ANNO QUADRAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 7.

An Act for raiſing a further Sum of Money for carrying into Execution an Act, paſſed in the Thirty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for rendering more commodious, and for better regulating the Port of* London; and another Act paſſed in the Forty-ſecond Year of the ſaid Reign, to alter and amend the firſt mentioned Act. [23d *March* 1804.]

Recital of Act 39 G. 3. (Publick Local Act) c. 69.

WHEREAS an Act was paſſed in the Thirty-ninth Year of the Reign of His preſent Majeſty, intituled, *An Act for rendering more commodious, and for better regulating the Port of* London, whereby certain Perſons therein named, and others therein deſcribed, were declared to be united into a Company, which ſhould be known 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 from Time to Time, as therein is mentioned, Twenty-one Perſons, who ſhould be and be called *The Directors for conducting and managing the Affairs and Buſineſs of the ſaid Company*; which Directors and their Succeſſors, ſo from Time to Time to be appointed, were empowered to make navigable Docks, Baſons, and Cuts, with Quays and Warehouſes adjoining or attached to the ſame, to be ſituated in the Tract of Land called *The Iſle of Dogs*, in the Pariſh of *Stebonheath* otherwiſe *Stepney*, in the County of *Middleſex*, for the Reception and Accommodation

modation of Ships and Veſſels which ſhould come from the *Weſt Indies* into the River *Thames* with Cargoes of *Weſt India* Produce; and certain Rates and Duties therein mentioned were thereby appointed to be paid to the ſaid Company for the Ships and Veſſels which ſhould uſe the ſaid Docks, and for Goods imported from the *Weſt Indies*, which ſhould be diſcharged from on board of ſuch Ships or Veſſels; and the ſaid Company were thereby empowered to augment their ſaid Capital Stock to any further Sum or Sums of Money not exceeding Six hundred thouſand Pounds; and in caſe the ſaid Five hundred thouſand Pounds, to be raiſed by Subſcription for the Uſe of the ſaid Company, ſhould not be all ſo raiſed, or ſhould be found inſufficient, then the ſaid Company was thereby empowered to borrow on the Credit of the ſaid Rates and Duties ſuch Sum or Sums of Money as, together with the ſaid Sum of Five hundred thouſand Pounds ſo ſubſcribed, or ſuch Part thereof as ſhould be actually raiſed as aforeſaid, might amount to any Sum or Sums of Money, not exceeding in the Whole the Sum of Six hundred thouſand Pounds, for completing the ſaid Works: And whereas by an Act paſſed in the Forty-ſecond Year of the Reign of His preſent Majeſty, to alter and amend the firſt herein-before recited Act, ſo far as the ſame related to the Concerns of the *Weſt India* Dock Company, and for extending to other Objects the Compenſations directed to be made by the ſaid Act, certain additional Rates and Duties therein mentioned were thereby appointed to be paid to the ſaid Company for all ſuch Goods imported from the *Weſt Indies* as ſhould be diſcharged from on board of any Ship or Veſſel within any of the ſaid Docks; and a certain other Rate or Duty in the ſame Act mentioned was alſo thereby appointed to be paid to the ſaid Company for particular Ships or Veſſels therein deſcribed, which ſhould enter into and uſe any of the ſaid Docks to be ſet apart for empty or light Veſſels; and, after taking Notice that the ſaid Company had not then by any further Subſcription augmented their ſaid Capital Stock of Five hundred thouſand Pounds, neither had they then borrowed any further Sum at Intereſt in Exerciſe of the Powers given to them by the therein and herein-before recited Act for theſe Purpoſes, the ſaid *Weſt India* Dock Company were by the now reciting Act empowered to augment the ſaid Capital Stock of Five hundred thouſand Pounds to any ſuch further Sum or Sums of Money, not exceeding in the Whole Eight hundred thouſand Pounds of Capital Stock, as by any General Meeting of the ſaid Company ſhould be deemed neceſſary and expedient; and in caſe the ſaid Company ſhould think it more adviſeable to borrow Monies at Intereſt, for the Purpoſe of ſupplying the Inſufficiency of their Capital Stock, than to augment the ſame by a further Subſcription, or ſhould deem it expedient to raiſe Part of ſuch further Sum by a further Subſcription, and to borrow the Remainder thereof at Intereſt, then and in either of the ſaid Caſes the ſaid Company were thereby empowered to borrow, on the Credit of the Rates and Duties by the therein and herein-before recited Act and the now reciting Act granted to the ſaid Company, any Sum or Sums of Money, ſo as the ſame, together with the ſaid Sum of Five hundred thouſand Pounds, and any further Sum which might then-after be ſubſcribed by way of additional Capital Stock, under the Authority of the ſaid Acts, or either of them, or any Monies which might then-after be borrowed under the Authority of the ſaid recited Act, ſhould not exceed in the Whole the Sum of Eight hundred thouſand Pounds for completing the ſaid Works: And whereas,

Recital of the Act 42 G. 3. (Publick Local Acts) c. 113.

