ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. lxii.

An Act to amend Two Acts for maintaining and improving the Commercial Docks in the Parish of *Saint Mary Rotherhithe* in the County of *Surrey*.

[7th *July* 1817.]

WHEREAS an Act was passed in the Fiftieth Year of the Reign of His present Majesty, intituled *An Act for maintaining and improving the Docks and Warehouses called* The Commercial Docks, *and for making and maintaining other Docks and Warehouses to communicate therewith, all in the Parish of* Saint Mary Rotherhithe *in the County of* Surrey: And whereas by the said Act the several Persons therein named, with other Persons therein described, were created a Joint Stock Company, by the Name of "The Commercial Dock Company," for the Purpose of maintaining and improving a certain Dock formerly called *Greenland Dock*, and other Docks and Premises adjoining thereto, and making other Docks, Timber Ponds, Sluices, Outlets, and other Works necessary for the Accommodation of Vessels laden with Timber and other Articles in the said Act mentioned: And whereas by the said Act the said Company were authorized to raise and contribute among themselves, for the Purposes set forth in the said Act, in addition to the Shares then already created or Sums then already subscribed for, a further Sum not exceeding the Sum of One hundred and thirty thousand Pounds; which additional Sum of One hundred and thirty thousand Pounds, together with the Sum of One hundred and thirty thousand Pounds then already subscribed 50G.3.c.207.

scribed for, it was thereby enacted should form One Joint Capital Stock of the said Company: And whereas the whole of the original Subscriptions of One hundred and thirty thousand Pounds, and also the whole of the further Sum of One hundred and thirty thousand Pounds authorized to be raised by the said Act, have been raised and expended towards the Purposes of the said Act, in the Purchase of the said Docks and other Premises, and in making other Docks and Timber Ponds for the Reception and Discharge of Timber Ships, and the Admission and Storing of Timber, Deal, and other Wood Goods, and in making Warehouses and other Works, and rendering the Premises fit and proper for the warehousing and bonding of Timber and other Wood Goods, and affording Security to His Majesty's Revenue: And whereas another Act was passed in the
51 G. 3. c. 66. Fifty-first Year of the Reign of His present Majesty, intituled *An Act to amend and render more effectual an Act of His present Majesty, for maintaining and improving the Docks and Warehouses called* The Commercial Docks, *in the Parish of* Saint Mary Rotherhithe *in the County of* Surrey, *and for extending the Powers of the said Act:* And whereas by the said last-recited Act the said Company were authorized to raise and contribute among themselves, for the Purpose of improving, completing, and maintaining the Docks, Feeders, Aqueducts, Entrances, Ways, Roads, Bridges, Offices, Sluices, Wharfs, Warehouses, and Works then already made or to be made in pursuance or by Authority of the said Acts, the further Sum of One hundred and thirty thousand Pounds, by the Creation of Two thousand six hundred additional Shares of Fifty Pounds each; and which additional Sum of One hundred and thirty thousand Pounds allowed to be raised under the said last-recited Act upon Two thousand six hundred Shares, and the Shares then already subscribed for, making in the whole Three hundred and ninety thousand Pounds, it was thereby enacted should make One Joint Capital Stock of the said Company: And whereas the said Company have raised the Sum of Forty thousand Pounds, Part of the said Sum of One hundred and thirty thousand Pounds authorized to be raised as aforesaid, by the Creation of Eight hundred new Shares of Fifty Pounds each, and have expended the Monies so raised for the Purposes of the said Acts, and in rendering their Docks, Ponds, Works, and Premises more commodious and useful for the Trade of the Port of *London*, and affording Security to His Majesty's Revenue in the warehousing and bonding of Timber, Deals, and other Wood Goods; and the Company have also proceeded to raise a further Sum of Money by the Creation of Two hundred and seventy-five new Shares, of Fifty Pounds each, on which they have made Calls amounting to Fifty Pounds *per Cent.* thereon, and are proceeding to get in the whole of the said last-mentioned Calls under the Provisions of the said last-recited Act: And whereas it is expedient, in order to enable the said Company to raise the Remainder of the Money so authorized to be raised as aforesaid, and more effectually to carry the Purposes of the said Acts into Execution, that the Powers and Provisions of the said recited Acts should be amended and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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, That (in case the Majority of the Proprietors of the said Docks entitled to vote, and respectively present at any Two Meetings to be specially called for the Purpose by Notice to be inserted in the *London Gazette*, and also in

