



ANNO DECIMO SEPTIMO

# VICTORIÆ REGINÆ.

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## Cap. xiii.

An Act to enable the Dock Company at *Kingston-upon-Hull* to raise a further Sum of Money, and to convert the Mortgage and Bond Debt of the Company into Debenture Stock and Perpetual Annuities ; and for other Purposes.

[12th *May* 1854.]

**W**HEREAS an Act was passed in the Fourteenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for making and establishing public Quays or Wharfs* 14 G. 3. c. lvi. 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 Basin 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*; the Short Title of which Act is "The *Kingston-upon-Hull* Dock Act, 1774:" And whereas another Act was passed in the Forty-second Year of the Reign of His said Majesty, for the Purpose of amending the Act aforesaid, and for making additional Basins or Docks at *Kingston-upon-Hull*, with an Entrance

[*Local.*]

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Entrance

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

Entrance into the same from the River *Humber*, and for granting certain Lands belonging to His Majesty in aid of such Works; the Short Title of which Act is “The *Kingston-upon-Hull* Dock Act, 1802:” And whereas another Act was passed in the Forty-fifth

45G.3. c. xlii. Year of the Reign of His said Majesty, intituled *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 Basins or Docks at Kingston-upon-Hull*; the Short Title of which Act is “The *Kingston-upon-Hull* Dock Act, 1806:” And whereas another

7 & 8 Vict. c. ciii. Act was passed in the Session of Parliament held in the Seventh and Eighth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making new Docks and other Works connected therewith, in addition to the present Docks at Kingston-upon-Hull, and for amending the Acts relating to such last-mentioned Docks*; the Short Title of which Act is “The *Kingston-upon-Hull* Dock Act, 1844:” And whereas another Act was passed in the Eighth Year of the Reign

8 & 9 Vict. c. 7. of Her present Majesty, intituled *An Act for amending the Acts relating to the Docks at Kingston-upon-Hull, and for enlarging One of the said Docks*; the Short Title of which Act is “The *Kingston-upon-Hull* Dock Act, 1845:” And whereas another Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her

10 & 11 Vict. c. cclxxxiii. present Majesty, intituled *An Act for removing Doubts as to the Purchase of Lands by the Dock Company at Kingston-upon-Hull in certain Cases*; the Short Title of which Act is “The *Kingston-upon-Hull* Dock Act, 1847:” And whereas another Act was passed in the Twelfth and Thirteenth

12 & 13 Vict. c. lxxix. Years of the Reign of Her present Majesty, intituled “The *Kingston-upon-Hull* Dock Act, 1849,” wherein it is recited that the Sum of Four hundred thousand Pounds authorized to be raised by the therein fourthly-recited Act had been wholly expended upon the Works authorized by the said Act, and that it was expedient that the Company should be authorized to raise a further Sum of Money; and it is thereby enacted, that it should be lawful for the Company to borrow, on Mortgage or Bond, in addition to the Sums of Money authorized to be raised by the said therein-recited Acts, or any of them, such further Sums of Money as should from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, and, for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rates and Duties arising by virtue of the said therein-recited Acts and of that Act, or to give Bonds in manner therein mentioned: And whereas the said Sum of One hundred and fifty thousand Pounds, authorized to be raised by the said last-recited Act, has, under the Powers of the said Act, been borrowed by the Company upon their Bonds, payable at such Times and at such Rates of Interest as are therein respectively mentioned: And whereas the Bond Debt of the Company amounts to Five hundred and fifty thousand Pounds, and in order to

meet

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

meet the increasing Demands for further Accommodation, the Company require an additional Sum of Money beyond the Amount which by the said Acts they are authorized to raise, and they have expended or incurred Liabilities beyond the said Sum of Five hundred and fifty thousand Pounds: And whereas it is expedient that the Company should be enabled to convert their Mortgage and Bond Debts, or any Part thereof, into Debenture Stock of the Company, with a Preference Dividend, at any Rate not exceeding the Rate herein-after prescribed, or into Perpetual Annuities, at a Rate not exceeding the Rate herein-after prescribed on the Amount of such Mortgage and Bond Debt, or any Part thereof, and that they should be authorized by the same Means, or by Mortgage or Bond, to raise the additional Sum of Money required for the Purposes of the Company: And whereas by the *Kingston-upon-Hull Dock Act, 1844*, the Company are required to complete the Docks and Works thereby authorized within the Periods by such Act prescribed, and such Docks have been accordingly completed and opened to the Public, but Doubts have arisen whether the Company, for the Purpose of affording additional Accommodation required for the increasing Trade of the Port, can, after the Expiration of Ten Years from the passing of the said Act, provide additional Yards, Timber Ponds, Buildings, and Conveniences authorized by the said Act, upon Property belonging to the Company, and it is expedient that such Doubts should be removed: And whereas it is expedient that the said Acts should in certain other respects be altered, amended, and enlarged: And whereas the Purposes aforesaid 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, as follows:

I. That the Expression "the Company" shall mean the Dock Company at *Kingston-upon-Hull*. "The Company."

II. That in citing this Act for any Purpose it shall be sufficient to use the Expression "The *Kingston-upon-Hull Dock Amendment Act, 1854*." Short Title.

