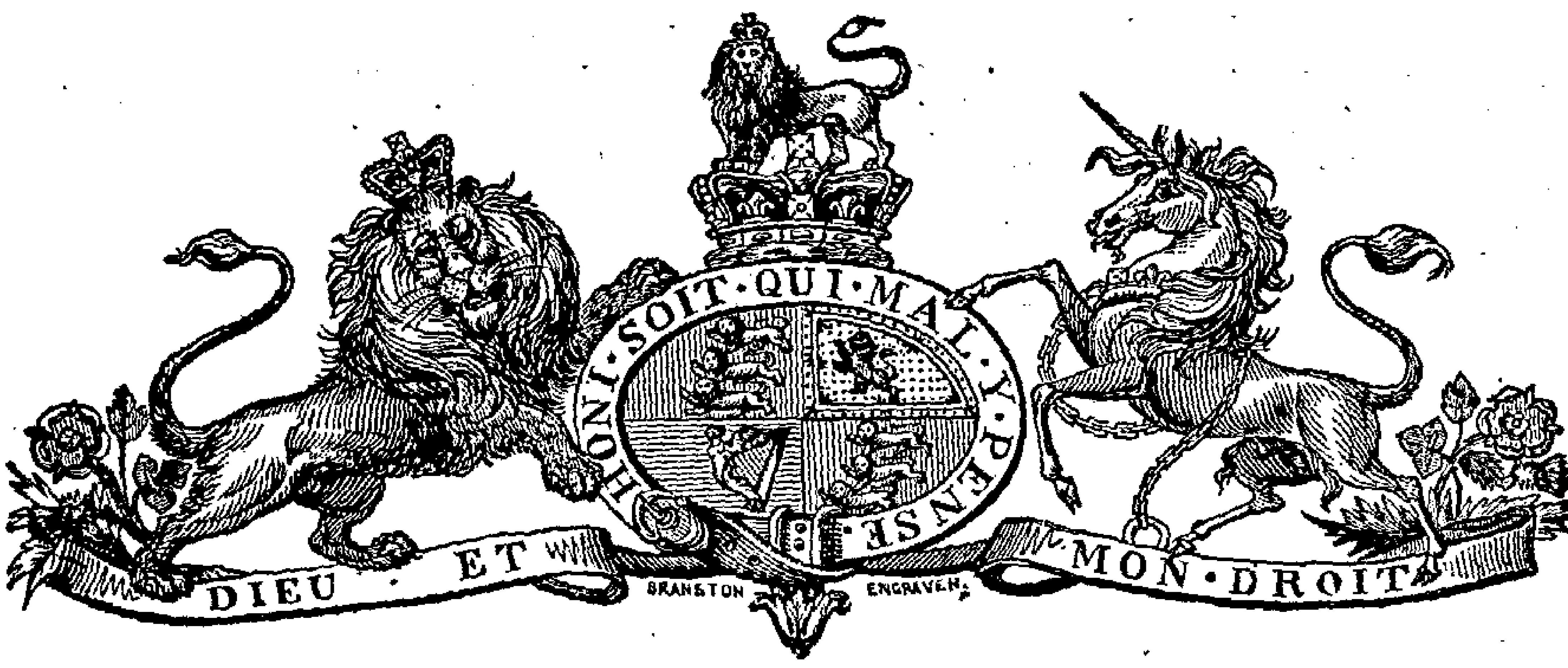


ANNO PRIMO

VICTORIÆ REGINÆ.

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Cap. ix.

An Act to amend the several Acts relating to the *West India* Dock Company and the *East India* Dock Company; and to consolidate the said Companies. [9th *May* 1838.]

WHEREAS by an Act passed in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering more commodious and better regulating the Port of* London, certain Persons and Corporations, and their Successors, Executors, Administrators, and Assigns, were united into a Company by the Style of "The *West India* Dock Company," and were empowered to subscribe the Sum of Five hundred thousand Pounds as and for a Capital Stock, and to appoint Twenty-one Persons as the Directors for conducting and managing the Affairs of the said Company, and such Directors were empowered to make navigable Docks, Basins, and Cuts, with Quays and Warehouses, in the Tract of Land called *The Isle of Dogs*, in that Part of the Parish of *Stebonheath* otherwise *Stepney* in the County of *Middlesex* which has since been formed into a separate Parish by the Name of the Parish of *All Saints, Poplar:* And whereas under and by virtue of several subsequent Acts the said Company were authorized to increase their Capital Stock to the Sum of One million seven hundred thousand Pounds, but they have in fact raised only the Sum of One million three hundred and eighty thousand Pounds, which now constitutes the Capital Stock of the said *West India* Dock Company: And whereas by an Act passed in the Second

