ANNO DECIMO TERTIO & DECIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. lviii.

An Act to enable the *South Staffordshire* Railway Company to lease their Undertaking; and for other Purposes. [15th *July* 1850.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *South Staffordshire Junction* Railway Act, 1846," whereby a Company was incorporated for the Purpose of making a Railway, to be called "The *South Staffordshire* Railway, with Branches:" And whereas another Act was passed in the same Session, called "The *Trent Valley, Midlands, and Grand Junction* Railway Act, 1846," whereby a Company was incorporated for the Purpose of making a Railway, to be called "The *Trent Valley, Midlands, and Grand Junction* Railway:" And whereas, under the Provisions contained in the said Acts, the Two Companies severally incorporated thereby have been amalgamated and consolidated into One Company, under the Name of "The *South Staffordshire* Railway Company:" And whereas an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, called "The *South Staffordshire* Railway Act, 1847," whereby the *South Staffordshire* Railway Company were empowered to construct certain Branch Railways, and further

9 & 10 Vict. c. 300.

9 & 10 Vict. c. 316.

10 & 11 Vict. c. 189.

further Powers were granted to them in reference to their Undertaking: And whereas it is expedient that the Company should be empowered to lease their Undertaking as herein-after mentioned, and that the said Acts should be amended; but the Purpose 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, That it shall be lawful for the *South Staffordshire* Railway Company and they are hereby authorized and empowered, at any General Meeting of the Company specially convened for the Purpose, from Time to Time to enter into such Contracts and Agreements as they may think fit with *John Robinson M'Clean*, of No. 17, *Great George Street*, *Westminster*, Civil Engineer, his Executors, Administrators, or Assigns, in reference to the leasing of their Undertaking, and in pursuance of any such Contract or Agreement to grant and execute to the said *John Robinson M'Clean*, his Executors, Administrators, or Assigns, a Lease of the Undertaking of them the *South Staffordshire* Railway Company, or of any Part thereof, for any Term or Number of Years not exceeding Twenty-one Years, at such annual Rent, or for such other Consideration, upon such Terms and Conditions, and subject to such Covenants, Provisoes, and Restrictions, as may be or may have been agreed upon between the said Company and the said *John Robinson M'Clean*.

Company empowered to lease their Undertaking.

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

II. And be it enacted, That all 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.

Company not to assign certain Articles of Agreement without Consent of London and North-western Company.

III. And whereas by certain Articles of Agreement, dated the First Day of *July* One thousand eight hundred and forty-nine, between the *London and North-western* Railway Company of the one Part, and the *South Staffordshire* Railway Company of the other Part, the *London and North-western* Railway Company granted to the *South Staffordshire* Railway Company the Right of using that Portion of the *London and North-western* Railway which lies between the *Walsall* Junction of the *South Staffordshire* Railway and the Town of *Birmingham*, and of using the Stations and other Works of the *London and North-western* Railway, with certain Powers and Privileges connected therewith, upon the Terms and for the Considerations in the said Articles expressed and contained, and under and subject to the Conditions and Provisions therein also contained: Be it enacted, That it shall not be lawful for the *South Staffordshire* Railway Company to assign or transfer the said Articles of Agreement, or the

Benefit thereof or any Part thereof, or the Powers or Privileges thereby granted or any of them, to the said *John Robinson M'Clean* or any other Person or Persons, or to any Company or Companies, without the Consent of the *London and North-western* Railway Company under their Common Seal first had and obtained, nor without such Consent to permit or suffer the Rights, Powers, and Privileges by the said Articles of Agreement granted to the *South Staffordshire* Railway Company to be used or enjoyed, directly or indirectly, by any other Company or Companies, Person or Persons.

Powers and Privileges of the London and North-western Railway Company not to be prejudiced.

