



ANNO QUADRAGESIMO SEXTO

GEORGI II. REGIS.

Cap. 132.

An Act for altering and enlarging the Powers of an Act, made in the Thirty-ninth Year of His present Majesty, intituled, *An Act for rendering more commodious, and for better regulating, the Port of London*, so far as the same relates to the Compensations to be made by certain Commissioners therein named. [21st July 1806.]

WHEREAS by an Act, made in the Thirty-ninth Year of the Reign of His present Majesty, intituled, *An Act for rendering more commodious, and for better regulating, the Port of London*, certain Persons therein named, and their Successors, to be appoined in Manner therein mentioned; were made Commissioners for making Satisfaction and Compensation to the several Owners and Occupiers of Legal Quays and Sufferance Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, and to the Tackle House Porters, Ticket Porters, and Free Carmen of the City of *London*, and other Persons interested in or employed upon the same Legal Quays and Sufferance Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, and to the Governors of *Christs Hospital*, in the City of *London*, for and on Account of Carroons, for the Injury, Loss, or Damage which such Owners, Occupiers,

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cupiers, Porters, Carmen, and other Persons and Governors respectively should suffer or sustain by carrying the Powers of the said Act into Execution, as should be agreed on between the said Commissioners and such Owners, Occupiers, and other Persons respectively, and the said Commissioners and the said Governors: And whereas by One other Act, made in the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, intituled, *An Act for making Wet Docks, Basons, Cuts, and other Works, for the greater Accommodation and Security of Shipping, Commerce, and Revenue, within the Port of London*, the said Commissioners were directed to make Satisfaction and Compensation to the several Owners and Occupiers of Legal Quays and Sufferance Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, Tackle House Porters, Ticket Porters, Owners of Lighters and Craft, and Free Carmen of the City of London, and other Persons interested in or employed upon the same Legal Quays and Sufferance Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, and to the Governors of *Christ's Hospital*, in the City of London, for or on Account of Carroons, for the Injury, Loss, or Damage which such Owners, Occupiers, Porters, Carmen, and other Persons and Governors respectively should suffer or sustain by carrying the Powers of the said Act into Execution, as should be agreed on between the said Commissioners and such Owners, Occupiers, and other Persons respectively, and the said Commissioners and the said Governors: And whereas by One other Act, made in the Forty-second Year of the Reign of His present Majesty, intituled, *An Act to alter and amend an Act, passed in the Thirty-ninth Year of His present Majesty's Reign, intituled, 'An Act for rendering more commodious and for better regulating the Port of London,' so far as the same relates to the Concerns of the West India Dock Company thereby established, and for extending to other Objects the Compensations directed to be made by the said Act*, the said Commissioners were directed to make Satisfaction and Compensation to certain Lightermen and Sugar Coopers, in case it should appear to the said Commissioners that such Persons should have suffered or sustained any Loss or Injury by carrying into Execution the Powers of the said Act, made in the Thirty-ninth Year of the Reign of His present Majesty: And whereas by One other Act of Parliament, made in the Forty-fourth Year of the Reign of His present Majesty, intituled, *An Act for warehousing Goods within the Limits of certain Docks, made under an Act passed in the Thirty ninth and Fortieth Year of His present Majesty, intituled, 'An Act for making Wet Docks, Basons, Cuts, and other Works, for the greater Accommodation and Security of Shipping, Commerce, and Revenue, within the Port of London, and to make Regulations relating to the said Docks,'* the said Commissioners were directed to make Satisfaction and Compensation to certain Wine Coopers and other Coopers and Vintners Porters, if they should sustain any Injury, Loss, or Damage, by carrying into Execution the Powers of the said Acts: And whereas by One other Act of Parliament, made in the Forty-fifth Year of the Reign of His present Majesty, intituled, *An Act to alter and amend an Act passed in the Fortieth Year of the Reign of His present Majesty for making Wet Docks, Basons, Cuts, and other Works, for the greater Accommodation and Security of Shipping, Commerce, and Revenue, within the Port of London, and for extending the Powers and Provisions of the said Act*, the said Commissioners were directed to make Satisfaction and Compensation to the Master, Wardens, and Freemen and Commonalty of the Mystery of Vintners of the City of London, if any Loss, Injury, or Damage should

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39 and 40 G. 3. c. 47.

