



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. xc.

An Act to explain and amend the Powers of an Act of His late Majesty King *George* the Fourth, for making a Pier at *Southend* in the County of *Essex*.
[30th July 1835.]

WHEREAS an Act was passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for making and maintaining a Pier at or near Southend in the Parish of Prittlewell in the County of Essex, and for making convenient Approaches to and from the same*: And whereas it is by the said Act enacted (amongst other Things) "that in case the Undertaking therein mentioned, and the several Works thereinbefore described and intended to be carried into effect under the Authority of the said Act, should not have been completed within Five Years from the passing of the said Act, then and from thenceforth all the Powers and Authorities given by the said Act should cease and determine, save only as to so much and such Part of such Works as should not have been completed within such Time:" And whereas the Word "not" which occurs in the Saving contained in the latter Part of the said Clause was suffered to remain therein by a clerical Error, after that the Words "save only" which precede the said Word "not" had been introduced into the latter Part of the said Clause, and the true Intent and Meaning of the said Clause was to determine, in the Case thereby provided for, the Powers and Authorities given by the said Act, save only as to such Part of the Works intended

[Local.] 31 E intended

10 G. 4. c. 49.

Clerical Error
in the former
Act rectified.

intended to be carried into effect thereunder as should have been completed within the Time mentioned the said Clause: And whereas the Company of Proprietors established by the said Act proceeded in the Execution thereof, and did within Five Years from the passing thereof make a Pier or Jetty; but the whole of the said Undertaking and Works has not been completed: And whereas it is expedient that the Period limited by the said recited Act for the purchasing of the Lands and Hereditaments thereby authorized to be purchased, and for the Completion of the Undertaking and Works thereby authorized to be made and done, should be extended, and that the said Company should be authorized to raise a further Sum of Money for the Purposes of the said Act and of this Act; and it is expedient that some of the Powers and Authorities in the said Act contained should be amended and explained, and that the said clerical Error in the herein-before recited Clause of the said Act should be explained and rectified; but the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: 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 the said herein-before recited Clause of the said Act of Parliament shall be deemed, construed, and taken to have had such and the same Effect to all Intents and Purposes whatsoever, and that all the Powers and Authorities in the said Act contained shall be deemed, taken, and construed to have been and to be in such and the same Force, Plight, and Condition, as if the Word "not" which occurs in the Saving contained in the latter Part of the said recited Clause had been wholly omitted in such Saving.

Provisions of
former Act
extended to
this Act.

Not to pre-
judice any
legal Pro-
ceedings now
pending.

II. And be it further enacted, That, subject to such Alteration of the said recited Clause as aforesaid, and subject to the Proviso herein-after mentioned, the said herein-before recited Act, and all and every the Powers, Provisions, Authorities, and other Matters and Things in the said Act contained, (except such Part or Parts thereof as is or are by this Act varied, altered, or repealed,) shall extend to this Act; and shall be in as full Force and Effect to all Intents and Purposes for carrying this Act into execution as if the same had respectively been repeated and re-enacted in the Body of this Act: Provided always, that nothing in this Act contained shall extend, or be deemed, taken, or construed to extend, in anywise to prejudice, or affect any legal Proceedings which are pending at the Time of the passing of this Act, or to prevent the bringing or defending any Action or other Proceeding for any thing done under or by colour of the said recited Act, as fully as if this Act had not passed, except as far as regards the clerical Error herein-before mentioned.

Further Term
granted for
the Comple-
tion of the
Works.

III. And be it further enacted, That the Time for making, completing, and finishing the Undertaking and Works by the said recited Act authorized to be made shall be extended and enlarged for the further Term of Five Years, and that the Time for purchasing the Land or Ground by the said Act authorized to be taken or used for the

the Purposes thereof shall be extended and enlarged for the further Term of Two Years, to commence and be computed respectively from the Day of the passing of this Act.

