



CHAP. xii.

An Act for extending the time for the construction by the North London Railway Company of certain works connected with their railway; and for granting various additional powers to the Company. A.D. 1871.
[25th May 1871.]

WHEREAS by "The North London Railway (Additional Powers) Act, 1864," the North London Railway Company (in this Act called "the Company") were authorised to construct and maintain certain additional bridges over the London and Blackwall Railway, and a new dock or basin at the terminus of their railway near the West India Docks, to be completed within five years from the passing of such Act; and it was provided that such new dock or basin was not to be opened for public use, or the water admitted thereto from the then existing railway dock, until the Company had constructed and opened for public use a cut from such existing railway dock eastward into the Thames, between Blackwall Stairs and Northumberland Wharf: 27 & 28 Vict.
c. ccxvi.

And whereas by "The North London Railway Act, 1865," the Company were empowered to make and maintain such new cut, to be completed within five years from the passing of the Act now in recital: 28 & 29 Vict.
c. lxxii.

And whereas by two several warrants issued by the Board of Trade, under the authority of "The Railways Extension of Time Act, 1868," and respectively bearing date the ninth day of March one thousand eight hundred and sixty-nine, the time for the completion of the aforesaid works by the Company was extended for the further period of two years from the respective dates appointed by the said two recited Acts: 31 & 32 Vict.
c. 18. (Pub.)

And whereas the Company have purchased; or given notice to purchase, the land required for the execution of the aforesaid works, but the same works have not yet been commenced, and it is expedient to give to the Company further time for their completion:

And whereas it is also expedient to empower the Company to

A.D. 1871. purchase or acquire, by compulsion or otherwise, and hold additional lands and houses in connexion with their undertaking, and also to alter and vary certain portions of the works authorised to be constructed by the Company under the powers of "The North London Railway Act, 1867 :"

30 & 31 Vict.
c. lxxviii.

And whereas plans and sections showing the lines and levels of the proposed alterations of works, and also plans showing the lands and houses which the Company may purchase under this Act, together with a book of reference to such plans, have been deposited with the clerk of the peace for the county of Middlesex, which plans and sections and book of reference are in this Act referred to as the deposited plans, sections, and book of reference respectively :

And whereas it is expedient to give powers to the Company to raise additional capital for the general purposes of their undertaking ; and also to repeal and amend certain provisions of the several Acts now in force relating to the Company, and to give them powers to hold certain property in perpetuity, and fuller powers of leasing and managing those portions of their property not actually occupied for the purposes of their railway :

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

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

Short title. 1. This Act may be cited for all purposes as "The North London Railway Act, 1871."

Provisions of general Acts herein named incorporated. 2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," "The Lands Clauses Consolidation Act, 1869," and "The Railways Clauses Consolidation Act, 1845," are (except where expressly varied by this Act) incorporated with and form part of this Act.

Extending certain provisions of 8 & 9 Vict. c. 16. and 26 & 27 Vict. c. 118. 3. Subject to the provisions of this Act, all the clauses and provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following matters ; (that is to say,)

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 by the Company on mortgage ;
 The conversion of the borrowed money into capital ;
 The consolidation of shares into stock ;
 The general meetings of the Company, and the exercise of the
 right of voting by the shareholders ;
 The making of dividends ;
 The giving of notices ; and
 The provision to be made for affording access to the special
 Act ;

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," shall
 extend and apply to the capital and moneys hereby authorised to be
 raised by shares or mortgage, and to the proprietors thereof.

4. In this Act the several words and expressions to which
 meanings are assigned by the Acts wholly or partially incorporated
 herewith shall have the same respective meanings, unless there be
 something in the subject or context repugnant to such construction ;
 the expression "the Company" shall mean the North London
 Railway Company ; the expression "the railway" shall mean the
 railway and works belonging to the Company ; the word "house"
 shall include shops, warehouses, and other buildings, with the yards,
 gardens, outbuildings, and appurtenances thereto ; and the expres-
 sion "superior courts," or "court of competent jurisdiction," or
 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 common
 simple contract debt, and not a debt or demand created by statute.

Interpreta-
 tion of
 terms.

