



## CHAPTER xxvii.

An Act to authorise the Sutton Bridge Dock Company A.D. 1880.  
to construct new works at Sutton Bridge in the parts  
of Holland, in the county of Lincoln; and for other  
purposes. [29th June 1880.]

**W**HEREAS by the Sutton Bridge Dock Act, 1875, (herein-after 38 & 39 Vict.  
called "the Act of 1875,") the Sutton Bridge Dock Company c. ccvii.  
(herein-after called "the Company") were incorporated with a  
share capital of one hundred thousand pounds, and power to bor-  
row not exceeding thirty-three thousand three hundred pounds,  
and to make and maintain the dock and works in the said Act  
mentioned :

And whereas by the Sutton Bridge Dock Act, 1876, (herein-after 39 & 40 Vict.  
called "the Act of 1876,") the Company were authorised to con- c. lxxxviii.  
struct the railway and works therein described, and to raise a  
further sum of fifteen thousand pounds in shares and to borrow a  
further sum of five thousand pounds, and the Company were em-  
powered to apply to the purposes of the last-mentioned Act any  
moneys which they were authorised to raise by virtue of any Act  
relating to the Company :

And whereas the Company have raised the whole of the share  
capital authorised by the Act of 1875, and have borrowed on mort-  
gage of their undertaking the sum of two thousand seven hundred  
pounds, and they have made considerable progress with the works  
by that Act authorised, and have expended upon the works by that  
Act and by the Act of 1876 authorised the sum of ninety-three  
thousand seven hundred and seventy-two pounds :

And whereas the railway by the Act of 1876 authorised has been  
completed and opened for public traffic, but it is not intended for  
the present to adapt or utilise the same for the public conveyance  
of passengers :

And whereas, in pursuance of a warrant or order under the hand  
of one of the clerks of the Private Bill Office of the House of Com-

A.D. 1880. — mons, bearing date the twelfth day of January one thousand eight hundred and seventy-five, a sum of three thousand three hundred and nine pounds three pounds per centum consolidated bank annuities was transferred by George Frederick Young, with the privity of the Paymaster-General of the Court of Chancery in England, into the Bank of England to the credit of ex parte the undertaking of the Sutton Bridge Dock Bill, 1875 :

And whereas it was enacted by the Sutton Bridge Dock Act, 1875, section forty, that the sum of one hundred and nine pounds three pounds per centum consolidated bank annuities, being part of the said sum of three thousand three hundred and nine pounds three pounds per centum consolidated bank annuities, should not be paid or transferred to the said George Frederick Young unless the Company should, previously to the expiration of the period by that Act limited, either open the railway authorised by that Act for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company had paid up one half of the amount of the capital by that Act authorised to be raised by means of shares, and had expended for the purposes of that Act a sum equal in amount to such one half of the said capital :

And whereas, in pursuance of a warrant or order under the hand of one of the clerks in the Private Bill Office of the House of Commons, bearing date the twelfth day of January one thousand eight hundred and seventy-six, a sum of three hundred and seventy-seven pounds cash was paid by George Frederick Young, with the privity of the Paymaster-General of the High Court of Justice (Chancery Division), into the Bank of England to the credit of the Sutton Bridge Dock Bill, 1876 :

And whereas the said sum of three hundred and seventy-seven pounds has since been invested, under an order of the said Chancery Division bearing date the fourth day of February one thousand eight hundred and seventy-six, in the purchase of three hundred and ninety-two pounds four shillings three pounds per centum consolidated bank annuities, and the said two sums of one hundred and nine pounds and three hundred and ninety-two pounds four shillings consolidated bank annuities are now vested in the Company under and by virtue of an indenture bearing date the seventh day of May one thousand eight hundred and seventy-nine, and made between the said George Frederick Young of the one part, and the Company of the other part, and it is expedient that provision should be made for the transfer or payment out of the said two sums to the Company, or as they shall direct :

And whereas it is expedient that the Company should be empowered to extend the area of their dock, as authorised by the

Act of 1875, by the construction and maintenance of the extension and works by this Act authorised: A.D. 1880.

And whereas the Great Northern Railway Company (herein-after called the Great Northern Company) have, under the powers conferred upon them by the Great Northern Railway (Transfer, &c.) Act, 1878, (herein-after called the Act of 1878,) subscribed a sum of twenty thousand pounds towards the undertaking of the Company, and it is expedient that they should have power to subscribe a further sum towards the said undertaking: 41 & 42 Vict.  
c. cli.

