CHAPTER lix.

An Act to amend the Acts relating to the East and West India Dock Company. [30th June 1874.]

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WHEREAS by an Act 1 and 2 William the Fourth, chapter 52, intituled "An Act to consolidate and amend the several "Acts for making the West India Docks," in this Act called "the principal Act," the West India Dock Company were incorporated, and the several Acts relating to that company were consolidated and amended:

And whereas by an Act passed in the reign of Her present Majesty, 1 Victoria, chapter 9, entitled "An Act to amend the "several Acts relating to the West India Dock Company and the "East India Dock Company, and to consolidate the said Com-"panies," that company acquired the undertaking known as the East India Docks, and were thereby incorporated as "The East and West India Dock Company," in this Act called "the Company:"

And whereas by such last-mentioned Act all the provisions of the principal Act, save as therein excepted, were made applicable to the Company:

And whereas the provisions contained in the principal Act relating to the sale and transfer of the capital stock of the Company have been found in practice to be inconvenient, and it is expedient that the same should be repealed, and that the provisions applicable to such sale and transfer should be in accordance with those enacted in "The Companies Clauses Consolidation Act, 1845:"

And whereas the Company have exercised the power given to them by the principal Act (section 35) to increase their capital, by creating and issuing three hundred and twenty thousand pounds additional capital stock, and the same has been fully paid up, thereby raising the total capital stock of the Company created at the time of the passing of this Act to the sum of two million three hundred and eighty-five thousand six hundred and sixty-eight pounds, and the

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total capital stock of the Company issued to two million three hundred and eighty-five thousand five hundred pounds, and they have also exercised the power given to them by the East and West India Docks Act, 1865, to borrow on mortgage three hundred and twenty thousand pounds, and have accordingly borrowed such sum, and their mortgage debt now stands at that amount:

And whereas by the principal Act, section 121, it is enacted as follows: "That it shall not be lawful for the said West India Dock "Company at any time or times to carry on or be in anywise con- "cerned in the trade or business of building or repairing ships or "other vessels for hire or profit, nor shall any slip or slips, dry dock, "graving dock, way, or other place for the building, heaving down, "or repairing of ships or other vessels at any time hereafter be "made or built, or permitted or suffered to be made or built, in or "adjoining any of the said docks, basins, and cuts of the said "company; but nothing herein contained shall extend to prevent "the said company from selling or letting the docks, yards, and "other premises at Limehouse now in the occupation of Messieurs "Fletcher, Son, and Fearnall, nor the docks, yards, and premises at "Blackwall now in the occupation of Messieurs H. and W. Pitcher; "but so nevertheless that no opening or communication shall be "made or permitted between the docks, cuts, and basins of the "said company, and the said docks, yards, and premises now in "the occupation of Messieurs Fletcher, Son, and Fearnall, and "Messieurs H. and W. Pitcher, so long as those docks, yards, and "premises shall be used for the purpose of building or repairing "ships or other vessels," which restriction, owing to the large increase of trade and shipping frequenting the docks of the Company has been found prejudicial to the public interest, and it is expedient that such restriction should be removed, and that the Company should be enabled to exercise all such powers of constructing slips, graving docks, and other works as they could or might have exercised but for the said restriction:

And whereas for the purpose of exercising such powers, and for providing such increased accommodation as is required by the shipping interest, and of enabling the Company to carry on their dock business more efficiently, it is expedient that the Company be authorised to borrow a further sum of money:

And whereas great inconvenience is experienced by the Company at their railway and other bridges, and in their docks, basins, and cuts, by reason of the practice which has arisen of leaving ships, lighters, barges, craft, and vessels unattended to; and it is expedient that so much of section 104 of the principal Act as relates to

penalties on owners or masters or persons having command of ships or vessels left in the dock or docks without any person or persons on board should be repealed, and that better and further provision should be made in that behalf:

And whereas the objects aforesaid cannot be carried into effect 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 the present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The East and West India Dock Company Act, 1874."

Provisions of certain general Acts incorporated.

2. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the transfer and transmission of shares, the borrowing of money by the Company on mortgage or bond, and the conversion of the borrowed money into capital, and Part III. of "The Companies Clauses Act, 1863," relating to debenture stock, as amended by "The Companies Clauses Act, 1869," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts in part incorporated with this Act meanings are assigned have in this Act the same respective meanings, unless excluded by the subject or context.

Repeal of sects. 13 and 14 of 1 & 2 W. 4. c. lii.

