



ANNO VICESIMO SEPTIMO & VICESIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccx.

An Act to extend the *Bourton-on-the-Water* Railway towards *Cheltenham*; to amend the Act relating to the *Bourton-on-the-Water* Railway Company; and for other Purposes.

[25th July 1864.]

WHEREAS the *Bourton-on-the-Water* Railway Company (in this Act called "the Company") have constructed a Railway from the *West Midland Line* of the *Great Western* Railway Company to *Bourton-on-the-Water*: And whereas it would be of great public and local Advantage if the *Bourton-on-the-Water* Railway were extended towards *Cheltenham*, and it is expedient that the Company be authorized to raise Money for such Purpose in manner by this Act provided; but 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,)

[*Local.*]

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1. This

*Bourton-on-the-Water Railway (Extension to Cheltenham)
Act, 1864.*

- Short Title. 1. This Act may be cited for any Purpose as "*Bourton-on-the-Water Railway (Extension to Cheltenham) Act, 1864.*"
- 8 & 9 Vict. cc. 18. & 20.,
23 & 24 Vict. c. 106., and
26 & 27 Vict. c. 92. incor-
porated. 2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," shall, except in so far as the same are varied by this Act, be incorporated with and form Part of this Act.
- Interpreta-
tion of
Terms. 3. In this Act the Expression "the Extension Railway" means the Railway and Works by this Act authorized to be made; and the Expression "the Extension Shares" means the Shares or Stock by this Act authorized to be raised for the Purposes of the Extension Railway, unless there be anything in the Subject or Context repugnant to such Construction.
- Same
Meanings to
Words, &c.
in incor-
porated Acts
as in this
Act. 4. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.
- Describing
Extension
Railway. 5. It shall be lawful for the Company to make and maintain the Railway herein-after mentioned, with all proper Sidings, Stations, Junctions, Works, and Conveniences connected therewith; (that is to say,
A Railway commencing at or near *Whittington Court* in or near the Field numbered on the deposited Plans 24 in the Parish of *Whittington* in the County of *Gloucester*, and terminating in the Parish of *Bourton-on-the-Water* in the County of *Gloucester* by a Junction there with the *Bourton-on-the-Water Railway*, at or near the Termination thereof at *Bourton-on-the-Water*.)
- Power to
make
Extension
Railway
according to
deposited
Plans. 6. And whereas Plans and Sections describing the Lines and Levels of the intended Extension Railway, and also the Lands which by virtue of this Act are intended to be or may be taken or used for the Purpose of such Extension Railway, and the Stations, Works, and Conveniences to be connected therewith, and also Books of Reference to such Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Gloucester*: Therefore, subject to the Provisions of this Act, and in "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," contained, and to the Powers of Deviation in such last-mentioned Act, it shall be lawful for the Company to make
and

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and maintain the said Extension Railway and other Works on the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections, and to enter upon, take, and use, such of the Lands described upon the said Plans and in the said Books of Reference as may be requisite for such Purposes.

7. It shall be lawful for the Company to construct the Approaches to the Bridges or Arches for carrying the Roads numbered as after-mentioned on the said deposited Plan across the Extension Railways with such Inclination as they think fit, not steeper than the following; (that is to say,)

Regulating
Inclination
of certain
Roads.

No. on Plan.	Parish.	Description of Road.	Rate of Inclination.
28	Whittington -	Public Road - -	1 in 15 on one Side, and 1 in 30 on the other Side.
37	Whittington - -	Ditto - -	1 in 14.
27	Salperton - -	Ditto - -	1 in 11.
17	Naunton - - -	Ditto - - -	1 in 14 on one Side, and level on the other.
22	Cold Aston - -	Ditto - -	1 in 12 on one Side, and level on the other.

8. In carrying the Extension Railway over the Road numbered on the deposited Plans 28 in the Parish of *Whittington* the Company may make the Arch of the Span of not less than Fifteen Feet, and of the Height of not less than Twelve Feet.

Height and
Span of
certain
Arch.

9. The Powers of the Company for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing of this Act.

Powers for
compulsory
Purchases
limited.

10. If the Extension Railway authorized to be made by this Act shall not be completed within Five Years from the passing of this Act, then on the Expiration of such Period the Powers by this Act or by the Acts incorporated herewith granted to the Company for executing the same shall cease to be exercised except as to so much of the same as shall then be executed.

Period for
Completion
of Works.

11. It shall be lawful for the Company to demand and receive for and in respect of the Extension Railway the same Tolls and Charges as they are authorized to take on the *Bourton-on-the-Water* Railway: Provided always, that the maximum Tolls and Charges to be levied and received by the Company in respect of the said Extension
Railway

Tolls on
Extension
Railway.

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Railway and Works shall in no Case exceed the maximum Tolls and Charges authorized to be taken on the *Bourton-on-the-Water* Railway, and such Extension Railway shall for the Purposes of Tolls and Charges, and also for the Purpose of regulating the Charges for short Distances, be deemed Part of the *Bourton-on-the-Water* Railway, in the same Manner as if it had been authorized by the Act relating to that Railway.

For securing
Completion
of Extension
Railway.

12. If the Company fail within the Period by this Act limited to complete the Extension Railway by this Act authorized, the Company shall be liable to a Penalty of Fifty Pounds for every Day after the Period so limited until such Extension Railway shall be completed and opened for public Traffic, such Sum to be recoverable as a Debt due to the Crown in any of the Superior Courts; but no Penalty shall accrue in respect of any Time during which it shall appear, by a Certificate to be obtained from the Board of Trade, that the Company was prevented from completing or opening such Extension Railway by unforeseen Accident or Circumstances beyond their Control, but the Want of sufficient Funds shall not be deemed a Circumstance beyond their Control.

