



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cc.

An Act for making perpetual the Provisions of an Act passed in the last Session of Parliament, intituled *An Act for the Regulation of the Legal Quays within the Port of London.*

[9th July 1847.]

WHEREAS by an Act of Parliament passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing Frauds and regulating Abuses in His Majesty's Customs*, after reciting that it was enacted by an Act of Parliament in the First Year of Queen *Elizabeth*, directing when and where Merchandize should be landed and Customs paid, that no Goods, Wares, or Merchandize should be shipped or laden aboard any Ship or Vessel, or landed or discharged out of or from any Ship or Vessel, but in or upon some such open Place, Quay, or Wharf, Places, Quays, or Wharfs, (except the Port of *Hull*,) as Her Highness, Her Heirs and Successors, should therefore assign and appoint, by virtue of Her Highness's Commission or Commissions, within the Port of *London*, and in all Ports, Creeks, Havens, or Roads, and also reciting that, notwithstanding the aforesaid Act, there were some Ports, Creeks, and Places where Customers, Collectors,
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and Comptrollers and Searchers, and their Servants, had then, Time out of Mind, been resident, to which no such Commissioners were sent, nor Places, Quays, or Wharfs appointed, as by the said Act was directed, it was (amongst other things) enacted, that the King's Majesty might from Time to Time, by His Commission out of His Court of Exchequer, assign all such further Places (except the Town of *Hull*) as should be lawful for the landing and discharging, lading or shipping, any Goods, Wares, or Merchandize within the Kingdom of *England*, and to what ancient and head Ports respectively such Places, Members, or Creeks should belong and appertain, and by virtue of the aforesaid Commission might likewise set down and appoint the Extents, Bounds, and Limits of every Port, Haven, or Creek within His Majesty's Kingdom of *England*; and that it should not be lawful for any Person or Persons whatsoever to lade or put or cause to be laden or put off or from any Quay, Wharf, or other Place on the Land, into any Ship, Vessel, Lighter, Boat, or Bottom, any Goods, Wares, or Merchandize whatsoever (except as therein excepted), to be transported into any Place of the Parts beyond the Seas, or carried by Land into the Realm of *Scotland*, or to take up, discharge, or lay on Land, or cause or procure to be taken up, discharged, or laid on Land, out of any Boat, Lighter, Ship, Vessel, or Bottom, (being not in leak or wreck,) any Goods, Wares, or Merchandize whatsoever (except as therein excepted), to be brought from any of the Parts beyond the Seas, or by Land from the Realm of *Scotland*, by way of Merchandize, but only upon such open Place, Quay, or Wharf, Places, Quays, or Wharfs, as His Majesty should from Time to Time appoint by virtue of such Commission as aforesaid, in His Majesty's Port of *London*, and the Members and Liberties thereof, and in any other Port or Place, as therein is mentioned, without special Sufferance and Leave first had from the Commissioners and Officers of His Majesty's Customs, upon the Penalty of the Forfeiture of all such Goods, Wares, and Merchandizes: And whereas by an Act passed in the last Session of Parliament, intituled *An Act for the Regulation of the Legal Quays within the Port of London*, after reciting the said Two recited Acts, and reciting that His Majesty King *George* the Third issued a Commission under the Seal of His Court of Exchequer at *Westminster*, bearing Date on or about the Eighth Day of *May*, in the Fifty-ninth Year of His Reign, whereby, after reciting (amongst other things) that it had been represented unto him that the Bounds and Limits of His Port of *London*, and the Quays and Wharfs necessary for landing and discharging, lading and shipping, of Goods, Wares, and Merchandize, and better securing His Customs, had not been properly set out, His said Majesty did by the said Commission assign certain Persons therein named to be His Majesty's Commissioners, and to them or any Five or more of them gave full Power and Authority to appoint all such and so many open Place or Places to be Quays or Wharfs for the shipping and landing of Goods, Wares, and Merchandize within His said Port of *London*, according to their Discretion, as should seem most convenient for the Uses and Services aforesaid, and to appoint the Extents, Bounds, and Limits of the said Port; and reciting that on or about the Thirtieth Day of *June* in the Fifty-ninth Year of the Reign of His said Majesty King *George* the Third Five of the said Commissioners duly made a Certificate under
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their Hands and Seals to the Barons of the said Court of Exchequer, and after appointing and settling the Extents, Bounds, and Limits of the said Port of *London*, the said Commissioners did thereby certify that they had appointed the several open Places therein-after mentioned to be the lawful Places, Quays, and Wharfs respectively for the landing or discharging, lading or shipping, of any Goods, Wares, or Merchandize within the said Port of *London*; viz. *Brewer's Quay*, *Chester's Quay*, *Galley Quay*, *Wool Quay*, *Custom House Quay*, *East India Wharf*, *Botolph Wharf*, *Hammon's Quay*, *Cox's Quay*, and *Fresh Wharf*; and which Certificate was duly returned into the said Court of Exchequer, and filed; and that the said Quays or Wharfs named in the said Certificate, being Legal Quays, were lawful Places, Quays, and Wharfs for the landing or discharging, lading or shipping, of Goods, Wares, or Merchandize within the said Port of *London*, and the Public had a Right to use the same for those Purposes, on Payment to the respective Wharfingers for the Time being in the Occupation of the said Quays or Wharfs