CHAPTER cxvi.

An Act to confer further Powers upon the King's Lynn Dock Company; and for other purposes. [23d July 1877.]

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WHEREAS the King's Lynn Dock Company were incorporated by "The King's Lynn Docks and Railway Act, 1865," (in this Act called the Act of 1865,) and were thereby authorised to construct a dock at King's Lynn called the Alexandra Dock, and that Act has been amended by two other Acts, videlicet, the King's Lynn Dock Act, 1869 (in this Act referred to as the Act of 1869) and by the King's Lynn Dock Act, 1873 (in this Act referred to as the Act of 1873): 28 & 29 Vict. c. lxxxviii.

And whereas the said dock has been for many years completed and open to the public and is much frequented by shipping:

And whereas it is necessary and expedient, to meet the increased and increasing trade of the dock, that additional dock accommodation should be afforded by the construction of a dock adjoining the existing dock:

And whereas plans and sections showing the lines or situation and levels of the new dock and of works connected therewith, and the lands on which the same are proposed to be made, and which are sought to be acquired by the Company for the purposes of and in connexion with their undertakings, and books of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for Norfolk, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference respectively:

And whereas the amounts which the Company are authorised to raise by shares and by borrowing are the following:

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Act.	Shares or Stock.		Loan.	Total.
	Ordinary.	Preference.		
	£	£	£	£
The King's Lynn Docks and Railway Act, 1865 -	66,000	—	22,000	88,000
The King's Lynn Dock Act, 1869 - - -	—	9,500	3,160	12,660
The King's Lynn Dock Act, 1873 - - -	—	60,000	20,000	80,000
£	66,000	69,500	45,160	180,660

And whereas the whole of the capital authorised by the Act of 1865, with the exception of six thousand five hundred and ninety-two pounds, has been created, issued, and fully paid up, and constitutes the ordinary capital of the Company, and the Company have borrowed and still owe the twenty-two thousand pounds borrowed under that Act:

And whereas the whole of the capital authorised by the Act of 1869 has been created as preference capital, entitled to a preferential dividend of six pounds per centum per annum, and the Company have borrowed and now owe three thousand one hundred and sixty pounds under that Act:

And whereas by the Act of 1873 the Company were authorised to raise the sixty thousand pounds therein and before referred to as a separate preference capital, entitled to six pounds per centum per annum, to be primarily secured upon the profits arising from the warehouse rents and charges of the Company:

And whereas twenty-one thousand pounds or thereabouts of the said capital has been raised, paid up, and expended, and constitutes the warehouse capital of the Company, but the Company have not as yet borrowed any part of the sum of twenty thousand pounds which by that Act, and subject to its provisions, the Company had power to borrow on mortgage:

And whereas it is expedient that the Company should have power to raise further capital for the general purposes of their existing undertaking, as well as for the purposes of the new dock and other works by this Act authorised:

And whereas it is expedient that some of the authorised dock tolls and rates should be altered, and that the existing Acts of the Company should be in certain respects amended, and that further powers be conferred upon the Company, and that for

such purposes provisions should be made such as are in this Act contained:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; that is to say,

Short title.

1. This Act may be cited as "The King's Lynn Dock Act, 1877."

Recited Acts and this Act to be deemed one Act.

2. This Act and the recited Acts relating to the Company, as altered and amended by this Act, shall be read and construed together as one Act.

Certain provisions of general Acts herein named incorporated.

3. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," and "The Harbours, Docks, and Piers Clauses Act, 1847" (except where expressly varied by this Act), are incorporated with and form part of this Act: Provided always, that the provisions of "The Harbours, Docks, and Piers Clauses Act, 1847," concerning lifeboats and a tide or weather gauge shall not affect the Company, unless and until and except only as far as the Board of Trade by notice in writing direct:

Sections 13, 18, and 19 of "The Railways Clauses Act, 1863," are incorporated with and form part of this Act, and all the provisions of those sections shall extend to the works below high-water mark authorised by this Act:

The clauses and provisions of "The Companies Clauses Consolidation Act, 1845," in respect of the following matters; (that is to say,)

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of borrowed money into capital;

The consolidation of shares into stock;

The general meetings of the Company and the exercise of the right of voting by the shareholders;

The making of dividends;

The giving of notices;

The provisions to be made for affording access to the special Act by all parties interested;

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And also Parts I., II., and III. of "The Companies Clauses Act, 1863," relating respectively to the cancellation and surrender of shares, to additional capital, and to debenture stock;

are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "the Company" means the King's Lynn Dock Company;

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of King's Lynn;

The expression "the dock" means and includes the dock, quays, wharves, warehouses, cranes, and other works connected therewith by this Act authorised to be constructed;

The expression "the undertaking" means the dock;

The expression "the undertakers" or "the promoters of the undertaking" in any of the Acts incorporated herewith means the Company;

The expression "superior courts" or "courts of competent jurisdiction," or other like expression in this Act or any Act wholly or partially incorporated herewith, 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.