III. That it shall be lawful for the Company to borrow on Mortgage or Bond, in addition to the Sums of Money authorized to be raised by the said recited Acts or any of them, such further Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of a General Meeting of the Company, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds; and for securing the Repayment of the Money so borrowed, with Interest, to mortgage the Rates and Duties arising by virtue of the said recited Acts and this Act, or to give Bonds in manner herein-after mentioned. Power to borrow Money on Mortgage, &c.

IV. That

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

Re-borrow-  
ing.

IV. That if, after having borrowed any Part of the Money so authorized to be borrowed on Mortgage or Bond, the Company pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time; but such Power of re-borrowing shall not be exercised without the Authority of a General Meeting of the Company, unless the Money be so re-borrowed in order to pay off any existing Mortgage or Bond.

Mortgages  
and Bonds.

V. That every Mortgage and Bond for securing Money borrowed by the Company shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage or Bond may be according to the Forms set forth in the Schedule (A.) or (B.) annexed to the said fourthly-recited Act, or with such Variation in such Form as the Circumstances of the Case may require.

Mortgages  
under former  
Acts to have  
Priority.

VI. That all Mortgages and Bonds already granted under the Powers of the said recited Acts or any of them shall have Priority over the Mortgages and Bonds by this Act authorized to be given.

Rights of  
Mortgagees.

VII. That (subject as aforesaid to the Rights of existing Mortgagees and Bondholders) the respective Mortgagees under this Act shall be entitled, one with another, to their respective Proportions of the Rates and Duties comprised in such Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, or above the Bond Creditors of the Company, by reason of the Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever.

Rights of  
Obligees.

VIII. That (subject as aforesaid to the Rights of existing Mortgagees and Bondholders) the respective Obligees in the Bonds granted by virtue of this Act shall proportionably, according to the Amount of the Monies secured thereby, be entitled to be paid out of the said Rates and Duties the respective Sums in such Bonds mentioned and thereby intended to be secured, without any Preference one above another, or above the said Mortgagees under this Act, by reason of Priority of Date of any such Bond, or of the Meeting at which the same was authorized, or otherwise howsoever.

Transfers to  
be stamped.

IX. That every Transfer of any Mortgage or Bond shall be by Deed duly stamped, wherein the Consideration shall be truly stated.

Mortgages  
and Bonds to  
be registered,

X. That all Mortgages and Bonds, and the Transfers thereof, shall be registered, and the same may be transferred, and the Payment of the Interest

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

Interest and the Repayment of the Principal may be enforced, in the same Manner as if such Mortgages and Bonds respectively had been granted under the Provisions of the fourthly-recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty.

&c. in same Manner as original Mortgages under fourthly-recited Act.

XI. That it shall be lawful for the Company, at any Time or from Time to Time, with the Consent of Three Fifths of the Votes to be given by the Proprietors present, personally or by Proxy, at any General Meeting of the Company convened for that Purpose, and entitled to vote either as Principals or Proxies, to convert all or any Part of the borrowed Capital of the Company, whether secured by Mortgage or Bond, into Stock of the Company, or into Perpetual Annuities, or partly into such Stock and partly into such Annuities, as the Company may see fit; and to raise the whole or any Portion of the Monies which they may be authorized to borrow, but which may not then have been borrowed, by issuing Stock to a corresponding Amount, or by the Grant of Perpetual Annuities, or partly by one Mode and partly by the other, as the Company may see fit.

Power to convert Mortgage or Bond Debt into Debenture Stock, or Perpetual Annuities, and to raise Amount authorized to be borrowed by Stock or Annuities.

XII. That in case the Company shall, with such Consent as aforesaid, resolve to convert the whole of their said borrowed Capital or any Portion thereof into Stock, it shall be lawful for the Directors of the Company at any Time, and from Time to Time, to convert into Stock of the Company the whole or such Part of the said borrowed Capital as may be directed by the Resolution of such Meeting; and such Conversion shall be effected, either by issuing such Stock to the Holders of any Mortgages or Bonds who may agree to accept Stock for the same before the same shall become payable, or by paying off such Mortgages or Bonds when the same respectively shall become due, and issuing Stock of a corresponding Amount, instead of reborrowing the Sums so paid off; and in case the Company shall, with such Consent as aforesaid, resolve to raise the whole or any Portion of the Monies which they may be authorized to borrow, but which shall not then have been borrowed, by the Issue of Stock, it shall be lawful for the Directors of the Company, at any Time or from Time to Time, to raise the whole or such Part as may be directed by the Resolution of such Meeting, of the Monies which they may be so authorized to borrow, but which shall not then have been borrowed, by issuing Stock to a corresponding Amount instead of borrowing such Monies or any Part thereof.