And whereas it is expedient that the Company on the one hand, and the Great Northern Company on the other hand, should be empowered to enter into traffic and working arrangements:

And whereas it is expedient that the time limited by the Act of 1875 for completion of the works by that Act authorised should be extended:

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

And whereas plans and sections of the said intended extension and works, and also a book of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the parts of Holland, in the county of Lincoln, and are herein-after respectively referred to as the deposited plans, sections, and book of reference:

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

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

1. This Act may be cited as the Sutton Bridge Dock Act, Short title.  
1880.

2. The clauses and provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following matters; (that is to say,) Provisions  
of certain  
Public Acts  
incorporated.

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;

8 & 9 Vict.  
c. 16.



A.D. 1880.

The remedies of creditors of the Company against the shareholders ;  
 The conversion of 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 ;

26 & 27 Vict.  
 c. 118.  
 8 & 9 Vict.  
 c. 18.  
 23 & 24 Vict.  
 c. 106.  
 32 & 33 Vict.  
 c. 18.  
 26 & 27 Vict.  
 c. 92.

and 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 Consolidation Acts, 1845, 1860, and 1869, Part III. (relating to working agreements) of the Railways Clauses Act, 1863, and the Harbours, Docks, and Piers Clauses Act, 1847, are (except where expressly varied by this Act) incorporated with and form part of this Act: Provided always, that the word railway in the Railways Clauses Act, 1863, shall, for the purposes of this Act, be deemed to mean and include the undertaking of the Company as herein-after defined: Provided further, that the provisions of the Harbours, Docks, and Piers Clauses Act, 1847, with respect to life-boats, and with respect to providing a tide or weather gauge, shall not be in force for the purposes of this Act, except so far as may from time to time be required by the Board of Trade.

10 & 11 Vict.  
 c. 27.

Interpreta-  
 tion of terms.

**3.** In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. The expression "the Company" means the Sutton Bridge Dock Company. The expression "the dock" means and includes the dock, cut, staiths, shipping-places, quays, wharves, warehouses, cranes, and other works connected therewith by the Act of 1875 authorised to be constructed. The expression "the extension" means the extension of the dock and the works connected therewith by this Act authorised to be constructed. The expression "the undertaking" means the dock and railways and the undertaking of the Company, including the extension. And for the purposes of this Act the expression "superior courts," or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall 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 exten-  
 sion of dock.

**4.** Subject to the provisions of this Act, the Company may make and maintain, in the line and according to the levels shown on the deposited plans and sections, the extension herein-after de-

scribed, with all proper gates, sluices, sewers, drains, pipes, jetties, quays, wharves, landing-places, stages, staiths, drops, slips, stairs, walls, bridges, embankments, warehouses, tramways, sidings, stations, roads, approaches, communications, and other conveniences connected therewith respectively, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for that purpose. The extension herein-before referred to and authorised by this Act is :

A.D. 1880.

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An extension of the wet dock (1) authorised by the Act of 1875, five acres or thereabouts in extent, to be constructed partly on land belonging or reputed to belong to the President and Governors of Guy's Hospital, and partly on land belonging or reputed to belong to Henry Hampden English, and numbered respectively on the tithe map of the parish of Sutton Saint Mary, in the parts of Holland, in the county of Lincoln aforesaid, 1,551, 1,552, 1,553, 1,554, 1,556, 1,557, 1,558, and 1,561.

5. Previously to commencing the extension the Company shall deposit at the office of the Board of Trade plans and sections and working drawings of the extension for the approval of the said Board, such approval to be signified in writing under the hand of the secretary of the said Board, and such extension shall be constructed only in accordance with such approval, and when such extension shall have been commenced or constructed it shall not be lawful for the Company at any time to alter or extend the same without obtaining previously to making any such alteration or extension the like consent or approval ; and if the extension shall be commenced or completed or be altered, extended, or constructed contrary to the provisions of this Act, it shall be lawful for the Board of Trade to abate, alter, and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs of action.

Plans, &c. of dock to be approved by Board of Trade.

