CHAPTER clxix.

An Act to authorise the East and West India Dock Company to acquire additional Lands; raise further Capital; and for other purposes. A.D. 1879. [21st July 1879.]

WHEREAS by an Act passed in the first and second years of the reign of His late Majesty King William the Fourth, 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: 1 & 2 W. 4. c. lii.

And whereas by an Act passed in the first year of the reign of Her present Majesty, intituled "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 Companies," the West India Dock Company acquired the undertaking known as the East India Docks, and their name was changed to that of "The East and West India Dock Company," in this Act called "the Company": 1 & 2 Vict. c. ix.

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

And whereas by reason of the development of the business of the Company it is necessary and expedient that the Company should be authorised to acquire for the general purposes of their undertaking certain lands in the ward of Aldgate and parish of Saint Katherine Coleman, in the city of London, and in the parish of All Saints Poplar, in the county of Middlesex, and for the purposes of this Act plans and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for such purposes under the powers of this Act, have been duly deposited with the

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clerk of the peace for the county of Middlesex and the clerk of the peace for the city of London:

And whereas there are certain lands in the parish of All Saints Poplar, in the county of Middlesex, belonging to the Company and adjacent to certain other lands in the said parish belonging to, leased, or held by the Midland Railway Company, the Great Northern Railway Company, the Great Eastern Railway Company, and the London and Blackwall Railway Company, which said companies are in this Act called the railway companies, and it is expedient that the Company and the railway companies should respectively be authorised to interchange such lands, and for that purpose to enter into contracts and agreements the one with the other:

And whereas the authorised capital of the Company amounts to the sum of two millions three hundred and eighty-five thousand six hundred and sixty-eight pounds, and the Company have in fact raised the sum of two millions three hundred and eighty-five thousand five hundred pounds by the creation and issue of capital stock of the Company to that amount, and not, as erroneously recited in the preamble of the East and West India Dock Company Act, 1874, to the amount of two millions three hundred and eighty-five thousand six hundred and sixty-eight pounds (the sum of three hundred and nineteen thousand eight hundred and thirty-two pounds only having been raised under the powers of the principal Act (section thirty-five), and not three hundred and twenty thousand pounds, as erroneously recited in the preamble of the East and West India Dock Company Act, 1874):

37 & 38 Vict. c. lix.

And whereas the Company are authorised to borrow seven hundred and ninety-five thousand pounds, and they have exercised the said powers, to the extent of seven hundred and ninety-four thousand nine hundred and thirty-seven pounds ten shillings and sixpence, by borrowing on mortgage the sum of three hundred and thirty-eight thousand nine hundred and thirty-seven pounds ten shillings and sixpence, and by borrowing on debenture stock the sum of four hundred and fifty-six thousand pounds:

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

And whereas it is expedient that the Company be authorised to defray or contribute to the expenses of management and to guarantee all or any of the benefits to be conferred by any friendly

society or institution established or to be established for the officers or servants of the Company: A.D. 1879.

And whereas the existing powers contained in the Company's Acts have been found to be insufficient for the purpose of preventing and obviating the danger and damage resulting from ships, lighters, barges, craft, and other vessels being left adrift or not properly secured in and about the docks, and it is expedient to make further and better provision in that behalf:

And whereas by section ninety-six of the principal Act the directors of the Company are empowered to make such rules and regulations as to them shall seem expedient for the good government of persons employed in and about the docks and premises of the Company, and for the better regulating, conducting, governing, and managing the business of the Company and the several works from time to time carried on by them, and to affix and appoint reasonable pecuniary penalties not exceeding forty shillings for any one offence for the non-observance or non-performance of all or any such rules and regulations, or any part of them, and it is expedient that the Company be authorised to increase the amount of such pecuniary penalties:

And whereas it is expedient that further provisions should be made for enforcing the recovery and payment of such pecuniary penalties and of the rates which the Company are under the principal Act authorised to take and receive:

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 this 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's Act, 1879.

Incorporation of general Acts.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.
8 & 9 Vict. c. 16.
26 & 27 Vict. c. 118.
32 & 33 Vict. c. 48.

2. The Lands Clauses Consolidation Acts, 1845, 1860, and 1869, the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond, 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) hereby incorporated with and form part of this Act.

Interpretation of terms.

