



ANNO TERTIO & QUARTO

VICTORIÆ REGINÆ.

Cap. cxxvii.

An Act to amend and enlarge the Powers and Provisions of the several Acts relating to the *London and Greenwich Railway.*

[7th August 1840.]

WHEREAS an Act was passed in the Third Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from London to Greenwich*: And whereas another Act was passed in the Seventh Year of the Reign of His said late Majesty, intituled *An Act to enlarge the Powers of an Act passed in the Third Year of the Reign of His present Majesty, intituled 'An Act for making a Railway from London to Greenwich'*: And whereas another Act was passed in the First Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for extending the Time for completing the London and Greenwich Railway*: And whereas another Act was passed in the Second Year of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for granting further Powers to the London and Greenwich Railway Company*: And whereas a Railway has been completed and opened to the Public, commencing by a Junction with the *London and Greenwich Railway*, at the Distance of One Mile and Three Quarters from the Terminus of the said *London and Greenwich* [Local.]

3 & 4 W. 4.
c. 46.
7 W. 4. &
1 Vict. c. 50.
1 & 2 Vict.
c. 4.
2 & 3 Vict.
c. 19.

Railway

Railway at *London Bridge*, and terminating at or near the Town of *Croydon*, and other Railways communicating therewith have been authorized by divers Acts of Parliament to be made to the Towns of *Brighton* and *Dovor*, and other Places in the South and South-eastern Parts of *England*: And whereas a Select Committee appointed by the Honourable the House of Commons to inquire into the State of Communication by Railways, after referring to the Arrangements to avoid Accidents in conveying the Traffic of the above Lines of Railway upon and along the *London* and *Greenwich* Railway, from its Junction with the *London* and *Croydon* Railway to its Terminus at *London Bridge*, have reported to the House of Commons, that "entertaining very serious Doubts how far the present Arrangements are compatible with the Safety of the Passengers conveyed on the *Croydon* and *Greenwich* Line of Railway, they must record it as their deliberate Conviction that the Four Lines referred to should not be permitted to convey Passengers until some Plan shall have been adopted by which the apprehended Danger may be removed:" And whereas in deference to the Report of the said Committee, and for the Purpose of affording increased Facilities for the Traffic passing along the said Portion of the *London* and *Greenwich* Railway to and from the *London* and *Croydon* Railway, the Company incorporated by the said first-recited Act are willing and desirous to widen the said Portion of the said Railway, and form Two additional Lines of Railway thereon, upon being empowered to collect and receive additional Rates or Tolls for or in respect of the Expence thereof; and it is therefore expedient that the Period limited by the lastly-recited Act for completing the said Railway and other Works should be further extended, and that for the Purposes aforesaid further Powers should be granted to the said Company, and that some of the Provisions of the said recited Acts should be altered, amended, and enlarged; but the Purposes aforesaid cannot be effected without the Aid and 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 the said recited Acts, and all the Powers, Authorities, Penalties, Forfeitures, Rules, Remedies, Directions, Liabilities, Duties, Articles, Matters, and Things therein contained (except so far as the same are varied, altered, or repealed), shall be good, valid, applicable, binding, and effectual for carrying this Act into execution in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted expressly and at length in the Body of this Act; and this Act, and the Powers and Provisions herein contained, shall extend and apply to the said recited Acts, and to the Powers, Authorities, Penalties, Forfeitures, Rules, Remedies, Directions, Articles, Matters, and Things in such Acts respectively contained.

Powers of recited Acts extended to this Act, except as hereby altered.

A further Term granted to complete a Portion of the Railway.

II. And be it further enacted, That the Term granted by the Act firstly-recited, and extended by the Two Acts lastly-recited, for completing the said *London* and *Greenwich* Railway and other Works, shall, with respect to the Portion of the said Railway and other Works

Works between the Junction of the *London and Croydon* Railway, and the Terminus at or near *London Bridge*, be further extended and enlarged for the Term of Eighteen Months, to be computed from the passing of this Act.

