ANNO UNDECIMO

VICTORIÆ REGINÆ.

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Cap. xviii.

For the Regulation of certain public Sufferance Wharves in the Port of *London*.

[9th *June* 1848.]

WHEREAS there are in the Borough of *Southwark* in the County of *Surrey* certain Wharves adjoining the River *Thames*, and situate in the Port of *London*, between *London Bridge* and *Dockhead* in the said Borough: And whereas such Wharves are respectively called or known as *Fenning's Wharf*, *Topping's Wharf*, *Chamberlain's Wharf*, *Cotton's Wharf*, the *Depôt Wharf*, *Hay's Wharf*, *Beal's Wharf*, *Carpenter Smith's Wharf*, *Griffin's Wharf*, *Gun and Shot Wharf*, *Symon's Wharf*, *Pickle Herring Upper Wharf*, *Pickle Herring Lower Wharf*, *Mark Brown's Wharf*, *Davis' Wharf*, *Hartley's Wharf*, and *Butler's Wharf*: And whereas by an Order or Minute of the Commissioners of Her Majesty's Customs, bearing Date the Thirteenth Day of *May* One thousand seven hundred and eighty-nine, certain Limits were set out within the Port of *London*, and certain Wharves situate within such Limits (amongst which Wharves are those herein-before defined) were thereby particularly specified and declared to be public Sufferance Wharves, and certain Descriptions of Foreign Goods and Merchandize, as well as all Goods brought coastwise, have been and are by Authority of the Lords Commissioners of Her Majesty's Treasury and of the said Commissioners of Her Majesty's Customs permitted to be landed at such

Wharves: And whereas the said Wharves herein-before named have tended greatly to the Convenience and Advantage of Merchants, Shipowners, and others frequenting the Port of *London*, and have been of Benefit to the Public generally, by affording Accommodation to the increased Trade and Commerce of such Port: And whereas an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of the Legal Quays within the Port of* London, (which Act has been made perpetual by another Act passed in the last Session of Parliament,) whereby certain Powers and Provisions are enacted for preserving the Lien or Security of the Shipowner on the Goods landed at such Quays, and for facilitating the Despatch of Business at such Quays: And whereas the Powers and Provisions of such Acts have been found to be very beneficial to the Public, and great Convenience and Advantage have resulted therefrom: And whereas it is expedient that similar Provisions should be enacted with regard to such Goods as may be landed and warehoused at the before-named public Sufferance Wharves; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case the Importer, Proprietor, or Consignee of the inward Cargo or any Part of the inward Cargo of any Ship arriving at any of the said Sufferance Wharves shall for the Space of Forty-eight Hours next after due Report shall have been made of such Ship (exclusive of *Sundays* and Holidays) neglect or refuse to make due Entry thereof, and to lodge with the proper Officer of the Customs the Customs Order for Delivery of such inward Cargo or any Part thereof, then it shall and may be lawful for the Master or Owner of such Ship, with or without the Authority of such Importer, Proprietor, or Consignee, to cause a full and perfect Entry to be made in his Name, either by himself or his Agent, of such inward Cargo or any Part of such inward Cargo (being such as from Time to Time by Law may be landed and warehoused at the said Sufferance Wharves) of such Ship, or in case such Master or Owner cannot, for Want of sufficient Information, make a full and perfect Entry thereof, it shall and may be lawful for him or his Agent to make an Entry by Bill of Sight for the same, such full and perfect Entry, or Entry by Bill of Sight, as the Case may be, to be made in the Manner and according to the Rules, Regulations, and Provisions of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the general Regulation of Customs*, except as to so much thereof as requires a Declaration to be made by the Importer of any Goods or his Agent in Cases of Entry by Bill of Sight, and which Declaration shall not be required from the Master or Owner or his Agent on making any Entry by Bill of Sight as herein-before mentioned; and it shall and may be lawful for such Master or Owner, in the Presence or with the Authority of the proper Officer of Customs, to unship and land such inward Cargo or any Part thereof for which such full and perfect Entry, or Entry by Bill of Sight, as aforesaid, shall have been made, direct from such Ship, and thereupon, after taking or causing to be taken a particular and true

9 & 10 Vict. c. 399.

Goods may be entered by Master or Owner of Vessel, if not entered by Owner of Goods within certain Time.

8 & 9 Vict. c. 86.

