CHAPTER lxvii.

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An Act to authorise the Surrey Commercial Dock Company to alter and extend their Works to raise further Capital and for other purposes. [3rd July 1894.]

WHEREAS by the Surrey Commercial Dock Act 1864 (herein-after called "the Act of 1864") the Surrey Commercial Dock Company (herein-after called "the Company") were incorporated on the amalgamation of the Commercial Dock Company and the Grand Surrey Docks and Canal Company and were authorised to complete improve and carry on the undertakings of those companies:

And whereas it is expedient that the Company be authorised to alter and extend their docks works and undertaking and for such purposes to raise further capital and borrow further money and that the further powers herein-after contained be conferred upon the Company and the Act of 1864 be amended as herein-after provided:

And whereas by the Millwall Dock Act 1879 the Millwall Dock Company were authorised to enter into and carry into effect agreements with the East and West India Dock Company and the London and Saint Katharine Docks Company with reference to the traffic of their respective docks and it is expedient that the Millwall Dock Company be authorised to enter into and carry into effect similar agreements with the Company:

And whereas plans and sections of the works authorised by this Act the plans showing also the lands which may be compulsorily taken under the powers of this Act and books of reference to such plans respectively containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands respectively were duly deposited with the clerk of the peace for the county of London and are herein-after referred to as the deposited plans sections and books of reference:

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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 Surrey Commercial Dock Act 1894.

Incorporation of general Acts.

2. 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 nonpayment 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 the shares into stock;

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 the Lands Clauses Acts and the provisions so far as the same are incorporated with the Act of 1864 of the Harbours Docks and Piers Clauses Act 1847 as varied by section 9 of the Act of 1864 are (except where expressly varied by this Act) incorporated with and form part of this Act Provided that the Companies Clauses Act 1863 for the purposes of such incorporation shall be read and have effect as if the words "and to pay "the deposit call or instalment (if any) called for by the directors "in respect thereof" had been inserted in section 20 of that Act after the words "any part thereof."

Interpretation.

3. The several words and expressions to which by the Acts wholly or in part incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that the expressions in the Harbours Docks and Piers Clauses Act 1847 to which meanings are assigned by the Act of 1864 shall for the purposes of this Act have the meanings so assigned

to them and the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or in part incorporated with this Act 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 make works.

4. Subject to the provisions of this Act the Company may make and maintain the works described in this section in the lines and in accordance with the levels shown on the deposited plans and sections relating thereto or some or one of those works or some part or parts thereof respectively and may appropriate to those purposes any lands for the time being belonging to them and may enter upon take and use such of the lands shown on the deposited plans and described in the deposited books of reference as may be required for those purposes The works herein-before referred to and authorised by this section are—

(A.) The alteration of the Greenland Dock and the construction of a new lock and entrance thereto from the River Thames adjoining and to the southward of the existing Greenland entrance lock The extension of the said dock in a westerly direction for a distance of four hundred and sixty yards or thereabouts and the construction of a communication passage from the south-eastern corner of Canada Dock into the Greenland Dock;

(B.) The extension of the Russia Dock at its southern end for a distance of seventeen yards or thereabouts in a southerly direction and the construction of a communication passage from the said Russia Dock as proposed to be extended into the Greenland Dock;

(C.) The construction of new canal locks and entrance from the Greenland Dock into the Surrey Canal at or about Plough Bridge and the formation of a basin by the widening of the said canal on its western side for a distance of ninety yards or thereabouts southward of Plough Bridge;

(D.) The shortening at the southern ends thereof respectively of the Canada Pond and the Quebec Pond;

(E.) A new road (No. 1) and sewer commencing in Swing Bridge Road and terminating in Rotherhithe Lower Road and the raising and alteration of the levels of Swing Bridge Road between the western end of the Swing Bridge and the commencement of such new road (No. 1) and sewer;

(F.) The diversion of the footpath which now crosses the Greenland entrance lock between a point seven yards northward of the northern end of the bridge carrying the said footpath

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over that lock and a point twenty-three yards northward of the Dog and Duck Stairs;

(G.) A new road (No. 2) commencing at or about the junction of Grove Street with London Road and terminating at or about the junction of Yeoman Street with Plough Road:

And the Company in connexion with the aforesaid works or any of them and upon the lands aforesaid or any of them may subject to the provisions of this Act from time to time make and maintain all necessary and proper embankments quays wharves depôts warehouses sheds staiths jetties stairs landing places stages gates entrances locks slips and places and conveniences for repairing and cleansing vessels cranes hydraulic lifts dolphins coffer-dams sluices buoys moorings mooring chains sewers drains culverts pumping apparatus bridges rails sidings approaches roads buildings yards and other works and conveniences and may alter break up stop up and divert any pipes wires tubes sewers drains and other works on or under any lands within the limits of deviation shown on the deposited plans which may be acquired by or belong to the Company or any roads or portions of roads which may be stopped up under the powers of this Act Provided that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply Provided also that the Company shall not alter break up divert or in any way interfere with any pipes wires tubes or other property belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Limits of deviation.

