



CHAPTER xxxix.

An Act to amend the Norfolk Estuary Act 1877.

A.D. 1899.

[20th June 1899.]

WHEREAS by the Norfolk Estuary Act 1846 the Company of Proprietors of the Norfolk Estuary (herein-after called "the Company") were incorporated for the purpose of reclaiming and embanking from the sea two tracts of land (herein-after called "the tracts") part of the Great Estuary called the Wash and for other the works and purposes therein mentioned and provision was made by that Act that the Company should commence the works by making and maintaining two new cuts for the waters of the River Ouse in that Act referred to as "the Marsh Cut" and "the Vinegar Middle Cut":

And whereas by the Norfolk Estuary Amendment Acts 1849 and 1853 further powers were granted to the Company and by the Norfolk Estuary Act 1857 (herein-after referred to as "the Act of 1857") the said before recited Acts were repealed and their provisions consolidated and amended and further powers were granted to the Company:

And whereas by the Norfolk Estuary Act 1877 (herein-after referred to as "the Act of 1877") the Act of 1857 was repealed but the powers of the Company to reclaim and embank the tracts were re-enacted:

And whereas provision was made by the before recited Acts or some of them for compensating Her Majesty for the cession of the Crown's rights over the tracts by a payment of 1*l.* for every 100*l.* to be expended by the Company on their works generally but which by section 49 of the Act of 1877 was restricted to certain works only as defined by that Act:

And whereas by section 55 of the Act of 1877 provision was made for the reverter to Her Majesty on the 18th day of August

A.D. 1899. 1909 of such parts of the tracts as shall not have been purchased by the Company or under the provisions therein contained shall not have reverted to and become the property of some person other than Her Majesty and shall then remain unembanked :

And whereas it is expedient that so long as the Company continues with due diligence to carry on their operations for the further accretion and embankment of land whether purchased or not they should be authorised to proceed therewith unfettered by any interruption at the end of any specific period but subject to the right of reverter in favour of Her Majesty in this Act contained :

And whereas it is expedient that after the 18th day of August 1909 a proportionate part of the rents and profits received from any part of the tracts before embankment and of the value of the land after embankment should be substituted for the percentage payable to Her Majesty under the Act of 1877 and Her Majesty is willing to accept and is desirous of substituting for sections 48 and 55 of the Act of 1877 as from the said 18th day of August 1909 the provision for remuneration and for reverter to Her Majesty hereinafter contained :

And whereas it is expedient that certain provisions of the Act of 1877 relating to the number of directors of the Company and to the quorum of Commissioners appointed under section 22 of that Act for the maintenance of embankments should be altered and amended in manner herein-after provided :

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

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

Short title.

1. This Act may be cited for any purpose as the Norfolk Estuary Act 1899.

Interpretation.

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

“The Company.” shall mean the Company of Proprietors of the Norfolk Estuary their successors and assigns ;

“The tracts” shall mean the tracts of land described in section 95 of the Norfolk Estuary Act 1857; A.D. 1899.

“The Act of 1857” means the Norfolk Estuary Act 1857;

“The Act of 1877” means the Norfolk Estuary Act 1877.

3. From and after the passing of this Act the following sections of Part II. of the Act of 1877 shall be read and have effect as follows:—

Amendment of sections 7 and 22 of Act of 1877 as to number of directors of Company and quorum of Commissioners.

Section 7 shall be read and have effect as if the word “four” was omitted from that section and the word “three” was substituted:

Section 22 as if the word “five” was omitted from that section and the word “three” was substituted.

4. Subject to the provisions of this Act the provisions contained in Part IV. of the Act of 1877 (sections 48 to 56 inclusive) shall as from the eighteenth day of August one thousand nine hundred and nine be and the same are hereby repealed subject to the following provisions (that is to say):—

Repeal as from 18th August 1909 of Part IV. of Act of 1877 relating to rights of Crown.

(1) Such repeal shall not operate retrospectively nor invalidate anything already made done or executed under authority or in pursuance of the provisions of the sections so repealed;

(2) As agreed between the Company and Hamon Le Strange no part of the estates or lands of Hamon Le Strange shall be deemed to be lands purchased by the Company; and

(3) That as between the Company and His Royal Highness the Prince of Wales the 108th section of the Act of 1857 shall remain in force as if this Act and the Act of 1877 had not been passed.

5. In respect of such parts of the tracts as shall remain unembanked on the eighteenth day of August one thousand nine hundred and nine the powers of reclamation and other powers and provisions existing under the Act of 1877 or under the Acts thereby repealed shall be continued from year to year unless and until the Company shall be wound up or shall in the opinion of the Commissioners of Woods have ceased to proceed with their works of accretion and embankment with due diligence Provided always that if and so long as the Company shall continue to expend in each year commencing from the first day of January one thousand nine hundred and nine and in every subsequent year three hundred pounds at the least in new works of accretion and embankment of such tracts or any part thereof such expenditure shall for the

Extension of period of reverter of lands to Crown.

A.D. 1899.

purposes of this Act be taken and deemed by the Commissioners of Woods to be due diligence. Provided also that in estimating such annual expenditure of three hundred pounds the new works shall be taken to include heightening lengthening strengthening enlarging or continuing existing works for the purposes of such accretion and embankment or either of those objects and also plant and the cost of superintendence and engineering in respect thereof.

Reverter on winding up of Company or failure to proceed with works of accretion.

6. If the Company shall be wound up or shall in any year in the opinion of the Commissioners of Woods have ceased to proceed with their works of accretion or embankment with due diligence as aforesaid such unembanked parts of the tracts as shall not have been purchased by the Company or have not already reverted to and become the property of some person other than Her Majesty shall thereupon revert to and again become the property of Her Majesty freed and discharged from all rights powers claims and demands of the Company or of any person claiming through the Company.