Company empowered to borrow at Interest 76,250*l.*

Three of the Daily Newspapers printed or published in *London*, Fourteen Days at the least previous to the First of such Meetings, and the Second of such Meetings to be held Ten Days at least after the First of such Meetings, shall deem it expedient and determine to borrow at Interest, or raise by granting Annuities, the Sum of Seventy-six thousand two hundred and fifty Pounds, being so much of the said Sum of One hundred and thirty thousand Pounds authorized to be raised by the said recited Act of the Fifty-first Year of the Reign of His present Majesty as the said Company have not already raised or proceeded to raise by the Creation of additional Shares in the Manner thereby prescribed, or in case they shall deem it expedient and determine to raise Part only of the said Sum of Seventy-six thousand two hundred and fifty Pounds by way of Augmentation of their Capital Stock, and to borrow at Interest or raise as aforesaid the Remainder thereof,) it shall be lawful for the said Company to borrow and raise the said Sum of Seventy-six thousand two hundred and fifty Pounds, or any Sum or Sums of Money, Part or Parts of the said Sum of Seventy-six thousand two hundred and fifty Pounds, and which may not be hereafter subscribed for in the Manner prescribed by the said recited Act of the Fifty-first Year of the Reign of His present Majesty, either by way of Mortgage of the Lands, Tenements, Docks, Hereditaments, and Premises, and Real Estates of the said Company, or any Part thereof, together with or separately from the Rates and Charges which the said Company are by the said recited Acts or otherwise authorized or allowed to demand and take, or by Mortgage of such Rates and Charges separately from the said Estates, or by granting Annuities charged upon and to be payable out of the said Lands, Tenements, Docks, Hereditaments, and Premises, and Real Estates, or any Part thereof, together with or separately from the said Rates and Charges, or to be charged upon and payable out of the said Rates and Charges only during the natural Life of the Purchaser or Purchasers of such Annuity or Annuities respectively, or during the Life or Lives of any Person or Persons to be nominated by and on the Behalf of such Purchaser or Purchasers, which Annuity or Annuities shall be granted and made payable either with or without Benefit of Survivorship, and in such Manner as the said Company shall think proper, subject to the Provisions of this Act.

Company empowered to assign the Rates.

II. And be it further enacted, That every such Mortgage so to be given as a Security for any Sum or Sums of Money so to be borrowed as aforesaid shall be in the following Form, or in any other Form of Words to the same Effect; *videlicet*,

Form of Mortgage.

'BY virtue of an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*], We, the Commercial Dock Company, in consideration of the Sum of to us paid by do mortgage unto the said his, her, or their Executors, Administrators, and Assigns, [*or* Successors and Assigns, *as the Case may be*,] all and singular the Lands, Tenements, Docks, Hereditaments, and Premises of and belonging to the said Company, situate and being in the Parish of *Saint Mary Rotherhithe* in the County of *Surrey*, and also all and singular the Rates and Charges arising by virtue of Two Acts, one passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for maintaining and improving*

'*the*

' *the Docks and Warehouses called* The Commercial Docks, *and for making*
' *and maintaining other Docks and Warehouses to communicate therewith, all*
' *in the Parish of* Saint Mary Rotherhithe *in the County of Surrey;* and the
' other passed in the Fifty-first Year of the Reign of King *George* the Third,
' intituled *An Act to amend and render more effectual an Act of His present*
' *Majesty, for maintaining and improving the Docks and Warehouses called*
' The Commercial Docks, *in the Parish of* Saint Mary Rotherhithe *in the*
' *County of* Surrey, *and for extending the Powers of the said Act,* [*in case*
' *the Mortgage is not intended to comprise both the Real Estate and Rates and*
' *Charges, or only a Part of the Real Estate, describe what is intended to be*
' *charged,*] and all the Estate, Right, Title, and Interest of the said Com-
' pany in and to the same, to hold unto the said
' his, her, or their Executors, Administrators, and Assigns, [*or* Successors
' or Assigns,] until the said Sum of together
' with Interest for thé same after the Rate of *per*
' *Centum per Annum,* shall be repaid. Dated the
' Day of .'

And every such Mortgage, being executed by Three of the Directors of the said Company for the Time being, shall be binding on the said Company, and be valid and effectual to all Intents and Purposes whatsoever; and all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, Aggregate or Sole, to whom any Mortgage or Mortgages shall be made, shall be entitled to the full Benefit of such Mortgage or Mortgages respectively, with Preference according to the Order and Course of Priority of their respective Securities.