Mode of Exercise of the Power in case of Conversion into Stock

XIII. That it shall be lawful for the Company, with such Consent as aforesaid, at any one Time or from Time to Time, to create and issue the whole or any Portion or Portions of the Stock which may, at any Time or Times and from Time to Time, be deemed necessary for the Purposes aforesaid, and to attach to any Stock so to be created and issued, or to

Company may attach Preferential Dividend to the Debenture Stock.

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*The Kingston-upon-Hull Dock Amendment Act, 1854.*

any Portion or Portions thereof, such fixed and perpetual irredeemable yearly Dividend or Interest, to be payable in equal half-yearly Portions, at any Rate not exceeding the Rate of Four Pounds for every One hundred Pounds of such Stock, or such Portion or Portions thereof as the Company shall at any Time or Times and from Time to Time see fit; and such Dividend or Interest shall be a Charge upon the Rates and Duties payable to the Company, and shall for ever have Priority of Payment over all or any Dividends on the Shares of the Proprietors of the Company; and the said Stock, when so created, shall be termed "*Kingston-upon-Hull Docks Debenture Stock*," and shall be and be deemed Part of the Capital Stock of the Company, and shall be transferred and transmissible in manner and subject to the Regulations herein-after mentioned and contained; provided nevertheless, that the Owners or Holders of any such Debenture Stock shall not in respect thereof be entitled to vote at any Meeting, or interfere or take any part in the Affairs or Concerns of the Company.

Company may alter Rate of Dividend on any unissued Portion of Debenture Stock.

XIV. That in case a Portion only of such Stock shall be created and issued at any one Time, the Company may, if they think fit, on the subsequent Creation and issuing of any further Portion or Portions of such Stock, attach to such further Portion or Portions a Rate of Dividend or Interest different in Amount to the Rate of Dividend or Interest attached to the Stock then already previously created and issued, and so on from Time to Time as such further Portion or Portions shall be created and issued, but not exceeding in any Case the Rate herein-before limited.

Mode of Exercise of Power in case of Conversion into Annuities.

XV. That in case the Company shall, with such Consent as aforesaid, resolve to convert the whole or any Part of their said borrowed Capital into Perpetual Annuities, it shall be lawful for the Directors of the Company, at any Time and from Time to Time, to convert into Perpetual Annuities the whole or such Part of the said borrowed Capital as may be directed by the Resolution of such General Meeting, such Conversion to be effected either by granting One or more such Annuity or Annuities to any of the Holders of any such Mortgages or Bonds as aforesaid who may agree to accept such Annuity or Annuities for the same, before the same shall become payable, or by paying off such Mortgages or Bonds when the same respectively shall become due, and raising a corresponding Amount of Money by the Grant and Sale of such Annuity or Annuities instead of reborrowing the Amount so paid off; and in case the Company shall resolve to raise the whole or any Portion of the Moneys which they may be authorized to borrow, but which shall not then have been borrowed, by granting Perpetual Annuities, it shall be lawful for the Directors of the Company, at any Time or from Time to Time, to raise the whole or such Part as may be directed by the Resolutions of such Meeting, of the Moneys which they may be so authorized to borrow, but  
which

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

which shall not then have been borrowed, by granting and selling a Perpetual Annuity or Perpetual Annuities, instead of borrowing such Moneys or any Part thereof.

XVI. That it shall be lawful for the Company, with such Consent as aforesaid, at any Time and from Time to Time, to grant, or to grant and sell, such and so many Perpetual Annuities or Annuity as may be necessary for any of the Purposes aforesaid, such Perpetual Annuities or Annuity to be at any Rate not exceeding the Rate of Four Pounds *per Centum per Annum* for every One hundred Pounds of the said borrowed Capital, and to be payable in equal half-yearly Portions; and such Perpetual Annuities or Annuity shall be a Charge upon the Rates and Duties payable to the Company, but shall be transferable and transmissible as and have all the Incidents of Personal Estate.

Power to Company to grant Annuities for Purposes aforesaid.

XVII. That such Perpetual Annuities and every of them shall for ever have Priority of Payment over all or any Dividends on the Shares of the Proprietors of the Company except the Dividends of the Debenture Stock hereby authorized to be created, with which they shall be considered on an Equality.

Perpetual Annuities to have Priority over Dividends on Dock Shares.

XVIII. That the Debenture Stock shall not be issued or sold by the Company for a Sum less than the nominal Value thereof, and the Perpetual Annuities shall not be issued or sold by the Company at a Price less than after the Rate of One hundred Pounds for every Four Pounds of such Perpetual Annuities.

Debenture Stock, &c., not to be issued below a certain Sum.

XIX. That after the Conversion of such borrowed Capital or any Portion thereof into Stock or Perpetual Annuities, it shall not be lawful for the Company again to borrow the Sum so converted, but the Powers of borrowing by the Company shall, to the Extent of the Sums so from Time to Time converted into Stock or Annuities, and of the Sums so raised by the Creation of Stock, or the Grant of Annuities, instead of being borrowed, be extinguished.

