ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

****

Cap. clxxxv.

An Act to amend the Acts relating to the *London and South-western* Railway; and to authorize the *London and South-western* Railway Company to buy, and the *Guildford Junction* Railway Company to sell, the *Guildford Junction* Railway.

[4th *August* 1845.]

WHEREAS an Act was passed in the Fifth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from* London *to* Southampton, and by the said Act several Persons were incorporated by the Name and Style of "The *London and Southampton* Railway Company," for carrying into execution the said Undertaking, and the Company were thereby empowered to raise by Subscription, amongst themselves, the Sum of One million Pounds, in Twenty thousand Shares of Fifty Pounds each, and to borrow and take up at Interest upon the Credit of the said Undertaking the Sum of Three hundred and thirty thousand Pounds: And whereas another Act was passed in the First Year of the Reign of Her present Majesty, intituled *An Act to alter the Line of the* London and Southampton *Railway, and to amend the Act relating thereto*, whereby further Powers were granted to the Company with reference to the said Undertaking;

4 & 5 W. 4. c. 88.

7 W. 4. & 1 Vict. c. 71.

Undertaking, and the Company were empowered to raise by Subscription, amongst themselves or otherwise, the further Sum of Four hundred thousand Pounds, in One thousand six hundred Shares of Twenty-five Pounds each, every such Share being equivalent to a Fifty Pound Share in respect of Profits and Privileges, and to borrow and take up at Interest upon the Credit of the said Undertaking the Sum of Four hundred and sixty thousand Pounds, instead of the Sum of Three hundred and thirty thousand Pounds by the said recited Act of the Fifth Year of His said late Majesty authorized to be borrowed: And whereas another Act was passed in the Second Year of the Reign of Her said presnt Majesty, intituled *An Act to amend the Acts relating to the* London and Southampton *Railway Company* (*thereafter to be called* "*The* London and South-western *Railway Company*"), *and to make a Branch Railway to the Port of* Portsmouth, whereby the Company were required to take and use the Name and Style of "The *London and South-western* Railway Company," and were empowered to raise by Subscription, amongst themselves or otherwise, the further Sum of Three hundred thousand Pounds, in Six thousand Shares of Fifty Pounds each, and to borrow and take up at Interest upon the Credit of the said Undertaking the Sum of Five hundred and sixty thousand Pounds, instead of the Sum of Four hundred and sixty thousand Pounds by the said recited Act of the First Year of Her present Majesty authorized to be borrowed; and by the said Act now in recital Powers were granted to the Company as well for constructing the said Branch Railway as for effecting the general Purposes of the Company: And whereas another Act was passed in the Fourth Year of the Reign of Her said present Majesty, intituled *An Act to amend the Acts relating to the* London and South-western *Railway Company*, whereby the Company were authorized to raise by Subscription, amongst themselves or otherwise, the further Sum of Two hundred and ten thousand Pounds, in Four thousand two hundred Shares of Fifty Pounds each, and to borrow and take up at Interest upon the Credit of the said Undertaking the Sum of Six hundred and thirty thousand Pounds, instead of the Sum of Five hundred and sixty thousand Pounds by the said recited Act of the Second Year of Her present Majesty authorized to be borrowed; and by the said Act now in recital further Powers were granted to the Company for effecting the general Purposes of the said Undertaking: And whereas another Act was passed in the Fifth Year of the Reign of Her said present Majesty, intituled *An Act to amend the Acts relating to the* London and South-western *Railway Company, and to authorize an Agreement between the said Company and certain Inhabitants of* Wandsworth *and* Battersea *respecting an alleged Loss in their Supply of Water*, whereby further Powers were granted to the Company for effecting the Purposes last aforesaid: And whereas another Act was passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act to make a Branch Railway from the* London and South-western *Railway to* Salisbury, whereby the Company were authorized to raise by Subscription, amongst themselves or otherwise, the further Sum of Two hundred and forty thousand Pounds, in Six thousand Shares of Forty Pounds each, and to borrow and take up at Interest upon the Credit of the said Undertaking

2 & 3 Vict. c. 28.