42 G. 3. c. 113.

44 G. 3. c. 100.

45 G. 3. c. 58.

be sustained by them, by carrying into Execution the Powers of the said Acts: And whereas by One other Act, made in the Forty-third Year of the Reign of His present Majesty, intituled, *An Act for the further Improvement of the Port of London, by making Docks and other Works at Blackwall, for the Accommodation of the East India Shipping in the said Port,* the said Commissioners were directed to make Satisfaction and Compensation to *Thomas Pitcher*, or the Owner, Proprietor, or Occupier for the Time being of the Docks, Slips, Dock Yard, and Premises, at *Northfleet* in the County of *Kent*, known by the Name of *Pitcher's Yard*, in case he should receive any actual Loss or Injury by reason of the Trouble or Expence of conveying Ships and Vessels to and from the said Yard for the Purpose of Repairs, or by any other Means, or in case any of the Owners, Proprietors, or Occupiers of any other of the Docks, Slips, and Dock Yards, in the Port of *London*, should be injured, and the Property in the said several Docks, Slips, and Dock Yards respectively should become less valuable, or in case any Person or Persons interested in the Trade carried on at such Docks, Slips, and Dock Yards, or any of them, should sustain actual Loss or Damage by carrying the Powers of such Act into Execution: And whereas it was by the said first recited Act directed, that the Monies to be paid for making such Satisfaction and Compensation should be paid out of the Consolidated Fund, and certain Rates and Duties were granted and made payable to His Majesty, His Heirs and Successors, on all Ships or Vessels using the Port of *London*, to be applied in paying the Principal and Interest of the Monies so paid out of the Consolidated Fund: And whereas the Powers granted to the said Commissioners by the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, are insufficient for the Purposes thereby intended, and it is expedient that certain of such Powers should be altered, repealed, or enlarged; but as the same cannot be effected 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 all and every the Powers, Authorities, Provisions, Penalties, Forfeitures, Clauses, Regulations, Matters, and Things, in the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, contained, so far as the same relate to, affect, or anywise concern certain Persons therein called the Commissioners of the said Compensations (save and except such Parts thereof as are void, altered, or repealed) shall be as good, valid, and effectual, for carrying into Execution the several Powers and Authorities vested in the said Commissioners by the said several recited Acts and this Act, as if the same had been repeated and re-enacted in the Body of this Act.

Powers of
the Act
39 G. 3. c. 69.
extended to
this Act.

II. And be it further enacted, That *Sir Watkin Lewes* Knight, *Nathaniel Newnham* Esquire, *Sir Richard Carr Glyn* Baronet, *Sir William Staines* Knight, *John Perring* Esquire, *John Ansley* Esquire, *Charles Flower* Esquire, *Thomas Smith* Esquire, *Thomas Rowcroft* Esquire, *Josua Jonathan Smith* Esquire, *Richard Lea* Esquire, *Sir Matthew Bloxham* Knight, *Claudius Stephen Hunter* Esquire, *John Prinsep* Esquire, *Josiah Boydell* Esquire, *George Scholey* Esquire, *John Peter Hankey* Esquire, and *William Domville* Esquire, and all the Aldermen of the City of *London* for the Time being, *Arthur David Lewis Agassiz* Esquire, *Thomas Bainbridge* Esquire,

Additional
Commission-
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pensation.

Esquire, *John Batard* Esquire, *Peter Berthon* Esquire, *Boyce Combe* Esquire, *Francis Easterby* Esquire, *John Inglis* Esquire, *Thomas King* Esquire, *Richard Lewin Junior*, Esquire, *John William Lubbock* Esquire, *Abraham Mello* Esquire, *Joseph Merceron* Esquire, *Job Matthew Raikes* Esquire, *William Tooke Robinson* Esquire, *Robert Slade* Esquire, *Isaac Solly* Esquire, *Samuel Thorp* Esquire, *Thomas Tooke* Esquire, and *Samuel Turner* Esquire, are hereby added to and joined with the Commissioners of the said Compensations; and such additional Commissioners, and their Successors, to be appointed in Manner directed by this Act, after taking the Oath prescribed to be taken by the said Commissioners by the said recited Act made in the Thirty-ninth Year of the Reign of His present Majesty, shall have, and are hereby declared to have as full Power and Authority to act in the Management of the Business of the said Compensations directed to be made by the said Acts herein-before mentioned, or any of them, in such and the same Manner in all Respects as if they had been by the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, originally appointed Commissioners of the said Compensations.

For the Appointment of Commissioners of Compensations in the Room of those who shall die, or decline, or become incapable to act.

III. And be it further enacted, That if any of the Commissioners for the said Compensations, nominated or appointed by virtue of the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, or herein nominated, or to be hereafter appointed by virtue of this Act, shall die, or refuse, or decline, or become incapable to act in the Management of the Business of the said Compensations before the Whole of such Business shall be performed, then and in every such Case, and so often as the same shall happen, it shall be lawful for the surviving or remaining Commissioners, or any Five or more them, assembled at any of their Meetings, to appoint any other indifferent Person or Persons to be a Commissioner or Commissioners to act in the Management of the Business of the said Compensations in the Stead of the Commissioner or Commissioners who shall have so died, or refused, declined, or become incapable to act as aforesaid; and Notice of the Time and Place of the Meeting for every such Appointment, and of the Purpose thereof, shall be given by the Clerk to the said Commissioners, by Advertisement in Two or more of the publick Newspapers printed in the City of *London*, or City and Liberty of *Westminster*, and also by Letter sent by Post or otherwise, addressed to each of the said Commissioners at their respective last or usual Place or Places of Abode, Three Days at the least before such Meeting shall be holden; and every such new Commissioner, so to be appointed, shall and may, after taking the Oath directed to be taken by the said Commissioners by the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, act in the Management of the Business of the said Compensations in such and the same Manner in all Respects as if he had been by the said Act or by this Act originally appointed a Commissioner of the said Compensations, any Thing in the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, to the contrary thereof in anywise notwithstanding.

Meetings on Emergencies.

