ANNO SEXTO

# GEORGII IV. REGIS.

## *Cap.* lxiv.

**An Act to amend an Act of His late Majesty, for completing and maintaining the *East Country Dock* at *Rotherhithe* in the County of *Surrey*, and to enlarge the Powers of the said Act.**

**[20th *May* 1825.]**

WHEREAS by an Act passed in the Fifty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for completing and maintaining the* East Country Dock *at* Rotherhithe *in the County of* Surrey, divers Provisions and Regulations for the Completion, Maintenance, and Management of the said Dock were enacted, some of which have been found very beneficial, and would be attended with still greater Utility if they were further extended and enlarged, and some of which have been found defective for the Purposes required; and it is expedient to amend the Act accordingly: 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 *Thomas Maltby*, *Robert Grant*, *John Mitchell*, *Richard Farmer*, *John Ward*, *Haskett Smith*, *Thomas Wilson*, and *Brodie Augustus M'Ghie*, shall, from and immediately after the passing of this Act, become and be sole Directors of the *East Country Dock* Company, mentioned by the said recited Act; and that at the Annual General Meeting of the said Company, which in pursuance of this Act will be held in the Month of *May* One thousand eight hundred and

51G.3.c.171.

Appointment of Directors.

and twenty-six, the said *Thomas Maltby*, *Robert Grant*, and *John Mitchell* shall go out of Office, and that at the Annual General Meeting of the said Company in the Year One thousand eight hundred and twenty-seven, the said *Richard Farmer*, *John Ward*, and *Haskett Smith* shall go out of Office, and that at the Annual General Meeting of the said Company, in the Year One thousand eight hundred and twenty-eight the said *Thomas Wilson* and *Brodie Augustus M'Ghie* shall go out of Office; and that each of them the said Directors, and each of the Directors to be appointed annually, as herein-after mentioned, shall continue in Office until the respective Periods mentioned for their respectively retiring from Office, unless he shall die or resign, or dispose of his Shares or Interest in the Stock and Property of the said Company, so as no longer to be possessed of Five Shares therein, in which Case it shall be lawful to and for the Proprietors of the said Company, either at a Meeting of the said Company to be specially called for that Purpose, or at the next or any subsequent Annual General Meeting after such Vacancy, to nominate and appoint by Ballot any Person who shall be then possessed of Five Shares at the least in the Stock and Property of the said Company, to be a new or other Director in the Room of each such Director who shall have died, resigned, or become disqualified, for the Remainder of the Term for which such Director to whom he shall succeed would have been in Office, and so from Time to Time, as often as Occasion shall require; and that at the Annual General Meeting in the Year One thousand eight hundred and twenty-six, and at the Annual General Meeting in every succeeding Year, the Proprietors of the said Company shall appoint by Ballot Three Members of the said Company, being respectively Proprietors of at least Five Shares of the said Stock, to be Directors in the Place of the Directors then going out of Office by reason of the Expiration of the Period of their Appointment, and such Directors so to be appointed shall continue in Office for Three Years, except in case of Death, Resignation, or Disqualification as aforesaid, provided that Persons having served the Office of Directors, or ceasing to be Directors by the Expiration of their Term of Office, shall, if otherwise properly qualified, be eligible to be re-elected, but no Person shall be eligible to be a Director who shall not be a Proprietor of at least Five Shares of the said Stock: Provided always, that in case such Three Directors be not appointed on the Day of the said Annual General Meeting in any Year after the present Year, then and in every such Case another General Meeting of the said Company shall be holden on the same Day in the Week following, for the Purpose of making or completing such Appointment; and in case such Directors shall not then be appointed, then and in every such Case another General Meeting of the said Company shall be holden on the same Day in the Week next following, for the Purpose of making or completing such Appointment, and so *toties quoties*, until such Three Directors shall be chosen, but such Three Directors shall not continue in Office for any longer Time than if they had been appointed on the Day of the Annual General Meeting of the said Company then last past.

Three new Directors to be appointed annually.

In case Directors not appointed at the Annual General Meeting, such Meeting to be adjourned from Week to Week until Appointment complete.

Three Directors to be a Quorum.

II. And be it further enacted, That as well the Powers and Authority by the said recited Act given to, and all Provisions, Matters, and Things by the said recited Act directed or authorized to be done by or to the Directors of the said Company thereby appointed, or any of such Directors, except so far as the same are affected or repealed by this Act, as also the

Powers

Powers and Authority by this Act given to, and all Provisions, Matters, and Things by this Act directed or authorized to be done or approved of by or to the Directors of the said Company, shall and may be executed and done or approved of by, to, or before any Three or more of the Directors appointed or to be appointed by virtue of this Act, and when so done shall be of as full Force and Effect as if executed or done or approved of by or to or before all the Directors of the said Company; and all Acts, Orders, Proceedings, and Determinations of the Directors, made at any Meeting to be held in pursuance of this Act or the said recited Act, consisting of Three or more Directors, wherein the major Part of the Directors present at such Meeting shall concur, shall be as valid and effectual as if all the Directors present at such Meeting had concurred therein.