of a reasonable Compensation for such Use; and the said Wharfingers were bound by Law to keep the said Quays or Wharfs in repair, and fit for public Use; and that the said Quays or Wharfs were then in the Occupation of the several Persons therein-after mentioned; that is to say, *Brewer's Quay*, *Chester's Quay*, and *Galley Quay* were in the Occupation of *Joseph Barber*; *Wool Quay* and *Custom House Quay* were in the Occupation of *William John Hall*; *East India Wharf* was in the Occupation of *John Ismay Nicholson* and *Frederick Besley*; *Botolph Wharf* was in the Occupation of *Thomas Wilkinson* and *William Stennet*; and *Hammon's Quay*, *Cox's Quay*, and *Fresh Wharf* were in the Occupation of *John Knill*; and also reciting that several Wet Docks, called respectively the *West India Docks*, the *London Docks*, the *East India Docks*, and the *Saint Katherine Docks*, had been from Time to Time established in the Port of *London*, the Quays within which were made Legal Quays, and that the Acts of Parliament under which the same Docks were established contained divers Provisions and Regulations as to Entries of Goods at the Custom House in *London*, and for preserving the Lien or Security of the Ship Owner on the Goods after landing, and for facilitating the Despatch of Business, and rendering the Collection of the Customs Revenue more secure and easy; and reciting that it was expedient that similar Provisions should be enacted with regard to the aforesaid Legal Quays in the Port of *London*, it was by the said Act now in recital enacted, that it should be lawful for the Master or Owner of any Ship lying alongside any of the said Legal Quays comprised in the said Certificate to cause a proper Entry to be made in his Name for the Inward Cargo or any Part of the Inward Cargo (being such as from Time to Time by Law might be warehoused) of such Ship for which an Entry should not have been made by the Importer, Proprietor, or Consignee thereof, and for which the Customs Order for Delivery should not have been lodged with the proper Officer of the Customs within Forty-eight Hours from the Day on which the Cargo of such Ship should have been reported at the Custom House at *London* (such Entry to be made according to the Marks, Numbers, Package or Packages, Qualities, Quantities, or Contents of such Cargo, or Part or Parts thereof, as described in the Report of the
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Cargo of such Ship,) and thenceforth on any Day (not being a *Sunday, Christmas Day, or Good Friday, or a Day appointed by Her Majesty's Proclamation for the Purposes of a General Fast or Thanksgiving, or the Day or Days appointed for the Celebration of the Birthday of Her Majesty and Her Successors,*) and without Authority from the Importer, Proprietor, or Consignee thereof, to unship and land the Goods of which the same should consist in the Presence or with the Authority of the proper Officer of the Customs, and deposit the same Goods in any Warehouse approved by the Commissioners of Her Majesty's Customs for the warehousing of Goods without Payment of the Duty at the Time of the First Entry thereof, and the Goods so landed and warehoused should in all respects be considered as in the Charge and Custody of the Master and Owner of the Ship from or out of which the same should be so landed, in the same Manner in all respects as if such Goods had remained on board such Ship, and should remain subject to the same Rights, Claims, and Liabilities, for Freight or otherwise, as such Goods were subject to whilst the same were on board such Ship, and before the landing thereof, and might be detained until the Person applying for the Delivery or Transfer thereof should have paid the Freight, Wharfage, Warehouse Rent, and other Charges payable thereon, and should have delivered to the said Master or Owner, or his Agent, a Duplicate of the Bill of Lading, which should have been signed for the same at the Port of Loading: And it was by the said Act provided, that nothing in the said Act should affect or invalidate Charterparties or Bills of Lading which contained Agreements for allowing a certain Number of Days for the Discharge of the Cargo, or authorize the landing of Goods contrary to such Agreements, or to any express Stipulation in such Charterparties or Bills of Lading: And it was by the said Act provided, that Goods entered by virtue of the said Act now in recital should be subject to the same Regulations, Rules, and Forfeitures as Goods entered under an Act passed in the then last Session of Parliament, intituled *An Act for the general Regulation of the Customs*, were subject to: And it was by the said Act further enacted, that all Goods which after the passing of the said Act now in recital should be landed at any of the Legal Quays aforesaid, from or out of any Ship within the Port of *London*, and lodged in the Custody of the Wharfinger for the Time being in the Occupation of such Quay, either at such Quay or elsewhere, should when so landed continue and be subject to the same Lien or Claim for Freight in favour of the Master and Owner of the Ship from or out of which such Goods should be so landed, or of any other Person interested in the Freight of the same Goods, as such Goods were subject to whilst the same were on board such Ship, and before the landing thereof, and the said Wharfinger or his Servants or Agents were thereby required, upon due Notice in Writing in that Behalf given by such Master or Owner or other Person aforesaid to the said Wharfinger, or left for him at his Office or Counting-house for the Time being, to detain such Goods in the Warehouse of the said Wharfinger until the Freight to which the same should be subject as aforesaid should be duly paid, together with the Wharfage, Rent, and other Charges to which the same should have become subject and liable: And it was by the said Act now in recital provided, that no such