IV. And whereas the *London and North-western* Railway Company are Holders in their corporate Capacity of Twelve thousand five hundred Shares in the said *South Staffordshire* Railway Company, and as such have certain Powers and Privileges conferred upon them by virtue of the said recited Acts or some of them, and by virtue of certain Agreements entered into between the said Two Companies: Be it therefore enacted, That nothing (except as herein-after provided) in this Act contained, or in the Provisions of the said Lease to be contained, shall alter or affect any of the Powers and Privileges of the said *London and North-western* Railway Company so conferred by the said Acts or either of them, or deprive such last-mentioned Company of any Rights which they have by virtue or in pursuance of any Contract or Agreement which may have been entered into with the said *South Staffordshire* Railway Company, or any Person or Persons acting on their Behalf, but that all such Powers, Privileges, and Agreements shall remain as valid and effectual as if this Act had not passed; and that so long as the said *London and North-western* Railway Company shall continue to be the Holders of the said Twelve thousand five hundred Shares, or Stock to that Extent, and so long as the Number of Directors of the Company shall not have been reduced to less than Twelve, the said *London and North-western* Railway Company shall (notwithstanding the Provisions contained in the Companies Clauses Consolidation Act, 1845, or any other Act, concerning the Election, Qualification, and Retirement from Office, and Rotation of Directors,) be entitled to nominate in Writing under their Common Seal from amongst the Shareholders of the *London and North-western* Railway Company, whether or not being Shareholders in the *South Staffordshire* Railway Company, Two Directors of the last-mentioned Company, and from Time to Time by Writing under their Common Seal to remove such Directors or either of them, and to appoint any other or others in their or his Stead as may die or resign their Office, or be removed or become incapable of acting, or disqualified by ceasing to be a Shareholder in the *London and North-western* Railway Company, and that a Certificate of the Nomination or Appointment, Death, Resignation, Removal, Incapacity, or Disqualification, of every Director so nominated or appointed as aforesaid, under

under the Common Seal of the *London and North-western* Railway Company, shall be sent or delivered to the Secretary or at the principal Office of the *South Staffordshire* Railway Company for the Time being, and shall be conclusive Evidence of the Facts therein certified: Provided always, that if there shall at any Time or Times happen to be a Failure, either total or partial, in the Number of Directors which the *London and North-western* Railway Company are entitled to nominate as aforesaid, the remaining other Directors shall, until such Failure be remedied, be competent to act as if no such Failure had occurred: Provided also, that the *London and North-western* Railway Company shall not be entitled to vote in the Election of any Director other than the Directors of the Company which they are by this Act authorized to nominate as aforesaid, and that the Number of the Directors of the *South Staffordshire* Railway Company shall not be reduced to less than Twelve without the Consent in Writing of the *London and North-western* Railway Company, under their Common Seal, to such Reduction first had and obtained.

Lessee to fulfil Obligations of the Company.

V. And be it enacted, That from and after the Execution of such Lease, and during the Continuance thereof, all and every the Obligations which by the said recited Acts, or any of the Acts incorporated therewith, are imposed on the Company, shall be, and upon the Execution of such Lease shall become, transferred from the Company to such Lessee, his Executors, Administrators, and Assigns, but so as not to discharge the Company from their Liability to the same, except as between themselves and the said Lessee, his Executors, Administrators, and Assigns.

Power to vary Number of Directors.

VI. And be it enacted, That, notwithstanding anything contained in any former Act, the maximum Number of Directors of the Company shall be Eighteen, and the minimum Number may be Five; and it shall be lawful for the Company from Time to Time, with the Consent of Three Fifths of the Shareholders present, personally or by Proxy, at any Meeting specially convened for the Purpose, from Time to Time to increase or reduce the Number of their Directors within the Limits hereby prescribed, and to make from Time to Time such Regulations (with regard to Rotation, Quorum, or otherwise,) as may be needful or convenient in consequence of or in connexion with any such Increase or Reduction.

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

VII. And be it enacted, That it shall not be lawful for the said Company, out of any Money by any Act relating to the said Railway Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either

either House of Parliament, now in force or hereafter 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 the said Company to construct any other Railway or execute any other Work or Undertaking.

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., and 9 & 10 Vict. cc. 57. 105.

VIII. 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 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*: Be it enacted, That nothing in this Act contained shall be held to exempt the said Railways or the said Company from the Provisions of the said several above-mentioned Acts respectively, but that such Provisions shall be in force in respect to the same Railways and Company, so far as the same are applicable.

Railways to be subject to Provisions of future general Acts.

IX. And be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railways by the said recited Acts authorized to be made, or the Company, from the Provisions of any general Acts relating to such Acts, or 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.

X. And be it enacted, That all the Costs, Charges, and Expenses of and attending the passing of this Act or incidental thereto shall be defrayed by the Company out of the first Monies that shall come to their Hands, and in preference to any other Payment whatsoever.

Short Title of Act.

XI. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be

be sufficient to refer to and describe it by the Title of "The *South Staffordshire* Railway Leasing Act, 1850."

Interpretation of Act.

XII. And be it enacted, That wherever in this Act the Expression "the Company," or "the said Company," shall be used, the same shall mean the *South Staffordshire* Railway Company, except where there is something in the Context repugnant to such Construction.

Public Act.

XIII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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