



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 42.

An Act for raising a further Sum of Money for carrying into Execution an Act, passed in the Forty-second Year of the Reign of His present Majesty, for making additional Basons or Docks at *Kingston-upon-Hull*. [5th June 1805.]

WHEREAS an Act was passed in the Fourteenth Year of the Reign of His present Majesty, intituled, *An Act for making and establishing publick 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 Basen 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*, whereby His Majesty was empowered to appoint open Quays at the said Port as therein directed, and certain Persons therein named, and others therein described, were declared to be united into a Company which should be known by the Style or Firm of *The Dock Company at Kingston-upon-Hull*, and were empowered to make a Basen or Dock, together with a Quay or Wharf, and such other Works at the Port of *Kingston-upon-Hull* as therein mentioned: And whereas an Act was passed in the Forty-second Year of the Reign of His present Majesty for amending the said

[Loc. & Per.]

said recited Act, and for making additional Basons or Docks at *Kingston-upon-Hull* afore-
 said, with an Entrance into the same from the River *Humber*, whereby the said Company, the better to enable them to raise Money to
 carry on the Works thereby directed to be made, were authorized to create and sell Thirty new Shares in the Undertaking, for making the
 Bason or Dock, Wharfs, and other Works in the said Act first herein-
 before recited directed to be made, over and above the One hundred and
 Twenty Shares then existing in the same Undertaking, in such Manner,
 and at such Time or Times, as is therein mentioned; and the said Company
 were thereby also empowered to borrow and take up at Interest, on the
 Credit of the Rates and Duties by the said Act first herein-before recited,
 granted to the said Company, such Sum or Sums of Money as should be
 sufficient to defray the said Company's Half Part of the Expences of exe-
 cuting and perfecting the Works thereby intended, or any other Works
 to be made and executed by the said Company, or such Part or Parts there-
 of as the said Company should from Time to Time think proper to
 borrow and take up at Interest: And whereas in pursuance of the said
 last herein-before recited Act, the said Thirty new Shares have been created
 and sold by the said Company as therein mentioned, and the said Com-
 pany have also borrowed and taken up at Interest, several considerable
 Sums of Money on the Credit of their Common Seal, but a sufficient
 Sum of Money for defraying the Proportion of the Expences to be paid
 by the said Company in carrying on and perfecting the Works thereby
 directed to be made, cannot at present be raised in the Manner prescribed
 by the said last recited Act: And whereas considerable Progress hath been
 made in carrying on the Works, and in making the Purchases which by
 the said last recited Act were authorized to be made; but from the great
 Price paid for the Land purchased for the Use of the said Works, and
 from the great Advance in the Price of Materials and Labour necessary for
 the Completion of the same, and from other Circumstances which have
 taken place since the passing of the said last recited Act, it is found that
 the said Act cannot be carried into Execution, unless a Power be given to
 the said Company to raise Money by creating and selling a greater Number
 of new Shares in the said Undertaking than they were authorized to sell
 by the said last recited Act: And whereas the Powers and Provisions of
 the said Acts are in some Respects defective, and require to be amended
 and enlarged; 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 for the better and more effectually enabling the said Company to
 carry into Execution the Purposes of the said last recited Act, and to pro-
 vide for the necessary Charges relating thereto, it shall be lawful for the
 said Company to create and sell Thirty more new Shares in the said Under-
 taking, as well over and above the One hundred and twenty original
 Shares, as the Thirty new Shares lately sold by the said Company in the
 same Undertaking, either together or separately, and by publick Auction,
 or otherwise, and at such Time or Times as to the said Company shall
 seem meet, unto such Person or Persons, Bodies Corporate or Politick, as
 shall be willing to become the Purchaser or Purchasers thereof; and that
 the said several new Shares when so sold, shall from thenceforth become
 vested in the respective Purchasers thereof, and their respective Successors,
 Executors, Administrators, and Assigns; and all and every the said new
 Shares

Dock Com-
 pany em-
 powered to
 sell Thirty
 more Shares.

Shares shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and such respective Purchasers, their several and respective Successors, Executors, Administrators, and Assigns, shall from thenceforth be entitled to and receive in common with, as well the Proprietors of the said One hundred and twenty original Shares, as of the Thirty new Shares lately sold by the said Company, in the said Undertaking as aforesaid, a proportionable Part, according to the Number of Shares of which he, she, or they shall be the Proprietor or Proprietors, of the Profits and Advantages that shall or may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of the said recited Acts, or either of them; and each of such several Purchasers shall, in respect of each such Share to be purchased by him, her, or them as aforesaid, bear and pay an adequate Proportion and Sum of Money towards carrying on and supporting, as well the Works made in pursuance of the said First herein-before recited Act, as those directed to be made and executed by virtue of the said last herein-before recited Act.

