



CHAPTER xxxix.

An Act to revive and extend the powers of the Charing Cross Euston and Hampstead Railway Company and for other purposes. [3rd June 1897.]

A.D. 1897.

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 Act 1893 (in this Act referred to as "the Act of 1893") and were thereby authorised to construct underground railways from Charing Cross to Hampstead with a branch to Euston :

And whereas by the Charing Cross Euston and Hampstead Railway Act 1894 (in this Act referred to as "the Act of 1894") the Company were authorised to acquire additional lands for the purposes in that Act mentioned :

And whereas the powers conferred upon the Company for the compulsory purchase of lands for the purposes of the Act of 1893 expired on the 24th day of August 1896 and it is expedient that those powers should be revived and extended and that the time limited by the said Act for the completion of the railways thereby authorised should be extended and that the powers of the Company for the compulsory purchase of lands for the purposes of the Act of 1894 should be extended as provided by this Act :

And whereas the Company have only issued four hundred and one shares of their authorised capital and it is expedient that subject to the provisions of this Act they should be authorised to pay interest or dividends upon the amount paid up from time to time in respect of shares in such capital :

And whereas the objects aforesaid cannot be attained 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

A.D. 1897. — 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 Charing Cross Euston and Hampstead Railway Act 1897 and the Act of 1893 the Act of 1894 and this Act may be cited together as the Charing Cross Euston and Hampstead Railway Acts 1893 to 1897.

Incorporation of Part II. of Railways Clauses Act 1863.

2. Part II. (relating to extension of time) of the Railways Clauses Act 1863 is except where expressly varied by this Act incorporated with and forms part of this Act.

Revival and extension of powers for compulsory purchase of lands under Act of 1893.

3. The powers conferred upon the Company by the Act of 1893 for the compulsory purchase of lands for the purposes of that Act are hereby revived and extended and shall be and continue in force and may subject to the provisions of that Act and of this Act be exercised until but shall cease after the expiration of two years from the passing of this Act.

Extension of powers for compulsory purchase of lands under Act of 1894.

4. The powers conferred upon the Company by the Act of 1894 for the compulsory purchase of lands for the purposes of that Act are hereby extended and shall continue in force and may be exercised until but shall cease after the expiration of two years from the passing of this Act.

Extension of time for construction of railways.

5. The powers granted by the Act of 1893 for the construction of the railways thereby authorised are hereby extended and may be exercised by the Company for the period of three years from the twenty-fourth day of August one thousand eight hundred and ninety-eight and section 75 of the Act of 1893 shall be read and construed as if the period limited by this Act for the completion of the railways had been the period limited by the Act of 1893 for the completion thereof:

If the railways be not completed within the said period of three years then on the expiration of that period the powers for making and completing the same or otherwise relating thereto shall cease except as to so much thereof as shall then be completed :

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 one or more of the sections of the railway described in the proviso to section 21 of the Act of 1893 the powers by this or any other Act conferred upon the Company for the construction 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 been made by the Company shall be determined by the Board of Trade whose decision shall be final.

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6. From and after the passing of this Act the quorum for general meetings of the Company shall be five shareholders present in person or by proxy holding in the aggregate not less than one fifth of the capital for the time being issued.

Quorum at
general
meetings.

7. For the protection of the British Medical Association (herein-after called "the association" which term shall include their assigns) the lessees or reputed lessees and occupiers of the premises No. 429 Strand and Nos. 2 and 3 Agar Street in the parish of Saint Martin-in-the-Fields which are numbered on the deposited plans referred to in the Act of 1893 151 152 and 153 respectively in that parish the following provisions shall have effect in lieu of the provisions contained in section 71 of the said Act which section is hereby repealed (that is to say) :—

For the
protection
of the
British
Medical
Association.

(1) The Company their contractors officers or servants shall not for any purpose whatsoever enter upon take or use either temporarily or permanently except for the purpose of underpinning (if necessary) the said premises numbered 151 152 and 153 on the said plans or any part thereof respectively but the Company may acquire and the association may and shall sell to the Company an easement or right of using the sub-soil or under-surface thereof for the purposes for which but for this section they might have been required to sell the said property and the provisions of the Lands Clauses Acts with respect to lands shall extend to such easement or right of user of such sub-soil or under-surface :

(2) No works for generating electric power shall be erected by the Company within a distance of one hundred yards from the premises No. 151 on the said deposited plans :

(3) The Company shall pay to the association compensation for all structural damage which may at any time arise to the said premises numbered 151 152 and 153 by or from the construction or working of the railway or by or from the working of hydraulic lifts for the service of or in connexion with any station to be constructed by them and the association may claim and receive and recover such compensation from the Company notwithstanding that no part of the premises is actually taken.

A.D. 1897.

Restriction
on dis-
placing
persons of
labouring
class.

8. The Company shall not under the powers of any former Act revived or extended by this Act purchase or acquire in any parish within 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 such former Act were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers otherwise than subject to the conditions set forth in section 74 of the Act of 1893.

Power to
pay interest
out of capital
during con-
struction.

9. Notwithstanding anything in the Act of 1893 or any Act or Acts incorporated therewith contained it shall be lawful for the Company out of any money by the Act of 1893 authorised to be raised to pay interest at such rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him from the respective times of such payments until the expiration of the time limited by this Act for the completion of the railways authorised by the Act of 1893 or such less period as the directors may determine but subject always to the conditions herein-after stated (that is to say) :—

- (a) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by the Act of 1893 in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (b) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (c) The aggregate amount to be so paid for interest shall not exceed eighty-five thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (d) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares issued after the passing of this Act :

(e) The half-yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section : A.D. 1897.

Save as herein-before set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by the Act of 1893 authorised to raise 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.

10. Nothing in this Act 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 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 to be taken by the Company. Provision as
to general
Railway
Acts.

11. All costs charges and expenses of and incident to the preparing and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of
Act.

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