4 & 5 Vict. c. 1.

4 & 5 Vict. c. 39.

7 & 8 Vict. c. 63.

taking the further Sum of Eighty thousand Pounds, in addition to the said Sum of Six hundred and thirty thousand Pounds by the said recited Act of the Fourth Year of the Reign of Her said present Majesty authorized to be borrowed; and by the said Act now in recital further Powers were granted to the Company, as well for constructing the said Branch Railway as for effecting the general Purposes of the said Undertaking: And whereas another Act was passed in the Eighth Year of the Reign of Her said present Majesty, intituled *An Act to amend the Acts relating to the* London and South-western *Railway, and to authorize the Extension of the said Railway and other Works at or near the* Nine Elms *Station*, whereby the Company were authorized to raise by Subscription, amongst themselves or otherwise, the further Sum of Twelve thousand five hundred Pounds, in Two hundred and fifty Shares of Fifty Pounds each, and to borrow and take up at Interest upon the Credit of the said Undertaking the further Sum of Four thousand one hundred and fifty Pounds, and further Powers were granted to the Company as well for executing the said last-mentioned Extension and Works as for effecting the general Purposes of the said Undertaking: And whereas the said Railway and Branch Railway by the said recited Acts of the Fifth Year of the Reign of His late Majesty and the First and Second Years of Her said present Majesty authorized to be made have been completed and opened, and the Branch Railway to *Salisbury* by the said recited Act of the Eighth Year of Her said present Majesty authorized to be made is in course of Construction: And whereas a Bill is now pending in Parliament for authorizing an Extension of the said *London and South-western* Railway from the present *Nine Elms* Station to the Vicinity of the *Waterloo* and *Hungerford* Bridges, and for the Improvement of the present Means of Communication between the said Railway and the River *Thames* at *Nine Elms* aforesaid: And whereas an Act was passed in the last Session of Parliament, intituled *An Act for making a Railway from the* London and South-western *Railway to* Guildford *in the County of* Surrey, and the Railway and Works thereby authorized to be made have been completed by the Company incorporated by the said Act to construct the same, and are opened to the Public: And whereas a Bill is now pending in Parliament for authorizing the Sale of the said *Guildford Junction* Railway, and for incorporating the Purchasers thereof by the Name of the *Guildford Extension and Portsmouth and Fareham* Railway Company, and enabling them to maintain the said *Guildford Junction* Railway, and to make and maintain a Railway therefrom to *Godalming*, and from the *London and South-western* Railway at *Fareham* to *Portsmouth:* And whereas the said *London and South-western* Railway Company are willing to become Subscribers towards the said last-mentioned Undertaking, and it is expedient that they should be authorized to do so: And whereas the Amalgamation of the said *Guildford Junction* Railway with the intended *Guildford Extension* Railway, or with the said *London and South-western* Railway, would be a Measure of public Advantage; and the said *London and South-western* Railway Company have provisionally agreed with the said *Guildford Junction* Railway Company for the Purchase thereof, in case the same shall not be purchased by the intended *Guildford Extension and Portsmouth and Fareham* Railway

7 & 8 Vict. c. 86.

7 & 8 Vict. c. 5.

Railway Company, under the Powers to be granted to them as aforesaid: And whereas an Act was passed in this present Session of Parliament for authorizing the making of a Railway from *Southampton* to *Dorchester*, and the said *London and South-western* Railway Company are willing to become Subscribers towards the same: And whereas it is expedient that the said *London and South-western* Railway Company and the *Guildford Junction* Railway Company should be authorized to carry the said recited provisional Agreement into effect; and that in order to provide the Purchase Money payable for the said *Guildford Junction* Railway, and the Monies necessary to be expended in and about the Railway and Works so as aforesaid about to be executed by the said *London and South-western* Railway Company, and the several Sums which the said Company are willing to subscribe towards the said *Guildford Extension and Portsmouth and Fareham* Railway and the said *Southampton and Dorchester* Railway, and for the general Purposes of the said *London and South-western* Railway Company, it is expedient that the same Company should be authorized to raise a further Sum of Money, and that some of the Powers and Provisions of the said recited Acts relating to the said *London and South-western* Railway Company should be amended and enlarged; 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,

Recited Acts extended to this Act, except, &c.