39 G.3.c.69.

Year of the Reign of His late Majesty King *William* the Fourth,
2 W. 4. c. 52. intituled *An Act to consolidate and amend the several Acts for making the* West India *Docks*, the said previous Acts were repealed, and the Provisions thereof consolidated and amended; and the said Company was thereby incorporated, and full Power was thereby given to the said Company to purchase and hold Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Purposes of the said Company, as in the said Act is mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and Power was thereby continued to the said Company, among other things, to augment the then present Capital Stock of the said Company by any Sum or Sums of Money not exceeding in the whole the Sum of Three hundred and twenty thousand Pounds, but of which said further Capital no Part has yet been raised: And whereas the said Company, in pursuance and execution of the Powers vested in them, have made or purchased Three large and commodious navigable Docks, one called "The Import Dock," another called "The Export Dock," and the third called "The South Dock," fit for the Reception and Accommodation of Shipping, with proper Basins, Locks, Cuts, Quays, Wharfs, Warehouses, Engines, and other Works adjoining and attached to the same respectively; and the said Company have also purchased of the Honourable the *East India* Company certain Warehouses in the City of *London*, and have appropriated the same to the Purposes of the said recited Acts, for the greater Accommodation of the Trade using the said Docks: And whereas an Act was passed in the Ninth Year of the Reign of
9 G. 4. c. 95. King *George* the Fourth, intituled *An Act to consolidate and amend several Acts for the further Improvement of the Port of* London, *by making Docks and other Works at* Blackwall *for the Accommodation of* East India *Shipping*: And whereas the last-mentioned Act was amended, and the Powers thereof enlarged, by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the
6 W. 4. c. 44. Fourth, intituled *An Act for enlarging the Powers of an Act passed in the Ninth Year of the Reign of King* George *the Fourth, to consolidate and amend several Acts for the further Improvement of the Port of* London, *by making Docks and other Works at* Blackwall *for the Accommodation of* East India *Shipping*: And whereas, by virtue of the Two last-mentioned Acts, or one of them, certain Persons and Corporations, their Successors, Executors, Administrators, and Assigns, were united into a Company of Proprietors, by the Style and Firm of "The *East India* Dock Company," and the said Company was thereby enabled to sue and be sued in the Name of their Secretary; but the said Company was not thereby incorporated: And whereas the said *East India* Dock Company have raised and contributed among themselves a Capital or Joint Stock, consisting of Sums of Money amounting to the Sum of Six hundred and twenty-three thousand three hundred and thirty-four Pounds Ten Shillings and Eleven-pence, and with and out of the same have made Two Docks at *Blackwall* in the County of *Middlesex* called respectively an Inner or Import Dock, and an Outer or Export Dock, with Quays and Wharfs and Warehouses on the Sides thereof and connected therewith, and an Entrance Basin, and Locks and Entrances communicating therewith; and the said Company have purchased