III. And be it further enacted, That if the said Portion of the said Railway, and the Works connected therewith, shall not have been made and completed within the said further Term hereby granted, all the Powers, Authorities, and Privileges given by this and the said recited Acts for the making and Completion of the said Portion of the said Railway and other Works shall cease and determine, save only and except as to so much of the said Railway and other Works as have already been, or shall have been, before the Expiration of the said further Term, declared and certified to have been completed by the Justices of the Peace of the Counties of *Surrey* or *Kent*, assembled at any Quarter Sessions of the Peace to be held in and for the said County of *Surrey* or for the said County of *Kent*, at any Time before the Expiration of the said further Term hereby granted, or within Six Calendar Months after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath or Affirmation, to be produced before them for that Purpose.

If the Railway be not completed within such further Time Powers of Act to cease.

IV. And be it further enacted, That so much of the said first-recited Act as enacts, that when and so often as any Director of the said Company therein appointed, or to be elected by virtue of that Act, should die, or should resign, or should become disqualified or incompetent to act as a Director of the said Company, or should cease to be a Director of the said Company by any other Cause than that of going out of Office by Ballot or Rotation as aforesaid, it should be lawful for the remaining Directors of the said Company to elect some other Proprietor duly qualified to be a Director in his Place and Stead, and every such Proprietor so elected to fill up any such Vacancy should continue in Office so long only as the Person in whose Place or Stead he might be elected would have been entitled to continue had he lived and remained in Office, shall be and the same is hereby repealed.

Repealing Power in first-recited Act for supplying Vacancies in Directors.

V. And be it further enacted, That when and so often as any Director of the said Company shall die or shall resign, or shall become disqualified or incompetent to act as a Director of the said Company, or shall cease to be a Director of the said Company by any other Cause than that of going out of Office by Ballot or Rotation, as in the said first-recited Act is mentioned, it shall be lawful for the said Company, at any Half-yearly General Meeting, or at any General Special Meeting, to elect some other Proprietor, duly qualified, to be a Director in his Place and Stead; and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue had he lived and continued in Office: Provided always, that until such Vacancy shall be filled up in manner aforesaid it shall be lawful for the remaining Directors for the Time being of the said Company, if they shall think proper, to elect some Proprietor in the said Company, duly qualified

General Meetings to supply Vacancies in Directors.

qualified to be a Director, to act as Director of the said Company until the Election of a Director shall take place at some Half-yearly General Meeting or Special General Meeting as aforesaid.

New Directors to hold Fifty Shares in the Undertaking.

VI. Provided always, and be it further enacted, That no Person (unless he shall be a Director at the Time of the passing of this Act) shall be qualified to be elected or to act as a Director of the said Company unless he shall be in the Possession, of his own Right, of Fifty Shares at the least in the said Undertaking, and if any Director of the said Company (except as aforesaid) shall cease to be a Proprietor of Fifty Shares in the said Undertaking he shall thereupon become disqualified and cease to be a Director of the said Company.

Repealing Power in first-recited Act to hold General Meetings yearly.

VII. And be it further enacted, That so much of the said recited Act as enacts, that a General Meeting of the said Company should be held at some convenient Place within Twelve Calendar Months next after the said Railway should be completed and opened for the Use of the Public, and from and after the said First General Meeting of the said Company there should be a General Meeting of the said Company in the Month of *January* in each and every Year, or within the Space of Fourteen Days next after, and also such and so many Special General Meetings of the said Company as should be called as therein-after provided, of which said General Meetings and Special General Meetings Ten Days public Notice at the least should be given by Advertisement in some Two or more *London* Newspapers, and which said Notice of a Special General Meeting should specify the Purpose for which such Special General Meeting was called, and all such General Meetings and Special General Meetings might be adjourned from Time to Time, and from Place to Place, as should be found expedient, shall be and the same is hereby repealed.

General Meeting to be held half-yearly.

VIII. And be it further enacted, That a General Meeting of the said Company shall be held at some convenient Place in the Month of *January* next after the passing of this Act, or within Fourteen Days thereafter, and from and after such General Meeting there shall be a Half-yearly General Meeting of the said Company in the Months of *January* and *July* in every Year, or within Fourteen Days next after such respective Periods, and also such and so many Special General Meetings of the said Company as shall be called, as by the said first-recited Act is provided, of which said General Meetings and Special General Meetings Ten Days public Notice at the least shall be given by Advertisement in some Two or more *London* Newspapers, and which said Notice of a Special General Meeting shall specify the Purpose for which such Special General Meeting is called; and all such General Meetings and Special General Meetings may be adjourned from Time to Time, and from Place to Place, as shall be found expedient.

