



CHAPTER cxcii.

An Act to extend the powers for the purchase of land and the time for the completion of the Railway authorised by the Great Northern and City Railway Act 1892 and to amend some of the provisions of that Act. A.D. 1897.

[6th August 1897.]

WHEREAS by the Great Northern and City Railway Act 1892 (in this Act referred to as "the Act of 1892") the Great Northern and City Railway Company (in this Act called "the Company") were incorporated and authorised to make a railway from the Canonbury branch of the Great Northern Railway near Finsbury Park to the city of London:

And whereas the powers granted to the Company by the Act of 1892 as extended by the Great Northern and City Railway (Extension of Time) Act 1895 (in this Act referred to as "the Act of 1895") for the compulsory purchase of lands will expire on the sixth day of July one thousand eight hundred and ninety-seven and the powers of the Company for the construction and completion of the railways and works authorised by the Act of 1892 as extended by the Act of 1895 will expire on the twenty-eighth day of June one thousand nine hundred:

And whereas it is expedient that the powers of the Company for the compulsory purchase of lands should be extended and that the time for completing the railways and works should also be extended and that some of the provisions of the Act of 1892 should be amended as herein-after provided:

And whereas the Company have not issued any shares or borrowed any money and it is expedient to increase the share and loan capital of the Company and to authorise borrowing by instalments:

And whereas by section 94 of the Act of 1892 the Company and the Great Northern Railway Company were authorised to enter into working and traffic agreements and in pursuance thereof an agreement has been entered into by those two Companies:

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A.D. 1897. — And whereas by such agreement the Great Northern Railway Company undertake from and after the completion and opening of the Company's railway to run not less than fifty nor more than one hundred of their own trains in each direction from and to Finsbury Park Station every week day over that railway and to pay to the Company a full mileage proportion of the earnings of such trains not being less than twenty-five thousand pounds in any one year and it would facilitate the raising of the capital required for the construction of the railway if the Company had power to divide their share capital into two classes and subject to payment of interest on money borrowed to apply if they should think fit the sums paid in each year by the Great Northern Railway Company as aforesaid in and towards a dividend not exceeding five pounds per centum per annum on the Class A shares and it is expedient that such power should be conferred on the Company :

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 :—

Short title. 1. This Act may be cited for all purposes as the Great Northern and City Railway Act 1897.

Incorporation of Acts. 2. The following parts of Acts are (so far as the same are applicable and except where expressly varied by or inconsistent with this Act) incorporated with and form part of this Act (that is to say) :—

Part I. (relating to construction of a railway) and Part II. (relating to extension of time) of the Railways Clauses Act 1863 :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to—

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 or bond ;

The conversion of the borrowed money into capital ;

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The consolidation of the 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 by all parties interested :

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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 as  
amended by the Companies Clauses Act 1869.

3. In this Act the several words and expressions to which Interpretation.  
meanings are assigned by the Acts partially incorporated herewith  
have the same respective meanings unless there be something in  
the subject or context repugnant to such construction 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  
the Acts 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.

4. The powers granted to the Company by the Act of 1892 as Extending  
extended by the Act of 1895 for the compulsory purchase of lands time for  
for the purposes of the railway and works authorised by the Act purchase of  
of 1892 are hereby extended and may be exercised by the Company land for  
for and during a period of two years from the sixth day of July one railway and  
thousand eight hundred and ninety-seven and on the expiration of works.  
that period those powers shall cease.

5. The time limited by the Act of 1892 as extended by the Act Extending  
of 1895 for the completion and opening of the railway authorised time for  
by the Act of 1892 is hereby extended for a period of two years completion  
from the twenty-eighth day of June one thousand nine hundred and of the  
that period shall for the purposes of sections 80 and 81 of the Act railway.  
of 1892 be deemed to be the period limited by that Act for the  
completion and opening of the railway :

Provided that unless within two years from the passing of this  
Act the Company shall have made substantial progress with the  
purchase of lands for and construction of the railway the powers by  
this or any other Act conferred upon the Company for the con-  
struction of works shall at the expiration of that period and  
notwithstanding anything in this Act cease and determine and any  
question as to whether or not such substantial progress shall have

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A.D. 1897. — been made by the Company shall be determined by the Board of Trade whose decision shall be final :

Provided also that the Company shall create and raise sufficient capital to ensure the completion of the railway within fourteen months from the passing of this Act and shall make substantial progress with the construction of the railways before the twenty-eighth day of June one thousand nine hundred and in case of non-compliance with either of these conditions the agreement entered into between the Great Northern Company and the Company referred to in the preamble of this Act and the powers contained in the Great Northern and City Railway Act 1892 so far as they relate to the Great Northern Company shall thereupon cease and determine and any question whether or not such substantial progress shall have been made by the Company shall be determined by the Board of Trade whose decision shall be final.

If railway not completed within extended period powers to cease.

6. If the railway shall not be completed within the extended period granted by this Act then on the expiration of such period the powers by the recited Acts and this Act conferred on the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Restriction on taking houses of labouring class.

7.—(1.) The Company shall not under the powers of the Act of 1892 as extended by this Act purchase or acquire in any parish in the metropolis as defined by the Metropolis Management Act 1855 twenty or more houses which on the fifteenth day of December next before the passing of this Act or of the former Act by which such purchase or acquisition was originally authorised (as the case may be) were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary of State for the Home Department twenty or more houses in any such parish which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

As to mode of construction of railway.