Proviso may be inserted in Mortgages to receive the Money or a Share in the Joint Stock.

III. Provided always, and be it further enacted, That it shall be lawful to insert in any Mortgages to be made as aforesaid, if the Majority of the said Company, or the Proprietors present and entitled to vote at any Two such Meetings as aforesaid, shall think fit, an Agreement by which a Right shall be given to the respective Persons, or Bodies Politic or Corporate, who shall advance and lend the said Money, or any Part thereof, to the Persons who for the Time being shall be entitled thereto, to have an Option of having their several and respective Loans repaid in Money, or of being admitted to have such a Share of the Capital Stock of the said Company in lieu thereof, at such Time or Times, and upon and under such Terms, Provisions, and Conditions in all respects, (and with or without such Powers to the Directors for the Time being, or any Three or more of them, with the Consent of the Person or Persons, Bodies Politic or Corporate, who shall so advance or lend Money on such Securities as aforesaid, or of their Executors, Administrators, Successors, or Assigns, to vary or alter such Terms, Provisions, and Conditions,) as shall be determined upon by the Majority of such Proprietors present at such Two Meetings as aforesaid; and the Insertion of any such Agreement in any such Mortgages or Securities as aforesaid, signed by any Three or more of the Directors of the said Company for the Time being, shall be conclusive Evidence for the Benefit and Security of the Person or Persons, Bodies Politic or Corporate, who shall advance Money upon such Securities, and his, her, and their Executors, Administrators, Successors, or Assigns, that such Agreement was inserted with such Consent as is above required, and shall be binding and conclusive on the said Company.

IV. And

IV. And be it further enacted, That any Grant of any such Annuity as aforesaid shall be made in the Words following, or in Words to the like Effect; (that is to say),

Form of Grant of Annuity.

'BY virtue of an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*], We, the Commercial Dock Company, in consideration of the Sum of to us paid by do grant unto the said his, her, or their Executors, Administrators, and Assigns, [*or* Successors and Assigns, *as the Case may be*,] an Annuity of to be charged upon and to be paid to the said his, her, or their Executors, Administrators, or Assigns, [*or* Successors or Assigns,] [*in case it is not intended to comprise all the Lands, &c. then describe only the Parcels intended to be comprised, and if the Rates and Charges are not intended to be comprised, then omit the Description,*] out of the Lands, Tenements, Hereditaments, and Premises, and Real Estates of and belonging to the said Company, and on and out of the Rates and Charges arising by virtue of Two Acts, one passed in the Fiftieth Year of the Reign of King *George* the Third, intituled *An Act for maintaining and improving the Docks and Warehouses called* The Commercial Docks, *and for making and maintaining other Docks and Warehouses to communicate therewith, all in the Parish of* Saint Mary Rotherhithe *in the County of* Surrey; and the other passed in the Fifty-first Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual an Act of His present Majesty, for maintaining and improving the Docks and Warehouses called* The Commercial Docks, *in the Parish of* Saint Mary Rotherhithe *in the County of* Surrey, *and for extending the Powers of the said Act;* an Annuity of to be payable to the said his, her, or their Executors, Administrators, or Assigns, [*or* Successors or Assigns, *as the Case may be*,] during the Life of or the Lives of [*if more than One*,] and the Life of the Survivor of them [*as the Case may be*], and a proportionable Part of the said Annuity to be paid up to the Day of the Decease of or to the Day of the Decease of the Survivor of [*as the Case may be*]. Dated the Day of One thousand eight hundred and .'

How to be executed.

And every such Grant of Annuity, being executed by Three of the Directors of the said Company for the Time being, the Chairman or Deputy Chairman of the Court of Directors of the said Company for the Time being being One of such Three Directors, shall be binding on the said Company, and be valid and effectual to all Intents and Purposes whatsoever; and the Purchasers of such Annuities respectively shall be entitled thereto, and to the full Benefit thereof respectively, with Preference according to the Order and Course of Priority of their respective Securities for such Annuities respectively; and in case the Money authorized to be raised as aforesaid shall be raised partly by Mortgage and partly by Annuity, in such Case the Mortgagees and Annuitants respectively shall be entitled to the full Benefit of their respective Securities and Assurances, with Preference according to the Order and Course of Priority of the Mortgages and Annuities respectively.

Mortgages and Annuities to have Preference according to their Priorities.

