



ANNO TRICESIMO & TRICESIMO PRIMO

# VICTORIÆ REGINÆ.

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## Cap. ccii.

An Act to extend the Time for the compulsory Purchase of Lands for and for the Completion of the *Fulham* Railway, and to enable the *Fulham* Railway Company to raise further Monies; and for other Purposes [15th August 1867.]

**W**HEREAS by the *Fulham* Railway Act, 1865, (in this Act called "the recited Act,") which received the Royal Assent on the Twenty-ninth Day of *June* One thousand eight hundred and sixty-five, the *Fulham* Railway Company (in this Act called the Company) were incorporated, with Power to make and maintain the Railways and Works by that Act authorized: And whereas the recited Act limited the Periods for the compulsory Purchase of Lands and Houses to Two Years, and for the Completion of the Railways and Works thereby authorized to Three Years: And whereas it is expedient that those Periods be respectively extended: And whereas it is expedient that the Company should be empowered to raise further Monies for the Purposes of their Undertaking: And whereas the Objects 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

[*Local.*]

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the

28 & 29 Vict.  
c. cxcii.

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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 *Fulham Railway Act, 1867.*"

Parts of  
8 & 9 Vict.  
c. 16. and  
26 & 27 Vict.  
cc. 92. and  
118. incor-  
porated.

**2.** Part II. (relating to Extension of Time) of "The Railways Clauses Act, 1863," and the following Clauses, Provisions, and Parts of "The Companies Clauses Consolidation Act, 1845," and of "The Companies Clauses Act, 1863," are (except where expressly varied by this Act) incorporated with and form Part of this Act; that is to say: Of "The Companies Clauses Consolidation Act, 1845," the Clauses and Provisions—

With respect to the Distribution of the Capital of the Company into Shares;

With respect to the Transfer or Transmission of Shares;

With respect to the Payment of Subscriptions and the Means of enforcing the Payment of Calls;

With respect to the Forfeiture of Shares for the Nonpayment of Calls;

With respect to the Remedies of Creditors of the Company against the Shareholders;

With respect to the borrowing of Money by the Company on Mortgage or Bond;

With respect to the Conversion of the borrowed Money into Capital;

With respect to the Consolidation of Shares into Stock;

With respect to the General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders;

With respect to the making of Dividends;

With respect to the giving of Notices; and

With respect to the Provision to be made for affording Access to the Special Act by all Parties interested:

And of "The Companies Clauses Act, 1863:"

Part I. (relating to the Cancellation and Surrender of Shares);

Part II. (relating to additional Capital); and

Part III. (relating to Debenture Stock).

Same Mean-  
ings to  
Words in  
incorporated  
Acts as in  
this Act.

**3.** In this Act the several Words and Expressions to which Meanings are assigned by the Acts partially incorporated herewith shall have the same respective Meanings, unless there be something in the Subject or Context repugnant to such Construction.

**4.** The

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4. The Powers of the Company for the compulsory Purchase of Lands and Houses for the Purposes of the Railways and Works authorized by the recited Act may be exercised within Two Years, but shall not be exercised after the Expiration of Two Years, from the passing of this Act.

Extending  
Period for  
compulsory  
Purchases.

5. The Powers of the Company for the Construction of the Railways authorized by the recited Act may be exercised within Two Years, but shall not be exercised after the Expiration of Two Years, from the passing of this Act, and that Period shall for all Purposes be deemed the Period limited by the recited Act for the Completion of the Railways and the Works connected therewith.

Extending  
Period for  
Completion  
of Works.

6. All Works to be executed under the Powers of the recited Act or of this Act upon the Banks of the River *Thames*, so far as such Works shall be within the Jurisdiction of the Conservators of the River *Thames*, shall be made according to a Plan and Elevation to be approved by the said Conservators and deposited at their Office, and all such Works shall be done under the Superintendence and to the reasonable Satisfaction of the said Conservators.

As to  
crossing of  
*Thames*.

7. If any such Work to be constructed by the Company in, under, or upon the Banks of the River *Thames* shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Conservators of the River *Thames* to abate and remove the same, or such Part or Parts thereof as they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Conservators of the River *Thames*, and be recoverable, with Costs of Suit.

Conservators  
may remove  
Works aban-  
doned.

8. Nothing in this or the recited Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Liberties, Privileges, or Franchises of the Conservators of the River *Thames*, or to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of the passing of this Act the said Conservators did or might lawfully claim, use, or exercise.

Saving  
Rights of the  
Conservators  
of the River  
*Thames*.

9. The Company shall, within Three Months after any Part of any Road or Street maintained by or under the Control of the Board of Works for the *Fulham* District shall have been first broken up, cause the Ground to be filled in, and the Pavement to be reinstated, and the Surface of the Road or Street to be made good, in a proper and substantial Manner, to the reasonable Satisfaction of the Surveyor of the said Board of Works, and the Company shall also at

Restoration  
of Roads and  
Streets in  
*Fulham*  
District.