Repeal of certain tolls and rates.

5. The 78th section of the Act of 1865, as to further tonnage rates on vessels remaining in docks longer than fourteen days, and the 27th section of the Act of 1869, as to rates payable on vessels, and so much of Schedule (A.) to the Act of 1865, as limits the rate on every last of wheat, oats, rye, barley, malt, beans, peas, tares, mustard seed, canary, and seeds of every denomination to sixpence, shall be and the same are hereby repealed, but such repeal shall not prejudice or affect the right of the Company to recover any tolls or rates due and owing to them prior to the passing of this Act.

Tonnage rates payable on vessels.

6. From and after the passing of this Act the Company may from time to time demand and receive in respect of any vessel using the Alexandra Dock any sum not exceeding one shilling and sixpence for every registered ton of such vessel, and every such rate or sum shall be payable by the master of the vessel.

Further rate if vessels remain in

7. If any vessel using the Alexandra Dock, whether the same vessel shall previously have paid or been liable to pay tonnage rates

or not, shall remain in the said dock for any longer space of time than fourteen days, the Company may demand and receive for every such vessel a further rate of one penny per ton for every week, and so on in proportion for any period less than one week during which any such vessel shall remain as aforesaid beyond the said period of fourteen days, in addition to the tonnage rates payable under this Act: Provided always, that such additional rates shall not be payable for any vessel which shall have been detained by stress of weather.

dock longer than fourteen days.

8. Notwithstanding anything contained in the Act of 1865 and the Schedule (A.) thereto, the Company may, from and after the passing of this Act, from time to time demand and receive any sum not exceeding tenpence per last for and in respect of wheat and the other articles classed therewith in the said schedule.

Alteration of rate on wheat, &c.

9. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the dock and works shown thereon, and may enter upon, take, and use for the purposes of their undertakings the lands or any of the lands delineated on the deposited plans and described in the deposited books of reference.

Power to make dock and works.

10. The dock and works by this Act authorised to be made and maintained by the Company are the following:

Describing works.

1. A dock adjacent to and on the northern side of the Alexandra Dock, together with all needful entrances, cuts, locks, basins, gates, sluices, piers, jetties, staiths, quays, wharfs, sheds, warehouses, tramways, cranes, bridges, approaches, and other works and conveniences connected therewith:
2. A cut or entrance into the dock so as to connect the two docks:

Provided always, that during the construction of the said cut or entrance, and until the swing bridge after mentioned over the same is made and ready for use, the Company shall provide a temporary and convenient access to the east bank of the Marsh Cut.

11. The following provisions shall extend and apply to the Cross Bank Road:

Provisions as to Cross Bank Road.

Nothing in this Act contained shall enable the Company to prevent the present user of the said road, or to extinguish any rights of the public in or over the same:

Where the Company carry any rails across the road on a level, it shall not be lawful at any time for them to allow any train, engine, carriage, or truck to stand on or across the road, and if the road is a public carriage-road, sections 5, 6, 7, and 8 of the Railways Clauses

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Act, 1863, shall extend to and be in force with respect to all such level crossings.

As to works in connexion with the Fisher Fleet.

12. In constructing the works by this Act authorised, the Company shall conform to and observe the following provisions, regulations, and restrictions, unless otherwise agreed between the Company and the Corporation:

The Company shall, before interfering with the Fisher Fleet, construct a brick tunnel or culvert on the south-east side of the Alexandra Dock, commencing at or about five chains east of Pilot Street Bridge, and continuing along the bed of the said Fisher Fleet until nearly opposite the Gaywood Sewers Sluice, then passing through the lands belonging or claimed to belong to the Company, and terminating at the River Ouse at a point to the south of the dock gates, such tunnel or culvert to be of not less interior diameter than four feet, and to be provided at its outlet with a self-acting tidal door or gate so as to shut out and exclude the waters of the said river, and the said tunnel or culvert shall be at all times maintained by the Company:

