



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. xxviii.

An Act to amend the Acts relating to the *London and Southampton Railway Company*, hereafter to be called "*The London and South-western Railway Company*," and to make a Branch Railway to the Port of *Portsmouth*. [4th June 1839.]

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 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 said Company with reference to the said Undertaking: And whereas a considerable Portion of the Railway by the said recited Acts authorized to be made, with proper Works and Conveniences connected therewith, has been completed and opened, and has been found to afford great public Accommodation, and the Remainder of the said Line of Railway and Works by the said Acts authorized to be made is in a State of great Forwardness, and will speedily be completed: And

[Local.] 7 G whereas

4 & 5 W. 4. c. 88.
7 W. 4. & 1 Vict. c. 71.

whereas the making of a Branch Railway from the aforesaid Railway in or near the Parish of *South Stoneham* in the County of *Southampton* to *Gosport* in the same County would be of great public Advantage, by opening an additional Communication between the Port of *Portsmouth* and the Metropolis, and between the said Port and other important Parts of the Kingdom situate on the North and West thereof, and between the several intermediate and adjacent Towns, Places, and Districts: And whereas the said Company are willing to make and complete the said Branch Railway; and it is expedient that further Powers should be granted to the said Company to enable them to make the said Branch Railway, and for better effecting the Purposes of the said recited Acts, and also that some of the Powers and Provisions of the said recited Acts should be amended and enlarged, and the said Company are desirous to change their Name of Incorporation; 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, That all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things contained in the said first-recited Act, (except such of them or such Parts thereof respectively as are by the said recited Act of the First Year of the Reign of Her present Majesty or by this Act repealed, altered, or otherwise provided for,) and all the Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things contained in the said recited Act of the First Year of the Reign of Her present Majesty, (except such of them or such Parts thereof respectively as are by this Act repealed, altered, or otherwise provided for,) shall extend and be construed to extend to this Act, and to the several Works and Things hereby authorized or required to be made and done, and the Lands hereby authorized to be taken and used, and shall operate and be in force in respect to the Objects and Purposes of this Act, and of the said recited Acts as altered and amended by this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same Powers, Authorities, Provisions, Directions, Penalties, Forfeitures, Payments, Exemptions, Remedies, Regulations, Clauses, Matters, and Things were repeated and re-enacted in this Act.

Powers of
recited Acts.
extended to
this Act.

Name of the
Company to
be changed.

II. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Company incorporated by the said recited Act of the Fifth Year of the Reign of His said late Majesty, and they are hereby directed and required, to take and use the Name and Style of "The *London* and South-western Railway Company" as and for their Name of Incorporation, and to alter their Common Seal, and do all other Acts consequent upon such Change of Name accordingly; and the said Company shall and may from and after the passing of this Act sue and be sued by such last-mentioned Name; but such Change of Name and Style or other Act shall in no respect prejudice, alter, or affect any Action, Suit, or other Proceeding whatsoever which shall have been commenced by or

against the said Company before the passing of this Act, nor shall the same in any respect vary the Rights or Liabilities of the said Company.

III. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to make and maintain a Branch Railway, with all proper Works and Conveniences connected therewith, in the Line or Course, and upon, across, under, or over the Lands delineated on the Plans and described in the Books of Reference deposited with the Clerk of the Peace for the County of *Southampton*; (that is to say,) such Branch Railway to commence and form a Junction with the Railway by the said recited Acts authorized to be made in or near a Field situate in the Tithing of *Barton Peverell* in the Parish of *South Stoneham* in the said County of *Southampton*, numbered 20 on the Maps or Plans of the said Railway, and in the Books of Reference thereto, deposited with the Clerks of the Peace for the Counties of *Surrey* and *Southampton* and the Town and County of the Town of *Southampton* respectively, in pursuance of the said first-recited Act, and to terminate at or near a Nursery Ground and Garden abutting upon the *Spring Gardens Road*, near the Entrance through the Fortifications to the Town of *Gosport*, called *Double Gate*, and situate in the Parish of *Abwerstoke* in the said County of *Southampton*, and which said Branch Railway, Works, and Conveniences are to be made in and to pass through or into the several Parishes, Townships, Tithings, Hamlets, and Extra-parochial and other Places of *Bishopstoke* otherwise *Bishops Stoke*, *Durley*, *North Stoneham*, *Barton Peverell*, *Eastley* otherwise *Eastleigh*, *South Stoneham*, *Allington*, *Candys*, *Moor Green*, *Shamblehurst* otherwise *Shambles Hurst*, *Botley*, *Bishops Waltham*, *Shidfield*, *Droxford*, *Wickham*, *Bursledon*, *Eyres Down*, *Caigers* otherwise *Cagers Green*, *Swanwick*, *Segenworth*, *Funtley* otherwise *Fontly*, *Titchfield*, *Catisfield* otherwise *Catersfield*, *Blackbrook*, *Fareham*, *Wallington*, *Crofton*, *Rowner*, *Gosport*, and *Abwerstoke*, or some of them, in the County of *Southampton*.

Power to make the Branch Railway from the London and Southampton Railway to the Port of Portsmouth.

