



ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

Cap. cxxv.

An Act to amend an Act for more effectually maintaining and improving the Harbour of *Dovor* in the County of *Kent*. [28th July 1836.]

WHEREAS an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for more effectually maintaining and improving the Harbour of Dovor in the County of Kent*: And whereas by the said Act certain Persons and their Successors were, for the Purposes thereof, constituted One Body Politic and Corporate by the Name of "The Warden and Assistants of the Harbour of *Dovor* in the County of *Kent*," and the said Warden and Assistants were thereby authorized to make and maintain certain Works for the Improvement and Maintenance of the said Harbour, and to take certain Rates and Duties in respect of Ships and Vessels as in the said Act mentioned, and to borrow such Sums of Money as they should judge necessary, not exceeding in the whole (including the Sum of Fifteen thousand four hundred Pounds, which Sum it was therein stated they had already borrowed and was then due and owing on the Credit of certain former Acts thereby repealed,) the Sum of Sixty thousand Pounds on the Credit of the Rates and Duties to be received by virtue of the Act now in recital, and by Writing under the Hand and Seal of the Treasurer of the said Harbour (with the Consent and Approbation of the said Warden and Assistants) to assign all or any Part of the said Rates and Duties to such Persons as should advance any Money thereon in the Manner therein mentioned; and the said Warden and Assistants were also by the said Act empowered to borrow Money by granting Annuities, if they should think it advisable, in manner therein mentioned: And whereas the Statement in the said Act, that Fifteen thousand four hundred Pounds was due and owing at the Time of the passing thereof, was incorrect, inasmuch as during the Progress of the same through Parliament Three thousand nine hundred Pounds, Part thereof, was paid off: And whereas the said Warden and Assistants have proceeded in the Execution of the said Act, and have made considerable Progress in the

9 G. 4. c. 31

[*Local.*]

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Works

Works thereby authorized to be executed, and have borrowed certain Sums of Money in pursuance of the Powers of the said Act; but in order to complete the Execution of such Works it is necessary that a further Sum of Money should be raised; and Doubts having arisen with regard to the precise Extent of the Powers of the said Warden and Assistants to borrow Money, particularly with reference to the Sum of Three thousand nine hundred Pounds so paid off as aforesaid, it is expedient that such Doubts should be removed, and that the said Act should be in that respect amended, and that such additional Powers should be granted as are herein-after contained: 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, Matters, and Things whatsoever respectively contained in the said recited Act of the Ninth Year of the Reign of His late Majesty (save and except such as are by this Act altered, varied, or repealed,) shall extend and be construed to extend to this present Act, and shall be in force with 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 Act, except as hereby altered, extended to this Act.

Power to borrow 60,000*l.*

II. And be it further enacted, That it shall be lawful for the said Warden and Assistants of the said Harbour from Time to Time to borrow and take up at Interest such Sum or Sums of Money as they shall judge necessary for the Purposes of the said recited Act or this Act, not exceeding in the whole, including any Sum which may have been already borrowed by virtue of the said recited Act, and is now due and owing; the Sum of Sixty thousand Pounds, upon the Credit of the Rates and Duties to be collected by virtue of the said recited Act, and by Writing under the Common Seal of the said Warden and Assistants to assign all or any Part of the said Rates and Duties to such Person or Persons as shall advance any Money thereon, according to the Form in the said Act set forth; and in case the said Warden and Assistants shall think it advisable or more advantageous to raise all or any Part of such Money by granting Annuities instead of Assignments, it shall be lawful for the said Warden and Assistants by Writing under their Common Seal to grant an Annuity or Annuities to any Person or Persons who shall advance or pay any Sum or Sums of Money for the Purchase of such Annuity or Annuities, in the Form in the said recited Act mentioned.

In case Part of the Money be paid off, Power to raise the Amount again.

III. And be it further enacted, That in case the said Warden and Assistants shall raise the Whole or any Part of the Money by the said recited Act or this Act authorized to be raised, and shall afterwards pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Warden and Assistants immediately or at any Time thereafter again to raise, in lieu of the Principal Money so paid off by them, such Sum of Money as they shall from Time to Time have paid off, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the Sum raised by Mortgage or Charge by virtue of the said recited Act and this Act shall not at any One Time exceed the Sum of Sixty thousand Pounds.

Parties lending Money may call in the same.