5. In constructing the works by this Act authorised the Company may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding in the case of new roads two feet and in the case of any other work five feet upwards or downwards Provided that no deviation of any works authorised by this Act situate on the bed or foreshore of the River Thames shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans without the consent in writing of the Conservators of the River Thames.

Works on the River Thames to be executed under the

6. The entrance lock by this Act authorised and all or any temporary or permanent works connected therewith so far as the same affect the River Thames shall if constructed be executed according to plans and sections to be approved in writing by the

Conservators of the River Thames (herein-after referred to as "the Conservators") and deposited at their office and the works in the River Thames shall be executed and performed to the reasonable satisfaction of the engineer for the time being of the Conservators and the traffic of the said River Thames shall not be interfered with more than may be absolutely necessary in the construction of the entrance lock and the works connected therewith and if in the opinion of the Conservators there is any delay in the execution of the works the Company shall within fourteen days after notice from the Conservators so to do remove any temporary works and materials for temporary works which may have been placed in the river by the Company and on their failing so to do the Conservators may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the Conservators all expenses so incurred.

A.D. 1894. direction of the Conservators of the River Thames.

7. The Company shall not make or commence any work on the shore or bed of the River Thames without the consent in writing of the Conservators until the plans and sections referred to in the preceding section have been approved by the Conservators.

Company not to commence any work until plans &c. approved.

8. Nothing in this Act contained shall authorise or empower the Company to embank encroach upon or interfere with any part of the soil or bed of the River Thames or the shore thereof except according to the plans and sections approved by the Conservators.

Company not to interfere with the bed of the river.

9. The Company shall not (except as far as shall be necessary in the construction of the said entrance lock and the works connected therewith) take any gravel soil or other material from the bed of the river without the previous consent of the Conservators signified in writing under the hand of their secretary.

Company not to take gravel &c. from river without consent of Conservators.

10. The Company may from time to time deepen dredge scour and cleanse the bed and shores of the River Thames adjoining or near to the entrance lock by this Act authorised and within the limits of deviation shown on the deposited plans for the purpose of facilitating and improving the access thereto.

Power to dredge.

11. The Company may from time to time take divert and impound water from the River Thames for the purpose of supplying the dock works and works connected therewith by this Act authorised with water.

Power to impound water from River Thames.

12. The Company shall during the construction of the new lock and entrance thereto from the River Thames by this Act authorised hang out and exhibit at or near to the same every night from sunset to sunrise lights to be kept burning in such position and of such character by and at the expense of the Company and proper

Lights to be exhibited upon the works and upon temporary

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works during construction.

and sufficient for the navigation and safe guidance of vessels and the lights shall from time to time be altered by the Company in such manner and be of such kind and number and be so placed and used as the Conservators by writing under the hand of their secretary shall approve and direct and in case the Company fail so to exhibit and keep burning the lights they shall for every such offence forfeit to the Conservators a sum of ten pounds and further the Company shall under a like penalty payable to the Conservators exhibit lights to be similarly approved by the Conservators upon any temporary works or materials which may be placed in the River Thames by the Company during the construction of the lock or any works connected therewith.

As to working of swing bridges.

13. The provisions of section 71 of the Act of 1864 relating to the Bridge No. 6 therein referred to shall apply to the swing bridges carrying the Road No. 1 over the communication passages into the Canada Dock and Russia Dock respectively.

Power to stop up streets.