V. And for preventing any improvident Grants of Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue of this

Regulations as to granting Annuities.

this Act for any single Life, at any higher Rate than the following; (that is to say,) when the Age of the Annuitant, or Person for whose Life the Annuity shall be granted, shall not exceed Thirty-five Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; when the Age of such Person shall not exceed Forty Years, the Annuity to be granted shall not exceed the Rate of Eight Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Nine Pounds for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Nine Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Ten Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Sixty-five Years, the Annuity shall not exceed the Rate of Twelve Pounds Seventeen Shillings for each One hundred Pounds of the Consideration Money; when the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Fifteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and when the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Eighteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

Entries of Mortgages and Grants of Annuities to be made in the Company's Books.

VI. And be it further enacted, That a Transcript or Copy of every such Mortgage or Grant of Annuity, or an Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money paid, shall be made in a Book or Books to be kept for that Purpose by the Clerk of the said Company; which Book or Books may be perused at all seasonable Times by any of the Proprietors of the said Undertaking or other Persons interested, without Fee or Reward.

Mortgages and Annuities transferrable by Indorsement.

VII. And be it further enacted, That all and every Person and Persons, Bodies Politic, Corporate, or Collegiate, to whom any such Mortgage or Grant of Annuity shall be made as aforesaid, may from Time to Time personally, or by Attorney thereunto lawfully authorized, assign and transfer such Mortgage or Grant of Annuity to any Person or Persons, Bodies Politic, Corporate, or Collegiate, and so *toties quoties*; and that the Assignment and Transfer shall and may be made by Indorsement on such Mortgage or Grant, and in the Words or to the Effect following; (that is to say),

'I in consideration of the Sum of paid by do hereby assign and transfer the within Security, and all my Right, Title, and Interest in and to the same, and all Benefit and Advantage to arise therefrom, unto the said his, [her *or* their] Successors, Executors, Administrators, and Assigns. Witness my Hand and Seal, this Day of .'

Entries of Transfers to

VIII. And be it further enacted, That every Transfer shall, within Thirty Days after the Date thereof, be produced and left with the Clerk of the said Company,

Company, who shall within Ten Days then next cause an Entry or Memorial to be made thereof in like Manner as of the original Securities; and after such Entry made, but not till then, every Person or Persons to whom such Assignment or Transfer shall be made shall be entitled to the Benefit of such Mortgage or Grant, and the future Payments thereon, and to all Benefit and Advantage arising therefrom; and for the Entry of every original Mortgage or Grant, and of every such Assignment and Transfer, the said Clerk shall be paid by the Party to whom such Mortgage, or Grant, or Transfer shall be made, the Sum of Five Shillings and no more.

be made in the Company's Books.

IX. And be it further enacted, That the Interest of the Money which shall be borrowed on Mortgage as aforesaid, and the several Annuities so to be granted as aforesaid, shall be paid Half-yearly to the several Parties entitled thereto, in Preference to any Dividend or Distribution among the Members of the said Company, and shall be duly provided for and set apart before such Dividend or Distribution shall be made or declared.

Interest and Annuities to be paid Half-yearly.

X. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage shall be paid off and discharged (save and except with the Consent of the Person or Persons entitled to receive such Sum or Sums of Money) unless Six Calendar Months previous Notice in the *London Gazette* shall have been given by the said Company of their Intention to pay off and discharge the same; and that at the Expiration of the said Six Calendar Months, all Interest shall cease to be paid on the Principal Sums relative to which such Notice shall have been given, unless the said Principal Sums shall not have been paid off by default of the said Company.

Notice to be given of paying off Mortgages.

XI. And be it further enacted, That in case all or any of the Sums of Money which shall or may be advanced on Loan to the said Company on such Mortgages as aforesaid, shall at any Time afterwards be paid off and discharged by the said Company, that then and in every such Case it shall be lawful for the said Company, with such Consent of Two Courts of Proprietors, to be specially called for such Purpose as herein-before mentioned, again to borrow or raise on Mortgage, as is herein-before mentioned, any Sum or Sums of Money, not exceeding in the whole, with the Amount of the Monies then outstanding and unpaid on such Mortgages as aforesaid, and the Money which may have been raised by Grants of Annuities, the said Sum of Seventy-six thousand two hundred and fifty Pounds, and so *toties quoties*.

In case any of the Sums advanced shall be paid off, the Company may again borrow the Money.