IV. And be it further enacted, That it shall be lawful for all Persons who shall advance or lend, or may have advanced or lent, any Money to the said Warden and Assistants, in the event of there being no Stipulation in

the Mortgage or other Security respecting the Time at which such Money shall be paid off, to call upon and require the said Warden and Assistants to repay the same at any Time after the Expiration of Three Years from the Date of such Mortgage or other Security, on giving to the said Warden and Assistants Six Calendar Months Notice in Writing to pay off the same, and the said Warden and Assistants shall and they are hereby required to repay on the Day specified in such Notice the Sums so advanced, together with all Interest which shall become due or payable up to the Time of such Repayment.

V. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this or the said recited Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be paid, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Warden and Assistants, it shall be lawful for Two or more Justices of the Peace acting for the County of *Kent* in Petty Sessions assembled, and not being interested in the Matter in question, and they are hereby respectively required, on Request in Writing to them made by or on behalf of One or more of the Parties entitled to any such Mortgages or Assignments as aforesaid, and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting together to the Sum of Twenty thousand Pounds, by an Order under their Hands to appoint some Person or Persons of and from the Collector or Collectors appointed or to be appointed by virtue of the said recited Act, and such Collector and Collectors are hereby required to pay to such Person the Whole or such Part of the said Rates and Duties as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rates and Duties, and all Interest then due thereon, shall be fully satisfied and paid; and after such Principal, Interest, and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purpose aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Warden and Assistants, with Costs, by an Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

For securing
Repayment
of Principal
Money bor-
rowed.

VI. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this or the said recited Act, it shall be lawful for the said Warden and Assistants, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof; and in such Case the said Warden and Assistants shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid, at the Time or Times so to be fixed, to the Party who shall, upon the Expiration of such Period or Periods, be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

Commis-
sioners em-
powered to
stipulate
Periods for
Redemption
of Money to
be borrowed
on Security
of Rates.

VII. And

Holder of Mortgages or Assignments for Money borrowed for unlimited Periods may demand Payment after Three Years from their Date.

VII. And be it further enacted, That where no Time shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this or the said recited Act, the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at the Expiration or at any Time after the Expiration of Three Years from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the said Warden and Assistants: Provided nevertheless, that the said Warden and Assistants may pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, after the Expiration of Three Years from the Date thereof respectively, on giving Six Calendar Months Notice in the *London Gazette* and in Two or more Newspapers circulated in *London* and in the County of *Kent*, and at the Expiration of the said Six Calendar Months all Interest shall cease to be paid on the said Principal Money, unless the said Warden and Assistants shall make default in the Payment thereof in pursuance of such Notice.

Authorizing the Register of the Harbour to affix the Corporate Seal to certain Instruments by the Direction of the Warden and any Five of the Assistants.

VIII. And whereas it is by the Eighth Section of the said Act enacted, that all Acts and Proceedings of the said Warden and Assistants to be done in exercise of the Powers thereby given to them should be done at public Meetings of the said Warden and Assistants, of which Meetings, and the Time and Place of holding the same, Notice in Writing was directed to be given to the said Warden and Assistants at least Seven Days before the Time of holding such Meetings in manner therein mentioned: And whereas great Inconvenience has in certain Instances arisen from the Delay occasioned by complying with the Requisites above mentioned; be it therefore enacted, That it shall be lawful for the Register for the Time being of the said Harbour, by the Authority or Direction given at a Board held according to the Provisions of the said Act, in Writing under the Hands of the Warden or his Deputy, and of any Five or more of the Assistants for the Time being, to affix the Corporate Seal of the said Warden and Assistants to any Mortgage, Conveyance, Assignment, Lease, or other Instrument relating to the Affairs of the said Warden and Assistants; and the same, when so done, shall be as valid and effectual to all Intents and Purposes as if the same had been done in the Manner prescribed by the said recited Act with respect to the Acts and Proceedings of the said Warden and Assistants.

Powers of present Harbour Commission continued till otherwise provided by Parliament.

IX. And whereas it will be necessary hereafter to consider in what Manner and subject to what Modifications the Commission for the Improvement and Management of *Dover* Harbour shall be hereafter constituted; be it enacted, That the Powers and Authorities of the present Harbour Commission shall be continued till the End of the next Session of Parliament, and thereafter till Parliament shall otherwise direct.

Public Act.

X. 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.