



ANNO VICESIMO QUINTO & VICESIMO SEXTO
VICTORIÆ REGINÆ.

Cap. lvi.

An Act to confer upon the *Tewkesbury and Malvern* Railway Company further Powers for the Completion of their Railway; and for other Purposes. [30th June 1862.]

WHEREAS an Act (Local) was passed in the Twenty-third and Twenty-fourth Years of Her Majesty, Chapter Seventy-two, intituled *An Act for making a Railway from the Aschurch and Tewkesbury Branch of the Midland Railway at Aschurch in the County of Gloucester to Great Malvern in the County of Worcester, and for other Purposes*, whereby the *Tewkesbury and Malvern* Railway Company were incorporated: And whereas the Railway by the recited Act authorized to be made is in course of Construction, and in the Execution of the Works of a Portion of the Railway it has been found necessary to deviate from the Levels of the Railway as referred to the common Datum Line described on the Section referred to in the same Act to a greater Extent than is permitted by the Provisions of "The Railways Clauses Consolidation Act, 1845," incorporated with the said Act, and it is expedient that the Company should be enabled to maintain their Railway according to the deviated Levels herein-after mentioned: And whereas Plans and Sections showing the new Levels of that Portion of the said

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Railway have been deposited with the Clerk of the Peace for the County of *Worcester*: And whereas the Company have been authorized to raise by Shares any Sum or Sums of Money not exceeding the Sum of One hundred and forty-five thousand Pounds, and to borrow not exceeding Forty-eight thousand Pounds: And whereas the Company require further Sums of Money for the Purposes of their Undertaking: 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 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 Tewkesbury and Malvern Railway Act, 1862.*"

Recited Act and this Act to be as One. 2. The recited Act, as altered and amended by this Act, and this Act, shall be construed as One Act, and shall be carried into execution accordingly.

Company to maintain Railway as constructed. 3. It shall be lawful for the Company to maintain so much of the Line of the *Tewkesbury and Malvern Railway*, authorized by "*The Tewkesbury and Malvern Railway Act, 1860,*" as extends from a Point in or near the Enclosure numbered 8, in the Parish of *Hanley Castle* and County of *Worcester*, on the Plans referred to in the said Act, to the Point where the *Tewkesbury and Malvern Railway* as now constructed joins the *Worcester and Hereford Railway* in the Township and Parish of *Great Malvern* in the said County of *Worcester*, which said Portion of Railway is situate in the Parishes of *Hanley Castle* and *Great Malvern* in the said County of *Worcester*, with all necessary Works connected therewith, according to the Level thereof as shown upon the Sections deposited as herein-before mentioned.

Provision as to Road for Sir E. A. H. Lechmere. 4. Provided, That independently of the Roads and Accommodation Works to which Sir *Edmund Anthony Harley Lechmere* may be entitled under the "*Lands and Railways Clauses Consolidation Acts, 1845,*" the Company shall at their own Cost, within Three Months from the passing of this Act, make and fence off, and shall for ever thereafter maintain, a Road not less than Thirty Feet wide on the South-west Side of the Railway from the Turnpike Road leading from *Hanley to Malvern Wells* into the Land of the said Sir *Edmund Anthony Harley Lechmere*, No. 11 on the deposited Plan, and shall secure to the said Sir *Edmund Anthony Harley Lechmere*, his Heirs and Assigns, and Lessees and Tenants of his Estates, a perpetual Right of Way over such intended Road, and the free and uninterrupted Use of the same at all Times.

5. In

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5. In addition to the Capital authorized to be raised by the recited Act, it shall be lawful for the Company to raise for the general Purposes of their Undertaking any further Sum not exceeding One hundred and twenty thousand Pounds, by the Creation and Issue of new Shares in their Undertaking. Power to raise additional Capital.
6. The Capital to be raised by such new Shares shall be Part of the general Capital of the Company, and all additional Shares created and issued by the Company under the Authority of this Act shall be ordinary Shares, and shall respectively be of the same Amount, and shall confer on the Holders thereof the same Rights and Privileges only, and shall be subject to the same Provisions in all respects, whether with reference to the Amount and Times of making Calls, to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise howsoever, as if they had been created under the Authority of the recited Act. Capital raised by new Shares to form Part of general Capital.
7. Such new Shares may be apportioned and offered to the then Shareholders in the Company, or if not taken by them, or as to so many as shall not be taken by them, may be disposed of to such other Persons as may be willing to accept the same, in such Manner and on such Terms, not being less than the nominal Amount of such new Shares, and on such Conditions, as shall be determined by the Company. Disposal of new Shares.
8. After the said additional Capital of One hundred and twenty thousand Pounds shall have been subscribed for and One Half thereof shall have been paid up, it shall be lawful for the Company from Time to Time to borrow on Mortgage of their Undertaking any Sum not exceeding Forty thousand Pounds, in addition to the Sums authorized to be borrowed by the recited Act; but no Part of such Sum of Forty thousand Pounds shall be borrowed until the Company shall have proved to the Justice who is to certify under the Forty-second Section of "The Companies Clauses Consolidation Act, 1845," that the whole of such additional Capital has been subscribed for *bonâ fide*, and is held by the Subscribers, or their Executors, Administrators, or Assignees, and for which such Subscribers or their Executors, Administrators, or Assignees are legally liable. Power to borrow on Mortgage.
9. The Mortgages granted by the Company under the Authority of the recited Act shall, during their Subsistence, have Priority over any Mortgage to be granted by the Company under the Authority of this Act. Former Mortgages not to be affected.
10. The whole Sums by this Act authorized to be raised by the Creation of new Shares or by borrowing shall be applied to the Purposes of the recited Act and this Act, and to no other Purpose whatever. Application of Money raised.
11. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Shares or Interest on Calls not to be paid out of Capital.

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by borrowing, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of Shares held by him in the Capital by this Act authorized to be created: Provided always, that the Company may pay to any Shareholder any Interest on Money advanced by him beyond the Amount of Calls actually made as is in conformity with the Provisions in that Behalf of "The Companies Clauses Consolidation Act, 1845."

Deposits for
future Bills
not to be
paid out of
Company's
Capital.

12. The Company shall not, out of any Money by this Act or any Act relating to the Company authorized to be raised or applied for the Purposes of the Company, pay or deposit any Sum of Money 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 authorizing the Company to make any other Railway or to execute any other Work or Undertaking.

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

13. This Act shall not exempt the Company from the Provisions of any present or future General Act relating to Railways, or to the better or more impartial Audit of the Accounts of Railway Companies, or from any future Revision and Alteration under the Authority of Parliament of the Rates or Fares and Charges in the first-recited Act authorized, or of the Rates for small Parcels thereby authorized.

Expenses of
Act.

14. All the Costs, Charges, and Expenses of and incident to the obtaining and passing of this Act shall be paid by the Company.

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