



ANNO DECIMO

# GEORGII IV. REGIS.

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## Cap. lxxvii.

An Act to enable the *West India Dock Company* to raise a further Sum of Money. [22d May 1829.]

**W**HEREAS by an Act passed in the Thirty-ninth Year of His late Majesty, intituled *An Act for rendering more commodious and better regulating the Port of London*, 39 G.3. c.69. certain Persons were united into a Company, to be known by the Style of "The *West India Dock Company*," and were empowered to subscribe a Capital Stock not exceeding the Sum of Five hundred thousand Pounds, 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 the Parish of *Stebonheath* otherwise *Stepney* in the County of *Middlesex*: And whereas by an Act passed in the Forty-second Year of the Reign of His said late Majesty, intituled *An Act to alter and amend an Act passed in the Thirty-ninth Year of His present Majesty's Reign, intituled 'An Act for rendering more commodious and for better regulating the Port of London,'* so far as the same relates to the Concerns of the *West India Dock Company* thereby established, and for extending to other Objects the Compensations directed to be made by the said Act, the said *West India Dock Company* were empowered to augment their Capital Stock to a Sum not exceeding in the whole the Sum of Eight hundred thousand Pounds: And whereas by an Act passed in the Forty-fourth Year of the Reign of His said late Majesty, intituled *An Act for raising a further Sum of Money for carrying into execution an Act passed in the* 42 G.3. c.113. 44 G.3. c.7.

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*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,* after reciting that the said Company by further Subscriptions had augmented their said Capital Stock of Five hundred thousand Pounds to the Sum of Eight hundred thousand Pounds, pursuant to the Powers by the said recited Act made in the Forty-second Year of the Reign of His present Majesty in that Behalf, and that the said increased Capital Stock of Eight hundred thousand Pounds would not be sufficient for the Completion of the said Works in such Manner as might afford due Accommodation to the Public, the said *West India Dock Company* were, by the said last-recited Act, empowered to augment their then Capital Stock of Eight hundred thousand Pounds to any further Sum or Sums of Money not exceeding in the whole One million two hundred thousand Pounds of Capital Stock: And whereas, in pursuance of the last-recited Act, the Capital of the said Company has been increased to and now consists of the Sum of One million two hundred thousand Pounds: And whereas the Directors of the said Company have, in pursuance and execution of the said Three last-recited Acts, caused to be made and completed Two large and commodious navigable Docks, fit for the Reception and Accommodation of Shipping, with proper Basins, Locks, Cuts, Quays, Wharfs, Warehouses, and other Works adjoining or attached to the same respectively; but in consequence of the present State of the Trade using the same, and the Probability of its further Increase, the said *West India Dock Company* are desirous of purchasing certain Premises adjoining to their own Property; and considerable Extensions and Improvements in the said Works have become necessary: And whereas in order to enable the said Company to afford additional Accommodation, and to complete and improve the said Docks and the Entrances thereto, and the said Works connected with the same, it is necessary that the said Company should be authorized to augment their said Capital Stock: 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 all Powers, Authorities, Provisions, Regulations, Directions, Clauses, Matters, and Things whatsoever contained in the said Three recited Acts of the Thirty-ninth, Forty-second, and Forty-fourth Years of the Reign of His late Majesty, (save and except such as are varied, altered, or repealed,) shall extend and be construed to extend to this present Act, and shall operate and be in force in respect to this Act, as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act.

Powers of recited Acts (except such as are repealed) to extend to this Act.

Company may raise a further Sum of Money.

II. And be it further enacted, That it shall be lawful for the said Company, at any General Meeting or Meetings to be specially called for that Purpose, to raise, either by Increase of their said Capital or Joint Stock, or by way of Loan, such further Sum of Money, not exceeding in the whole the Sum of Five hundred thousand Pounds, as according to the Majority of Votes of the Proprietors present at such

such Meeting or Meetings shall be found necessary or expedient ; and it shall be lawful for the said Company to raise such further Sum of Five hundred thousand Pounds, or any Part thereof, by Contribution amongst the Proprietors of the said Company, or by the Admission of any new Subscriber or Subscribers, or by such other Ways or Means as according to the Majority of Votes of the Proprietors present at such Meeting or Meetings shall be found proper.

III. And be it further enacted, That the additional Capital or Joint Stock raised by virtue of this Act shall be considered as Part of the Capital or Joint Stock of the said Company, and 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 said original Capital Stock of Five hundred thousand Pounds.

The Money so raised to be deemed Part of the Stock of the Company.

IV. And be it further enacted, That such additional Capital or Joint Stock shall be subscribed and paid for at such Rates of Money for every One hundred Pounds Stock, and called for by the Directors of the said Company in such Proportions and at such Time and Times as shall be agreed upon and prescribed by the Directors of the said Company, or any Five of them.

Calls for Money.