The Company shall construct and maintain upon the Fisher Fleet, at a point about six hundred and forty feet below the before-mentioned cut or entrance connecting the two docks, a boarded landing stage or platform, which shall be not less than three hundred feet long and twenty feet wide, for the free and uninterrupted use of the fishing vessels and boats belonging to Lynn in loading and unloading of fish:

The Company shall make and maintain a road from the road leading from the town of Lynn to the North Lynn Farm, and continue the same up to and as far as about two and a half chains beyond the said stage or platform, and shall allow the free use thereof by the Lynn fishermen; and shall also lay down a tramway so as to connect the said stage or platform with the Company's dock railway, and shall excavate and level the foreshore of the south side of the Fisher Fleet from a point three hundred feet west of the centre of the said cut or entrance, as shown on the deposited plans, to the mouth of the said Fisher Fleet, for the width of not less than forty feet, and so that the said width of forty feet shall be level with the bed of the Fisher Fleet, or not more than twelve feet above the level of the sill of the dock gates, and shall permit the free and uninterrupted use of the said foreshore as a berthing ground by the before-mentioned fishing vessels and boats; and the Company shall also make and maintain a sluice for the purpose of obtaining water from the Alexandra Dock for flushing the said Fleet, and by this or other means keep the said berthing

ground at the present level of the bed of the said Fleet, and as far as possible free from deposit:

The works in this section mentioned shall, unless otherwise agreed between the Corporation and the Company, be constructed as shown upon a plan signed by Thomas Goodwyn Archer on behalf of the Corporation and by John Sutherland Valentine on behalf of the Company, and the said works shall be made and maintained to the reasonable satisfaction of the Corporation and any difference which may arise under this section between them and the Company shall be referred to and determined by an arbitrator to be agreed upon, or in default of agreement by an arbitrator to be appointed as umpire under the provisions of "The Railways Clauses Consolidation Act, 1845."

Power to stop up and appropriate part of Fisher Fleet.

13. When the works in connexion with Fisher Fleet prescribed by the immediately preceding section shall have been constructed to the reasonable satisfaction of the Corporation, but not previously, the Company may stop up so much of Fisher Fleet as will be situate between the point five chains above Pilot Street Bridge and the point three hundred feet westward of the centre line of the before-mentioned cut or entrance, as shown on the deposited plans, and shall be entitled to any estate or interest of the Corporation in the site of the said portion of the said Fleet without any payment to the Corporation, save in respect of the boat seats opposite the block-house belonging or claimed to belong to the said Corporation.

For protection of the North Lynn estate.

14. Whereas the construction of the cut or entrance into the dock by this Act authorised involves an interference with Cross Bank, upon which there is the only road connecting the estate and lands herein-after referred to respectively with King's Lynn:

Therefore for the protection of the said estate belonging or claimed to belong to the Most Noble William John Cavendish Bentinck Scott, Duke of Portland, situate near King's Lynn, in the county of Norfolk, and known as and hereafter called the North Lynn estate, and of certain lands adjoining the said estate vested in the said Duke of Portland as surviving trustee of the will of the late Lady William Bentinck, herein-after called the trust lands, and of the owner or owners for the time being of the said estates and properties respectively, who are collectively herein-after referred to as "the owners," the following provisions shall take effect; (that is to say,)

(1.) Before commencing any works authorised by this Act which shall interfere with the user of the existing road on the Cross Bank, the Company shall construct, complete, and

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open for use a roadway properly consolidated and fit for use (herein-after called the New Road), which new road shall be made in the line and according to the levels shown on a plan and section signed in duplicate by Thomas Paul Bond, the secretary of the Company, and by Charles Bidwell, the agent of the said Duke, and in all respects (subject to the provisions of this Act) to the reasonable satisfaction of the said Duke:

(2.) The new road shall be constructed in a substantial and efficient manner, with all proper drains, fences, and other appliances, and with requisite gateways into the North Lynn estate and the trust lands respectively, and shall be properly metalled for a width of not less than seventeen feet throughout where it will be made upon land to be acquired by the Company, and of not less than nine feet where the road will traverse lands now forming part of the North Lynn estate or of the trust lands, and after the new road is made so much thereof as is to be made of not less width than seventeen feet shall be at all times maintained in a proper state of repair by and at the expense of the Company:

