

CHAPTER 191.

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## SCHEDULE.

## CHAPTER 191.

## SEA DEFENCE.

**An Ordinance to make better provision for the maintenance and Construction of Sea Defences.**

[1ST JULY, 1933.]

11 of 1933.  
19 of 1933.  
4 of 1937.  
14 of 1948.  
Order  
49 of 1953.

Short title.

Interpretation.

1. This Ordinance may be cited as the Sea Defence Ordinance.

2. In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings in this section assigned to them—

“the Board” means the Sea Defence Board constituted under this Ordinance;

“cattle” means any horse, mare, gelding, colt, filly, bull, cow, ox, steer, heifer, calf, mule, ass, ram, ewe, sheep, lamb, boar, sow, barrow, hog, pig, goat or kid;

“Director” means the Director of Public Works and includes any person appointed by him as his deputy in matters connected with sea defence;

“district” means any sea defence district referred to in section 7 of this Ordinance;

“empoldered land” means any land which lies within an area bounded by the sea and by a backdam and is contained between side-line dams, being protected from flooding on the land side by the back and side-line dams, and includes the dams aforesaid;

“estate” means any land or portion of land in a district (other than Crown or Colony land in the occupation of the Crown or Colony) not within the boundaries of a village;

“local authority” means any village council or country authority under the Local Government Ordinance or any Ordinance substituted therefor; Cap. 150.

“mean high water mark” means the line left by the medium high tide between the spring tides and the neap tides; 11 of 1948,  
s. 2.

“Minister” means the Minister charged by the Governor with the responsibility for the Department of Public Works;

“proprietor” includes the attorney of any proprietor, the secretary of any company which owns an estate and the manager of any sugar estate;

“Public Works Department” includes the Director, any officer of and any person employed by the department;

“Registrar” means the Registrar of Deeds;

“the regulations” means regulations made under this Ordinance;

“sea defence” includes—

14 of 1948,  
s. 2.

(a) any dam, concrete, stone, timber, or other wall, groyne, koker run, or any construction whatever, constructed or used by the Board as a protection of the sea coast or river banks against the erosive action of the sea or river current;

(b) the bed of the sea, river, creek or canal whereon there is or is built any structure under paragraph (a) hereof; and

(c) all land fifty feet landwards from the centre of any sea or river dam or sea or river wall under paragraph (a) hereof, and all land on the other side of such sea or river dam or sea or river wall in the direction of the sea or river to the toe of such sea or river dam or sea or river wall;

(d) any shell bank or reef, mud bank or reef, sand bank or reef, or other natural feature, which serves as a protection of the sea coast against the erosive action of the sea or which protects the bank of any river from the erosive action of the river current; and

(e) all land fifty feet landward of the crest or top of any reef, bank or natural feature under paragraph (d) hereof, and all land on the other side thereof in the direction of the sea or river as far as the mean high water mark;

“vessel” includes any ship or boat or any other description of vessel used in navigation;

“village” means any village district or any country district duly declared under the Local Government Ordinance or any Ordinance substituted therefor; Cap. 150.

“work” includes anything that may be made, done, built or constructed in, upon or in connection with any sea defence.

PART I.—THE SEA DEFENCE BOARD.

Establish-  
ment of Sea  
Defence  
Board.

3. There shall be established a Sea Defence Board which shall (subject to the provisions of this Ordinance) be charged with the care, maintenance, management and construction of the sea defences of the Colony. The Sea Defence Board may sue and be sued in that name.

Constitution  
of Board.  
Order  
49 of 1953.

4. (1) The Board shall consist of the following members—

(a) the Director; and

(b) the following persons appointed by the Minister—

(i) three elected members of the House of Assembly whose electoral districts are affected by sea defences;

(ii) four persons chosen from a panel submitted by the British Guiana Sugar Producers' Association; and

(iii) not more than four other persons.

(2) Appointed members, subject to the provisions of this section, shall hold office for three years.

Order  
49 of 1953.

(3) The Minister shall appoint a member of the Board to be Chairman. The Board shall elect one of its members to be Vice-Chairman.