IV. And be it further enacted, That, if after any Adjournment of any Meeting of the said Commissioners, it shall at any Time or Times be thought necessary that a Meeting of the Commissioners should be holden on an earlier Day than the Day to which such Meeting shall have been adjourned,

adjourned, then and in every such Case the Clerk to the said Commissioners (an Order in Writing signed by Five or more of the said Commissioners, mentioning the Time and Place of such earlier Meeting, being given to him or left at his last or usual Place of Abode) shall forthwith give Notice of such earlier Meeting by Letter sent by Post or otherwise, addressed to each of the said Commissioners at their respective last or usual Place or Places of Abode, and of the Time and Place which shall be mentioned in the Order of the said Commissioners (such Time not being less than Three Days after such Notice); and all Proceedings of the said Commissioners at such earlier Meeting shall be as good and valid as they would have been in case such Commissioners had met in pursuance of any Adjournment.

V. And whereas it is in and by the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, enacted, that if any Body or Bodies Politick, Corporate, or Collegiate, or any other Person or Persons who should claim any Compensation herein-before entrusted to the Care of and directed to be made by the said Commissioners, should not agree with them the said Commissioners for and concerning the respective Compensations which might be thought to belong, by virtue of the said Act, to them, him, or her so claiming as aforesaid, or if on Account of Absence or Disability of Parties, or any other Circumstance, such Agreement should be impracticable, or if any of the Parties so claiming should, in the Judgement of the said Commissioners, not appear to be entitled to any such Compensation, and should nevertheless persist in such Claim, then and in every such Case the said Commissioners, or any Five or more of them, were thereby authorized and required, at the Request of the Parties or Party claiming such Compensation, (or if the said Commissioners should think it necessary or expedient, then without any such Request,) to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriffs of the City of *London*, or to the Sheriff or Bailiff of the County, Division, District, or Liberty, wherein the Premises should respectively lie or be, as the Case should require, who were and each of them was thereby authorized, directed, and required accordingly to impanel, summon, and return a competent Number of substantial and disinterested Persons qualified to serve on Juries, not less than Forty-eight nor more than Seventy-two, and out of such Persons so to be impannelled, summoned, and returned, a Jury of Twelve Men should be, by some Person to be appointed by the said Commissioners at any of their Meetings, drawn in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at *Westminster* are by an Act, made in the Third Year of the Reign of His late Majesty King *George* the Second, intituled, *An Act for the better Regulation of Juries*, directed to be drawn; which Persons so to be impannelled, summoned, and returned as aforesaid, were thereby required to come and appear before the said Commissioners at such Time and Place as in such Warrant or Warrants, Precept or Precepts, should be directed and appointed, and to attend the said Commissioners, from Day to Day until discharged by them; and all Parties concerned should and might have their lawful Challenges against any of the said Jurymen, but should not be at Liberty to challenge the Array; and the said Commissioners were thereby authorized and empowered, by Precept or Precepts, from Time to Time, as Occasion should require, to call before them all and every Person and Persons whomsoever, who should be thought proper and necessary to be examined as a Witness or Witnesses on his, her, or their

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Oath or Oaths, touching or concerning the Premises; and the said Commissioners, if they thought fit, should and might, on the Application of either Party, likewise authorize the said Jury to view the Place or Places, or Premises in question, in such Manner as they should direct; and the said Commissioners should have Power to adjourn their Meeting from Day to Day, as Occasion should require. and to command such Jury, Witnesses, and Parties to attend, until all such Affairs for which they were summoned should be concluded; and the said Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as should be called upon to give Evidence, the said Commissioners were thereby empowered and required to administer) should enquire of and concerning the Compensations or Satisfactions so in dispute as aforesaid, and the Amount or Value thereof, and of the different Shares and Interests of the several Persons who should appear to be entitled thereto, or to any Part or Parts thereof, and should assess and award the Sum or Sums of Money to be paid to such Person or Persons, Party or Parties respectively, for such respective Compensations or Satisfactions; and the said Commissioners should and might give Judgement or Determination for such Sum or Sums of Money so to be assessed; which said Verdict or Verdicts, and the Judgement and Judgements, Determination and Determinations thereupon, (Notice in Writing being given to the Person or Persons interested, or claiming so to be, at least Fourteen Days before the Time of the Meeting of the said Commissioners and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his or their usual or last Place or Places of Abode, or with some Tenant or Occupier of some of the said Houses, Buildings, Lands, Tenements, and Hereditaments, in respect whereof such Compensation should be claimed,) should be binding and conclusive to all Intents and Purposes whatsoever, as well against the King's Majesty, His Heirs and Successors, as against all Bodies Politick, Corporate, and Collegiate, and all and every Person and Persons so claiming or who might claim such Compensation, as well Infants and Issue unborn, Lunaticks, Idiots, and Femes Covert, and Persons under any other legal Incapacity or Disability, as all other Cestuique Trusts, his, her, and their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgements, and Determinations, and all other Proceedings of the said Commissioners and Juries, so to be made, given, and pronounced as last aforesaid, should be fairly written on Parchment, and signed by the Town Clerk of the said City of London, if the Premises should lie or be within the said City or the Liberties thereof; but if not within such City or Liberties, then by the Clerk of the Peace for the Time being of the County, Division, District, or Liberty, wherein the Premises should respectively lie or be; and in case it should so happen that the Parties or Party so claiming should be found not to be entitled to any such Compensation, or if the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal to treat and agree as aforesaid, as and for such Compensation or Satisfaction as before mentioned respectively, should not exceed the Sum or Sums of Money which the said Commissioners should have previously offered to allow as and for such respective Compensation or Satisfaction, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Compensation to be assessed and awarded by a Jury as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the Body or Bodies Politick,