Proxies to be transmitted to Secretary of Company.

IX. And be it further enacted, That no Person shall be entitled to vote as a Proxy of any Person or Corporation, at any Meeting to be held in pursuance of this or the said recited Acts, unless the Instrument appointing such Proxy shall have been executed within
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the Space of Three Calendar Months previously to the same being acted upon, except in the Case of Persons executing the same being out of the United Kingdom, and unless such Instrument shall be transmitted to the Secretary of the said Company Five Days at least before the holding of the Meeting at which such Proxy is intended to be used.

X. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, or by the Admission of new Subscribers, in addition to the Sums of Money which they have raised or are empowered to raise under and by virtue of the said recited Acts, any further Sum of Money, not exceeding in the whole the Sum of One hundred and fifty thousand Pounds, in such Proportions as they shall think fit, and for that Purpose to create and issue such and so many Shares of Twenty Pounds each, bearing such annual Sums for such Time as the said Company shall think proper, and to demand such Price for the same respectively as the said Company shall think expedient; and the said Company are hereby authorized to fix the Amount of the Calls upon such Shares, and the Time or Times when the same shall be made; and such new or additional Shares so to be created by virtue of this Act shall or may be transferred or assigned from Time to Time, and shall and may be forfeited for Nonpayment of the Calls made thereon, in such and the same Manner as is provided in and by the said first-recited Act with regard to the Calls made on the Shares therein mentioned or referred to; and all Persons whosoever, and their several and respective Executors, Administrators, and Assigns, who shall severally subscribe for One or more of the said new or additional Share or Shares, and shall pay such Sum or Sums of Money as shall be fixed by the said Company as the Price of such Share or Shares, shall respectively be entitled to and receive such proportional Part and Parts of the Profits and Advantages that shall and may arise and accrue from the said Undertaking as shall be agreed upon between them and the said Company, and shall have a Vote or Votes during the Existence of such Share or Shares in respect of the same at all Meetings of the said Company, to be held in pursuance of the said first-recited Act, with Power and Authority to appoint a Proxy or Proxies in his, her, or their Room or Stead, in such Way and Manner, and to the same Extent, to all Intents and Purposes, as is and are enacted and provided in and by the said recited Acts with regard to the Subscribers for the Money authorized to be raised by such Acts.

Power to raise additional Sum by Subscription.

XI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, after the said Sum of One hundred and fifty thousand Pounds herein-before authorized to be raised by Shares shall have been subscribed for, and One Half of the whole Capital of the Company shall have been paid up, to borrow and take up at Interest any Sum of Money not exceeding in the whole the Sum of Fifty thousand Pounds, in such Proportions as they shall think reasonable, either in anticipation or in addition to the said Sum of One hundred and fifty thousand Pounds hereby authorized to be raised by Shares as aforesaid, and

Power to raise an additional Sum by Mortgage.

[*Local.*]

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the said Company are hereby empowered from Time to Time to mortgage and assign any Lands, Tenements, and Hereditaments belonging to the said Company, and the Rates, Tolls, and other Sums arising or to arise by virtue of the said recited Acts and this Act, or either of them, under the Common Seal of the said Company, as a Security for any Money so to be borrowed, with Interest thereon, at such legal Rate as may from Time to Time be agreed upon, to such Person as shall advance the same respectively, or to his Trustees, in the like Manner and Form, and with, under, and subject to the like Provisions, Powers, Remedies, Directions, and Regulations, as are in the said recited Acts contained, concerning the borrowing of Money, or securing or recovering the same, or the Interest thereof; and the several Persons to whom any Security shall be made, under the Authority of this Act, shall be equally entitled one with another to the Rates, Tolls, and other Sums, Lands, Tenements, and Hereditaments thereby conveyed and assigned, in proportion to the Sum for which such Security shall be executed, without any Preference by reason of the Priority in Date of any such Mortgage, or otherwise howsoever: Provided always, that such Securities, and the Dividends and Interest to arise thereupon, shall not be transferrable unless by Instrument duly stamped, in which the Consideration for such Transfer shall be stated; nor shall any Interest be paid upon the said Securities unless to the *bonâ fide* Holders thereof, or to the Parties to whom the same may have been lawfully assigned, under an Instrument duly stamped, or to the Agents of such Holders or Parties duly authorized to receive the same; provided also, that any Mortgage already made or to be made by the said Company, in pursuance of the said recited Acts, or any Assignment thereof, shall have Priority over and shall precede all other Mortgages or Securities of the same Rates, Tolls, Lands, Tenements, and Hereditaments, to be granted under the Provisions of this Act.