(4) The Chairman or, if he is absent, the Vice-Chairman shall preside at all meetings of the Board. In the absence of the Chairman and the Vice-Chairman from a meeting the members present may elect one of their number to be Chairman of the meeting.

(5) The Chairman of a meeting shall have an original and a casting vote.

(6) Five members present at a meeting shall form a quorum.

Order  
49 of 1953.

(7) The Minister may at any time revoke the appointment of an appointed member.

Order  
49 of 1953.

(8) An appointed member shall vacate his office

(a) if he resigns in writing addressed to the Minister; or

(b) if he departs from the Colony without the leave of the Minister, or remains out of the Colony after the expiration of his leave; or

(c) if he fails without reasonable excuse (the sufficiency whereof shall be determined by the Board) to attend three consecutive meetings of the Board; or

(d) if, being an elected member of the House of Assembly, he ceases to be a member of the said House.

(9) The Minister may at any time appoint some person being of the same class to be a member—

Order 49 of 1953.

(a) for the unexpired period of the office of a member who shall vacate his office by death or otherwise; and

(b) for the period of any leave granted to a member:

Provided that where the House of Assembly has been dissolved the Minister may appoint any person until the first meeting thereafter of the House.

(10) The Board shall not be disqualified from transacting any business by reason of any vacancy in the number of the members thereof.

(11) There shall be at least one meeting of the Board in every month.

(12) The Chairman may summon a meeting of the Board at any time on seven clear days' notice to members from the day of posting the notice, and shall at the request in writing of three appointed members within six days of the receipt of such request summon a meeting on the like notice.

(13) The Board shall cause to be kept proper minutes of its proceedings.

5. (1) The Board shall with the approval of the Governor in Council appoint a Secretary.

Appointment of Secretary.

(2) All instruments required to be executed by the Board shall be deemed to be sufficiently executed if signed by the Chairman or Vice-Chairman and the Secretary.

6. The Board may with the approval of the Governor in Council make by-laws to regulate its proceedings.

Power to make by-laws.

## PART II.—SEA DEFENCE DISTRICTS.

7. (1) This Ordinance applies to the districts set out in the schedule.

Application of Ordinance to sea defence district.

(2) The Governor in Council after being advised by the Board may, by order, from time to time

Schedule.

(a) vary the boundaries of a district; or

(b) reduce or increase the number of districts.

(3) Every order made under this section shall be published in the Gazette and one newspaper.

PART III.—MAINTENANCE, MANAGEMENT AND CONSTRUCTION  
OF SEA DEFENCES.

Procedure by  
Board pre-  
liminary to  
construction  
of sea defence.

8. (1) Whenever the Board shall decide that it is necessary to construct any new sea defence the Board shall cause to be prepared a plan of the proposed sea defence and an estimate of the cost of its construction.

(2) (a) Whenever the Board has decided to construct a sea defence as mentioned in subsection (1) the Board may in writing authorise any competent person and his agents and servants to enter any specified land for the purpose of surveying the land for the construction of the sea defence. The person authorised shall have power—

(i) to make all necessary surveys and take all necessary levels; and

(ii) to do all other acts necessary to the making of the plan and estimates.

(b) The decision and authority aforesaid shall be published in the Gazette and a newspaper, and no action shall be taken thereunder until after the expiration of seven days after publication in the Gazette.

(c) The provisions of this subsection shall not apply in the case of immediate action and consequential works under section 11.

(3) On completion of the plan the Board shall cause to be deposited at the office of the Public Works Department in Georgetown a copy thereof and, if the land is situate in the county of Berbice or the county of Essequibo, a copy thereof in the office at New Amsterdam or in Essequibo as the case may be, and shall give notice thereof in the Gazette and two newspapers. The plan shall be open to inspection at all times during office hours for one month from the date of the notice.

(4) Any proprietor or local authority within the area comprised in the plan may at any time during the month aforesaid give to the Secretary a notice in writing setting forth any objections and the grounds thereof to the plan.

(5) The Board shall submit to the Governor in Council the plan and estimate aforesaid as approved by the Board together with any objections which may have been lodged within the time prescribed.