chased and now hold certain Lands, Tenements, and Hereditaments at *Blackwall* aforesaid contiguous to their said Docks and Premises, and also certain Warehouses in the City of *London* for the Reception of Goods, and are also by the said Acts or some of them empowered to increase their Capital, and to make further Purchases of Lands, Tenements, and Hereditaments: And whereas by the said Act of the Sixth Year of King *William* the Fourth the said *East India* Dock Company or their Directors were empowered to sell or let any of their said Docks or Warehouses: And whereas the Docks of the said *East India* Dock Company having been originally constructed for the Accommodation of the *East India* Trade, it was not necessary to provide Warehouses within the Walls of the said Docks, inasmuch as all Goods, Wares, and Merchandize belonging to the *East India* Company, or consigned for Sale at the *India House*, which were landed at the said Quays and Wharfs, were conveyed from the said Docks to the Warehouses of the *East India* Company in *London*: And whereas, in consequence of the *East India* Company having no longer any Shipping or Trade, it was some Time since found necessary that Accommodation should be provided for the warehousing of Goods, Wares, and Merchandize which might be landed from other Ships or Vessels in the said Docks, and some Warehouses were built for that Purpose, but to a limited Extent, and the Warehouses at the said Docks are now totally inadequate for holding the Goods, Wares, and Merchandize which might be landed at the said Docks: And whereas the said *West India* Dock Company were compelled by Law to provide Accommodation sufficient for the whole *West India* Trade of the Port of *London* during the first Twenty-one Years from the opening of their Docks, and from the great Increase of that Trade within that Period more Accommodation was necessarily provided in Docks, Wharfs, and Warehouses than is now required for the Trade at present using the same, so that the Docks, Wharfs, and Warehouses of the said *West India* Dock Company are now sufficient for doing the whole of the Business of landing and housing Cargoes now carried on in the Docks of both the said Companies: And whereas a large Portion of the Foreign and Coasting Trade of the Port of *London* is now carried on in Ships or Vessels propelled by Steam; and if the said *East India* Docks, with their Legal Quays and Wharfs and other Works, and such further Docks, Quays, Wharfs, and other Works as the said *East India* Dock Company are empowered to make, or some Part of the said present and future Docks, Quays, Wharfs, and other Works, were appropriated for the Reception and Discharge of such Steam Vessels as may voluntarily resort thereto, their Cargoes would be protected from Loss by Theft or other Causes, great additional Room would be given in the River *Thames* for other Shipping, and the serious Accidents which now occur by Steam Vessels coming higher up the said River than *Blackwall* would be greatly prevented, and the Public Revenue would be benefited: And whereas, in order to carry into effect the beneficial Purposes aforesaid, the said *East India* Dock Company and the said *West India* Dock Company have agreed that the said Two Companies shall be consolidated, and that for that Purpose the said *East India* Dock Company shall sell and assign to the said *West India* Dock Company the said *East India* Docks, together with all the Quays,

Wharfs,

Wharfs, Basins, Locks, Entrances, Warehouses, Lands, Tenements, and Hereditaments, and also all the Goods, Chattels, Stock, and Effects, Monies, Debts, and all other the Property of the said *East India* Dock Company, and all other the Powers, Rights, and Privileges of the said *East India* Dock Company; subject nevertheless to the Charges and Incumbrances affecting the same, and to all other the Debts, Liabilities, Contracts, and Engagements of the said *East India* Dock Company; and that in consideration thereof the Proprietors of the said *East India* Dock Company shall receive the Sum of Six hundred and eighty-five thousand six hundred and sixty-eight Pounds of and in the Capital Stock of the said *West India* Dock Company: And whereas it is expedient that the said *West India* Dock Company should be enabled to carry into effect the said Agreement, and also that certain Alterations should be made in the said Company consequent thereupon, and that their Powers should be enlarged in manner herein-after mentioned: 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 Powers, Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things contained in the herein-before recited Act of the Second Year of the Reign of His late Majesty King *William* the Fourth, except such of them or such Parts thereof respectively as are hereby repealed, altered, or otherwise provided for, shall extend and be construed to extend to this present Act, and shall operate and be in force in respect to the Purposes thereof, as fully and effectually, to all Intents and Purposes, as if the same Powers Authorities, Directions, Provisions, Penalties, Forfeitures, Regulations, Clauses, Matters, and Things were herein repeated and adapted to the Purposes of this Act.

Powers of 2 W. 4. c. 52. extended to this Act, except as hereby altered or repealed.

Property of the East India Dock Company vested in the West India Dock Company.

II. And be it further enacted, That upon and from and immediately after the Sixteenth Day of *July* One thousand eight hundred and thirty-eight all and singular the Docks, Basins, Wharfs, Quays, Warehouses, Erections, Buildings, and other Works, Land, Ground, Tenements, and Hereditaments, and all Real and Personal Property whatsoever, which have been from Time to Time purchased, taken, or contracted for, erected, or constructed by or on behalf or for the Purposes of the said *East India* Dock Company, together with all Powers, and Authorities of purchasing Lands, Tenements, and Hereditaments, and of making new Docks, Basins, Wharfs, Quays, Warehouses, Erections, Buildings, and other Works, and of altering and enlarging the said present and future Docks, Basins, Wharfs, Quays, Warehouses, Erections, Buildings, and other Works, and all other Powers and Authorities whatsoever which on that Day shall be and remain vested in the said Company or in any of the former or present Directors of the said Company, or in any other Person or Persons in Trust for the said Company, or for the Purposes of the said Acts or any of them, (save and except the Power given to the said *East India* Dock Company of increasing the Capital or Joint Stock thereof,) shall be absolutely vested in the said *West India* Dock Company, to hold to them, their Successors and Assigns, for such and the same Estates, Terms,

