



CHAPTER ccxliii.

An Act to empower the London and India Docks Com- A.D. 1902
 pany to acquire further lands to make further provision
 with respect to craft resorting to their docks to confer
 further powers upon and to amend the Acts relating
 to the Company and for other purposes.

[8th August 1902.]

WHEREAS by the London and India Docks Company (New Works) Act 1901 (in this Act referred to as "the Act of 1901") the London and India Docks Company (in this Act called "the Company") were empowered to make and maintain a dock (in that Act and herein referred to as "the New Dock") graving dock and other works and to enter upon take and use such of the lands shown on the plans and described in the book of reference deposited for and referred to in the said Act as might be required for that purpose (which plans are in this Act referred to as "the plans of 1901"):

And whereas it is expedient that the Company be empowered to purchase the additional lands hereinafter described and to use the same for the purposes of the Act of 1901 as if such lands had been included within the limits of deviation shown upon the plans of 1901 and to stop up the roads and streets or parts thereof hereinafter in that behalf mentioned:

And whereas under various Acts heretofore passed relating to the Company or to other companies whose undertakings or parts of whose undertakings are now vested in the Company the Company have power to purchase additional lands for purposes relating to or in connection with such undertakings respectively and it is expedient that those powers be made applicable in relation to any purposes of the Company or their undertaking:

And whereas it is expedient that the Company be empowered to purchase by agreement and to hold further lands for the general purposes of their undertaking:

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And whereas by section 27 of the Act of 1901 certain provisions were made with reference to the diversion by that Act authorised of the Woolwich Manor Way and the said section provided that upon such diversion being completed in manner therein aforesaid the part of the site of the existing road therein mentioned should become the property of the Company and that the diverted roadway should be maintained and kept in repair as therein mentioned but by sections 33 and 34 of the said Act other provisions were made with reference to those matters which are to some extent inconsistent with the provisions above referred to of the said section 27 and it is expedient that such inconsistent provisions of the last-mentioned sections be repealed and the said section 27 be amended as hereinafter provided :

And whereas by the London and India Docks Amalgamation Act 1900 (in this Act called " the Act of 1900 ") the undertaking of the East and West India Dock Company was transferred to the Company whose name was by that Act changed from that of the London and St. Katharine Docks Company to their present name of the London and India Docks Company and there were created by that Act various stocks including stocks therein called A and B preference stocks and preferred and deferred ordinary stocks which represent the capital stocks of the London and St. Katharine Docks Company and the East and West India Dock Company respectively and the Company were empowered by section 27 of the said Act to raise further money by the creation and issue of A and B preference stock or preferred or deferred ordinary stock :

And whereas by section 32 of the said Act provision was made as to the scale of voting in respect of holdings of capital stock in the Company :

And whereas by section 54 of the London and St. Katharine Docks Act 1864 it was provided that no votes should be given by proxy and it is expedient that that section be repealed :

And whereas under section 22 of the East and West India Dock Company's Act 1879 the Company have power if any goods wares or merchandise in respect of which they are by the Act Local 1 and 2 Will. IV. cap. 52 by which the East and West India Dock Company were incorporated authorised to take and receive rates have been removed without payment of such rates to distrain or arrest any other goods wares or merchandise within the limits of the docks or premises of the Company belonging to the person liable to pay such rates and to sell the goods wares or merchandise so distrained or arrested and out of the proceeds of such sale to pay the rates due

to themselves rendering the overplus (if any) to the owner of such goods wares or merchandise on demand: A.D. 1902.