9. (1) If the Governor in Council approve of the construction of the sea defence and the plan or estimate thereof, as submitted or amended, the Governor may—

Procedure where Governor in Council approves of construction of sea defences.

(a) if he decide that the cost of and relating to the construction is to be defrayed out of the funds of the Board, order the Board to cause the sea defence to be constructed; or

(b) if he decide that the cost of and relating to the construction is to be provided by the Legislative Council, cause the plan and estimate to be submitted to the Legislative Council for the sanction of and the provision of the money by the Council.

(2) Where the Legislative Council has sanctioned the expenditure and made provision for the money to be expended on the construction of a sea defence the Governor in Council may order the Board to cause the sea defence to be constructed.

10. Every order for the construction of a sea defence made by the Governor in Council in pursuance of section 9 together with a description of the sea defence as shown in the plan shall be published in the Gazette and a newspaper. A copy of the plan shall be open to inspection at the office of the Director by any person whose interest may be affected by the construction of the sea defence.

Publication of order for construction of sea defence and inspection of plan.

11. When a sudden calamity occurs whereby any land in a district is likely to be or is inundated by the sea the Governor in Council may order the Board to take such immediate action and perform such works as may in the opinion of the Board be necessary to avert or mitigate such inundation. An order as aforesaid shall indemnify the Board and any person acting under its authority in respect of anything done in execution or intended execution of any decision or direction of the Board.

Emergency works.

12. (1) All sea defences which are or shall be in existence in any district shall by force of this Ordinance become the property of the Crown.

Sea defences the property of the Crown.

(2) On the publication of an order as provided by section 10 the sea defence therein referred to shall thereupon become the property of the Crown.

(3) There shall be no right to compensation in respect of any property which is vested in the Crown under this section, but the Governor in Council may, if he think fit, direct the Board to pay a specified sum to any person in respect of any such property and the Board shall make the payment so directed.

Plan of sea  
defence to be  
deposited  
with Regis-  
trar.

**13.** Whenever a sea defence becomes the property of the Crown under this Ordinance the Board shall within three months thereafter, or such further time as the Governor in Council may allow, deposit a plan thereof with the Registrar who shall file the same as of record in the Deeds Registry and shall make such annotations on the records as may be necessary.

How works  
to be  
executed.

**14.** The construction, care, maintenance and management of the sea defences shall, under the direction of the Board, be performed by the Public Works Department at the expense of the Board:

Provided that, if the Board think fit and the Governor in Council approve, the execution of any work may be given out to be performed by contract, and, with the express permission of the Governor in Council and not otherwise, a contract may be undertaken by any company or body of persons in which an appointed member of the Board may be interested directly or indirectly: provided that such interested member shall not vote on such contract or on any matter relating thereto.

Sluices,  
kokers,  
flood-gates,  
etc., in sea  
defence to be  
maintained  
by proprietor  
or local  
authority.

**15.** (1) All sluices, kokers, flood-gates, gallows-posts, doors and hoisting-gear in any sea defence which are used in relation to the drainage of any estate or village or for purposes of navigation shall be constructed, managed, maintained and replaced by the proprietor of the estate or the local authority as the case may be:

Provided that the duties imposed by this subsection shall be so performed as not in any way to impede or to interfere with the Board in the construction or management of sea defences.

(2) If a proprietor or local authority shall neglect or omit to perform any obligation imposed by subsection (1) the Board may cause the necessary work to be done and may recover the cost thereof from the proprietor or local authority, as the case may be.

Power to  
enter on land  
adjacent to a  
sea defence  
and do acts  
and take  
materials for  
sea defence.

**16.** (1) Any person acting under the authority in writing of the Board may at any time enter upon any estate or upon any land in a village adjacent to a sea defence constructed or to be constructed, with such men, animals, vehicles, materials, appliances and instruments and

(a) do all such acts thereon as may be necessary for or incidental to the construction, maintenance, repair or protection of the sea defence; and

(b) dig and remove earth, cut and remove fascines and wood, and take and remove any other substance or thing required for work on the sea defence.