XII. And whereas the said recited Act of the Fifty-first Year of the Reign of His present Majesty contains a Provision for regulating the Time when the Persons who shall subscribe for the said new Shares or any of them shall be entitled to a rateable Share or Proportion of the Profits of the said Company, and also for regulating the Payment of Interest in the meantime: And whereas Doubts have been entertained as to the Meaning and Construction of such Provisions; be it therefore enacted, That so much of the said recited Act of the Fifty-first Year of the Reign of His present Majesty as enacts that the several Persons who shall subscribe for the Two thousand six hundred new Shares hereby authorized to be raised or created, or any of them, shall not be entitled to any rateable Share or

Repealing Provisions in former Act, regulating Time when new Shares shall be entitled to Profits.

or Proportion of the Profits of the said Company until after the Expiration of One Year, to be computed from the Day on which the said Two thousand six hundred new Shares shall be created, and that in the meantime the several Persons who shall subscribe for new Shares as aforesaid shall be entitled to receive, and the Company shall pay to him or them respectively Interest on the several Sums to be paid by them or him in respect of such new Shares, at and after the Rate of Five Pounds *per Centum per Annum*, from the Time or Times on or at which such Sum or Sums of Money shall be by them or him paid, shall, as to all or any Shares hereafter to be raised or created, be and the same is hereby repealed.

Company empowered to fix Time when new Shares shall be entitled to Profits.

XIII. And be it further enacted, That in case the said Company shall be desirous to raise, and shall hereafter raise any Part of the Money which they are authorized to raise as aforesaid, and which now remains unraised, by the Creation of new Shares, that then and in such Case it shall be lawful for such Two several General Courts of Proprietors of the said Company, as in the said last-recited Act are mentioned, to determine and direct the Time or Times when or from which all or any such new Shares hereafter to be created as aforesaid shall be entitled to a rateable Share or Proportion of the Profits of the said Company, and to make all such Rules and Regulations respecting the same, and for Payment of Interest in the meantime, as to them shall seem expedient; and it shall also be lawful for such Two several General Courts of Proprietors of the said Company to make, or to authorize the Directors of the said Company for the Time being to make, such Allowance or Allowances, Deduction or Deductions, to the Person or Persons who shall subscribe for all or any of the new Shares as aforesaid, for or in respect of Payment of the Monies to be paid for such new Shares as aforesaid before the Time or Times when the Instalments or Calls would become due and payable, to such Extent, or within such Limits, and with and under such Rules and Regulations, or without any such, as to the said Courts of Proprietors shall seem expedient.

Company may sell Lands not wanted for the Purposes of the Act.

XIV. And whereas by the said recited Act of the Fiftieth Year of the Reign of His present Majesty the said Company are authorized to sell any Lands, Buildings, and Hereditaments which they might purchase under the Provisions of the said Act, and which might not be necessary to be made use of for the Purposes of the said Act; but Doubts may be entertained whether the said Company are by the said Act empowered to sell any of the Lands, Buildings, or Hereditaments belonging to or purchased by or for the Use of the said Company previously to the passing of the said Act, or purchased under the Provisions of the said Act of the Fifty-first Year of the Reign of His present Majesty, and which may not be necessary for the Purposes aforesaid; be it therefore further enacted, That it shall be lawful for the said Company to sell and dispose of any Part or Parts not wanted for the Purposes of the said recited Acts or of this Act, not only of such Lands, Buildings, or Hereditaments as have been purchased in pursuance of the said recited Act of the Fiftieth Year of the Reign of His present Majesty, but also of any Lands which at the Time of the passing of the said Act belonged to or had been purchased by or for the Use of the said Company, or which have been purchased in pursuance of the