As to Extinguishment of borrowing Powers in certain Cases.

XX. That if, within Thirty Days after the Perpetual Annuities granted under the Authority of this Act, or the Dividends or Interest on the said Debenture Stock have respectively become payable, and, after Demand in Writing of Payment of such Annuities or Dividends or Interest respectively, as the Case may be, such Annuities or Dividends or Interest be not paid, any Proprietor or Proprietors of such Annuities or Stock holding individually or collectively an Annuity or Annuities of the annual Value of Five hundred Pounds or upwards, or an Amount in Stock of the nominal Value of Twenty thousand Pounds or upwards, may (without Prejudice to his and their Right to sue for the Annuity, Dividend, or Interest so in arrear, in any Court of competent Jurisdiction) require the Appointment

Payment of Arrears may be enforced by Appointment of Receiver.

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

Appointment of a Receiver by an Application to be made as herein-after provided.

Mode of ap-  
pointing  
Receiver.

XXI. That every Application for a Receiver in the Cases aforesaid shall be made to Two Justices; and on every such Application it shall be lawful for such Justices, by Order in Writing, after hearing the Parties, to appoint some Person to receive the whole or a competent Part of the Rates or Duties liable to the Payment of such Annuities, Dividends, or Interest, until all the Arrears of such Annuities, Dividends, or Interest which may then be due, together with all Costs, including the Charges of receiving the Rates or Duties aforesaid, be fully paid; and upon such Appointment being made, all such Rates and Duties as aforesaid shall be paid to and received by the Person so to be appointed, and the Money so to be received shall be so much Money received by or to the Use of the Proprietors of the said Annuities or Debenture Stock, or to the Use of those of the said Proprietors to whom such Annuities, Dividends, or Interest shall be then due; and so soon as the full Amount of such Annuities, Dividends, Interest, and Costs has been so received, the Power of such Receiver shall cease: Provided always, that such Receiver shall distribute rateably and without Priority, among all the Proprietors of the said Annuities and Stock to whom such Annuities, Dividends, or Interest shall be in arrear, the Rates or Duties which shall so come to his Hands.

Act not to  
affect Mort-  
gages.

XXII. That nothing herein contained shall in anywise prejudice or affect the Right of the Holders of the Mortgages or Bonds of the Company which shall not be converted into Debenture Stock or Permanent Annuities.

Rights of  
holders of  
Debenture  
Stock and  
Perpetual  
Annuities.

XXIII. That the Proprietors of Debenture Stock and Perpetual Annuities created and issued under the Powers of this Act, for the Purpose of paying off and discharging the Mortgage or Bond Debt of the Company, and for raising any Sum of Money instead of borrowing the same, shall be entitled, one with another, to the Payment of the preferential Rate of Dividend attached to such Stock, and to the Payment of the Perpetual Annuities so sold or granted by the Company, according to the Amount of such Dividend or Annuity, without any Preference or Priority one above another, by reason of Priority of the Date of the Meeting at which the same was authorized to be created and issued as aforesaid.

Provision for  
Register of  
Annuitants  
and Holders  
of Debenture  
Stock.

XXIV. That the Company shall keep a Book to be called "the Register of Annuitants," and also a Book to be called "the Register of Holders of Debenture Stock," and in such Books respectively shall be fairly and distinctly entered from Time to Time the Names of the several Corporations, and the Names and Additions of the several Persons, entitled to any Perpetual Annuities or Debenture Stock created and issued



*The Kingston-upon-Hull Dock Amendment Act, 1854.*

issued under the Authority of this Act, together with the Amount of the Annuities or Debenture Stock to which such Annuitants or Holders shall be respectively entitled, and the Surnames or corporate Names of the said Annuitants shall be placed in the Register of Annuitants, and the Surnames or corporate Names of Holders of Debenture Stock shall be placed in the Register of Holders of Debenture Stock.

XXV. That on Demand of the Holder of any Annuity or Debenture Stock, the Company shall cause a Certificate of the Proprietorship of such Annuity or Stock, as the Case may be, to be delivered to such Annuitant or Holder; and such Certificate shall specify the Annuity or Amount of Debenture Stock to which such Annuitant or Holder is entitled, and every such Certificate may be according to the Form in the Schedule (A.) to this Act annexed, or to the like Effect, and for such Certificate the Company may demand any Sum not exceeding Two Shillings and Sixpence.

Certificates of Annuitants and Holders of Debenture Stock to be issued.

XXVI. That all Certificates of Debenture Stock shall specify the Rate of Preferential Dividend attached thereto.

Certificates to specify Rate of Preferential Dividend.

