



ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

Cap. xcvii.

An Act to alter and amend the Powers and Provisions of the Acts relating to the making and maintaining of a Pier and other Works at *Deptford* in the County of *Kent*. [9th July 1842.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making and maintaining a Pier and other Works at Deptford in the County of Kent*, and by the said Act the several Persons therein mentioned were incorporated by the Name of "The *Deptford Pier and Improvement Company*," for carrying into execution the Undertaking and Works thereby authorized to be made and done: And whereas another Act was passed in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to alter and amend the Powers and Provisions of an Act of the Fifth Year of the Reign of His Majesty King William the Fourth, for making and maintaining a Pier and other Works at Deptford in the County of Kent*: And whereas considerable Progress has been made in the Works authorized to be made and done by the said recited Acts, and large Sums of Money have been expended thereon: And whereas it is expedient that some of the Powers and Provisions of the said recited Acts should be altered or amended and enlarged, and that further Powers should be given to the said Company; but the same 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,

[Local.] That

5 & 6 W. 4.
c. 13.

2 & 3 Vict.
c. 75.

Powers of recited Acts to extend to this Act, except as hereby altered.

That all the Powers, Provisions, Matters, and Things contained in the said recited Acts respectively (except such of them as are by this Act expressly repealed, altered, or otherwise provided for,) shall extend to this Act, and to the several Works and Things hereby authorized or required to be done, and shall operate and be enforced, in respect to the Objects and Purposes of this Act, as effectually as if the same Powers, Provisions, Matters, and Things were re-enacted in this Act.

Time enlarged for purchasing Lands, &c.

II. And be it enacted, That the Time by the said recited Acts respectively limited for the taking and using of Lands, Houses, Buildings, or other Premises by the said Acts or either of them authorized to be purchased, with Consent of the Owners of such Property, for the Purposes of the said Undertaking, shall be and is hereby renewed and enlarged for the further Term of Three Years from the passing of this Act: Provided always, that nothing in this Act contained shall extend to authorize the said Company to put in force the Powers in the said recited Acts or either of them for compelling any Person to sell to them any such Lands, Houses, Buildings, or other Premises, except with the Consent of the Owner thereof, and of all other Persons interested therein.

Term enlarged for completing the Works.

III. And be it enacted, That the further Term granted by the said secondly-recited Act for completing the said Works shall be and the same is hereby extended and enlarged for the Term of Three Years from the passing of this Act.

Company authorized to sell their Property for Payment of Creditors.

IV. And whereas there are due and owing from the said Company Debts to divers Persons: And whereas it is expedient that Provision should be made for satisfying the Debts of the said Company by Sale of their Lands and Hereditaments, Property and Effects; be it therefore enacted, That the said Directors shall, with all convenient Speed after the passing of this Act, and they are hereby authorized and required to make Sale and absolutely dispose of the whole of the Lands, Tenements, and Hereditaments, Goods, Chattels, Property, and Effects whatsoever of the said Company, by public Auction or private Contract, at one Time or at several Times, and either together or in such Parcels, for the best Price they can obtain for the same, with Liberty to rescind any Contract or buy in the Premises at any Sale without being liable for any Loss on a Re-sale; and the said Directors shall, upon every such Sale or Sales being completed, duly convey or assign, or cause to be conveyed or assigned, the said Lands, Tenements, and Hereditaments, Goods, Chattels, and Property so sold as aforesaid to the respective Purchasers thereof under the Common Seal of the said Company, and the Receipt of any Three of the Directors of the said Company shall discharge the Purchaser or other Party paying any Monies on account of the Property to be sold as aforesaid from all Liability in respect of the Application or Nonapplication of the Monies thereby expressed to be received, and from the Necessity of inquiring into the Propriety of any such Sale.

Monies produced by Sale to be applied in Payment of Debts of the Company,

V. And be it enacted, That the Monies to arise from any such Sale as by this Act is authorized and required to be made of the Hereditaments and Property of the said Company, or any Part thereof, shall be applied, in the first place, in Payment of the Costs, Charges, and Expences of such Sale, making out Abstracts, and otherwise deducing the Title thereto, and, in the next place, in or towards

towards Payment of the Monies due to the Creditors of the said Company, and the Surplus, if any, shall be held by the said Directors for the Benefit of the Shareholders of the said Company, according to their respective Shares, Rights, and Interests in the said Undertaking: Provided always, that before Payment of any Creditors the Directors shall cause to be inserted in One or more Newspapers circulated in the County of *Kent* and the City of *London* an Advertisement requiring all such Creditors to send in their Claims, and declaring the Intention of the Directors to make such Division as aforesaid among those Creditors who, before a Day to be named in such Advertisement, shall send in their Claims, and in case of any disputed Claims the same shall be established by the said Creditors in the same Manner as if this Act had not been passed; provided also, that nothing herein contained shall disturb, invalidate, or weaken any Lien (if any) which *Timothy Tyrrell*, the Solicitor of the said Company, has or may have upon the Deeds and Papers of the said Company, or to deprive him of any Right or Power (if any) he may have to retain the said Deeds and Papers, or enforce a Lien upon the same.

and the Surplus to be held for the Benefit of the Proprietors.