That all Provisions, Matters, and Things contained in the said recited Acts relating to the said *London and South-western* Railway Company, or any of them, (so far as the same are now unrepealed, and except such of them or such Parts thereof as are by this Act repealed, altered, or otherwise provided for,) shall extend to the several Purposes and Things hereby authorized to be done, as fully and effectually as if the same several Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Purposes and Things.

Short Title.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *London and South-western* Railway Company's Amendment Act, 1845."

Capital.

III. And be it enacted, That it shall be lawful for the Company to raise, by Contribution amongst themselves or by the Admission of other Parties as Subscribers to the Undertaking, or in part by each of those Means, the further Sum of Two million three hundred and twenty-five thousand Pounds, to be divided into Forty-six thousand five hundred Shares of Fifty Pounds each, and also the further Sum of Two hundred and forty thousand Pounds, to be divided into Six thousand Shares of Forty Pounds each; and the said several Shares shall be duly numbered in regular Order of Arithmetical Progression, and every such Share shall always be distinguished by the Number to be originally applied to the same; and the said Sums hereby authorized to be raised by Subscription shall include and not be in addition

to the Sum or Sums which the Company shall by any other Act or Acts passed in this present Session of Parliament be authorized to raise by Subscription.

Appropriation of new Shares, and Rights and Interests of Proprietors in respect thereof.

IV. And be it enacted, That the said new Shares hereby authorized to be created shall be respectively vested in the several Corporations and Persons who have subscribed and shall hereafter subscribe for the same respectively, and their respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionally to the Sums by them respectively subscribed; and all Corporations and Persons who have subscribed or shall subscribe for One or more of the said new Shares by this Act authorized to be created, or such Sum or Sums as shall be demanded in lieu thereof, and their respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby declared to be Owners and Proprietors of Stock in the said Company to the same Extent and as beneficially to all Intents and Purposes whatsoever (except as herein-after is mentioned) as Proprietors of the like nominal Amount of the Capital of the said Company by the said recited Act of the Fifth Year of the Reign of His said late Majesty King *William* the Fourth authorized to be created in Shares, and shall in respect of the said new Shares by this Act authorized to be created (except as aforesaid) be entitled to all such Rights and Privileges, and be under and subject to all the Powers, Provisions, Indemnities, Remedies, Penalties, Clauses, Matters, and Things contained in the said recited Acts or any of them, so far as the same are now unrepealed, and are not by this Act repealed, altered, or otherwise provided for.

As to Dividends on new Shares.

V. Provided always, and be it enacted, That no Proprietor of any new Share by this Act authorized to be created shall be entitled to any further or greater Dividend thereon than in respect of or to the Extent of the Amount which may for the Time being have been paid up on such new Share, nor to any Dividend calculated from any Day prior to the First Day of *January* or the First Day of *July* which shall occur immediately subsequent to the complete opening for public Traffic or Use of all the several Railways and Works which the said *London and South-western* Railway Company by any Act or Acts of Parliament to be passed in this present Session of Parliament shall be authorized to make, or towards which they shall by any such Act or Acts be authorized to subscribe, whichever of the said complete Openings (if the said Company in this present Session be authorized to make or to subscribe towards more than One such Railway) shall last happen.

Interest to be paid out of the new Capital on the Amount paid on the new Shares until they bear a Dividend.