And whereas it is expedient that the provisions of the said section 22 should be made applicable to the whole undertaking of the Company:

And whereas it is expedient to make further provision for the regulation and management of lighters barges and boats tugs and vessels and floats of timber (in this Act referred to generally as "craft") resorting to entering or about to enter or being in any dock basin lock or cut of the Company or within the limits of the exercise of the harbour master's jurisdiction prescribed by any Act or Acts relating to the Company and to confer further powers upon the Company and their dock masters and other officials and servants in connection therewith and that provision be made requiring persons in charge of any craft to give such information as hereinafter in that behalf specified to dock masters of the Company and their assistants and that persons withholding such information or giving false information be made liable to penalties:

And whereas plans showing the lands which may be taken compulsorily under the powers of this Act with a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited with the clerks of the peace for the counties of Essex and London and the same respectively are in this Act 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 King'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:—

1. This Act may be cited as the London and India Docks Company (Various Powers) Act 1902. Short title.

2. The Lands Clauses Acts and the provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to recovery of damages not specially provided for and of penalties and to the determination of any other matter referred to justices or the sheriff are so far as applicable and except where expressly varied by this Act incorporated with and form part of this Act. Incorporation of general Acts.

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Interpreta-
tion.

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.

Power to
purchase
lands.

4. Subject to the provisions of this Act the Company in addition to any other lands which they are by any previous Act authorised to acquire may enter upon take and use by compulsion or agreement and may hold and use for any purposes of their undertaking and as if the same had been included within the limits of deviation shown upon the plans of 1901 the lands tenements or hereditaments hereinafter described (that is to say):—

- (A) A piece of land situate in the parish of West Ham in the county borough of West Ham in the county of Essex and lying between Parker Street and the east side of Leonard Street;
- (B) Lands and buildings situate partly in the parish of West Ham aforesaid and partly in the parish of East Ham in the urban district of East Ham in the same county and lying between Wilton Street and Drew Road including the said Wilton Street and part of Tate Road and extending from Leonard Street to a point opposite the schools in Drew Road;
- (C) Lands and buildings situate in the parish of East Ham in the urban district of East Ham in the county of Essex lying between Storey Street and the Woolwich Manor Way including Staveley Road and parts of Glenister Street and Robert Street in the rear of the houses fronting the north side of Elizabeth Street; and
- (D) A piece of land situate in the parish of Woolwich in the metropolitan borough of Woolwich in the county of London lying on the east side of the Woolwich Manor Way and adjoining lands belonging to the War Department fronting the River Thames.

Power to
stop up
roads &c.

5. The Company may stop up and discontinue for public and other traffic such parts of the roads and streets hereinafter mentioned as are comprised within the limits marked on the said deposited plans as “limit of lands to be acquired” (that is to say):—

Wilton Street Leonard Street Preston Street and Tate Road in the parishes of West Ham and East Ham aforesaid or one of them and Staveley Road Glenister Street and Robert Street in the parish of East Ham aforesaid :

And upon the stopping up of such parts of the said roads and streets all public and private rights of way or other rights in the

parts of such roads or streets so stopped up shall be by this Act vested in the Company Provided that no part of any such road or street shall be stopped up unless the Company are owners in possession of all houses and lands in or abutting upon the part of the road or street to be so stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree. A.D. 1902.

6. The Company shall make full compensation to all parties interested in respect of all private rights of way or other private rights (if any) which by this Act are extinguished or interfered with and such compensation shall be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement and for that purpose any and every right so extinguished or interfered with shall be deemed to be an interest in land. Compensation to be made in respect of private rights extinguished.

7. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of London for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerks of the peace for the counties of London and Essex and duplicates thereof shall also be deposited with the town clerk of the county borough of West Ham the town clerk of the metropolitan borough of Woolwich and the clerk of the urban district council of East Ham and such certificate and duplicates respectively shall be kept by such clerks of the peace town clerks and clerk of the district council with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate. Correction of errors &c. in deposited plans and book of reference.

8. The powers of the Company 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. Period for compulsory purchase of lands.

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Extinguishing powers of Company under previous Acts for purchase of additional lands.

9.—(1) The powers of all previous Acts whereby the Company or any other or others of the companies named in the Act of 1900 whose undertakings or parts of whose undertakings are now vested in the Company were or was authorised to purchase or acquire additional lands for purposes relating to or in connection with such Acts or undertakings respectively other than purposes of works specifically authorised by such Acts respectively are by this Act repealed and extinguished.