II. And be it further enacted. That all and every Person or Persons, Bodies Corporate and Politick, who shall by virtue of this Act become the Purchaser or Purchasers of the said new Shares or any of them, shall have a Vote at every Publick Meeting to be held by the said Company, by virtue of the said recited Acts or either of them, or of this Act, which Vote may be given by the said respective Persons, Bodies Corporate and Politick, either by themselves or by their Proxy or Proxies (every Person holding such Proxy being a Proprietor in the said Undertaking) duly constituted under the Seal of the respective Bodies Corporate and Politick, or under the Hand and Seal or Hands and Seals of all other Proprietors, and such Vote or Votes by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Person or Persons, Bodies Corporate or Politick, who shall have One or more such Share or Shares, whether old or new Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly constituted as aforesaid, to give One Vote for each such Share, not exceeding Ten Shares for each such Body Corporate and Politick, and not exceeding Two such Shares for any One other Proprietor; and whatever Question, Matter, or Thing shall be proposed, discussed, or considered at any Publick Meeting of the said Company, to be held by virtue of the said recited Acts or either of them, or of this Act, the same shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share to the Extent aforesaid.

Subscribers to have a Vote for every Share, by themselves or by Proxy.

III. And whereas much Inconvenience may arise by the frequent Transposition and Change of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Purport of such Register, shall be made and sworn to by some credible Person, before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace,

Proofs required where Rights accrue by Marriage or Death.

Peace, and shall be transmitted to the Clerk for the Time being of the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of such Undertaking, under or by virtue of any Will or Bequest, or in Course of Administration, shall be entitled to receive the same, the said Will or the Probate Copy thereof, or the Letters of Administration, in case the Proprietor shall have died intestate, shall be produced and shewn to the said Clerk, who shall make an Entry of such Will, or of a Copy of so much thereof as shall relate to the Disposition of the Share or Shares of the Testator, or the Letters of Administration, in case the Proprietor shall have died intestate, as before directed, and who shall be paid for every such Entry the Sum of Two Shillings and Sixpence and no more.

Payment of Dividends, etc. to the Person in whose Name the same shall stand in the Company's Books to be good.

IV. And be it further enacted, That the Receipt or Receipts of the Person or Persons in whose Name or Names any Share or Shares in the said Undertaking shall stand in the Books of the said Company, shall from Time to Time be a good and sufficient Discharge to the Treasurer or Treasurers for the Time being to the said Company, for any Dividend or Dividends, Sum or Sums of Money, which shall become due and payable, and be paid for or in respect of such Share or Shares, notwithstanding any Uses, Trusts, Intents, or Purposes, upon or to which such Share or Shares shall be then settled, limited, conveyed, or assured.

Power to cleanse the Haven, Docks, and Basons.

V. And be it further enacted, That it shall be lawful for the said Company, their Agents, Servants, or Workmen, as often as Occasion shall require, well and sufficiently to cleanse, scower, open, deepen, widen, or cut through and take away any Banks, Hills, Earth, Soil, or Rubbish, in the said Haven, Docks, or Basons, or near the Entrance or Entrances thereto, in such Manner as the said Company shall think proper, for the convenient Entrance of Shipping into the said Haven, Docks, or Basons respectively, and their Security and Accommodation therein, and for the more free Passage of Water in the said Haven; and also to remove and take away any Wrecks of Ships or Vessels, or any Ship or Vessel that shall be sunk, or any Wood, Timber, Stones, Anchors, or other Obstructions or Impediments of the like Nature in the said Haven, Docks, or Basons respectively, or near the Entrance or Entrances thereto, that may be found or arise therein respectively; and in case the Owner or Owners of any such Wrecks, Ship, or Vessel, or other Obstruction so to be removed, shall refuse or neglect to pay the Charge of removing the same, for the Space of Three Days after Demand thereof made by any Officer of the said Company, then the Owner or Owners of any such Wrecks of Ships or Vessels, or any Ship or Vessel that shall be sunk therein, or any Wood, Timber, Stones, Anchors, or other Obstructions or Impediments of the like Nature, shall for every such Offence forfeit (exclusive of the Expences incurred by removing the same) the Sum of Five Pounds, and the same shall be recovered and applied in such Manner as other Penalties and Forfeitures are by the said last herein-before recited Act directed to be recovered and applied.

