, be deemed the Proxy of such Commissioner, and no Person shall be the Proxy of more than One Commissioner at any One Time, and no Person shall be entitled to vote as a Proxy unless the Instrument appointing such Proxy shall have been produced (if required) to the Clerk of the Commissioners if present at such Meeting, or if the Clerk be not present, then the Instrument appointing such Proxy shall be produced (if required) for the Inspection of the Commissioners or Commissioner, or their or his Proxies or Proxy present at such Meeting.

XXIII. That no Proceeding of the Commissioners shall be invalidated or be illegal in consequence only of there being any Vacancy in the Number of Commissioners at the Time of such Proceedings.

Acts of Commissioners not to be invalidated by Vacancies.

XXIV. That all Proceedings of the Commissioners, or of any Person acting as a Commissioner, or as the Proxy of a Commissioner, shall, notwithstanding it be afterwards discovered that there was some Defect in the Appointment of any such Commissioners or Persons acting as aforesaid, or that they or any of them were disqualified, shall be as valid as if every such Person had been duly appointed and was qualified to be a Commissioner or the Proxy of a Commissioner.

Informalities in Appointment of Commissioners not to invalidate Proceedings.

XXV. That the Commissioners shall cause Entries of all their Proceedings, with the Names of the Commissioners who shall be present, personally or by Proxy, and if present by Proxy with the Names of such Proxies, at each Meeting, to be duly made from Time to Time in Books to be provided for the Purpose, which shall be kept by the Clerk under the Superintendence of the Commissioners; and every such Entry shall be signed by a Commissioner personally present at the Meeting at which the Proceeding took place, or if there shall be no Commissioner personally present, then such Entry shall be signed by each Proxy present at such Meeting; and such Entry, so signed, shall be received as Evidence in all Courts, and before all Judges, Justices, and others, without Proof of such Meeting having been duly convened or held, or of the Persons attending such Meeting having been or being Commissioners or Proxies of Commissioners, or of the Signature of the Commissioner or Proxies, all of which last-mentioned Matters shall be presumed until the contrary is proved; and such Books shall at all reasonable Times be open to the Inspection of any of the Commissioners and of any Proxy of a Commissioner, and of any Mortgagee of the Rates or Property of the Commissioners.

Proceedings to be entered in a Book, and when signed may be received as Evidence.

XXVI. That

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Certain other Provisions of 10 & 11 Vict. c. 16. incorporated.

XXVI. That the Sections of "The Commissioners Clauses Act, 1847,"

"With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners;" and

"With respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners;" and

"With respect to the Appointment and Accountability of the Officers of the Commissioners," except the Section numbered Sixty-eight, Shall be incorporated with this Act.

Power to borrow certain Money on Morgage.

XXVII. That for the Purposes of this Act the Commissioners, if they think fit, from Time to Time may borrow any Sums at Interest in Mortgage of the Rates by this Act granted, not exceeding in the whole One thousand Pounds; and, in the event of any Part thereof being paid off by the Commissioners, may reborrow the same, and so *toties quoties*, but so that there shall not be owing on the Security of this Act more in the whole than One thousand Pounds at One Time.

Certain Sections of 10 & 11 Vict. c. 16. as to Mortgages.

XXVIII. That the Sections of "The Commissioners Clauses Act, 1847,"

"With respect to the Mortgages to be executed by the Commissioners," (except the Section numbered Eighty-four,)

Shall be incorporated with this Act: Provided always, that any Mortgage of Rates under the Authority of this Act may be executed by any Two of the Commissioners.

Sections respecting Accounts also incorporated.

XXIX. That the Sections of "The Commissioners Clauses Act, 1847,"

"With respect to the Accounts to be kept by the Commissioners," (except the Section numbered Ninety-two,)

shall be incorporated with this Act: Provided always, that any Act by those Sections required to be done by the Chairman of the Commissioners may be done by any One Commissioner in Person or by any Two Proxies.

Provision for the Appointment of Auditors.

