CHAPTER ii.

An Act to enable the London and Saint Katharine Docks Company to raise further Money and to maintain their Railway from the North Woolwich Branch of the Great Eastern Railway to Galleons Reach and for other purposes. [21st April 1882.]

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WHEREAS by the London and Saint Katharine Docks Act 1864 (in this Act called "the Act of 1864") the London and Saint Katharine Docks Company (in this Act called "The Company") were incorporated upon the amalgamation of the London Dock Company and the Saint Katharine Dock Company and the undertaking of the Victoria (London) Dock Company was transferred to and vested in the Company and amalgamated with their undertaking and the Victoria Dock Estate was vested in them: 27 & 28 Vict. c. clxxviii.

And whereas by the London and Saint Katharine Docks Company Act 1875 (in this Act called "the Act of 1875") the Company were authorised to construct chiefly on the Victoria Dock Estate a new dock and other works and were by the London and Saint Katharine Docks Act 1878 (in this Act called "the Act of 1878") empowered to raise money for that purpose: 38 & 39 Vict. c. cliii. 41 & 42 Vict. c. xxii.

And whereas the Company have completed the dock authorised by the Act of 1875 and have raised and expended the money authorised by the Act of 1878 to be raised:

And whereas the Company require and it is expedient that they be authorised to raise further money for providing further necessary accommodation in connection with the dock and works authorised by the Act of 1875 and for the general purposes of their undertaking:

And whereas the Company have constructed upon lands belonging to the Company a railway for the carriage of passengers from

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the North Woolwich branch of the Great Eastern Railway to Galleons Reach; and it is expedient that they be authorised to maintain and use such railway:

And whereas the objects 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:

Short title.

1. This Act may be cited as the London and Saint Katharine Docks Act, 1882.

Incorporation of general Acts. 8 & 9 Vict. c. 20. 26 & 27 Vict. c. 92. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48.

2. The Railways Clauses Consolidation Act 1845 Parts I. and III. (relating respectively to construction of railway and working agreements) of the Railways Clauses Act 1863 and Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 are (so far as the same are applicable and except where varied by this Act) incorporated with this Act and section 3 sections 46 to 54 (both numbers inclusive) and sections 83 and 84 of the Act of 1864 subject to the provisions of that Act and of this Act apply so far as respectively applicable to the purposes and objects of this Act.

Interpretation.

3. 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.

Power to raise additional capital.

4. The Company may from time to time with the sanction of at least three-fifths of the votes of the proprietors present at a general meeting of the Company specially convened for the purpose raise by the creation and issue of new ordinary stock or new preference stock or at the option of the Company either wholly or partly by either of those modes any additional capital not exceeding in the whole six hundred thousand pounds: Provided that any stock so created shall be issued only as fully paid up stock.

As to votes of proprietors of new ordinary stock.

5. The proprietors of any ordinary stock 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 ordinary stock of the Company under the Act of 1864.

Power to borrow.

6. The Company may in respect of the additional capital of six hundred thousand pounds which they are by this Act authorised

to raise from time to time borrow on mortgage any sum or sums not exceeding in the whole two hundred thousand pounds: Provided that the Company shall not borrow any part of that sum unless and until three hundred thousand pounds part of the said sum of six hundred thousand pounds by this Act authorised to be raised by the creation of stock is subscribed for and taken and fully paid up and that the Company shall not borrow more than one hundred thousand pounds of the said sum of two hundred thousand pounds unless and until the whole of the said sum of six hundred thousand pounds is subscribed for and taken and fully paid up nor shall the Company borrow any money under this Act unless and until they 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 the stock in respect of which the money is to be borrowed is fully paid up and that such stock was issued and accepted and paid up bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns 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.

Repealing existing provision as to a receiver.

7. Section 8 of the Act of 1878 with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings pending at the passing of this Act under any such provision.

For appointment of 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 and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole but this section shall not apply in the case of any mortgages granted or to be granted by the Company under the powers of section 87 of the Act of 1864.

Existing mortgages to have priority.

9. All mortgages of the Company which shall be subsisting at the time of the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which the same were respectively granted have priority over any mortgages to be granted by virtue of this Act but nothing in this section shall affect the priority of the interest of any debenture stock at any time created and issued by the Company.

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Priority of mortgages over other debts.

10. 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 rent-charge 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 nor shall anything in this section contained affect any claim for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.

Saving mortgages under section 87 of Act of 1864.

11. Nothing in this Act shall prejudice or affect any mortgages granted or to be granted by the Company under the powers of section 87 of the Act of 1864 or the rights or interests of the holders of any such mortgages or shall give to any such mortgages or to the holders thereof any charge right or priority which they would not respectively have or be entitled to if this Act had not passed.

Debenture stock.

12. 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 (other than the mortgages granted by them under the powers of section 87 of the Act of 1864) and shall have priority over all principal moneys secured by such mortgages.

Application of sums raised under this Act.

13. All and every part of the sums of money which the Company are by this Act authorised to raise by stock or by borrowing or by debenture stock shall be applied only to the purposes of this Act and to the general purposes of their undertaking to which capital is properly applicable.

Power to maintain railway.