To remove Wrecks, etc.

Docks and Basons to be Part of the Port of Hull.

VI. And be it further enacted, That the same Rights and Privileges which belong to the present Port of *Kingston-upon-Hull*, shall be extended

to the said Docks and Basons respectively, which to all Intents and Purposes shall be deemed and held to be Part of the said Port of *Kingston-upon-Hull*, and all Ships and Vessels entering into, or loading or unloading in the said Docks or Basons, or any of them, and all Goods, Merchandize and other Things which shall be loaded or unloaded in or pass through the same, and all Owners or Masters of Ships, Merchants, and others resorting thereto, are and shall be subject to the several Regulations, and liable to the several Duties to which they are or have been subject and liable in the Port of *Kingston-upon-Hull*.

VII. And be it further enacted, That if any Haven Master, Dock Master, Lock Keeper, Wharfinger, or other Officer to be appointed in pursuance and by virtue of the said herein-before recited Acts, or either of them, shall give undue Preference to, or in any Manner unnecessarily retard or obstruct any Ship, Lighter, Barge, Boat, or other Vessel passing into or out of the said Haven, Docks, or Basons respectively, or from one Station to another therein, or in loading or unloading any Goods or other Things at any of the Wharfs, Weighbeams, Cranes, or other Machines which shall belong to the said Company or their Successors, by virtue of the said herein-before recited Acts or either of them, or of this present Act, he shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds nor less than Five Pounds, which shall be recovered by such Ways and Means, and for such Uses as Penalties and Forfeitures are by the said herein-before recited Acts, or either of them, to be recovered.

Harbour Master, Dock Master, Lock Keeper, etc. not to give undue Preference.

VIII. And be it further enacted, That as soon as the *Humber* Dock and Bason, at *Kingston-upon-Hull* aforesaid, shall be so far completed as to admit Ships, Vessels, or Craft, to enter therein, no Ship or other Vessel or Vessels shall lie in the River *Humber* within Two hundred Yards of the Entrance of the said Bason, unless it be for the Purpose of coming into or going out of the said Bason, so that at all Times the Entrance may be kept clear and without Obstruction, and over this Space the Dock Master shall have Controul so far as relates to the placing or transporting Ships and Vessels coming into or going out of the said Dock; any Law, Statute, or Usage to the contrary notwithstanding.

Ships, etc. not to obstruct the Entrance into the *Humber* Dock.

IX. And for the better making and preserving of a free and clear Entrance, Navigation, and Passage into and within, and also a free and clear Passage out of the said Haven, Docks, and Basons respectively; be it further enacted, That no Ship, Lighter, Barge, Boat, or other Vessel, of any Description whatever, shall lie across in, or in anywise unnecessarily obstruct any of the Entrances or Passages into or within any of the Passages or Outlets from the said Haven, Docks, or Basons respectively, or be permitted to strike or run upon or against any of the Locks, Floodgates, or Bridges thereof; and that if any Ship, Lighter, Barge, Boat, or other Vessel, entering, navigating, using, lying, loading, or unloading upon or within the said Haven, Docks, or Basons respectively, shall be placed or suffered to remain in any Part of the same respectively, so as unnecessarily to obstruct the Navigation thereof; and the Master, Owner, or other Person having the Command or Direction of such Vessel shall not immediately, upon Request made by the Haven Master, Dock Master, or other proper Officer to be appointed by virtue of the said herein-before recited Acts or

For preventing Nuisances in the Haven, Docks, etc.

[Loc. & Per.]

9 L

either

either of them, or of this Act, remove the same, he shall for every such Offence forfeit a Sum not exceeding Ten Pounds, and also a Sum not exceeding Five Pounds for every Hour of such Obstruction after such Requisition; and it shall be lawful for the said Haven Master, Dock Master, or other proper Officer to be appointed as aforesaid, to cause any such Ship, Lighter, Barge, or other Vessel, to be removed, in such Manner and to such Place as shall be proper for preventing such Obstruction, or to be unloaded, if necessary, and to seize or distrain such Ship, Lighter, Barge, Boat, or other Vessel, and the Lading thereof, or any Part of such Lading, until the Charges occasioned by such Removal shall be paid; and if any Person or Persons shall suffer the Loading of any Boat or Barge, or other Vessel navigating in or upon the said Haven, Docks, or Basons, to be over the Sides thereof, and shall not immediately when so required, remove such Obstruction; or if any Person shall wantonly, carelessly, or negligently, open or cause to be opened any Dock Gate, Valve, or Clough, belonging to any Lock erected or to be erected on the said Works or any of them, or wantonly or mischievously flush or draw off, or cause to be flushed or drawn off, Water from the said Docks or Basons or either of them, or shall suffer any Ship, Lighter, Barge, Boat, or other Vessel, to strike upon or against any of the Bridges, Locks, Walls, or Piers thereof, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds nor less than Five Pounds, over and above the Expences of repairing the Damages which may be occasioned hereby.