Power to acquire further lands by agreement.

(2) The Company may purchase but by agreement only and may hold and use for any of the purposes of their undertaking any further or other lands not exceeding in the whole two hundred and fifty acres Provided that the Company shall not create or permit a nuisance on any such last-mentioned lands.

Power to take easements &c. by agreement.

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 persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges 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.

Restrictions on displacing persons of labouring class.

11.—(1) The Company shall not under the powers of this Act purchase or acquire in any metropolitan borough or in the city of London twenty or more houses or outside the administrative county of London in any borough or other urban district and elsewhere than in any borough or urban district any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be 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 in the case of London of the Secretary of State for the Home Department or in any other case of the Local Government Board 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 Secretary of State or as the case may be the Local Government Board 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 Secretary of State or as the case may be the Local Government Board for the carrying out of the scheme.

(2) The approval of the Secretary of State or as the case may be the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Secretary of State or as the case may be the Local Government Board have approved of any such scheme they 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 Secretary of State or as the case may be the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

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

(5) If the Company acquire or appropriate 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 Secretary of State or as the case may be the Local Government Board 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.

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(6) For the purpose of carrying out any scheme under this section the Company may appropriate any lands or houses for the time being belonging to them or which they have power to acquire and may purchase such further lands or houses as they may require and for the purpose of any such purchase sections 176 and 297 of the Public Health Act 1875 shall be incorporated with this Act and shall apply to the purchase of lands outside London by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a local authority within the meaning of the Public Health Act 1875 and the scheme were one of the purposes of that Act.

(7) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of 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 Secretary of State or as the case may be the Local Government Board may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as they may see fit.

(8) All buildings erected or provided by the Company in London for the purpose of any scheme under this section shall be subject to the provisions of the London Building Act 1894 (Local) and any other Act or Acts relating to buildings in the County of London.

(9) Notwithstanding anything to the contrary in section 157 of the Public Health Act 1875 outside London the provisions of that section and of section 155 of the same Act and section 3 of the Public Health (Buildings in Streets) Act 1888 shall apply to buildings erected outside London or provided by the Company for the purpose of any scheme under this section.

(10) The Secretary of State may direct any inquiries to be held by any persons appointed by him as inspectors and the Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section or to the carrying out of any such scheme and for giving effect to any of the provisions of this section and the Secretary of State may appoint or employ inspectors for the purposes of any such inquiry and such inspectors shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(11) The Company shall pay to the Secretary of State any expenses incurred by him in relation to any inquiries under this section and shall also pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including in each case the expenses of any witnesses summoned by the inspector and a sum to be fixed by the Secretary of State or as the case may be the Local Government Board for the services of such inspector not exceeding in the case of an inspector appointed by the Local Government Board three guineas a day.

(12) Any houses purchased or acquired by the Company for or in connection with any of the purposes of this Act whether purchased or acquired in exercise of the powers conferred by this Act or otherwise and whether before or after the passing of this Act which may have been occupied by persons of the labouring class within five years before the passing of this Act and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Secretary of State or as the case may be the Local Government Board under the powers of any previous Act relating to 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 Secretary of State or as the case may be the Local Government Board 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 Secretary of State or as the case may be the Local Government Board they might have been sufficient to accommodate.

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(13) For the purposes of this section the expression "labouring class" in this section means 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 of such persons who may be residing with them and the word "house" means any house or part of a house occupied as a separate dwelling and includes the site of any house which on the fifteenth day of December last was or has been since that day or shall hereafter be occupied by persons belonging to the labouring class as tenants or lodgers.

As to appli-
cation of
London
Building
Act 1894
&c.

12. The London Building Act 1894 and any Act amending the same shall (subject to any general or special exemptions in favour of dock companies therein contained) apply to the execution of any works by the Company on any lands in the administrative county of London acquired or held under the provisions of this Act.

Amending
Act of 1901.