**Proceedings to be determined by Majority.**

III. And be it further enacted, That the Directors of the said Company, from Time to Time, shall choose from among themselves Two Persons to be the Chairman and Deputy Chairman of the Meetings of the said Directors and of the Meetings of the said Company, and shall and may meet at such Places within the City of *London* or County of *Surrey*, and at such Times as the major Part of such Directors so assembled (the Directors present not being less than Three in Number) shall deem convenient for executing the Powers given them by this Act, or contained in the said recited Act; and that if it shall happen that at any Meeting of the said Directors, or at any General Meeting of the said Company, the Chairman or Deputy Chairman to be chosen as aforesaid, or both of them, shall not attend, it shall be lawful for the major Part of the Directors then present to appoint a Chairman or Deputy Chairman for that Occasion; and that all Motions and Questions to be made and put at the Meetings of the Directors of the said Company, shall be decided by the Votes of a Majority of the Directors then present, and in case of an Equality of Votes upon any Motion or Question (including the Vote of the Chairman or Person supplying his Place) such Chairman or Person supplying his Place shall have the casting Vote.

**Chairman and Deputy Chairman to be chosen.**

IV. And whereas it is by the said recited Act enacted, that a General Court of the said *East Country Dock* Company should be held every Year at such Time as the Directors should appoint: And whereas it is expedient that the said Provision should be repealed; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

**Repeal of General Court annually.**

V. And be it further enacted, That a General Meeting of the Proprietors of the said Company shall be held on the Third *Wednesday* in *May* in the present and every succeeding Year.

**General Meeting.**

VI. And whereas it is by the said recited Act enacted, that all the Messuages, Lands, Tenements, and Hereditaments which then did belong or might thereafter belong to the said Company, and all Buildings, Erections, and other Matters and Things thereon and thereunto belonging, and also all Basins or Docks, Cuts, Quays or Wharfs, Works, Machines, and requisite Roads, Ways, Sluices, Drains, Matters and Things, which should be made, built, provided, or established by the said Company, should be and the same were thereby vested in the said Company: And whereas it is expedient that the said Provision should be repealed; be it therefore

**Provision in former Act vesting the Property in the Company repealed.**

therefore enacted, That the said Provision shall be and the same is hereby repealed.

**Property of the Company vested in Directors.**

VII. And be it further enacted, That all the Messuages, Lands, Tenements, and Hereditaments, and Property of what Nature soever, which now belong or may hereafter belong to the said Company, or shall be hereafter or are now vested in the said Company, or in any Person or Persons, Bodies Politic or Corporate, or Corporations Sole or Aggregate, to the Use of or in Trust for the said Company, and all Buildings, Erections, and other Matters and Things thereunto belonging, and all Basins, Docks, Cuts, Quays or Wharfs, Buildings, Works, Machines, and requisite Roads, Ways, Sluices, Drains, Matters and Things, which have been or shall hereafter be made, built, provided, or established by the said Company, and also all Books, Writings, Papers, and Documents relating to the Affairs of the said Company, and all Sums of Money, or Securities for Money, of whatever Kind the same may be, which do now or shall hereafter belong to the said Company, shall be and the same are hereby vested in the Directors for the Time being of the said Company, and their Successors, for the Use of the said Company, subject to the Securities now vested in the Executors or Representatives of *Joseph Boucock* deceased, for the Payment of Eight thousand Pounds and Interest, during such Time as the same Sum and Interest, or any Costs, Charges, or Expences incurred or to be incurred in respect thereof, or any Part thereof respectively, shall remain due and unpaid.

**Former Powers of creating new Shares recited; and Terms upon which certain Shares were created confirmed.**

VIII. And whereas it is by the said recited Act enacted, that it should and might be lawful to and for the said Company to raise and contribute amongst themselves a competent Sum of Money for completing and maintaining the said Dock or Docks, and all the Feeders, Aqueducts, Ways, Roads, Bridges, Offices, Sluices, Wharfs, and all other Works belonging or requisite thereto, and for paying such Sums of Money as might be due by reason of the Expences then already incurred in making the same, not exceeding in the whole the Sum of Forty thousand Pounds (save and except as therein-after mentioned), in addition to the Sum then already subscribed, and that the same should be divided into Shares of One hundred Pounds each; and the said Shares, as well those then already subscribed for as those which should be thereafter subscribed for, in pursuance of the said Act, should be and were thereby vested in the several Persons so subscribing, and their several and respective Executors, Administrators, Successors and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they should severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who should severally subscribe for One or more Share or Shares, or such Sum or Sums as should be demanded in lieu thereof, towards completing the said Dock or Docks, and other the Purposes of the said Subscription, should be entitled to and receive the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that should and might arise and accrue by the Tolls, Rates, Wharfage, and other Sums of Money to be raised, recovered, and received by the said Company by the Authority of the said Act: And whereas it is by the said recited Act also further enacted, that in case the Money therein-before authorized to