Politick, Corporate, or Collegiate, or other Person or Persons so claiming Compensation, and so refusing to treat and agree as before-mentioned respectively; and the said Commissioners were thereby authorized and empowered to receive and retain, or cause to be received and retained, the Amount of the said Costs, Charges, and Expences, out of the Sum or Sums of Money so to be assessed or awarded as aforesaid (if any) or of any Part thereof, and to cause the same to be applied in Payment of the said Costs, Charges, and Expences accordingly; be it further enacted, That so much of the said Act shall be and is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

VI. And whereas it is in and by the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, enacted, that the said Commissioners should have Power, from Time to Time, to impose any reasonable Fine, not exceeding the Sum of Ten Pounds, on such Sheriff or Sheriffs, or Bailiffs, or their or his Deputy or Deputies, Bailiffs or Agents respectively, making Default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, and should not appear, or should refuse to be sworn on the said Jury or Juries, or being so sworn should not give his or their Verdict, and also on any Person or Persons who should be summoned to give Evidence touching any of the Matters aforesaid, and should not attend, or should refuse to be sworn or to affirm, or who should refuse to give his, her, or their Evidence, and on any other Person or Persons who should in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of the said Act, and from Time to Time to levy such Fine or Fines, by Order of the said Commissioners, by Distress and Sale of the Offender's Goods, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner or Owners; and that a Copy of the Order of the said Commissioners, signed by their Clerk for the Time being, should respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person acting, or aiding and assisting therein, to make such Distress and Sale; and all such Fines should be paid to the Chamberlain of the said City for the Time being, to be applied to the Purposes of the said Act: And whereas the said Powers and Clauses herein-above recited are adopted and incorporated into several of the Acts herein before-mentioned, be it further enacted, That so much of the said recited Act, and so much of the several Acts herein before-mentioned as adopt the same, shall be, and is hereby declared to be repealed, and null and void to all Intents and Purposes whatsoever.

Repealing Part of the 39th Geo. 3. c. 69. respecting Fines for Non-Attendance, &c.

VII. And be it further enacted, That if any Body or Bodies Politick, Corporate, or Collegiate, or any other Person or Persons who shall claim any Compensation by the said recited Acts, or any of them, entrusted to the Care of, and directed to be made by the said Commissioners, shall not agree with them the said Commissioners for and concerning the respective Compensations which may be thought to belong, by virtue of the said recited Acts, or any of them, or of this Act, to them, him, or her, so claiming as aforesaid, or if on account of Absence or Disability of Parties, or any other Circumstance, such Agreement shall be impracticable, or if any of the Parties so claiming shall, in the Judgement of the said Commissioners, not appear to be entitled to any such Compensation, and shall nevertheless,

When Parties refuse, or are unable to agree for Compensation, Juries for ascertaining the same may be impanelled, and how.