13. Section 33 of the Act of 1901 is hereby repealed and after the passing of this Act section 34 of the Act of 1901 shall be read and have effect as if the words "the road to be constructed under" "the powers of this Act by way of said diversion shall vest in and" "shall thenceforth be repaired and maintained by the proper" "road authority and" had not been inserted therein and section 27 of the Act of 1901 shall be read and have effect as if after the words "so much of the site of the existing road as lies to the north" the words "and for a distance of ninety feet to the south" had been inserted therein and as if after the words "shall become the property of the Company" the following words had been inserted therein "freed and discharged from all public and private rights of way or other rights over or affecting the same."

Repealing
section 54 of
Act of 1864.

14. Section 54 of the London and St. Katharine's Docks Act 1864 is by this Act repealed and the votes of the proprietors of the Company at any general or special meetings of the Company may be given subject to the regulations contained in section 74 of the London and St. Katharine's and East and West India Docks Act 1888.

Amending
and in-
corporating
section 22 of
Act of 1879.

15. From and after the passing of this Act section 22 of the East and West India Dock Company's Act 1879 shall be read and have effect as if in lieu of the words "by the principal Act" the words "by any Act relating or applying to the Company" had been

inserted therein and as so altered is incorporated with and shall form part of this Act. A.D. 1902.

16.—(1) Except by permission of the dock master and in such positions as he may from time to time appoint no craft shall be made fast to or remain alongside of any pier head at the dock. Further provisions for regulation &c. of craft.

(2) Except by written permission of the dock master and for such period only as he may authorise no craft without at least one able-bodied person on board and in charge thereof shall lie within the prescribed limits from the time of low water to the time of high water nor at any time after high water during which the work of docking or undocking vessels or craft is being carried on at the dock.

(3) No craft shall lie within the prescribed limits or as the case may be in any particular position within the same after any person in charge thereof shall have been directed by the dock master to remove such craft outside the prescribed limits or as the case may be to some other position within such limits appointed by the dock master.

(4) Nothing in the preceding subsections of this section shall extend to prevent any craft from lying at or alongside of any wharf ship or vessel within the prescribed limits for the purpose of loading or discharging so nevertheless as not in the opinion of the dock master to impede or obstruct the entrance into or departure from the dock nor shall anything in this Act prejudice or interfere with the powers of the Conservators of the River Thames or of their harbour masters.

(5) No craft without any person on board shall be adrift or not properly and securely moored within the dock.

(6) The owner and also the person in charge of any craft which does not comply with the foregoing provisions of this section shall be liable to a penalty not exceeding five pounds unless in the case of non-compliance with the provisions of subsection (5) of this section it be proved by him that such non-compliance did not arise from nor was caused by the act neglect or default of such owner or any person employed by such owner. Provided that no penalty shall be incurred under subsection (1) of this section if from the time of low water to the time of high water and at all times after high water during which the work of docking or undocking vessels or craft is being carried on at the dock there is a person on board and in charge of such craft and if such person shall immediately on being required by the dock master to do so remove such craft from or from alongside any pier-head at the dock. Provided also that

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(7) The dock master may refuse to admit into any dock or any lock of any dock any craft which is without any person on board or is not equipped with all proper and usual appliances for the safe navigation thereof and may if he think fit place a servant or servants of the Company on board any such craft within the prescribed limits or within any lock cut or entrance of the dock or the approaches thereto and may cause such craft to be moored or removed as he may think fit and the reasonable charge for such mooring or removal shall be recoverable in a court of summary jurisdiction by the Company as a civil debt from the owner of such craft.

(8) Whenever in the opinion of the dock master the admission departure or movement of any ship or other vessel into from or within the dock is being or is likely to be hindered or delayed by the manner in which any craft is lying or being navigated to or from or within any basin lock cut or entrance of the dock or within the prescribed limits the dock master may direct or cause such craft to be towed or removed as he may think fit and the reasonable charge for such towage or removal (not exceeding ten shillings) shall be recoverable in a court of summary jurisdiction by the Company as a civil debt from the owner of such craft. Craft so removed while actually using the dock in such circumstances as would entitle such craft to exemption from dock rates shall be deemed for all purposes to be in continuous attendance at the ship or quay from which they were removed.

