

[61 & 62 VICT.]

*Charing Cross, Euston, and
Hampstead Railway Act, 1898.*

[Ch. cxiii.]



CHAPTER cxiii.

An Act to confer further powers on the Charing Cross Euston and Hampstead Railway Company for authorising agreements between that Company and the South Eastern and London and North Western Railway Companies and for other purposes.

A.D. 1898.

[25th July 1898.]

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 the underground railways and subway in that Act mentioned or described :

And whereas further powers were conferred upon the Company by the Charing Cross Euston and Hampstead Railway Act 1894 and the Charing Cross Euston and Hampstead Railway Act 1897 (in this Act respectively referred to as "the Act of 1894" and "the Act of 1897") :

And whereas it is expedient that the Company should be empowered to abandon the portion of their authorised railway and to make the extension thereof in this Act respectively described and that the time now limited for the compulsory purchase of lands for and for the completion of so much of the authorised railways of the Company as are not abandoned under this Act should be extended :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of London and are herein-after respectively referred to as the deposited plans sections and book of reference :

[Price 9d.]

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And whereas it is expedient that the Company and the South Eastern Railway Company (in this Act called "the South Eastern Company") and the London and North Western Railway Company (in this Act called "the North Western Company") should be empowered to enter into agreements as provided by this Act:

And whereas it is expedient that the Company should be authorised to apply their capital for the purposes of this Act:

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 as the Charing Cross Euston and Hampstead Railway Act 1898 and the Charing Cross Euston and Hampstead Railway Acts 1893 to 1897 and this Act may be cited together as the Charing Cross Euston and Hampstead Railway Acts 1893 to 1898.

Incorporation of general Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts:

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the following matters or contained in the following sections thereof (that is to say):—

The construction of the railway and the works connected therewith;

Section 45 (as to lands for additional stations);

The carrying of passengers and goods upon the railway and the tolls to be taken thereon;

The regulation and use of the railway;

The settlement of disputes by arbitration;

Section 138 (as to service of notices);

The recovery of damages not specially provided for and of penalties and the determination of any other matter referred to justices;

And the provision to be made for affording access to the special Act by all parties interested:

Part II. (relating to extension of time) and Part III. (relating to working agreements) of the Railways Clauses Act 1863.

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

A.D. 1898.
Interpreta-
tion.

The expression "the railway" means the railway by this Act authorised.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway herein-after described with all necessary and proper sidings stations shafts lifts tunnels subways roads approaches junctions works and conveniences connected therewith and may subject as aforesaid enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for those purposes:

Power to
make
railway.

Provided always that (except for the purpose of making trial borings as provided by sections 7 and 41 of the Act of 1893 as incorporated with this Act) nothing in this Act shall authorise the Company to enter upon take or use the surface of any public street or road but (subject as aforesaid) the Company may enter upon take and use the subsoil and under surface of any public street road or footway shown on the deposited plans and described in the deposited book of reference or so much thereof as shall be necessary for the purposes aforesaid.

5. The railway herein-before referred to and authorised by this Act will be situate in the county of London and is—

Description
of railway.

A railway two furlongs one chain and eighty links in length commencing by a junction with Railway No. 1 authorised by the Act of 1893 at a point under Charing Cross Road 30 yards or thereabouts south-east of the principal entrance to the Garrick Theatre and terminating at a point under the shop and show room No. 23 Craven Street.

6. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are by the Act of 1893 authorised to raise and which may not be required for the purposes of that Act.

Power to
apply funds.

7. The sections of the Act of 1893 which are enumerated and referred to in the first part of the Schedule to this Act (except so far as the same or any part or parts thereof are expressly repealed amended or varied by this Act) are incorporated with and form part of this Act and shall extend and apply to the works by this Act

Incorpora-
tion of
certain
sections of
Act of 1893
with this
Act.

A.D. 1898. — authorised the roads under and along which the same are to be made and the several bodies or persons named or referred to in those sections as fully and effectually to all intents and purposes as if those sections had been repealed and expressly re-enacted in this Act with reference thereto. Provided that section 72 of the Act of 1893 shall for the purposes of this Act apply to the properties numbered on the deposited plans 1 to 32 inclusive.

Setting back
of buildings.

8. Before the Company commence to construct any building upon any land acquired under the authority of this Act fronting St. Martin's Lane or Chandos Street they shall give notice to the London County Council in writing of their intention to commence the construction of such building and describing the site thereof and the Company shall not commence any such building until they have given such notice and the said Council may at any time within two months after such notice has been given to them require that the buildings at any such site shall be set back so as to secure increased width of thoroughfare and space in front of the building to such an extent (if any) and on such terms as in default of agreement between the said Council and the Company may be determined to be proper and reasonable by an arbitrator to be appointed on the application of either of them by the President of the Institution of Civil Engineers and the Company shall thereupon set the same back accordingly.

For protec-
tion of
Vestry of
St. Martin-
in-the-
Fields.

