ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

Cap. lxix.

An Act for enabling the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money, and for amending some of the Provisions of the Acts relating to such Company.

[28th *July* 1849.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and establishing public Quays or Wharfs at* Kingston-upon-Hull, *for the better securing His Majesty's Revenues of Customs, and for the Benefit of Commerce in the Port of* Kingston-upon-Hull; *for making a Basin or Dock, with Reservoirs, Sluices, Roads, and other Works, for the Accommodation of Vessels using the said Port; and for appropriating certain Lands belonging to His Majesty, and for applying certain Sums of Money out of His Majesty's Customs at the said Port, for those Purposes; and for establishing other necessary Regulations within the Town and Port of* Kingston-upon-Hull: And whereas another Act was passed in the Forty-second Year of the Reign of His said Majesty, for the Purpose of amending the Act aforesaid, and for making additional Basins or Docks at *Kingston-upon-Hull*, with an Entrance into the same from the River *Humber*, and for granting certain Lands belonging

14 G. 3. c. 56.

belonging to His Majesty in aid of such Works: And whereas another Act was passed in the Forty-fifth Year of the Reign of His said Majesty, intituled *An Act for raising a further Sum of Money, for carrying into execution the Act passed in the Forty-second Year of the Reign of His present Majesty for making additional Basins or Docks at* Kingston-upon-Hull: And whereas another Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making new Docks and other Works connected therewith, in addition to the present Docks, at* Kingston-upon-Hull, *and for amending the Acts relating to such last-mentioned Docks:* And whereas another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act for amending the Acts relating to the Docks at* Kingston-upon-Hull, *and for enlarging one of the said Docks:* And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said Majesty, intituled *An Act for removing Doubts as to the Purchase of Lands by the Dock Company at* Kingston-upon-Hull, *in certain Cases:* And whereas the Dock Company incorporated by the firstly-recited Act have proceeded in the Execution of the Works authorized to be made by the fourthly-recited Act, and have made great Progress in the Construction of such Works, and the same, when completed, will be of great public Advantage: And whereas the Sum of Four hundred thousand Pounds, authorized to be raised by the said fourthly-recited Act, has been wholly expended upon the Works authorized by the said Act, and which said Works are still incomplete, and it is expedient that the Company should be authorized to raise a further Sum of Money for the Completion thereof: And whereas it is expedient that some of the Powers and Provisions of the said Acts should be amended and enlarged; but the Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Acts (except such as are altered, repealed, or otherwise provided for,) shall, so far as the same are applicable, extend to this Act, and to the several Purposes and Things hereby authorized, as fully and effectually as if the same Provisions, Matters, and Things were repeated in this Act in reference to such Purposes and Things.

45 G. 3. c. 42.

7 & 8 Vict. c. 103.

8 & 9 Vict. c. 5.

10 & 11 Vict. c. 283.

Powers of recited Acts extended to this Act.

Power to borrow Money on Mortgage, &c.

II. And be it enacted, That it shall be lawful for the Company to borrow on Mortgage or Bond, in addition to the Sums of Money authorized to be raised by the said recited Acts or any of them, such further Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rates and Duties arising by virtue of the said recited Acts and this Act, or to give Bonds in manner herein-after mentioned.

III. And

III. And be it enacted, That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time, but such Power of reborrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so reborrowed in order to pay off any existing Mortgage or Bond. Reborrowing.

IV. And be it enacted, That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage, Deed, or Bond may be according to the Forms set forth in the Schedule (A.) or (B.) annexed to the said fourthly-recited Act, or with such Variation in such Form as the Circumstances of the Case may require. Mortgages and Bonds.

V. And be it enacted, That all Mortgages and Bonds already granted under the Powers of the said recited Acts or any of them shall have Priority over the Mortgages and Bonds by this Act authorized to be given. Mortgages under former Acts to have Priority.

VI. And be it enacted, That, (subject, as aforesaid, to the Rights of existing Mortgagees and Bondholders,) the respective Mortgagees shall be entitled one with another to their respective Proportions of the Rates and Duties comprised in such Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever. Rights of Mortgagees.

VII. And be it enacted, That (subject, as aforesaid, to the Rights of existing Mortgagees and Bondholders,) the respective Obligees in the Bonds granted by virtue of this Act shall proportionably, according to the Amount of the Monies secured thereby, be entitled to be paid out of the said Rates and Duties the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the said Mortgagees under this Act, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever. Rights of Obligees.

VIII. And be it enacted, That every Transfer of any Mortgage or Bond shall be by Deed duly stamped, wherein the Consideration shall be truly stated. Transfers to be stamped.