IV. Provided always, and be it hereby further enacted, That nothing in this Act contained shall authorize or empower the said Company to make, amend, widen, or improve any Road or Roads authorized to be made, widened, or improved by the said recited Act, without the Consent of such Party or Parties as are thereby empowered to sell and convey the Lands, Tenements, or Hereditaments required for the making, amending, widening, or improving such Roads, save and except the Approaches to any Pier or Jetty already or hereafter to be made, and the Road branching out of the High Road from *Hadley* to *Southchurch* at or near a Gate called the *White Gate*, and leading from thence down the Hill to *Lower Southend* on the South Side of a certain Garden Wall in the Possession of the Right Honourable Lady *Charlotte Denys*, and continuing along the Side of the Sea Beach, in front of *Lower Southend* aforesaid, to or near the House called the *Castle Tavern*, and the Road or Lane leading from *Lower Southend* aforesaid, to *Southchurch* as far as or near to a certain Gate opening from a Field called *Upper Field* into the said Road or Lane, and also save and except in Cases where the said Company have already purchased or agreed for the Purchase of such Lands, Tenements, or Hereditaments as may be required for any of the Roads authorized to be made in and by the said recited Act.

The Company not to make certain Roads without Consent of Parties.

V. Provided also, and it is hereby further enacted, That the Right of the said Company to take Tolls for passing along any Road or Roads authorized to be made, amended, widened, or improved by the said Company, or any Part thereof, shall not be prejudiced or affected by reason of any other Road or Roads, or any Part of any Road or Roads, authorized in and by the said recited Act to be made, amended, widened, or improved, not being so made, amended, widened, or improved.

Right to Tolls on any Road not prejudiced by reason of any other Road not being made, &c.

VI. And whereas it is expedient that certain additional Powers should be granted for the better ascertaining and more easy and effectual collecting the Tolls, Rates, and Duties authorized to be taken in respect of Goods, Wares, or Merchandize due and payable in the Manner directed by the said Act; be it therefore further enacted, That the Master, Owner, or other Person or Persons having the Care of any Ship or other Vessel in respect of whose Cargo, or any Part thereof, any Tolls, Rates, or Duties are made payable under and by virtue of the said recited Act, shall give to the Collector, or Collectors of the said Tolls, Rates, or Duties, or to any other Officer or Officers to be appointed for such Purpose by the said Company of Proprietors, at the Place or Places where he or they shall attend for that Purpose, a true and just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Ship or Vessel, of the Quantities, Qualities, and Weight of the Goods and other Things embarked in or upon each such Ship or Vessel, from whence brought, and where the same are intended to be landed; and

Provision made for the better Collection of the Tolls, Rates, and Duties on Goods, Wares, and Merchandize, &c.

and if the Goods or other Things contained in any such Ship or Vessel shall be liable to the Payment of different Tolls, Rates, or Duties, then such Master, Owner, or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Tolls, Rates, or Duties; and in case he or they shall neglect or refuse to give such an Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Tolls, Rates, or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay to the said Company a Sum equal to Twice the Amount of the Tolls, Rates, or Duties payable in respect of the Goods, Wares, or Merchandize which shall not have been duly accounted for, in lieu of the single Amount of Tolls, Rates, and Duties made payable by the said recited Act; and the said Monies so to be forfeited as aforesaid, and also all Tolls, Rates, and Duties made payable by the said recited Act or this Act, in respect of Goods, Wares, or Merchandize, may be recovered by the said Company, either in the Manner mentioned in the said Act, or else, in case such Tolls, Rates, and Duties exceed the Sum of Twenty Pounds, if the said Company shall think fit, by an Action of Debt or upon the Case in any of His Majesty's Courts of Record at *Westminster*, and the said Company of Proprietors and their Assignees are hereby empowered to sue for the same accordingly; and in every such Action it shall be sufficient for the Plaintiffs to declare that, under and by virtue of the said recited Act and this Act, the said Company or their Assignees were lawfully possessed of or entitled to such Tolls, Rates, or Duties as in and by the said Action are sought to be recovered, and to allege when, where, how, and wherefore such Tolls, Rates, or Duties accrued or became payable to the said Plaintiffs.

One Half of Double Toll payable may be recovered by way of Penalty.