the Provisions of the said Act of the Fifty-first Year of the Reign of His present Majesty; and all and every the Powers, Clauses, and Provisions contained in the said Act of the Fiftieth Year of the Reign of His present Majesty, for enabling the said Company to sell Lands, Buildings, and Hereditaments not wanted for the Purposes of the said Act, and relative to such Sale, shall, so far as the Case will apply, extend to such Lands, Buildings, and Hereditaments as belonged to or had been purchased by or for the Use of the said Company previous to or at the Time of the passing of the said Act of the Fiftieth Year of the Reign of His present Majesty, and which have been purchased in pursuance of the Provisions of the said Act of the Fifty-first Year of the Reign of His present Majesty: Provided always, that the said Company before they shall sell and dispose of any of the Lands, Buildings, or Hereditaments which have been purchased in pursuance of the said recited Acts or either of them, and not wanted for the Purposes of the said recited Acts or of this Act as aforesaid, shall first offer the same for Sale to the Person or Persons of whom the same shall have been purchased; and if such Person or Persons shall then and thereupon refuse, or shall not agree (except with respect to or on account of the Price thereof) to purchase the same, an Affidavit to be made and sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Surrey* (who are hereby respectively empowered to take such Affidavit), by some Person or Persons no way interested in the said Lands, Buildings, or Hereditaments, stating that such Offer was made by or on the Behalf of the said Company, and that such Offer was then and thereupon refused, or was not agreed to by the Person or Persons to whom the same was made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made, and was refused or not agreed to by the Person or Persons to whom such Offer was made (as the Case may be); and in such Case such Person or Persons shall be desirous of purchasing such Lands, Buildings, and Hereditaments, and he, she, or they, and the said Company, shall differ or not agree with respect to the Price thereof, then the Price or Prices thereof shall be ascertained by a Jury, in manner in the said recited Act of the Fiftieth Year of the Reign of His present Majesty directed with respect to disputed Value of Premises to be taken and purchased in pursuance of the said Act; and the Money to arise by Sale or Sales of such Lands, Buildings, and Hereditaments, shall be applied by the said Company to the Purposes of the said recited Acts and of this Act; but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money: Provided nevertheless, that as to such of the Lands, Buildings, and Hereditaments which belonged to or were the Property of the said Company before or at the Time of the passing of the said Act of the Fiftieth Year of the Reign of His present Majesty, or such as have not been purchased by the said Company under the Provisions of the said recited Acts or either of them, it shall not be necessary or requisite for the said Company to offer the same Lands, Buildings, or Hereditaments to Sale to the Person or Persons respectively of or from whom they have or shall or may have purchased the same respectively.

When Pieces of Land are to be sold, the first Offer to be made to the original Proprietors.

XV. And be it further enacted, That whenever any Ordinary or Extraordinary General Court or Meeting of the said Company, or of the Pro-

How Deed shall be executed.

Proprietors thereof, shall have resolved to sell any Lands, Buildings, or Hereditaments belonging to the said Company, it shall be lawful for any Three of the Directors of the said Company for the Time being (the Chairman or Deputy Chairman of the Court of Directors for the Time being being one of such Three Directors) to execute such Deeds and Assurances as shall be requisite to effect such Sales; and the Execution by such Three Directors as aforesaid of such Deeds and Assurances shall be full and conclusive Evidence to and for the Purchaser or Purchasers, that the Hereditaments sold to him or them are not wanted for the Purposes of the said recited Acts or either of them, and of the Consent of the said Company, or of such Ordinary or Extraordinary Court or Meeting of the said Company or of the Proprietors, to such Sale or Sales; and such Deeds and Assurances so executed as aforesaid shall be valid and effectual to all Intents and Purposes whatsoever, as fully as if the said Directors were absolute Owners of the Hereditaments intended to be conveyed.

Regulations respecting Memorials.

XVI. And, for better regulating the Entry of any Memorial of any Transfer or Sale of a Share or Shares in the said Stock of the said Company, be it further enacted, That no Memorial of any Transfer or Sale of any Share or Shares of and in the Stock of the said Company shall be made and entered, until the Clerk of the said Company shall have endorsed on the Certificate or Certificates, or Deed of Transfer to the Seller, as by the said last-recited Act are directed to be produced to the Clerk of the said Company for the Time being as therein mentioned, a Memorandum or Declaration, signed by such Clerk, of the Transfer and Sale of any Share or Shares of and in the Stock of the said Company.

To ascertain the Tonnage or Admeasurement of Ships coming into the Docks.

XVII. And be it further enacted, That the Tonnage or Admeasurement of all Ships and Vessels required to be registered by any Act or Acts of Parliament of the United Kingdom of *Great Britain* and *Ireland*, or of either of such Kingdoms, and trading or coming to or departing from the Port of *London*, and liable to the Payment of any of the Rates and Charges of or for Tonnage allowed to be taken under the said recited Acts or either of them, shall be ascertained according to the certified Tonnage in the Ship's Register; and the Master or other Person having the Command of any such Ship or Vessel is hereby required to produce such Certificate of Registry, at the Time of Payment of the said Rates and Charges, to the Person or Persons who shall be authorized to collect and receive the same by the Directors of the said Company or a Quorum of them; and in case of any Dispute in respect of the Tonnage of any Ship or Vessel not required to be registered, or of any Foreign Ship or Vessel, then the Tonnage of any such Ship or Vessel shall be ascertained in the Manner and according to the Directions of an Act passed in the Twenty-sixth Year of His present Majesty, intituled *An Act for the Encouragement of Shipping and Navigation.*

Collectors, &c. to have Access to Registers of Ships at the Custom House.