Appointment by Commissioners of Woods of surveyor in event of winding up or failure to proceed.

7. The Commissioners of Woods may at any time after such winding up or failure or omission to exercise due diligence as aforesaid appoint a surveyor to examine and report what part if any of the tracts remain then unembanked and his report being enrolled in the Office of Land Revenue Records and Inrolments shall be conclusive on the subject. But such surveyor shall have no power to examine into or report upon any lands which the Commissioners of Woods shall in accordance with the Act of 1877 or this Act or the repealed Acts have certified to have been embanked or which (whether then embanked or not) shall have been purchased by the Company or have already reverted to and become the property of some person other than Her Majesty.

Power for Company after reverter to take materials for repair of banks.

8. Upon such reverter to Her Majesty the Company shall be at liberty until such time as the land outside the embankments shall be embanked to make use of and take material from for the repair of their banks but not for any other purpose a strip of the unembanked land that shall have reverted to Her Majesty of the width of ten chains from the outside foot of their banks so always that in such user they shall not interfere with or damage any works that may for the time being be executed or in progress on such land for the improvement thereof or of land outside and Her Majesty and the Commissioners of Woods and Her and their agents grantees and tenants shall have full right of access over the

Company's banks and roads to such strip and to the land outside the same paying reasonable compensation for any damage caused by such user and full right to execute on such strip such works for the improvement or reclamation of the land or of any other land as may be deemed expedient and shall be at liberty to connect any banks that may be made thereon with the Company's banks.

A.D. 1899

9. In order to make compensation to the Queen's most Excellent Majesty for all Her rights and interests in so much of the tracts remaining unembanked on the eighteenth day of August one thousand nine hundred and nine as have not been purchased by the Company there shall thenceforth be payable to the Commissioners of Woods for the use of Her Majesty in addition to the sums already paid to such Commissioners under the repealed Acts and under the Act of 1877 and to be paid under the last-mentioned Act up to the eighteenth day of August one thousand nine hundred and nine one thirtieth part of the rents or other moneys after that date received by the Company in respect of such part of the tracts as shall for the time being remain unembanked and all moneys so paid to the Commissioners of Woods shall be applied as part of the income of the land revenues of the Crown and also a sum equal to one thirtieth part of the value of the same lands as and when the same shall after the said eighteenth day of August one thousand nine hundred and nine have been embanked and in estimating the value the value thereof to the Company or to any other adjoining landowner shall be taken into consideration and all sums so paid to the Commissioners of Woods shall be applied as part of the capital of the land revenues of the Crown and no land remaining unembanked shall be sold without the consent in writing of the Commissioners of Woods.

Compensation for Crown rights.

10. The Company shall within twenty-eight days next after every first day of January deliver to the Commissioners of Woods a correct account of all expenditure made on and of all moneys if any received from the unembanked land and verified as may be required by the Commissioners of Woods.

Company to furnish yearly accounts to Commissioners of Woods.

11. The proportion of all such rents and moneys received by the Company from any part of the tracts unembanked shall be paid annually on the first day of February the first payment to be made on the first day of February one thousand nine hundred and ten and the proportionate part of the value of the land embanked shall

Payments of moneys to Crown by Company to be annual.

A.D. 1899. be paid on or before the first day of January next after the same shall have been embanked.

Arbitration. **12.** The amounts of rent and moneys received by the Company and also the value shall in case of difference be referred to arbitration in manner provided by Part VII. of the Act of 1877.

Lands chargeable with payment of compensation to Crown. **13.** The money by this Act made payable to the use of Her Majesty as aforesaid shall be a charge upon such of the tracts as are vested in the Company (other than such parts thereof as have been purchased by the Company) as shall not have been or shall not from time to time be released therefrom by the operation of the 34th section of the Act of 1857 or of the 51st section of the Act of 1877 or of the next following section of this Act and shall have priority over all other charges for the time being thereon.

Certificate of Commissioners of Woods to release Crown lien on lands. **14.** The Commissioners of Woods from time to time upon proof being given to their satisfaction by the Company that any further part of the tracts has been embanked and upon payment to them of all money for the time being due from the Company to Her Majesty shall grant a certificate in duplicate under the hand of one of the said Commissioners that such part of the said lands has been embanked and that such money has been paid and one part of such certificate shall be delivered to the Company and the other part shall be deposited at the Office of the Land Revenue Records and Inrolments and either of such certificates or a copy thereof certified by the Keeper of Land Revenue Records and Inrolments or by the secretary of the Company to be a true copy shall be received as *primâ facie* evidence in all courts of law and elsewhere that such part of the said land has been so embanked and that such money has been paid. Immediately upon the granting of every such certificate the land so certified shall be for ever thereafter absolutely released and discharged from the aforesaid charge and from all right of reverter to and other claims or demands of Her Majesty under this Act or otherwise.

Company's accounts to be open to Commissioners of Woods. **15.** All the books accounts vouchers and documents of the Company shall at all times be open to the inspection of the Commissioners of Woods or any person appointed by them and shall be produced at such times in such places and to such persons as the Commissioners shall require and shall be verified if and when required by the Commissioners by the declaration or affirmation of the proper officer of the Company.

A.D. 1899.

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

Company to pay Commissioners of Woods' expenses.

17. The Commissioners of Woods on behalf of Her Majesty and with the consent of the Treasury on the one hand and the Company on the other hand may from time to time if and as they may mutually agree modify alter and vary the arrangements for the time being existing between the Crown and the Company.

Commissioners of Woods and Company may modify arrangements by agreement.

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

Costs of Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
RODGES, FIGGIS, & Co., LIMITED, 104, GRAYTON STREET, DUBLIN.