6. If at any time or times it shall be deemed expedient by the Board of Trade to order a local survey and examination of the extension, the Company shall defray the costs of every such local survey and examination, and the amount thereof shall be a debt due to Her Majesty from the Company, and if not paid upon demand may be recoverable as a debt due to the Crown, with costs of action, or may be recovered, with costs, as a penalty is or may be recoverable from the Company.

Board of Trade may order local survey.

7. If any work to be constructed by the Company shall be

Board of Trade may



A.D. 1880.  
abate abandoned works.

abandoned or suffered to fall into disuse or decay, it shall be lawful for the Board of Trade to abate and remove the same or such part or parts thereof as they may at any time deem fit and proper, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs of action.

Tolls, &c.

8. The Company may demand and receive for and in respect of the extension the same tolls, rates, and charges as they are now by the Act of 1875 authorised to demand and receive for and in respect of the dock.

For the purposes of rates, rents, and dues, and (subject to the provisions of this Act) for all other purposes, the works by this Act authorised and the lands taken for the purposes of this Act shall be part of the undertaking of the Company, as if the same had been constructed, executed, and taken under the powers of the Act of 1875, and for the purposes aforesaid this Act and the Act of 1875 shall be taken and read as one Act.

Power to deviate.

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

Company may raise additional capital.

10. The Company may, subject to the provisions of Part II. of the Companies Clauses Act, 1863, from time to time raise, in addition to the sums of money which they are already authorised to raise, any further sums not exceeding in the whole thirty-five 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, which shares or stock shall, subject to the provisions of this Act, form part of the general capital of the Company, and the Company may assign to such new shares or stock or any part thereof, and also to any capital authorised by but not issued under the Acts of 1875 and 1876, or either of them, a preferential dividend not exceeding six pounds per centum per annum.

Company may attach preference to re-issued shares or stock.

11. The Company may, subject to the clauses and provisions of the Companies Clauses Act, 1863, with reference to the creation and issue of preference shares or stock, upon re-issue of any stock or shares which they are or may be from time to time entitled to redeem, attach thereto any preferential dividend not exceeding six pounds per centum per annum.

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

A.D. 1880.  
Shares not to vest until fifth part paid up.

13. Except as is by this Act otherwise provided, the capital in new shares created by the Company under this Act, and the new shares 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 were shares in that capital. The capital in new shares so created shall form part of the capital of the Company.

Except as otherwise provided, new shares to be subject to same incidents as ordinary shares.

14. Every person who becomes entitled to new shares created by the Company under this Act shall in respect of the same be a holder of shares in the Company, and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Dividends on new shares.

15. Except as otherwise expressly provided by the resolution creating the same, no person shall be entitled to vote in respect of any new or re-issued shares to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares or stock.

16. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in the capital by this Act authorised to be raised into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share," but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Power to divide shares.

17. All clauses, powers, and provisions contained in the Acts of 1875 and 1876 with reference to the dividends on, the registration of, and certificates for, and the forfeiture, cancellation, or surrender of half shares under those Acts respectively, shall apply to all half shares under this Act, as if the said clauses, powers, and

Provisions as to dividends on and registration, &c. of half shares.



A.D. 1880.

provisions had been re-enacted in this Act, and the several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions hereinbefore mentioned in the Acts of 1875 and 1876 respectively contained) shall confer and have all such other rights, qualification, privileges, liabilities, and incidents as attach and are incident to an entire share.

Power to  
borrow on  
mortgage.

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



A.D. 1880.

**19.** Every provision in any Act relating to the Company passed before the present session of Parliament, by which the mortgagees of the Company are empowered to enforce payment of principal or interest, or principal and interest, due on their mortgages by the appointment of a receiver, is by this Act repealed, but without prejudice to any appointment heretofore made or to the continuance of any proceedings which may have been commenced under any such provisions prior to the passing of this Act.

Repeal of provisions of former Acts with respect to appointment of receiver.

**20.** The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. 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 four thousand five hundred pounds in the whole.

Appointment of receiver.

**21.** The Company may create and issue debenture stock, subject to the provisions of Part III. of the Companies Clauses Act, 1863, but, notwithstanding anything therein contained, the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

Power to create debenture stock.

**22.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act and the general purposes of the Company only; and the Company may, with the consent in writing of the Great Northern Railway Company under the hand of their secretary, apply to the purposes of this Act any of the moneys which they now have in their hands, or which they have powers to raise by shares, debenture stock, or borrowing, by virtue of any Act other than this Act relating to the Company, and which may not be required for the purposes to which they are by any such Act made specially applicable.

