



ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

Cap. cccxcix.

An Act for the Regulation of the Legal Quays
within the Port of *London*. [26th August 1846.]

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, 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, nor Wharfs appointed, as by the said Act was directed; it was (amongst other things) enacted, that the King's Majesty might, from

13 & 14 Car. 2.
c. 11.

[*Local.*]

81 0

Time

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, and 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 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, and 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 whereas, 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 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,

Royal Commission,
dated
8th May,
59 G. 3.

Certificate of
Commissioners,
dated
30th June,
59 G. 3.

or Merchandize within the said Port of *London*; viz^t., *Brewer's Quay*, *Chester's Quay*, *Galley Quay*, *Wool Quay*, *Custom House Quay*, *East India Wharf*, *Botolph Wharf*, *Hammond's Quay*, *Cox's Quay*, and *Fresh Wharf*, and which Certificate was duly returned into the said Court of Exchequer, and filed: And whereas the said Quays or Wharfs named in the said Certificate, being Legal Quays, are 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 have 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 are bound by Law to keep the said Quays or Wharfs in repair, and t for public Use: And whereas the said Quays or Wharfs are now in the Occu-
Brewer's Quay, *Chester's Quay*, and *Galley Quay* are in the Occu-
Wool Quay and *Custom House Quay* are in the Occupation of *William John Hall*; *East India Wharf* is in the Occupation of *John Ismay Nicholson* and *Frederick Besley*; *Botolph Wharf* is in the Occupation of *Thomas Wilkinson* and *William Stennett*; and *Hammond's Quay*, *Cox's Quay*, and *Fresh Wharf* are in the Occupation of *John Knill*: And whereas several Wet Docks, called respectively the *West India Docks*, the *London Docks*, the *East India Docks*, and the *Saint Katherine Docks*, have been from Time to Time established in the Port of *London*, and the Quays within which are made Legal Quays, and the Acts of Parliament under which the same Docks were established contain divers Provisions and Regulations as to Entries of Goods at the Custom House in *London*, and for preserving the Lien or Security of the Shipowner 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 whereas it is expedient that similar Provisions should be enacted with regard to the aforesaid Legal Quays in the Port of *London*; but the same cannot be done without the Authority of Parliament: Wherefore Your Majesty's most dutiful and loyal Subjects, the said *Joseph Barber*, *William John Hall*, *John Ismay Nicholson*, *Frederick Besley*, *Thomas Wilkinson*, *William Stennett*, and *John Knill*, do most humbly beseech 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, That it shall 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 may be warehoused,) of such Ship, for which an Entry shall not have been made by the Importer, Proprietor, or Consignee thereof, and for which the Customs Order for Delivery shall 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 shall have been reported at the Custom House at *London*, (such Entry to be made according to the Marks, Numbers, Package or
 Packages,

Present
 Occupiers
 of the same
 Quays.

Goods, if not
 entered
 within a cer-
 tain Time by
 Importers,
 Proprietors,
 or Consig-
 nees, may be
 entered by
 Master or
 Owner of
 Ship.

Packages, Qualities, Quantities, or Contents of such Cargo or Part or Parts thereof, as described in the Report of the 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 Thanksiving, or the Day or Days appointed for the Celebration of the Birthdays 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 shall 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 shall 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 shall be so landed, in the same Manner in all respects as if such Goods had remained on board such Ship, and shall 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 may be detained until the Person applying for the Delivery or Transfer thereof shall have paid the Freight, Wharfage, Warehouse Rent, and other Charges payable thereon, and shall have delivered to the said Master or Owner, or his Agent, a Duplicate of the Bill of Lading which shall have been signed for the same at the Port of loading.

Act not to affect certain Charter-parties or Bills of Lading.

II. Provided always, and be it enacted, That nothing in this Act shall affect or invalidate Charter-parties or Bills of Lading which contain 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 Charter-parties or Bills of Lading.