Timber not to be left more than Forty-eight Hours.

X. And be it further enacted, That no Wood, or Timber which shall be delivered in the said Haven, Docks, or Basons, or any of them, shall be permitted to lie or remain therein for a longer Time than Forty-eight Hours after the Delivery thereof, upon Pain of forfeiting any Sum not exceeding Five Pounds; and in case the same shall not be removed during the Flood Tide next after the Expiration of that Time, or a sufficient Cause shewn why it should not be removed, the Owner or Owners thereof shall for every such Offence forfeit and pay the Sum of Twenty Shillings for every Tide the same shall remain after such Flood Tide.

No Holidays except Sundays, etc.

XI. And be it further enacted, That no Holidays whatsoever shall be permitted or allowed to be observed and kept at the said Haven, or the Quays or Wharfs erected or to be erected thereon by virtue of the said first herein-before recited Act, or at the said Docks, Basons, Quays, Wharfs, Warehouses, or other Works of the said Company, either by any Officer or Officers of or belonging to His Majesty's Revenue, or by any Officer or Servant of the said Company, or other Person or Persons whomsoever, except *Sundays, Christmas Days, and Good Fridays*, and any Day which shall be appointed by His Majesty's Proclamation for the Purpose of a General Fast or Thanksgiving, but that all Business of the said Company, and relating to His Majesty's Revenue, and of all Persons using the said Haven, Docks, Basons, Quays, Wharfs, Warehouses, or other Works, shall be carried on upon all Holidays, except as before excepted, in the same Manner as upon any other Days in the Year.

Powers of the former Acts to extend to this Act.

XII. And be it further enacted, That the said herein-before recited Acts respectively, and all and every the Rates and Duties, Powers, Authorities, Provisions, Regulations, Clauses, Penalties, Forfeitures, Matters, and Things

Things therein and thereby respectively given, granted, vested, or to be executed (except so far as the same or any of them are by this present Act enlarged, diminished, altered, qualified, or otherwise explained) shall be and they are hereby declared to be in full Force, as well in regard to the said Haven, and to the Docks, Basons, and other Works, by the said Act respectively directed or intended to be made, and for effecting all other the Purposes of the same Acts as for the Purposes of this present Act; in as full, large, ample, and beneficial a Manner, to all Intents and Purposes, as if the same were expressly repeated and re-enacted in the Body of this present Act.

XIII. 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 recited Acts, 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 Company, or any Three 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 and may be lawful to and for the said Company, or any Three 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 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.

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.

XIV. 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 of any Estate, Right, or Interest, in any Lands or Hereditaments to be purchased in pursuance of the said Acts, 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 or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of Lands, etc. at the Time of such Purchase, shall be deemed entitled.

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 of Chancery; and the Dividends or Interest of the 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.

Saving Rights
of the Trinity
Houle.

XV. And whereas the Guild of Brotherhood or Masters and Pilots Seamen of the Trinity House of *Kingston-upon-Hull*, by virtue of certain Charters or Letters Patent granted to them by His Majesty's Royal Predecessors the Kings and Queens of *England*, or some or one of them, are entitled to and have exercised and enjoyed several Powers, Privileges, and Authorities in and concerning the Haven of the said Town of *Kingston-upon-Hull*, and the Roadstead near the Haven Mouth of the said Town, for the better Regulation of Ships there, and have from Time to Time appointed a Haven Master for the ordering of Ships in the said Haven, according to such Rules, Orders, and Directions as the said Guild or Brotherhood have thought expedient; be it therefore enacted by the Authority aforesaid That nothing in this Act contained shall extend, or be construed to extend, to take away, impeach, diminish, change, or affect the Rights, Powers, Privileges, Jurisdictions, or Authorities of the said Guild or Brotherhood about or concerning the said Haven or Roadstead and Premises so vested in them, or which they might have used, exercised, and enjoyed by virtue of any Act of Parliament, Charter, Letters Patent, Grant, Right, or Title whatsoever.

Publick Act.

XVI. And be it further enacted and declared, That this Act shall be deemed and taken to be a Publick 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. 1805.