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ſoon after the paſſing of the laſtherein-before-recited Act, the ſaid Company by further Subſcriptions augmented their ſaid Capital Stock of Five hundred thouſand Pounds to the Capital Sum of Eight hundred thouſand Pounds, purſuant to the Powers by the ſame Act given to them in that Behalf: And whereas very great Progreſs has been made in forming and conſtructing the ſaid Docks, Baſons, Cuts, Quays, Warehouſes, and other Works, in purſuance and Execution of the Powers and Directions given by the ſaid recited Acts in that Behalf, inſomuch that ſuch One of the ſaid Docks as was made and intended for the Reception and Diſcharge of loaded Ships was opened for theſe Purpoſes in the Month of *September* One thouſand eight hundred and two, and has from that Time been uſed by the *Weſt India* Shipping which have arrived in the River *Thames*: And whereas, in conſequence of the increaſed Extent and Magnitude of the ſaid Docks and other Works beyond the original Plan upon which the Eſtimates were founded, and of the great Advance in the Prices of Materials and Labour, and alſo of the preſent State of the *Weſt India* Trade, and all the Probability of its further Increaſe at the Port of *London*, the ſaid increaſed Capital Stock of Eight hundred thouſand Pounds will be inſufficient for the Completion of the ſaid Works, in ſuch Manner as may afford due Accommodation to the Publick: 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 it ſhall be lawful for the ſaid *Weſt India* Dock Company, at any One or more of their General Meetings, to be ſpecially called for that Purpoſe, by ſuch Ways and Means as at ſuch General Meeting or Meetings ſo called ſhall be thought expedient, to augment the ſaid preſent Capital Stock of Eight hundred thouſand Pounds to any ſuch further Sum or Sums of Money, not exceeding in the Whole One million two hundred thouſand Pounds of Capital Stock, as by or at ſuch General Meeting, or by the Majority of Votes of the Proprietors preſent thereat, ſhall be deemed neceſſary and expedient; and that all ſuch additional Capital Stock ſhall be conſidered in the ſame Manner, 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 aforeſaid original Capital Stock of Five hundred thouſand Pounds.

The West India Dock Company empowered to increaſe their Capital, by Subſcription, to any further Sum not exceeding in the Whole 1,200,000 *l.*

II. And be it further enacted, That in caſe the ſaid Company ſhould think it more adviſeable to borrow Monies at Intereſt for the Purpoſe of ſupplying the Inſufficiency of their Capital Stock, than to augment their Capital Stock by a further Subſcription, or ſhould deem it expedient to raiſe Part of ſuch further Sum as ſhall be found requiſite for anſwering the Purpoſes of the ſaid recited Acts, by a further Subſcription in Augmentation of their Capital Stock under the Powers herein-before given, and to borrow the Remainder thereof at Intereſt, then and in either of the ſaid Caſes it ſhall be lawful for the ſaid *Weſt India* Dock Company to borrow and take up at Intereſt, on the Credit of the Rates and Duties by the ſaid recited Acts reſpectively granted to the ſaid Company, any Sum or Sums of Money, ſo as the ſame, together with the ſaid Sum of Eight hundred thouſand Pounds already ſubſcribed, and any further Sum which may hereafter be ſubſcribed by way of additional Capital Stock under the Authority of this Act, ſhall not exceed in the Whole the Sum of One million

Or if the ſaid Company ſhould think it adviſeable to borrow Monies at Intereſt to ſupply the Inſufficiency of their Capital, they are empowered to borrow ſuch further Sums as, together with their preſent Capital, and further Subſcriptions, may amount in the Whole to a Sum not ex-

ceeding 1,200,000 *l.* And the Directors may assign the Dock Rates as a Security, in the same Manner as by the first recited Act is directed concerning the Securities for the Monies thereby authorized to be borrowed by the Company.