8. Notwithstanding the provisions contained in section 7 of the Act of 1892 as to the manner of constructing the tunnels the following provisions shall have effect :—

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(1) The tunnels including those for the stations and all tunnels whether temporary or permanent shall be cased with iron and shall be constructed by means of steel or other metal shields driven forward or onward by hydraulic pressure or other approved power as the work proceeds such shields being of sufficient length and strength to protect the whole of the soil for a reasonable distance both in front of and behind the working faces :

(2) The iron casings of such tunnels shall be properly grouted with cement and the upper part shall remain permanently cased with iron but in the solid London clay the lower portions of the iron casing of the tunnels may be removable in short lengths brickwork in cement of sufficient strength being substituted Any part of the tunnel so constructed shall be constructed to the reasonable satisfaction and subject to the approval of the chief engineer to the London County Council or the Corporation of the City of London as the case may require which approval shall be obtained before the iron casing is removed :

(3) Every shaft down to the depth of six feet below the top of the solid London clay shall be cased with iron and below that level the Company may subject to such satisfaction and approval as aforesaid construct such shaft of brickwork in cement.

9. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole sixty thousand pounds by the issue of new ordinary shares but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation 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.

Power to raise additional capital.

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 authorised capital of the Company and the new shares were shares in that capital.

New shares to be subject to the same incidents as other shares.

The capital in new shares so created shall form part of the capital of the Company.

New shares to form part of capital of Company.

10. The Company may in respect of the additional capital of sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking

Power to borrow in respect of additional capital.

A.D. 1897. — any sum not exceeding in the whole twenty thousand pounds but no part thereof shall be borrowed until shares for the whole of the said additional capital are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for the whole of such capital have been issued and accepted and that one half of such capital has been paid up and that 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 that such shares were issued and accepted bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Power to  
divide shares  
in capital  
into two  
classes.

11. The Company may divide the shares in their capital authorised by the Act of 1892 and this Act into two classes to be called Class A shares and Class B shares whereof seventy-eight thousand shares of ten pounds each shall be called Class A shares and the remaining seventy-eight thousand shares of ten pounds each shall be called Class B shares.

Payment of  
dividends.

12. The net revenue of the Company applicable to dividend shall subject to the provisions of this Act be applied and paid in the manner and subject to the priorities following:—

(1) In payment of a dividend of not exceeding five pounds per centum per annum on the amount of calls from time to time made and paid up on such of the Class A shares as shall have been issued;

(2) In payment of a dividend of not exceeding five pounds per centum per annum on the amount of calls from time to time made and paid up on such of the Class B shares as shall have been issued;

(3) Any balance shall be divided rateably between the holders of Class A shares and Class B shares in proportion to the amount from time to time paid up on each of those classes of shares.

Any defi-  
ciency in  
dividend not  
to be paid out

13. If in respect of any year ending on the thirty-first day of December there are not funds available for the payment subject to the before-mentioned priorities of the full amount of the aforesaid

dividends for that year to the holders of Class A shares and Class B shares or either of such classes no part of the deficiency shall be made good out of the revenue of any subsequent year or out of any other funds of the Company.

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 of income of  
 subsequent  
 year.

14. Class A shares and Class B shares shall confer upon the holders thereof respectively such right of voting at meetings of the Company and all such other rights qualifications privileges liabilities and incidents in proportion to the number of shares in one or both of such classes held by the same person at the same time.

Class A and  
 Class B  
 shareholders  
 to have equal  
 rights.

15. The terms and conditions on which Class A shares and Class B shares are issued and the moneys applicable to dividend on each class shall be stated on the certificates thereof respectively.

Terms on  
 which shares  
 issued to be  
 stated on  
 certificates.

16. The sum of five hundred thousand pounds authorised by the Act of 1892 and the sum of twenty thousand pounds authorised by this Act to be borrowed by the Company on mortgage of the undertaking on the conditions mentioned in those Acts may be borrowed by the following instalments (that is to say) The sum of two hundred and sixty thousand pounds part of the said sum of five hundred and twenty thousand pounds may be borrowed when the railway from the Great Northern Railway at or near Finsbury Park Station to Essex Road Islington shall have been constructed to formation level and the Board of Trade have granted a certificate to that effect and a like sum of two hundred and sixty thousand pounds being the balance of the said sum of five hundred and twenty thousand pounds may be borrowed when the remainder of the railway (namely) from Essex Road Islington to the city terminus shall have been constructed to formation level and the Board of Trade have granted a certificate to that effect.

Power to  
 borrow by  
 instalments.

17. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 and of section 24 of the Act of 1892.

Debenture  
 stock.

18. The following provisions shall have effect for the protection of Mary Louisa Willans of Dolforgan Kerry in the county of Montgomery widow and the estate of her late husband John William Willans :—

Saving rights  
 of Mrs.  
 Willans.

(1) Nothing contained in this Act shall prejudice or affect the rights of the said Mary Louisa Willans or other the legal personal representative for the time being of the said John William Willans under any agreement made between the said Mary Louisa Willans and the Company prior to the passing of this Act:

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(2) Notwithstanding anything contained in this Act no costs charges or expenses of or incident to the preparing for obtaining or passing of this Act shall be charged against or paid out of the Company's parliamentary deposit for the Act of 1892 or any interest or dividends accruing thereon without the consent in writing of the said Mary Louisa Willans or other the legal personal representative for the time being of the said John William Willans.

As to pay-  
ment of  
interest out  
of capital.

19. The provisions of section 98 of the Act of 1892 shall extend and apply to the additional capital by this Act authorised to be raised and to the payment of interest thereon during the construction of the railway as if such capital had been authorised to be raised by the Act of 1892.

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

20. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other railway or to execute any other work or undertaking.

Provision as  
to general  
Railway Acts.

21. Nothing in this Act contained shall exempt the Company or the railway from the provisions of any general Act relating to railways or the better or more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges or of the rates for small parcels authorised by the Act of 1892.

Costs of  
Act.

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.

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