XXVII. That such Registration and Certificate of any Annuity or Debenture Stock shall be Evidence of the Grant of the Annuity, or of the Creation and Issue of the Debenture Stock, as the Case may be, and such Certificate of any Annuity or Debenture Stock shall be admitted in all Courts as *primâ facie* Evidence of the Title of such Annuitant or Holder of such Debenture Stock, as the Case may be, his Executors and Administrators, Successors or Assigns, to the Annuity or Debenture Stock therein specified; nevertheless, the Want of such Certificate shall not prevent the Holder of any Annuity or Debenture Stock from disposing thereof.

Certificates to be Evidence.

XXVIII. That if any such Certificate be worn or damaged, then upon the same being produced at some Meeting of the Directors of the Company, such Directors may order the same to be cancelled, and thereupon another similar Certificate shall be given to the Party in whom the Property of such Certificate, and of the Annuity or Debenture Stock therein mentioned, shall be at the Time vested; or if such Certificate be lost or destroyed, then, upon Proof thereof to the Satisfaction of the Directors, a similar Certificate shall be given to the Party entitled to the Certificate so lost or destroyed, and in either Case a due Entry of the substituted Certificate shall be made by the Secretary in the Register of Annuitants or the Register of Holders of Debenture Stock, as the Case may be; and for every such Certificate so given or exchanged the Company may demand any Sum not exceeding Two Shillings and Sixpence.

As to Renewal of Certificates.

XXIX. That, subject to the Regulations herein contained, every Annuitant may sell and transfer his Annuity, or all or any Part thereof, and every Holder of Debenture Stock may sell all or any Part (not being

Mode of Transfer of Annuities or Debenture Stock.

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*The Kingston-upon-Hull Dock Amendment Act, 1854.*

less in Amount than One hundred Pounds thereof) of his Interest in such Debenture Stock; and every such Transfer shall be by Deed duly stamped, in which the Consideration shall be truly stated, and such Deed may be according to the Form in the Schedule (B.) to this Act annexed, or to the like Effect.

Transfers to  
be registered.

XXX. That the said Deed of Transfer (when duly executed) shall be delivered to the Secretary, and be kept by him, and the Secretary shall, in respect of the Perpetual Annuities, enter a Memorial thereof in a Book to be called the "Register of Transfers of Annuities," and in respect of the Debenture Stock, enter a Memorial thereof in a Book to be called the "Register of Transfers of Debenture Stock," and shall endorse such Entry on the Deed of Transfer, and shall on Demand deliver a new Certificate to the Purchaser; and for every such Entry, together with the Endorsement and Certificate, the Company may demand any Sum not exceeding Two Shillings and Sixpence; and, on the Request of the Purchaser of any Annuity or Debenture Stock, an Endorsement of such Transfer shall be made on the Certificate of such Annuity or Debenture Stock, instead of a new Certificate being granted, and such Endorsement, being signed by the Secretary, shall be considered in every respect the same as a new Certificate.

Closing of  
Transfer  
Books.

XXXI. That it shall be lawful for the Directors of the Company to close the Register of Transfers of Annuities and Debenture Stock for a Period not exceeding Fourteen Days, and not oftener than Twice in each Year, and they may from Time to Time fix a Day for the closing of the same, of which Seven Days Notice shall be given by Advertisement in some Newspaper published at *Hull*, and any Transfer made during the Time when the said Transfer Books are so closed shall, as between the Company and the Party claiming under the same, but not otherwise, be considered as made subsequently to the re-opening of such Transfer Books.

Trans-  
mission of  
Interest in  
Annuities or  
Debenture  
Stock by  
other Means  
than by  
Transfer, to  
be authen-  
ticated.

XXXII. That if the Interest in any Annuity or in any Debenture Stock shall have become transmitted in consequence of the Death, Bankruptcy, or Insolvency of any Holder of such Annuity or Debenture Stock, or in consequence of the Marriage of a Female Holder of an Annuity or Debenture Stock, or by any other lawful Means than by a Transfer according to the Provisions of this Act, such Transmission shall be authenticated by a Declaration in Writing as herein-after mentioned, or in such other Manner as the Directors of the Company shall require, and every such Declaration shall state the Manner in which and the Party to whom such Annuity or Stock shall have been so transmitted, and shall be made by some credible Person before a Justice, or before a Commissioner to administer Oaths in Chancery in *England*, and such Declaration shall be left with the Secretary, and thereupon he shall enter the

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

the Name of the Person entitled under such Transmission, in the "Register of Annuitants," or "Register of Holders of Debenture Stock," as the Case may be; and for every such Entry the Company may demand any Sum not exceeding Five Shillings; and until such Transmission shall have been so authenticated no Person claiming by virtue of any such Transmission shall be entitled to receive the same Annuity, or the Dividend or Interest upon the Debenture Stock, or any Part thereof respectively.

