CHAPTER cxc.

An Act to enable the North London Railway Company to improve the access to the Poplar Dock and for other purposes. A.D. 1897.

[6th August 1897.]

WHEREAS it is expedient that the North London Railway Company (in this Act called "the Company") should be empowered to improve the access to the Poplar Dock or Basin (in this Act called "the Poplar Dock") now held by the Company on lease from the London and India Docks Joint Committee and the East and West India Dock Company (in this Act respectively referred to as "the joint committee" and "the dock company") and to execute the works and exercise the powers herein-after described or mentioned:

And whereas plans and sections showing the lines and levels of the works by this Act authorised to be constructed and the lands by this Act authorised to be acquired and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of London which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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):—

1. This Act may be cited for all purposes as the North London Railway Act 1897. Short title.

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Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Lands Clauses Acts :

The Harbours Docks and Piers Clauses Act 1847 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (namely) :—.

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 non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money ;

The conversion of the borrowed money into capital ;

The consolidation of shares into stock ;

The general meetings of the Company ;

The making of dividends ;

The giving of notices ; and

The provision to be made for affording access to the special Act by all parties interested :

Part I. (relating to cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 :

Provided nevertheless that the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to lifeboats and with respect to keeping a tide and weather gauge shall not be in force for the purposes of this Act except so far as from time to time the Board of Trade by notice in writing to the Company may require them to provide any works or conveniences according to those provisions respectively.

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 :

The expressions "parish clerks" and "clerks of the several parishes" in sections eight and nine of the Harbours Docks and Piers Clauses Act 1847 shall mean the clerk of the Poplar district board of works :

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any

Act wholly or partially incorporated herewith shall for the purposes of this Act 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.

Power to execute works.

4. Subject to the provisions of this Act the Company may in accordance with the deposited plans and sections construct the works herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose and may exercise the other powers herein-after mentioned (that is to say) :—

They may in the parish of All Saints Poplar in the county of London widen on the eastern side the approach or entrance between the Blackwall Basin of the dock company and the joint committee or one of them and the Poplar Dock :

They may remove and abandon the lock gates now situate in the said approach or entrance :

They may lengthen the bridges which now cross the said approach or entrance at or near the northern and southern ends thereof :

They may exercise all such further or other powers as may be necessary to enable them to widen deepen improve maintain enlarge and use the present access to the Poplar Dock so as to render the same navigable by and the said dock accessible for vessels of larger burthen than can at present pass through or into or use the same respectively.

Works to form part of Poplar Dock.

5. The works by this Act authorised shall for the purposes of tolls rates dues duties and charges and for all other purposes whatsoever including any leases or agreements now subsisting between the Company and the dock company or their predecessors or present representatives relating to the Poplar Dock or the entrances thereto or the use working or maintenance thereof be part of the said dock and entrances as if such works had been constructed at the date of the execution of such leases or agreements and the said entrance as authorised to be widened and altered by this Act had been expressly comprised in or mentioned or referred to in such leases or agreements.

Power to deviate in construction of works.

6. The Company may in constructing the works by this Act authorised deviate from the lines thereof to the extent marked on the deposited plans and may deviate from the levels thereof shown on the deposited sections to any extent not exceeding five feet.

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For protection of dock company and joint committee.

7. For the benefit and protection of the dock company and the joint committee the following provisions shall unless otherwise agreed between the Company and the dock company and the joint committee have effect (that is to say) :—

(1.) One month at least before commencing the widening by this Act authorised of the approach or entrance between the Blackwall Basin and the Poplar Dock the Company shall deliver to the secretary of the joint committee plans sections and specifications showing and describing in detail the position and proposed mode of construction of all the works to be executed under the authority of this Act :

(2.) As part of the said works the Company shall provide as nearly as may be upon the sites of the existing lock gates in the said approach or entrance good and sufficient gates for the purpose of retaining the level of the water in the Poplar Dock :

(3.) The plans sections and specifications mentioned in subsection (1) of this section shall in addition to all other works show and describe in detail the position of the intended new gates and the proposed mode of constructing and working the same and the nature and dimensions of the materials of which the same are proposed to be constructed :

(4.) If within one month after delivery as aforesaid of the said plans sections and specifications the dock company and the joint committee or the engineer of the joint committee do not in writing disapprove of the same the said plans sections and specifications shall be deemed to be accepted by the dock company and the joint committee and the Company may and as soon as practicable shall proceed with the construction of the said works in strict accordance with such plans sections and specifications :

(5.) If within the said period of one month the dock company and the joint committee or the engineer of the joint committee give notice in writing to the Company that they do not or that he does not approve of the plans sections and specifications so delivered as aforesaid the said plans sections and specifications shall (unless otherwise agreed between the Company and the dock company and the joint committee) be referred and submitted to an engineer to be agreed upon between the Company on the one hand and the dock company and the joint committee on the other hand or in default of agreement to be nominated by the president of the Institution of Civil Engineers upon the application of either Company or of the joint committee ;

(6.) The engineer so agreed upon or nominated may either approve the plans sections and specifications so delivered as aforesaid with or without modifications or may settle and approve other plans sections and specifications in lieu thereof and the said works may and shall be constructed by the Company in strict accordance with the plans sections and specifications approved or settled and approved as aforesaid by the said engineer :

(7.) The said works when commenced shall be constructed and completed with all possible despatch and under the superintendence and to the reasonable satisfaction of the engineer of the joint committee whose reasonable charges and remuneration for such inspection and approval shall be borne and paid by the Company :

(8.) The Company shall as from the passing of this Act pay during the continuance of the lease dated the first of July one thousand eight hundred and fifty-seven made between the dock company of the one part and the Company of the other part to the joint committee the sum of five hundred pounds in each and every year by way of contribution towards the expense incurred and to be incurred by the joint committee of pumping water for maintaining a sufficient depth of water in the Blackwall Basin and the Poplar Dock respectively Provided that such payment shall cease if the dock company or the joint committee cease to pump for the purpose of maintaining the head of water :

(9.) Notwithstanding anything shown on the deposited plans and sections or contained in this Act no permanent works shall be executed by the Company under the powers of this Act beyond the south-east corner of the eastern wall of the Blackwall Basin but this provision shall not prevent the Company from executing any temporary works necessary in the construction of the works by the Act authorised which may be reasonably approved by the engineer of the joint committee.