IV. And whereas a Map or Plan and Section of the said Branch Railway, describing the Line and Levels thereof, and the Lands upon, across, under, or over which the said Branch Railway and the Works connected therewith are intended to be carried and made, together with a Book of Reference thereto, 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 said County of *Southampton*; be it therefore enacted, That the said Map or Plan, Section, and Book of Reference so deposited shall remain with and be kept by the said Clerk of the Peace; and all Persons interested in any Manner in such Lands shall have Liberty, at all seasonable Hours of the Day, to inspect, and shall be entitled to be furnished with Extracts from or Copies of, the said Map or Plan, Section, and Book of Reference respectively, paying to the said Clerk of the Peace for every Inspection the Sum of One Shilling, and the further Sum of One Shilling for every Hour during which such Inspection shall continue after the first Hour, and for furnishing Copies of or Extracts from the said Book of Reference, after the Rate of Sixpence for every One hundred Words; and the said Map or Plan, Section, and Book of Reference, or any Copy thereof or Extract

Plans and Books of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

Extract therefrom, (such Copy or Extract being certified to be a true Copy or Extract by the said Clerk of the Peace, and which he is hereby required to do,) shall be and is hereby declared to be good Evidence in all Courts of Law and elsewhere.

Unintentional Errors in Act or Plans, or Books of Reference, not to prevent Execution of Act.

V. Provided always, and be it further enacted, That it shall be lawful for the said Company to make the said Branch Railway and other Works in the Line or Course, and upon, across, under, or over the Lands delineated on the said Maps or Plans so deposited and to be deposited as aforesaid, although such Lands or any of them, or the Situation thereof respectively, or the Names thereof, or of the Owners, Lessees, or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in the said Books of Reference or in the Schedule to this Act annexed, if it shall appear to any Two or more Justices of the Peace for the said County of *Southampton*, in case of Dispute about the same, and be certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence; and the Certificate of such Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County.

Company empowered to deviate from Plans to an Extent not exceeding One hundred Yards.

VI. And be it further enacted, That the said Company, in making the said Branch Railway and other Works by this Act authorized, shall have full Power and Authority to deviate from the Line delineated on the Maps or Plans so deposited with the said Clerk of the Peace as herein-before mentioned: Provided always, that no such Deviation shall extend to a greater Distance than One hundred Yards, nor in passing through any City or Town to any greater Distance than Ten Yards, from the Line so delineated upon the said Maps or Plans; nor shall such Deviation extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of the Person whose Lands shall be affected thereby, unless the Name of such Person shall have been omitted by Mistake or Inadvertence, and unless the Fact that such Omission proceeded from Mistake or Inadvertence shall have been certified in manner herein-before provided in Cases of unintentional Errors in the said Book of Reference.

Houses and Gardens not to be taken without Consent, except such as are specified in the Schedule.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorize the said Company, or any Person acting under their Authority, to take, injure, or damage for the Purposes of this Act, any House or other Building which was erected on or before the First Day of *March* One thousand eight hundred and thirty-eight, or any Land then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any Land then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Plantation, planted Walk or Avenue to a House, or any Land then inclosed and planted as an Ornament or Shelter to a Dwelling House, or planted and set apart as a Nursery for Trees, other than and except such as are specified in the said Schedule to this Act annexed, without the previous Consent in Writing of the Owner, Lessee, and Occupier thereof, unless the Omission thereof in such Schedule shall have proceeded from Mistake or Inadvertence, and it shall be so certified in

in manner herein-before provided for in Cases of unintentional Errors in the said Book of Reference.

VIII. And be it further enacted, That, for the Purposes and subject to the Provisions and Restrictions of this Act, it shall be lawful for the said Company, their Agents and Workmen, and all other Persons by them authorized, and they are hereby empowered, from Time to Time to enter into and upon the Lands of any Person or Corporation whatsoever, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate for the Purposes of this Act such Parts thereof as the said Company are by this Act empowered to take or use, and in or upon such Lands, and any Lands adjoining thereto, to bore, dig, cut, trench, embank, and sough, and to remove or lay, and also to use, work, and manufacture, any Earth, Stone, Rubbish, Trees, Gravel, or Sand, or any any other Materials or Things whatsoever which may be dug or obtained therein or therefrom, or otherwise in the Execution of any of the Powers of this Act, and which may be proper or necessary for making, maintaining, altering, repairing, or using the said Branch Railway and other Works by this Act authorized, or which may obstruct the making, maintaining, altering, repairing, or using of the same respectively, according to the true Intent and Meaning of this Act; and also to make or construct, upon, across, under, or over the said Branch Railway or other Works, and any Lands, Streets, Hills, Vallies, Roads, Railroads or Tramroads, Rivers, Canals, Brooks, Streams, or other Waters whatsoever, such Inclined Planes, Tunnels, Embankments, Aqueducts, Bridges, Roads, Ways, Passages, Conduits, Drains, Piers, Arches, Culverts, Cuttings, and Fencings as the said Company shall think proper; and also to divert or alter the Course of any Rivers, Canals, Brooks, Streams, or Watercourses during such Time as may be necessary for constructing Bridges, Tunnels, or Passages over or under the same; and also to divert or alter the Course of any Roads or Ways, Rivers, Canals, Brooks, Streams, or other Waters, or to raise or sink any Roads or Ways, in order the more conveniently to carry the same or any of them over or under or by the Side of the said Branch Railway, or the more conveniently to construct the said Branch Railway and other Works with reference thereto; and to do all such Works and to take all such Lands as may be necessary for any of the aforesaid Purposes, and to make Drains or Conduits into, through, or under any Lands adjoining the said Branch Railway for the Purpose of conveying Water from or to the same; and also, in or upon the said Branch Railway, or any Lands adjoining or near thereto, to erect and make such Toll and other Houses, Warehouses, Yards, Stations, Engines, Machinery, and Apparatus, and other Works and Conveniences, as the said Company shall think proper; and also from Time to Time to alter, repair, or discontinue the before-mentioned Works or any of them, and to substitute others in their Stead, and generally to do and execute all other Matters and Things necessary or convenient for constructing, making, maintaining, altering, or repairing and using the said Branch Railway and other Works by this Act authorized; they the said Company, their Agents and Workmen, and other Persons by them authorized, doing as little