XXXIII. That if such Transmission be by virtue of the Marriage of a Female Holder of any Annuity or Debenture Stock, the said Declaration shall contain a Copy of the Register of such Marriage or other Particulars of the Celebration thereof, and shall declare the Identity of the Wife with the Holder of such Annuity or Debenture Stock, and if such Transmission have taken place by virtue of any Testamentary Instrument, or by Intestacy, the Probate of the Will or the Letters of Administration, or an official Extract therefrom, shall, together with such Declaration, be produced to the Secretary; and upon such Production in either of the Cases aforesaid the Secretary shall make an Entry of the Declaration in the said "Register of Transfers of Annuities," or "Register of Transfers of Debenture Stock," as the Case may be.

Proof of  
Trans-  
mission by  
Marriage,&c.

XXXIV. That the Company shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of the said Annuities or Debenture Stock, or any Part thereof, may be subject, and the Receipt of the Party in whose Name any such Annuity or Debenture Stock shall stand in the Books of the Company shall from Time to Time be a sufficient Discharge to the Company for any Annuity or other Sum of Money payable in respect thereof, or for the Dividend or Interest upon such Debenture Stock, notwithstanding any Trusts to which such Annuity or Stock may then be subject, and whether or not the Company shall have had Notice of such Trusts; and the Company shall not be bound to see to the Application of the Money paid upon such Receipt.

Company not  
to regard  
Trusts.

XXXV. That the Thirtieth Section of the *Kingston-upon-Hull Dock Act, 1844*, relating to the Extraordinary Meetings of the Company shall be and is hereby repealed.

Section 30. of  
7 & 8 Vict.  
c. ciii.

XXXVI. That every Meeting of the Proprietors, other than an Ordinary Meeting, shall be called an "Extraordinary Meeting;" and any such Extraordinary Meeting may be convened by the Chairman, or any Three of the Directors, at such Times as they may think fit; and if such Extraordinary Meeting be convened by the Chairman, or any Three of the Directors of the Company, Five clear Days Notice of such Extraordinary Meeting, given in manner prescribed by the Thirty-second Section of the said *Kingston-upon-Hull Dock Act, 1844*, shall be deemed sufficient

Extraor-  
dinary  
Meetings,  
how to be  
convened.

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

sufficient Notice of such Extraordinary Meeting, anything in the said Act contained to the contrary notwithstanding.

Mortgage and Bond Creditors, &c. not to be disqualified as Directors.

XXXVII. That no Person who shall be a Proprietor possessed of One entire Share in the Undertaking shall be deemed to be disqualified from continuing or becoming a Director of the Company by reason of his being the Holder of the Company's Bonds or Mortgages, or of Perpetual Annuities or Preferential Debenture Stock, under the Authority of the recited Acts and this Act, or any of them.

Power to reduce the Number of Directors.

XXXVIII. That it shall be lawful for the Company from Time to Time, by the Resolution of an Extraordinary Meeting, to reduce the Number of Directors of the Company to Six, exclusive of the Chairman and Deputy Chairman, and at any Time and from Time to Time afterwards to increase the Number to Nine, exclusive of such Chairman and Deputy Chairman.

Sections 204 and 211 of 7 & 8 Vict. c. ciii. repealed.

XXXIX. That the Two hundred and fourth Section of the *Kingston-upon-Hull* Dock Act, 1844, whereof the Marginal Note in the Copies of the said Act printed by the Queen's Printers is, "Penalty for evading to make a true Report of the Ship's Destination," and the Two hundred and eleventh Section of the same Act, whereof the Marginal Note in such Queen's Printers Copies is, "Penalty on evading Payment of Rates," shall be and are hereby repealed, yet so as not to prevent the Recovery of any Forfeitures, Costs, or Expenses already incurred under any of the Provisions of such Sections.

Penalty for evading to make a true Report of the Ship's Destination.

XL. That upon any Application being made at the Dock Duty Office at the said Port of *Kingston-upon-Hull*, to pay any Dock Duties in respect of any Vessel arriving at or departing from the said Port, it shall be lawful for the Collector of such Dock Duties, or his Deputy, whenever he shall think fit, to question any Person applying to pay the same, or the Master, Owner, or Agent of such Vessel, as to the most distant Port from which such Vessel shall have arrived and traded to the said Port, or to which such Vessel shall be bound and trading from the same Port, or from which such Vessel shall have come, or to which such Vessel shall be intended to sail, and for which Dock Duties would, by virtue of the said recited Acts and of this Act, or any of them, be payable; and if such Person, or the Master, Owner, or Agent of such Vessel, shall refuse to make Answer to such Question, or shall wilfully give a false or untrue Answer, such Person, or such Master, Owner, or Agent, shall forfeit any Sum not exceeding Twenty Pounds.

Penalty on evading Pay-

XLI. That if the Master, Owner, or Agent of any Vessel, or the Owner, Consignee, or Agent of any Goods, shall evade the Payment of any

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

any Rates or Duties payable to the Company, he shall forfeit for every such Offence any Sum not exceeding Twenty Pounds.

ment of Rates.