3. The several words and expressions to which by the Acts wholly or in part incorporated with this Act meanings are assigned

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have in this Act the same respective meanings, unless excluded by the subject or context; and for the purposes of this Act the expression "court of competent jurisdiction" shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute:

The expression "the docks" shall mean the docks and the basins and cuts belonging thereto of the Company, and such parts of the River Thames as by section one hundred of the principal Act the power and authority of the Company's dock-master or dock-masters is declared to extend to:

The expression "the defaulting vessel" shall mean any ship, lighter, barge, craft, or other vessel which shall be left adrift or not properly secured in any of the docks.

Power to take certain lands, &c.

4. Subject to the provisions of this Act, the Company may from time to time enter upon, take, and use for the purposes of their undertaking the lands, houses, and buildings in the ward of Aldgate and parish of Saint Katherine Coleman, in the city of London, and in the parish of All Saints Poplar, in the county of Middlesex, delineated on the plans and described in the books of reference deposited as aforesaid.

Period for compulsory purchase of land.

5. The powers of the Company for the compulsory purchase of lands shall not be exercised after the expiration of three years from the passing of this Act.

Company not to take, &c. lands belonging to the guardians of the poor of the city of London without consent of Local Government Board.

6. Nothing in this Act contained shall enable the Company to enter upon, take, or use for the purposes of this Act any of the lands belonging to or in the occupation of the guardians of the poor of the city of London, and numbered on the said plans ten and eleven respectively, without the consent in writing in that behalf of the Local Government Board first had and obtained.

Company not to take, &c. lands belonging to London and Blackwall Railway Company, &c. without consent.

7. Nothing in this Act contained shall enable the Company to enter upon, take, or use for the purposes of this Act any lands belonging to the London and Blackwall Railway Company, or leased by that company to the Great Eastern Railway Company, or by that company to the Midland Railway Company or the Great Northern Railway Company, without the consent in writing of those companies respectively, under their respective common seals.

Company not to take, &c. certain lands without consent of James William Cook.

8. Nothing in the Act contained shall enable the Company to enter upon, take, or use for the purposes of this Act any of the lands known as Orchard House Wharf, in the parish of Poplar, leased by Sir Frederick Wellington John Fitz Wygram, Baronet, to Robert Russell Hyatt, Joseph Devitt, and Robert James Parker,

during the continuance of such lease, without the consent in writing in that behalf of James William Cook, the assignee of such lease, his executors, administrators, or assigns, first had and obtained.

Correction of errors, &c. in deposited plans and books of reference.

9. If there be any omission, mis-statement, or wrong description of any lands, or of the owners, lessees, or occupiers of any lands, shown on the deposited plans or described in the deposited books of reference, the Company, after giving ten days notice to the owners, lessees, and occupiers of the lands in question, may apply to two justices acting for the county of Middlesex for the correction thereof, and if it appear to the justices that the omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in the certificate state the particulars of the omission, and in what respect any such matter is mis-stated or wrongly described.

Deposit of certificate of correction.

10. The certificate of the justices shall be deposited with the clerk of the peace for the county of Middlesex, and if the lands in question lie in the parish of Saint Katherine Coleman, a duplicate thereof shall be deposited with the parish clerk of that parish, and if such lands lie in the parish of All Saints Poplar, a duplicate thereof shall be deposited with the clerk to the Board of Works for the Poplar District, and the certificate and duplicate respectively shall be kept by the clerk of the peace, parish clerk, and clerk to the Board of Works respectively with the other documents to which the same relate, and thereupon the deposited plans and books of reference shall be deemed to be corrected in accordance with the certificate, and the Company may acquire the lands in accordance with the certificate.

Protecting sewers, &c. under the control of Metropolitan Board of Works, vestries, and district boards. 18 & 19 Vict. c. 120.