XVIII. And be it further enacted, That for more easily collecting the said Rates and Charges, the Collector and Collectors thereof, and such other Person and Persons as the said Directors shall from Time to Time duly appoint in this Behalf, shall, at proper and seasonable Times, have at the Custom House free Access to and Inspection of the respective Registers and Papers of all and every Ship and Ships resorting to the Port

of *London*, on or after their Entry or Clearance at the Custom House, without any Fee or Reward for such Access and Inspection.

Power to measure, &c. Ships and Vessels.

XIX. And be it further enacted, That if the Collector or Collectors of any of the said Rates and Charges, or such other Person or Persons as the said Directors shall duly nominate and appoint in that Behalf, and the Master or other Person having the Charge or Command of any such Foreign Ship or Vessel, cannot agree about and ascertain the Tonnage of such Ship or Vessel, then and in every such Case it shall be lawful for the said Collector or Collectors, or Person or Persons appointed as aforesaid, from Time to Time, and at all convenient and reasonable Times, to stop, detain, enter into, weigh, measure, and gauge the same; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Tonnage than shall be then set forth and contained in the Account which shall have been given thereof, then the Master or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, or gauging; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates and Charges are hereby appointed to be recovered and levied; but if any such Ship or Vessel shall be found to be of the same or of less Tonnage than the same shall by such Account appear to be of, then the said Collector or Collectors, or such other Person or Persons respectively, shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay such further Damages as shall appear to any One or more Justice or Justices of the Peace acting in and for the County of *Surrey*, on Oath of any credible Witness, to have arisen from such Detention; and in default of immediate Payment thereof by the Collector or Collectors, it shall be lawful for any such Justice or Justices to issue his or their Warrant or Warrants, authorizing any Person or Persons to levy the Amount of such Costs, Charges, and Damages, by Distress and Sale of the Goods and Chattels of such Collector or Collectors, or of the said Company; and if any Surplus Money shall remain after Payment of such Costs, Charges, and Damages, and the reasonable Costs and Charges of such Distress and Sale (to be ascertained, in case of Dispute, by any such Justice or Justices), such Surplus Money shall be returned, on Demand, to the Party or Parties on whom such Distress shall be so made; and if any Master, Commander, or other Officer of any Ship or Vessel, or any other Person or Persons whomsoever, shall obstruct or hinder any Person or Persons so employed from weighing, measuring, or gauging any Ship or Vessel in pursuance of this Act, every such Master, Commander, or other Person shall for every such Offence forfeit any Sum not exceeding Twenty Pounds, over and above the said Rates and Charges.

Penalty on any Person obstructing such Measurement, &c.

Further Provision to prevent Accidents by Fire.

XX. And be it further enacted, That for further preventing the Hazard and Danger of Fire within the said Docks, and on board Ships and other Vessels therein, no Person whosoever shall, from and after the passing of this Act, at any Time after the Hour of Four in the Evening or before the Hour of Seven in the Morning, between the Twenty-ninth Day of *September* and the Twenty-sixth Day of *March* in every Year, or after the Hour

Hour of Seven in the Evening, or before the Hour of Five in the Morning, between the Twenty-fifth Day of *March* and the Thirtieth Day of *September* in every Year, smoke any Tobacco, or other Material used for smoaking, either within the said Docks, or on board any Ship or Vessel in or within the said Docks, upon Pain of forfeiting for every such Offence any Sum not exceeding Ten Pounds, to be recovered and applied as any Penalty not exceeding that Amount may be recovered and applied under the said recited Acts or either of them.

How Debts to be proved in case of Bankruptcy.