5. In construing in connexion with this Act "The Railways
 Clauses Consolidation Act, 1845," the term "parish clerks" in the
 last-mentioned Act shall, as regards those parishes or extra-parochial
 places in which, by the standing orders of either House of Parlia-
 ment, plans, sections, and other documents are now required to be
 deposited with the vestry clerk, or with the clerk of the district
 board of works for the district in which the parish or extra-parochial
 place is included, mean, in the first case, the vestry clerks of those
 parishes, and, in the second case, the clerks of those district boards.

Definition of
 term "parish
 clerks."

6. The time for the completion of the several works relating to
 the new dock or basin at Poplar, and the new cut into the river
 Thames, and the bridges over the London and Blackwall Railway,
 severally authorised by the Company's Acts of 1864 and 1865,
 herein-before referred to, is extended for a period of three years from
 the passing of this Act.

Extension of
 time for com-
 pletion of
 new dock
 and cut into
 the river
 Thames at
 Poplar.

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Authorising
certain
deviations in
works at
Maria Street
and Plough
Yard.

7. It shall not be incumbent on the Company, in the execution of the works authorised by "The North London Railway Act, 1867," to make the deviations of Maria Street and Plough Yard respectively, in the parish of Saint Leonard, Shoreditch, in the county of Middlesex, as shown by the plans deposited for and referred to in such Act, but the widening of the Company's railway near the said street and yard respectively may be constructed according to the plans and sections deposited for this Act, and referred to in the preamble thereof, and the girders and other works for widening the Company's railway may be carried diagonally over a portion of Maria Street aforesaid, as shown on such last-mentioned plans and sections.

Power to
purchase
additional
lands.

8. The Company may, subject to the provisions of this Act, from time to time enter upon, take, use, and appropriate all or any of the lands and houses following, defined on the deposited plans and described in the deposited books of reference; (that is to say,)

Certain lands in the parish of Saint John, at Hackney in the county of Middlesex, lying south of the railway, and adjoining and to the west of a house and other property, belonging or reputed to belong to the Company, and now under lease to Messieurs Green and Branscombe:

Certain lands and houses in the parish of Saint Mary, Islington, in the same county, on the west side of Albert Street, and partly in the occupation of John Dennison, and partly of John Morrell:

Certain other lands and houses in the same parish, situate on the south-west side of and fronting the Holloway Road, and known as Numbers 49 and 51 in such road, and also the roadway running between the same houses:

Certain other lands and houses in the same parish, north of and near the railway, and on the east and west sides respectively of Crane Grove, and certain other lands lying at the rear of and adjoining the said houses on the west side of Crane Grove:

A certain house in the same parish, north of the railway, and known as Number 300, Liverpool Road, and also certain lands and buildings in the same parish, lying south of the railway, and on the east side of and fronting Liverpool Road aforesaid, and being part of the cattle sheds or lairs formerly known as Laycock's Dairy, and now in the occupation of Ellen Nicholls:

Certain lands and houses in the parish of Saint Pancras in the county of Middlesex, known as Numbers 24 and 25, Priory Street, and a way or passage adjoining Number 25, Priory Street, and running at the rear of that and several adjoining houses:

Provided that when and so soon as the Company have purchased all

interests in the said houses in Crane Grove, Islington, so much of the road known by that name as lies between the houses so purchased shall be vested in the Company, and may be appropriated and used by them. A.D. 1871.

9. 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. Powers for compulsory purchases limited.

10. So much of the land and buildings which the Company are by this Act authorised to purchase on the western side of Albert Street, in the parish of Saint Mary, Islington, in the county of Middlesex, as they shall not require for the purposes of improving their new station at Highbury, or otherwise in connexion with their undertaking, shall be thrown into the new road, now in course of formation, leading from the Upper Street to the Liverpool Road, and the Company shall at their cost pave and keep in repair, for the space of twelve months, the said portion of the said road in the manner provided for the substituted road by "The North London Railway Act, 1865," after the said road has been made to the satisfaction of the vestry, and shall thereafter be dedicated to the use of the public. Provision as to new road in the parish of Saint Mary, Islington.

