



ANNO DECIMO SEPTIMO & DECIMO OCTAVO
VICTORIÆ REGINÆ.

Cap. clxxiv.

An Act to enable the *Shrewsbury and Hereford*
 Railway Company to lease their Undertaking.

[24th July 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from Shrewsbury to Hereford, to be called the Shrewsbury and Hereford Railway*, and by such Act a Company was incorporated under the Name and Style of "*The Shrewsbury and Hereford Railway Company*:" And whereas another Act was passed in the Session of Parliament held in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, intituled *An Act to amend an Act relating to the Shrewsbury and Hereford Railway Company*: And whereas, under the Powers of the said recited Acts, the *Shrewsbury and Hereford Railway Company* have completed and opened for Traffic the said *Shrewsbury and Hereford Railway*: And whereas it is expedient that the Company should be empowered to lease their Undertaking as herein-after mentioned, and that for that Purpose the said Acts should be amended and enlarged, but the same cannot be done 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,

9 & 10 Vict.
 c. cccxxv.

13 & 14 Vict.
 c. xxvi.

I. That it shall be lawful for the *Shrewsbury and Hereford Railway Company*, and they are hereby authorized and empowered, at any General Meeting of the Company specially convened for the Purpose, to enter into such Contract and Agreement as they may think fit with *Thomas*

Company
 empowered
 to lease their
 Undertaking
 to Thomas
 Brassey.

[Local.]

32 G

Brassey,

The Shrewsbury and Hereford Railway (Leasing) Act, 1854.

Brassey, of No. 8, *Adam Street, Adelphi*, in the City of *Westminster*, Contractor, his Executors, Administrators, or Assigns, in reference to the leasing of their Undertaking, and in pursuance of any Contract or Agreement to grant and execute to the said *Thomas Brassey*, his Executors, Administrators, or Assigns, a Lease of the Undertaking of them, the *Shrewsbury and Hereford Railway Company*, or of any Part thereof, for any Term or Number of Years not exceeding Nine, at such annual Rent, or for such other Consideration, upon such Terms and Conditions, and subject to such Covenants, Provisoes, Restrictions, and Limitations as may be or may have been agreed upon between the said Company and the said *Thomas Brassey*.

Provisions of 8 & 9 Vict. c. 20. as to leasing of Railways to apply to this Act.

II. That, subject to the Limitations, Provisions, and Conditions contained in any Lease to be granted under the Powers of this Act, the Provisions of "The Railways Clauses Consolidation Act, 1845," in relation to the leasing of Railways, shall extend and apply to any Lease to be granted under the Authority of this Act.

Lease of Railway not to affect Third Parties.

III. That no Lease of the Railway to be made under the Authority of this Act shall take away, alter, or in anywise affect any of the Duties, Obligations, Restrictions, or Liabilities to which the Company, but for the making of such Lease, might by any Law or Statute be subject; but all Persons and Corporations, other than the Lessee of the Railway, shall have the same Rights, Privileges, Powers, and Remedies against the Company, after the making of and notwithstanding such Lease, as they might have had if such Lease had not been made.

Lease to contain Provisions for Re-entry.

IV. That any Lease to be made of the said Railway or of any Part thereof shall contain a Power of Re-entry to the Company, in the event of the Lessee becoming unable by reason of any Execution, Legal Process, Intestacy, Bankruptcy, Insolvency, or any personal Disability or Incapacity whatsoever of the said Lessee, or any Failure of his legal Representatives to carry on and continue the Traffic or working of the Railway in an effectual and proper Manner, and according to the Laws for the Time being in force relating to Railways; and upon the occurring of any such Event as aforesaid, it shall be the Duty of the Company forthwith to re-enter upon and to carry on and continue the Traffic and working of the said Railway in like Manner, and with the same Powers, and subject to the same Obligations, Liabilities, Penalties, and Restrictions, as if no Lease thereof had been made: Provided always, that no such Re-entry shall in any Manner prejudice any Right or Claim which the Company may have against the Lessee or his Estate or Effects, on account of any Breach or Non-observance of any of the Covenants contained in such Lease.