be raised should be found insufficient for the completing and maintaining the said Docks or Dock, and other Works thereby authorized to be made, and all other necessary Charges and Expences relating thereto, then and in such Case it should and might be lawful to and for the said Company to raise and contribute amongst themselves, in manner and form aforesaid, or to raise by the Admission of new Subscribers (the Consent of a General Meeting being previously had and obtained for that Purpose), any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding in the whole the Sum of Twenty thousand Pounds; and every Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, subscribing towards raising such further or other Sum of Money, should be deemed a Member or Members of the said Company, and should have all Rights and Privileges of the said Company, in as full and perfect a Manner as if he, she, or they had been nominated and appointed at the General Meeting holden for the Purposes of the said Act, and should also be liable to such Forfeitures, and be interested in all the Profits of the said Undertaking, in proportion to the Sum he, she, or they should or might subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum thereby allowed to be subscribed for and raised had originally been Part of the said first Sum: And whereas in the Year One thousand eight hundred and thirteen the then Directors of the said Company, being in want of Money for the Purpose of completing and maintaining the said Dock, did borrow of different Proprietors Sums of Money amounting to the Sum of Six thousand one hundred and thirty Pounds, and did stipulate that the same Sums should be repaid at the End of Three Years from the Time of borrowing the same, with Interest in the meantime, at the Rate of Five Pounds *per Centum per Annum*: And whereas at the Expiration of the said Three Years the Directors of the said Company, being unable to repay the Advances so made to them, did, with the Consent of the Proprietors of the said Company, pass a Resolution for the Repayment of such Advances to any Persons willing to accept such Payment in Shares at the then Market Price Value of such Shares: And whereas the greater Number of the said Proprietors who had made such Advances availed themselves of the Offer so made to them, and by these Means Two hundred and thirty-five additional Shares were created: And whereas it is expedient that the Creation of the said Shares should be confirmed; be it therefore further enacted, That the Acts of the said former Directors, and of all other Persons, in respect of the Creation and Acceptance of the said Shares, and in all Matters and Things incident thereto, be confirmed, and be made valid in all respects, as if the same had been done under the Provisions of the said recited Act; and that the said Proprietors who accepted such Shares shall be considered Holders of all the Shares so taken in Payment of such Advances, for every Purpose, as if they had been originally Shareholders under the Provisions of the said recited Act, and the same shall be deemed good and valid Shares to all Intents and Purposes whatever, without being subject to any further Payment or Call in respect thereof.

Repeal of Provision respecting Shares.

IX. And whereas it is expedient that so much of the said Act should be repealed; be it therefore enacted, That so much of the said recited Act shall be and the same is hereby repealed.

Enabling the Directors to raise a further Sum of Money.

X. And be it further enacted, That in case the present Capital Stock of the said Company shall be hereafter deemed insufficient by the Directors for the Time being, for maintaining, enlarging, extending, or improving the said Dock and other Works, Buildings, and Property of the said Company, it shall be lawful for the said Directors to raise the Sum of Thirty thousand Pounds, and every or any Part thereof, at any one Time, or at different Times, and from Time to Time, by the Sale and Disposal to any Person or Persons of such Number of Shares in the Stock and Property of the said Company, as shall be required and necessary for that Purpose, and such Shares, when so sold and disposed of, shall be deemed to be of the Value of One hundred Pounds each, and shall be entered accordingly in the Register Book kept by the said Company; and the Holders of such new Shares shall be deemed and considered, and shall be Proprietors of the said Stock and Property of the said Company, and shall be entitled in respect of such new Shares to the same Rights and Privileges, and shall have the same Powers and Authorities as the Proprietors of the present Shares of the said Stock and Property of the said Company; and all the Clauses, Provisoes, Penalties, Restrictions, and Provisions in this Act or in the said recited Act, except so far as the same are affected or repealed by this Act, shall extend to and be construed to extend to, and be in full Force and Effect with respect to the said new Shares, and the Proprietors thereof, except as to the Time or Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Time and Times, and the Amount of such Calls respectively, shall from Time to Time be appointed by the Directors of the said Company.

Secretary to sue for Subscriptions.

XI. And be it further enacted, That as well with respect to the original subscribed Shares, and the said Shares created as aforesaid, and also as to all Shares to be hereafter raised or created, it shall be lawful for the Treasurer or Secretary for the Time being of the said Company, in his Name, to sue for and recover in any Court or Courts of Law or Equity (as the Case may require), every or any Subscription or Share, or any Part thereof, or the Monies payable in respect of such Subscription or Share, or any Part thereof, which now do or shall hereafter remain due and payable, or which have been or shall be hereafter neglected or refused to be paid, according to the Provisions contained in this Act or the said recited Act, except so far as the same is affected or repealed by this Act, and also the Forfeiture or Penalty incident to or consequent upon such Neglect or Refusal as aforesaid; and further, that the Provisions of this Act and the said recited Act, so far as the same are not affected or repealed by this Act, in relation to the Forfeitures of any Share or Shares, shall also extend to the original Shares of the said Company, created previously to the said recited Act, and every of them, upon which any Call or Calls shall not have been paid.

Former Power of raising Money by Mortgage repealed.

XII. And whereas by the said recited Act it is enacted and provided, that in case the said Company should be desirous of raising a Sum not exceeding Twenty thousand Pounds by Mortgage of the said Undertaking, or should at any Time thereafter be desirous of raising by such Mortgage a Sum not exceeding Twenty thousand Pounds of the Capital Sum subscribed, it should and might be lawful to and for the said Company to

borrow and take up at Interest all or any Part of the said Sums on the Credit of the Rates, Tolls, or Profits of the said Docks, and to assign the Property of the said Docks, and the Rates and Profits arising or to arise to the said Company by or from the said Docks, or to mortgage any Part or Parts thereof, (the Costs and Charges of assigning the same to be paid out of such Rates and Profits) as a Security to any Person or Persons, or to his, her, or their Trustee or Trustees, who should advance the same; all which said Assignments should be made and signed by Three or more of the Directors of the said Company, and should be in the Form or to the Effect following; (that is to say),

'BY virtue
'we, the Company of Proprietors of the *East Country Dock* Company,
'in consideration of the Sum of
'to us in Hand paid by of
'do hereby bargain, sell, and assign to the said his
'Executors, Administrators, and Assigns, the said Dock or Docks, and
'all and singular the Profits arising therefrom or payable to us by virtue
'and all our Estate, Right, Title, and
'Interest of and in and to the same; to hold unto the said *A. B.*, his
'Executors, Administrators, and Assigns, until the said Sum of
'with Interest for the same after the Rate of
'*per Centum per Annum*, shall be fully paid and satisfied.'