XXX. That One Month at the least before the Meeting to be held for examining and passing the Accounts of the Commissioners, and at a Time and Place of which public Notice shall be previously given, the Commissioners, or any Two of them, shall and they are hereby required to apply to Two or more Justices to nominate, and such Justices are hereby required upon every such Application to nominate, One or more Persons not being a Commissioner or Commissioners, or the Proxy or Proxies of any One or more Commissioners, to audit the Accounts of the Commissioners; and the Person or Persons so nominated, before entering on his or their Office, shall make and sign before One of the Commissioners or the Clerk a Declaration to the Effect following: 'I, *A.B.*,
'do

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‘ do solemnly declare that I will faithfully and impartially, according to
 ‘ the best of my Skill and Judgment, execute all the Powers and Autho-
 ‘ rities reposed in me as an Auditor by virtue of “The *Rossall Sea Wall*
 ‘ Act, 1854;” and the Ninety-third Section of “The Commissioners
 Clauses Act, 1847,” shall apply to such Auditor or Auditors in like
 Manner as it would have applied to Auditors appointed by the Rate-
 payers under the Ninety-second Section of the same Act; and the
 Auditors so appointed shall receive a reasonable Remuneration for their
 Time and Trouble, not exceeding Two Guineas each, for every Day they
 shall be fully employed on such Audit, and all such Expenses as they
 shall be put unto attending the auditing of the said Accounts; and if
 any Dispute arise as to the Amount of the Remuneration and Expenses
 to be paid to such Auditors, it shall be settled by Two Justices.

XXXI. That the Sections of “The Commissioners Clauses Act, 1847,”
 “With respect to the making of Byelaws;” and
 “With respect to giving Notices and Orders;” and
 “With respect to the Tender of Amends;” 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 or to the Sheriff;” and
 “With respect to Access to the Special Act,”
 Shall be incorporated with this Act.

Other Por-
 tions of
 10 & 11 Vict.
 c. 16. incor-
 porated.

XXXII. That “The Lands Clauses Consolidation Act, 1845,” shall
 be incorporated with this Act.

8 & 9 Vict.
 c. 18. incor-
 porated.

XXXIII. And whereas Plans and Sections of the Sea Wall to be
 maintained and repaired by the Commissioners under the Provisions of
 this Act, showing the Situation and Levels thereof respectively, together
 with a Book of Reference to such Plans containing the Names of the
 Owners or reputed Owners and Occupiers of the Lands upon which it is
 proposed to maintain the same, have been deposited with the Clerk of
 the Peace for the County of *Lancaster*: Be it enacted, That the said Sea
 Wall shall and may be maintained by the Commissioners in the Line
 described upon those Plans and according to the Levels shown upon those
 Sections, and upon the Lands described in that Book of Reference, and
 subject to the Provisions of this Act it shall be lawful for the Commis-
 sioners to do all such Acts as may be necessary for maintaining and
 keeping the same in good Repair and Condition.

SeaWall to be
 maintained
 according to
 deposited
 Plans and
 Sections.

XXXIV. That if any Omission, Mis-statement, or wrong Description
 have been made of any Lands, or of the Owners, Lessees, or Occupiers
 of any Lands described on those Plans, or in that Book of Reference, or
 in the Schedules to this Act, the Commissioners, after given Ten Days
 [Local.] 7 Z Notice
 Errors and
 Omissions in
 Plans, &c.
 may be cor-
 rected by
 Two Justices,

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who shall
certify the
same.

Certificate to
be deposited.

Powers of
lateral and
vertical
Deviation.

Power for
the Commis-
sioners to get
Materials to
repair Wall.

Works not to
be construct-
ed below
High-water
Mark with-
out Consent
of Admiralty.

Notice in Writing to the Owners, Lessees, and Occupiers of the Lands affected by the proposed Correction, may apply to Two Justices for the Correction thereof; and if it appear to such Justices that such Omission, Mis-statement, or wrong Description arose from Mistake, they shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description, and such Certificate shall be deposited with the Clerk of the Peace for the County Palatine of *Lancaster*, and a Duplicate thereof shall be deposited with the Clerk of the Parish of *Poulton-le-Fylde* aforesaid, and such Certificate and Duplicate shall be kept by such Clerk of the Peace and Parish Clerk respectively, with the other Documents to which they relate, and thereupon such Plans, or Book of Reference, or Schedules (as the Case may be) shall be deemed to be corrected according to such Certificate.

XXXV. That it shall be lawful for the Commissioners to deviate laterally from the Line of Work delineated upon those Plans to the Extent defined thereon, and to deviate vertically from the Levels shown upon those Sections to an Extent not exceeding Ten Feet in any Place.

XXXVI. That it shall be lawful for the Commissioners at all Times after the passing of this Act to take and use for the Purposes of maintaining and repairing the Sea Wall by this Act authorized any Stone, Gravel, Clay, Sand, or other Materials which they may deem necessary from any Lands described upon those Plans and in that Book of Reference, making reasonable Compensation for any Damage which may be done thereby.