Account

Account thereof, in conjunction with the proper Officer of the Customs, and which he is hereby authorized and empowered to do, to deposit the same in any Warehouse approved by the Commissioners of Her Majesty's Customs for the warehousing of Goods at the said Sufferance Wharves, without Payment of the Duty at the Time of the first Entry thereof, or if such Goods be free from Duty, or the Duty thereon, if any, shall have been first paid, and the Goods so landed, to deposit the same in any other Warehouse or Warehouses in the Occupation of the Wharfinger or Wharfingers at the said Sufferance Wharves, and the Goods so landed and warehoused shall in all respects be considered as in the Charge and Custody of the Master and Owner of the Ship from or out of which the same shall be so landed, in the same Manner in all respects as if such Goods had remained on board such Ship, and shall remain subject to the same Rights, Claims, and Liabilities for Freight or otherwise as such Goods were subject to whilst the same were on board such Ship and before the landing thereof, and may be detained until the Person applying for the Delivery or Transfer thereof shall have paid the Freight, Wharfage, Warehouse Rent, and other Charges payable thereon, and shall have delivered to the said Master or Owner, or his Agent, a Duplicate of the Bill of Lading which shall have been signed for the same at the Port of loading.

Goods entered by this Act subject to Provisions of Customs Act.

II. Provided always, and be it enacted, That all Goods entered, landed, or warehoused by virtue of this Act shall (save and except as is herein-before excepted) be subject to all the Provisions, Conditions, Rules, Regulations, and Forfeitures as Goods entered, landed, or warehoused under any Act or Acts for the Management and Regulation of the Customs, or the warehousing of Goods without Payment of Duty on the first Entry thereof.

Act not to affect certain Charter-parties or Bills of Lading.

III. Provided always, and be it enacted, That nothing in this Act shall affect or invalidate Charter-parties or Bills of Lading which contain Agreements for allowing a certain Number of Days for the Discharge of the Cargo, or authorize the landing of Goods contrary to such Agreements, or to any express Stipulation in such Charter-parties or Bills of Lading.

Goods landed at the Sufferance Wharves to remain subject to Lien for Freight.

IV. And be it enacted, That all Goods which after the passing of this Act shall be landed at any of the public Sufferance Wharves aforesaid from or out of any Ship within the Port of *London*, and lodged in the Custody of the Wharfinger for the Time being in the Occupation of such Wharf, either at such Wharf or elsewhere, shall, when so landed continue and be subject to the same Lien or Claim for Freight in favour of the Master and Owner of the Ship from or out of which such Goods shall be so landed, or of any other Person interested in the Freight of the same Goods, as such Goods were subject to whilst the same were on board such Ship, and before the landing thereof; and the said Wharfinger, his Servants and Agents, are hereby required, upon due Notice in Writing in that Behalf given by such Master or Owner or other Person aforesaid to the said Wharfinger, or left for him at his Office or Counting-house for the Time being, to detain such Goods in the Warehouse of the said

Wharfinger

Wharfinger until the Freight to which the same shall be subject as aforesaid shall be duly paid, together with the Wharfage, Rent, and other Charges to which the same shall have become subject and liable.

Notice to detain Goods to be given before Warrants are issued for their Delivery.

V. Provided always, and be it enacted, That no such Notice as herein-before mentioned to detain any Goods for Payment of Freight shall be available unless the same be given or left as herein-before provided before the Issue by the said Wharfinger of the Warrant for the Delivery of the same Goods, or an Order given by the Importer, Proprietor, or Consignee, or his Agent, to and accepted by the Wharfinger, for the Delivery or Transfer of the same; but nothing herein contained shall authorize any Wharfinger to deliver or issue any Warrant or accept any Order for the Delivery of any Goods which shall be subject to a Lien for Freight, and in respect of which such Notice in Writing as aforesaid to detain the same for Freight shall have been given, until the Importer, Proprietor, or Consignee of such Goods shall have produced a Withdrawal in Writing of the Order of Stoppage for Freight from the Owner or Master of the Ship from or out of which such Goods shall have been landed, or his Broker or Agent, and which Order of Withdrawal the said Master or Owner is hereby required to give on Payment or Tender of the Freight to which the Goods shall be liable.

For the Recovery of Wharfage, Rent, and other Charges payable for Goods.