Terms, or other Interests as shall then be existing therein respectively, and for the Purposes of this Act and of the herein-before recited Act of the Second Year of the Reign of King *William* the Fourth, and that without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Regulating Dividends to be declared by the Companies respectively previous to the 16th Day of July 1838.

III. And be it further enacted, That in the meantime, from the Twentieth Day of *February* last past, and until the said Sixteenth Day of *July* One thousand eight hundred and thirty-eight, it shall not be lawful for the said *East India* Dock Company to make more than One Dividend, and that at a Rate not exceeding Three *per Cent.*, on the Capital Stock of the said *East India* Dock Company, and that within the same Period it shall not be lawful for the said *West India* Dock Company to make more than One Dividend, and that at a Rate not exceeding Two and a Quarter *per Cent.*, on the Capital Stock of the said *West India* Dock Company.

Capital Stock to be increased.

IV. And be it further enacted, That from and after the said Sixteenth Day of *July* One thousand eight hundred and thirty-eight the Capital Stock of the *West India* Dock Company shall be increased by the Sum of Six hundred and eighty-five thousand six hundred and sixty-eight Pounds, which Sum shall be inscribed in the Books of the said Company in the Names of the several Persons, and Bodies Politic, Corporate, and Collegiate, who on that Day shall be Holders of the Capital Stock of the *East India* Dock Company, according to their several and respective Shares and Interests therein, at and after the Rate of One hundred and ten Pounds of Capital Stock of the said *West India* Dock Company for every One hundred Pounds of Capital Stock of the said *East India* Dock Company, to be had and taken by the said several Holders of the Capital Stock of the said *East India* Dock Company in full Satisfaction of all their Rights and Interests in the said *East India* Dock Company and in the Capital Stock or Profits thereof; and that all and singular the said several Persons, and Bodies Politic, Corporate, and Collegiate, their Successors, Executors, Administrators, and Assigns, shall thenceforth be entitled to the respective Shares and Interests which shall be so inscribed in their Names of and in the Capital Stock of the said *West India* Dock Company in the same Manner as if they had been original Proprietors of the said *West India* Dock Company, and without any Preference or Priority whatever either amongst themselves or as between them and the other Proprietors of the said *West India* Dock Company, any thing in the said recited Acts or any of them, or in this present Act, to the contrary thereof in anywise notwithstanding.

Addition hereby made to the Capital Stock of the West India Dock Company not to be considered in satisfaction of the Power con-

V. And it is hereby declared and enacted, That the Addition hereby made to the Capital Stock of the said *West India* Dock Company shall not be held or construed to be in or towards Satisfaction of the Power contained in the said recited Act of the Second Year of the Reign of King *William* the Fourth to increase the Capital Stock of the said Company to the Extent of the further Sum of Three hundred and twenty thousand Pounds; and the Stock hereby authorized to be created, and all such further and additional Capital Stock (not exceeding the additional and further Sum of Three hundred and twenty thousand

tained in Act 2 W. 4. c. 52. for increasing their Capital.

thousand Pounds) as shall be raised under the Authority contained in the said last-mentioned Act, shall be considered as Part of the general Capital Stock of the said Company, and be under and subject to the same Provisions, Regulations, Directions, and Management, in all respects, and to all Intents and Purposes, as if the same had been Part of the original Capital Stock of the said Company.

Name of the West India Dock Company to be changed.

VI. And be it further enacted, That from and immediately after the said Sixteenth Day of *July* One thousand eight hundred and thirty-eight the said *East India* Dock Company shall be dissolved, and thereupon it shall be lawful for the said *West India* Dock Company to take and thenceforth use the Name of the "*East* and *West India* Dock Company" as and for their Name of Incorporation, and to alter their Common Seal, and do all other Acts consequent upon such Change of Name accordingly; but such Change of Name and Seal shall in no respect prejudice, alter, or affect any Action, Suit, or other Proceeding whatsoever, or otherwise vary the Rights or Liabilities of the said Company.