9. For the protection of the Vestry of the parish of Saint Martin-in-the-Fields in the county of London (in this section called "the parish") the following provisions shall apply and have effect (that is to say) :—

(1.) The railway shall except at the stations and approaches thereto be constructed at a depth below the surface of at least twenty-five feet measured from the surface of the street to the extreme top of the tunnel and in such manner as not to in any way interfere with the surface of the streets or footways :

(2.) While the Company are possessed under the authority of this Act of any lands houses buildings cellars easements or other property within the parish assessed or liable to be assessed to any parochial poor or sewer rate or other general or special rate and until any works to be constructed by the Company in the parish under or consequent on the powers of this Act are so far completed as to be assessed or liable to be assessed the Company shall be liable to make good and shall make good the deficiency in the assessment for such rates by reason of such lands houses

buildings cellars easements or other property being taken or used by them for the purposes of this Act or other the purposes of their undertaking and the deficiency shall be computed according to the rental at which such lands houses buildings cellars easements or other property respectively are rated at the time of the passing of this Act and on demand the Company shall pay the deficiency to the collectors of such rate or rates respectively. A.D. 1898.

10. Nothing contained in this Act shall authorise the Company to enter upon take and use either temporarily or permanently for the purposes of or in connection with the railway by this Act authorised any lands or property belonging to the South Eastern Railway Company without the previous consent in writing of that Company under their common seal. For protection of South Eastern Railway Company.

11. The following provisions for the protection of John Johnston Calder and other the person or persons for the time being the owners of the properties numbered on the deposited plans 2 and 3 in the parish of Saint Martin-in-the-Fields (in this section called "the owner") shall unless otherwise agreed between the owner and the Company have effect (that is to say) :— For protection of John Johnston Calder.

(1.) Notwithstanding anything contained in this Act the Company shall not in the construction of the railway deviate upwards from the levels thereof shown on the section signed by the Right Honourable James William Lowther the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred nor laterally to the north of the line marked C. C. on the plan signed by the said Chairman :

(2.) The Company their contractors agents servants or workmen shall not enter upon take use or in any manner interfere with the surface of the said properties but the Company may purchase and the owner shall sell an easement or right of user of the subsoil necessary for the construction of the tubes or tunnels in the position shown on the said plan so far as such subsoil is vested in him and the provisions of the Lands Clauses Acts with regard to lands shall extend to such easement or right of user of such subsoil :

(3.) The Company shall not at any time hereafter without the consent of the owner increase the size of the tubes or tunnels where they pass under the said properties in such manner as to bring the tubes or tunnels nearer the property of the owner :

A.D. 1898.

(4.) No shaft or opening shall be made in the roadway of Chandos Street or St. Martin's Lane within one hundred feet of the said properties :

(5.) The Company shall pay to the owner compensation for all damage which he may sustain through any structural injury to the said properties by or from the construction or working of the railway or works of the Company notwithstanding that no part of the said properties be actually taken by the Company. The amount of such compensation shall in case of difference be settled by the President of the Institution of Civil Engineers or an engineer appointed by him.

Owners may be required to sell parts only of certain lands and buildings.

12. And whereas in the construction of the railway and works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans will be sufficient for the purposes of the Company and that such portions 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 persons interested in the lands buildings or manufactories numbered on the deposited plans 1a 5 2a 3a 4a 5a 6a 21 31 and 32 and whereof parts only are required for the purposes of the Company 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 the said properties without material detriment thereto be required to sell and convey to the Company the portions only of the properties 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 persons interested therein by severance or otherwise.

Period for compulsory purchase of lands.

13. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

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

Rates and charges.

15. The Company may demand and take for the conveyance of passengers and for small parcels conveyed upon the railway rates

or charges not exceeding those authorised by the Act of 1893 and the sections of that Act which are enumerated in the second part of the Schedule to this Act shall (subject to the amendment by this Act of section 84 of the Act of 1893) extend and apply to the rates and charges by this Act authorised as if the railway by this Act authorised were part of the railway authorised by the Act of 1893. A.D. 1898.

16. Section 82 of the Act of 1893 is hereby repealed and in lieu thereof the following provisions shall have effect (that is to say):— Passengers' luggage.

Every passenger travelling on the railways authorised by the Act of 1893 and this Act may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers and one hundred pounds in weight for second-class passengers without any charge being made for the carriage thereof. Provided that nothing herein contained shall authorise any such passenger to take into any carriage for passengers any luggage other than personal luggage not exceeding twenty-eight pounds in weight such last-mentioned luggage to be carried by hand at the responsibility of the passenger and not to occupy any part of a seat or to be of a form or description to annoy or inconvenience any other passenger :

Section 84 of the Act of 1893 shall be read and construed as if at the end thereof had been added the words "and passengers' luggage not exceeding one hundred and twenty pounds in weight."