nevertheless persist in such Claim, then and in every such Case it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required and authorized, within Twenty-one Days after any Request shall be made in Writing, by any of the Party or Parties claiming such Compensation, or if the said Commissioners shall think it expedient, then, without any such Request, to issue a Warrant or Warrants, Precept or Precepts, directed to the Sheriffs of London, if the Premises lie, or the Business for the Loss or Diminution whereof the Compensation is claimed was carried on, in the said City of London, or elsewhere out of the County of Middlesex, or to the Sheriff of the County of Middlesex, if the Premises lie, or the Business for the Loss or Diminution whereof the Compensation is claimed was carried on, in that County, or if the Premises lie or such Business was carried on as well in the City of London as in the County of Middlesex or elsewhere, to the Sheriffs of London, who are and each of them is hereby authorized, directed, and required accordingly, to impanel, summon, and return a competent Number of substantial and disinterested Persons qualified to serve on Juries, not less than Forty-eight nor more than Seventy-two, and out of such Persons so to be impanelled, summoned, and returned, a Jury of Twelve Men shall be drawn by some Person to be by the said Commissioners, or any Five or more of them, at some of their Meetings appointed, in such Manner as Juries for the Trial of Issues joined in His Majesty's Courts at Westminster are by an Act, made in the Third Year of the Reign of His late Majesty King George the Second, intituled, *An Act for the better Regulation of Juries*, directed to be drawn; which Persons so to be impanelled, summoned, and returned as aforesaid, are hereby required to appear before the Justices of the Peace of the said City of London, at some Court of General or Quarter Sessions of the Peace, to be holden in and for the said City, or at some Adjournment thereof, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, or at some General or Quarter Sessions of the Peace to be holden in and for the said County, or some Adjournment thereof, as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, and to attend such Court of General or Quarter Sessions from Day to Day until discharged by the said Court, and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array; and the said Justices are hereby authorized and empowered by Precept or Precepts, from Time to Time, as Occasion shall require, to call before them all and every Persons whomsoever, who shall be thought proper and necessary to be examined as a Witness or Witnesses, on his, her, or their Oath or Oaths, touching or concerning the Premises; and the said Justices, if they think fit, shall and may, on the Application of either Party, likewise authorize the said Jury to view the Place or Places, or Premises, in question, in such Manner as they shall direct; and the said Justices shall have Power to adjourn such Court from Day to Day, as Occasion shall require, and to command such Jury, Witnesses, and Parties, to attend, until all such Affairs for which they were summoned shall be concluded; and the said Jury upon their Oaths (which Oaths, as also the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered and required to administer) shall enquire of and concerning the Compensations and Satisfactions so in Dispute as aforesaid, and the Amount or Value thereof, and of the different Shares and Interests of
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the several Persons who shall appear to be entitled thereto, or to any Part or Parts thereof, and shall assess and award the Sum or Sums to be paid to such Person or Persons, Party or Parties respectively, for such respective Compensations or Satisfaction; and where no new Trial shall be granted, as herein-after is mentioned, the said Justices shall and may give Judgement for such Sum or Sums of Money so to be assessed; which said Judgement or Judgements, Determination or Determinations (Notice in Writing having been given to the Person or Persons interested, or claiming so to be, at least Fourteen Days before the Time of the Meeting of the said Justices as aforesaid and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual or last Place or Places of Abode, or with some Tenant or Occupier of some of the Premises in respect whereof such Compensation is claimed), shall be binding and conclusive to all Intents and Purposes whatsoever, as well against the King's Majesty, His Heirs and Successors, as against all Bodies Politick, Corporate, and Collegiate, and all and every Person or Persons so claiming, or who might claim such Compensation, as well Infants and Issue unborn, Lunatics, Idiots, and Females Covert, and Persons under any other legal Incapacity or Disability, as all other Cestuique Trusts, his, her, or their Heirs, Successors, Executors, and Administrators, and against all other Persons whomsoever; and the said Verdicts, Judgements, and Determinations, and all other Proceedings of the said Justices and Juries, so to be made, given, and pronounced as aforesaid, shall be fairly written on Parchment, and signed by the Town Clerk or the Clerk of the Peace of the said City of *London*, or the Clerk of the Peace for the said County of *Middlesex*, as the case shall be; and in case it shall so happen that the Parties or Party so claiming shall be found not to be entitled to any such Compensation, or if the Sum or Sums of Money so to be assessed and awarded in consequence of such Refusal to treat and agree as aforesaid, as and for such Compensation and Satisfaction as before-mentioned respectively, shall be less by One Eighth Part in the Whole than the Sum or Sums of Money which the said Commissioners shall have previously offered to allow as and for such respective Compensation or Satisfaction, then and in every such Case all the reasonable Costs, Charges, and Expences of causing and procuring such Compensation to be assessed and awarded by a Jury as aforesaid, and of so assessing and awarding the same, shall be borne and paid by the Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons so claiming such Compensation, and to refusing to treat and agree as before-mentioned respectively; and the said Commissioners are hereby authorized and empowered to receive and retain, or cause to be received and retained, the Amount of the said Costs, Charges, and Expences, out of the Sum or Sums of Money so to be assessed or awarded as aforesaid (if any) or out of any Part thereof, and to cause the same to be applied in Payment of the said Costs, Charges, and Expences accordingly.

VIII. And be it further enacted, That the said Justices shall have Power, from Time to Time, to impose any reasonable Fine, not exceeding the Sum of Ten Pounds, on such Sheriff or Bailiff, or his Deputy or Deputies, Bailiffs or Agents, respectively, making Default in the Premises, and on any of the Persons who shall be summoned and returned on any such Jury or Juries, and shall not appear, or appearing shall refuse to be sworn on the said Jury or Juries, or being so sworn shall not give

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When no new Trial shall be granted, Verdict of the Jury, &c. to be final;

Previous Notice being given to Parties interested.

If Compensation Money awarded be less by One Eighth Part than the Money offered by the Commissioners, the Claimants to pay Costs.

Fines may be imposed for Non-attendance.

his or their Verdict, and also on any Person or Persons who shall be summoned to give Evidence touching any of the Matters aforesaid, and shall not attend, or attending shall refuse to be sworn or to affirm, or who shall refuse to give his, her, or their Evidence, and on any Person or Persons who shall in any other Manner wilfully neglect his, her, or their Duty in the Premises, contrary to the true Intent and Meaning of this Act, and from Time to Time to levy such Fine or Fines, by Order of the said Justices, by Distress and Sale of the Offender's Good and Chattels, together with the reasonable Charges of every such Distress and Sale, returning the Overplus (if any) to the Owner or Owners; and that a Copy of the Order of the said Justices, signed by the Clerk of the Peace for the Time being of the County, Division, District, or Liberty wherein the Premises shall lie or be, as the Case shall require, shall respectively be sufficient Authority to the Person or Persons therein to be appointed, and to every other Person acting, or aiding and assisting therein, to make such Distress and Sale; and all such Fines shall be paid to the Chamberlain of the said City for the Time being, to be applied to the Purposes of the said recited Act made in the Thirty-ninth Year of the Reign of His present Majesty.

Points of Law may be reserved for the Consideration of the Court of King's Bench;

and upon the Certificate of the Justice presiding at the Hearing, Application may be made to the Court of King's Bench for a new Trial.