14. The Company may stop up and discontinue for public traffic—

(1.) Swing Bridge Road between the point of commencement of the new road (No. 1) and sewer by this Act authorised and the junction of Swing Bridge Road with the Plough Road;

(2.) So much of Plough Road as lies between its junction with Swing Bridge Road and its junction with Yeoman Street;

(3.) Jewett Street;

(4.) William Street from the eastern end of Osprey Street to a point nineteen yards northward of the eastern end of Trident Street;

(5.) Maynard Road for the distance of thirty-seven yards at its eastern end;

(6.) Osprey Street for a distance of seventy yards at its eastern end;

(7.) Charlotte Place so far as it runs parallel with Purnell Place and Purnell Place for a distance of one hundred and fifteen yards measured from its south-eastern end;

(8.) So much of the herein-before mentioned footpath crossing Greenland entrance lock as will be rendered unnecessary by the diversion thereof authorised by this Act;

(9.) So much of London Road as lies between the junctions therewith of Grove Street and Plough Road;

and any other roads highways footpaths or towpaths shown upon the deposited plans as intended to be stopped up and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by this Act vested in

the Company freed from all public and other rights of way or passage or other rights in over or affecting the same But the Company shall not stop up or discontinue:—

(A.) The aforesaid portion of Swing Bridge Road until they have completed to the satisfaction of two justices and opened to the public the new road (No. 1) by this Act authorised; nor

(B.) The aforesaid portions of London Road and Plough Road respectively until they have completed to the satisfaction of two justices and opened to the public the new road (No. 2) by this Act authorised:

Provided that if the new road (No. 2) be completed and opened before the new road (No. 1) the Company shall if they stop up the portion of Plough Road as aforesaid and until the new road (No. 1) is completed and opened provide by means of a temporary road and of the new road (No. 2) for the passage of traffic from the junction of Swing Bridge Road and Plough Road to the junction of Yeoman Street and Plough Road.

The Company shall not stop up or discontinue the street and portions of streets roads and places above described unless and until the Company are owners in possession of the houses and lands on both sides of the respective street or portion of street road or place to be stopped up.

New roads to be subject to approval of the Council.

15. The new roads (No. 1) and (No. 2) shall be constructed of a clear width throughout not less than forty feet except the new swing bridges by this Act authorised which may be so constructed as to leave a clear width throughout available for traffic of not less than twenty-four feet six inches and such roads and bridges shall be constructed in the line and with the gradients shown on the deposited plans and sections unless the London County Council (herein-after called "the council") and the Company otherwise agree and subject thereto in accordance with detailed plans and specifications previously submitted to and approved in writing by the council and the Company shall comply with all reasonable requirements of the council with regard to the construction thereof.

The Company shall not commence the said new roads and bridges until the council shall have signified their approval of the said plans sections and specifications (which approval shall not be unreasonably withheld) unless the council fail to signify their approval disapproval or other requirements within twenty-eight days after submission of the said plans sections and specifications.

Notwithstanding anything in this Act it shall not be lawful for the Company to stop up the portions of Osprey Street or Maynard Road by this Act authorised to be stopped up unless and until the

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Company shall have constructed a new road of not less width than forty feet clear to connect the portions of the said street and road not so stopped up at their eastern ends.

As to repair of new roads &c.

16. The new roads and footpath diversion by this Act authorised including any new road which may be constructed by the Company between Osprey Street and Maynard Road when made completed and opened shall (except any swing bridge carrying the same over any works of the Company and the portion of road or footpath over such bridge which shall vest in and be under the control of and shall be repaired and maintained by the Company) be vested in and under the control of the respective authorities in whom the control and management of public highways in the parishes in which such new roads and footpath diversion are respectively situate is or may be from time to time vested and shall be repaired and maintained by and at the expense of the respective authorities in those parishes liable to the repair and maintenance of similar highways therein and if at any time any question shall arise between the Company and any of such authorities as to the due completion of such new roads and footpath diversion or of any of them such question shall be determined by two justices on the application of either of the parties in difference and the certificate of such justices of the due completion of such new roads and footpath diversion or of any of them or of any portions thereof respectively shall be conclusive evidence of the fact so certified.

Company may maintain tramway.

17. The Company may maintain across the Road No. 2 and from time to time repair and renew and may use the tramway lines of the Company which now cross the site of the said road and the Company shall construct the said road so that the uppermost surface of the rails of such tramway lines shall be on a level with the surface thereof.

Provisions as to new sewer.