11. The provisions of the one hundred and third section of "The Lands Clauses Consolidation Act, 1845," with respect to the payment of land tax and poor's rate, shall, as to any lands or property to be acquired under the authority of this Act, extend to all rates now chargeable upon property in the parish of Saint Mary, Islington. Provision as to land tax and poor's rate in respect of property in the parish of Saint Mary, Islington.

12. If the Company become possessed under the authority of this Act of any lands, houses, or buildings in the parish of Saint Pancras, which, previously to such acquisition thereof by the Company, were assessed to any parochial or other general or special rate, then and in such case, and from the time when the Company become so possessed of such lands, houses, or buildings, until the same or the site thereof or any works constructed thereon by the Company shall, either alone or together with other property belonging to the Company, and not now separately assessed to any such parochial or other general or special rate, become assessable as part of the Company's railway and works, or otherwise to an amount equal to or greater than the aggregate amount of the gross rateable value of the same lands, houses, and buildings, as assessed in the rate made for the said parish on the nineteenth day of October one thousand eight hundred and seventy, the Company shall be liable to make good to the said parish any deficiency in such assessment, notwithstanding any pulling down by them of the said houses or buildings, or other change in the condition of the property so acquired. Local rates to be made good in the parish of Saint Pancras.

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Power to raise additional capital by new shares.

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

Shares not to issue until one fifth paid up.

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

Votes of shareholders.

15. Unless the Company shall, by resolution at the meeting authorising the raising of such capital, otherwise determine, all new shares and stock in the Company created under the powers of this Act shall, in proportion to the aggregate nominal value of such shares or stock held by the same person at the same time, confer the like qualifications and right of voting as original stock of the same aggregate value would confer.

Power to London and North-western Railway Company to take their proportionate amount of new capital.

16. The London and North-western Railway Company (with the consent of three fifths at least of the votes of the shareholders of that Company present in person or by proxy at a general meeting of that Company specially convened for the purpose) may take and hold such proportion of the new shares in the undertaking of the Company, created by virtue of this Act, as they may be entitled to in respect of the shares now held by them in that undertaking, and may pay the amount of the calls from time to time made thereon out of any moneys now or hereafter under their control, and not required for the purposes for which the same were specially authorised to be raised: Provided that the London and North-western Railway Company shall not at any time hereafter sell, dispose of, or transfer any shares in the Company acquired by them under the provisions of this Act.

Power to borrow money on mortgage in respect of additional capital authorised by this Act.

17. The Company may from time to time borrow on mortgage any sums not exceeding in the whole eighty thousand pounds, in addition to the sums which they are already authorised to borrow, but no part thereof shall be borrowed until shares for the whole of the sum by this Act authorised to be raised by shares shall have been issued and taken up, and one half thereof shall have been paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that shares for all the capital which the Company are by this Act authorised to raise by the creation of new shares have been issued and accepted, and

that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such shares were issued bonâ fide and are held by persons or their assigns, and that such persons or their 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. 1871.

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

19. All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act, and which shall be subsisting at the time of the passing thereof, shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act. Former mortgages to have priority.

20. All moneys raised by the Company under this Act, whether by shares or borrowing, shall be applied to the general purposes of the Company; and the Company may apply to such purposes any of the moneys which they now have in their hands, or which they have power to raise by shares or mortgage, by virtue of any Acts relating to the Company, and which may not be required for the purposes to which they are by any such Acts made specially applicable. Application of moneys.

21. And whereas the aggregate amount of the sums authorised to be raised by the several Acts now in force relating to the Company is, by the creation of shares or stock, two million six hundred and seventy-five thousand pounds (of which amount seven hundred thousand pounds has been raised by preference stock), and by the creation of debenture stock or borrowing, eight hundred and ninety thousand eight hundred and sixty-six pounds; and it is expedient that the total amount which the Company may raise by the means aforesaid should be by this Act declared and defined: Therefore the aggregate amount of the several sums of money which the Company are authorised to raise by the creation of shares or stock (other than debenture stock), or by the creation of debenture stock in lieu of borrowing, exclusive of any sum or sums of money which they may be authorised to raise by this Act or any other Act to be passed in

A.D. 1871. the present or any future session of Parliament, is hereby declared to be,

By ordinary shares or stock	-	-	£1,975,000
By preference stock	-	-	700,000
By mortgage or debenture stock	-	-	890,866

Repeal of 87th section of 9 & 10 Vict. c. ccxcvi., and of 11th section of 24 & 25 Vict. c. cxvii.