(3.) The said Duke and his sequels in estate shall have the exclusive right of user of such portion of the new road as shall be constructed on the North Lynn estate, and the owners and other the person or persons for the time being entitled to the North Lynn estate and the trust lands respectively, and all persons authorised by him or them, shall have the exclusive right of user of such portion of the new road as shall be constructed through such portion of the trust lands as shall not be acquired by the Company under the powers of this Act, and the owners respectively, and other the person or persons aforesaid, and all persons authorised by them, or any of them, shall be at all times entitled to pass over and use in the fullest manner, free of charge, so much of the new road as is to be maintained by the Company:

(4.) The existing road on the Cross Bank shall be carried over the before-mentioned cut or entrance by a swing bridge of sufficient width and strength to admit of the passage thereover of carts and carriages, and suitable for such traffic:

(5.) The said swing bridge shall be kept at all times closed, except when it is necessary to open the same to admit of the passage of ships and vessels:

(6.) Any tramway or railway which the Company may construct across or on any portion of the Cross Bank Road shall be constructed so as to interfere as little as possible with, and so as not to endanger, the ordinary traffic along such road:

(7.) The Company shall not, except with the previous consent of the owners, divert any water, or otherwise make or interfere with any stream, sewers, or drains in or upon any part of the North Lynn estate or the trust lands, and the Company shall, where the new cut after mentioned will traverse the parts of the trust lands known as the Fifty Acres, construct such accommodation bridge or bridges, but not exceeding two, as may be required by the owners, and such culverts, sluices, and other works as may be necessary by reason of the said cut for the drainage of the lands intersected thereby:

(8.) In making the said new cut in any part of the North Lynn estate, or of the trust lands, all the works shall be executed in every respect to the reasonable satisfaction of the engineer for the time being of the said Duke of Portland, and all reasonable expenses which may be incurred by the owners in superintending the construction of the new road and new cut shall be paid by the Company:

(9.) If any question shall arise between the Company and the said Duke, or any other of the parties aforesaid under this enactment, the same shall from time to time be determined by two justices on the application of either of the parties in difference, and after not less than seven days notice to both parties of the sitting of such justices for the purpose, and the certificate of such justices on the matters aforesaid shall be conclusive evidence of the facts so certified.

For protection of the Norfolk Estuary Company.

15. For the protection of the Company of Proprietors of the Norfolk Estuary and their assigns (herein-after collectively called "the Estuary Company"), the following provisions shall take effect; (that is to say,)

(1.) The Company, after any entry upon any lands of the Estuary Company for the purposes of this Act, shall at all times and for ever repair and maintain so much of the road known as the Cross Bank Road as abuts or will abut upon any lands of the Company, and for ever indemnify the Estuary Company from all costs, charges, damages, and expenses in relation or incidental to the repair of the said portion of the said road:

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(2.) Before entering upon any lands of the Estuary Company other than for the purposes of this sub-section, the Company shall construct, in manner mentioned in the last preceding section, but of the width of not less than thirty feet between the fences (but of which only seventeen feet need be metalled), so much of the new road as is not by the said last-mentioned section reserved for the exclusive use of the persons referred to in sub-section 3 of that section, and the Estuary Company shall be entitled to use the portion of the said road not so reserved; and the Company shall also make for the use of the Estuary Company such accommodation bridge and other works as may be necessary to connect the said last-mentioned road with the driftway of the Estuary Company where such driftway will be crossed by the road, and any difference which may arise with respect to such bridge or works shall be referred to and determined by an arbitrator to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers:

(3.) If by the exercise of any of the powers of the Company under this Act the drainage or means of drainage of the lands of the Estuary Company shall be injuriously affected, the Company shall by all necessary works provide for the effectual drainage of such lands, and any question which may arise with respect to such works, or the necessity therefor, shall be referred to and determined by an arbitrator to be appointed in the same manner as is before provided for the settlement of differences between the Company and the Estuary Company:

(4.) So far as may be necessary for enabling the Estuary Company to fulfil their statutory obligations (if any) with respect to the maintenance of the Cross Bank, the said Company shall have full power and authority to enter upon the said bank.

For protection of the commissioners of sewers of the county of Norfolk.