lion two hundred thousand Pounds for completing and perfecting the said Docks and other Works; and in order thereto the said Directors, or any Five or more of them, are hereby fully authorized and empowered, at the Costs and Charges of the said Company, to assign over the Rates and Duties arising and made payable to the said Company by virtue of the said recited Acts, or a competent Part thereof, as a Security for Repayment of any such Sum or Sums of Money so to be borrowed, with Interest, to such Person or Persons as shall advance the same, or to his, her, or their Trustee or Trustees, Nominee or Nominees; and all such Assignments shall be made and entered and be transferrable in the same Manner and Form, *mutatis mutandis*, and the same, and the Monies so to be borrowed, and the Interest thereof, shall be under and subject to such and the same Provisions, Regulations, Directions, and Management, in all Respects, as are in and by the first herein-before recited Act prescribed and directed concerning the Assignments and Securities to be made and given for the Monies which were thereby authorized to be borrowed by the said Company, and concerning such last mentioned Monies and the Interest thereof.

No such Securities to have Preference on Account of prior Date.

III. And be it further enacted, That none of such Assignments and Securities as aforesaid, already made or hereafter to be made by the said Directors, pursuant to the said recited Acts and this Act, or to any or either of them, shall, on Account of prior Date and Execution, be entitled to any Priority of Payment or other Preference before any other or others of such Securities of later Date.

No Monies are to be subscribed by or lent to the Company in less Sums than One hundred Pounds each.

Nor is any Security to be made in future by the Directors for any such less Sum so lent, and if attempted to be made the same to be void.

IV. Provided always nevertheless, and it is hereby further enacted, That in case and when the said *West India* Dock Company shall hereafter subscribe or borrow any Sum or Sums of Money to augment or supply the Insufficiency of their Capital Stock, in Exercise of any of the Powers by this Act given to them for these Purposes as before mentioned, such further Monies, or any of them, shall not be permitted or allowed to be subscribed or contributed towards augmenting the said Capital Stock, or advanced and lent to the said Company upon Security at Interest as aforesaid, in any Portions or Sums less than One hundred Pounds each of lawful Money of *Great Britain*; and that no Assignment or Security shall at any Time hereafter be made or executed by any of the said Directors in Exercise of the Powers given to them in that Behalf, for securing any less Sum of Money to be so advanced and lent than One hundred Pounds of such lawful Money; and every or any such Assignment or Security which shall or may hereafter happen to be so made, or attempted to be made, for securing any less Sum, contrary to the true Intent and Meaning hereof, shall be utterly null and void; any Thing in the said recited Acts, or either of them, contained to the contrary notwithstanding.

No Transfer to be made of any smaller Sum of the Company's Capital Stock than One hundred Pounds thereof, and if attempted

V. And be it further enacted, That no Assignment or Transfer shall be permitted to be made or entered in the Transfer Books of the said *West India* Dock Company of or concerning any smaller Sum of the Capital Stock of the said Company, at any Time heretofore subscribed, or hereafter to be subscribed as aforesaid, than One hundred Pounds thereof; and that any and every such Assignment or Transfer, which shall or may at any Time or Times hereafter be attempted to be made, and shall happen

happen to be ſo entered, of or concerning any ſuch ſmaller or leſs Sum of the ſaid Capital Stock than One hundred Pounds thereof, ſhall be utterly null and void; any Thing in the ſaid recited Acts, or either of them, contained to the contrary notwithſtanding. to be made, the ſame to be void.