11. Where in exercise of any of the powers of this Act any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the Metropolitan Board of Works, or of any vestry or district board constituted under the Metropolis Management Act, 1855, or any Act or Acts amending the same or extending the powers thereof, shall in any way be affected, the Company shall not exercise any such powers until they shall have given to the said Metropolitan Board or to the vestry or to the district board, as the case may be, twenty-one days previous notice in writing of their intention to put such powers in force, by leaving such notice at the principal office of such board or vestry for the time being, with a plan showing the mode in which such lands are to be utilised and the extent to which any such interference as aforesaid is proposed, and until such board or vestry respectively shall have signified their

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approval of the same, unless such board or vestry, as the case may be, do not signify their approval, disapproval, or other directions within twenty-one days after service of the said plan and particulars as aforesaid; and the Company shall comply with and conform to all orders, directions, and regulations of the said Metropolitan Board and of the respective vestries and district boards, and shall provide, if necessary, by new, altered, or substituted works, in such manner as such respective board or vestry shall reasonably require, for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to, and shall save harmless the said Metropolitan Board, vestries, and district boards respectively against all and every the expense to be occasioned thereby, and all interference with such sewers and works shall be done by or under the direction, superintendence, and control of the engineer or other officer or officers of the said Metropolitan Board, vestry, or district board, as the case may be, at the costs, charges, and expenses in all respects of the Company; and all reasonable costs, charges, and expenses which the said Metropolitan Board or any vestry or district board may be put to under this enactment, whether in the execution of works, the preparation or examination of plans or designs, superintendence, or otherwise, shall be paid to such board, vestry, or district board by the Company on demand; and when any new, altered, or substituted works as aforesaid, or any works or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the said Metropolitan Board and vestries and district boards respectively, as the case may be, as any sewers or works now are or hereafter may be; and nothing in this Act shall extend to prejudice, diminish, alter, or take away any of the rights, powers, or authorities vested or to be vested in the said Metropolitan Board, vestries, and district boards, or any or either of them, or of their successors, but all such rights, powers, and authorities shall be as valid and effectual as if this Act had not been passed.

Power to exchange lands.

12. The Company may by deed under their common seal, with the consent in writing of the London and Blackwall and Great Eastern Railway Companies respectively under their respective common seals, from time to time exchange all or any of the lands now belonging to the Company which are situate in the parish of All Saints Poplar for any lands belonging to, leased, or held by the railway companies respectively, or any or either of them, which are situate in the said parish, and the railway companies, or any or

either of them, may, if they think fit, by deed under their respective common seals, from time to time exchange all or any of the lands now belonging to, leased, or held by the railway companies respectively, or any or either of them, which are situate in the said parish for any lands belonging to the Company which are situate in the said parish; and upon any such exchange the Company and the railway companies respectively, or any or either of them, may give the one to the other, or receive the one from the other, any money for equality of exchange, and upon payment of any money which shall be received for equality of exchange by the secretary of the Company or by the secretary of the railway companies respectively, or of any or either of them, such secretary, as the case may be, shall sign and give a receipt for the same, which receipt shall be a sufficient discharge for the money therein expressed to be received, and shall indemnify the company, corporation, or person paying the same against all responsibility for the subsequent loss, misapplication, or non-application thereof; and all moneys which shall be received for equality of exchange by the Company or by the railway companies respectively, or by any or either of them, shall be applied for all or any of the purposes of the Company or of the railway companies respectively, or any or either of them, to which capital is properly applicable, in such manner as the Company or the railway companies respectively, or any or either of them, as the case may be, shall think fit.

Power to borrow on mortgage.

13. The Company may from time to time borrow on mortgage any further sum or sums of money not exceeding in the whole seven hundred and fifty thousand pounds.

Priority of existing mortgages.

14. 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, and subject to the provisions of the Acts under which such mortgages were respectively granted, have priority over any mortgages granted by virtue of 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 over other claims.

15. 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.

As to appointment of receiver.

16. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on

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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 ten thousand pounds in the whole.

Power to create debenture stock.

17. 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.

As to conversion of borrowed money into capital.

18. The Company shall not have power to raise the money by this Act authorised to be borrowed, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital such money so authorised to be borrowed.

Application of moneys.

19. The moneys by this Act authorised to be raised by borrowing shall be applied to the purposes of this Act to which capital is properly applicable.

Power to directors of Company to pay expenses of management of friendly society and to guarantee benefits.

20. The directors of the Company may out of the funds of the Company pay all or any portion of the expenses of management of any registered friendly society established or which may be established by the officers or servants of the Company, and may also, upon, under, and subject to such terms and conditions as may from time to time be agreed upon in that behalf between the directors of the Company and the committee of management of any such registered friendly society, guarantee all or any of the benefits to be conferred by such society, and any such society may invest all or any part of its funds on deposit with the Company, anything in the Friendly Societies Act, 1875, and the Friendly Societies Amendment Act, 1876, to the contrary notwithstanding.