(2) There shall be no right to compensation under subsection (1), but if in any such case it appears to the Governor in Council that material damage has been thereby occasioned to the estate or land he may in writing direct the Board to pay to the person affected such compensation as he may deem fit and the Board shall thereupon cause the payment to be made.

#### PART IV.—FINANCIAL.

17. From the 1st January, 1937, all costs and charges incurred in the construction or maintenance of any sea defence together with all expenses of administration shall be defrayed from such moneys as may be provided from time to time by the Legislative Council:

Expenditure on sea defences hereafter to be provided by Legislative Council. 4 of 1937, s. 4.

Provided that the Mayor and Town Council of the City of Georgetown shall contribute to the cost and maintenance of sea defences by payment annually to the Financial Secretary the sum of two thousand five hundred dollars in equal quarterly instalments.

#### PART V.—OFFENCES.

18. (1) No person shall, without the previous written sanction of the Board, make or cause or permit or suffer to be made—

Making drain into the sea or construction on sea defence.

(a) any drain, trench or cutting in the earth so as to affect any sea defence;

(b) any construction, erection, alteration or thing in, about or upon any sea defence.

(2) Any person who contravenes or aids or abets any person in contravening the provisions of this section shall be guilty of an offence and liable—

(a) in the case of a first conviction, to a fine not exceeding one hundred dollars, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months, or to both such fine and imprisonment;

(b) in the case of a second or subsequent conviction to a fine not exceeding two hundred and fifty dollars, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months, or to both such fine and imprisonment.

19. Any person who shall put or place or cause to be put or placed in, about or upon any sea defence any matter or thing calculated or likely to affect or impair the efficiency, usefulness or operation of the said sea defence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one

Obstruction to sea defences an offence.

hundred dollars or in default to imprisonment with or without hard labour not exceeding three months.

Removal  
of earth,  
shell, etc.,  
an offence.  
14 of 1948,  
s. 3.

**20.** Any person who shall, without the consent of the Board first had and obtained, remove any earth, sand, shell, clay, gravel, shingle, mineral substance, or any sea-weed, or vegetation, or any other matter or thing whatsoever from any sea defence or from any land along the foreshore within one half of a mile of mean high water mark, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty dollars.

Trespass of  
cattle.

**21.** If any cattle shall trespass on any sea defence the person having the custody or control of such cattle shall be guilty of an offence and be liable on conviction to a fine not exceeding five dollars, unless such trespass was not due to any wilful act or to any negligence on his part; and any cattle so trespassing may be seized and impounded by any police constable or by any person authorised in writing by the Board.

Obstruction  
of Board.

**22.** Any person who shall hinder or resist or obstruct any person employed in connection with the sea defences of the Colony, acting in pursuance of this Ordinance or the regulations, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-four dollars.

Defences to  
prosecution.

**23.** It shall be a defence to any prosecution for an offence under any of the provisions of this Ordinance, if it is proved that any act charged as an offence was done in good faith for the purpose of averting or mitigating a calamity where an occurrence has taken place by which any estate or village is or is likely to be inundated by the sea.

Assessment  
of expenses  
incurred.

**24.** (1) Whenever any person is convicted of any offence under this Ordinance, or the regulations, by any magistrate's court and it shall appear that by such offence expense has been incurred, or damage has been caused to any sea defence or to any matter or thing in or about or upon any sea defence, the court may, at the written request of the Board, but in the presence of the convicted person, inquire summarily into the amount of expense so incurred and damage so caused.

(2) Upon proof of the amount of such expense or damage, or of both such expense and damage, where the amount claimed does not exceed one hundred dollars, the court shall give judgment therefor in favour of the Board and against the convicted person and such judgment shall be of the same force and effect and be enforceable in the same manner as if it had been given in a civil action duly instituted in the court.

25. Every offence or penalty under this Ordinance or the regulations may be prosecuted and enforced under the Summary Jurisdiction Ordinances.

Offences punishable under the Summary Jurisdiction Ordinances.

PART VI.—MISCELLANEOUS.