16. Provided always, that before any part of the Fisher Fleet below the outfall sluice of the commissioners of sewers for the county of Norfolk shall be covered in or in any way interfered with, the Company shall make, and for two years thereafter maintain, a new cut, with all proper culverts and other works of equal sectional area to that of the present drain at the point of divergence thereof, to carry off the drainage now discharging into Fisher Fleet through the commissioners sluice, such cut to be made from the present drain along the new road to be constructed by the Company for the accommodation of the Duke of Portland, and on the northern side

of the said road up to the drain leading to the sluice known as the South Sluice, the termination of the said cut to be to the westward of the old outfall sluice through the old sea bank and upon the North Lynn estate; and at or near to the commencement of the said new cut the Company shall make, and for the before-mentioned period maintain, a self-acting flap or valve with a waterway of the before-mentioned sectional area; and the owners and occupiers for the time being of the North Lynn estate and of the said trust lands and the Norfolk Estuary Company shall be entitled to take and use, free of charge, water from the said new cut, but not so as to in anywise injure the said cut, and the Company shall afford all reasonable facilities for the taking of such water. All the said works shall be executed in every respect to the reasonable satisfaction of the engineer for the time being of the said commissioners, and all reasonable expenses which may be incurred by the said commissioners of sewers in superintending the construction of the said new cut and works shall be paid by the Company; and any difference which may arise under this section between the Company and the commissioners shall be referred to and determined by an arbitrator to be agreed upon, or in default of agreement by an arbitrator to be appointed as umpire under the provisions of "The Railways Clauses Consolidation Act, 1845," and after the expiration of the said two years the before-mentioned works shall be maintained in an efficient state of repair by the commissioners, and shall be subject to their jurisdiction and control: Provided always, that nothing herein contained or hereby authorised or required to be done by the Company shall impose upon the said owners any liability in respect of the said sluice known as the South Sluice.

Tolls, &c. in respect of new dock.

17. The Company may demand and receive for and in respect of the dock the same tolls, rates, and charges as they are now and as by this Act they are authorised to demand and receive for and in respect of the Alexandra Dock.

Power to deviate.

18. The Company, in constructing the dock and works shown on the deposited plans, may, subject to the provisions of this Act, deviate from the lines thereof to any extent within the limits of deviation delineated thereon, and may deviate from the levels shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Period for completion of works.

19. If the dock and works shown on the deposited plans are not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making the same shall cease to be exercised, except as to so much thereof as is then completed.

Powers for compulsory purchases limited.

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

Notice to be given of taking houses of labouring classes.

21. The Company shall, not less than eight weeks before, under the powers of this Act, they take fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, make known their intention to take the same by placards, handbills, or other general notice placed in public view upon or within a reasonable distance from such houses, and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that they have so made known their intention.

Company to procure accommodation for persons of labouring classes to be displaced.

22. Before taking under the powers of this Act fifteen houses or more occupied either wholly or partly by persons belonging to the labouring classes as tenants or lodgers, who may for the time being be the occupier or occupiers of any house or part of any house which the Company are by this Act authorised to acquire, the Company shall (unless the Company and such person or persons otherwise agree) procure sufficient accommodation elsewhere for such person or persons: Provided always, that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice, and the Company may for the purpose of procuring such accommodation appropriate any lands for the time being belonging to them or which they have powers to acquire, and may purchase by agreement such further lands as may be necessary for such purpose, and may on such land erect labouring-class dwellings, and may let or otherwise dispose of such lands and dwellings, and may apply for the purposes of this section, or any of them, any moneys they may have already raised or are authorised to raise.

Power to apply existing funds to purposes of Act.

23. The Company may apply to the general purposes of this Act any of the moneys, other than warehouse capital, which they are authorised to raise under the recited Acts, and which may not be required for the purposes of those Acts, and the Company may also apply for warehouse purposes, in connexion with the new dock by this Act authorised, any of the said warehouse capital.

Company may raise additional capital.

24. The Company may from time to time raise, in addition to the sums of money which they are already authorised to raise, any further sums not exceeding in the whole one hundred and thirty thousand pounds (that is to say, thirty thousand pounds for the general purposes of their undertaking, and one hundred thousand pounds for the purposes of the dock and works by this Act authorised), by the issue, at their option, of new ordinary shares or stock,

or new preference shares or stock, or wholly or partially by any one or more of those modes respectively, which shares or stock shall, subject to the provisions of this Act, form part of the general capital of the Company, and the Company may assign to such new shares or stock, or any part thereof, and also to any capital authorised by but not issued under the Act of 1865, any preferential dividend not exceeding six pounds per centum per annum: Provided always, that any such preferential dividend shall not prejudice or affect the warehouse capital, or any dividend payable in respect thereof.

Shares not to vest until one-fifth part paid up.

25. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds, nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth part of the amount of such share shall have been paid in respect thereof.