18. The new sewer by this Act authorised shall have a sectional area equal to that of the existing sewer of the London County Council under Swing Bridge Road and shall be constructed of such materials as the said council may require and under the supervision and to the satisfaction in all respects of the said council and the provisions of the section of this Act of which the marginal note is "For the protection of sewers in the metropolis" shall extend and apply to the construction of the junctions of the new sewer with the said existing sewer and with the existing sewer of the said council under Rotherhithe Lower Road respectively and of all works connected with such junctions and until the new sewer has been completed to the satisfaction of the said council the Company shall not stop up or interrupt the flow of sewage in the said existing sewer

under Swing Bridge Road and when and so soon as the new sewer shall have been completed as aforesaid the same shall thereafter be as fully and completely vested in and under the direction jurisdiction and control of the said council as the sewer under Swing Bridge Road for which it is substituted now is and shall be repaired and maintained by the said council.

Where the new sewer for the purpose of passing under the works of the Company is placed at a lower level than the existing sewer the new sewer shall be constructed in duplicate and each duplicate sewer shall have a sectional area not less than that of the existing sewer.

The duplicate sewers shall be so constructed and fitted with pumps and appliances to be reasonably approved by the council that each shall be capable of being pumped and cleaned while the other is in use and the Company shall whenever required by the council provide the necessary steam or other power for pumping out and cleansing the duplicate sewers and shall pay the council a sum of forty pounds per annum in full discharge of all liability in connexion with the costs and expenses incurred by the council in relation to the said cleansing of the duplicate sewers.

For the protection of sewers in the metropolis.

19. Where any of the works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse defence or work in use at the passing of this Act and under the jurisdiction or control of the London County Council or of any vestry or district board of works constituted under the Metropolis Management Act 1855 or any Act amending the same or extending the powers thereof or any sewer or work to be made or executed by the said council or by any such vestry or board or shall or may in any way affect the sewerage or drainage of the districts under the control of them or of any of them the Company shall not commence such works until they shall have given to the said council or to the vestry or district board (as the case may be) twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office for the time being of such council vestry or district board (as the case may be) with a plan and section showing the course and inclination thereof and other necessary particulars relating thereto and until such council vestry or district board respectively shall have signified their approval of the same unless such council vestry or district board (as the case may be) do not signify their approval disapproval or other directions within twenty-eight days after service of the said plan section and particulars as aforesaid and the Company shall comply with and conform to all orders directions and regulations of the said council and of the respective vestry or district board (as the case may be) in the execution of the said works

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and shall provide by new altered or substituted works in such manner as such council vestry or district board respectively shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works herein-before referred to by reason of the said intended works or any part thereof and shall save harmless the said council and every such vestry and district board respectively against all and every the expense to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the engineer or other officer or officers of the said council 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 council or any vestry or district board may be put to by reason of such works of the Company whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to such council 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 council vestry or district board (as the case may be) respectively as any sewers or works now or hereafter may be.

For protection of the London Deptford and Greenwich Tramways Company.

20.—(1.) Nothing in this Act contained shall be taken or deemed to authorise or empower the Company in the construction of the sewer by this Act authorised to stop or unnecessarily impede or interfere with the due and regular working of the tramways of the London Deptford and Greenwich Tramways Company (hereinafter called "the tramway company") which are situate in the Rotherhithe Lower Road.

(2.) The Company shall before commencing the construction of any portion of the sewer beneath such tramways give to the tramway company twenty-one days' notice of their intention so to do and shall at the same time deposit with the tramway company a copy of the plans and sections left by them with the London County Council as provided by this Act and the tramway company may within seven days from the receipt thereof make to the said council any representations with respect to such plans and sections and shall at the same time forward to the Company a copy thereof.

(3.) The Company shall not in the construction of the said sewer or of the road (No. 1) by this Act authorised alter the level of the Rotherhithe Lower Road or break up the surface of that portion of the said road on which the tramways of the tramway company are laid.

(4.) The construction of the portion of the said sewer which is beneath the tramway shall when commenced be proceeded with and completed with all practicable despatch and during the progress of and until the completion thereof the Company shall take all reasonable precautions for preventing any injury to the tramways of the tramway company.

(5.) The Company shall indemnify and save the tramway company harmless from and against all claims and demands arising out of any accident caused by the default of the Company in carrying out any of the provisions of this section.

For protection of the Kent Waterworks Company.