IX. And be it enacted, That the Provisions contained in the said fourthly-recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty relating to the Registry of Mortgages and Bonds, the Transfer of Mortgages and Bonds, and the Registry of such Transfers, the Payment of the Interest and the Repayment of Principal, and the Appointment of a Receiver, shall extend and be applicable Provisions in recited Act as to Mortgages and Bonds extended to this Act.

applicable to the Mortgages and Bonds by this Act authorized to be granted.

Restrictions as to casting Mud into the Humber.

X. And be it enacted, That from and after the Expiration of Four Years from the passing of this Act, if any Mud or Soil, whether dredged or lifted from the *Humber* Docks or old Harbour, or otherwise arising, shall be thrown by the Company or any Person or Persons whomsoever into the River *Humber*, in each and every Case the Company and every Person so throwing any such Mud or Soil into the River *Humber* shall forfeit and pay a Sum not exceeding the Sum of Ten Pounds, over and besides all Expenses which may be incurred by or under the Direction of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, in removing to a proper Place any such Mud or Soil which may have been thrown into the said River *Humber*, which Expenses may be recoverable as a Penalty, or as Debt due to Her Majesty, with Costs of Suit: Provided always, that if any general Act shall hereafter pass relating to the Conservancy and Regulation of Tidal Rivers, and the casting of Mud therein, then the said Company shall at the Expiration of the said Four Years, or upon the Commencement of such general Act, if passed, after the Expiration of the said Four Years, be subject to the Provisions of such general Act, and the Provisions in this Act contained with reference thereto shall cease and determine; provided also, that in the meantime no such Mud or Soil as aforesaid shall be cast into the said River *Humber* by the said Company or any other Person to the Westward of a Line to be drawn in a Southward Direction across the said River from the Westward Entrance from the said River into the new Dock called the *Victoria* Dock, nor at any other Time of the Tide than between the Period of High Water and the End of the Second Hour after High Water.

Penalty.

Company may purchase Land by Agreement for Deposit of Mud.

XI. And whereas the Company will require for the Deposit of the Mud from the Docks a considerable Quantity of Land at a Distance from the Town of *Kingston-upon Hull*: Be it enacted, That it shall be lawful for the Company to provide Places of Deposit for the Mud taken from the Docks or from the old Harbour, and for such Purpose from Time to Time to purchase from any Person willing to sell the same any Quantity of Land not exceeding One hundred Acres, and with reference to such Purchases the Clauses in the Lands Clauses Consolidation Act, 1845, with respect to the Purchase of Lands by Agreement, shall be incorporated with and form Part of this Act.

Company to cleanse old Harbour.

XII. And be it enacted, That, except as herein-after provided, the Company shall, within One Year from the passing of this Act, cleanse the old Harbour, and shall remove all Obstructions to the Ebb and Flow of the Tide therein, according to such Plan as shall be directed or approved of by the Lord High Admiral, or by the Commissioners for executing the Office of Lord High Admiral, such Direction or Approval to be signified in Writing under the Hand of the Secretary of the Admiralty: Provided always, that if within One Year from the passing of this Act legal Proceedings shall be taken by the Company, or by any Corporation, Commissioners, or Person, against any other

Corporation, Commissioners, or Persons, for the Purpose of fixing upon such last-mentioned Corporation, Commissioners, or Persons the Liability to cleanse the said old Harbour, and to remove Obstructions therein, then and in such Case the Liability of the said Company to perform such Works under the Provisions in this Act contained shall be extended to a Period of Three Years, computed from the passing of this Act, provided that if the said Liability shall at any Time be fixed upon such other Corporation, Commissioners, or Persons, no greater or other Liability to perform such Works shall thereafter attach to the said Company than if this Act had not been passed: Provided always, that nothing in this Act contained shall exonerate or discharge any Corporation, Company, Commissioners, or Person or Persons, if any, from the Liability to cause such cleansing or Removal as aforesaid; and if the said Company shall, in compliance with this Act, or under the Direction and Approval aforesaid, spend any Money in cleansing the said old Harbour, and removing the Obstructions therein, and the Liability to do such Work shall at any Time be fixed upon some other Corporation, Commissioners, or Persons, the said Company may and shall be entitled to recover the Amount so expended from the Corporation, Commissioners, or Persons so fixed with such Liability, as a Debt due to the Company, by virtue of this Act, with Costs of Suit.

Works on the Shore of the River not to be constructed without the Authority of the Commissioners of Woods, &c., and of the Admiralty.