VI. And be it enacted, That in case such Sale of the Property of the said Company as herein-before provided shall be made, then from and immediately after the making of such Sale all the Powers and Authorities vested in the said Company by the said recited Acts and this Act, or any of them, shall cease and determine, save only so far as the same may be necessary or proper for carrying such Sale into full Effect, and for winding up the Concerns of the said Company.

In case of Sale the Powers of the Company to cease.

VII. And be it enacted, That in case any Owner, Master, or other Person having the Charge or Command of any Packet, Boat, or other Vessel carrying Passengers, Goods, Wares, or Merchandize, in respect of which any Tolls, Rates, or Duties may be payable to the said Company under the said recited Act, shall refuse or neglect to pay the same, then and in every such Case it shall, from Time to Time and at any Time, be lawful for the Collector or other Agent of the said Company to go on board the Packet, Boat, or other Vessel by which any such Passengers, Goods, Wares, or Merchandize shall have been conveyed or are about to be conveyed, or in respect of which any Tolls, Rates, or Duties shall be due, and to demand, collect, and receive any such Tolls, Rates, or Duties so due, and on Nonpayment thereof to take and distrain such Packet, Boat, or Vessel, and all the Tackle, Apparel, and Furniture belonging thereto, or any Part thereof, and the same to detain on behalf of the said Company until such Rate shall be paid and satisfied; and in case of Neglect or Default in Payment of any of the said Tolls, Rates, or Duties for the Space of Fourteen Days next after any Distress so made or taken, then it shall be lawful for the said Collector or Agent to cause such Distress to be appraised by Two or more Sworn Appraisers, or other Person or Persons not interested therein, and afterwards to sell the said Distress, and out of the Produce of such Sale to retain as well the Rates, Tolls, and Duties so neglected or refused to be paid, as also the reasonable Costs, Charges, and Expences of taking, keeping, appraising, and selling such Distress, rendering the Overplus, if any, to the Owner or Owners or Master or other Person having the Charge or Command of such Packet, Boat, or Vessel, upon Demand.

The Company may distrain for Rates.

VIII. And

Repealing
Clause as to
Limitation
of Actions.

VIII. And whereas it is by the said first-recited Act enacted, that if any Action, Suit, or Information should be brought or commenced by any Person for any thing done or to be done in pursuance of that Act, or in execution of the Powers and Authorities or the Orders and Directions herein-before given or granted, every such Suit or Information should be brought or commenced within Six Calendar Months next after the Fact should have been committed, or in case there should be a Continuance of Damages then within Six Calendar Months next after the doing or committing of such Damage should have ceased, and not afterwards, and should be laid or brought in the County or Place where the Matter in dispute should arise, and not elsewhere, and the Defendant in such Action or Suit should and might at his Election plead specially or plead the General Issue, and give that Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of that Act; and if it should happen to have been so done, or if any Action, Suit, or Information should be brought after the Time so limited for bringing the same, or should be brought in any other County or Place than as aforesaid, then and in such Case the Jury should find for the Defendant: And whereas it is expedient the said recited Provision should be repealed; be it therefore enacted, That the same shall be and is hereby repealed: Provided always, that nothing in this Act contained shall prejudice or affect any Action, Suit, or Information or other Proceeding, now pending between the said Company and any Company or Person or Persons whomsoever, or shall revive any Right which, under the Provision lastly hereby repealed, may have been barred prior to the passing of this Act.

For defraying
the Expences
of this Act.

IX. And be it enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act shall be defrayed and paid by the said Company out of the Money already raised and received, or out of the first Money to be raised or received by virtue of the said recited Acts or of this Act, in preference to any other Payment whatsoever.

General
Saving.

X. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person or Persons, Bodies Politic or Corporate, his, her, and their Successors, Heirs, Executors, Administrators, and Assigns, (other than and except the said *Deptford* Pier and Improvement Company, their Successors and Assigns,) all such Estate, Right, Title, Interest, Property, Claim, and Demand whatsoever, in or to the said Hereditaments and Premises herein-before authorized to be sold, or any Part or Parts thereof, as they or any of them had before the passing of this Act, or could or might have had, enjoyed, or been entitled to if this Act had not been passed.

Public Act.

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

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