(9) Whenever requested by the dock master every person who is on board or in charge of any craft in the dock or within the prescribed limits shall forthwith truly state his own name and residence and (if known to him) the name and place of business of his employer and the name and residence of the person in charge of such craft under a penalty not exceeding forty shillings for each offence.

(10) The person in charge of any craft entering the dock shall before leaving the entrance lock truly state in writing to the dock master the name of the ship quay berth or place in the dock for which such craft is bound and give all other information that may reasonably be required by the Company as to the business in respect

of which such craft is so entering the dock in default whereof such person shall be liable to a penalty not exceeding five pounds for each offence and the dock master may refuse to allow such craft to enter the dock or may remove or moor and detain the same therein in such position as he may think fit or may remove the same beyond the prescribed limits and the reasonable charge for such mooring detention and removal shall be recoverable in a court of summary jurisdiction by the Company as a civil debt from the owner of such craft. Provided that if the dock master shall under the powers of this subsection refuse to allow any craft to enter the dock or remove the same beyond the prescribed limits he shall if required in writing to do so by the owner of the craft within twenty-four hours afterwards state in writing within twenty-four hours from the receipt by him of such request his reasons for such refusal or removal as the case may be.

(11) All offences fines penalties forfeitures costs and expenses under this section of this Act may at the option of the Company be prosecuted or recovered in manner directed by the Summary Jurisdiction Acts. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

(12) If any dock master as defined by this Act without reasonable cause or in an unreasonable or unfair manner exercise any of the powers or authorities vested in such dock master by this Act then in addition and without prejudice to any right of action against the Company for damages or otherwise he shall for every such offence be liable to a penalty not exceeding five pounds.

(13) In this section—

The word “dock” means any dock of the Company and any part of any dock;

The word “craft” includes lighter barge boat tug and vessel of every description other than passenger steamers and ocean going ships and whether used for navigation or otherwise on the water and any float of timber;

The word “owner” in the case of craft proved to be let on hire means the person to whom the same is so let;

The expression “the prescribed limits” means the distance measured from the dock or other local limits beyond the dock within which the powers of the dock master for the regulation of such dock are by the Acts relating to such dock authorised to be exercised and includes in the case of the Tilbury dock the tidal basin of such dock;

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The expression "dock master" used with reference to a dock shall denote the dock master of such dock and shall include his deputies and assistants appointed for the purposes of this section by resolution of the board of directors of the Company. A copy of such resolution shall be forwarded to the Corporation of the Trinity House of Deptford Strond.

Provision in case of future purchase of undertaking.

17. If the undertaking of the Company is purchased within seven years from the passing of this Act otherwise than by agreement by any public body or trustees the Company shall not be entitled to make any claim in respect of the powers conferred on the Company by this Act or to bring into account any sums expended in the purchase of any lands which the Company are by this Act authorised to enter upon take or use or in the execution of any works constructed thereon exceeding the amount of the capital expenditure properly incurred in the purchase of such lands and the carrying out of those works together with interest at the rate of four per centum per annum on that amount up to the time of the completion of the works or the date of the purchase whichever first happens.

For protection of Gas Light and Coke Company.

18. The provisions of section 30 (For protection of Gas Light and Coke Company) of the Act of 1901 with regard to all works matters or things which under the provisions of that Act the Company may be empowered or required to do or execute with reference to the mains pipes syphons or other works of the Gas Light and Coke Company shall extend and apply to all such works matters or things done or executed by the Company on lands which the Company may acquire under the powers of this Act and to the exercise of the powers of this Act in reference to the stopping up of roads and streets.

General provisions for protection of East London Waterworks Company.