21. Whereas the mains or pipes of the Company of Proprietors of the Kent Waterworks (in this section called "the water company") are laid along certain roads and streets in which the works by this Act authorised will be constructed and it will be necessary for the purposes of this Act to interfere with the said mains and pipes And whereas it is expedient that provision be made for preventing any interruption of the supply of water by the water company Therefore for the protection of the water company the following provisions in that behalf shall have effect (that is to say):—

(A.) Three months at least before the Company shall stop up or divert or otherwise interfere with any road or street which the Company are by this Act authorised to stop up or divert and in which the mains and pipes of the water company are or shall be laid the Company shall give notice in writing to the water company of the intention of the Company so to do Such notice shall be addressed to the secretary of the water company and be delivered at or sent by post prepaid to the principal office of the water company at Deptford or elsewhere for the time being:

(B.) The water company shall with all practicable speed after receipt of such notice lay down a new line of mains of such diameter not exceeding ten inches as the engineer for the time being of the water company may deem expedient as near as may be in the line shown on the plan signed by Josiah Griffin on behalf of the Company and Alexander Dickson on behalf of the water company Such mains shall commence from the existing main at the junction of Grove Street with Evelyn Street in the parish of Deptford and shall extend through Evelyn Street along the Rotherhithe Lower Road as far as the intended junction of the proposed new road from the Rotherhithe Lower Road to the Swing Bridge Road and along such proposed new road to its junction with the Swing Bridge Road and as far as the swing bridge and the water company shall

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connect such new main with the mains of the water company there The position of such new main may be diverted or substituted as the engineers for the time being of the Company and the water company may respectively in writing agree and not otherwise The new mains shall consist of such pipes bends cocks branches and other adjuncts as may reasonably be deemed expedient by the engineer for the time being of the water company and the said mains shall be laid in such manner as the engineer for the time being of the water company shall in his absolute discretion direct and in the absolute discretion of such engineer the water company shall connect with such mains all such service and other pipes as such engineer may in his absolute discretion deem expedient :

(c.) The Company shall give all reasonable facilities to the water company and their engineers workmen and others as well during as after the construction of the roadway for the proper placing of the intended new mains and pipes therein and the water company shall at all times in respect of such new road have the same rights powers and privileges as they have in any public road street or thoroughfare within any district which the water company is authorised to supply :

(d.) The Company shall not stop up any portion of the Swing Bridge Road or London Street in which the mains of the water company now exist nor interfere with any of the water company's mains or pipes therein until the new road connecting the Swing Bridge Road with the Rotherhithe Lower Road in which the mains of the water company are intended to be laid shall have been completed and opened for public traffic and the Company shall have made the requisite culverts wells and all other adjuncts supports and conveniences which having regard to the nature of the proposed works may in the opinion of the engineer to the water company or (in case of difference between such engineer and the engineer to the Company) of an arbitrator be necessary for the proper and sufficient support of the mains and until the said new mains and pipes shall have been laid and completed therein to the intent that the uninterrupted and continuous supply of water by the water company to the inhabitants of the district shall be in no respect impeded or otherwise interfered with :

(e.) The Company shall upon the written certificate of the engineer for the time being of the water company that the works carried out by them as aforesaid have been duly completed and are in satisfactory working order and condition pay the water company all costs and expenses which the water

company may reasonably incur or be put to in and about providing and laying such new mains and pipes and in supervising and inspecting such of the works by this Act authorised as affect the same:

(F.) The costs to be charged under this sub-section shall be based on such system of construction and the use of such materials as were adopted in constructing the mains of the water company now in the streets authorised by this Act to be stopped up with such modern improvements if any as the water company have at the date of the passing of this Act already been in the habit of adopting and the Company shall be entitled to the materials of such old mains cocks and service pipes of the water company as are in any street or part of such street which under this Act shall become vested in the Company:

(G.) If the water company do not with all practical speed after the receipt of such notice as aforesaid proceed to lay down and complete the new mains pipes and works to be constructed by them as herein-before provided and satisfactorily complete the same within a period of six months from the date of the receipt of such notice the Company may themselves proceed to lay down and complete such mains pipes and works Provided that such laying down and completion shall be done to the satisfaction of the engineer to the water company:

(H.) Subject as aforesaid and as respects any roads or streets not intended to 'be diverted or stopped by the Company the Company before commencing any of the new works by this Act authorised over under or within five feet of any of the mains pipes or other works of the water company shall give to the water company fourteen days' notice in writing of the works intended to be carried out and the works to which such notice applies shall be carried out according to plans to be approved by the engineer for the time being of the water company or in the event of difference settled by arbitration before any such works shall be commenced and such works shall be done under the superintendence and to the reasonable satisfaction of such engineer who may appoint and employ such necessary inspectors and watchmen as he may think proper to superintend the execution of the works and to secure the safety of such mains pipes and other works of the water company and the cost of all such works as well as the superintendence thereof shall be borne and defrayed by the Company and all works shall be carried out so as not to cause any injury to any such mains pipes and other works of the water company or any interruption of the supply of