Application of moneys.

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

Period for compulsory purchase of lands.

**24.** If the extension is not completed within five years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing the extension, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed.

Period for completion of works.

A.D. 1880.

Extension  
of time for  
completion  
of dock, &c.

**25.** The period limited by the Sutton Bridge Dock Act, 1875, for completion of the dock, cut, railway, and works by that Act authorised is by this Act extended for a period of five years from the eleventh day of August one thousand eight hundred and eighty, and on the expiration of such extended period the powers granted to the Company for executing the said dock, cut, railway, and works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to  
Great  
Northern  
Company  
to subscribe  
to the under-  
taking of the  
Company.

**26.** The Great Northern Company may, with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting specially convened for the purpose, from time to time, and in addition to any sum or sums which they may have already subscribed or may have power to subscribe, lend to the Company on mortgage any sum which they think fit, not exceeding in the whole thirty-five thousand pounds, and may for that purpose apply any moneys which they are already authorised to raise and which may not be required by them for the purposes of their undertaking: Provided that nothing herein contained shall enable the Company to raise on mortgage of their undertaking, or by debenture stock, any larger sum than they are by the Acts of 1875 and 1876 and by this Act authorised to raise upon mortgage: Provided always, that the Great Northern Company shall not sell, dispose of, or transfer any mortgage in the Company for which they may subscribe.

Power for  
Great  
Northern  
Company  
to enter into  
working and  
traffic  
arrange-  
ments.  
36 & 37 Vict.  
c. 73.

**27.** The Company on the one hand, and the Great Northern Company on the other hand, may from time to time (subject to the provisions of Part III. of the Railways Clauses Act, 1863, as amended or varied by the Regulation of Railways Act, 1873,) enter into any agreement with respect to the following purposes or any of them; (that is to say,)

The use, working, and occupation by the Great Northern Company of all or any or of any part of the undertaking of the Company:

The use by the Company of any part of the undertaking of the Great Northern Company:

The conveyance by the Great Northern Company of traffic upon or over the undertaking of the Company or any part thereof:

The division and apportionment between the two companies of the receipts arising from such last-mentioned traffic:

The supply by the Great Northern Company during the continuance and for the purposes of any such agreement of any rolling or working stock required for working such traffic:

The forwarding, interchange, transmission, collection, delivery, and general conduct of traffic: A.D. 1880.

The management, maintenance, and repair of the undertaking of the Company or any part or parts thereof:

The apportionment and payment of the costs and expenses of such working, management, maintenance, and repairs.

**28.** During the continuance of any agreement to be entered into under the last preceding provisions of this Act, the railways of the Company and of the Great Northern Company shall for the purposes of short-distance tolls and charges be considered as one railway, and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railways of the Company and partly on the railways of the Great Northern Company for a less distance than three miles, tolls and charges may only be charged as for three miles; and in respect of passengers, for every mile or fraction of a mile beyond three miles, tolls and charges as for one mile only; and in respect of animals and goods, for every quarter of a mile or fraction of a quarter of a mile beyond three miles, tolls and charges as for a quarter of a mile only, and no other short-distance charge shall be made for the conveyance of passengers, animals, or goods partly on the railways of the Company and partly on the railways of the Great Northern Company.

Tolls on traffic conveyed partly on railways of the Company and partly on railways of the Great Northern Company.

**29.** Notwithstanding anything in the Acts of 1875 and 1876, or either of them, contained, the Chancery Division of the High Court of Justice may and shall, on the application of the Company by petition in a summary way, order that the respective sums of one hundred and nine pounds and three hundred and seventy-nine pounds four shillings consolidated three pounds per centum bank annuities now respectively standing in the books of the Bank of England to the credit of ex parte the undertakings of the Sutton Bridge Dock Bill, 1875, and the Sutton Bridge Dock Bill, 1876, respectively, and the interest and dividends thereof respectively, shall be transferred and paid to the Company or to any other person or persons whom they may appoint in that behalf.

Release of deposit.

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

Interest not to be paid on calls paid up



A.D. 1880.

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Saving  
Merchant  
Shipping  
Acts, &c.

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

Expenses of  
Act.

**32.** All the 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.