And all and every Person or Persons to whom such Assignment should be made should be equally entitled, one with the other, to their Proportions of the said Rates and Profits, and Purchases, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference whatsoever, and the Date, Name or Names of Assignees, with their Addition or Additions, the Sum of Money borrowed, and the Rate of Interest, should, within Twenty-one Days from the Date of every such Assignment, be entered in One or more Book or Books to be kept by the Clerk to the said Company, which Book or Books should and might be inspected at all reasonable Times by any of the Proprietors or Creditors of the said Dock, and any other Person or Persons interested therein, upon Payment for every such Inspection of the Sum of Two Shillings and Sixpence; and the Person or Persons to whom such Assignment should be made as aforesaid, or who should be entitled to the Money due thereon, should and might from Time to Time transfer his, her, or their Right or Interest therein to any Person or Persons, by Writing under his, her, or their Hand and Seal or Hands and Seals, in the Form and to the Effect following; (that is to say),

'I *A. B.*, in consideration of the Sum of paid
'by the said *C. D.* of do hereby
'transfer a certain Mortgage made by the Company of Proprietors of
'the *East Country Docks*, bearing Date the Day of
'for securing the Sum of and all the Interest
'now due and to become due thereon, and all my Right and Property
'therein, to the said *C. D.*, his Executors, Administrators, and Assigns.
'Dated this Day of

And every such Transfer should, within Seven Days after the Date thereof, be produced to the Solicitor or Clerk of the said Company, who should cause a Memorial to be made thereof, for which the Solicitor or Clerk should

should be paid the Sum of Five Shillings and no more, and every such Entry made of such Transfer should from thenceforth vest all Interest in the said Mortgage in the Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns; and the Interest of the Money which should be borrowed or raised by Mortgage as aforesaid should be provided for and paid to the several Persons entitled thereto, before any Interest or Dividends due to the said Company of Proprietors, or any of them, should be paid, made, or divided: And whereas it is expedient that the said Provision or Enactment for raising Money by Loan should be repealed, and that Powers of borrowing Money upon the Terms and in Manner herein-after mentioned should be given to the Directors of the said Company; be it therefore enacted, That the said Provision or Enactment for raising Money by Loan be repealed; and further, that in case the said Sum of Eight thousand Pounds now due to the Representatives of the said *Joseph Boucock* deceased, and all Interest due and to grow due thereupon, shall have been previously paid, or in case the Money to be borrowed as herein-after mentioned, or a sufficient Part thereof, shall be applied in full Satisfaction and Discharge of the said Principal Sum and Interest, it shall and may be lawful for the said Directors, if they shall deem it adviseable, to borrow and take up at Interest, from Time to Time and at any Time or Times thereafter, on the Security or Securities herein-after mentioned, and for any limited or definite, or unlimited or indefinite Period of Time, such limited or definite Period of Time (if any) being mentioned or subscribed in or under or at the Foot of such Security or Securities, any Sum or Sums of Money, so as not to exceed at any one Time the Sum of Twenty thousand Pounds; and in order to raise such Sum or Sums of Money, or any Part or Parts thereof, the Directors for the Time being of the said Company, or any Three of them, shall and may, at the Costs and Charges of the said Company, convey and assign all or any Part of the said Docks, and the Property therein, and the Rates and Profits thereof, and the Fee Simple of and in the said Docks, and the Lands and Hereditaments of the said Company, and the absolute Interest in the Effects, present and future, of the said Company, as a Security or Securities for the Repayment of any such Sum or Sums of Money so to be borrowed, together with Interest, to such Person or Persons, Body or Bodies Politic or Corporate, as shall advance or lend the same, or his, her, or their Trustee or Trustees, Nominee or Nominees, Heirs, Executors, or Administrators, by the following Form of Conveyance and Assignment, or by any other Words to the same Effect; (that is to say),

**Directors may borrow any Sum not exceeding 20,000*l.* by way of Mortgage according to the Form annexed.**

**Form of Mortgage.**

'BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend an Act of His late Majesty, for completing and maintaining the* East Country Dock *at* Rotherhithe *in the County of* Surrey, *and to enlarge the Powers of the said Act,* we  being Three of the Directors of the *East Country Dock* Company, in consideration of the Sum of  of lawful Money of *Great Britain* to us in Hand paid by  of  do hereby grant, bargain, sell, convey, and assign unto the said  his [her *or* their] Successors, Heirs, Executors, Administrators, and Assigns respectively [*as the Case may be*], all and singular the said *East Country Dock*, and all the Lands and Hereditaments, and Real and Personal Property of the said Company, and all and singular the Rates and Profits thereof respectively, and all the

Estate,

Blank

'Estate, Right, Title, and Interest of the said Company of, in, to, or 'out of the same, to hold the same unto the said 'his [her *or* their] Successors, Heirs, Executors, Administrators, and 'Assigns respectively [*as the Case may be*] until the said Sum of 'together with Interest for the same, computed from the Date hereof, 'after the Rate of *per Centum per Annum*, shall be repaid and 'satisfied. Dated the Day of

} Directors.'

And all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, to whom any such Conveyance and Assignment, or Conveyances or Assignments, shall be made, shall be equally entitled to the Property so mortgaged, and the Rates, Issues, and Profits thereof, proportionably according to the respective Sums in such Conveyance and Assignment mentioned to be advanced, to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Conveyance and Assignment, or on any other Account whatsoever; and the Money so borrowed as aforesaid shall be applied in maintaining or extending or improving the said Dock, and Property or Business of the said Company, or in the Repayment of any other Loan or Loans, Debt or Debts, now or to be hereafter due from the said Company; but that no Person or Persons, Body Politic or Corporate, advancing or lending such Money, and having obtained such Security as aforesaid, shall be concerned to see to the Application, or be answerable for the Misapplication thereof or of any Part thereof.