VI. And be it enacted, That the Wharfage, Rent, and other Charges which from and after the passing of this Act shall become payable to the Wharfinger of any of the Sufferance Wharves aforesaid, in respect of Goods which shall be in his Custody, either on the said Wharves, or in any Warehouse, Erection, or Building from Time to Time held or occupied by him adjoining any such Sufferance Wharf, or in any Warehouse, Erection, or Building from Time to Time held or occupied by him, and some Part of which shall be within Five hundred Yards of some Part of such Sufferance Wharf, and which Goods shall be of a perishable Nature, shall be paid at or before the Expiration of Two Calendar Months, and if such Goods be not of a perishable Nature, then at or before the Expiration of Twelve Calendar Months next after the Cargo of the Ship importing such Goods shall have been completely discharged or unloaded, or previous to the Removal of the same from the Custody of the said Wharfinger, which shall first happen; and in case Default be made in Payment of the said Wharfage, Rent, and other Charges, or any of them, or any Part thereof, as aforesaid, it shall be lawful for the said Wharfinger, first paying the Duties due in respect of such Goods, and next any Freight which may be due in respect thereof, to distrain and sell or cause to be sold all or any Part of such Goods, and out of the Monies thence arising to retain and pay any Duties and Freight paid by him in respect of such Goods, and then the Wharfage, Rent, and other Charges which shall be payable to the said Wharfinger in respect of such Goods, and all Charges and Expenses of selling such Distress, rendering the Overplus (if any) of the Monies arising by such Sale, and such of the said Goods as shall remain unsold, to the Person entitled thereto, upon Demand: Provided nevertheless, that no such Sale shall be made as aforesaid until the Wharfinger shall have given

given at least Ten Days Notice in the *London Gazette* and Two of the Morning daily Newspapers printed in the City of *London* or *Westminster* of his Intention to sell the Goods, and if the Importer, Proprietor, or Consignee shall be resident in the United Kingdom, and his Residence shall be known by the Wharfinger, until at least Ten Days Notice shall have been left at his Residence or sent to him by the Post, and that no Sale shall be made until the Goods to be sold shall have been valued by a Sworn Broker, and no greater Quantity shall be sold than shall be reasonably sufficient to raise the Moneys which may be due in respect of such Duties, Wharfage, Rent, and Charges, and the Expense of the Valuation and Sale.

Power to importers to deposit Amount claimed for Freight.

VII. And be it enacted, That when any such Goods shall have been landed as aforesaid, and shall be in the Custody of the Wharfinger as aforesaid, and Notice to detain the same for Freight shall have been given to such Wharfinger, it shall be lawful for the Importer, Proprietor, or Consignee of such Goods, subject to any subsisting Lien or Claim for Wharfage, Rent, or other Charges due to the Wharfinger, to claim and receive the same from the Wharfinger, notwithstanding such Notice as aforesaid, on depositing the Money claimed for Freight by the Master or Owner of the Ship from or out of which such Goods shall have been landed, the said Money to be deposited (if so required, either by the Importer, Proprietor, or Consignee of such Goods, or by the Master or Owner of the Ship,) in the Hands of some Banker in the joint Names of the Party depositing the same and of the said Master or Owner, and if they cannot agree as to the Banker with whom such Deposit shall be made, then the same shall be deposited in the Bank of *England* in such joint Names as aforesaid; but nevertheless such Deposit shall not affect or prejudice the Right of the Master or Owner for the due Amount of such Freight, and the same may be sued for and recovered at Law from the Party liable to pay the same; and the Money so deposited shall be a Security for such Freight, and shall be subject to the Order of the Court in which any Proceedings for the Recovery of such Freight shall be had, and shall be paid, applied, and disposed of as such Court or any Judge of the same shall order and direct.

Deposits may be paid into the Hands of a Banker in joint Names.

Regulating the Amount to be deposited in case of Dispute.

VIII. Provided always, and be it enacted, That if the Amount only of the Freight of such Goods shall be in dispute, the Owner or Consignee of such Goods shall make a Declaration in Writing of the Amount of such Freight which he disputes, and of the Amount which he admits, and shall lodge such Declaration in the Hands of the Wharfinger; and that the Sum that shall be admitted by the Owner or Consignee of the Goods to be due for Freight shall be paid to the Shipowner or Master prior to the Delivery of the Goods, and the Amount in dispute shall be the Sum to be deposited as aforesaid.

Interpretation of Act.

IX. And be it enacted, That in the Construction of this Act the Expression "Goods" shall include all Wares and Merchandize; and the Word "Person" shall extend to a Body Corporate; and the Word "Ship" shall include every Species of Vessel; and every Word importing the Singular Number only shall be applied to several Persons or Things; unless the Context shall be repugnant to such Construction.

General Saving.

X. Saving always and reserving to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Body and Bodies Politic and Corporate, and other Person and Persons, his, her, or their Successors, Heirs, Executors, and Administrators, all such Prerogatives, Estates, Rights, Titles, Immunities, Franchises, and Liberties (other than those expressly barred or regulated by this Act) as they and every or any of them had and enjoyed before the passing of this Act, or could or might have had and enjoyed in case this Act had not been passed.

Public Act.

XI. 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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