19. For the protection of the East London Waterworks Company the following provisions shall have effect (that is to say):—

- (1) Before stopping up under the powers of this Act any street or place in or under which any mains pipes plugs or other works (hereinafter called "apparatus") of the East London Waterworks Company (hereinafter referred to as "the water company") are situate the Company shall give at least fourteen days notice in writing to the water company of their intention so to do together with a description of any works proposed to be executed for disconnecting any such apparatus from the mains of the Company describing the proposed manner of executing the same :

If it should appear to the water company that any such works will interfere with or endanger any of their apparatus or impede the supply of water the water company may give notice to the Company to lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and to lay or place under any apparatus cement concrete or other like substances and any difference as to the necessity of such lowering alteration support substitution laying or placing cement concrete or other like substance shall in case of difference be settled as hereinafter provided and all such works shall be done and executed by and at the expense of the Company but to the satisfaction and under the superintendence of the engineer of the water company and the reasonable costs charges and expenses of such superintendence shall be paid by the Company And if the water company by notice in writing to the Company within seven days after the receipt by them of such notice from the Company so require the water company may by their own engineer or workmen do and execute such works and the Company shall on the completion thereof pay to the water company the reasonable expenses incurred by them in the execution thereof to be recovered against the Company in any court of competent jurisdiction :

- (2) In the event of such descriptions so delivered to the water company as aforesaid not being objected to within fourteen days the said works shall be executed in strict accordance therewith :
- (3) The water company may if they deem fit employ watchmen or inspectors to watch and inspect the said works if executed by the Company during their construction and the reasonable wages of such watchmen or inspectors shall be borne by the Company and be paid by them to the water company to be recovered against the Company in any court of competent jurisdiction :
- (4) If any interruption in the supply of water by the water company shall without their written authority be in any way occasioned by the Company or by the act or acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay to the water company for the use and benefit of the water company a sum not exceeding ten pounds for every hour during which such interruption shall continue

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such sum to be recovered by the water company against the Company in any court of competent jurisdiction :

- (5) When the Company stop up under the powers of this Act any such street or place as aforesaid they shall either take up and deliver to the water company any apparatus of that company in or under such street or place or shall pay to the water company the value thereof to be ascertained in case of difference by arbitration as hereinafter provided :
- (6) If any difference shall arise with respect to any matter under this section between the Company or their engineer on the one part and the water company or their engineer on the other the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers Such arbitration and every such reference shall be treated as a reference under the Arbitration Act 1889.

For protec-
tion of Cor-
poration of
West Ham.

20. For the protection of the mayor aldermen and burgesses of the county borough of West Ham (in this section referred to as "the corporation") the following provisions shall have effect unless otherwise agreed in writing between the corporation and the Company (that is to say) :—

- (1) If the Company under the powers conferred upon them by this Act acquire any lands houses or buildings in the county borough and the amount of any general district rate levied in the county borough by the corporation in respect of such lands houses or buildings shall in any year be less than the amount of such rate leviable during the year one thousand nine hundred and one in respect of such lands houses or buildings by reason of such lands houses or buildings being acquired by the Company for the purposes of this Act the Company shall from time to time on demand make good such deficiency by payment thereof to the corporation until the works or buildings for the purposes or construction of which the lands houses or buildings are acquired shall be completed and liable to be assessed to such rate :
- (2) The Company shall to the reasonable satisfaction of the engineer of the borough make good all sewers drains and pipes so far as necessary for the drainage of any houses and buildings in the county borough not acquired by the Company under the powers of this Act which shall be broken up damaged or disturbed by the Company in the exercise of any of the powers

by this Act granted or provide instead other proper and sufficient sewers drains and pipes Provided that if any question shall arise as to the reasonableness of any requirements of the said engineer under this subsection such question shall unless otherwise agreed be determined by an arbitrator to be appointed on the application of either party by the President of the Institution of Civil Engineers.

A.D. 1902.

21. Nothing in this Act shall exempt the docks and works by this Act authorised or the Company from the provisions of the Merchant Shipping Act 1894 or any general Act relating to docks or dues on shipping or on goods carried in ships already passed or to 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 dues leviable by the Company.

Reservation
of Merchant
Shipping
Acts and
general Acts.

22. 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.

Expenses of
Act.

Printed by EYRE and SPOTTISWOODE,
FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

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