As to the votes of proprietors of such shares.

26. The proprietors of any shares to be issued under the authority of this Act shall be entitled to such number of votes in respect thereof as the nominal amount represented thereby would have entitled them to if the same had been original shares of the Company.

Corporation of King's Lynn may subscribe.

27. The Corporation may from time to time contribute towards the capitals or any part of the capitals hereby authorised to be raised any sums they may think fit not exceeding twenty thousand pounds, and may hold shares in the capital of the Company accordingly, and the provisions contained in the Act of 1865 (sections 23 to 32, both inclusive) shall, so far as they are applicable, apply to any contribution by the Corporation under the powers of this Act.

As to appointment of director or directors by the Corporation.

28. Notwithstanding anything in the Act of 1865 contained, the Corporation may yearly appoint any one of the members of the town council, although he may not be the mayor, to be one of the directors of the Company, and if under the powers of this Act the Corporation subscribe a sum of not less than ten thousand pounds to the undertaking by this Act authorised, they shall be entitled to appoint out of their number a second director of the Company, but neither of the said members of the council need be qualified as shareholders of the Company; and if either or both of the said members of the town council who shall be so appointed a director or directors shall die, resign, or cease to be a member of the council, it shall be lawful for the Corporation from time to time to fill up any such vacancy, but any failure on the part of the Corporation to appoint a director or directors, as the case may be, or to supply any such vacancy, shall not affect the acts or deeds of the other directors of the Company, and every such member so appointed a director

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shall be qualified to vote at all meetings of the Company for or on behalf of the Corporation, but neither of them shall have any vote in the election of any other director or directors of the Company.

Power to borrow.

29. In addition to the moneys authorised by the recited Acts to be raised by the Company, they may from time to time under the powers of this Act borrow on mortgage any sums of money not exceeding in the whole forty-three thousand two hundred and ninety pounds, at the times and in the proportions following: three thousand three hundred and thirty pounds when and as each ten thousand pounds of the additional capital by this Act authorised shall have been issued and accepted and one half thereof has been paid up; but in no case shall any part of the respective sums be borrowed until shares for so much of the additional capital in respect of which the borrowing powers are sought to be exercised and as is to be raised by means of shares have been issued and accepted and one half thereof paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that shares for the requisite amount of additional capital have been issued and accepted and that one half of such additional capital has been paid up, and not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and until stock for one half of so much of the said capital as is to be raised by means of stock is fully paid up, and the Company have proved to such justice as aforesaid, before he so certifies, that such shares or stock, as the case may be, were issued and accepted and paid up bonâ fide, and are held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and also, so far as the said capital is raised by shares, that such persons or corporations, their executors, administrators, successors, or assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which certificate shall be sufficient evidence thereof.

Existing mortgages to have priority.

30. Provided always that all mortgages granted by the Company before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall, during the continuance of such mortgages, have priority over any mortgages to be 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.

Debenture stock.

31. The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863; 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 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.

Priority of mortgages over other debts.

32. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of "The Lands Clauses Consolidation Act, 1845," or "The Lands Clauses Consolidation Acts Amendment Act, 1860," or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

Application of moneys raised under Act.

33. All and every part of the sums of money which the Company are by this Act authorised to raise by new shares or on mortgage shall be applied only to the purposes of this Act and of the existing Acts of the Company.

Company may make certain revenue a security for payment of dividend upon warehouse capital.

34. The Company may raise and apply any part of their warehouse capital for the time being in the erection of any appliances, conveniences, and works in respect of which any special rate or charge can be made by the Company, and the Company may apply to and towards the payment of the dividends upon their warehouse capital for the time being the revenue or any part of the revenue arising from the before-mentioned appliances, conveniences, and works.

Interest on calls not to be paid out of capital.

35. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

A.D. 1877.

Deposit for future bills not to be paid out of capital.

36. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any railway, or to execute any other work or undertaking.

Provisions as to general railway Acts.

37. Nothing in this Act contained shall exempt the Company or their undertaking from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of fares and charges, or of the rates for small parcels, authorised to be taken by the Company.

Saving, &c. Merchant Shipping Acts.

38. Nothing in this Act contained shall exempt the Company or their docks from the provisions of the Merchant Shipping Acts, or any general Act relating to harbours or dues on shipping or goods carried in ships, now in force or which shall be passed during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates and tolls authorised by this Act or any of the recited Acts.

Expenses of Act.

39. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

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