Entries of Mortgages to be made.

XIII. And be it further enacted, That Entries or Memorials of every such Conveyance and Assignment, containing the Dates, Names of the Parties, and Sums of Money borrowed, and the Period of Time for which the same shall be borrowed, where the same shall be definite or limited, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks of the Company, which Book or Books shall and may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Company, without Fee or Reward; and that all and every Person and Persons, Body or Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, to whom any such Conveyance and Assignment, or Conveyances and Assignments, shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, personally or by Attorney thereunto lawfully authorized, convey, assign, or transfer his, her, or their Estate, Right, Title, Interest, or Benefit in and to the Principal and Interest Money thereby secured, and in and to the said Docks, and the Rates and Profits thereof, and in and to the Lands, Hereditaments, and Property of the said Company, to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, whatsoever, his, her, or their Successors, Heirs, Executors, Administrators, and Assigns respectively, by indorsing or writing on the Back of such Security, or on any Paper or Parchment thereto annexed, before a credible Witness, who shall subscribe his Name thereto, the following Words, or Words to the like Effect; (that is to say),

Power to transfer Mortgages.

Form of Transfer.

'I DO grant, convey, and transfer the within [*or* above] Conveyance and 'Assignment, with all my Right and Title to the Principal Money 'thereby secured, and to all the Interest Money thereon now due, or here-after

'after to become due, and all my Estate and Interest in the Docks, Lands, 'Hereditaments, and Property of the *East Country Dock* Company, and 'the Rates and Profits thereof, unto of 'his, her, or their Successors, Heirs, Executors, 'Administrators, and Assigns respectively [*as the Case may be.*] Dated 'this Day of

'Witness *A. B.* *E. F.*'

**Entries of Transfers to be made.**

Which Transfer shall, within Ten Days after the Date thereof, be produced and notified to the said Clerk or Clerks, who shall cause an Entry or Memorial to be made thereof, containing the Date, Names of Parties, and Sums of Money therein transferred, in the said Book or Books to be kept for the entering the said original Conveyances and Assignments; and after such Entry made, and not until then, every such Conveyance and Assignment shall entitle any such Assignee or Assignees, his, her, or their Successors, Heirs, Executors, Administrators, and Assigns, to the Benefit thereof and Payment thereon; and such Assignee or Assignees may convey and assign the same again in manner aforesaid, and so *toties quoties*; and it shall not be in the Power of any Person or Persons who shall have made any such Conveyance and Assignment, to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof: Provided nevertheless, that the said Directors may at all Times pay off and discharge all Principal Monies due upon any such Conveyances and Assignments, unless it shall be therein or thereunder stipulated to the contrary, or any Part or Parts thereof, as they shall deem expedient, on giving Six Calendar Months Notice thereof to the Party or Parties then entitled thereto according to the said Books of the said Company, or leaving such Notice at his, her, or their last or most usual Place of Abode in *England*; and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, or such Part or Parts thereof as aforesaid, unless any Delay shall arise in the Repayment thereof by the Act, Neglect, or Default of the said Directors.

**Directors may pay off Money borrowed.**

**Interest of Money borrowed to be paid in preference to Dividends.**

XIV. And be it further enacted, That the Interest of the Money which shall be borrowed as aforesaid shall, from the Time the said Money, or any Part thereof, shall have been advanced, be paid Half-yearly to the several Parties entitled thereto, in preference to any Interest or Dividends due and payable to the said Company or any of them, and shall from Time to Time be fully paid and discharged, or effectually provided for, before the yearly or other Interest or Dividends due to the said Company, or any of them, shall be paid.

**Power of Distress, &c. given to Mortgagees.**

XV. And be it further enacted, That every Person or Persons, Body Politic or Corporate, or his, her, or their Trustee or Trustees, Nominee or Nominees, to whom any such Security as aforesaid shall have been given or transferred, his, her, and their Successors, Executors, Administrators, and Assigns, shall and may at any Time or Times after the same shall have actually become due and payable, and during the Continuance of such their Security or Securities as aforesaid, after Six Months previous Demand in Writing having been left with the Treasurer or Secretary for the Time being of the said Company, or at the Office of the said Company, demanding Payment of the Principal Money or Interest due to him, her, or them from the said Company, enter into and upon the said Dock and Property of the said Company, and distrain the Property of the said Com-

pany for the same, and dispose of the Property so to be distrained, as Landlords are authorized to do in relation to Distresses for Rent reserved upon Leases for Years, to the Intent that thereby the Sum or Sums of Money due to the Person or Persons so distraining, and other the Creditors, if any, of the said Company, upon such Securities as aforesaid, may be paid and satisfied proportionably according to the Amount of their respective Debts, and all Expences satisfied incident to making any such Distress or Distresses, or the Proceedings thereunder; and also upon the same Dock and Property, or any Part or Parts thereof in the Name of the Whole, to enter, and the same and every Part thereof to hold, and to receive the Profits thereof for the Benefit of himself, herself, or themselves, and such other Creditors as aforesaid, until thereby or therewith such Sum or Sums of Money as last aforesaid shall be fully paid and satisfied, together with all Expences attending such Proceedings, and such Possession when taken to be without Impeachment of Waste; and further, if by him, her, or them it shall be deemed expedient, to set, let, or manage the said Dock and Property until Repayment of such Sum or Sums of Money as last aforesaid, and Satisfaction of all Expences incident to such Letting and Management, in such Manner and upon such Terms as the Person or Persons so having entered shall think adviseable, and to receive the Rents, Rates, Issues, and Profits thereof, and give effectual Receipts for the same respectively, or any of them, or any Part or Parts thereof.