26. (1) The Board shall keep a book for each district to be called the "District Register" in which shall be entered the names and empoldered areas of the estates and villages in that district and the names and addresses of the proprietors.

Keeping of register of proprietors.

(2) The proprietor of every estate shall from time to time cause his correct address to be entered in the register, and such address shall be styled his "registered address".

27. (1) Any notice required to be given to any proprietor under this Ordinance or the regulations shall be deemed to have been duly given when posted to his registered address, and any document or legal process required to be served upon such proprietor, shall be deemed to have been duly served upon him if left with some person at his registered address.

Service of notice upon proprietors.

(2) If any proprietor fails to cause his address to be entered in the register, any such notice, document or process may be affixed to the principal building on the estate, or if there is no building on such estate on some conspicuous place on the said estate and such notice, document or process shall be deemed to have been duly served on the proprietor.

28. (1) The Board with the approval of the Governor in Council may make regulations for carrying into effect the objects and purposes of this Ordinance.

Power to make regulations.

(2) Regulations made under this section shall be laid before the Legislative Council within fourteen days next after they are made if the Council is then sitting, or if not, within fourteen days after the commencement of the next ensuing session, and if within the next subsequent twenty-one days a resolution is passed by the Legislative Council that the regulations or any of them be annulled, they shall be thereby annulled; and the regulations so annulled shall thenceforth become void and of no effect but without prejudice to the validity of any action in the meantime taken under them.

(3) There may be annexed to any regulation a penalty not exceeding one hundred dollars for the breach thereof.

29. The Governor in Council may alter, amend or revoke any order made in pursuance of this Ordinance.

Power for Governor in Council to amend or revoke orders.

Proceedings  
under Ordin-  
ance free.

30. (1) Any action, proceeding, prosecution or process under this Ordinance or the regulations at the instance or on behalf of the Board shall be free.

(2) Any prosecution for an offence under this Ordinance or the regulations may be instituted by any police constable or by any person authorised by the Director.

Ordinance  
not to apply  
to harbours.

31. Nothing in this Ordinance shall be deemed to apply to any harbour or to affect the powers, authority or jurisdiction of the Transport and Harbours Department in respect of any harbour.

S. 7.

#### SCHEDULE.

(As amended by Orders in Council, 14th November, 1934, 38 of 1953 and 39 of 1953.)

#### BOUNDARIES OF SEA DEFENCE DISTRICTS.

No. 1, ESSEQUIBO COAST extending from the north-western boundary of Plantation Somerset to the southern boundary of Plantation Belfield, and bounded as follows—

On the north by the north-western boundary of Plantation Somerset;

On the west by a line commencing at the south-western corner of Plantation Somerset and extending thence about S. 4° E. to the Hampton Court Fresh Water Canal, by a line about S. 15° E. to the north-western corner of Plantation Belfield;

On the south by the southern boundary of Plantation Belfield;

On the east by the Atlantic Ocean.

No. 2, THE ISLAND OF WAKENAAM in the Essequibo river.

No. 3, THE ISLAND OF LEGUAN in the Essequibo river.

No. 4, WEST COAST DEMERARA extending from the common boundary between Plantations Good Hope and Greenwich Park to the Demerara river and bounded as follows—

On the north by the Essequibo river and the Atlantic Ocean from the common boundary between Plantations Good Hope and Greenwich Park to the Demerara river;

On the west by the common boundary between Plantations Good Hope and Greenwich Park and the prolongation of the said common boundary to the Kent Dam, the Kent Dam to the Boerasirie river and the Boerasirie river upwards to the Boerasirie Service Canal;

On the south by the Boerasirie Service Canal to the western boundary of Plantation Lust tot Rust, thence along the back boundaries of the second depths of Plantations Versailles, Malgretout, Klein Pouderoyen and Swan-en-Schutz to the back boundary of Plantation Ruimzigt, thence along the northern boundary of Plantation Swan-en-Schutz to the Demerara river;

On the east by the Demerara river.