V. And be it further enacted, That in case the said Company shall think it advisable to borrow such further, or, additional Sum at Interest in manner herein-after mentioned, or shall deem it expedient to raise only a Part of the said further or additional Sum in augmentation of their Capital Stock, and to borrow the Remainder thereof at Interest, then and in either of the said Cases it shall be lawful for the said Company to borrow and take up at Interest, on the Security or Securities herein-after mentioned, any Sum or Sums of Money not exceeding, together with any additional Capital Stock that may hereafter be subscribed, such further Sum of Five hundred thousand Pounds; and for the Purpose of raising the same, or any Part, or Parts thereof, the Directors for the Time being of the said Company, or any Five or more of them, shall and may assign, over the Rates and Duties receivable by the said Company, or a competent Part thereof, as a Security or Securities for the Repayment of any such Sum or Sums of Money to be borrowed, together with lawful Interest, to such Person or Persons, or 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 said recited Act of the Thirty-ninth Year of the Reign of His late Majesty prescribed and directed concerning the Assignments and Securities to be made and given for the Monies thereby authorized to be borrowed by the said Company, and concerning such last-mentioned Monies and the Interest thereof.

Company may borrow Money by Assignment of the Rates.

VI. And be it further enacted, That none of such Assignments and Securities to be made by the said Directors as aforesaid shall, on account

No Priority of Assignments.

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 Sums of less than 100*l.* to be advanced.

VII. And be it further enacted, That no Money shall be subscribed towards augmenting the said Capital Stock; or advanced to the said Company upon Security at Interest as aforesaid, in any Sum less than One hundred Pounds; and no Assignment or Security shall, at any Time hereafter, be executed as aforesaid for securing any less Sum of Money than One hundred Pounds; and every or any such Assignment or Security which shall be made or attempted to be made for securing any less Sum, contrary to the true Intent and Meaning of this Act, shall be void.

No Assignment or Transfer to be made of any smaller Sum than 100*l.*

VIII. And be it further enacted, That no Assignment or Transfer shall be permitted to be made or entered into the Transfer Books of the said *West India* Dock Company of or concerning any smaller Sum of the Capital Stock of the said Company, 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 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 Act contained to the contrary notwithstanding.

No Director liable to be prosecuted by reason of making any Assignment.

IX. And be it further enacted, That the present or any future Directors of the said Company, 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, any Assignment or Security for and on behalf of the said Company, 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.

Same Person not to be Clerk and Treasurer.

X. And be it further enacted, That it shall not be lawful for the said Company to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said Acts or this Act, or the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, the Treasurer for the Purposes of the said Acts or of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, the Clerk for the Purposes of the said Acts or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said Acts or this Act, or if any Person being the Partner of any such Clerk, or the Clerk or other Person in the Service or Employ of any such Clerk or of his Partner, shall act as Treasurer, or as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any such Treasurer or of his Partner, shall act as Clerk, or as Deputy of the Clerk, or in any

any Manner officiate for the Clerk in the Execution of the said Acts or this Act, or if any such Treasurer shall hold or accept any Place or Office of Profit or Trust under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

XI. And be it further enacted, That in all Cases in which by the said Acts or this Act any Penalty or Forfeiture is made recoverable by Information before a Justice or Justices of the Peace, or other Magistrate, it shall and may be lawful for any Justice or Justices, or other Magistrate, to whom Complaint is authorized to be made of any Offence against the said Acts or this Act, to summon the Party complained against before him or them, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him or her to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices or other Magistrate; and all such Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Justices may proceed by Summons for Recovery of Penalties.

XII. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said Acts, or by any Rule, Order, or Bye Law made in pursuance thereof, (the Manner of levying, recovering, and applying whereof is not otherwise particularly directed,) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of any Justice of the Peace for the County or Place in which the Offence shall be committed, on Complaint to him for that Purpose exhibited upon the Oath of any Person or Persons, or on the solemn Affirmation of any Person or Persons being of the Society called *Quakers*, or on the Confession of the Party offending (which Oath or Affirmation such Justice is hereby authorized to administer); and in default of Payment of such Penalties or Forfeitures, the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in default of such particular Appropriation thereof as herein-mentioned, one Moiety thereof shall be paid to the Overseers of the Poor of the Parish or Place where the Offence shall be committed, to be by them applied for the Use of the Poor of such Parish or Place, and the other Moiety thereof shall be paid to the Informer; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be

Recovery and Application of Penalties.

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conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his, her, or their Appearance before such Justice, or before some other Justice of the Peace for the County or Place in which the Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Eight Days from the taking of any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit the Offender or Offenders to the House of Correction or Common Gaol for the said County or Place, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, together with the Costs and Charges attending such Proceedings as aforesaid, (to be ascertained by such Justice,) shall be sooner paid and satisfied, or such Offender or Offenders shall be otherwise discharged by due Course of Law.

Service of  
Notices on  
Company.

XIII. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons or Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, Service thereof respectively upon the Treasurer, the Secretary, or any Director of the said Company, or left at the Office of the said Company, shall be deemed good and sufficient Service of the same respectively on the said Company.

Public Act.

XIV. 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, without being specially pleaded.

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