XXXVII. It shall not be lawful for the Commissioners to construct below High-water Mark at ordinary Spring Tides any Sea Wall or Work hereby or otherwise 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 said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Sea Wall or Work hereby requiring his or their Approval shall have been constructed, it shall not be lawful for the Commissioners acting in execution of this Act 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 either or any of such Works shall be commenced or completed or be altered or extended 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, alter, and remove the same, and to restore the

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the Site thereof to its former Condition, at the Cost and Charge of the Commissioners acting in execution of this Act, and the Amount thereof shall be a Debt due from such Commissioners to the Crown, and be recoverable accordingly with Costs of Suit.

XXXVIII. That for the Purpose of defraying the Costs and Expenses attendant upon or in any way incident or relating to the obtaining, executing, or carrying into effect this Act, or any of the Powers or Provisions thereof, it shall be lawful for the Commissioners and they are hereby required from Time to Time to make, assess, and levy, at yearly, half-yearly, or such other Periods as they think fit, upon the Occupiers of the Messuages, Lands, Tenements, and Hereditaments within the Limits of this Act, such Rates as they in their Discretion may deem necessary, such Rates to be assessed upon every such Person according to the annual Value of such Messuages, Lands, Tenements, and Hereditaments, as stated in the Schedules A, B, and C, to this Act annexed respectively, and the said Rates shall be vested in the Commissioners, and shall be payable at such Times as they may appoint, and be applied as herein-after mentioned.

Power to
levy Rates.

XXXIX. Provided always, That for the Purpose of making any such Rate as aforesaid, the Quantities of Land mentioned in any One Schedule to this Act annexed occupied by any One Person shall be added together, and if after adding together the Amount of the Land in any such Schedule occupied by any such Person there shall be a Fraction of an Acre exceeding Half an Acre such Fraction shall be deemed an Acre, and if there be a Fraction of an Acre less than Half an Acre such Fraction shall be deemed Half an Acre.

As to Fractions of Acres in making Rates.

XL. That the Commissioners may make any such Rate as aforesaid prospectively, in order to raise Money to pay Charges and Expenses to be incurred thereafter, or retrospectively, in order to raise Money to pay Charges and Expenses already incurred.

Rates may be prospective or retrospective.

XLI. That the Commissioners from Time to Time, before proceeding to make any Rate which by this Act they are authorized to levy, shall cause an Estimate to be prepared of the Money required for the several Purposes in respect of which they are authorized to levy such Rate, showing the several Sums required, the rateable Value of the Property assessable, and the Rate on each Pound of such Value necessary to raise the Money required, which Estimate, after the same has been approved of by the Commissioners, shall be forthwith entered on the Rate Book to be kept by the Commissioners as herein-after provided.

Commissioners to cause Estimates to be prepared before making a Rate.

XLII. That Notice of the Intention of making every Rate authorized to be made under the Provisions of this Act, and of the Time at which the

Notice of Rate to be given.

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the same is intended to be made, and of a Place where a Statement of the proposed Rate is deposited for Inspection by the Ratepayers, shall be given by the Commissioners by Placards posted upon the principal Doors of the District Church of *St. Peter*, in *Fleetwood* aforesaid, Seven clear Days at least previous to the Meeting at which such Rate shall be made.

Form of
Rate.

XLIII. That every such Rate shall be fairly transcribed in a Book to be kept for that Purpose, and shall contain a Statement of the Name of each Person rated, of the Name of the Owner of the Property rated, so far as the Name of such Owner can be ascertained, of the Description and Situation of the Property rated, of the Schedule to this Act annexed in which the Property rated is mentioned and referred to, of the annual Value of the Property rated, of how much the Rate is in the Pound, and of the Amount of the Rate; and every such Rate shall be signed by not less than Two of the Commissioners, and may be in the Form given in the Schedule (E.) to this Act annexed, or as near thereto as the Circumstances of the Case will admit of.

Rates to be
open to In-
spection of
Ratepayers,
who may take
Copies, &c.

XLIV. That the Statement of the proposed Rate and the Rate immediately after the same is made shall be open to the Inspection of any Person interested or rated in such Rate at all reasonable Times, and any such Person may take Copies or Extracts from such Statement or Rate without paying anything for the same; and any Person having the Custody of such Statement or Rate who refuses or does not permit any Person so interested or rated as aforesaid to take Copies or Extracts from such Statement or Rate shall for every such Offence be liable to a Penalty of not exceeding Five Pounds.