General Power to enter, survey, and take Lands, and to make the Railway and Works.

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Damage

Damage as may be in the Execution of the several Powers to them hereby granted, and the said Company making full Satisfaction in manner required by the said recited Acts, or One of them, to all Persons and Corporations interested in Lands which shall be taken or used or injured, for all Damage to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company, and all Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisions and Restrictions as are in the said recited Acts, or either of them, or herein-after contained: Provided always, that nothing in the said recited Acts or this Act contained shall be held to authorize or empower the said Company, their Agents or Workmen, to enter into or upon the Land of any Person or Corporation whatsoever, (except for the Purpose of surveying and taking Levels thereof, or of setting out and appropriating for the Purposes of the said recited Acts or this Act such Part thereof as the said Company are by the said recited Acts or this Act empowered to take or use, and except for some One or more of the Purposes for which the said Company are by the said recited Acts and this Act authorized, without previous Payment, Tender, or Deposit of Compensation, to take temporary Possession of Lands adjoining or lying near to the said Railway or Branch Railway,) until the said Company shall have previously paid, tendered, or deposited in manner by the said recited Acts and this Act directed, to or for the Use of the Parties entitled to such Lands, or reputed so to be, the Purchase Money or Compensation which shall have been agreed upon or awarded to be paid in respect of the same.

Penalty on
Company
entering
upon Lands
without Con-
sent before
Payment of
the Purchase
Money.

IX. And be it further enacted, That if the said Company, or any of their Contractors, shall wilfully enter upon and take possession of any Lands, except for the Purposes herein-before mentioned, without such Consent as aforesaid, or without having made or tendered Payment for the same as aforesaid, the said Company shall forfeit and pay to the Party in possession of such Lands the Sum of Ten Pounds, over and above the Amount of any Damage done to such Lands by reason of such Entry and taking possession as aforesaid, such Penalty and Damage respectively to be recovered before any Two Justices of the Peace for the County or Place where the said Lands may be situate; and if the said Company, or their Contractors, shall, after Conviction in such Penalty as aforesaid, or after Notice to the said Company from the Party in possession of such Lands, continue in unlawful Possession of the said Lands, the said Company shall be liable to forfeit and pay the Sum of Twenty-five Pounds for every Day they or their Contractors may so remain in possession as aforesaid, such Penalty to be recoverable by the Party in possession of the said Lands, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Westminster*: Provided always, that nothing herein contained shall be held to subject the said Company to the Payment of any such Penalties as aforesaid if they shall *bonâ fide*, and without Collusion, have paid or tendered or deposited the Compensation agreed or awarded to be paid in respect of the said Lands to any Person whom the said Company
may

may have reasonably believed to be entitled to receive the same, although such Person may not have been legally entitled to receive the same, or the said Company shall have *bonâ fide* made an incorrect Deposit thereof; nor shall any Decision of Justices under the Provision herein-before contained be held conclusive as to the Right of Entry by the said Company: Provided also, that in case the said Company shall have given Notice of this Provision to any Contractor or Contractors, the said Company shall be entitled to recover from such Contractor or Contractors any Penalty in which they may have been convicted in consequence of the Acts of such Contractor or Contractors, or his or their Servants, Agents, or Workmen, done without the Authority of the said Company.

X. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized, in the Name of the said Company, or of such Person as they shall for that Purpose appoint, to contract and agree with any Person for making the said Branch Railway, or any Part thereof, or any other of the Works hereby authorized to be made or done, and that in such Manner, and for such Sums, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding on the said Company, and all other Parties thereto, and their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Charges recovered against the said Company or any of the Parties failing in the Execution thereof.

Company may contract for the Works.

XI. And be it further enacted, That it shall be lawful for the said Company to treat and agree for the Purchase or Release of any Lands authorized to be taken and used by them for the Purposes of this Act or of the said recited Acts, or either of them, and of any subsisting Leases, Terms, Estates, Rights, and Interests therein and Charges thereon, or such of them or such Part thereof as the said Company think proper.