XLII. That all Goods or Merchandise which shall be landed from any Ship or Vessel and deposited in any of the Warehouses of the Company and lodged in their Custody shall, when so deposited and lodged, continue and be subject and liable to such and the same Claim or Lien for Freight in favour of the Master, Owner, or Charterer of such Ship or Vessel from or out of which such Goods or Merchandise shall be so landed, and also in favour of any other Person interested in the Freight of the same, as such Goods or Merchandise were subject and liable to whilst the same were on board such Ship or Vessel, and before the landing thereof.

Goods deposited in the Company's Warehouses to remain liable to Claim for Freight.

XLIII. That the Directors of the Company, or their Servants or Agents, or any of them, shall and may and they are hereby authorized and required, upon due Notice to them in that Behalf given by such Master, Owner, Charterer, or other Person as aforesaid, to detain and keep such Goods and Merchandise in any of the Warehouses of the Company, until the Freight to which the same shall be subject and liable as aforesaid shall be duly paid or satisfied, together with the Rates, Rents, and Charges to which the same Goods and Merchandise shall have been subject and liable, or until such Rates, Rents, and Charges shall have been so paid, and a Deposit shall have been made by the Owner or Consignee of such Goods or Merchandise, equal in Amount to the Claim or Demand made by the Master, Owner, or Charterer of the Ship or Vessel, or other Persons as aforesaid, for or on account of Freight upon such Goods or Merchandise, which Deposit the Company or their Agents are hereby authorized and directed to receive and hold in Trust until the Claim or Demand for Freight upon such Goods or Merchandise shall have been satisfied, when, upon Proof thereof, and Demand made by the Person or Persons by whom the said Deposit shall have been made, his or their Executors, Administrators, or Assigns, the Rates, Rents, and Charges due upon the said Goods to the Company being first paid, the said Deposit shall be returned to him or them by the Company.

Directors may, upon Notice, detain Goods.

XLIV. That no Notice to detain Goods for Payment of Freight as aforesaid shall be available for the Purpose aforesaid, unless such Notice shall be given to the Company before the Issue of the Warrants or other usual Documents for the Delivery of the Goods.

Notice to detain Goods to be given before Issue of Warrants for Delivery.

XLV. That every such Deposit shall be considered and taken to be so made in Payment of the Claim or Lien for Freight in respect of which such Deposit shall have been made, and on the Expiration of Fifteen Days next after such Deposit shall have been so made as aforesaid, and in case Notice in Writing to hold and retain the Amount of such

Payment of Deposit Money.

[Local.]

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Deposit

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

Deposit shall not in the meantime have been given to the Company by the Person by whom such Deposit was made, his Executors, Administrators, or Assigns, the Company shall and they are hereby authorized to pay out of so much of the said Deposit as shall remain after deducting and retaining the Rates, Rents, and Charges, if any, then due to the Company on the Goods or Merchandise in respect of which such Deposit shall have been made, and all other Expenses, if any, incurred by the Company in respect thereof, to the Master, Owner, or Charterer of the Vessel from which such Goods or Merchandise shall have been deposited and lodged as aforesaid, or other Person entitled to or interested in such Claim or Lien for Freight, the Amount of such Claim or Lien for Freight, so far as such Deposit shall extend, and such Payment so made by the Company shall release and discharge the Company from all Claims and Demands whatsoever in respect of so much of the said Deposit as they shall have so paid to such Master, Owner, Charterer, or other Person as aforesaid, but no such Notice to hold and retain the Amount of such Deposit as aforesaid shall continue to operate or have the Effect aforesaid for a longer Period than Thirty Days from the Service thereof, unless some Action, Suit, or other Proceeding at Law or in Equity for determining the Title or Liability to the Freight in respect of which such Deposit shall have been made, or the Right to or the Ownership of such Deposit, shall in the meantime be actually commenced, and Notice in Writing thereof served on the Company.

Power of Sale if Deposit not made.

XLVI. That in case such Deposit shall not have been made within Ninety Days next after such Goods or Merchandise shall have been deposited and lodged as aforesaid, and in case Notice of the Nonpayment of the Freight to which the same Goods may be subject or liable shall have been given to the Company, it shall be lawful for the Company, and they are hereby authorized and required, to sell all or any Part of such Goods or Merchandise, and by, with, and out of the Proceeds of such Sale to pay and satisfy, in the first place, the Duties, if any, payable to the Commissioners of Her Majesty's Customs or Inland Revenue in respect of such Goods and Merchandise, and also to retain and pay the Rates, Rents, and Charges payable to the Company in respect thereof, and the Expenses of the said Sale; and in the next place, to pay and discharge the Freight, of the Nonpayment whereof Notice shall have been given as aforesaid, rendering the Overplus (if any) of the Money arising from such Sale to the Person entitled thereto, on Demand.

The Power of Sale not to be exercised till after Notice.