No Mortgagee to vote.

XVI. Provided always, and be it further enacted, That no Person shall be capable of voting by reason of any Conveyance or Assignment, or any Transfer of the same, at any Meeting of the said Company, for or on account of his or her having lent or advanced any Money on the Credit of such Conveyance, Assignment, or Transfer.

Power to Directors to buy up Shares.

XVII. And be it further enacted, That it shall be lawful for the Directors of the said Company, at any Time or Times, when and so often as they shall think fit, to purchase, on the Account of and for the Benefit of the said Company, any Share or Shares of the said Company, at such Price as they shall deem reasonable, from any Proprietor or Proprietors of such Share or Shares, not being a Director or Directors of the said Company at the Time of such Purchase; and that such purchased Shares shall, upon such Purchase, be cancelled and cease to exist, in like Manner as if such Shares had never been created.

Officers to account.

XVIII. And be it further enacted, That every Secretary, Treasurer, Collector, and Receiver of the said Company, and other Officers and Persons entrusted with the Collection or Receipt or Disbursement of Money on account of the said Company, shall, at such Time and Times, and in such Manner as the said Directors shall order, deliver to the said Directors, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge, and of all Monies which shall have been received by such Officer and Person respectively, by virtue or for the Purposes of this Act or the said recited Act, or otherwise on account of the said Company, and how much thereof have been paid and disbursed, and to whom and for what Purposes, together with Vouchers and Receipts for such Payments, and shall pay all such Money as shall remain due from them respectively to the Bankers of the said Company, or such Person or Persons as the said Directors

Directors shall appoint; and if any such Officer or Person shall refuse or neglect to make and render any such Accounts, or to produce and deliver up such Vouchers and Receipts relating to the same, or to make Payment as aforesaid, or shall refuse or neglect to deliver to the said Directors, or to such Person or Persons as they shall appoint, within Twenty-one Days after being thereunto required by the said Directors, by Notice in Writing to be given to or left at the last known or usual Place of Abode of such Officer or Person, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act or the said recited Act, or to the Affairs of the said Company, and to give Information and Satisfaction to the said Directors respecting the same, then and in every such Case, upon Complaint made by the said Directors, or any One or more of them, or their Secretary, of any such Neglect or Refusal as aforesaid, to any Justice of the Peace for the said County of *Surrey*, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Officer or Person so refusing or neglecting to be brought before him, and upon his appearing, or having been summoned and not appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any Witness or Witnesses upon Oath, it shall appear to such Justice that any of the Money which shall have been collected or raised by virtue of this Act or the said recited Act, or otherwise, on account of the said Company, shall be in the Hands of such last-mentioned Officer or Person, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods and Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money and the Charges for distraining and selling the same, or if it shall appear to such Justice that such Officer or Person has refused or wilfully neglected to render or give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings relating to the Execution of this Act or the said recited Act, or to the Affairs of the said Company, shall be in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same, as aforesaid, then and in any of the Cases aforesaid such Justices shall commit such Offender to the House of Correction for the County of *Surrey*, there to remain without Bail or Mainprize until he shall have made and given a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Directors for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Directors are hereby empowered to make and receive), and until he shall have given up such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to such Justice: Provided always, that no Person who shall be committed by virtue of this Act, on account of not having sufficient Goods and Chattels, shall be detained in Prison for any longer Term than Six Calendar Months: Provided also, that if any Money shall remain due from such Officer or Person, the Commitment of him to Prison shall not be deemed a Discharge for the same, nor exonerate his Surety or Sureties, but such Officer or Person, and his Surety or Sureties, shall remain liable to the Payment thereof, in the same Manner as if such Officer or Person had not been committed to Prison.

XIX. Pro-

Treasurer and Clerk not to be the same Person.

XIX. Provided always, and be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person or Persons who has been or may be appointed their Clerk or Clerks in the Execution of the said Act and this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his, her, or their Partner or Partners, the Treasurer or Treasurers for the Purposes of the said Act and this Act, or to continue or appoint any Person or Persons who has been or may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, the Clerk or Clerks to the said Company; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of the said Act and this Act, or if any Person or Persons, being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks, or of his or their Partner or Partners, shall accept the Office of Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers, or of his or their Partner or Partners, shall accept the Office of Clerk in the Execution of the said Act and this Act, or if any such Treasurer or Treasurers shall hold or accept any Place or Office of Profit or Trust under the said Company, every such Person so offending shall, for every such Offence, forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance, shall be allowed.

Actions and Suits to be brought in the Name of the Treasurer or Secretary.

XX. And be it further enacted, That from and after the passing of this Act all Actions and Suits to be commenced and instituted by or on behalf of the said Company shall or lawfully may be commenced or instituted and prosecuted in the Name of the Treasurer or Secretary of the said Company for the Time being, as the nominal Plaintiff for and on behalf of the said Company; and all Actions and Suits at Law or in Equity, to be commenced and instituted against and answered by the said Company, whether in respect of any past or future Cause or Causes of Action or Suit, shall be commenced, instituted, or prosecuted against the Treasurer or Secretary of the said Company for the Time being, as the nominal Defendant for and on behalf of the said Company; and that no Action or Suit so to be brought or commenced by or against the said Treasurer or Secretary shall abate or be discontinued by the Death, Removal, Resignation, or Default of such Treasurer or Secretary, but shall be continued and be carried on in the Name of the Treasurer or Secretary by or against whom the same shall have been brought or commenced: Provided nevertheless, that the Body or Goods, Chattels, Lands, or Tenements of such Treasurer or Secretary, shall not, by reason of his being Plaintiff or Defendant in any such Action or Suit, be liable to be arrested, seized, detained, or taken in Execution; and provided that all Costs and Expences to be incurred by such Treasurer or Secretary, in prosecuting or defending any Action or Suit, for and on behalf of the said

Actions not to abate by reason of Death, &c. of Secretary.

