

### CHAPTER clxvii.

An Act to confer further powers on the Charing Cross A.D. 1905. Euston and Hampstead Railway Company and for other purposes.

[4th August 1905.]

WHEREAS the Charing Cross Euston and Hampstead Railway Company (in this Act called "the Company") were incorporated by the Charing Cross Euston and Hampstead Railway 56 & 57 Vict. Act 1893 (in this Act referred to as "the Act of 1893") and c. ccxiv. were thereby authorised to construct the underground railways and subway in that Act mentioned or described:

And whereas the powers of the Company are now regulated by the Charing Cross Euston and Hampstead Railway Acts 1893 to 1904:

And whereas by the Charing Cross Euston and Hampstead 3 Edw. 7. Railway Act 1903 (in this Act referred to as "the Act of 1903") c. ci. the Company were empowered to enter upon and take for the purposes of their undertaking certain lands therein described being the eastern portion of the station yard or forecourt of the Charing Cross Station of the South Eastern Railway Company subject to a proviso that nothing in that Act should authorise the Company to enter upon or take or use any part of the said lands without the previous consent in writing of the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee under their respective common seals:

And whereas the Company for the purpose of constructing an underground railway station and other works beneath the said lands or part of them require to obtain further powers of acquiring or utilising other lands forming other parts of the

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A.D. 1905. said station yard or forecourt or contiguous thereto and it is expedient that such powers should be granted:

> And whereas it is expedient that powers should be conferred upon the Company on the one hand and the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee on the other hand for entering into agreements with respect to the said station and other works:

> And whereas the authorised railways of the Company or some of them now in course of construction pass underground near the Euston Station of the London and North Western Railway Company and the line or situation of the authorised railway of the City and South London Railway Company and it is expedient that powers should be conferred upon the Company and the said companies respectively to enter into agreements with respect to stations lifts and other matters at or near Euston Station as in this Act provided:

> And whereas plans of the lands authorised to be acquired under the powers of this Act and also a book of reference thereto 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 of the county of London and are hereinafter respectively referred to as the deposited plans and book of reference:

> And whereas the purposes aforesaid 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 (that is to say):—

Short title.

1. This Act may be cited as the Charing Cross Euston and Hampstead Railway Act 1905 and the Charing Cross Euston and Hampstead Railway Acts 1893 to 1904 and this Act may be cited together as the Charing Cross Euston and Hampstead Railway Acts 1893 to 1905.

Incorpora-Clauses Acts.

2. Subject to the provisions of this Act the Lands Clauses tion of Lands Acts (except where expressly varied by this Act) are incorporated with and form part of this Act.

3. Notwithstanding anything contained in the Charing Cross A.D. 1905. Railway Act 1859 but subject in all things to the provisions of Power to this Act the Company may purchase and take the lands in the take and use city of Westminster hereinafter described or any part thereof lands. so far as the same are delineated on the deposited plans and described in the deposited book of reference (namely):-

Lands comprising the western portion of the station yard or forecourt of the Charing Cross Station of the South Eastern Railway Company and the strip of land between the said station yard and the main wall of the Charing Cross Hotel and station buildings of the South Eastern Railway Company:

The shops offices and buildings between the said station yard and Brewer's Lane:

So much of Brewer's Lane as is situate to the west of the said station yard shops offices and buildings:

Any vaults or cellars under the said lands and premises hereinbefore described:

And subject to the provisions of this Act the Company may hold and use the said lands and any easements or rights which they may acquire therein for the construction on in or under the same of any stations shafts lifts stairways approaches or other conveniences:

Provided that nothing in this Act contained shall authorise the Company without the previous consent in writing of the South Eastern Railway Company or the South Eastern and Chatham Railway Companies Managing Committee as the case may be to enter upon take or use either temporarily or permanently any lands which are vested in the said company or committee.

4. If the Company acquire the surface of the lands numbered As to widen-6 7 and 8 on the deposited plans or of any part of such lands ing Strand, they shall to the extent of their interest in the surface of such lands (if and when the portion of West Strand referred to in section 20 of the South Eastern and London Chatham and Dover Railway Companies Act 1900 or the greater part of such portion is widened under the provisions of that section) add to the Strand any parts of the surface so acquired which are shown as lying between the present highway of the Strand and the green line HH on the Plan No. 1 which has been signed in

A.D. 1905. duplicate by Joseph Compton Rickett the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred of which plan one copy has been deposited in the Private Bill Office of the House of Commons and the other copy has been deposited in the Parliament Office of the House of Lords.