For protection of Great Western Railway Company.

8. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect (that is to say) :—

The Company or their contractors or any person in their respective employ shall not in carrying out the works authorised by this Act unnecessarily obstruct or interfere with the free uninterrupted and safe user of the waterway or the conveyance or passage of traffic thereby to and from the Great Western

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Company's goods depôt and warehouses and the Blackwall Basin.

For protection of Great Northern Railway Company.

9. For the protection of the Great Northern Railway Company (in this section called "the Great Northern Company") the following provisions shall have effect (that is to say) :—

(1.) In this section the expression "the works" means the widening and deepening of the approach or entrance between the Blackwall Basin of the dock company and the joint committee or one of them and the Poplar Dock and the works connected therewith so far as the said works affect the railway roadway or other works occupied by the Great Northern Company :

(2.) The turntables used by the Great Northern Company shall be removed from their present position and replaced in such position as shall be agreed between the engineers in chief of the Company and the Great Northern Company respectively :

The costs of the works and removal and replacing or resetting of the turntables and of the removal and relaying of any railways or sidings used by the Great Northern Company rendered necessary by such removal or replacing shall be wholly borne and paid by the Company :

(3.) The Company or their contractors or any person in their respective employ shall not in carrying out the works and removing and replacing the said turntables unnecessarily obstruct or interfere with the free uninterrupted and safe user of the railway or the conveyance or passage of traffic thereon to and from the Great Northern Company's goods warehouses and Preston's Road either by railway or by road :

(4.) If any difference shall arise between the respective companies or their respective engineers under any provision of this section or as to the meaning thereof or as to any obligations or advantages thereby imposed or conferred such difference shall be settled by an engineer to be agreed on between the said two companies or failing agreement to be appointed on the application of either of them by the president of the Institution of Civil Engineers and the cost of such settlement shall be in the discretion of the said engineer.

Power to owners to grant easements &c.

10. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other persons than the grantors have

an interest) required for any of the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

11. The Company shall not under the powers of this Act purchase or acquire twenty or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary of State for the Home Department twenty or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied :

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Period for compulsory purchase of lands.

12. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to Company to raise additional capital.

13. The Company in addition to the sums of money which by any other Act or Acts they may be authorised to raise may from time to time raise by the creation of new shares or stock in the undertaking of the Company either wholly or partly by ordinary shares or stock or wholly or partly by preferential shares or stock as the Company shall think fit any sum not exceeding thirty thousand pounds.

Shares not to be issued until one-fifth part thereof paid up.

14. 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 of the amount of such share shall have been paid in respect thereof.

Votes and qualifications in respect of Company's capital.

15. The holders of the existing ordinary stock in the Company's undertaking and of the shares or stock created under this Act shall notwithstanding anything contained in any existing Act relating to the Company have rights of voting and qualifications in respect thereof on the principle that each sum of fifty pounds paid up in respect of any such shares or stock held by any such holder shall be deemed equivalent to one original share

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of fifty pounds in the capital of the Company as prescribed by their Act of incorporation :

Provided that no person shall be entitled to vote in respect of any less amount than fifty pounds paid up :

Provided also that (unless otherwise specified in any resolution of the Company) no person shall be entitled to vote in respect of any share or stock created or issued under this Act to which a preferential dividend shall be assigned.

Power to Company to borrow money on mortgage in respect of additional capital.

16. The Company may in respect of the additional capital of thirty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking any sum not exceeding in the whole ten thousand pounds in addition to the sums which they are already authorised to borrow but no part of such sum of ten thousand pounds shall be borrowed until shares for so much of the said additional capital as is to be raised by shares shall have been issued and accepted and one half thereof shall have been 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 whole of such portion of capital have been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share 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 such additional capital as is to be raised by means of stock shall have been 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 to whom the same were issued or their executors administrators successors or assigns and also if the said capital is raised by shares that such persons or 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.

Receipt to Company in case of persons not sui juris.

17. If any money is payable to a shareholder mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to appointment of a receiver.

18. Every provision in any Act whereby the Company is authorised to raise by borrowing money for the purposes of their undertaking with respect to the appointment of a receiver for enforcing payment by the Company of arrears of interest or

principal or principal and interest shall be and the same is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced before the passing of this Act under any such provision:

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 or of principal and interest 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.

Power to Company to convert into debenture stock the borrowed capital to be raised under this Act.

19. The Company shall have the same powers and privileges in all respects of converting into debenture stock the borrowed capital authorised to be raised under this Act as by the Acts now in force relating to the Company or any of them they have over the borrowed capital previously authorised to be raised.

Application of moneys raised by Company.

20. All moneys raised by the Company under this Act whether by shares or borrowing shall be applied in the first instance to the purposes of this Act and subject thereto to the general purposes of the Company being in every case purposes to which capital is properly applicable and the Company may apply to such purposes any of the moneys which they now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Interest not to be paid on calls paid up.

21. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

Deposits for future Bills not to be paid out of capital.

22. The Company shall not out of any moneys 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 them to construct any other railway or to execute any other work or undertaking.

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Provision as to general Railway Acts.

23. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better or 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.

Costs of Act.

24. 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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