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water to its consumers Provided always that the water company shall express its approval or disapproval of the plans submitted within ten days of their being so submitted and if no such approval or disapproval be expressed the Company may execute the works in accordance with the plans submitted:

(I.) The Company shall indemnify the water company against all expense loss or damage which may be sustained or incurred by them and against all proper and lawful claims and demands which may be made against them by reason of or consequent on any interference by the Company with the water company's mains pipes or other property or by reason of or consequent on any settlement subsidence or defect of or in any of the roads or works authorised by this Act Provided nevertheless that such indemnity shall only extend to the acts omissions and default of the Company or their agents:

(J.) In case of any difference or dispute as to the amount to be paid by the Company to the water company or as to the true intent and meaning of the provisions of this section or any matter or thing in relation thereto or arising thereout every such difference or dispute shall as and when the same may arise be referred to an arbitrator to be agreed between the Company and the water company or on failure of such agreement to an arbitrator to be nominated by the President for the time being of the Board of Trade and the costs of such arbitration shall be in the discretion of the arbitrator.

For the protection of Messrs. Holland and Hannen.

22. For the protection of Richard David Holland of 37 Bloomsbury Square in the county of London and Benjamin Hannen of Duke Street Bloomsbury in the county of London and the said Benjamin Hannen and Frank May Stephen Taprell Holland Benjamin Hannen the younger and Edward Charles Hannen co-partners carrying on business at Duke Street aforesaid as builders and contractors under the name of "Holland & Hannen" the lessees (in this section called "the lessees") of the properties numbered respectively on the deposited plans 62 to 70 in the parish of St. Mary Rotherhithe the following provisions shall have effect (that is to say):—

(1.) The Company shall not without the consent in writing of the lessees enter upon take or use any of the said properties until after the expiration of two years from the passing of this Act:

(2.) The Company shall give to the lessees twelve months' previous notice in writing of the Company's intention to enter upon take or use the said properties or any of them Such notice shall be delivered or sent by registered letter to the firm at the aforesaid premises.

Period for completion of works.

23. If the works authorised by this Act and herein-before described and shown on the deposited plans are not completed within ten 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 and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed Provided that nothing in this Act contained shall restrain the Company from making from time to time any improvements or alterations of their works and conveniences for the time being or any new works or conveniences.

Power to take additional lands for general purposes.

24. Subject to the provisions of this Act the Company may for the improvement and general purposes of their undertaking enter upon take and use the whole or any part or parts of the lands next herein-after mentioned shown on the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands in the parish of Saint Mary Rotherhithe in the county of London situate as to part between the north-eastern side of Purnell Place and the present boundary of the Company's property and as to part between the south-western side of that place and the present boundary of the Company's property.

Easements &c. may be granted by incapacitated persons.

25. 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 (not being an easement of water) right or privilege 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.

Period for compulsory purchase of lands.

26. The powers of the Company under this Act for the compulsory purchase of lands shall cease after the expiration of five years from the passing of this Act.

Buildings not to be brought beyond general line &c.

27. Nothing contained in this Act or shown on the deposited plans shall empower the Company except so far as may be necessary in constructing the new roads and sewer and works connected therewith to break up any part of the surface of the Rotherhithe Lower Road or Grove Street and the Company shall not (without the consent of the council) erect any building (other than retaining walls) on any lands which the Company may acquire under the powers of this Act beyond the general line of building in any street and no retaining wall shall be erected within a distance of twenty feet from the centre of any street without such consent as aforesaid.

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As to exemption from Building Acts.

28. The exemption contained in the Metropolitan Building Act 1855 shall not exempt from the operation of the first part of that Act offices warehouses or dwelling-houses situate outside the dock premises for the time being on any land acquired by the Company under the powers of this Act.

Restrictions on displacing persons of labouring class.

29.—(1.) The Company shall not under the powers of this Act purchase or acquire in any parish twenty or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(A.) Shall have obtained the approval of the Secretary of State for the Home Department to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Secretary of State shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B.) Shall have given security to the satisfaction of the said Secretary of State for the carrying out of the scheme.