Power to treat for the Purchase of Lands.

XII. And be it further enacted, That on or before the Expiration of One Calendar Month next after Notice in Writing from the said Company, or their Agent duly authorized, of their Intention permanently to take or use any Land, or any Part thereof, for any of the Purposes of this Act, shall have been given to any Person or Corporation seised, possessed, or interested in or authorized by the said recited Acts and this Act to accept and receive Satisfaction and Compensation for the Value of the same Lands, or any Estate, Share, or Interest therein or Charge thereon, or for any Injury or Damage sustained on account of the Execution of this Act, such Person or Corporation shall deliver or cause to be delivered at the Office of the said Company a Statement in Writing of the Particulars of the Estate, Share, Interest, or Charge which he or they claim to be entitled to or to be authorized to receive Satisfaction and Compensation for, and of the Injury or Damage sustained by him or them, and of the Amount of the Sum of Money which he or they may expect and be willing to receive in satisfaction and compen-

Parties to deliver a Statement of their Estates and Claims within One Calendar Month after Notice.

compensation for the Value of such Estate, Share, Interest, or Charge, and for such Injury or Damage respectively.

Compulsory Power of taking Land not to be put in force before the Capital is subscribed for.

XIII. And whereas the probable Expence of making the said Branch Railway and other Works hereby authorized will amount to the Sum of Three hundred thousand Pounds Sterling, Three Fourth Parts whereof have already been subscribed for by several Persons under a Contract binding themselves, their Heirs, Executors, and Administrators, for the Payment of the several Sums by them respectively subscribed; be it therefore enacted, That the whole of the said Sum of Three hundred thousand Pounds shall be subscribed for in like Manner before any of the Powers given by this Act in relation to the compulsory taking of Land for the Purposes of the said Branch Railway shall be put in force.

Proof of Subscription of Capital.

XIV. Provided always, and be it further enacted, That a Certificate under the Hand and Seal of any Justice of the Peace for the said County of *Southampton*, that the whole of the said Sum of Three hundred thousand Pounds hath been subscribed for as aforesaid, (and which Certificate such Justice is hereby authorized and required to grant upon Application made to him by the said Company, and on Production and Proof of the due Execution of the Subscription Deed of or relating to the said Sum,) shall for all Purposes whatsoever be conclusive Evidence that the whole of the said Sum of Three hundred thousand Pounds has been subscribed for.

Works near the Fortification at Gosport to be approved of by Commanding Royal Engineer of the District.

XV. And whereas it is intended that the said Branch Railway shall terminate near Her Majesty's Fortifications of the Town of *Gosport* in the Parish of *Alverstoke* aforesaid, and in or near to Lands belonging to Her Majesty: And whereas the Preservation of the effective Use of the said Fortifications, and of the Batteries and other Military Works and Defences at *Gosport* aforesaid, is necessary for the Public Service, and the Erection or Construction of lofty Buildings or Works by the said Company near the same might impede the effective Use thereof; be it therefore enacted, That, notwithstanding any thing in the said recited Acts or in this Act contained, the said Company shall not erect, build, or make, or cause to be erected, built, or made, any Building, Work, or Erection whatsoever at a nearer Distance from the said Fortifications, Batteries, and other Military Works and Defences, or from any Part thereof, or which shall at any Time be of any other Height or architectural Form or Description, than shall from Time to Time be approved of and consented to in Writing by the Commanding Royal Engineer for the Time being in the District.

Empowering the Company to divert a public Highway in the Parish of South Stoneham, with the Consent of

XVI. And whereas it is intended that the said Branch Railway should pass over the Queen's Highway leading from *Allington* to *West End* in the Parish of *South Stoneham* aforesaid, and the said Highway between the Points herein-after mentioned is circuitous, and the said Branch Railway intersects the present Line thereof at an oblique Angle: And whereas it would considerably shorten and improve the said Queen's Highway between the said Points, and

facilitate the carrying of the said Branch Railway over the same, if a new Road were made from the Point where the Gate dividing the respective Manors of *Little Allington* and *Great Allington* heretofore crossed the said public Highway, between the Homesteads of *Little Allington* and *Great Allington* Farms, in a Southerly Direction, through or over Two Fields, one whereof is not numbered on the Plan herein-after mentioned, and the other thereof immediately adjoins the said last-mentioned Field on the South, and is numbered 59 upon the Plan of the said Branch Railway deposited with the Clerk of the Peace for the said County of *Southampton*, to the Point where the present Line of the said Highway is intersected by the Line of the said Branch Railway in the said last-mentioned Field, and also from the last-mentioned Point, in a Southerly Direction, across the Line of the said Branch Railway, and at Right Angles or nearly at Right Angles thereto, crossing the South-east Corner of the Field numbered 52 on the said Plan, to the Point where the said Line of the said new Road would again fall into and join the Line of the present Road from *Allington* to *West End* aforesaid; be it therefore enacted, That it shall be lawful for the said Company, if the respective Owners of the Lands adjoining the respective Lines of the said present and intended Road shall consent thereto in Writing within One Calendar Month after Application in Writing shall have been delivered to them respectively by or on behalf of the said Company, to make and construct a new Road in the Line or Lines, and between the said several Points, and through or across the Lands, herein-before in that Behalf respectively mentioned and described, of not less than Sixteen Feet in Width; and the said new Road, when completed, shall become and be used and be kept in repair by such and the same Persons, and in such and the same Manner, and as in lieu and instead of the said present Road between the Points at which the said new Road shall commence and terminate; and the said old Road shall and may thenceforth be stopped up; and the Ground and Soil thereof shall be and is hereby vested in the respective Owners of the Lands adjoining the same in Severalty, for the same Estate and Interest which they may severally possess in such adjoining Lands, and in manner following; that is to say, One Half thereof in the Owners of the Land on the one Side, and the Remainder thereof in the Owners of the Land on the other Side thereof.