Rates may be
amended.

XLV. That the Commissioners may from Time to Time amend any Rate made by virtue of this Act, by inserting therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appear to them that such Person has been under-rated or over-rated, or by making such other Amendments therein as will make such Rate conformable to this Act, and no such Amendment shall be held to avoid the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and as respects such Person, the Rates shall be considered to have been made at the Time when he received Notice of such Alteration, and every Person whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

XLVI. That

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XLVI. That when any Occupier rated under the Provisions of this Act shall fail to pay such Rate for the Space of Twelve Months after the making thereof, the Owners of the Property in respect of which such Occupier has been assessed shall be liable to pay the same, together with all the Costs incurred by such Nonpayment, to the Commissioners, and when any Property in respect of which any Person is liable to be assessed as Occupier to any Rate under the Provisions of this Act is unoccupied at the Time of making any such Rate, the Commissioners shall in every such Case include such Property in the said Rate, describing it in the Column appropriated to the Name of the Occupier as being "empty," and may collect from the Owner the said Rate, and every such Owner shall thereupon be deemed, to all Intents and Purposes, to be properly rated, and all such Rates may be collected and recovered from such Owner under the Provisions of this Act, in the same Manner as other Rates made payable thereunder : Provided always, that any Owner liable to pay any Rate in respect of unoccupied Property as aforesaid may appeal against such Rate to the Justices at the next practicable Quarter Sessions, in the same Manner as he might have appealed if named in the Rate.

Unoccupied Premises to be included in the Rates, and if the Premises are afterwards occupied, a Portion of Rates to be paid.

XLVII. That it shall be lawful for every Occupier at Rackrent who shall have paid any Rate under the Provisions of this Act to deduct the Sum so paid by him from any Rent due or to become due from him in respect of the Property occupied by him, and the Payment shall be a sufficient Discharge for such Occupier against the Owner for so much Money as he shall have paid in the Manner directed by this Act, or such Occupier may recover the same from such Owner in any Court of competent Jurisdiction.

Occupier may deduct Rate from Rent.

XLVIII. That the Sections of "The Towns Improvement Clauses Act, 1847," "with respect to the Appeal to be made against any Rate," and the Sections of that Act, "with respect to the Recovery of the Rates," numbered One hundred and ninety-one to One hundred and ninety-four, both inclusive, shall be incorporated with this Act.

Certain Sections of 10 & 11 Vict. c. 34. incorporated.

XLIX. That the Monies to be received by the Commissioners under or by virtue of this Act shall be applied by them,

Application of Monies.

Firstly, in paying the Costs, Charges, and Expenses of and incident to the Application for and passing of this Act :

Secondly, in paying the Interest of any Monies borrowed by the Commissioners under the Powers of this Act :

Thirdly, in maintaining and repairing the said Sea Wall and the Works connected therewith, and in paying the Salaries and Remunerations of the Officers and Servants of the Commissioners, and other incidental Expenses attendant upon the Execution of this Act :

Fourthly, in paying and discharging any Monies borrowed by the Commissioners under the Provisions of this Act :

[Local]

8 A

Fifthly,

The Rossall Sea Wall Act, 1854.

Fifthly, in retaining the Residue, if any, as a Reserve for meeting any extraordinary Outlay or Contingency, or in otherwise furthering the Purposes of this Act.

Saving
Rights of
the Duchy
of Lancaster.

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

The Rossall Sea Wall Act, 1854.

The SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

Number on the Plan of Lands to be rated.	Owner.	Occupier.	Description.	Quantity.			Annual Value per Acre for Rating Purposes.
				A.	R.	P.	
1	Sir Peter Hesketh Fleetwood, Baronet.	Richard Ball	Arable - -	4	3	30	One Pound and Ten Shillings.
2	Ditto - -	Ditto - -	Arable - -	22	1	39	
3	Ditto - -	Ditto - -	Road.				
4	Ditto - -	Ditto - -	Arable - -	12	2	25	
5	Ditto - -	Ditto - -	Arable - -	6	3	20	
6	Ditto - -	John Hornby	Pasture - -	3	1		
7	Ditto - -	Ditto - -	Meadow - -	3		14	
8	Ditto - -	Thomas Pedder	Meadow - -	10	1	18	
9	Ditto - -	Jeremiah Porter	Road.				
10	Ditto - -	Ditto - -	Meadow - -	11	2	10	
11	Ditto - -	Ditto - -	Pasture - -	8	2	5	
12	Ditto - -	John Walsh	Pasture - -	10		38	
13	Ditto - -	Ditto - -	Pasture - -	7	1	20	
14	Ditto - -	Ditto - -	Pasture - -	7	2	4	
15	Ditto - -	Ditto - -	Road.				
21	Ditto - -	Ditto - -	Meadow - -	16	3	3	
22	Ditto - -	Peter Sykes	Meadow - -	16	1	1	
23	Ditto - -	Ditto - -	Buildings and Yard.	1	3	14	
24	Ditto - -	Ditto - -	Stackyard - -			20	
25	Ditto - -	Ditto - -	Pasture - -		2	30	
26	Ditto - -	Ditto - -	Arable - -	3	2	36	
27	Ditto - -	Ditto - -	Pasture - -	3	1	14	
28	Ditto - -	Ditto - -	Pasture - -	16		34	
29	Ditto - -	Ditto - -	Meadow - -	3			
30	Ditto - -	Ditto - -	Carriageroad.				
31	Ditto - -	Self - -	Sea Bank.				
32	Ditto - -	Ditto - -	Sea Bank.				
33	Ditto - -	Peter Sykes	Garden - -		1	39	
34	Ditto - -	Ditto - -	Arable - -		3	35	
35	Ditto - -	Ditto - -	Arable - -	11	3	12	
36	Ditto - -	Ditto - -	Arable - -	7	1	10	
37	Ditto - -	Ditto - -	Arable - -	19	3	34	
38	Ditto - -	Thomas Silcock	Meadow - -	10		2	
46	Ditto - -	Ditto - -	Arable - -	7	1	9	
47	Ditto - -	John Walsh	Stackyard - -		1	8	
48	Ditto - -	Ditto - -	Lane - -		1	4	
49	Ditto - -	Ditto - -	Pasture - -	8	1	36	
50	Ditto - -	Jeremiah Porter	Pasture - -	10		32	
51	Ditto - -	John Ward	Arable - -	24	3	35	
52	Ditto - -	James Whiteside	Arable - -	12	2	35	
53	Ditto - -	John Ward	Arable - -	21	2	24	
54	Ditto - -	James Whiteside	Pasture - -	13	1	30	
55	Ditto - -	Jeremiah Porter	Pasture - -	5	1	39	
56	Ditto - -	Ditto - -	Orchard and Garden.	1	3	2	