VI. Provided always, and be it further enacted, That the ſaid Directors already appointed, and hereafter to be appointed, as in the firſt herein-before recited Act is mentioned, or any of them, ſhall not by reaſon or means, or on account, of their or his being Parties or Party to, or making, ſigning, or executing, in their or his Capacity of Directors or Director for managing the Affairs and Buſineſs of the ſaid Company purſuant to this Act, any Contract, Covenant, Agreement, Aſſignment, or Security, for and on Behalf of the ſaid Company, or otherwiſe lawfully executing any of the Powers and Authorities given to them, or any of them, by this Act, be ſubject or liable to be ſued, proſecuted, or impleaded, either collectively or individually, by any Perſon or Perſons whomſoever, in any Court or Courts of Law or Equity or elſewhere; and that the Bodies or Body, Goods, Chattels, Lands, or Tenements, of the ſaid Directors, or of any of them, ſhall not by reaſon, on account, or in conſequence, of any ſuch Contract, Covenant, Agreement, Aſſignment, or Security, ſo entered into or made, ſigned, or executed by them, or any of them, as aforeſaid, or any other lawful Act or Acts done or to be done by them or any of them, in Execution of any of the ſame laſt mentioned Powers and Authorities, be liable to be arreſted, ſeized, 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, Agreement, Aſſignment, or Security, or other lawful Act or Acts, ſhall and may ſue and implead the ſaid Company in the Name of their Treaſurer, as provided by the firſt herein-before recited Act, in like Manner as if ſuch Contract, Covenant, Agreement, Aſſignment, or Security, had been entered into and executed by ſuch Treaſurer 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 in and by the firſt herein-before recited Act, in Caſes where Authority is thereby given to ſue and implead the ſaid Company in the Name of their Treaſurer, but not to any further or other Remedy whatſoever. Directors not to be perſonally anſwerable for Acts legally done by them in the Capacity of Directors in Execution of this Act.

VII. And be it further enacted, That in caſe the Perſon or Perſons to whom any Sum or Sums of Money ſhall be awarded for the Purchaſe of any Lands, Tenements, or Hereditaments, to be purchaſed by virtue of the ſaid Acts or this Act, ſhall refuſe to accept the ſame, or ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Directors, or any Five or more of them; or in caſe ſuch Perſon or Perſons, to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments, be not known or diſcovered, then and in every ſuch Caſe it ſhall be lawful for the ſaid Directors, or any Five or more of them, to order the ſaid Sum or Sums of Money, ſo awarded as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in In caſe of not making out Titles; or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

in the ſaid Lands, Tenements, or Hereditaments [*deſcribing them*], ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding, or otherwiſe, as to the ſame Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the publick Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for ſuch Sum or Sums of Money, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Where any Queſtion ſhall ariſe touching the Title to the Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, *etc* ſhall be deemed entitled thereto, according to ſuch Poſſeſſion, unleſs it be a wrongful Poſſeſſion.

VIII. Provided always, and be it further enacted, That where any Queſtion ſhall ariſe touching the Title of any Perſon to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in purſuance of this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or any Eſtate, Right, or Intereſt, in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of this Act, or to any Bank Annuities to be purchaſed with any ſuch Money or to the Dividends or Intereſt of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements, or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court; and the Dividends and Intereſt of the ſaid Bank Annuities to be purchaſed with ſuch Money, and alſo the Capital of ſuch Bank Annuities, ſhall be paid, applied, and diſpoſed of accordingly, unleſs it ſhall be made appear to the ſaid Court that ſuch Poſſeſſion was a wrongful Poſſeſſion, and that ſome other Perſon or Perſons was or were lawfully entitled to ſuch Lands, Tenements, or Hereditaments, or to ſome Eſtate or Intereſt therein.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Company.

IX. Provided alſo, and be it further enacted, That where, by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any Houſes, Buildings, Lands, Tenements, or Hereditaments, to be purchaſed under the Authority of this Act, the Purchaſe Money for the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Houſes, Buildings, Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

X. And

X. And be it further enacted, That the ſaid Directors ſhall pay and diſcharge all the Coſts and Charges of obtaining and paſſing this Act, with and out of any of the Monies already ſubſcribed, or hereafter to be ſubſcribed or borrowed, by and for the Uſe of the ſaid Company as aforeſaid. Expences of obtaining and paſſing this Act, how to be paid.

XI. And be it alſo enacted, That all ſuch or ſo much of the Powers, Authorities, Proviſions, Regulations, Directions, Clauſes, Matters, and Things whatſoever, contained in the ſaid Two recited Acts reſpectively, as are applicable to the Purpoſes of this Act, and not hereby repealed, altered, or otherwiſe provided for or rendered unneceſſary, ſhall extend, and be conſtrued to extend, to this preſent Act, and ſhall operate and be in force in reſpect to this Act and the Purpoſes thereof, according to its true Meaning, as fully and effectually, to all Intents and Purpoſes, as if the ſame Powers, Authorities, Proviſions, Regulations, Directions, Clauſes, Matters, and Things, were particularly repeated and re-enacted in the Body of this Act. Powers, Clauſes, *etc.* of recited Acts extended to this Act.

XII. And be it further enacted, That this Act ſhall be deemed and taken to be a publick Act, and ſhall be taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without being ſpecially pleaded. Publick Act.

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