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at their own Expense keep and maintain any such Road or Street in good and substantial Repair in every respect to the reasonable Satisfaction of the said Surveyor for Twelve Months next after the same shall have been so restored as aforesaid.

Works to be lighted.

10. The Company shall at their own Expense at all Times whilst any Road, Street, Carriage or Foot Way, or any Sewer or Drain, under the Control of the said Board of Works, is opened or broken up by the Company, cause the same to be fenced and guarded, and shall cause sufficient Light and Watch for the warning of Passengers to be set up and kept there every Night during which such Road, Street, Carriage or Foot Way, Sewer or Drain, shall be, continued, so broken up or opened, and shall, after replacing and making good the said Street, Carriage or Foot Way, Drain or Sewer, which shall have been so broken up or opened, keep the same in good and substantial Repair to the reasonable Satisfaction of the said Surveyor for Twelve Months next thereafter.

In case of Delay or Omission Board of Works may reinstate.

11. If any undue Delay or Omission shall take place in completing any Works, or in restoring or repaving any Road, Street, Carriage or Foot Way, Drain or Sewer, under the Control of the said Board of Works, as required by this Act, the said Board may cause the Works so delayed or omitted to be done to be executed, and the Expense of executing the same shall be repaid to the said Board, and such Expense may be recovered from the Company in any Court of competent Jurisdiction.

Penalty for not completing Bridge over Broadway Hammersmith within certain Period.

12. The Bridge for carrying the Railway over the *Broadway, Hammersmith*, shall be completed within Twelve Months after the Completion of the Abutments thereof, and in default the Company shall forfeit to the said Board of Works Ten Pounds for each Day during which after the Expiration of the said Twelve Months the said Bridge shall remain unfinished, except so far as any such Delay may arise by reason of any Strike of the Workmen employed in constructing the Railway.

Sect. 28. of recited Act to extend to this Act.

13. Section 28 of the recited Act shall extend and apply to any Difference which may arise under this Act between the Company and the Board of Works for the *Fulham District*.

Power to Company to raise additional Capital.

14. The Company may from Time to Time (in addition to the Capital which they are now authorized to raise) raise any further Sums not exceeding in the whole Thirty-five thousand Pounds by the Creation and Issue of new Ordinary Shares or new Ordinary Stock, or (at the Option of the Company) by either of these Modes.

15. The

*The Fulham Railway Act, 1867.*

15. 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, nor shall the Company issue any Certificate of any Stock, or register the Transfer of any Stock, unless and until the Stock to which the Certificate or Transfer relates has been fully paid up.

Shares not to  
issue until  
One Fifth  
paid up.

16. One Fifth of the Amount of any Shares created under the Authority of this Act shall be the greatest Amount of a Call, and Three Months shall be the Interval between successive Calls, and Three Fourths of the Amount of a Share shall be the utmost aggregate Amount of the Calls made in any Year upon any such Share.

Calls.

17. Subject to the Provisions of this Act, the Company, with the Authority of Three Fourths of the Votes of the Shareholders present, in person or by proxy, at a General Meeting of the Company specially convened for the Purpose, may from Time to Time divide any Share in their Capital into Half Shares, of which one shall be called "Preferred Half Share," and the other shall be called "Deferred Half Share:" Provided always, that the Company shall not divide any Share under the Authority of this Act unless and until not less than Sixty *per Centum* upon such Share has been paid up, and upon every such Division Fifty *per Centum* upon the entire Share shall be carried to the Credit of the Deferred Half Share (being the whole Amount payable thereon), and the Residue to the Credit of the Preferred Half Share.

Power to  
divide  
Shares.

18. The Dividend which would from Time to Time be payable on any divided Share if the same had continued an entire Share shall be applied in Payment of Dividends on the Two Half Shares in manner following; (that is to say,) first, in Payment of Dividend after such Rate, not exceeding Six *per Centum per Annum*, as shall be determined at a General Meeting of the Company specially convened for the Purpose, on the Amount for the Time being paid up on the Preferred Half Share, and the Remainder, if any, in Payment of Dividend on the Deferred Half Share, and the Company shall not pay any greater Amount of Dividend on the Two Half Shares than would have from Time to Time been payable on the entire Share if the same had not been divided.

Dividends on  
Half Shares.

19. Each Preferred Half Share shall be entitled out of the Profits of each Year to the Dividend which may have been attached to it by the Company as aforesaid in priority to the Deferred Half Share

Dividend on  
Preferred  
Shares to be  
paid out of

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the Profits  
of the Year  
only.

bearing the same Number; but if in any Year ending the Thirty-first Day of December there shall not be Profits available for the Payment of the full Amount of Dividend on any Preferred Half Share for that Year, no Part of the Deficiency shall be made good out of the Profits of any subsequent Year, or out of any other Funds of the Company.