Power to increase the Number of Directors to 32.

VII. And be it further enacted, That from and after the said Sixteenth Day of *July* One thousand eight hundred and thirty-eight the Number of Directors of the said Company shall be increased to Thirty-two, which Number shall be made up as follows; (that is to say,) Twelve out of the Persons who on that Day shall be Directors of the said *East India* Dock Company shall be associated to the then Directors of the *West India* Dock Company, and the Proprietors of the said *West India* Dock Company shall, at their half-yearly General Court or Meeting in the Month of *July* next (whether the same shall be holden before or after the Dissolution of the said *East India* Dock Company), elect such a Number of Directors as, together with the Directors of the said *West India* Dock Company then remaining in Office and the said Twelve Directors of the *East India* Dock Company, shall make up the total Number of Thirty-two, as and for the Directors of the said *East* and *West India* Dock Company.

Rotation of Directors going out of Office.

VIII. Provided always, and be it further enacted, That Eight at least of the Directors of the said Company shall go out of Office in Rotation every Year, and the said Company shall appoint to succeed them a like Number of other Persons of the Members of the said Company who shall be respectively possessed of at least Two thousand Pounds of the Capital Stock of the said Company, so as to complete the said Number of Thirty-two Directors; provided also, that the Persons who shall have served the said Office of Director shall, if otherwise properly qualified, be eligible to be re-chosen after having been out of the said Office for One Year.

Debts due to and by the East India Dock Company to be received and paid by the

IX. And be it further enacted, That all Debts, Rates, Rents, Damages, and other Monies which on the said Sixteenth Day of *July* One thousand eight hundred and thirty-eight shall be owing to, from, or by the said *East India* Dock Company, or the Directors thereof, or any of them, under the Authority of the said recited Acts or any of them, shall be received or paid by the said *East* and *West India* Dock

East and West India Dock Company.

Dock Company, and shall and may be sued for, recovered, or received by or from the said *East* and *West India* Dock Company; and all Actions, Suits, or other Proceedings which on that Day shall be pending by or against the said *East India* Dock Company, or any Person or Persons on their Behalf, may be prosecuted or carried on in the Names and for the Benefit and on the Account of the said *East* and *West India* Dock Company, and without any Abatement or Interruption whatsoever, in the same Manner as if such Actions, Suits, or other Proceedings had been brought, commenced, or instituted by the said *East* and *West India* Dock Company, and the Cause of Action, Suit, or other Proceeding had accrued or belonged thereto, instead of to the said *East India* Dock Company; and all Contracts, Agreements, Covenants, Leases, Mortgages, Bonds, Securities, and other Engagements, of what Nature or Kind soever, which on the said Sixteenth Day of *July* One thousand eight hundred and thirty-eight shall have been entered into with or by or given to or by the Directors or Treasurer of the said *East India* Dock Company, or any of them, or any Person or Persons duly authorized by them or any of them, under the Authority of the said recited Acts or any of them, shall be performed with and by the said *East* and *West India* Dock Company, and shall and may be enforced by and against the said *East* and *West India* Dock Company; and all Persons heretofore employed by or under the said *East India* Dock Company, their Executors and Administrators, shall be bound to account to the said *East* and *West India* Dock Company in such Manner as if they had been originally employed by the said *East* and *West India* Dock Company under the Provisions of the said Act of the Second Year of His said late Majesty.

Contracts with the East India Dock Company to be performed with the East and West India Dock Company.

X. Provided always, and be it further enacted, That nothing herein contained shall prejudice or affect the Rights of the existing Creditors of the *East India* Dock Company; but until all such Creditors are fully paid and satisfied, or they shall have consented to become Creditors of the said *East* and *West India* Dock Company, the Docks and Premises now belonging to the *East India* Dock Company shall, in the first place, remain subject to and charged with any Money which may have been raised by the said *East India* Dock Company; and the Docks and Premises of the *West India* Dock Company shall in like Manner remain, in the first place, subject and charged with any Money which may have been raised by the said *West India* Dock Company.

For the Protection of the Creditors.

XI. 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.

Public Act.

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