22. The eighty-seventh section of "The East and West India Docks and Birmingham Junction Railway Act, 1846," and the eleventh section of "The North London Railway (City Branch) Act, 1861," are hereby repealed.

Houses and buildings belonging to the Company, over or under their railway, may be held by them in perpetuity.

23. And whereas the Company are the owners of certain houses and other buildings erected either wholly or partially over or under the railway, or upon the retaining walls thereof, and other houses and buildings similarly placed may hereafter be erected by or belong to the Company, and it is expedient to give to them full power and control over all such houses and buildings: Therefore any such houses or buildings now or hereafter to be erected on land either already or hereafter to be acquired by the Company, and either wholly or partially erected and built, or standing over or under the railway or upon the retaining walls thereof, or otherwise in any way connected with the structure of the same railway, and any yards, gardens, or appurtenances belonging to or heretofore or at any time occupied with such houses and buildings, shall not be deemed superfluous lands within the meaning of "The Lands Clauses Consolidation Act, 1845," but shall and may be held by the Company in perpetuity, with power to let the same from year to year, or on lease for any term or number of years, at such rents and upon and subject to such covenants and conditions as they shall think fit, and the Company shall have and be entitled to exercise over the same houses, buildings, and premises all other powers, rights, and privileges whatsoever which by law attach to an absolute estate of fee simple.

Power to hold in perpetuity land required for access to arches, &c., and to let same on lease.

24. And whereas a considerable portion of the railway is constructed on viaduct, and the arches under such viaduct can be advantageously used and occupied, and it is expedient to give to the Company full powers to let such arches on lease, and to hold in perpetuity all such land as may be required for convenient access to the same arches: And whereas other portions of such railway are constructed on embankment or in cutting, or between retaining walls, and it is also expedient to authorise the Company to hold in perpetuity a certain extent of land outside such embankment, cutting, and retaining walls, in order to have access thereto in case of necessary repairs, or for other purposes connected with the maintenance of the railway: Therefore any lands or houses which

the Company may have already acquired or may hereafter acquire, not exceeding, where the railway is constructed on viaduct, a width of forty feet on each side, measured from the outside foundations of the piers of any such viaduct, and where the railway is constructed on embankment or in cutting, a width of twenty feet on each side, measured from the foot of any such embankment or from the top of any cutting, or the back of any retaining wall, shall not be deemed superfluous lands within the meaning of "The Lands Clauses Consolidation Act, 1845," but shall and may be held by the Company in perpetuity, and either alone or together with the said arches or any of them may be let either from year to year, or on lease for such term or number of years, at such rents and under and subject to such covenants and conditions, as the Company may think fit, and the Company shall have and may exercise over all the lands so to be held by them all other powers, rights, and privileges whatsoever which by law attach to an absolute estate in fee simple.

A.D. 1871.

25. Provided nevertheless, and it is hereby enacted, that as to all the property belonging to the Company purchased or to be purchased by them from the Most Honourable the Marquis Camden or his predecessors in title, no such lease or agreement for tenancy shall be granted without the license or consent of the said Marquis Camden, or other the person entitled for the time being to the perpetual lessee's interest in the Camden Town estate, or his or their authorised agent; but that the said property of the Company (except so far as regards the rent to be obtained by the letting thereof, and the use and occupation thereof for railway purposes) shall, in every respect and for every purpose, whether of letting or otherwise, be subject to the control of the said Marquis Camden, or other the persons entitled to such perpetual lessee's interest: Provided also, that the said property shall not be used for any railway purpose whatsoever (other than the ordinary traffic and business of the Company) which shall be or become a nuisance or annoyance to the said Marquis Camden, or his lessees or under-tenants: Provided further, that if it be alleged by the Company that any such license or consent is capriciously withheld, or such control in any instance capriciously exercised, or if it shall be alleged by the said Marquis Camden, or other the persons entitled as aforesaid, that any such nuisance or annoyance as aforesaid is or has been occasioned, then every such question shall be referred to an arbitrator to be mutually agreed upon by the Company and the said Marquis, or other the persons entitled as aforesaid; and in the event of the said parties not being able to agree upon an arbitrator, then to two arbitrators, one to be named by each party, with power to appoint an umpire before proceeding to business; and the said arbitrator or arbitrators,

Proviso as to property purchased from the Camden estate.