such Notice as therein-before mentioned to detain any Goods for Payment of Freight should be available unless the same were given or left as therein-before provided before the Issue by the said Wharfinger of the Warrant for Delivery of the same Goods, or an Order given by the Importer, Proprietor, or Consignee, or his Agent, to and accepted by the Wharfinger for the Delivery or Transfer of the same; but that nothing therein contained should authorize any Wharfinger to deliver or issue any Warrant or accept any Order for the Delivery of any Goods which should be subject to a Lien for Freight, and in respect of which such Notice in Writing as aforesaid to detain the same for Freight should have been given, until the Importer, Proprietor, or Consignee of such Goods should have produced a Withdrawal in Writing of the Order of Stoppage for Freight from the Owner or Master of the Ship from or out of which such Goods should have been landed, or his Broker or Agent, and which Order of Withdrawal the said Master or Owner was thereby required to give on Payment or Tender of the Freight to which the Goods should be liable: And it was by the said Act further enacted, that the Wharfage, Rent, and other Charges which from and after the passing of the said Act now in recital should become payable to the Wharfinger of any of the Legal Quays aforesaid in respect of Goods which should be in his Custody, either on the said Quays, or in any Warehouse, Erection, or Building from Time to Time held or occupied by him, and which should adjoin any such Legal Quay, or in any Warehouse, Erection, or Building from Time to Time held or occupied by him, and some Part of which should be within Five hundred Yards of some Part of such Legal Quay, and which should be of a perishable Nature, should be paid at or before the Expiration of Two Calendar Months, and if not of a perishable Nature then at or before the Expiration of Twelve Calendar Months next after the Cargo of the Ship importing such Goods should have been completely discharged or unloaded, or previous to the Removal of the same from the Custody of the said Wharfinger, which should first happen; and in case Default were made in Payment of the said Wharfage, Rent, and other Charges, or any of them, or any Part thereof, it should be lawful for the said Wharfinger, first paying the Duties due in respect of such Goods, and next any Freight which might be due in respect thereof, to distrain and sell or cause to be sold all or any Part of such Goods that might be deposited with the said Wharfinger, and out of the Monies thence arising to retain and pay any Duties and Freight paid by him in respect of such Goods, and then the Wharfage, Rent, and other Charges which should be payable to the said Wharfinger in respect of such Goods, and all Charges and Expences of selling such Distress, rendering the Overplus (if any) of the Monies arising by such Sale, and such of the said Goods as should remain unsold, to the Person entitled thereto, upon Demand; and in case such Goods should happen to be removed before the Wharfage, Rent, and other Charges payable to the said Wharfinger in respect of the same should be fully paid, then it should be lawful for the said Wharfinger to take and distrain and sell any Goods or Chattels of the Importer, Proprietor, or Consignee thereof for the Time being in the Custody of the said Wharfinger, or the said Wharfinger should and might