IX. And whereas Questions of Doubt and Difficulty may arise, as well in respect of the Title of Parties applying for such Compensation or Satisfaction to have any Compensation or Satisfaction, as in respect of the Amount of the Compensation or Satisfaction to be recovered; be it further enacted, That it shall and may be lawful for the said Justices to reserve any Point of Law arising from such Trial for the Consideration of His Majesty's Court of King's Bench, upon Motion to be made in the same Court, in the same Manner as if such Point had been reserved by the Lord Chief Justice of the same Court sitting at *Nisi Prius*; or in case either the Parties claiming such Compensation as aforesaid, or the said Commissioners shall be dissatisfied with any Verdict given before the said Justices (except in the Case of a Verdict upon a new Trial had in Manner hereinafter mentioned), and the said Justices shall certify under the Hand of the Justice who summed up the Case to the Jury, that it is a fit Case to move for a new Trial, it shall and may be lawful either for such Parties, or the said Commissioners, upon producing such Certificate, verified by Affidavit, within the First Four Days of the Term next after such Trial, to move the said Court of King's Bench for a new Trial in such Case, and thereupon it shall and may be lawful for the said Court, in either of such Cases, upon the Report of the said Justices, to hear and determine the same Point or Points; and the Determination that the said Court shall make thereupon shall be specified and contained in a Rule of the same Court, and shall be transmitted to the said Justices, who shall give Judgement thereon accordingly; or it shall and may be lawful for the said Court to order and direct a new Trial to be had upon the Premises, either before the said Justices, or before the Lord Chief Justice, or some other Judge of the same Court, in case the said Court shall think fit so to allow; and such Trial to be had at the Sitings for *London* or *Middlesex*, as the same Court shall think fit to order, subject to such Directions concerning the Costs of the First Trial and the subsequent Proceedings, as the same Court shall think fit to give in that Behalf.

Directing Proceedings when new Trial ordered before the Justices.

X. And be it further enacted, That in case such new Trial shall be ordered and directed to be had before the said Justices, that all Matters and Things, Clauses and Provisions, herein-before contained, respecting the Proceedings

Proceedings previous to, upon, and after the First Trial, except so far as the same may be altered by the Direction and Order of the said Court of King's Bench, and the Judgement to be given thereon, shall apply and extend to the Second Trial to be had by the Direction and Order of the same Court, and the Proceedings previous to, upon, and after the same, as fully as if the same had been herein new repeated and re-enacted.

XI. And be it further enacted, That in case such new Trial shall so as aforesaid be ordered and directed to be had before the Lord Chief Justice, or some other Judge of the same Court, at the Sittings for *London* or *Middlesex*, the Record of the Proceedings of the same Justices shall be removed into the said Court of King's Bench by Writ of *Certiorari*, and such and the like Proceedings take place thereupon in order to the same new Trial, as are had in Cases of Indictments found at Sessions, and removed into the Court of King's Bench by *Certiorari*; and after such new Trial shall have taken place, the Record thereof, and of all other Proceedings in the Premises, shall be remitted, and sent back to the said Justices, who shall thereupon give Judgement upon the Verdict taken on such new Trial, as if the same had been originally given in the first Instance before the said Justices.

When new Trial ordered before the Judges of the Court of King's Bench.

XII. Provided always, and be it further enacted, That no Evidence shall be permitted to be given before any Jury of any Loss, or supposed Loss, or any Ground or Matter of Claim of Compensation, except such as is distinctly contained and specified in the Memorial of the Claim entered by the Party in pursuance of the said several Acts herein-above mentioned, or of this present Act.

No Evidence to be given before the Jury of any Claim not specified in the Memorial.

XIII. And whereas it may be convenient in certain Cases that Compensations to be made for Loss, Injury, or Damage sustained by the said several Acts before-mentioned, or some of them, should be estimated conjointly; be it enacted, That it shall and may be lawful for the said Commissioners, at the Expiration of the Time limited and appointed by the said Act, made in the Thirty-ninth Year of the Reign of His present Majesty, for entering a Memorial of Claims under that Act, or so soon after as conveniently may be, to summon and call before them any Party who shall have entered such Memorial of Claim, and to require him, her, or them, to give in to the said Commissioners a Declaration in Writing, within Fourteen Days from the Time at which he, she, or they shall be so required, stating and expressing whether they have any Claim or Claims for Compensation for Loss, Injury, or Damage by them sustained by any other of the said several Acts above mentioned; and if such Party shall omit or refuse to attend the said Commissioners by themselves or their Agents, or shall omit or refuse to make any such Declaration within the Time herein above specified, or shall declare in Writing, by themselves or their Agents, that he, she, or they have no such Claim, they and each of them respectively shall be for ever barred from making any Claim for Compensation whatsoever, under or by reason of the said several Acts above-mentioned, or any of them; and if such Party shall by himself, herself, or themselves, or his, her, or their Agents, declare in Writing, that he, she, or they have any such Claim or Claims, it shall and may be lawful for the said Commissioners, and they are hereby required to enquire and examine into the Nature of such Claim or Claims, and to ascertain whether it be proper

For consolidating Claims.