(2.) The approval of the said Secretary of State to any scheme under this section may be given either absolutely or conditionally and after the said Secretary of State has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Secretary of State may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the said Secretary of State may have approved of any scheme or of any modifications of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Secretary of State out of the High Court.

(5.) If the Company acquire any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Secretary of State by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking:

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the date of such scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the said Secretary of State may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as he may see fit.

(8.) All buildings erected or provided by the Company within the metropolis for the purpose of any scheme under this section shall be subject to the provisions of the Metropolitan Building Act 1855 and the Metropolis Management Act 1855 and any Act or Acts amending those respective Acts.

(9.) The said Secretary of State may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes

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of inquiries directed by the Local Government Board under the Public Health Act 1875

(10.) The Company shall pay to the said Secretary of State any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a reasonable sum to be fixed by the said Secretary of State for the services of such inspector.

(11.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act and which have been acquired by or on behalf of the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the said Secretary of State is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the said Secretary of State they might have been sufficient to accommodate.

(12.) If the said Secretary of State on inquiry finds that the provision by the Company of dwellings is having regard to the number of empty houses in the neighbourhood the state of trade and other circumstances unnecessary he may dispense with all or any of the requirements of this section.

(13.) 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.

Extension of section 50 of Act of 1864.

30. The provisions of section 50 of the Act of 1864 shall extend and apply to all lands purchased by the Company under the powers of the Act of 1864 and for the time being belonging to the Company.

As to powers of Company under section 46 of Act of 1864.

31. The powers of purchasing lands by agreement conferred upon the Company by section 46 of the Act of 1864 shall be deemed to be in addition to any other power of the Company of purchasing and holding land and the Company may from time to time exercise

that power provided they do not at any one time hold under that section more than the amount therein mentioned but nothing in that Act or in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land which they may after the passing of this Act purchase under the powers of that section.

To divert canal traffic.

32. When and so soon as the works by this Act authorised shall have been so far completed as to afford a substituted route by way of Canada Dock or otherwise for the traffic which now passes along the Surrey Canal between Plough Bridge and Russia Dock the Company may divert the traffic of the said canal by such substituted route and may stop up and discontinue temporarily during the construction of the remainder of the works all or any portions of the said canal between Plough Bridge and Russia Dock and may permanently stop up and discontinue and appropriate the site and soil of so much of the said canal and the towing path thereof as is shown on the deposited plans as intended to be stopped up and such substituted route while in use and the new locks and portion of the works by this Act authorised which will be situated between Plough Bridge and the Russia Dock when the same are completed and opened shall for the purposes of rates and charges be deemed to be in substitution for the portion of the Surrey Canal between Plough Bridge and Russia Dock and for the existing canal lock.

Provisions of Act of 1864 extended.

33.—(1.) The provisions of section 74 of the Act of 1864 shall extend and apply to every swing or moveable bridge which may be constructed by the Company as part of or in connexion with the works by this Act authorised.

(2.) The docks quays and works of the Company as altered and extended by this Act and all parts of the river Thames within one hundred and fifty yards measured from the point where the central line of the new lock and entrance into the Greenland Dock by this Act authorised intersects the river front of the wing walls of the said entrance shall be included within the limits of the authority of the dock master of the Company and the provisions of section 81 of the Act of 1864 shall apply throughout such limits but the powers of the Conservators and of the harbour masters and other their officers within the limits within which the powers of the dock master of the Company shall be exercised shall not be lessened prejudiced or interfered with by this Act save that no vessel may be moored nor any moorings be placed within the limits aforesaid without the consent of the Company.

(3.) The expressions in the Act of 1864 "the works" and "the docks" shall except where inconsistent with the context respectively

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include the works and the docks of the Company and all works used for purposes connected with docks as altered and extended under the powers of this Act.

Tolls &c.

34. The works by this Act authorised shall for the purposes of rates and charges and for all other purposes whatsoever be deemed to be part of the undertaking of the Company as authorised by the Act of 1864.

Docks &c. to be within port of London.

35. The docks and quays and all works of the Company used for purposes connected with docks as altered and extended by this Act shall be within and form part of the port of London.

Power to apply funds.

36. The Company may apply for any of the purposes of this Act to which capital is properly applicable any moneys which by the Act of 1864 they are authorised to raise by shares stock debenture stock or borrowing.

Power to raise additional capital.

37. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to their authorised capital any additional capital not exceeding in the whole three hundred thousand pounds 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 but the Company shall not issue any share 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.

As to disposal of shares or stock.