VI. Provided also, and be it enacted, That Interest (after the Rate of Four Pounds *per Centum per Annum*) shall be paid by the said Company half-yearly out of the Capital hereby authorized to be created to the Proprietors of the said new Shares, that is to say, from the First Day of *July* One thousand eight hundred and forty-five, upon the Amount which shall on or previously to that Day have been paid upon the said new Shares, and from the respective Times of their subsequent Payment upon the future Calls or Instalments which shall from Time to Time be paid thereupon; and such Interest shall con-

tinue to be payable up to the Day on which, under the Provisions herein contained, the first Dividend shall begin to grow due on the said new Shares.

So soon as any Work constructed out of such new Capital shall be open to the Public, a Proportion of such Interest to be paid out of the Revenues of the Company.

VII. Provided also, and be it enacted, That from the Time or respective Times at which any One or more of the Lines of Railway towards which the said Company may by any Act or Acts passed in the present Session of Parliament be authorized to subscribe shall be wholly open for public Traffic or Use, and until the Day on which, under the Provisions herein contained, the first Dividend shall begin to grow due on the said new Shares, a Sum equal to Four Pounds *per Centum per Annum* on the Amount actually expended or paid up and subscribed by the said Company in or towards the Construction of the Line or Lines of Railway and Works so first completely opened for public Traffic or Use as aforesaid shall be applied, out of the general Revenues of the said *London and South-western* Railway Company, in or towards Payment of the Interest herein provided to be paid out of the Capital hereby authorized to be created, instead of the said last-mentioned Sum or Amount of Interest continuing to be paid out of such Capital.

As to voting in respect of new Shares.

VIII. Provided also, and be it enacted, That no Proprietor of the said new Forty Pound Shares shall be entitled to vote in respect of the Number of such Shares held by him, but for the Purpose of voting the Amount of Capital in the said Company represented by all such new Forty Pound Shares held by him shall be considered as divided into as many Fifty Pound Shares as such Amount of Capital will admit of, and the Right of voting of such Proprietor in respect of such new Forty Pound Shares shall be determined by the Number of Fifty Pound Shares into which the Amount of Capital represented by the said new Shares held by him shall be capable of being divided.

Power to make Calls on new Shares.

IX. And be it enacted, That the Directors of the said Company shall have Power from Time to Time, and at any Time or Times after the passing of this Act, to make, at their Discretion, such Call or Calls of Money from the Subscribers to and Proprietors of the said new Shares by this Act authorized to be created, as the said Directors shall from Time to Time find necessary for the Purposes of the said Company, so that no such Call shall exceed the Sum of Five Pounds upon each new Share, and so that there shall be an Interval of Three Calendar Months at least between the Day of Payment of every Two successive Calls: Provided always, that after Twenty-five Pounds *per* Share shall have been called upon every such new Fifty Pound Share, and Twenty Pounds *per* Share upon every such new Forty Pound Share, no further Call shall be made upon any of the said new Shares without the Authority of a Special General Meeting of the Proprietors in the said Company; and it shall be lawful for such Special General Meeting to make such Orders and Regulations with respect to the calling for and Payment of the remaining Portion payable in respect of each of the said new Shares as to such Meeting shall seem expedient, so nevertheless that no such Order or Regulation shall authorize a Call for any greater Amount at any One

Time than the Sum of Five Pounds *per* Share, nor the making of any Call without such previous Notice as herein provided, nor of Two successive Calls without such Interval between the same as hereinbefore in that Behalf mentioned.

Notice to be given when Call made.