XLVII. That the Company shall not sell such Goods and Merchandise, or any Part thereof, until Ten Days previous Notice in Writing of the Claim or Lien for Freight thereon, and of the Intention to sell the same for satisfaction of the Freight, shall have been given to the Owner or Consignee of such Goods or Merchandise, if the Name of such Owner or Consignee, and his Residence or Place of Business, shall appear on the Manifest

*The Kingston-upon-Hull Dock Amendment Act, 1854.*

Manifest of the Cargo, or shall have been entered in the Books of the Warehouse in which such Goods or Merchandise shall have been deposited and lodged, by sending such Notice in a registered Letter by Post to such Residence or Place of Business of such Owner or Consignee, or if the Name and Residence or Place of Business of such Owner or Consignee shall not so appear or have been so entered, then not until Ten Days after such Notice shall have been inserted Twice in some Newspaper published at *Hull*, and shall have been also posted at the Exchange in the same Town; and the Company shall not sell a greater Portion of such Goods or Merchandise than shall, in their Judgment, be sufficient to cover the Amount of the said Duties, Rates, Rents, Charges, and Expenses, and of the said Freight.

XLVIII. That the Company shall not be in any Manner responsible for or be affected by the Invalidity of any such Claim or alleged Lien for Freight as aforesaid.

Company not to be responsible for Invalidity of Claim for Freight.

XLIX. That, notwithstanding the Times limited for the Completion of the Docks and Works by the One hundred and sixty-sixth Section of the *Kingston-upon-Hull Dock Act, 1844*, may have expired, nothing in such Act or in any other Act contained shall extend to prevent the Company from erecting and providing from Time to Time additional Yards, Timber Ponds, Buildings, and Conveniences upon Property belonging to the Company; but the same Powers may be exercised by the Company with reference thereto as could have been exercised by them previous to the Expiration of such respective Periods.

Expiration of Period for Completion of Dock not to prevent Erection of Buildings, &c.

L. That nothing contained in this Act, or in any of the Acts recited or referred to in the Preamble to this Act, shall authorize or empower the Company to levy or take the Tonnage Rates imposed by the said recited Acts or any of them, for or in respect of any Vessel which shall pass up or down the River *Humber*, or any Part thereof, without entering any of the Docks, Basins, or Harbour at *Kingston-upon-Hull* aforesaid, unless the Cargo of such Vessel, or any Part thereof, shall have been loaded and taken on board from or discharged and landed upon any Part of the Shore of the River *Humber* which is within the Port of *Hull*; and in that event such Tonnage Rates shall be payable and paid only in respect of the Quantity of Goods so loaded and taken on board by or discharged and landed from such Vessel.

Act not to extend to enable the Company to levy passing Tolls, &c.

LI. That nothing in this Act contained shall be deemed or construed to exempt the Docks by this or the recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, or of any General Act relating to Docks, now in force, or which may hereafter pass during this or any future Session of Parliament.

Docks not exempt from Provisions of future General Acts.

LII. That

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*The Kingston-upon-Hull Dock Amendment Act, 1854.*

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Expenses of Act.

LII. That all Costs, Charges, and Expenses of obtaining this Act, or incidental thereto, shall be paid by the Company.

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The SCHEDULES referred to in the foregoing Act.

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## SCHEDULE (A.)

*Form of Certificate of Annuity or Debenture Stock.*

The Dock Company at Kingston-upon-Hull, "Number

THIS is to certify, That \_\_\_\_\_ of \_\_\_\_\_ is the Proprietor of \_\_\_\_\_ Pounds Debenture Stock of the Company [*or, as the Case may be,* of a Perpetual Annuity of \_\_\_\_\_ Pounds per Annum, charged upon the Undertaking of the said Company], subject to the Regulations of the said Company.

Given under my Hand, this \_\_\_\_\_ Day of

A.B.,

Secretary to the Dock Company at Kingston-upon-Hull.

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## SCHEDULE (B.)

*Form of Transfer of Annuity or Debenture Stock.*

I \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum of \_\_\_\_\_ Pounds paid to me by \_\_\_\_\_ of \_\_\_\_\_ do hereby transfer to the said \_\_\_\_\_, \_\_\_\_\_ Pounds, Kingston-upon-Hull Docks Debenture Stock (*or Part of the Debenture Stock*), standing in my Name in the Books of the Company [*or, as the Case may be,* \_\_\_\_\_ Pounds per Annum Perpetual Annuity, charged upon the Undertaking called "The Kingston-upon-Hull Docks," being the Perpetual Annuity (*or Part of the Perpetual Annuity*) standing in my Name in the Books of the Dock Company at Kingston-upon-Hull,] to hold unto the said \_\_\_\_\_, his Executors, Administrators, and Assigns, [*or Successors and Assigns,*] subject to the several Conditions on which I held the same at the Time of the Execution hereof. And I, the said \_\_\_\_\_ do hereby agree to accept the said Debenture Stock [*or, as the Case may be,* the said \_\_\_\_\_ Pounds per Annum Perpetual Annuity], subject to the same Conditions.

As witness our Hands and Seals, the

Day of

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LONDON:

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