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Number on the Plan of Lands to be rated.	Owner.	Occupier.	Description.	Quantity.			Annual Value per Acre for Rating Purposes.
				A.	R.	P.	
57	Sir Peter Hesketh Fleetwood, Baronet.	Jeremiah Porter	Lane - -			36	
58	Ditto - - -	Ditto - - -	Arable - -	10	2	13	
59	Ditto - - -	Ditto - - -	Stackyard -		1	26	
60	Ditto - - -	Ditto - - -	House and Garden.	1	3	20	
61	Ditto - - -	Ditto - - -	Pasture - -	2	2	2	
62	Ditto - - -	Ditto - - -	Arable - -	9		27	
63	Ditto - - -	Ditto - - -	Garden - -		1	10	
64	Ditto - - -	Ditto - - -	Arable - -	15	2	1	
65	Ditto - - -	James Whiteside	Arable - -	16	3	4	
66	Ditto - - -	Ditto - - -	Arable - -	18	3	4	
67	Ditto - - -	Robert Sykes -	Arable - -	12		5	
68	Ditto - - -	John Hornby -	Meadow - -	10	1	28	
69	Ditto - - -	Ditto - - -	Garden - -			36	
70	Ditto - - -	Robert Sykes -	Arable - -	29			
71	Ditto - - -	Albany Feather- stonhough.	Pasture - -	46	2	3	
72	Ditto - - -	Richard Ball -	Arable - -	12	1	38	
73	Ditto - - -	Ditto - - -	Arable - -	15		12	
74	Ditto - - -	Ditto - - -	Arable - -	22	1	5	
75	Ditto - - -	Ditto - - -	Stackyard -		1	7	
76	Ditto - - -	Ditto - - -	Garden - -			32	
77	Ditto - - -	Ditto - - -	House and Yard	1	0	35	
78	Ditto - - -	Ditto - - -	Pasture - -	9	1	5	
79	Ditto - - -	Ditto - - -	Orchard - -	1	2	27	
80	Ditto - - -	Ditto - - -	Garden - -			34	
81	Ditto - - -	Ditto - - -	Arable - -	17	1	26	
82	Ditto - - -	Ditto - - -	Arable - -	17	1	26	
83	Ditto - - -	Ditto - - -	Pasture - -	11	2	21	
84	Ditto - - -	Ditto - - -	Arable - -	9	1	37	
85	Ditto - - -	Ditto - - -	Pasture - -	11	3	32	
86	Ditto - - -	John Haythorn- thwaite.	Arable - -	14		28	
87	Ditto - - -	George Foster -	Arable - -	2	3	9	
88	Ditto - - -	John Noblett -	Arable - -	2	3	11	
89	Ditto - - -	James Porter -	Arable - -	2	2	38	
90	Ditto - - -	George Foster -	Garden - -	2	3	36	
91	Ditto - - -	Edwards Atkin- son.	Pasture - -	2	2	20	
92	Ditto - - -	Thomas Pearson	Arable - -	2	2	19	
93	Ditto - - -	Ditto - - -	Arable - -	2	2	8	
94	Ditto - - -	John Railton -	Arable - -	2	2	0	
95	Ditto - - -	William Gardner	Pasture - -	2	1	32	
96	Ditto - - -	Thomas Drum- mond.	Pasture - -	2	2	20	
97	Ditto - - -	James Whiteside	Arable - -	2	3	5	
98	Ditto - - -	Henry Whiteside	Arable - -	2	3		
99	Ditto - - -	James Bennett -	Pasture - -	2	2	24	
100	Ditto - - -	William Kelsall	Pasture - -	2	2	21	
101	Ditto - - -	John Haythorn- thwaite.	Arable - -	7	2	31	
102	Ditto - - -	William Kelsall	Garden - -	2		9	
103	Ditto - - -	Robert Banton -	Pasture - -	5	1	34	
104	Ditto - - -	Thomas Wor- thington.	Rope Walk -		1	4	
105	Ditto - - -	Robert Banton -	Meadow - -		1	27	
106	Ditto - - -	Ditto - - -	Meadow - -	1		16	
107	Ditto - - -	William Porter and others.	Gardens - -	8	3	1	
108	Ditto - - -	Thomas Pedder	Meadow - -	1		17	

One Pound
and Ten
Shillings.

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Number on the Plan of Lands to be rated.	Owner.	Occupier.	Description.	Quantity.			Annual Value per Acre for Rating Purposes.
				A.	R.	P.	
109	Sir Peter Hesketh Fleetwood, Baronet.	William Bonny-	Meadow -	5	3	34	One Pound and Ten Shillings.
110	Ditto - - -	Ditto - - -	Cottage and Garden.			14	
111	Ditto - - -	Ditto - - -	Gardens - -	3	1	15	
112	Ditto - - -	James Porter -	Pasture - -	9	3	11	
113	Ditto - - -	Ditto - - -	Arable - -	9	2	22	
114	Ditto - - -	Ditto - - -	Arable - -	12	1	29	
115	Ditto - - -	Ditto - - -	Arable - -	11		33	
116	Ditto - - -	Ditto - - -	Arable - -		3	10	
117	Ditto - - -	Ditto - - -	House and Garden.	1	3	22	
118	Ditto - - -	Ditto - - -	Stackyard -		1	22	
119	Ditto - - -	Ditto - - -	Arable - -	4	2	39	
120	Ditto - - -	Ditto - - -	Arable - -	9	3	27	
121	Ditto - - -	Ditto - - -	Pasture - -	9		25	
122	Ditto - - -	John Walsh -	Pasture - -	3	1	39	
123	Ditto - - -	Ditto - - -	Pasture - -	2	3	19	
124	Ditto - - -	Ditto - - -	Pasture - -	3	2	32	
125	Ditto - - -	Robert Lancaster	Arable - -	6	3	2	
126	Ditto - - -	John Haythornthwaite.	Arable - -	3			
127	Ditto - - -	John Porter -	Pasture - -	2	3	38	
128	Ditto - - -	Ditto - - -	Arable - -	2	2	34	
129	Ditto - - -	Thomas Pedder-	Pasture - -	2	2	38	
130	Ditto - - -	James Porter -	Pasture - -	2	2	30	
131	Ditto - - -	John Haythornthwaite.	Arable - -	6	2	2	
132	Ditto - - -	Self - - -	Pasture - -	101	2	10	
133	Ditto - - -	John Ward -	Arable - -	25	2	3	
134	Ditto - - -	Ditto - - -	Arable - -	10	2	37	
135	Ditto - - -	Ditto - - -	Arable - -	4	1	3	
136	Ditto - - -	Self - - -	Plantation -	2		16	
137	Ditto - - -	John Ward -	Arable - -	6	1	2	
138	Ditto - - -	Ditto - - -	Pasture - -	20	3	4	
139	Ditto - - -	Ditto - - -	Arable - -	13	3	26	
140	Ditto - - -	Ditto - - -	Arable - -	16		26	
141	Ditto - - -	Ditto - - -	Pasture - -		3	36	
142	Ditto - - -	Ditto - - -	Pasture - -	22	2	4	
143	Ditto - - -	Ditto - - -	Arable - -	16		39	
144	Ditto - - -	Ditto - - -	Meadow - -	21	1	4	
145	Ditto - - -	Ditto - - -	Buildings and Yard.	1	1	21	
146	Ditto - - -	Ditto - - -	Stackyard -	2		33	
147	Ditto - - -	Ditto - - -	Garden - -	1		36	
148	Ditto - - -	Ditto - - -	Orchard - -	2		32	
149	Ditto - - -	Self - - -	Plantation -	1	3	28	
150	Ditto - - -	John Ward -	Arable - -	26		12	
151	Ditto - - -	Ditto - - -	Arable - -	15	1	9	
152	Ditto - - -	Ditto - - -	Arable - -	15	2	15	
153	Ditto - - -	Ditto - - -	Pasture - -	15		2	
154	Ditto - - -	Self - - -	Plantation -	3	2	30	
155	Ditto - - -	John Ward -	Arable - -	19		22	
156	Ditto - - -	Ditto - - -	Arable - -	34		1	