4. Section 13 of the principal Act, relating to the mode of persons proving their claims to the general stock of the Company in right of marriage, or under or by virtue of any will or bequest, or in a course of administration, and section 14 of the said Act, relating to the sale and transfer of such stock, save and except the proviso in the last-mentioned section, are hereby repealed.

Power to borrow on mortgage.

5. The Company may from time to time borrow on mortgage, in addition to the sum of three hundred and twenty thousand pounds borrowed under the powers of the "East and West India Docks Act, 1865," section 3, any further sum or sums of money, not exceeding in the whole four hundred and seventy-five thousand pounds.

Mortgages under recited Acts to have priority.

6. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and subsisting at the passing hereof, shall during the continuance of such mortgages have priority over any mortgages granted by virtue of

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this Act, but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Priority of mortgages.

7. All moneys raised on mortgage by the Company under this Act, and the interest due thereon, shall have priority against the Company, and the undertaking from time to time of the Company, over all other claims on account of debts incurred or engagements entered into by the Company after the passing of this Act.

Arrears may be enforced by appointment of a receiver.

8. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; in order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom application for a receiver is made shall not be less than twenty thousand pounds in the whole.

Debenture stock.

9. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863," as amended by "The Companies Clauses Act, 1869;" but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Appointment of receiver in respect of interest on debenture stock.

10. In order to authorise the appointment of a receiver in respect of default in payment of interest on debenture stock, the prescribed sum in nominal amount of such debenture stock to be held by the person or persons by whom application for a receiver is made shall be twenty thousand pounds.

Application of moneys.

11. The moneys by this Act authorised to be borrowed shall be applied to such purposes connected with the increase and development of their docks and their dock business as the Company may from time to time deem expedient.

Repeal of sect. 121 of 1 & 2 W. 4. c. lii.

12. Section 121 of the principal Act is hereby repealed, and the Company may exercise any of such powers as they would or might have exercised but for the restriction contained in such enactment.

Rates for use of slips, &c.

13. The Company may from time to time demand and take in respect of all vessels going into or using any graving docks which they may hereafter construct such reasonable rates as they may think fit and appoint, and the expression "graving docks" in this

Act means and includes patent slips, gridirons, saucers, and other works for like purposes.

Recovery of rates.

14. Sections 77, 78, and 79 of the principal Act, relating to the recovery of rates, to persons eluding the payment thereof, and to the mode of ascertaining the tonnage or measurement of every ship or vessel liable thereto, and also the powers conferred upon the dock-master contained in section 100 of that Act, together with the power to impose and recover penalties imposed thereby on persons causing obstructions, shall be read and construed as if the expression "graving docks" had been therein contained.

Repeal of section 104 of principal Act so far as relates to penalty for leaving ships, &c.

15. So much of section 104 of the principal Act as relates to penalty on owners or masters or persons having command of ships or vessels left in the dock or docks without any person or persons on board, which has been found insufficient for the purposes for which it was intended, is hereby repealed, and in lieu thereof be it enacted, that if any ship, lighter, barge, craft, or vessel shall be left in the said dock or docks, basin or basins, lock or locks, cut or cuts, without any person or persons on board, the master or other person having the command of every such ship, lighter, barge, craft, or vessel, or the owner or owners thereof, shall for every such offence forfeit and pay any sum not exceeding five pounds, and the Company's dock master or masters may place a servant or servants of the Company's on board such ship, lighter, barge, craft, or vessel, and may pay such servant or servants such reasonable wages as to the said dock-master or dock-masters may seem fit, and the amount of such wages may be recovered by the Company in the manner provided for the recovery of rates and charges by section 77 of the principal Act, and the owner or owners of such ship, lighter, barge, craft, or vessel shall also be answerable for all the injury that may be sustained by any other ships, lighters, barges, craft, or vessels, or by the Company, through or by reason of such offence.

Power to lease slips, &c.

16. The Company may from time to time let on lease for any term of years any land belonging to and appropriated by them for the use of slips, dry docks, and graving docks, to such person or persons, company or companies, for the purpose of constructing thereon the said slips, dry docks, and graving docks, and other works connected therewith, or they may from time to time let on lease for any term of years to such person or persons, company or companies, any slip, dry dock, and graving docks, and any works connected therewith, which they may construct, for such sums in gross and annual or other rents and payments respectively, and on such terms and conditions, as the Company may think fit.

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Expenses of Act.

17. The costs, charges, and expenses of and incident to the preparing and applying for, obtaining, and passing of this Act shall be borne and paid by the Company.

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