XVII. Provided always, and be it further enacted, That before the said present Highway shall be discontinued or stopped up the said Company shall cause to be affixed at each End of the Part of the said Highway so proposed to be discontinued or stopped up a Notice to the Effect that the same is intended to be discontinued and stopped up by the said Company, and the said Company shall also cause the same Notice to be inserted in some One or more Newspaper or Newspapers published or generally circulated in the said County of *Southampton* for Four successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Door of the Church of the said Parish of *South Stoneham* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said Highway

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way

the Owners thereof.

Proceedings previously to stopping up the said Highway.

way shall be and shall be deemed to be discontinued or stopped up, subject nevertheless to such Appeal to the Court of General Quarter Sessions for the said County as is herein-after mentioned.

Persons thinking themselves aggrieved respecting the stopping up of such Highway may appeal.

XVIII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if the said Highway should be discontinued or stopped up to make his Complaint thereof by Appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Southampton* within Four Calendar Months next after the Date of such Notice, giving to the said Company Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Jury at Sessions to determine whether the Road shall be stopped up, &c.

XIX. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the said Highway so intended to be discontinued or stopped up shall remain or shall be discontinued or stopped up, or whether the said Party appealing would be injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the said public Highway so intended to be discontinued or stopped up is wholly unnecessary, or may beneficially to the Public be discontinued or stopped up, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Company, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that the said Highway so discontinued or stopped up, or intended so to be, is not unnecessary, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued or stopped up, the said Court of Quarter Sessions shall allow such Appeal, and the said Highway shall not be discontinued or stopped up; or in case the same shall have been discontinued or stopped up, the said Court shall make an Order for restoring the same to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party appealing such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Company.

Requiring the Company to purchase the severed Por-

XX. Provided always, and be it further enacted, That the said Company shall and they are hereby empowered and required to purchase from the Warden and Scholars, Clerks of *Saint Mary's College*

College of Winchester near *Winchester*, (at such Price as shall be agreed upon between the said College and the said Company, or as shall be awarded to be paid for the same in manner in the said recited Act of His said late Majesty directed,) the Piece of Land numbered 57 on the said Maps or Plans of the said Branch Railway deposited with the said Clerk of the Peace as aforesaid, situate at *Allington* in the Parish of *South Stoneham* aforesaid, which will, by the Formation of the said Branch Railway, be severed from the remaining Lands of the said Warden and Scholars, and also all such Parts of the Pieces of Land numbered 53 and 56 on the said Maps or Plans, and situate at *Allington* aforesaid, as shall be so severed from the said remaining Land of the said Warden and Scholars, except so much of the said last-mentioned Piece of Land as shall be required to be retained for forming a Carriage Road over or along the Western Part thereof to communicate with an Archway intended to be made under the said Railway there; and the said Warden and Scholars are hereby empowered to convey the same Lands to the said Company upon Payment or Deposit, in manner in the said recited Acts mentioned, of the Purchase Money, Compensation, or Satisfaction which shall be so agreed or awarded to be paid as aforesaid.

tions of the
Property of
St. Mary's
College
Winchester.

XXI. And be it further enacted, That, notwithstanding the Power herein-before contained to deviate from the Line of the said Branch Railway as the same is delineated upon the Maps or Plans thereof deposited with the Clerk of the Peace as aforesaid, it shall not be lawful for the said Company to make any Deviation from the aforesaid Line so as that the same shall be brought nearer to the Dwelling House of *Edward Twynam* Esquire at *Allington* aforesaid.

Line not to
be deviated
from so as to
be brought
nearer to the
Dwelling
House of
E. Twynam,
Esq.

XXII. And be it further enacted, That, notwithstanding the Power herein-before contained to deviate from the Line of the said Branch Railway as the same is delineated upon the Maps or Plans thereof deposited with the Clerk of the Peace aforesaid, it shall not be lawful for the said Company to make any Deviation from the aforesaid Line in the Lands, Tenements, or Hereditaments of *James George Boucher* Esquire in the Parish of *Bishop's Waltham* aforesaid, so as to bring the said Line, or the Works thereof, nearer to the House, Farm-yard, Garden, or Buildings of the said *James George Boucher* Esquire, situate in the Parish of *Bishop's Waltham* aforesaid, and numbered 209 on the said Maps or Plans.

Line not to
be deviated
so as to be
brought
nearer certain
Buildings,
No. 209., on
the Railway
Plan.