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SCHEDULE B.

Number on the Plan of Lands to be rated.	Owner.	Occupier.	Description.	Quantity.			Annual Value per Acre for Rating Purposes.
				A.	R.	P.	
157	John Horrocks	Thomas Silcock	Plantation	8			One Pound and Ten Shillings.
158	Ditto	Ditto	Pasture	6	2	26	
159	Ditto	Ditto	Arable	19	1	18	
160	Ditto	Ditto	Arable	14	2	34	
161	Ditto	Ditto	Arable	19		15	
162	Ditto	Ditto	Pasture	3		2	
163	Ditto	Ditto	Pasture	2		16	
164	Ditto	Ditto	Lane			30	
165	Ditto	Ditto	Meadow	3		11	
166	Ditto	Ditto	Arable	22	2	2	
167	Ditto	Ditto	Arable	14	3	31	
168	Ditto	Ditto	Pasture		3	12	
169	Ditto	Ditto	Stackyard		1	34	
170	Ditto	Ditto	House and Yard	1		17	
171	Ditto	Ditto	Garden		3	25	
172	Ditto	Ditto	Pasture	1		25	
173	Ditto	Ditto	Pasture	9	1	17	
174	Ditto	Ditto	Plantation	3	1	10	
175	Ditto	Ditto	Pasture	11	3	28	
176	Ditto	Ditto	Pasture	7	1	5	
177	Ditto	Ditto	Pasture	11	1	35	
178	Ditto	Ditto	Arable	13	3	28	
179	Ditto	Ditto	Arable	14	2	3	
180	Ditto	Ditto	Arable	14		25	
181	Ditto	Ditto	Arable	8		26	
182	Ditto	Ditto	Pasture	17	1	10	
183	Ditto	Ditto	Pasture	5		15	
184	Ditto	Ditto	Plantation	1	1	33	
185	Ditto	Jannett Whin- nerah.	Plantation	1		24	
186	Ditto	Ditto	Pasture	32	3	35	
187	Ditto	Ditto	Arable	17	1	30	
188	Ditto	Ditto	Arable	19	1	33	
189	Ditto	Ditto	Arable	7	2	13	
190	Ditto	Ditto	Arable	9	2	29	
191	Ditto	Ditto	Arable	7	1	12	
192	Ditto	Ditto	Arable	6	2	38	
193	Ditto	Ditto	Pasture	21		15	
194	Ditto	Ditto	Arable	17	2	28	
195	Ditto	Ditto	Arable	4	2	9	
196	Ditto	Ditto	Arable	9	3	2	
197	Ditto	Ditto	Arable	10	2	23	
198	Ditto	Ditto	Arable	8		20	
199	Ditto	Ditto	Arable	8		10	
200	Ditto	Ditto	Arable	13			
201	Ditto	Ditto	Arable	11	3	19	
202	Ditto	Peter Sykes	Arable	14	2	27	
203	Ditto	Ditto	Arable	23	3	7	
204	Ditto	Ditto	Meadow	20		2	
205	Ditto	Ditto	Arable	19		11	
206	Ditto	Ditto	Arable	2	2	22	
207	Ditto	Ditto	Arable	10	2	24	
208	Ditto	Ditto	Arable	10		37	