17. The Company shall abandon the construction of such portion of the Railway No. 1 authorised by the Act of 1893 as lies between the commencement thereof and the junction therewith of the railway by this Act authorised and of the subway for foot passengers authorised by the Act of 1893 and sections 75 and 76 of the Act of 1893 shall be construed as though the railway by this Act authorised were substituted for the portion of railway so abandoned. Company to abandon portion of authorised Railway No. 1.

18. The abandonment by the Company under the authority of this Act of the said portion of railway and subway shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of railway and shall not prejudice or affect Compensation for damage to land by entry &c. for purposes of portion of railway abandoned.

A.D. 1898. — the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which may have been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845 or the Act of 1893.

Compensation for non-completion of contracts in respect of portion of railway abandoned.

19. Where before the passing of this Act any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the portion of railway and subway by this Act authorised to be abandoned the Company shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to such contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Act 1845 as amended by any subsequent Act for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Extension of powers for compulsory purchase of lands.

20. The powers conferred upon the Company by the Acts of 1893 and 1894 for the compulsory purchase of lands for the purposes of those Acts as revived and extended by sections 3 and 4 of the Act of 1897 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.

21. The powers granted by the Act of 1893 for the construction of so much of the railways thereby authorised as is not by this Act authorised to be abandoned as such powers are extended by section 4 of the Act of 1897 are hereby extended and may be exercised by the Company for the period of two years from the twenty-fourth day of August one thousand nine hundred and section 75 of the Act of 1893 shall subject to the provisions of the section of this Act of which the marginal note is "Company to abandon portion of authorised Railway No. 1" be read and construed as if the period limited by this Act for the completion of the railways authorised by the Act of 1893 had been the period limited by the Act of 1893 for the completion thereof and section 9 of the Act of 1897 shall be read and construed as if the time limited by this Act for the completion of the said railways had been the time limited by the Act of 1897 :

If the said railways be not completed within the said period of A.D. 1898.
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.

22. Nothing in this Act shall prejudice or affect the provisions For protection
of Metropolitan
Railway
Company.
for the protection of the Metropolitan Railway Company contained
in section 64 of the Act of 1893.

23. Notwithstanding anything contained in the Parliamentary As to deposit
under Act
of 1893.
Deposits Act 1846 or in sections 75 and 76 of the Act of 1893
the High Court may after due notice to the depositors on
the application from time to time of the Company issue a
direction to the Paymaster-General to vary the names of the
persons named in the warrant or order referred to in those
sections and thereafter the persons named in such direction shall
for all purposes be deemed to be the depositors within the
meaning of those sections.

24. The Company shall not under the powers of this Act or of Restriction
on taking
houses
of labouring
class.
any former Act extended by this Act purchase or acquire in any
parish within the administrative county of London twenty or more
houses which on the fifteenth day of December next before the
passing of this Act or 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 Provided always that subsection (7)
of that section shall be read and have effect as if the words
“from the date of such scheme” were substituted therein for the
words “from the passing of this Act” and subsection (8) of that
section shall be read and have effect as if the words “London
Building Act 1894” were substituted therein for the words
“Metropolitan Building Act 1855.”

25. The Company and the South Eastern Company may enter Agreements
with South
Eastern
Company as
to subway
&c.
into and carry into effect agreements with reference to the con-
struction use management and maintenance of a subway or other
approach with or without lifts and other works and conveniences
between the stations of the Company and the South Eastern
Company at Charing Cross.

26. The Company on the one hand and the South Eastern Working
agreements.
Company and the North Western Company or either of them
(herein-after referred to as “the two companies”) on the other

A.D. 1898.

hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 enter into and carry into effect agreements for or with respect to the following matters or any of them (that is to say) :—

The working use management and maintenance of the railways and works of the Company or any or either of them or any part thereof ;

The interchange transmission and delivery of traffic coming from destined for or passing over the respective railways and works of the contracting companies ;

The fixing of the tolls or charges to be demanded and recovered in respect of such traffic and the division and apportionment of the receipts and profits arising from such traffic ;

The joint or separate ownership use and occupation of any stations and other works of the contracting companies or any of them or any part or parts thereof ;

The appointment of a joint committee or joint committees for carrying into effect the purposes of any such agreement.

Saving for
Postmaster-
General.

27. Nothing in any agreement made under the authority of this Act shall affect the rights of Her Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways and works comprised in the undertaking of the Company and from time to time to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the undertaking of the Company is worked by the two companies as freely and fully in all respects as he was entitled to do before the making of any such agreement.

Saving
rights of
the Crown.

28. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments (including the subsoil and under-surface of any street road or footway) or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges

powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty. A.D. 1898.

29. Nothing in this Act contained shall exempt any company on whom powers are conferred by this Act 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 said companies. Provision as
to general
Railway
Acts.

30. 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. Costs of Act.

SCHEDULE referred to in the foregoing Act.

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INCORPORATED WITH THIS ACT.

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