XXIII. And whereas in making the said Branch Railway and Works by this Act authorized to be made the said Company will require Part of certain Land which, by virtue of an Act of Parliament passed in the Forty-fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Parish of Fareham in the County of Southampton*, was, by an Award made in pursuance of that Act, allotted as and for public Gravel Pits, with convenient Road or Roads to and from the same, to be used in common by the Proprietors of Lands and Estates in the said Parish

Land Part of
public Gravel
Pits in the
Parish of
Fareham
how to be
conveyed.

of

of *Fareham*, and their respective Tenants, as well for their own necessary Use as for the Repairs of public and private Roads and Ways within the said Parish; be it therefore enacted, That it shall be lawful for the Surveyor for the Time being of the Highways within the said Parish of *Fareham* to contract and agree with the said Company for the Sale of, and to receive Compensation and Satisfaction for, and to sell and convey to the said Company, so much of the said Land as the said Company may require for the Purposes of this Act, in such and the like Manner as he if he were seised in Fee Simple of the same Land; which Conveyance shall effectually vest in the said Company the Fee Simple and Inheritance of the said Land so conveyed, as fully and effectually as if every Person having any Right or Interest in the said Land and Gravel Pits had joined in and executed such Conveyance; and the Compensation and Satisfaction for such Land (and which shall be determined by a Jury, in case the said Company and such Surveyor differ about the same, in like Manner as by the said recited Acts and this Act is directed in other Cases of a like Nature,) shall be paid by the said Company to the Surveyor for the Time being of the said Highways, and shall be by such Surveyor received and applied towards and in part Payment of any of the lawful Expences chargeable on the Highway Rates of the said Parish: Provided nevertheless, that in case such Sale shall be made without the Intervention of a Jury, the Approbation of Two Justices of the Peace for the said County of *Southampton* shall be necessary to the Validity of such Sale, and the same may be certified by them at the Foot of a written Contract or Agreement for such Sale, or of the Conveyance of the said Lands, or by some Writing under their Hands, upon the Application either of such Surveyor or of the said Company.

Empowering
Company to
purchase
Forty Acres
of Land for
additional
Stations, &c.

XXIV. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person or Corporation (who shall be willing to sell the same) for the Purchase of any Lands, not exceeding in the whole Forty Statute Acres, in addition to the Lands by the said recited Acts or either of them or by this Act authorized to be taken, in such Places as the said Company shall deem eligible, for the Purpose of making and providing additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences for receiving, depositing, loading, unloading, or keeping any Cattle, or any Goods, Articles, Matters, or Things, conveyed or intended to be conveyed upon the said Branch Railway, or for making convenient Roads or Ways thereto, or for Offices for transacting the Business of the said Company, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized which the said Company shall judge requisite; and it shall be lawful for all Corporations and Persons, including especially such Corporations and Persons as are by the said recited Acts or either of them or by this Act capacitated to sell and convey Lands for the Purposes of the said recited Acts or this Act, to sell or grant and convey to the said Company and their Successors any Lands whatsoever for the Purposes herein-before mentioned, or any of them, in the same Manner as is in the said recited Acts or either of them or in this

Act directed concerning the Lands to be taken for the Purposes of making the said Railway, Branch Railway, and other Works by the said recited Acts and this Act authorized.

XXV. And be it further enacted, That it shall be lawful for the said Company from Time to Time to sell and dispose of such additional Lands as they are by this Act empowered to purchase and shall have been actually purchased for the Purposes of additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences, as herein-before authorized, or such Parts of such Lands as the said Company shall think fit, and in such Manner and to such Persons as the said Company shall think proper, and by Deed under their Common Seal to convey such Lands to the Purchasers thereof, and again from Time to Time to contract for and to purchase other Lands which the said Company shall deem more eligible for the Purpose aforesaid, and afterwards to sell and dispose of the same in manner herein-before mentioned, and so from Time to Time as the said Company shall deem proper, so that the total Number of Acres to be purchased and held by the said Company for the Purposes last herein-before mentioned shall not exceed at any one Time the Number of Acres for those Purposes expressly specified or allowed in this Act.

Company may sell Lands purchased for additional Stations, &c. and purchase other Lands in lieu thereof.

XXVI. And whereas the said Company, in addition to the Lands hereby authorized to be taken for making the said Branch Railway and other Works, are enabled to purchase of Persons and Corporations willing to sell the same Forty Statute Acres of Land by virtue of this Act, for the Purpose of providing additional Stations, Yards, Wharfs, waiting, loading, and unloading Places, Warehouses, and other Buildings and Conveniences: And whereas it is expedient to restrain the said Company from selling Lands so purchased from Corporations, or from Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporations, or Persons being under legal Disability or Incapacity, in lieu of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Corporation, Trustee or Feoffee in Trust, Executor, or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Forty Statute Acres for the Purposes last aforesaid; and in case the said Company shall purchase such Forty Statute Acres from any Corporation, or other Persons under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such Forty Statute Acres so purchased, it shall not be lawful for the said Company to purchase of or from the same or of or from any other Corporation, or Person being under legal Disability or Incapacity, nor for the same nor for any other Corporation or Person being under legal Disability or Incapacity to sell to the said Company, any other Lands in lieu of such Forty Statute Acres of

Restraining Company from purchasing more than Forty Acres of Land for additional Stations from incapacitated Persons.