14. The railway constructed by the Company from the North Woolwich Branch of the Great Eastern Railway to Galleons Reach

which commences in the parish of West Ham and terminates at a point in the parish of North Woolwich at or near high-water mark of the River Thames and adjacent to the Galleons entrance of the Royal Albert Dock may be maintained and used by the Company for the conveyance of passengers with all the stations sidings junctions approaches bridges works and conveniences connected therewith in all respects as if the same had been authorised by this Act.

Power to lay down additional rails.

15. The Company may continue and maintain the said railway as a double line of railway throughout and may from time to time lay down and maintain an additional line or additional lines of rail upon along or by the side of the railway and may from time to time construct and maintain all necessary stations approaches bridges sidings junctions works and conveniences in connection with the railway.

Tolls for passengers.

16. The Company may demand and take in respect of the use of the railway or any part thereof any tolls not exceeding the following (that is to say):—

For every person conveyed in or upon any carriage not belonging to the Company twopence per mile and if conveyed in or upon any carriage belonging to the Company an additional sum not exceeding one penny per mile.

Tolls for propelling power.

17. The tolls which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger in addition to the other tolls or sums by this Act authorised to be taken.

Maximum rates for passengers

18. The Company may demand and take for the conveyance of passengers on the railway any tolls and charges not exceeding the following (including tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance) that is to say:—

For every passenger conveyed in a first class carriage the sum of threepence per mile;

For every passenger conveyed in a second class carriage the sum of twopence per mile;

For every passenger conveyed in a third class carriage the sum of one penny half-penny per mile.

Tolls for small parcels.

19. With respect to small parcels not exceeding five hundred pounds in weight notwithstanding anything in this Act the Company

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may demand and take any tolls not exceeding the following (that is to say) :—

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence ;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence ;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence ;

For any parcel exceeding fifty-six pounds but not exceeding one hundred and twelve pounds in weight one shilling and fourpence ;

For any parcel exceeding one hundred and twelve pounds but not exceeding two hundred and fifty pounds in weight one shilling and eight pence ; and

For every parcel exceeding two hundred and fifty pounds and not exceeding five hundred pounds in weight the Company may demand any sum which they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

Regulations as to tolls.

20. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

For all passengers conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles ;

Every fraction of a mile beyond any integral number of miles shall be deemed a mile ;

With respect to parcels the weight shall be determined according to the usual avoirdupois weight.

Passengers luggage.

21. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first class passengers one hundred pounds in weight for second class passengers and sixty pounds in weight for third class passengers without any charge being made for the carriage thereof.

Foregoing charges not to apply to special trains.

22. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from

time to time by the Company for the conveyance of passengers upon the railway.

Trains for labouring classes.

23. The Company shall and they are hereby required at all times hereafter to run a train every morning in the week upon the railway for the whole length calling at all intermediate stations (Sunday Christmas Day Good Friday and Bank Holidays always excepted) at such hours not being later than seven in the morning or earlier than six in the evening as may be most convenient for artisans mechanics and daily labourers (both male and female) at fares not exceeding one penny per passenger for each journey (in addition to the Government duty) provided that in case of any complaint made to the Board of Trade of the hours appointed by the Company for such trains the said Board shall have power to fix and regulate the same from time to time and also that if in any continuous period of six months it shall be found that an average number of less than one hundred of such passengers shall have been conveyed by each of such trains the Company on proof of that fact to the satisfaction of the Board of Trade may discontinue the running of such trains: but the said Board may at any time order the resumption thereof by the Company if it shall seem to the said Board desirable so to do.

Limiting compensation for injury to such passengers.

24. The liability of the Company under any claim to compensation for injury or otherwise in respect of each passenger travelling with such ticket as aforesaid shall be limited to a sum not exceeding one hundred pounds and the amount of compensation payable in respect of any passenger so injured shall be determined by an arbitrator to be appointed by the Board of Trade and not otherwise.

Company not to carry goods, &c.

25. The Company shall not carry on the railway any goods articles or merchandise other than parcels.

Power to enter into traffic arrangements. 36 & 37 Vict. c. 76.

26. The Company and the Great Eastern Railway Company (herein-after called "the two Companies") may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Regulation of Railways Act 1873 from time to time enter into and carry into effect and rescind agreements with respect to the following purposes or any of them (that is to say):—

The use and management by the two Companies of their respective railways works or any part or parts thereof respectively;

The management regulation interchange collection transmission and delivery of traffic upon or coming from or destined for the railways and works of the two Companies or either of them;

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The employment of officers and servants for the conduct of traffic;

The fixing collection payment appropriation and distribution of the tolls charges and profits arising from the respective railways and works of the two Companies or either of them or any part thereof.

Tolls on traffic conveyed partly on the railway and partly on the Great Eastern Railway.

27. During the continuance of any agreement to be entered into under the last preceding section of this Act for the working or use of the railways of the Company and the Great Eastern Railway Company or any part thereof respectively the railway of the Company and of the Great Eastern Railway Company shall for the purposes of short-distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railways of the Great Eastern Railway Company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and no other short-distance charge shall be made for the conveyance of passengers partly on the railway of the Company and partly on the railways of the Great Eastern Railway Company.

Provisions as to General Railway Acts.

28. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any General Act relating to railways 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 by this Act.

Costs of Act.

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

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