38. Notwithstanding anything contained in the Act of 1864 or in Part II. of the Companies Clauses Act 1863 all or any of the shares or stock representing any portion of the additional capital by this Act authorised or of any uncreated or unissued capital of the Company authorised by the Act of 1864 which the Company may from time to time create or issue may be disposed of at such times to such persons on such terms and conditions and in such manner as the directors think most advantageous to the Company.

Except as otherwise provided new shares or stock to be subject to the same incidents as other shares or stocks.

39. Except as by this Act otherwise provided the capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital The capital in new shares or stock so created shall form part of the capital of the Company.

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Dividends.

40. Notwithstanding anything contained in section 27 of the Act of 1864 the profits of the Company applicable to dividend shall after the payment of the preference dividend on any preference stock or shares created and issued prior to the passing of this Act under the powers of the Act of 1864 be applied to the payment of any preference dividend which may be attached to any stock or shares after the passing of this Act created and issued by the Company in accordance with the priorities which may respectively be attached thereto and the proprietors of ordinary shares or stock in the additional capital by this Act authorised shall severally be entitled to be paid pari passu with other holders of ordinary stock or shares in the capital of the Company dividends after the rate of four pounds per centum per annum and shall be entitled pari passu with them and the proprietors of Preference Stock A and of any other preference shares or stock so entitled by the terms and conditions of the creation thereof to share the remainder of the profits applicable to dividend at an equal rate per centum per annum on the amount paid up on the shares or stock held by them respectively.

Power to borrow.

41. The Company may in respect of the additional capital of three hundred thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole seventy-five thousand pounds but no part thereof shall be borrowed until shares for so much of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is 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 of such portion of capital has been paid up and that not less than one fifth part of the amount of each separate share in such portion of 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 such portion of additional 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 additional capital is raised by shares that such persons or corporations 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

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sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repealing provisions as to appointment of receiver.

42. Section 34 of the Act of 1864 for appointment of a receiver is by this Act repealed but without prejudice to any appointment heretofore made or proceedings now pending under the provisions of that section or any of them.

For appointment of a receiver.

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

Debenture stock.

44. 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 and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act and (if so determined at the time of the creation or granting thereof) under the Act of 1864 shall subject to the provisions of any subsequent Act rank pari passu (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock to which this section applies and all such mortgages and debenture stock shall be distinguished by an appropriate designation.

Application of moneys.

45. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Priority of mortgages over other debts.

46. All money raised or to be raised by the Company on mortgage or debenture stock under the provisions of any former Act relating to the Company or under 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 Acts 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.

As to directors.

47. Section 37 of the Act of 1864 is hereby repealed and after the passing of this Act the number of directors of the Company shall not exceed eighteen nor be less than twelve provided that if through any vacancy in their body the number of directors be less than twelve the continuing directors may act notwithstanding such vacancy If and as often as the number of directors shall be less than eighteen the directors may if and when they think fit appoint such number as they think fit of duly qualified persons to be directors provided that the number of directors shall never be more than eighteen and that no vacancy in the board of directors shall be so filled up after the expiration of the period of office of the director whose retirement caused such vacancy if and so long as any resolution of a general meeting of the Company to the contrary shall be in force Any persons so appointed shall continue in office for such time as they would have continued in office if they had been elected by the Company at the half-yearly meeting of the Company in the month of March last preceding their appointment The prescribed number of directors to go out of office by rotation each year shall be one third or as nearly as may be one third of the actual number of the directors immediately before the holding of the half-yearly meeting of the Company in March of that year and the number of directors to be elected by the Company at that meeting in each year shall be the same as the number which so go out of office In the event of any question arising as to which of several directors who have been in office the same length of time shall go out of office by rotation in any year the question shall be determined by ballot The qualification of a director shall be the possession in his own right of stock (other than debenture stock) or shares or both in the Company to the aggregate nominal amount of at least one thousand pounds.

Extending provisions of Millwall Dock Act 1879.

48. Section 18 of the Millwall Dock Act 1879 shall be read and have effect as if the name of the Company had been inserted therein in addition to the names of the East and West India Dock Company and the London and Saint Katharine Docks Company.

Provision for Merchant

49. Nothing in this Act contained shall exempt the Company or any dock of the Company from the provisions of the Merchant

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Shipping Act and general Acts.

Shipping Act 1854 or any general Acts relating to docks or dues on shipping or on 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 dock rates or dues by this Act authorised.

Costs of Act.

50. 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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