XXI. And be it further enacted, That in all Cases under any Commission or Commissions of Bankrupt awarded or to be awarded against any Person or Persons who is or are or shall be indebted to the said Company, or against whom the said Company shall or may have any Claims or Demands, it shall and may be lawful to and for any Person or Persons in the Employ of the said Company, who shall from Time to Time be in that Behalf nominated and appointed by Writing under the Hand of the Treasurer of the said Company for the Time being, to appear, and he and they is and are hereby authorized and empowered to appear and act on behalf of the said Company, in respect of any such Debt, Claim, or Demand, before the Commissioners under any Commission of Bankrupt, either personally or by his or their Affidavit, to be duly sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Commission; and every such Person or Persons so to be nominated and appointed shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Commission of Bankruptcy, on behalf and for the Benefit of the said Company, in respect of the Debt or Debts or other Demands of the said Company against such Bankrupt or Bankrupts, in like Manner as any other Person or Persons, being a Creditor or Creditors of such Bankrupt or Bankrupts in his or their own Right, might or could do in respect of his or their Debt or Debts; and any Person or Persons to be nominated or appointed in manner aforesaid shall have full Power and Authority to appear on behalf of the said Company at any Meeting of the Creditors of any such Bankrupt or Bankrupts, and to vote thereat in respect of any Debt or Debts which shall be admitted and allowed to be proved on behalf of the said Company under any such Commission of Bankrupt as aforesaid, in like Manner as any other Creditor or Creditors of such Bankrupt or Bankrupts could or might do in respect of the Debt or Debts by him or them proved under such Commission or Commissions of Bankrupt.

Repealing Provision in former Act, constituting Five Directors a Quorum.

XXII. And whereas by the said Act of the Fiftieth Year of the Reign of His present Majesty it was enacted, that not less than Five of the Directors of the said Company should be a Quorum capable of acting, and thereby empowered to act at the ordinary Meetings of the said Directors: And whereas it would facilitate the Dispatch of Business if a less Number of Directors were required to constitute a Quorum; be it therefore further enacted, That so much of the said Act of the Fiftieth Year of the Reign of His present Majesty, as constitutes not less than Five of the said Directors a Quorum capable of acting at the ordinary Meetings of the said Directors, shall be and the same is hereby repealed.

XXIII. And

Three of the Directors to be a Quorum.

XXIII. And be it further enacted, That from and after the passing of this Act, Three of the said Directors shall be a Quorum capable of acting, and are hereby empowered to act at the ordinary Meetings of the said Directors.

Powers of former Acts extended to this Act.

XXIV. And be it further enacted, That all Powers, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said recited Act of the Fiftieth Year of the Reign of His present Majesty, (so far as the same are not by the said recited Act of the Fifty-first Year of the Reign of His present Majesty or by this Act altered, varied, or repealed,) and all the Powers, Provisions, Penalties, Forfeitures, Clauses, Matters, and Things contained in the said recited Act of the Fifty-first Year of the Reign of His present Majesty (so far as the same are not hereby altered, varied, or repealed), shall extend to this Act and the several Matters and Things herein contained, and shall and may be exercised, applied, used, and put in force as effectually for the Purposes of this Act as if the same were herein repeated and re-enacted.

Regulating the Payment of Costs of ascertaining Damages, &c.

XXV. And whereas it is expedient that Provision should be made for the Payment of reasonable Costs, Charges, and Expences, in Cases in which Claims may be made for any Damage which may arise or happen to the Lands, Tenements, or Hereditaments of any Person, from the making the new Docks, Basons, Ponds, Sluices, Entrances, and other Works authorized by the said recited Acts to be made; be it therefore enacted, That from and after the passing of this Act, in case the said Company, and any Person or Persons to whose Lands, Tenements, or Hereditaments any Damage shall arise or happen, cannot agree upon the Compensation or Satisfaction to be made for such Damage, and a Jury shall be summoned, as directed in the said recited Act of the Fiftieth Year of the Reign of His present Majesty, to ascertain the Amount of such Damage, then and in such Case, if the Sum awarded by the Jury shall exceed the Sum which shall previously have been offered or tendered by or on behalf of the said Company, such Person or Persons shall be entitled to and have his, her, or their reasonable Costs and Charges, to be paid by the said Company; and if the Sum awarded by the Jury shall not exceed the Sum which shall have been previously offered or tendered by or on behalf of the said Company, then the said Company shall be entitled to and have reasonable Costs and Charges, to be paid by the Person or Persons to whom the Compensation shall be awarded, in the like Manner as in Cases of Satisfaction awarded by a Jury for the Purchase of Houses, Buildings, Lands, Tenements, or Hereditaments under the Provisions of the said recited Acts; any thing therein contained to the contrary notwithstanding.

Expences of Act how to be paid.

XXVI. And be it further enacted, That the said Directors shall pay and discharge all the Costs and Charges of obtaining and passing this Act with and out of any of the Monies already subscribed or hereafter to be subscribed or borrowed by or for the Use of the said Company, or with and out of the other Monies received or to be received by them, or on account of the said Company.

Public Act. XXVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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