Goods entered by this Act subject to Provisions of 8 & 9 Vict. c. 86.

III. Provided also, and be it enacted, That Goods entered by virtue of this Act shall be subject to the same Regulations, Rules, and Forfeitures as Goods entered under an Act passed in the last Session of Parliament, intituled *An Act for the general Regulation of the Customs*, are subject to.

Goods landed at the Legal Quays to remain subject to Lien for Freight.

IV. And be it enacted, That all Goods which after the passing of this Act shall 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, shall, 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 shall 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, are hereby required, upon due Notice in Writing in that Behalf given by such Master or Owner, or other Person aforesaid, to the said Wharfinger,

or

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 shall be subject as aforesaid shall be duly paid, together with the Wharfage, Rent, and other Charges to which the same shall have become subject and liable.

V. Provided always, and be it enacted, That no such Notice as aforesaid to detain any Goods for Payment of Freight shall be available unless the same be given or left, as herein-before provided, before the Issue by the said Wharfinger of the Warrant for the 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 nothing herein contained shall authorize any Wharfinger to deliver or issue any Warrant or accept any Order for the Delivery of any Goods which shall be subject to a Lien for Freight, and in respect of which such Notice in Writing as aforesaid to detain the same for Freight shall have been given, until the Importer, Proprietor, or Consignee of such Goods shall 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 shall have been landed, or his Broker or Agent, and which Order of Withdrawal the said Master or Owner is hereby required to give on Payment or Tender of the Freight to which the Goods shall be liable.

Notice to detain Goods to be given before Warrants issued for their Delivery.

VI. And be it enacted, That the Wharfage, Rent, and other Charges which from and after the passing of this Act, shall become payable to the Wharfinger of any of the Legal Quays aforesaid in respect of Goods which shall 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 shall 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 shall be within Five hundred Yards of some Part of such Legal Quay, and which shall be of a perishable Nature, shall 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 shall have been completely discharged or unloaded, or previous to the Removal of the same from the Custody of the said Wharfinger, which shall first happen; and in case Default be made in Payment of the said Wharfage, Rent, and other Charges, or any of them, or any Part thereof, it shall be lawful for the said Wharfinger, first paying the Duties due in respect of such Goods, and next any Freight which may be due in respect thereof, to distrain and sell or cause to be sold all or any Part of such Goods that may 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 shall 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 shall remain unsold, to the Person entitled thereto, upon demand; and in case such

For the Recovery of Wharfage, Rent, and other Charges payable for Goods.

Goods shall happen to be removed before the Wharfage, Rent, and other Charges payable to the said Wharfinger in respect of the same shall be fully paid, then it shall 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 shall and may 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 shall be made as aforesaid until the Wharfinger shall 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 shall be resident in the United Kingdom, until at least Ten Days Notice shall have been left at his Residence, or sent to him by the Post, if such Residence shall be known by the Wharfinger, and no Sale shall be made until the Goods to be sold shall have been valued by a Sworn Broker, and no greater Quantity shall be sold than shall be reasonably sufficient to raise the Monies which may be due in respect of such Duties, Wharfage, Rent, and Charges, and the Expence of Valuation and Sale.

Interpreta-
tion of Act.

VII. And be it enacted, That in the Construction of this Act the Expression "Goods" shall include all Wares and Merchandize, and the Word "Person" shall extend to a Body Corporate, and the Word "Ship" shall include every Species of Vessel, and every Word importing the Singular Number only shall be applied to several Persons or Things, unless the Context is repugnant to such Construction.

General
Saving.

VIII. Saving and always reserving 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 this Act) as they and every or any of them had and enjoyed before the passing of this Act, or could or might have had and enjoyed in case this Act had not been passed.

Act to re-
main in force
until 1st Oct.
1847.

IX. And be it enacted, That this Act and the several Clauses and Provisions herein contained shall continue to be in force until the First Day of *October* One thousand eight hundred and forty-seven, and no longer.

Public Act.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1846.