The surface of the lands so added to the Strand shall thereafter be maintained repaired cleansed and lighted as part of the Strand by the council of the said city of Westminster.

Provided always that nothing in this section contained shall prejudice or affect the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee or either of them or the rights and interest of such last-mentioned company and managing committee in the said lands or the surface thereof.

As to forecourt of Charing Cross Station.

5. Nothing in this Act contained shall authorise or compel the Company to acquire or occupy permanently or to construct any permanent openings in any part of the surface of the station yard or forecourt to the eastward of the wall and railing on the eastern side of the entrance to the intended underground station of the Company shown on the Plan No. 3 hereinafter mentioned and the Company shall not acquire or occupy permanently any part of the surface of the strip of land between the said station yard and the main wall of the Charing Cross Hotel and station buildings aforesaid or of the lands numbered 7 on the deposited plans and any temporary occupation by the Company of any part of the surface of any of the premises in this section mentioned shall be for as short a time as is reasonably practicable and the Company shall execute and complete any works involving any interference with such surface with all practicable despatch and in such manner as to cause the least possible interference with the traffic to and from the Charing Cross Station.

As to station entrance and exit.

6. When constructing the said underground railway station the Company may and shall subject to the provisions of the section of this Act of which the marginal note is "Power to take and use lands" construct the entrance to and exit from such station and the waiting accommodation to be provided therein for passengers in accordance with the Plans Nos. 2 and 3 which have been signed in duplicate by Joseph Compton Rickett the Chairman of the Committee of the House of Commons

to which the Bill for this Act was referred (of which plan A.D. 1905. one copy has been deposited in the Private Bill Office of the House of Commons and the other copy has been deposited in the Parliament Office of the House of Lords).

7. Nothing in this Act contained shall in any way abrogate As to future limit or affect the provisions of the Charing Cross Railway Act alterations of 1859 or of the South Eastern and London Chatham and Dover Charing Railway Companies Act 1900 in so far as the same provide Cross Star that if the Charing Cross Station of the South Eastern Railway Company is widened on the westward thereof towards Craven Street the said forecourt or station yard as now existing is to be extended westwards as in the said Acts mentioned and whereby any such extension of the forecourt is to be maintained as an open space.

8. Subject to the provisions of this Act it shall be lawful Temporary for the Company to stop up and interfere with temporarily works. Brewer's Lane and the said station yard or forecourt so far as they are within the limits of land to be acquired as shown on the deposited plans and to alter any sewers culverts drains pipes tubes wires electric apparatus or other works and appliances within or adjoining the said lands and to construct and maintain openings in the said lands:

Provided that the Company shall not alter any pipes tubes wires electric apparatus or other works of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

And provided also that nothing in this Act shall authorise the Company to stop up temporarily Brewer's Lane without providing reasonable facilities for access to any buildings in Brewer's Lane which shall not at the time belong to the Company.

9. The powers of the Company for the compulsory pur-Period for chase of lands for the purposes of this Act shall cease after the compulsory expiration of three years from the passing of this Act.

purchase of lands.

10. And whereas in the exercise of the powers of this Owners may Act it may happen that portions only of the houses or other be required buildings or manufactories shown on the deposited plans may be only of cersufficient for the purposes of the same and that such portions

to sell parts tain lands

A.D. 1905. and buildings.

may be severed from the remainder of the said properties without material detriment thereto. Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the First Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Incorporation of certain sections Acts of 1893 1902 and 1903.

11. Section 19 (As to unsightly hoardings) of the Charing Cross Euston and Hampstead Railway Act 1902 and the sections of Company's of the Act of 1893 and the Act of 1903 which are enumerated and referred to in the Second Schedule to this Act (except in so far as the same are expressly amended or varied by this Act) are incorporated with and form part of this Act and shall extend and apply to any lands which the Company shall acquire under the powers of this Act and to any works matters or things by this Act authorised and the roads under and along which the same are to be made as fully and effectually to all intents and purposes as if those sections had been repeated and expressly re-enacted in this Act with reference thereto Provided always that in such sections the expression "the council" shall be deemed to mean the London County Council and the expression "the county" shall be deemed to mean the administrative county of London.

Extending general provisions for protection of water gas hydraulic power and electric companies.