VII. Provided always, and be it further enacted, That the Payment of One Half of the Double Amount of Rates and Duties herein-before made payable in respect of Goods, Wares, or Merchandize which shall not have been duly accounted for, may, at the Option of the said Company, be recovered either as Tolls, Rates, or Duties, or else in manner in the said recited Act provided in respect of Penalties for Offences committed against the said Act.

Power to raise further Sum of Money.

VIII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, (in addition to the Sums authorized to be raised by the said recited Act,) to raise any Sum or Sums of Money, not exceeding in the whole the Sum of Twenty thousand Pounds, by all or any of the Ways and Means by which the said Company could at any Time, under the Authority of the said recited Act, raise any Sum or Sums of Money.

Company may create new Shares.

IX. And be it further enacted, That it shall and may be lawful to and for the said Company, or their Committee for the Time being, to raise the Whole or any Part of the said Sum of Twenty thousand Pounds,

Pounds, as to them respectively shall appear proper, by creating new or additional Shares of Fifty Pounds each, and by disposing thereof to such Person or Persons, and at such Price or Prices, as to the said Company or their Committee shall from Time to Time seem meet and convenient, or by such other Ways and Means as the said Company shall from Time to Time think expedient or necessary for that Purpose; and the respective Proprietors of each and every Share which shall or may be created by virtue of this Act shall be entitled to such and the same Powers, Privileges, and Advantages, and shall be subject to such and the same Restrictions, Penalties, Conditions, and Forfeitures, as if the same were Part of the Shares already created and now vested in the several and respective Proprietors of the said Undertaking; and the Admission of every Person to any such new Share or Shares by any Order or Resolution of the said Company or their Committee for the Time being shall be a good and effectual Title to such Person or Persons, and his, her, or their respective Executors, Administrators, and Assigns, on his, her, or their paying to the said Company, or their Treasurer, the Purchase Money or Price agreed to be paid for the same.

X. Provided always, and be it further enacted, That no Mortgage, Bond, or other Security made or issued under the Authority of the said recited Act or this Act shall be assigned or transferred except by a Deed or Instrument in Writing, duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be truly specified and set forth.

Securities not to be assigned except by an Instrument in Writing.

XI. Provided always, and be it further enacted, That no Part of such additional Sum or Sums of Money hereby authorized to be raised shall be applied in purchasing, amending, widening, or improving, or making or maintaining any Road or Roads authorized to be purchased, amended, widened, or improved, or made or maintained under or by virtue of the said recited Act or this Act.

No Part of such further Sum to be applied to Roads.

XII. And whereas the Commissioners acting in the Execution of an Act passed in the First and Second Year of the Reign of His present Majesty King *William* the Fourth, intituled *An Act to amend several Acts passed for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and the several Acts therein recited, mentioned, and referred to, did, on or about the Fifteenth Day of *June* One thousand eight hundred and thirty-three, on the Application of the said Company of Proprietors, advance to them the Sum of Six thousand Pounds in Exchequer Bills, and upon such Advance the said Company of Proprietors did, by an Indenture bearing Date the said Fifteenth Day of *June* One thousand eight hundred and thirty-three, assign to *John Strettell Brickwood*, the Secretary of the said Commissioners, all that the said Undertaking called the *Southend Pier*, and all Works and Property of every Description connected therewith and belonging or which might thereafter be connected therewith or belong thereto, and all Tolls, Rates,

Commissioners of Exchequer Bills to have Priority.