X. And be it enacted, That the several Sums of Money so to be called for shall be paid into such Banks, or to such Persons, and (subject to the Restrictions herein contained) at such Time and Place, and in such Manner as the said Directors shall from Time to Time direct and appoint, of which Time and Place Twenty-one Days Notice at least shall be previously given by Advertisement under the Hand of the Secretary of the said Company, inserted in Two or more of the daily *London* Newspapers, and in One or more Newspaper or Newspapers usually circulated in each of the Counties of *Surrey*, *Southampton*, and *Wilts;* and all the Powers, Provisions, Remedies, Penalties, Forfeitures, Matters, and Things created or imposed by the said recited Act of the First Year of Her said present Majesty and the said recited Act of the Fifth Year of His said late Majesty (as altered and amended by the said first-mentioned Act), for compelling the Payment of Calls, and for forfeiting the Shares of such Proprietors as shall be in default, and for Payment of Subscriptions in advance, in case the Directors shall think proper to accept the same, shall extend and be applicable to the said new Shares by this Act authorized to be created, as fully and effectually to all Intents and Purposes as if the same had been repeated and re-enacted in this Act in respect of the said new Shares hereby authorized to be created: Provided always, that no Proprietor or Owner of any new Share hereby authorized to be created shall in any Case be liable to pay any greater Sum in the whole than the Sum of Fifty Pounds in respect of any such new Fifty Pound Share, nor any greater Amount in the whole than the Sum of Forty Pounds in respect of any such new Forty Pound Share.

Power to borrow extended to 855,000*l.* beyond the Amount already authorized.

XI. And be it enacted, That it shall be lawful for the said Company, when and so soon as One Half of the total Amount of the Capital of the said Company so as aforesaid authorized to be raised by Subscription shall have been actually raised and paid up, by an Order of any General or Special General Meeting of the said Company from Time to Time to borrow and take up at Interest any further or additional Sum of Money not exceeding (besides and exclusive of the Sums of Money already authorized to be borrowed as aforesaid, but inclusive of and not in addition to any Sum or Sums which the said Company may be authorized to borrow by the passing of any other Act or Acts in this present Session of Parliament,) the Sum of Eight hundred and fifty-five thousand Pounds on the Credit of the said *London and South-western* Railway, including the Branches and Extensions thereof, as to them shall seem proper, and thereupon to secure the Repayment thereof, with Interest, to such Persons as shall be found willing to lend the same, by such Mortgages, Assignments, or Bonds as are authorized by the said recited Acts in respect of the Sum thereby authorized to be borrowed.

XII. And

Provisions of recited Acts as to the borrowing of Money to be applicable to the Sum to be borrowed under this Act.

XII. And be it enacted, That all the Powers, Authorities, Provisions, Directions, Remedies, Regulations, Matters, and Things in the said recited Acts contained relating to or in anywise affecting the borrowing of Money, and the Augmentation of Capital Stock instead of borrowing, or by the Conversion of Money borrowed into Capital Stock, and relating to or in anywise affecting Mortgages and Assignments, and Transfers of Mortgages and Assignments, and Mortgagees and Assignees, and Transferees of Mortgagees and Assignees, shall extend and be applicable to the said additional Sum of Eight hundred and fifty-five thousand Pounds hereby authorized to be raised as aforesaid, in the same Manner as the same extend and are applicable by the said recited Acts to the Sum thereby authorized to be borrowed as aforesaid.

Mortgages, &c. to be stamped.

XIII. Provided always, and be it enacted, That every Mortgage, Bond, or other Security for Money, and every Transfer of any Share, Mortgage, Bond, or other Security for Money, to be granted or made by virtue of this Act, shall be by Deed duly stamped wherein the Consideration for the same shall be truly stated, any thing herein or in the said Acts contained to the contrary notwithstanding.

Power to purchase the Guildford Junction Railway.