Power to raise the 50,000*l.* by Shares instead of Mortgage.

XII. And be it further enacted, That in case the said Company, instead of borrowing such further or additional Sum of Fifty thousand Pounds as aforesaid by way of Mortgage, or continuing the same on Mortgage, shall think it advisable to raise such further or additional Sum, or any Part thereof, by way of Augmentation of their Capital Stock, or shall deem it expedient to borrow or continue at Interest only a Part of the said further or additional Sum by way of Mortgage, and to raise the Remainder or any Part of the Remainder thereof by way of Augmentation of their Capital Stock, then and in either of the said Cases it shall be lawful for the said Company to create and issue and dispose of such an additional Number of new Shares of Twenty Pounds each, in the Manner herein-before directed, as may be sufficient to augment their Capital Stock by any such further Sum or Sums of Money; and all such further and additional Capital Stock shall be under and subject to the same Provisions, Regulations, Directions, and Management in all respects, and to all Intents and Purposes, as if the same had been Part of the Sum of One hundred and fifty thousand Pounds herein-before authorized to be raised by the said Company.

XIII. And

XIII. And whereas under and by virtue of the said recited Act of the Seventh Year of the Reign of His said late Majesty the several Sums of One hundred and fifty thousand Pounds and Fifty thousand Pounds were authorized to be raised in the Manner therein mentioned: And whereas the Sum of Sixteen thousand five hundred and eighty Pounds, Part of the said Sums of One hundred and fifty thousand and Fifty thousand Pounds, at present remains to be raised, and it is expedient that the same should be authorized to be raised in the same Way and Manner and on the same Terms and Conditions as Shares are authorized to be created under the Authority of this Act; be it therefore further enacted, That it shall be lawful for the said Company to raise the said Sum of Sixteen thousand five hundred and eighty Pounds, by the Creation of Shares of Twenty Pounds each, bearing such annual Sums for such Time as the said Company shall think proper, and to demand such Price for the same as the said Company shall think expedient, any thing in the said recited Act of the Seventh Year of the Reign of His said late Majesty contained to the contrary notwithstanding.

Money authorized to be raised under former Act may be raised according to Provisions of this Act.

XIV. And whereas by certain Articles of Agreement bearing Date the Thirtieth Day of *December* One thousand eight hundred and thirty-five, and made and entered into between the *London and Greenwich* Railway Company of the one Part, and the *London and Croydon* Railway Company of the other Part, it was witnessed and agreed, amongst other things, that the *London and Croydon* Railway Company should pay to the *London and Greenwich* Railway Company, for and in respect of all Carriages passing on, to, and from the said *London and Croydon* Railway, which should be moved or propelled upon the *London and Greenwich* Railway by locomotive Engines or other Power belonging to the *London and Croydon* Railway Company, or to such other Company or Companies as therein referred to, for the Conveyance of Passengers, for every Person passing in or upon any such Carriage, the Sum of Three-pence: And whereas in consideration of the said Portion of the said *London and Greenwich* Railway being widened as aforesaid it is expedient that an additional Rate or Toll should be granted to the said *London and Greenwich* Railway Company in respect of every Person passing in or upon any Carriage upon the said Portion of the said Railway; be it therefore enacted, That so soon as the said Portion of the said *London and Greenwich* Railway shall be widened as aforesaid, and shall have Two additional Lines of Railway laid down thereon, and open for use, it shall be lawful for the said *London and Greenwich* Railway Company, in addition to the Rates and Tolls now collected and paid under or by virtue of the said recited Acts, or One of them, or the said Agreement, in respect of Carriages passing over the said *London and Greenwich* Railway, coming from or proceeding to the *London and Croydon* Railway, and the Passengers thereby conveyed, to demand, receive, and recover, to and for their own Use and Benefit, for or in respect of Carriages coming from or proceeding to the said *London and Croydon* Railway, and moved or propelled upon the Portion of the said *London and Greenwich* Railway between the Junction of the *London and Croydon* Railway and the Terminus at or near *London Bridge*, or any Part thereof, and for the Conveyance of

Power to take additional Toll for Passengers proceeding to or from the *London and Croydon* Railway.

of Passengers, any Rate or Toll which they the said *London* and *Greenwich* Railway Company may think proper, not exceeding the Sum following; (that is to say,)

For every Person passing in or upon any such Carriage, the Sum of One Penny Halfpenny.