XIII. And be it enacted, That the Company shall not construct the Docks or Piers, or any Part thereof, or any Works connected therewith, on any Part of the Shore of the River *Humber* or the River *Hull* where and so far up the same as the Tide flows and reflows, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of Two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall approve of, such Approval being signified as last aforesaid; and where any such Work shall have been constructed with such Consent as aforesaid the Company shall not at any Time alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Work shall be commenced, completed, altered, or extended without such Consent and Approval the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may abate and remove the same, and restore the Site thereof to its former Condition, at the Costs of the Company, and the Amount of such Costs shall be a Debt due to the Crown, and be recoverable against the Company accordingly.

Before Alterations in Plans are executed they shall be approved by the Admiralty and by the Commissioners of Woods, &c.

XIV. And be it enacted, That if the Company propose to make any Deviations from or Alterations in the Plans of their Works, they shall, before adopting and carrying such Deviations or Alterations into execution, submit the Plans thereof to the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, and also to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and no Deviations from or Alterations in the deposited Plans shall be adopted by the Company unless approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the said Commissioners respectively, signified in manner aforesaid, or otherwise as they shall think proper.

Admiralty may cause local Survey to be made, at the Expense of the Company.

XV. And be it enacted, That if after working Drawings of the Works which may be hereafter constructed by the said Company shall have been submitted to the Lord High Admiral of the United Kingdom, or to the Commissioners for executing the Office of Lord High Admiral, it shall be deemed expedient by him or them to order a local Survey and Examination of such Works or of the intended Site thereof, the Company shall defray the Costs of such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid, upon Demand, may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

If Works across Tidal Waters are abandoned, Admiralty may remove them, at the Expense of the Company.

XVI. And be it enacted, That if any Work now or hereafter to be constructed by the Company in or across any Tidal Water, or if any Portion of the Work which affects any such Water or River, or Access thereto, shall be abandoned, or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit.

A self-registering Tide Gauge and Barometer to be provided by the Company.

XVII. And be it enacted, That the Company shall, within Three Months after the passing of this Act, provide and always thereafter maintain in good Repair and working Order, in a proper Part of the River near the Entrance of the *Victoria* Dock, and in such Manner as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of, an efficient self-registering Tide Gauge, with a Barometer; and the said Company shall cause the daily working and Results of the said Tide Gauge and Barometer, and a daily Account of the State of the Wind and Weather, to be regularly and properly kept, and shall cause the full and true Results and Details thereof to be sent monthly to the Secretary of the Admiralty.

XVIII. And

Penalty for not providing Tide Gauge.

XVIII. And be it enacted, That the Company shall be liable to a Penalty not exceeding Two Pounds for every Twenty-four Hours during which the said self-registering Tide Gauge and Barometer shall not be provided or maintained, or such Account of the Wind and Weather shall not be kept as aforesaid; and they shall be liable to a Penalty not exceeding Ten Pounds for each Month they shall neglect or refuse to send as aforesaid to the Secretary of the Admiralty a full and true Account of the daily Workings of the said Tide Gauge and Barometer, and of the daily State of the Wind and Weather.

Expenses of Act.

XIX. And be it enacted, That all the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act or preparatory thereto shall be paid out of the Funds of the Company, in preference to all other Payments whatsoever.

Short Titles of Acts.

XX. And be it enacted, That it shall be sufficient in this and in all Acts of Parliament, and in legal and other Instruments, when citing the herein-before recited Acts of Parliament, to use concerning the firstly-recited Act (namely, the Act passed in the Fourteenth Year of the Reign of His Majesty King *George* the Third,) the Expression "The *Kingston-upon-Hull* Dock Act, 1774," and in citing the secondly-recited Act (namely, the Act passed in the Forty-second Year of the Reign of His said Majesty,) the Expression "The *Kingston-upon-Hull* Dock Act, 1802," and in citing the thirdly-recited Act (namely, the Act passed in the Forty-fifth Year of the Reign of His said Majesty,) the Expression "The *Kingston-upon-Hull* Dock Act, 1805," and in citing the fourthly-recited Act (namely, the Act passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty, Queen *Victoria*,) the Expression "The *Kingston-upon-Hull* Dock Act, 1844," and in citing the fifthly-recited Act (namely, the Act passed in the Eighth Year of the Reign of Her said Majesty,) the Expression "The *Kingston-upon-Hull* Dock Act, 1845," and in citing the sixthly-recited Act (namely, the Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her said Majesty,) the Expression "The *Kingston-upon-Hull* Dock Act, 1847;" and in citing this Act it shall be sufficient to use the Expression "The *Kingston-upon-Hull* Dock Act, 1849."

Interpretation of Term.

XXI. And be it enacted, That where in this Act the Words "the Company" are used the same shall be understood to mean the Dock Company at *Kingston-upon-Hull*.

Public Act.

XXII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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