[Local.]

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Land,

Land, or any Part thereof, so sold or disposed of by the said Company.

If Land not contracted for within Three Years, the Power to take Property by compulsion to cease.

XXVII. And be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued, and pay or cause to be paid for, as in the said recited Acts or either of them or in this Act is mentioned, the Lands which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purposes of making the said Branch Railway or other Works hereby authorized, (save and except the aforesaid Forty Acres of Land which the said Company are by this Act authorized to purchase in addition to the Lands hereby authorized to be taken or used for making the said Branch Railway and other Works,) then and from thenceforth the Powers which are hereby granted to them for the compulsory taking or using of such Lands shall cease and be utterly void, save so far as the same may be exercised with the Consent in Writing of the Owners and Occupiers of such Lands respectively.

Company empowered to purchase Interests in Lands the Purchase whereof may have been omitted by Mistake.

XXVIII. Provided always, and be it further enacted, That if at any Time after the said Company shall have entered upon any Lands which shall be permanently required for the Purposes of this Act, and for which they shall have *bonâ fide* and without Collusion paid, deposited, or tendered, according to the Provisions of the said recited Acts or this Act, the Purchase Money, Compensation, or Satisfaction agreed or awarded to be paid in respect of the same, any Person or Corporation shall appear to be entitled to any Estate, Right, or Interest in, to, or affecting such Lands, which Estate, Right, or Interest the said Company shall have failed or omitted duly to purchase, or to pay Satisfaction or Compensation for, by reason of the said Company not having express Notice of the Existence thereof, or by reason of any other Accident or Mistake, and such Estate, Right, or Interest shall not have been vested in or barred or extinguished for the Benefit of the said Company by virtue of any of the Provisions in the said recited Acts or either of them or in this Act contained, and the said Company shall, within the Period of Six Calendar Months after they shall have had express Notice of the Existence of such Estate, Right, or Interest, purchase or pay Compensation or Satisfaction for the same, then, notwithstanding such Estate, Right, or Interest, and whether the last-mentioned Period of Three Years shall then have expired or not, the said Company shall remain in the undisturbed Possession of such Lands for the Purposes of this Act; and the Purchase Money, Compensation, or Satisfaction to be paid for such Estate, Right, or Interest shall be agreed on or awarded and paid, and such Estate, Right, or Interest shall be vested in or barred or extinguished for the Benefit of the said Company, in like Manner as, according to the Provisions in the said recited Acts or either of them or in this Act contained, the same respectively would have been agreed on or awarded, and paid and vested, barred, or extinguished, in case the said Company had purchased and paid Compensation or Satisfaction for such Estate, Right, or Interest before

before their Entry on such Lands, or as near thereto as Circumstances will admit.

XXIX. And be it further enacted, That in case the said Branch Railway and Works shall not have been made and completed (unless prevented by inevitable Accident) within the Space of Seven Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Seven Years all the Powers, Authorities, and Privileges given by this Act with reference to the said Branch Railway and Works, save only and except as to so much (if any) of the said Branch Railway and Works as shall be declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Southampton* assembled at any General or Quarter Sessions of the Peace to be held in and for the said County at any Time before the Expiration of the said Term of Seven Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Two or more Witnesses upon Oath, or in the Case of Quakers or Separatists upon Affirmation, to be produced before such Justices for that Purpose.

If Branch Railway not completed in Seven Years the Powers hereby given to cease, except as to any Part that may be completed.

XXX. And whereas by means of the Purchases which the said Company are empowered and are required to make by virtue of the said recited Acts and this Act they may happen to be seised of more Land than will be necessary for effecting the Purposes of the said recited Acts and this Act, or of Lands not applicable to the Purposes thereof: And whereas it is by the said recited Act of the Fifth Year of His said late Majesty's Reign enacted, that it should be lawful for the said Company to sell and convey any such Lands in such Manner and for such Price as they should deem most convenient and think fit; provided always, that the said Company should, before they should dispose of any such Lands, first offer to sell the same to those Persons whose Lands should immediately adjoin the Lands so proposed to be sold: And whereas, in case the Lands of Two or more separate Owners shall immediately adjoin any Land which shall be so proposed to be sold by the said Company, the said recited Act does not provide any Means of determining to which of such Owners the said Company shall first offer to sell the same; and Doubts may arise, in case any Land so proposed to be sold by the said Company shall adjoin the Lands of any Person having only a limited Estate therein, to whom such Offer of Sale as aforesaid should be made by the said Company; for Remedy whereof be it enacted, That in all Cases in which the Lands of Two or more Persons having separate Estates or Interests therein respectively shall immediately adjoin any Piece or Parcel of Land which shall have been purchased by the said Company, and shall be found unnecessary for the Purposes of the said recited Acts or this Act, and the said Company shall propose to sell the same under the Provisions herein-before recited, the said Company shall, before they shall dispose of any such Land, first offer to sell the same to the Person from whom the said Company shall have purchased the said Land, if he shall be the Owner of any of the said adjoining Land, and shall be in *England*, and shall be conveniently found, and be capable of entering into a Contract for the Purchase thereof; and if such Person shall decline or neglect for the Space in the