and Duties whatsoever granted, arising, or accruing to the said Company of Proprietors, or which might thereafter be granted, arise, or accrue, or be taken, collected, or received by or for the Use of the said Company under or by virtue of the said recited Act relating to the said Pier and Works, or any other Act or Acts of Parliament relating to the same, to secure Repayment of the said Advance by annual Instalments with Interest as in the said Indenture is particularly expressed; be it therefore further enacted, That nothing in this Act contained shall extend to invalidate, annul, abridge, or affect the said in part recited Indenture of Mortgage of the Fifteenth Day of *June* One thousand eight hundred and thirty-three, or any of the Powers, Rights, and Remedies upon or in respect of the same; and all Powers and Authorities, Rights and Privileges, Lands and Tenements, Works and Property whatsoever which shall hereafter become conveyed to or vested in the said Company under and by virtue of this Act are hereby enacted and declared to form Part of and to be comprised in and among the Premises, Authorities, and Interests conveyed and assigned by the said Indenture of Mortgage; and that the said Indenture of Mortgage shall have Priority over, and shall precede any Mortgage, Bond, or other Security whatsoever already granted or entered into by the said Company of Proprietors, or which shall or may hereafter be granted or entered into by the said Company, under or by virtue of the said herein-before recited Act or this Act, or any other Act or Acts relating to the said Pier and Undertaking, and also shall have Priority over and shall precede all other Liabilities, Claims, and Securities whatever chargeable on the Property mentioned or referred to in the said Indenture under the Provisions of the said recited Act or this Act, or either of them, or any subsequent Act or Acts of Parliament relating to the said Pier or any Works which are now or shall at any Time hereafter be connected therewith, and all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed, for the carrying on or completing the said Pier or any Works which are now or shall at any Time hereafter be connected therewith, and all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed, for the carrying on or completing the said Pier and Undertaking, or otherwise howsoever, until the Principal Money and Interest secured to the said Commissioners or their Secretary for the Time being under the said Indenture, or which shall hereafter be secured by any future Mortgage, Charge, or other Security to be granted or entered into by the said Company to the said Commissioners or their Secretary for the Time being, shall be fully paid and satisfied, compounded, liquidated, or otherwise discharged; any thing contained in the said recited Act or this Act, or either of them, to the contrary notwithstanding.

For paying
the Expences
of this Act.

XIII. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, and all other Expences incident thereto, shall, in the first place, and in preference to all other Payments whatsoever, be paid by and out of the first Money which shall be raised or received under or by virtue of the said recited Act and this Act; or either of them.

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... XIV. Pro-

XIV. Provided always, and be it further enacted, That in case the said Undertaking and Works authorized to be made by the said recited Act and this Act shall not have been made, completed, or finished within the Space or Time of Five Years, to be computed from the Day of the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges by this Act and also by the said recited Act given to or conferred upon the said Company for making the said Undertaking and Works, and the several Matters and Things belonging thereto or connected therewith, shall cease and determine, save only and except as to so much of the said Undertaking and Works as shall have been completed within such Time.

After Five Years Powers to cease as to Works not completed.

XV. Provided always, and be it further enacted, That in case the said Company shall not, within Five Years from the passing of this Act, form and complete a Pier or Jetty in continuation of the Pier or Jetty already erected by the said Company, and extending from the End of the said Pier or Jetty to the Pier Head or Place on which a Lighthouse has been erected by the said Company, which Continuation the said Company are hereby required to form and complete within the Time aforesaid, then and in such Case the Rates and Duties authorized to be taken by the herein-before recited Act in respect of Goods, Merchandize, and Agricultural Produce shall not, from and after the Expiration of the said Term of Five Years, be required to be paid by the Owner of any Vessel, or any other Person or Persons, unless he or they shall use the Pier or Jetty or other Works of the said Company, and shall cease to be paid until the said Pier or Jetty shall have been continued and formed and completed as aforesaid, when the said Rates and Duties shall revive and become payable; any thing herein contained to the contrary in anywise notwithstanding: Provided always, that until the Expiration of the said Term of Five Years all such Rates and Duties as aforesaid shall be levied and paid; and that nothing in this Clause contained shall extend to prevent the said Company from taking the Tolls authorized by the said recited Act in respect of Passengers, Luggage, and Goods, whether the said Pier or Jetty shall be so continued as aforesaid or not.

In case the Pier or Jetty shall not be continued to the Pierhead or Lighthouse within Five Years, certain Rates and Duties not to be taken after that Term, until the same shall be completed.

XVI. And be it further enacted, That when the said Pier or Jetty shall be completed as aforesaid the said Company shall and they are hereby required at all Times to maintain at the Extremity thereof a good and sufficient Light, under such Regulations as the Corporation of the Trinity House of *Deptford Strond* may from Time to Time direct.

Light to be maintained at Extremity of continued Pier.

XVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

Public Act.