If Lessee unable to carry on the Traffic, Company shall re-enter and work the Line.

For securing Equality of Treatment in respect of all Traffic.

V. And whereas the said *Shrewsbury and Hereford Railway* is connected at *Hereford* and at *Shrewsbury* with various Railways, by means of which and of other Railways connected therewith alternative

Routes

The Shrewsbury and Hereford Railway (Leasing) Act, 1854.

Routes are afforded for the Transmission of Traffic in various Directions, and it is just and expedient that all such Traffic, whether intended to pass or having passed upon any of the said alternative Routes, should be conveyed over the said *Shrewsbury and Hereford* Railway upon such Terms and subject to such Regulations and Conditions as will afford to the Public an Option of transmitting such Traffic by any of the said alternative Routes, without any undue or unreasonable Preference or Advantage being afforded in respect of such Traffic conveyed or intended to be conveyed upon the other of such Routes: Be it therefore enacted, That any Lease of the said *Shrewsbury and Hereford* Railway to be granted under the Provisions of this Act shall contain Covenants on the Part of the Lessee calculated to secure as far as practicable the Objects herein-before specified; and it shall not be lawful for the Lessee for the Time being of the said Railway, nor for any Person on his Behalf, to enter into any Arrangements with any Company or with any Lessee or other Person on his Behalf, whereby any greater Facilities, Accommodation, or Advantages, whether in respect of Tolls or otherwise, shall be afforded or agreed to be afforded in respect of Traffic coming to or from any Place upon any such Railway, and conveyed or intended to be conveyed upon any or either of the said alternative Routes connected with the said *Shrewsbury and Hereford* Railway at *Shrewsbury* or *Hereford*, than shall be afforded to Traffic conveyed or intended to be conveyed upon any other of such alternative Routes, nor shall it be lawful, with or without any such Arrangements, to afford directly or indirectly any such greater Facilities, Accommodation, or Advantages to any Traffic passing over the said *Shrewsbury and Hereford* Railway.

VI. That it shall not be lawful for the Company, out of any Money by this Act or by the said recited Acts, or any of them, authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or herein-after to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining any Act authorizing such Company or Companies to construct any other Railway or execute any other Work or Undertaking.

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

VII. And whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railways*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes*

Railway to be subject to Provisions of 1 & 2 Vict. c. 98. 3 & 4 Vict. c. 97. 5 & 6 Vict. c. 55. 7 & 8 Vict. c. 85. 9 & 10 Vict. cc. 57. 105. and 14 & 15 Vict. c. 64.

The Shrewsbury and Hereford Railway (Leasing) Act, 1854.

Purposes in relation to Railways; and another Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her said Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the same Session, intituled *An Act for constituting Commissioners of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the said *Shrewsbury and Hereford* Railway, or the Company, or the said Lessee, his Executors, Administrators, or Assigns, or any of them, from the Provisions of the said several Acts respectively; but that such Provisions shall be in force in respect to the said Railways and Company, and the said Lessee, and his Executors, Administrators, and Assigns, so far as the same are applicable thereto, and are consistent with the Provisions of this Act.

Railway not exempt from Provisions of future General Acts.

VIII. That nothing herein contained shall be deemed or construed to exempt the said Railway by the said recited Acts authorized to be made, or the said Company, or the said Lessee, his Executors, Administrators, or Assigns, 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 and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by the said recited Acts.

Expenses of Act.

IX. That all the Costs, Charges, and Expenses of and attending the passing of this Act, and incidental thereto, shall be paid by the Company.

Short Title.

X. That in citing this Act for any Purposes whatever it shall be sufficient to refer to and describe it as "*The Shrewsbury and Hereford Railway (Leasing) Act, 1854.*"

Interpretation of Terms.

XI. That in this Act the following Words and Expressions shall have the Meanings hereby assigned; (that is to say,)

The Expression "the said recited Acts" shall mean the Acts of Parliament relating to the *Shrewsbury and Hereford* Railway Company:

The Expressions "the Company" and "the said Company" shall mean the *Shrewsbury and Hereford* Railway Company.

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1854.