Half Shares  
to be regis-  
tered and  
Certificates  
issued.

20. Forthwith after the Creation of any Half Shares the same shall be registered by the Directors, and each Half Share shall bear the same Number as the Number of the entire Share Certificate in respect of which it was issued, and the Directors shall issue Certificates of the Half Shares accordingly, and shall cause an Entry to be made in the Register of the entire Shares of the Conversion thereof: Provided always, that the Directors shall not be bound to issue a Certificate of any Half Share until the Certificate of the existing Share be delivered to them to be cancelled, unless it be shown to their Satisfaction that the Certificate is destroyed or lost, and on any Certificate being so delivered up the Directors shall cancel it.

Terms of  
Issue to be  
stated in  
Certificates.

21. The Terms and Conditions on which any Preferred Half Share or Deferred Half Share created under this Act is issued shall be stated on the Certificate of each such Half Share.

Forfeiture of  
Preferred  
Shares.

22. The Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the Forfeiture of Shares for Nonpayment of Calls, shall apply to all Preferred Half Shares to be created under the Authority of this Act, and every such Preferred Half Share shall for that Purpose be considered a whole Share distinct from the corresponding Deferred Half Share: Provided always, that until any forfeited Preferred Half Share shall be sold by the Directors of the Company all Dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards Payment of any Expenses attending the Declaration of Forfeiture thereof, and of the Arrears of Calls for the Time being due thereon, with Interest.

Preferred  
Shares not  
to be can-  
celled or  
surrendered.

23. No Preferred Half Share created under the Authority of this Act shall be cancelled or be surrendered to the Company.

Half Shares  
to be Half  
Shares in  
Capital.

24. The several Half Shares under this Act shall be Half Shares in the Capital of the Company, and every Two Preferred or Deferred Half Shares held by the same Person shall confer such Right of voting at Meetings of the Company, and (subject to the Provisions herein-before contained) shall confer and have all such other Rights, Qualifications, Privileges, Liabilities, and Incidents, as attach and are incident to an entire Share.

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25. The Company may from Time to Time (in addition to any Sums which they are now authorized to borrow) at any Time after the passing of this Act borrow on Mortgage any Sums not exceeding in the whole Eleven thousand six hundred Pounds, but no Part thereof shall be borrowed until the whole of the additional Capital of Thirty-five thousand Pounds by this Act authorized to be raised is subscribed for, issued, and accepted, and One Half thereof 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 the whole of the Capital has 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 Capital was issued *bonâ fide*, and is held by the Subscribers or their Assigns, and that such Subscribers 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.

Power to borrow on Mortgage.

26. Section 17 of the recited Act (relating to the Appointment of a Receiver) is hereby repealed.

Sect. 17. of recited Act repealed.

27. 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 authorize 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 Six thousand Pounds in the whole.

Arrears may be enforced by Appointment of a Receiver.

28. The Company may create and issue Debenture Stock.

Debenture Stock.

29. All Monies to be borrowed on Mortgage under this Act or under the recited Act from the Time when the said Monies shall be advanced, and the Interest for the Time being due thereon, shall have Priority against the Company, and all the Property from Time to Time of the Company, over all other Claims on account of any Debts to be incurred or Engagements to be entered into by them: Provided always, that such Priority shall not prejudice or affect any Claim against the Company or their Property in respect of any Rent-charge granted or to be granted by them in pursuance of the Provisions of the Lands Clauses Consolidation Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, nor shall anything herein-before contained prejudice or affect any Claim or Lien in respect

Monies borrowed on Mortgage to have Priority.

of

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of any Land taken, used, or occupied by the Company for the Purposes of their authorized Railway, or injuriously affected by the Construction thereof.

Application  
of Monies.

**30.** All Monies raised under this Act, whether by Shares, Debenture Stock, or borrowing, shall be applied for the Purposes of this and the recited Act only.

Interest not  
to be paid on  
Calls paid up.

**31.** The Company shall not, out of any Monies by this or the recited Act authorized to be raised by Calls or by borrowing, pay Interest or Dividend to any Shareholder on the Amount of the Calls made in respect of the Shares held by him: Provided always, that this Act shall not 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."

Deposit for  
future Bills  
not to be  
paid out of  
Capital.

**32.** The Company shall not, out of any Money by this or the recited Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereinafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing them to construct any Railway, or to execute any other Work or Undertaking.

Railway not  
exempt from  
Provisions of  
present and  
future General Acts.

**33.** Nothing herein contained shall be deemed or construed to exempt the Railways by the recited Act authorized to be made, or the Company, from the Provisions of any General Act relating to Railways, or to 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, authorized by the recited Act.

Expenses of  
Act.

**34.** 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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