12. The provisions contained in section 58 of the Act of 1893 (General provisions for protection of water gas hydraulic power and electric companies) shall extend and apply to any works authorised by this Act as if the same had been re-enacted in this Act with reference thereto and for the purpose of the said section the Metropolitan Water Board shall be deemed to be a protected company within the meaning of the said section.

13. For the protection of the Gordon Hotels Limited (in A.D. 1905. this section called "the owners") the following provisions shall For protecunless otherwise agreed between the Company and the owners be tion of Gorobserved and have effect:—

don Hotels Limited.

- (1) In the construction by the Company of any works on or under any lands by this Act authorised to be acquired no excavation whatever shall be made by the Company within seventy feet (measured horizontally) of the main walls of the offices of the owners at the corner of Duncannon Street and the West Strand (hereinafter referred to as "the premises of the owners") and the subsoil water shall not under any circumstances except with the consent in writing of the engineer of the owners be drained by the Company below its natural level at any point within eighty feet (measured horizontally) of such main walls except that it shall be lawful for the Company if necessary to make such excavation as may be required for the erection of a retaining wall within and parallel or nearly so to any part of the limits of land to be acquired as shown on the deposited plans at or near the western angle of the forecourt of Charing Cross Station and within the aforesaid distance of seventy feet Provided that such retaining wall or any excavations connected therewith shall not be constructed to a greater depth than ten feet below the present surface of the ground:
- (2) No main wires cables or other apparatus for the supply of electrical energy or power by or to the Company shall be brought within seventy feet (measured horizontally) of any of the premises of the owners:
- (3) The engineer of the owners shall have such facilities for entering and inspecting any works executed by the Company on or under the lands of the Company by this Act authorised to be acquired as shall be reasonably necessary to enable such engineer to ascertain that the provisions of the preceding subsections of this section are duly observed and the Company shall afford such engineer such information as he may reasonably require for the same purpose;

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(4) In addition to the provisions of the Acts incorporated herewith with respect to compensation for lands injuriously affected the Company shall make compensation to the owners in respect of any of their premises which shall be injuriously affected by reason of the working of lifts and any other works in connection with the Company's railway notwithstanding that no part of the property of the owners is taken by the Company Provided that all claims for compensation under this section shall be made within two years from the date of the opening of the railway for public traffic and shall be settled by a single arbitrator under and subject to the provisions of the Arbitration Act 1889 save that where the parties do not concur in the appointment of an arbitrator the Board of Trade shall have the power of the court or a judge under section 5 of the said Act.

Agreements with South Eastern Railway Company and South Eastern and Chatham Managing Committee.

14. It shall be lawful for the Company on the one hand and the South Eastern Railway Company and the South Eastern and Chatham Railway Companies Managing Committee or either of them on the other hand notwithstanding the provisions of the Charing Cross Railway Act 1859 and of the South Eastern and London Chatham and Dover Railway Companies Act 1900 but subject in all respects to the provisions of this Act to enter into and carry into effect agreements with respect to the construction ownership maintenance and joint use of any station lifts subways passages or other works and conveniences upon in or under the said lands or any of them.

Agreements and North Western and City and South London Railway Companies as to statious &c.

15. It shall be lawful for the Company on the one hand with London and the London and North Western Railway Company and the City and South London Railway Company or either of them on the other hand to enter into and carry into effect agreements with respect to the construction ownership maintenance and joint use of stations lifts subways passages or other works and conveniences on in or under the lands belonging to the Company or the London and North Western Railway Company at or near Euston Station.

Savingrights of Crown.

16. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing contained herein shall authorise the Company to take use or in any manner interfere with any A.D. 1905. land or hereditaments (including the subsoil and undersurface of any street road or footway) or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give).

17. The Company may apply for or towards the purposes Power to of this Act to which capital is properly applicable any sums of apply funds. money which they have already raised or are authorised to raise by their existing Acts and which are not required for the purposes to which they are by those Acts respectively made specially applicable.

18. The Company may with respect to the whole or any Power to portion of debenture stock created or to be created by them and issue debensubject to such regulations as may from time to time be made certificates by the Company issue under their common seal a certificate to bearer. (hereinafter referred to as "a debenture stock certificate to bearer") stating that the bearer of the certificate is entitled to the portion of debenture stock therein specified and may provide by coupons whether attached to such certificate or not for the payment of interest on the portion of stock included in the certificate:

Provided always that nothing in this Act contained shall empower the Company to issue to a registered holder of debenture stock issued prior to the passing of this Act a debenture stock certificate to bearer for the debenture stock last aforesaid held by him without first obtaining his consent in writing.