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Number on the Plan of Lands to be rated.	Owner.	Occupier.	Description.	Quantity.			Annual Value per Acre for Rating Purposes.
				A.	R.	P.	
209	John Horrocks -	Peter Sykes -	Arable with House and Buildings -	19	1	16	One Pound and Ten Shillings.
210	Ditto - -	Ditto - -	Lane - -		2		
211	Ditto - -	Ditto - -	Arable - -	17	3	38	
212	Ditto - -	Robert Whiteside	Pasture - -	7	3	4	
213	Ditto - -	Ditto - -	Lane - -		3	2	
214	Ditto - -	Ditto - -	Meadow - -	9	2	7	
215	Ditto - -	Ditto - -	Arable - -	10	3	23	
216	Ditto - -	Ditto - -	Pasture - -	5	2	23	
217	Ditto - -	Ditto - -	Pasture - -	7	3	27	
218	Ditto - -	Ditto - -	Pasture - -	9	1	22	
219	Ditto - -	Ditto - -	Pasture - -	3	1	11	
220	Ditto - -	Ditto - -	Arable - -	9	1	25	

SCHEDULE C.

Number on the Plan of Lands to be rated.	Owner.	Occupier.	Description.	Quantity.			Annual Value per Acre for Rating Purposes.
				A.	R.	P.	
16	The Very Reverend George Hull Bowers. The Reverend St. Vincent Beechey and Charles Roger Jacson, Esquire, Trustees of Rossall College.	Selves - -	Pasture - -	2	2	17	Four Pounds and Ten Shillings.
17		Ditto - -	Boat House -				
18	Ditto - -	Ditto - -	Road.	2	3	14	
19	Ditto - -	Ditto - -	Pasture -				
20	Ditto - -	Ditto - -	Sea Bank.	26	1	4	
39	Ditto - -	Ditto - -	Pasture and Plantation -				
40	Ditto - -	Ditto - -	House and Gardens -	4	0	10	
41	Ditto - -	Ditto - -	School and Yards -	2	2	39	
42	Ditto - -	Ditto - -	Meadow -	3	1	12	
43	Ditto - -	Thomas Silcock	Meadow and drying Ground	3	3	10	
44	Ditto - -	Ditto - -	Pasture -	3	2	30	
45	Ditto - -	George Hornby	Cottages and Garden -		2		

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SCHEDULE D.

A.B., Owner [a Guardian, &c. of *C.D.* of Owner, as
the Case may be] of [*state the Premises which entitle the Owner to vote*]
 situate within the Limits of "The Rossall Sea Wall Act, 1854," doth
 hereby appoint *E.F.* of to be the Proxy of the said *A.B.*
 in his Absence to vote in his Name at the Election of a Commissioner to
 be appointed under the said Act at the Meeting of the Owners of Land
 within the Limits of the said Act to be held on the Day of
 at in such Manner as he the said *E.F.*
 doth think proper.

In witness whereof, the said *A.B.* hath hereunto set his Hand [*or if a
 Corporation, say the Common Seal of the Corporation*] the
 Day of in the Year of our Lord One thousand eight
 hundred and

SCHEDULE E.

Form of Rate.

AN Assessment to the Rate for the Purposes of "The Rossall Sea Wall
 Act, 1854," made this Day of in the Year of
 our Lord after the Rate of
 in the Pound, by virtue and under the Provisions of "The Rossall
 Sea Wall Act, 1854."

Number on the Rate.	Name of Person rated.	Name of the Owner of the Property rated.	Description and Situation of Property.	Schedule to the said Act in which the Property is included.	Annual Value.	Rate at in the Pound.	Amount of Rate.

Signed by us this Day of in
 the Year of our Lord

A. B. } Commissioners under "The Rossall
C. D. } Sea Wall Act, 1854."

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
 Printers to the Queen's most Excellent Majesty. 1854.