proper that the Compensation, if any, to be made thereon, or on any of them, should be estimated conjointly with the Claim of such Party previously made under the said Act, passed in the Thirty-ninth Year of the Reign of His present Majesty; and in case the said Commissioners shall think it fit and proper that the Compensation, if any, to be made on such Claims, or any of them, should be estimated conjointly, and the Party or Parties shall not satisfy the said Commissioners that it is impracticable or injurious for such Party or Parties at that Time to make his, her, or their Claim under the said Act of the Thirty-ninth and Fortieth Year of the Reign of His present Majesty, it shall and may be lawful for the said Commissioners, and they are hereby required to give Notice thereof in Writing to such Party, and to require him, her, or them, within Two Calendar Months from the giving such Notice, to enter a Memorial of such Claim or Claims in the same Manner as is directed by the said last-mentioned Act, and upon such Memorial being entered shall without Delay proceed to agree for, or otherwise to estimate and ascertain the Compensation to be made for such Claims conjointly, in the same Manner as is directed by this or any other Act for estimating any Claim made under the said Act passed in the Thirty-ninth Year of the Reign of His present Majesty; and Payment shall be made of the Compensation agreed for or estimated on such Claims conjointly, in the same Manner as is directed for the Payment of any Compensation agreed for or estimated on any Claim made under the said last mentioned Act only; and if any such Party shall, upon any such Notice and Requisition as aforesaid, refuse or omit to enter a Memorial in Manner herein-before mentioned, within the Time above specified, they and each of them respectively shall be for ever barred from making any Claim or Claims for Compensation whatsoever, under or by reason of the said several Acts before mentioned, or any of them.

Authorizing
Memorials of
Joint Claims
to be entered
previous to
the 23d Aug.
1806.

XIV. And be it further enacted, That it shall and may be lawful for all and every Bodies and Body Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, and other Persons and Person whatsoever claiming Compensation for Loss, Injury, or Damage of any Sort sustained by more than One of the above-mentioned Acts, to enter at any Time previous to the Twenty-third Day of *August* One thousand eight hundred and six, a Joint Memorial of such Claims, in the same Manner as a Memorial of any Claim is directed to be entered by the said Act of the Thirty-ninth Year of His present Majesty; and the Compensation to be made for such Claims shall be agreed for, or otherwise estimated and ascertained in the same Manner as is directed by this or any other Act for estimating Claims made under the said Act of the Thirty-ninth Year of His present Majesty; and Payment shall be made of the Compensation agreed for or estimated on such Claims conjointly in the same Manner as is directed for the Payment of Compensations agreed for or estimated on Claims made under the said last-mentioned Act only.

Memorials of
Claims for
Diminution
in Value of
Tenements
and Heredi-
taments, and
other Pro-
perty, occa-
sioned by the
Operation of

XV. And whereas in cases where Quays or Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, Lighters, Craft, and other Property, in respect of which the Parties interested therein will be entitled to claim Compensation, have become less valuable by reason of more than One of the above-mentioned Acts, it may be very troublesome and difficult to ascertain or distinguish the Proportion of the Diminution in Value occasioned by each of the same Acts; be it therefore enacted, That it shall and may be lawful for the Owners and Occupiers of, and other Persons interested

interested in such Quays or Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, Lighters, Craft, and other Property, rendered less valuable by more than One of the above-mentioned Acts, (except such of the same Persons as, in pursuance of this Act, shall enter joint Memorials of Claims for the Injury or Damage sustained by them in the Loss or Diminution of their Trade or Business by reason of the same Acts,) to defer entering Memorials of Claims for the Diminution in Value occasioned to such Quays or Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, Lighters, Craft, and other Property, by the said Act of the Thirty-ninth Year of the Reign of His present Majesty until the Time of entering Memorials of their Claims under the said Act of the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, when it shall be lawful for them to enter joint Memorials of their Claims for the Diminution in the Value of such Quays or Wharfs, Warehouses, Docks, and other Tenements and Hereditaments, Lighters, Craft, and other Property, occasioned by the above-mentioned Acts, in the same Manner as Memorials of Claims under the said Act of the Thirty-ninth and Fortieth Years of the Reign of His present Majesty only are thereby directed to be entered, without being obliged to specify or distinguish the Proportion of the Diminution occasioned by each of the same Acts; and the Compensation to be made upon such Claims shall be agreed for, or otherwise estimated and ascertained, conjointly, in the same Manner as is directed by this or any other Act for estimating Claims made under the said Act of the Thirty-ninth and Fortieth Years of the Reign of His present Majesty; and Payment shall be made of the Compensations agreed for or estimated on such Claims conjointly in the same Manner as is directed for the Payment of Compensations agreed for or estimated on Claims made under the said last-mentioned Act only.

more than One of the said Acts, to be entered jointly before the Expiration of the Time limited for entering Memorials under the 39 or 40 G. 3.

XVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, or any Five or more of them, if they shall think fit, upon the Application of any Body or Bodies Politick, Corporate, or Collegiate, or other Person or Persons claiming Compensation for any Loss, Injury, or Damage sustained by reason of the above-mentioned Acts, or any of them, and who shall have entered a Memorial or Memorials of such their respective Claims, to allow him, her, or them, at any Time before the said Commissioners shall have considered such Claims, and made an actual Offer to the Party or Parties of a Sum or Sums of Money to be paid for Compensation in respect thereof, to amend the Memorial or Memorials so entered, or to enter an additional or supplemental Memorial or additional or supplemental Memorials of their respective Claims, in the same Manner as Memorials are by the said respective Acts directed to be entered, although the Times by the said respective Acts limited for entering Memorials of Claims under the same shall have expired; and the Compensation to be made to such Party or Parties shall be ascertained upon such amended Memorial or Memorials, or upon the original Memorial or Memorials, and the additional or supplemental Memorial or Memorials, as the Case may be, in the same Manner as if the Ground or Matter of Claim contained or specified therein had been contained or specified in the Memorial or Memorials originally entered by him, her, or them: Provided always, that no such amended, or additional, or supplemental Memorial shall be admitted or entered, unless the Party or Parties applying to have the same admitted or entered shall shew good Cause, to the

Empowering the Commissioners (upon satisfactory Cause being shewn to them) to allow additional or supplementary Memorials to be entered.