A.D. 1871. or their umpire, shall have regard to the protection of the Camden Town estate, and all the provisions of "The Common Law Procedure Act, 1854," or any then subsisting statutory modification thereof, shall be applicable to every such arbitration under this Act.

Right of pre-emption of owner of Camden estate.

26. If the Company shall at any time hereafter desire to sell any lands or houses which were originally purchased by them from the Camden estate, they shall, in the first instance, offer the same to the owner or owners for the time being of such estate; and such owner or owners shall have the same rights of pre-emption over such lands or houses as by "The Lands Clauses Consolidation Act, 1845," are given in the case of sale of superfluous lands not in a town, or not being lands built upon or used for building purposes, to the person then entitled to the lands from which the same had been originally severed.

Provision for sale of lands the user of which for railway purposes shall be discontinued by the Company.

27. And whereas certain portions of the lands and houses belonging to the Company are used or occupied by them or their lessees or tenants for coal depôts or other purposes incident to or connected with the traffic or business of the railway, and it is proposed to remove one of such depôts to another site belonging to the Company, and it is expedient to remove any doubt which may exist as to the right of the Company to sell such land, and any land which may from time to time cease to be used for purposes incident to or connected with the railway: Therefore, as to any lands which may from time to time cease to be so used or occupied, the same shall from the respective periods of such cesser of use or occupation, but subject to the operation of the last-preceding clause, be considered as superfluous lands, and the Company may dispose of the same in the manner provided for by "The Lands Clauses Consolidation Act, 1845," at any time within ten years from the dates at which such cesser of use or occupation for railway purposes of such respective lands shall take place; and in the meantime and until such sale shall be made, the Company may grant building or other leases of any of such superfluous lands at such rents, and for such terms of years, and under and subject to such covenants and conditions, as the Company may think fit; and a declaration by the manager or secretary for the time being of the Company shall be conclusive evidence as to the date at which such lands respectively ceased to be used for purposes incident to or connected with the railway.

Exemption from Building Acts to extend to

28. Any exemption contained in the Metropolitan Building Acts from the operation of such Acts, in relation to railways and railway stations, shall extend to all buildings belonging to the Company

either wholly or partially erected over or under the railway stations and works of the Company, or in any way connected therewith, or occupied as part thereof. A.D. 1871.
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buildings
over stations.

29. The Company and the London and North-western Railway Company respectively shall not, out of any money by this Act or any other Act relating to either of the said Companies authorised to be raised by calls in respect of shares, or by the exercise of any power of borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him in the capital of either of the said Companies respectively, but nothing herein contained shall prevent either of the said Companies from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as shall be in conformity with the provisions of "The Companies Clauses Consolidation Act, 1845." Interest not
to be paid on
calls paid up.

30. The Company and the London and North-western Railway Company respectively shall not, out of any money under this Act or any other Act relating to either of the said Companies authorised to be raised for the purposes of such Act or Acts, pay or deposit any sum of money which, by any standing order of either House of Parliament now in force or hereafter to be in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company or the London and North-western Railway Company to construct any other railway, or to execute any other work or undertaking. Deposits for
future Bills
not to be
paid out of
capital.

31. Nothing in this Act contained shall be deemed or construed to exempt the railway of the Company from the provisions of any general Act relating to railways, or the better and more impartial audit of the accounts of railway companies, now in force or which may hereafter pass during the present or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the rates for small parcels and of the maximum rates of fares and charges authorised to be taken by the Acts relating to the Company. Railway not
exempt from
provisions
of present
and future
general
Acts.

32. All the costs, charges, and expenses of and attending the passing of this Act, or incidental thereto, shall be paid by the Company. Expenses of
Act.