XIV. And be it enacted, That it shall be lawful for the said *Guildford Junction* Railway Company, by and with the Authority of Three Fifths of the Proprietors present, personally or by Proxy, at a Special General Meeting of the said Company already held or hereafter to be held, to sell and convey, and for the said *London and South-western* Railway Company, by and with a like Authority on the Part of the Proprietors therein, to buy the said *Guildford Junction* Railway, and all the Lands, Tenements, and Hereditaments, Works, and Appurtenances thereof or connected therewith; and from and after the Completion of such Purchase (of which Completion a Transfer or Conveyance under the respective Common Seals of the said respective Companies shall be sufficient Evidence) the *London and South-western* Railway Company shall and may have and hold the said *Guildford Junction* Railway, and all and singular the Lands, Tenements, and Hereditaments, Works, and Appurtenances thereof or connected therewith, and the same shall henceforth form Part of the Undertaking authorized by the said recited Acts relating to the said *London and South-western* Railway; and all the Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Rules, Clauses, Matters, and Things contained in the said recited Act relating to the said *Guildford Junction* Railway, save as herein expressed or otherwise provided for, shall, with reference to all such Works and Things as might have been made or done by the said *Guildford Junction* Railway Company, be applied and applicable to the said *London and South-western* Railway Company, their Officers, Agents, and Servants, in every respect, and as if the Name of the said last-mentioned Company had been in every Case written in lieu and stead of the said *Guildford Junction* Railway Company in the said recited Act relating to the said last-mentioned Company.

XV. And

Power for Company to subscribe towards the Guildford Extension and Portsmouth and Fareham Railway;

XV. And be it enacted, That it shall be lawful for the said *London and South-western* Railway Company, and they are hereby authorized, with the Consent of a Special General Meeting of the Proprietors in that Company, to subscribe towards and become Shareholders in the said *Guildford Extension and Portsmouth and Fareham* Railway, upon such Terms and Conditions as may be agreed on between the said *London and South-western* Railway Company and the said *Guildford Extension and Portsmouth and Fareham* Railway Company, to any Extent not exceeding the Sum of One hundred thousand Pounds.

also to subscribe towards the Southampton and Dorchester Railway;

XVI. And be it enacted, That it shall be lawful for the said *London and South-western* Railway Company, and they are hereby authorized, with the Consent of a Special General Meeting of the Proprietors in that Company, to subscribe towards and become Shareholders in the said *Southampton and Dorchester* Railway, upon such Terms and Conditions as may be agreed on between the said *London and South-western* Railway Company and the said *Southampton and Dorchester* Railway Company, to any Extent not exceeding the Sum of Four hundred thousand Pounds.

also to apply Capital hereby authorized to be raised accordingly.

XVII. And be it enacted, That it shall be lawful for the Directors of the said *London and South-western* Railway Company from Time to Time, for the Purposes of the said Purchase and of the said several Subscriptions, to use and apply such Part of the Monies hereby authorized to be raised as shall be necessary, or as the said Directors shall from Time to Time deem convenient and proper.

Company may make Arrangements for the Assortment and Delivery of Goods and Parcels.

XVIII. And whereas under the Provisions of the said recited Acts the Company are restricted from charging different Rates of Toll for the Use of the said Railway, or for Carriage thereupon, or for locomotive Power, in respect of Passengers, Animals, and Goods conveyed or propelled by a like Carriage or Engine passing on the same Portion of the said Railway under the like Circumstances: And whereas it is expedient that, subject and without prejudice to the said recited Restrictions, the Company should be at liberty to enter into such special Arrangements as are herein-after mentioned; be it therefore enacted, That in all Cases where the said *London and South-western* Railway Company shall be intrusted with the Carriage or Delivery of any Goods, Wares, Merchandize, or Parcels, Animals, Matters, or Things, it shall be lawful for the said Company to enter into such Arrangements as they may think fit with all or any of the Persons to whom such Goods, Wares, Merchandize, Parcels, Animals, Matters, or Things may belong, or by whom the same may be brought or sent for Conveyance on the said Railway, with reference to the warehousing, Assortment, weighing, loading or unloading, Risk of Stowage, and Liability to alleged pilfering or Damage, or with reference to the Collection and Delivery of such Goods, or with reference to any other special Facilities or Accommodations afforded to or by the said Parties in reference to such Goods, Wares, Merchandize, Parcels, Animals, Matters, or Things, and upon such Terms and Conditions as the Company and such Parties respectively may be willing to accept and abide by; and it shall also be lawful for the said