Secretary or Treasurer not to be personally liable, or deemed inadmissible as Witnesses.

said Company, shall be defrayed out of the Monies of the said Company; and provided that such Treasurer or Secretary shall not on that Account be deemed an inadmissible Witness in any such Action or Suit.

Indictments, &c. to be preferred in the Name of Secretary.

XXI. And be it further enacted, That it shall be lawful for the said Company to prefer any Indictment or Indictments, or Information or Informations, against any Person or Persons, for any Offence committed against the said Company in any Matter or Thing relating to the said Company, or as to any Goods, Chattels, or Property of or belonging to the said Company, or vested in the Directors of the said Company, or as to any Goods, Chattels, or Property in their Custody, or in the Custody of any Officer or Servant of the said Company, or Officer of Customs or Excise, for and on behalf of the said Company, or of any other Person or Persons having deposited such Goods, Chattels, or Property in the Care or Custody of the said Company, or their Officers or Servants, or in any of the Docks, Wharfs, Warehouses, or Premises belonging to the said Company; and the Name of such Treasurer or Secretary may be used in all such Indictments, Informations, and in all other legal Proceedings as to any such Matters, Things, Goods, Chattels, or Property, as and for the said Company; and no Action, Suit, or Information, brought, commenced, or prosecuted by or against the said Company in the Name of such Treasurer or Secretary, shall abate or be discontinued by the Death, Suspension, Removal, Resignation, or other Act of any such Treasurer or Secretary; and in any such Indictment or Information as to any of such Goods, Chattels, or Property, the same may be laid and stated to be the Goods, Chattels, and Property of the said *East Country Dock* Company, and in proof of the same being the Property of the said *East Country Dock* Company on any such Indictment or Information, it shall be sufficient to prove that such Goods, Chattels, or Property were at the Time of the Offence committed in or on any of the Docks, Wharfs, Warehouses, Vaults, Works, or Premises belonging to the said Company, or vested in the said Directors to the Use of the said Company, or in the Custody of any Officer or Servant of the said Company, or Officer of Customs or Excise, for and on behalf of the said Company, or of any Person or Persons having deposited the same with the said Company.

How Debts may be proved in Cases of Bankruptcy.

XXII. And be it further enacted, That in all Cases under any Commission of Bankruptcy which shall 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 have or shall or may have any Claim or Demand, it shall be lawful for the Treasurer or Secretary for the Time being of the said Company, or any Person who shall from Time to Time in that Behalf be appointed, by Writing under the Hand of the Treasurer or Secretary of the said Company for the Time being, to appear, and he is hereby authorized 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 Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Commission, and the said Treasurer or Secretary for the Time being, or such Person so to be appointed, shall in all such Cases be admitted and allowed to make Proof, or Tender, or Claim, under any such Commission,

sion, on behalf and for the Benefit of the said Company, in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees, and signing Certificates, and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person being a Creditor of such Bankrupt or Bankrupts in his own Right would have in respect of the Debt proved by him under such Commission; and it shall be lawful for the Treasurer or Secretary of the said Company to sue out a Commission of Bankrupt against any Person or Persons subject to the Bankrupt Laws, indebted to the said Company in the Sum of One hundred Pounds or upwards, and to do all Acts as a Petitioning Creditor or otherwise for perfecting and establishing a Commission of Bankrupt against such Person or Persons, in like Manner in all respects as if the Debt due to the said Company were due to the said Treasurer or Secretary solely, and not further or otherwise.

Secretary may give Releases.

XXIII. And be it further enacted, That in all Actions at Law or Suits in Equity, and in all Proceedings under this Act or the said recited Act, or otherwise, for or on behalf of or against the said Company, or the Treasurer or Secretary thereof, and also in all Prosecutions or Informations by or on behalf or against the said Company, or the Treasurer or Secretary thereof, and in all Arbitrations, References, or other Proceedings in or consequent upon, or arising out of any such Actions, Suits, or Proceedings, save as to the Remedies of the Executors and Representatives of the said *Joseph Boucock*, as Mortgagee as aforesaid, it shall be lawful for the Treasurer or Secretary of the said Company for the Time being, in his own Name, for and on behalf of the said Company, to make, sign, seal, execute, and deliver all and every such general or other Release or Releases, as may be or be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all and every or any Person or Persons who shall or may be produced as a Witness or Witnesses in any such Actions, Suits, Proceedings, Informations, Arbitrations, References, or other Proceedings, from all or any Claims or Demands which may be or be deemed to be necessary to be released by the said Company, to qualify such Person or Persons to give Evidence as a Witness or Witnesses in any such Action, Suit, Prosecution, Information, Arbitration, Reference, or other Proceeding; and every such Release shall be a valid and effectual Release; and also in any such Action, Suit, Information, Arbitration, Reference, or other Proceedings, to do any other Act, Matter, or Thing which any Party in his own Right might do in any Action, Suit, Information, Arbitration, Reference, or other Proceeding; and every such Release shall be a valid and effectual Release, and every such Act, Matter, or Thing shall be as effectual as if done by a Party in his own Right.

Directors not personally answerable for Acts legally done as Directors.