As to
Working
Arrange-
ments.

13. The *Great Western* Railway Company and the Company may (subject to the Provisions contained in Part III. of "The Railways Clauses Act, 1863,") have and exercise in respect of the Extension Railway the same Powers to enter into and carry into effect Working and Traffic Arrangements as the Company and the *Oxford, Worcester, and Wolverhampton* Railway Company have or might exercise in respect of the *Bourton-on-the-Water* Railway by the Forty-first Section of "The *Bourton-on-the-Water* Railway Act, 1860."

Additional
Capital may
be raised.

14. The Company may raise by Contribution among themselves, or by Admission of others as Subscribers to their Undertaking, or in Part by each of those Means, the Sum of Two hundred and twenty thousand Pounds, in addition to the Sums of Money they are authorized to raise by their former Act, and all and every Part of the Money so to be raised shall be applied to the Purposes of the Railway and Works by this Act authorized, and for laying down a Second Line of Rails on the *Bourton-on-the-Water* Railway, and other the Purposes of the Company.

Certain Pro-
visions of
8 & 9 Vict.
c. 16. and
26 & 27 Vict.
c. 118. incor-
porated.

15. All the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the following Matters; (that is to say,)

With respect to the Construction of the Act and of other Acts to be incorporated therewith;

With

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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 Nonpayment of Calls ;

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

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

With respect to the Conversion of borrowed Money into Capital ;

With respect to the Consolidation of the Shares into Stock ;

And with respect to affording Access to the Special Act by all Parties interested :

And Part I. and Part II., except so far as relates to Preference Shares or Stock, of "The Companies Clauses Act, 1863," shall, so far as the same are not varied by the Provisions of this Act, be incorporated with and form Part of this Act, and apply to the Company and the Shareholders thereof, and to the Capital authorized by this Act.

16. The Monies or Capital so to be raised may be divided into new Shares of any nominal Value, not being less than Ten Pounds, and shall be called Extension Shares, and such new Shares shall be issued and disposed of or distributed in such Manner and (subject to the Provisions of this Act) upon such Terms, not being less than the nominal Amount of such Shares, and subject to such Provisions and Restrictions, and with such Rights (but not with any Preference or Priority in Payment of Dividend) as any General Meeting of the Company shall from Time to Time direct or authorize or attach thereto, and the Company may fix the Time when the Extension Shares shall become amalgamated with the now authorized Capital of the Company, and, except as otherwise provided by such Resolution, the same shall be considered as Part of the general Capital of the Company ; and all the Clauses and Provisions of "The Companies Clauses Consolidation Act, 1845," which are incorporated with this Act shall, so far as the same are applicable, apply to such new Capital and new Shares, and to the respective Proprietors thereof for the Time being, in the same Manner in all respects as if the same were (within the Meaning of the same Clauses and Provisions) original Capital and original Shares or Stock, except as to the Amount and Time of making and Payment of Calls, which (subject as herein-after mentioned) the Directors of the Company shall fix from Time to Time as they shall think proper : Provided that the Company shall not issue any Share created under the Authority of this Act, nor shall any Share

Additional
Capital to be
divided into
new Shares.

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vest in the Person accepting the same, unless and until a Sum not being less than One Fifth Part of the Amount of such Share shall have been paid up in respect thereof.

Rights of new Shareholders to be in proportion to the Value of new Shares.

17. Subject to the Provisions of this Act and to the Terms of Issue of any new Shares to be created thereunder, every Person who shall accept or become entitled to any such new Shares shall in respect thereof be a Shareholder of the Company, and be considered to have subscribed towards the Capital thereof and of the Undertaking to the Extent of the nominal Amount of the Shares so accepted by him, and such new Shares shall confer on the respective Holders or Proprietors thereof Rights of Voting and Qualifications in proportion to the aggregate nominal Value of such Shares, and not in proportion to the Number of such Shares.

Calls.

18. Provided also, That Twenty *per Centum* on the nominal Amount of a Share shall be the greatest Amount of any One Call which the Company may make on the Holders of Shares created in respect of the Money by this Act authorized to be raised, and Three Months at least shall be the Interval between successive Calls.

Power to borrow on Mortgage.

19. The Company from Time to Time may raise by borrowing on Mortgage of their Undertaking any Sums not exceeding in the whole Seventy-three thousand Pounds, in addition to the Sums which they are authorized to borrow under their existing Act of Parliament; but no Part of such Sum shall be borrowed until Shares for the whole of the Sum by this Act authorized to be raised by Shares shall have been taken up, and One Half of such Sum shall have been paid up, and the Company shall 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 Shares for all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares are issued, and that not less than Twenty *per Centum* has been paid on account of each separate Share before or at the Issue thereof, and that they have been *bonâ fide* taken up and are held by Subscribers or their Assigns, and for which such Subscribers or their Assigns shall be legally liable; and One Half thereof shall have been actually paid up; and every Part of the Monies to be raised under this Act by borrowing shall be applied in carrying into execution the Powers of this Act: Provided always, that all Mortgages and Bonds created by the Company under the Powers of the existing Act of Parliament relating to the Company, and which shall be subsisting at the passing of this Act, shall have Priority over all Mortgages to be created by the Company under the Powers of this Act.

Saving Rights of existing Mortgagees.

20. The