said Company to enter into and make such Arrangements as they may see fit with any Company or Person with regard to the Collection or Delivery of such Goods, Wares, Merchandize, Parcels, Animals, Matters, and Things, and upon such Terms and Conditions as the Company and the Parties to such Arrangements respectively may be willing to accept and abide by: Provided always, that if it shall be considered by any such Person making use of the said Railway that the said Company have to his Prejudice afforded any special Facilities to any other such Persons which they are unwilling to afford to him, then and in such Case it shall be lawful for the Party so conceiving himself to be aggrieved to appeal to the Court of Quarter Sessions of the County or One of the Counties in which such Facilities are afforded; and the said Court shall have Power and are hereby required on such Application (of which Fourteen Days Notice shall be given to the Company) to appoint a Barrister of not less than Seven Years standing, or some other competent Person not interested in or connected with the Railway or the Party with whom any such Dispute shall arise, to inquire into the Matter in difference; and the Person so to be appointed shall have Power to call before him and to examine all Persons whose Evidence may be considered necessary to the Inquiry, and to require the Production of all Books, Papers, and Writings which he may deem requisite, or which ought to be produced for the Elucidation of the Matter referred to him; and on the Report of such Person it shall be lawful for the said Court to order and require the said Company to admit the Party making such Appeal to the Enjoyment of the same Facilities which may at the Time be granted by the Company to other such Persons under the like Circumstances, unless it shall be proved to the Satisfaction of the Person making such Inquiry that any wilful Fraud or Contravention of Agreement with the Company has been committed by the Party making such Appeal; and the said Company shall in all things conform to and abide by the Order which may be so made by the said Court upon the Consideration of the Circumstances under which and the Extent to which such Frand or Contravention may have been carried by such Party.

Quarter Sessions empowered to compel Equality in the granting of any peculiar Facilities to Carriers.

Books of Account to be Evidence in certain Cases.

XIX. And whereas by the said recited Acts or some of them it is provided, that Accounts shall be kept of the Rates received on and for the Use of the said *London and South-western* Railway, and that such Accounts shall be open to Inspection by the Overseers of the Poor of the several Parishes through which the said Railway passes: And whereas, although the Accounts so kept are Evidence against the Company of the Facts therein stated for the Purpose of making Rates for the Relief of the Poor, yet in Appeals from any such Rates the same cannot be used in Evidence by the Company, without specific Proof as to the various Sums therein stated to have been received, and by whom and for what Purposes the same were so received, and it is expedient to simplify such Mode of Proof, which is attended with unnecessary Expence and Inconvenience; be it therefore enacted, That the Accounts required to be kept by the said recited Acts or any of them, or by the Acts relating to any Railway which shall belong to or be under Lease to or worked by the said *London and South-western* Railway Company, of the Rates, Tolls,

and Sums received by the said Company, shall, if verified on Oath by the Secretary of the said Railway Company, or by any Accountant or Book-keeper who may have been employed by the said Company in making up and entering such Accounts, as being truly made up from the original Returns delivered in from Time to Time from the several Stations or Receiving Houses of the said Company, and as being, to the best of the Knowledge and Belief of such Secretary, Accountant, or Book-keeper, true Accounts of the Tolls and Sums therein specified to have been received, shall be taken as Evidence in all Courts of the Facts therein stated, whether in favour of or against the Company: Provided always, that any Person employed as aforesaid who shall wilfully and knowingly make up or enter any false Accounts of the said Rates, Tolls, and Sums received by the said Company as aforesaid shall be deemed and is hereby declared to be guilty of a Misdemeanor.

Expences of this Act.

XX. And be it enacted, That all the Costs, Charges, and Expences of and incidental to the obtaining and passing of this Act shall be paid by the said *London and South-western* Railway Company out of the first Money received or to be received by them under the Authority of this and the said recited Acts, in preference to all other Payments whatsoever.

Public Act.

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

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