XXIV. And be it further enacted, That none of the Directors of the said Company hereby appointed, or hereafter to be appointed under the Authority of this Act, shall, by reason or means or on account of their or his being Parties or Party to, or making or signing or executing, in their or his Capacity of Directors or Director of the said Company, any Contract, Covenant, or Agreement, Assignment, Conveyance, or Security for and on behalf of the said Company under or by virtue of this Act, or otherwise lawfully executing any of the Powers or Authorities by this Act given to, or now or hereafter to be vested in them or any of them, be subject

subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person or Persons whomsoever, in any Court of Law or Equity, or elsewhere; and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors, or any of them, shall not, by reason or on account or in consequence of any such Covenant, Contract, Agreement, Conveyance, Assignment, or Security so to be entered into or made, signed or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them, in the Execution of any of the Powers or Authorities given to or now or hereafter to be vested in them or any of them, be liable to be arrested, detained, or taken in Execution, but that in every such Case any Person or Persons making any Claim or Demand upon the said Company, or upon any Director or Directors thereof, under or by virtue of any such Contract, Covenant, Assignment, Conveyance, or Security, or other lawful Act or Acts, may sue or implead the said Company in the Name of the Treasurer or Secretary, as provided by this Act, in like Manner as if such Contract, Covenant, Agreement, Conveyance, Assignment, or Security had been entered into and executed by such Treasurer or Secretary for and on behalf of the said Company, or such other Act or Acts had been done by him; and the Party or Parties so suing or impleading shall be entitled to the same Remedies as are provided by this Act in Cases where Authority is hereby given to sue and implead the said Company in the Name of the Treasurer or Secretary thereof, but not to any further or other Remedy whatsoever.

Penalty on Witnesses for Non-attendance.

XXV. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justice or Justices of the Peace, touching any Matter contained in any Information or Complaint for any Offence against this Act or the said recited Act, or against any Bye Law, Rule, Order, or Regulation of the said Company, either on the behalf of the Prosecution, or on behalf of the Person or Persons accused, and shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, after having been paid or tendered a reasonable Sum of Money for his or her Costs and Expences, without a reasonable Excuse for such Non-appearance being given, at such Time and Place, to the Satisfaction of such Justice or Justices, or appearing shall refuse to be examined on Oath or Affirmation, or to give Evidence touching the Matter in question before such Justice or Justices, then and in every such Case every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Ten Pounds, to be recovered as other Fines and Penalties are by this Act or the said recited Act recoverable.

Power to Justices of the Peace to administer Oaths to Witnesses.

XXVI. And be it further enacted, That in all Cases where the Provisions of this Act or the said recited Act direct or require the Oath or Affirmation of any Witness or Witnesses to be had or taken in any Proceeding or Proceedings before any Justice or Justices of the Peace, he and they is and are hereby respectively authorized and required to administer such Oath or Affirmation.

Verdict, &c. not to be quashed for Want of Form, or be removed by Certiorari.

XXVII. And be it further enacted, That no Order, Verdict, Judgment, Conviction, or other Proceeding touching or concerning any Offence against this Act or the said recited Act, or against any Bye Law made or to be made by Authority thereof respectively, shall be quashed or vacated for want of Form only, or be removed or removable by Certiorari, or any other

other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; any Law or Statute to the contrary thereof in anywise notwithstanding.

**For securing transient Offenders.**

XXVIII. And be it further enacted, That it shall and may be lawful for any of the said Directors, or for any of the Surveyors, Collectors, or other Officers of the said Company, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Directors, Surveyors, Collectors, or Officers) who shall commit any Offence or Offences against this Act or the said recited Act, or any Bye-Law made or to be made in pursuance thereof respectively, and to deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before any Justice or Justices of the Peace for the County of *Surrey*; and such Justice or Justices is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act or the said recited Act, as the Case may require.

**Provisions of former Act to extend to this Act.**

XXIX. And be it further enacted, That all and every the Enactments and Provisions contained in this Act shall, in the Execution of the said recited Act, be applied and construed as if the same Enactments and Provisions were specifically enacted in the said recited Act; and that the said recited Act, and the several Powers, Provisions, Penalties, and Exemptions, Matters and Things therein respectively contained (except so far as the same are by this Act affected, varied, altered, or repealed), shall be and continue in full Force, and shall be applied and extended to and incorporated, construed, and executed with this Act, as fully and effectually to all Intents and Purposes as if the same were severally and respectively herein repeated and enacted.

**Saving Rights of Representatives of Joseph Boucock, deceased.**

XXX. Saving always to the Representatives of the said *Joseph Boucock* deceased, all such Estate, Right, Title, Interest, Power, and Rights of Sale (if any), Securities, Remedies, Claims, and Demands, as they, any or either of them, had before the passing of this Act, or could or might have had, held, enjoyed, or been entitled to, in case this Act had not been passed; so that all Remedies which they could otherwise have against the Company collectively, be taken against the Secretary or Treasurer of the said Company for the Time being, which they are hereby authorized to take accordingly.

**Not to prejudice the Powers of the Commissioners of Sewers for Surrey and Kent.**

XXXI. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to prejudice, diminish, alter, or take away any of the Rights, Powers, or Authorities vested in the Commissioners of Sewers for the Limits extending from *East Moulsey* in the County of *Surrey* to *Ravensborne* in the County of *Kent*, but all the Rights, Powers, and Authorities vested in them shall be as good, valid, and effectual as if this Act had not been passed.

**Expences of Act.**

XXXII. And be it enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and incident thereto, shall be paid by the Treasurer or Directors of the said Company out of the Monies of the said Company.

Public Act. XXXIII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1825.