Section 29 of the Companies Clauses Act 1863 shall not apply to a debenture stock certificate to bearer.

19. A debenture stock certificate to hearer shall entitle the Effect of debearer thereof to the portion of debenture stock therein specified benture stock certificate. and such portion may be transferred by delivery of the certificate.

20. On the issue of a debenture stock certificate to bearer Entries in in respect of any portion of debenture stock the Company instead of making in the register of debenture stock holders with benture stock reference to such portion of debenture stock the entries provided for by section 28 of the Companies Clauses Act 1863 shall strike

register on issue of de-

- A.D. 1905. out of such register the name of the person (if any) then entered therein as holding such portion of debenture stock and shall enter in the register the following particulars:—
  - (i) The fact of the issue of the certificate:
  - (ii) A statement of the amount of the portion of debenture stock included in the certificate:
  - (iii) The date of the issue of the certificate.

Registration of debenture stock on surrender of certificate.

- 21. The bearer of a debenture stock certificate to bearer shall—
  - (a) On surrendering such certificate with all coupons issued in respect thereof and for the time being outstanding for cancellation;
  - (b) Complying with such regulations as may from time to time be made by the Company for the purpose of enabling the Company to ascertain the name address and description of such bearer and for obtaining a specimen of his signature;
  - (c) Paying to the Company all stamp or other Government duties (if any) which may be payable by the Company in consequence of such surrender;
  - (d) Paying to the Company such fee not exceeding five shillings as the Company may prescribe;

be entitled to have his name entered in the register of debenture stock holders and the Company shall be responsible for any loss incurred by any person by reason of the Company entering in that register the name of any bearer of a debenture stock certificate to bearer in respect of the portion of stock therein specified without the certificate and such coupons as aforesaid being surrendered and cancelled.

Provision in case of applications to Parliament affecting rights of holders of debenture stock.

- 22. If and so often as any application shall be made to Parliament for an Act affecting the rights of the holders of any class of debenture stock which shall for the time being have been issued by the Company and be outstanding and in respect whereof or any part whereof debenture stock certificates to bearer shall be then outstanding the following provisions shall have effect (that is to say):—
  - (1) In this section the following expressions shall have the following meanings unless repugnant to the context:—

- "The debenture stock" means the debenture stock A.D. 1905.
  of such class as last aforesaid for the time
  being issued and outstanding;
- "The bearer debenture stock" means such of the debenture stock as shall for the time being be comprised in debenture stock certificates to bearer;
- "Bearer certificates" means the debenture stock certificates to bearer for the time being issued in respect of the debenture stock or any part thereof and outstanding;
- "The bearers" means the bearers for the time being of the bearer certificates and "bearer" means one of the bearers;
- "Registered holders" means the registered holders for the time being of any of the debenture stock;
- "Meeting" means a meeting of the registered holders and the bearers under this section;
- "Voting certificate" means a voting certificate issued in pursuance of this section:
- (2) Any meeting convened for the purpose of approving any such application to Parliament as aforesaid or any Bill for such Act as aforesaid shall so far as the bearers are concerned be duly convened by advertising the notice convening the same once in two newspapers published in London and once in the same two newspapers in the next week following the publication of the first advertisement Provided the same shall be convened for a date not less then twenty-one days or more than forty days after the last insertion of the advertisement thereof in such two newspapers It shall also be lawful for but not obligatory on the Company to advertise such notice as last aforesaid in any other newspaper or newspapers either in the United Kingdom or abroad Every such advertisement as aforesaid shall state the name and address of a bank in London and if the Company think fit so to do but not otherwise of any other bank or banks either in the United Kingdom or abroad at which the

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bearers may not less than forty-eight hours before the time for holding the meeting or any adjournment thereof deposit their bearer certificates and obtain voting certificates in respect thereof:

- (3) At a meeting or any adjournment thereof the bearer of a bearer certificate shall be treated as the legal holder thereof whether such bearer shall or shall not be the owner thereof and for all the purposes of the meeting or any adjournment thereof the bearer of a voting certificate issued under this section in respect of a bearer certificate shall be deemed to be the bearer of such bearer certificate:
- (4) Prior to convening a meeting the Company shall make such arrangements as will entitle any bearer who shall not less than forty-eight hours before the time for holding such meeting or any adjournment thereof deposit a bearer certificate in the bank or one of the banks to be named for that purpose in the notice convening the meeting to receive from the bank with whom such deposit is made (a) a receipt for the bearer certificate so deposited such receipt to be in such form as (subject to the provisions of the next succeeding subsection) will entitle the bearer thereof to have the bearer certificate in respect of which the same was given delivered to him in exchange therefor by the bank with whom such bearer certificate was deposited whether such bearer be or be not in fact the true owner of such bearer certificate and (b) a voting certificate which receipt and voting certificate shall be signed by some official of such bank and shall specify the denoting number of the bearer certificate so deposited and the amount of the debenture stock comprised therein A voting certificate shall not except as provided by subsection (3) of this section confer any title on the holder thereof to the bearer certificate or to the debenture stock referred to therein:
- (5) A bearer certificate deposited as last aforesaid shall be deposited subject to (amongst others) the condition that the same shall be retained by the bank with which the same is so deposited until the meeting has been held or abandoned or until the receipt given by

such bank therefor and the voting certificate issued A.D. 1905. by such bank in respect thereof shall be delivered to such bank whichever shall be the earlier.

- 23. If a debenture stock certificate to bearer or coupon is lost or destroyed then upon—
  - (a) Proof to the satisfaction of the directors of the ownership of such lost or destroyed certificate or coupon and of the loss or destruction thereof;

Loss or destruction of debeuture stock certificate to bearer or coupon.

- (b) Such indemnity to the Company and the directors as the directors deem adequate being given;
- (c) Payment of all stamp and other Government duties (if any) payable in respect of the new certificate or coupon together with a fee of five shillings;

a new debenture stock certificate to bearer or coupon as the case may be in lieu of the certificate or coupon so lost or destroyed shall be issued by the Company and a due entry of the issue of such new debenture stock certificate to bearer or coupon shall be made by the secretary in the register of debenture stock holders.

24. A trustee unless authorised by the terms of his trust Trustees shall not apply for or hold a debenture stock certificate to bearer issued under the authority of this Act but nothing in thorised not this section shall impose on the Company or any person authorised to issue any such debenture stock certificate to bearer any obligation to inquire whether the person applying for a debenture stock certificate to bearer is or is not a trustee or subject them to any liability in the event of their issuing a debenture stock certificate to bearer to a trustee nor invalidate a debenture stock certificate to bearer if issued to a trustee.

unless expressly auempowered to hold debenturestock certificates to bearer.

25. A copy of the sections of this Act of which the Endorsement marginal notes are "Registration of debenture stock on surrender of certificate" "Provision in case of applications to Parliament " affecting rights of holders of debenture stock" and "Trustees "unless expressly authorised not empowered to hold debenture " stock certificates to bearer" shall be endorsed on every debenture stock certificate to bearer which shall be issued by the Company in addition to the declaration required by section 14 of the Railway Companies Securities Act 1866.

of provisions on debenture stock certificates to bearer.

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Application of certain provisions of Companies Act 1867.

26. Any person who shall commit in relation to a debenture stock certificate to bearer or coupon or voting certificate issued or purporting to be issued in pursuance of this Act any of the offences which are specified in sections 34 to 36 of the Companies Act 1867 in relation to share warrants issued in pursuance of that Act shall be liable to the penalties imposed by those sections as if he had committed the offence or offences in relation to a share warrant issued in pursuance of that Act.

Provision as to general Railway Acts.

27. Nothing in this Act contained shall exempt the Company or their railways from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies passed before or after the commencement of this Act 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 Acts relating to the Company.

Costs of Act.

28. 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.

The SCHEDULES referred to in the foregoing Act.

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#### THE FIRST SCHEDULE.

Describing Houses or other Buildings or Manufactories of which Portions only may be taken.

Metropolitan Borough.				Nos. on deposited Plans.	
City of Westminster	-	<b>.</b>	-	1 2 3 4 5 6 7 8 12.	

### THE SECOND SCHEDULE.

SECTIONS OF THE ACT OF 1893 AND THE ACT OF 1903 INCORPORATED IN THE FOREGOING ACT.

Marginal Note of Section.	Act and No. of Section.	
For the protection of sewers of the council Exhibition of placards in the county of London For protection of the Gas Light and Coke Company Company empowered to underpin or otherwise strengthen houses near railway. Application of London Building Acts Persons under disability may grant easements &c. Power to hold sell &c. lands	Act of 1893 section 44. Act of 1893 section 50. Act of 1893 section 59. Act of 1893 section 73.  Act of 1903 section 10. Act of 1903 section 22. Act of 1903 section 23.	

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