Provided always, that notwithstanding any Power given by virtue or in pursuance of any former Act or Acts, in no Case whatever shall a Sum exceeding Four-pence Halfpenny be demanded, received, or recovered by the *London* and *Greenwich* Railway Company as a Rate or Toll for or in respect of each Passenger coming from or proceeding to the said *London* and *Croydon* Railway, and moved or propelled upon the Portion of the said *London* and *Greenwich* Railway between the Junction of the *London* and *Croydon* Railway and the Terminus at or near *London Bridge*, or any Part thereof.

Additional Lines of Railway not to be used for Carriages coming from or proceeding to Greenwich.

XV. Provided always, and be it further enacted, That when the said Portion of the said *London* and *Greenwich* Railway shall be widened as aforesaid, and shall have Two additional Lines of Railway laid down thereon, Carriages coming from or proceeding to *Greenwich* or Eastward of the Junction of the *Croydon* Railway shall not pass on and along the said Two new or additional Lines of Railway, nor shall the Carriages coming from or proceeding to the said *London* and *Croydon* Railway pass on or along the existing Lines of Railway, except for the Purpose of entering the Station of the *London* and *Croydon* Railway Company: Provided always, that in the Case of any Accident or necessary Repair or Alteration in the Line of the said Railway, and during the Time that such Repair or Alteration shall be proceeding, nothing herein contained shall prevent any Carriages using the said Railway passing on such other Lines at such Times as the said Company shall direct.

Penalty on Company if Railway not widened in Two Years.

XVI. Provided always, and be it further enacted, That if the said Portion of the said *London* and *Greenwich* Railway shall not be widened as aforesaid, and shall not have Two additional Lines of Railway laid down thereon, and be open for the Use, within the Space of Two Years from the passing of this Act, the *London* and *Greenwich* Railway Company shall be subject and liable to a Penalty of Fifty Pounds *per Day* for every Day after the Expiration of the said Two Years until the said Portion of the said Railway shall be widened as aforesaid, and shall have such Two additional Lines laid down thereon, and be open for Use, which Penalty it shall be lawful for the *London* and *Croydon* Railway Company to sue for and recover, in case of Nonpayment thereof on Demand, together with full Costs of Suit, by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster*, and appropriate such Penalty for the Uses and Purposes of such last-mentioned Company, and of the *London* and *Brighton* Railway Company, and the *South-eastern* Railway Company, in equal Shares and Proportions.

Company to make a new Approach to the Railway.

XVII. Provided always, and be it further enacted, That the said Company, when the said Railway is widened, shall, at their own Expence, make, and from Time to Time maintain, a proper Approach on the

North Side of the said Railway by a Flight of Steps or an Inclined Plane to the said Railway, at or near the *Spa Road* in the Parish of *Bermondsey*, with a proper covered Waiting Place for Passengers, and that the said Company, for the Conveyance of Passengers and Luggage, shall stop there at least Twice a Day each Way, *Sundays* excepted.

XVIII. And be it further enacted, That nothing in this Act or any of the said recited Acts contained shall authorize the said Company to permit or suffer any locomotive or other Engine for propelling or drawing of any Carriage to run or travel upon the said Railway or any Part thereof between the Hours of Eleven o'Clock in the Forenoon and One o'Clock in the Afternoon on *Sundays, Good Friday, or Christmas Day*; and in case the said Company shall permit or suffer any Carriages or Carriage to run or travel upon the said Railway, contrary to the Provisions last-mentioned, then and in every such Case, and as often as the same shall happen, the said Company shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, to be recovered in the same Manner as any other Penalties are by this Act authorized to be recovered.

To prevent any locomotive Engine being used between Eleven and One on Sundays.