[Loc. & Per.]

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Satisfaction

Satisfaction of the said Commissioners, why such amended, or additional, or supplemental Memorial had become necessary.

Time limited for entering Memorials of Claims, by 39 G. 3. c. 69. not to be extended.

XVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend the Time limited and appointed originally for entering Memorials of Claims by the said Act passed in the Thirty-ninth Year of His present Majesty, save and except as herein mentioned.

No Claims to be made for Compensation in respect of the West India Export Dock, until Three Years after Notice of the same being ready for Use, but such Claims must be made within the following Year.

XVIII. And whereas in and by the said recited Act, made in the Thirty-ninth Year of the Reign of His present Majesty, it is enacted that no Claim should be made or admitted for any Compensation by such Act directed to be managed by the Commissioners therein and thereby appointed, before or until the Expiration of Three Years next after Notice of the said Docks and Dock Premises being ready for Use shall have been first given in the *London Gazette*, and Two or more publick Morning Newspapers usually circulated in *London*: And whereas it is in and by the said recited Act, made in the Forty-second Year of the Reign of His present Majesty, enacted, that when any One or more of the said Docks, with the Balon or Balons, Quays, Wharfs, Warehouses, and other Works belonging or to belong thereto, shall be so far completed, that in the Judgement of the Lord High Treasurer, or any Three or more of the Lords Commissioners of His Majesty's Treasury for the Time being, the same shall be fit for the Reception of Ships and Goods respectively, it shall be lawful for the said Lord High Treasurer, or any Three or more of the Lords Commissioners of His Majesty's Treasury for the Time being, and he and they are thereby respectively authorized and empowered, by Writing under his or their Hand or Hands, to certify and make known the same; which Certificate shall be published Three Times at the least in the *London Gazette*, and in Two or more publick Morning Newspapers then usually circulated in *London*; and the said Certificate so published as aforesaid shall be deemed sufficient Notice to all Parties interested of the Completion of the Dock or Docks, Quays, Wharfs, Warehouses, and other Works, concerning which such Certificate of Approbation shall be made: And whereas in pursuance of the Directions of the said recited Act, made in the Forty-second Year of the Reign of His present Majesty, a Certificate under the Hands of Three of the Lords Commissioners of His Majesty's Treasury, declaring the following Works so far completed as to be fit for the Reception of Ships and Goods respectively; *videlicet*, the Export Dock, situate between the Import Dock and the Canal at the *Isle of Dogs*, together with the Quays or Wharfs along the North Side of the said Export Dock, extending from the West End to the End thereof, has been published in Two or more publick Newspapers usually circulated in *London*, and also in the *London Gazette* of the Twen'y-eighth Day of *June*, the First Day of *July*, and the Fifth Day of *July*, in the Year of our Lord One thousand eight hundred and six; be it therefore enacted, That it shall and may be lawful to and for the said Commissioners for Compensation, acting in Execution of the said recited Acts and this Act, or any of them, and they are hereby required to receive and admit any Claim or Claims for Compensation for any Loss, Injury, or Damage, sustained by the Works described in the said Certificate being opened or used for the Purposes expressed in the said Acts made in the Thirty-ninth and
Forty-

Forty-second Years of the Reign of His present Majesty, and for which Loss, Injury, or Damage, the said Commissioners are directed to make Compensation, provided that such Claim or Claims for Compensation be made after the Expiration of Three Years from the said Twenty-eighth Day of *June*, and on or before the Expiration of Four Years from the same Twenty-eighth Day of *June*; any Thing contained in the said recited Acts, made in the Thirty-ninth Year of His present Majesty to the contrary thereof in anywise notwithstanding.

XIX. And be it further enacted, That all and every Sum or Sums of Money agreed or awarded to be paid as and for a Compensation, under or by virtue of this or any other Act, shall be paid within Six Calendar Months from the Day on which such Sum or Sums of Money respectively were agreed for or awarded.

Compensation Money to be paid within Six Calendar Months after the same shall be agreed for or awarded.

XX. And be it further enacted, That nothing in this Act, or any other of the Acts above-mentioned, contained, shall extend or be construed to extend to charge all or any of the said Commissioners personally with the Payment of any Sum of Money agreed for or awarded to be paid as a Compensation under or by virtue of this or any other of the Acts above mentioned.

For the Indemnity of the Commissioners.

XXI. And be it further enacted, That all the Costs, Charges, and Expences incident to and incurred in obtaining and executing this Act, shall be paid by the said Commissioners for making Compensations, in such and the like Manner as other the necessary Costs, Charges, and Expences of managing, ascertaining, and making such Compensations are directed to be defrayed and discharged.

Costs of obtaining, etc. the Act, how to be paid.

XXII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

Publick Act.