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prosecute any Action at Law for the Payment and Recovery of such Wharfage, Rent, and other Charges, or any Part thereof respectively; provided nevertheless, that no such Sale should be made as aforesaid until the Wharfinger should have given at least Ten Days Notice of his Intention to sell the Goods in the *London Gazette* and Two of the Morning Daily Newspapers printed in the City of *London* or *Westminster*, and if the Importer, Proprietor, or Consignee should be resident in the United Kingdom until at least Ten Days Notice should have been left at his Residence, or sent to him by the Post, if such Residence should be known by the Wharfinger, and that no Sale should be made until the Goods to be sold should have been valued by a Sworn Broker, and no greater Quantity should be sold than should be reasonably sufficient to raise the Monies which might be due in respect of such Duties, Wharfage, Rent, and Charges, and the Expence of Valuation and Sale: And it was by the said Act enacted, that in the Construction of the said Act the Expression "Goods" should include all Wares and Merchandize, and the Word "Person" should extend to a Body Corporate, and the Word "Ship" should include every Species of Vessel, and every Word importing the Singular Number only should be applied to several Persons or Things, unless the Context were repugnant to such Construction: And by the said Act there were reserved to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Body and Bodies Politic and Corporate, and other Person and Persons whomsoever, his, her, or their Successors, Heirs, Executors, and Administrators, all such Prerogatives, Estates, Rights, Titles, Immunities, Franchises, and Liberties (other than those expressly barred or regulated by the said Act) as they and every or any of them had and enjoyed before the passing of the said Act, or could or might have had and enjoyed before the passing of the said Act, or could or might have had and enjoyed in case the said Act had not been passed: And it was by the said Act enacted, that the said Act, and the several Clauses and Provisions therein contained, should continue and be in force until the First Day of *October* One thousand eight hundred and forty-seven, and no longer: And whereas it is expedient that the Provisions of the said Act should be made perpetual, subject nevertheless as hereinafter mentioned: Now therefore 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, That all and every the Provisions in the said last-recited Act contained, except the Provision lastly herein-before recited, shall, subject as herein-after mentioned, as from the passing of the said Act, be and are hereby continued, and shall be for ever hereafter in force, and are hereby made perpetual, any thing in the said lastly herein-before recited Act contained to the contrary notwithstanding.

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perpetual.

Enabling
Importer to
deposit
Amount
claimed for
Freight.

II. Provided nevertheless, and be it enacted, That when any such Goods as aforesaid shall have been landed as aforesaid, and shall be in the Custody of the Wharfinger as aforesaid, and Notice to detain the same for Freight shall have been given to such Wharfinger, it shall be lawful for the Importer, Proprietor, or Consignee of such Goods, subject to any subsisting Lien or Claim for Wharfage, Rent,

or other Charges due to the Wharfinger, to claim and receive the same from the Wharfinger, notwithstanding such Notice as aforesaid, on depositing the Money claimed for Freight by the Master or Owner of the Ship from or out of which such Goods shall have been landed, the said Money to be deposited in the Hands of some Banker, in the joint Names of the Party depositing the same and of the said Master or Owner, and if they cannot agree as to the Banker with whom such Deposit shall be made, then the same shall be deposited in the Bank of *England*, in such joint Names as aforesaid, but nevertheless such Deposit shall not affect or prejudice the Right of the Master or Owner for the due Amount of such Freight, and the same may be sued for and recovered at Law from the Party liable to pay the same; and the Money so deposited shall be a Security for such Freight, and shall be subject to the Order of the Court in which any Proceedings for the Recovery of such Freight shall be had, and shall be paid, applied, and disposed of as such Court or any Judge of the same shall order and direct.

III. And be it enacted, That this Act shall be taken to be a Public Act, and shall be judicially taken notice of as such.

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