XIX. Provided always, and be it further enacted, That the said Company shall, within the Space of Six Calendar Months after the widening of the said Railway, enclose with Brickwork of sufficient Substance the several Arches under the Railway along the South Side thereof to the Extent of the Property now claimed to belong to the Governors of the Free Grammar School of *Saint Olave Southwark*; and in case of the Enlargement of the Archway forming the Approach or Communication with the Grammar School, the Company shall cover the same with Asphalte, so as to make and keep the same Water-tight as far as practicable.

For enclosing Arches opposite the Grammar School of St. Olave.

XX. Provided always, and be it further enacted, That nothing in this Act or in the said recited Acts contained shall extend to permit or authorize the said Company, their Agents, Servants, or Workmen, or any other Person, to construct or make any Station, Yard, Wharf, Waiting, Loading, or Unloading Place for Cattle, Pigs, Sheep, or other Animals, or to erect, construct, or place any stationary Engine in or upon a certain Piece or Parcel of Ground belonging to the said Company, and adjoining West on Ground claimed to belong to the Governors of the Free Grammar School of *Saint Olave Southwark*, or to erect any Workshops or other Buildings thereon for the Purposes of the said Railway.

For the Protection of the Free Grammar School of St. Olave.

XXI. And be it further enacted, That in order to prevent Nuisances from the Arches on which the said Railway is constructed being left open and unenclosed, the said Company shall and they are hereby required, within Three Calendar Months next after the Completion of the said Railway from *Corbet's Lane* to the Terminus at or near *London Bridge*, to fence in the Ends of such of the Arches as may be situate within the Jurisdiction of the Commissioners of Pavements for the Eastern Division of the

Ends of the Arches to be enclosed to prevent Nuisances.

Borough of *Southwark* as may not be let or occupied or used for public Thoroughfares.

Bridges and
Tunnels to
be lighted.

XXII. And be it further enacted, That the said Company shall and are hereby required, at their own Expence, to find and provide such Number of Gas Lamps, with all proper Fittings and Apparatus to the same, for well and effectually lighting with Gaslight, as shall by the Surveyor for the Time being to the said Commissioners for paving the East Division of *Southwark*, and lighting the Streets and Places therein, be deemed necessary, under the said Bridges and Arches to be constructed over or across the Streets aforesaid, and to be affixed up to such Parts of the said Bridges or Arches, under the Direction of the said Surveyor, for the public Safety, and for the Convenience and Protection of the Passengers travelling or passing through the said Streets aforesaid; and in case the said Company shall neglect, omit, or at any Time discontinue lighting such Gas Lamps, it shall be lawful for the Commissioners having the Control of the Pavements within the East Division of *Southwark* to light the same, or such of them as shall have been omitted or discontinued to be lighted; and all the Costs, Charges, and Expences which the said Commissioners shall expend or incur thereby shall be paid by the Treasurer of the said Company, on Demand; and in case of Delay of Payment, or of the Nonpayment thereof, for the Space of One Calendar Month next after such Demand, then it shall and may be lawful for any Five or more of the said Commissioners, and they are hereby authorized and empowered, from Time to Time to bring any Action at Law in any of Her Majesty's Courts of Record at *Westminster*, in their Names, or in the Name of their Clerk for the Time being, against the said Company, and to recover in such Action such Sum of Money as shall have been, from Time to Time, fairly and *bonâ fide* expended or incurred for the Purposes aforesaid, together with full Costs of Suit: Provided always; that nothing herein contained shall extend to require the said Company to find or provide or to affix any such Gas Lamps as aforesaid in case the present Gas Lamps shall be removed or reduced in Number, or to require the said Company to find or provide or to affix any such Gas Lamps as aforesaid nearer to any present Gas Lamps than Fifty Feet, unless in such Places as in the Opinion of Two out of Three Surveyors, one to be chosen by the said Commissioners, another to be chosen by the said Company, and a Third by the Two Surveyors so to be chosen as aforesaid, any such additional Lamps shall be necessary to be placed nearer than Fifty Feet to the said present Lamps, for the Protection of the Public, the Expence of such Reference to be borne as the said Two Surveyors shall direct.

For paying
Expences of
Act.

XXIII. And be it further enacted, That all the Costs, Charges, and Expences of applying for, obtaining, and passing this Act, or incident thereto, shall be paid and discharged out of the Funds of the said Company, in preference to all other Payments whatsoever.

XXIV. And

XXIV. And be it further enacted, That this Act shall be deemed Public Act. and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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