38 & 39 Vict. c. 60.
39 & 40 Vict. c. 32.

Power to increase penalties to five pounds.

21. Where by section ninety-six of the principal Act the Company are authorised to affix and appoint reasonable pecuniary penalties not exceeding forty shillings for any one offence for the non-observance, non-performance, or other breach of any of the rules and regulations for the time being in force for the regulation and management of the business of the Company and the persons employed in and about the docks and premises of the Company,

such section shall be amended, and shall be read and construed as if the words therein "not exceeding forty shillings" were omitted, and the words "not exceeding five pounds" were inserted in such section in lieu thereof. A.D. 1879.

Company may distrain or arrest goods, &c.

22. If any goods, wares, or merchandise in respect of which the Company are by the principal Act authorised to take and receive rates have been removed without payment of such rates, the Company may distrain or arrest any other goods, wares, or merchandise within the limits of the docks or premises of the Company belonging to the person liable to pay such rates, and may sell the goods, wares, or merchandise so distrained or arrested, and out of the proceeds of such sale pay the rates due to themselves, rendering the overplus (if any) to the owner of such goods, wares, or merchandise on demand, or the Company may recover such rates by action in any court of competent jurisdiction: Provided always, that the Company shall, before making any such distress or arrestment as aforesaid, pay all duties which may be payable to Her Majesty in respect of the goods, wares, or merchandise so distrained or arrested, and may retain the amount of duties so paid out of the proceeds of such sale.

Repeal of section 15 of the East and West India Dock Company Act, 1874.

23. Whereas section fifteen of the East and West India Dock Company Act, 1874, enacted as follows:

So much of section one hundred and four 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 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 seventy-seven of the principal Act, and the owner or owners of such ship, lighter, barge,

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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.

But no provision was made by the same Act for the recovery of the penalty of five pounds therein mentioned: And whereas it is desirable that penalties under this section should only be imposed in the cases herein-after mentioned: Therefore, be it enacted that section fifteen of the said Act of 1874 be repealed, and in lieu thereof be it enacted that in the case of any defaulting vessel as defined by this Act being left adrift or not properly secured in the docks, the master or other person having the command thereof, 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 assistants may place a servant or servants of the Company on board the defaulting 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 seventy-seven of the principal Act; and all the provisions of the principal Act shall apply in the case of all offences, forfeitures, and penalties created or imposed by this Act or the principal Act, so far as the same is not hereby repealed, in all respects as if such offences, forfeitures, and penalties respectively were offences, forfeitures, and penalties created or imposed by the principal Act.

Defaulting vessel to be liable in certain cases.

24. The owner and person on behalf of such owner in charge of the defaulting vessel shall in all cases be jointly and severally liable both to the Company and all other persons for any damage sustained by the defaulting vessel, or any cargo on board thereon, and for any damage caused by the defaulting vessel to any other ship, lighter, barge, craft, or other vessel, or any cargo on board thereof, and for any damage sustained by the owner of any ship, lighter, barge, craft, or other vessel, or any cargo on board thereon, by reason of any obstruction caused by the defaulting vessel in any of the docks of the Company, and for any damage caused by the defaulting vessel to the docks or other property of the Company, and the Company shall not in any of the cases aforesaid be liable to any person or persons whatever for any damage caused by the defaulting vessel or such obstruction.

Act not to revive certain repealed

25. Nothing in this Act contained shall operate to revive so much of section one hundred and four of the principal Act as

is repealed by section fifteen of the East and West India Dock Company Act, 1874. provisions of principal Act.

26. All byelaws, rules, orders, and regulations made by the directors of the Company shall be distributed in the port of London, and legibly printed and placed on boards and affixed to the dock gates, or upon some conspicuous place in the docks, and shall be renewed as often as the same shall become obliterated or defaced. The production of a print purporting to be the byelaws, rules, orders, and regulations, and sealed with the common seal of the Company, shall be conclusive evidence of the existence of such byelaws, rules, orders, and regulations. Publication of byelaws, &c.

27. 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. Expenses of Act.

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