No. 5, EAST COAST DEMERARA, extending from the western boundary of Plantation Kitty to the Mahaica river and bounded as follows—

On the north by the Atlantic Ocean;

On the west by the western boundary of Plantation Kitty and the Lamaha Canal to its junction with the East Demerara Water Supply Canal;

On the south by the East Demerara Water Supply Canal from its junction with the Lamaha Canal to its junction with the Shanks Canal;

On the East by the Shanks Canal from its junction with the East Demerara Water Supply Canal to a point at the junction of the boundaries between Plantations Hand-en-Veldt, Voorzigtigheid, and Grove, thence along the back boundaries of Voorzigtigheid, Cambridge, Good Intent, Unity, Lancaster, Tranquility Hall and Spring Hall to the southern boundary of Spring Hall, the southern boundary of Spring Hall to the Mahaica river, and the Mahaica river to the Atlantic Ocean.

No. 6, MAHAICA ABARY, extending from the Mahaica river to the Abary river, and bounded as follows—

On the north by the Atlantic Ocean;

On the west by the Mahaica river from the Atlantic Ocean to the public road bridge;

On the south by the public road from the Mahaica river to the western boundary of Plantation Belvidere, the western boundary of Plantation Belvidere to the common boundary between Plantations Belvidere and Salisbury, the back boundaries of the second and extra depths of the estates from Plantation Belvidere to Plantation Drill at the junction of the common boundaries of Plantations Drill, Dankbaarheid and Anjou, by the common boundary between Plantations Dankbaarheid and Anjou to the Mahaicony river, the back boundaries of the coast estates and their second depths from Plantation Park to the Abary river at the common boundary between Plantations Adventure and Letter T;

On the east by the Abary river from the northern boundary of Plantation Letter T to the Atlantic Ocean.

No. 7, WEST COAST, BERBICE, extending from the Abary river to the Berbice river and bounded as follows—

On the north by the Atlantic Ocean;

On the west by the Abary river from the Atlantic Ocean to the northern boundary of the tract held by the Rupununi Development Company under Grant No. 4961;

On the south by the northern and north-eastern boundaries of the tract held by the Rupununi Development Company, Limited, under Grant No. 4961 to the back boundary of the second depth of Plantation Bush Lot, the back boundaries of the second depths of the estates from Plantation Bush Lot to Waterloo, the western boundaries of the tracts held by the Berbice Development Company under Leases A368 and A2621, the southern boundary of the tract held under Lease A2621 to the back boundary of the second depth of Plantation No. 5—Blairmont—Berbice river, the back boundaries of the second depths of Nos. 5, 6, 7 and 8, Blairmont, the southern boundary of the second depth of No. 8, to the back boundary of the first depth of No. 9, the back boundaries of No. 9 and Zorg-en-Hoop to the southern boundary of Plantation

Zorg-en-Hoop and by the southern boundary of Plantation Zorg-en-Hoop to the Berbice river;

On the east by the Berbice river from the southern boundary of Plantation Zorg-en-Hoop to the Atlantic Ocean.

No. 8, EAST AND COURANTYNE COAST, BERBICE, extending from the Berbice river to the Courantyne river and bounded as follows—

On the north by the Atlantic Ocean;

On the west by the Berbice river from the Atlantic Ocean to the Grand Canal;

On the south by the Grand Canal from the Berbice river to the common boundary between Plantations Fyrish and Kilcoy, the western and south-western boundaries of the tract held by the Courantyne Sugar Company, under Licence A173 to the Port Mourant Water Path, the south-western boundary of the tract held by Plantation Port Mourant under Lease A2105 to the old Alness Water Path, thence by a straight line about S. 66° E. to the junction of the south-western and western boundaries of the Kilmarnock-Springlands Empolder, the western boundary of the Kilmarnock-Springlands Empolder, the western and south-western boundaries of the Kilmarnock-Springlands Empolder to the back boundary of the second depth of No. 73, or Clonbrook, the back boundaries of the areas held under title from the Crown in the second and extra depths of Springlands and Skeldon to the southern boundary of Plantation Skeldon, the southern boundary of Plantation Skeldon to the Courantyne river;

On the east by the Courantyne river from the southern boundary of Plantation Skeldon to the Atlantic Ocean.

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