Provisions as to Rights of Pre-emption, by adjoining Land Owners, on Sale by the Company of the superfluous Lands, explained and amended.

the said recited Act mentioned to avail himself of such Offer, his Right of Pre-emption shall cease, and the Extinguishment or Cesser of such Right shall and may be proved in manner in the said recited Act declared in regard to the like Subject Matter; and the said Company shall thereupon offer to sell the same Land to such one of the several Persons whose Lands shall so immediately adjoin the Land proposed to be sold, and who shall be in *England*, and be conveniently found, and be capable of entering into a Contract for the Purchase thereof, as the Directors of the said Company shall think fit; and in case such last-mentioned Person shall decline or neglect for the Space in the said recited Act mentioned to avail himself of such Offer, his Right of Pre-emption in respect of the Land included in such Offer shall in like Manner cease, and the Extinguishment or Cesser of such Right shall and may be proved in manner before referred to; and the said Company shall thereupon offer to sell the same Land to the other Person or Persons whose Lands shall so immediately adjoin the same who shall be in *England*, and shall be conveniently found, and be capable of entering into a Contract for the same, in such Order, and with such Preference of any One or more before any other or others of such Persons, as the Directors of the said Company shall think fit; and every such Person as last aforesaid to whom any such Offer of Sale shall be made, who shall decline or neglect for the Space aforesaid to avail himself of such Offer, shall thereupon lose his Right of Pre-emption in respect of the Lands included in such Offer, and the Loss of such Right shall and may be proved in manner in the said recited Act provided as aforesaid.

Owner of the first Estate of Freehold in adjoining Lands to be the Person to whom the Offer of Sale shall be made.

XXXI. And be it further enacted, That the Owner of the first Estate of Freehold in the Lands which shall immediately adjoin any Lands which the said Company shall so propose to sell as aforesaid shall, as between the said Company and the Party or several Parties interested in the same Lands, be the Person entitled to the Offer of Sale and Pre-emption of the Fee Simple of and in the Land which the said Company shall so propose to sell as aforesaid, in such and the same Manner to all Intents and Purposes as if he were seised of the Fee Simple of and in the said adjoining Lands; and the said Company shall not by reason of any thing in the said recited Act or this Act contained be obliged, before they shall dispose of any such Lands as herein-before are mentioned, to offer to sell the same to any other Person or Persons than the Owner of such first Estate of Freehold in the said adjoining Lands; or his Neglect or Refusal to avail himself of any such Offer, or other his Act therein, shall be binding and conclusive upon all other Parties interested in the said adjoining Lands, as if he had been the Owner thereof in Fee Simple.

Provisions as to Costs of Juries, &c. on Sale by the Company of unnecessary

XXXII. And whereas it is by the said recited Act of the Fifth Year of the Reign of His said late Majesty enacted, that in case any Person whose Lands should immediately adjoin any superfluous Land which the said Company should propose to sell under the Provisions of the same Act should be desirous of purchasing any such

last-mentioned Land, and he and the said Company should not agree with respect to the Price thereof, then the Price thereof should be ascertained by a Jury in the Manner by the same Acts directed with respect to the disputed Value of Lands to be taken by the said Company, and that the Expence of hearing and determining such Difference should be borne and paid in like Manner as in the said recited Act is directed with respect to the disputed Value of Lands to be taken or used by the said Company as aforesaid: And whereas the Provisions in the said recited Act referred to with reference to the Expence of hearing and determining Differences as to the Value of Lands taken or used by the said Company were repealed by the said recited Act of the First Year of the Reign of Her present Majesty, and other Provisions were substituted in lieu thereof, but Doubts have arisen whether such substituted Provisions are applicable to Expences incurred in the hearing and determining Differences between the said Company and any Person as to the Value of any Lands which such Person, under the Right of Pre-emption hereinbefore referred to, shall have elected to purchase from the said Company: And whereas it is expedient that such substituted Provisions should be made applicable to the Cases last aforesaid, both with respect to Lands purchased and taken under the said recited Acts, or either of them, and to be purchased and taken under this Act; be it therefore further enacted, That in case any Difference shall at any Time after the passing of this Act arise between the said Company and any Corporation or Person who under or by virtue of the Right to them or him reserved as aforesaid shall have elected to purchase from the said Company any Land which the said Company shall have purchased, and which shall be unnecessary for the Purposes of the said recited Acts or this Act, all the Costs, Charges, and Expences of or incident to summoning and impannelling any Jury or Witnesses for the Purpose of hearing and determining such Difference, and of any Bond to be given by the Party requiring such Jury to be summoned; and of the Inquisition, Verdict, and Judgment thereon, or in anywise consequent on or incident to the same respectively, shall be borne and paid in like Manner (*mutatis mutandis*) as such Costs, Charges, and Expences are by the said recited Act of the First Year of the Reign of Her present Majesty directed to be borne and paid in Cases of Differences arising with respect to the Value of Land to be taken or used by the said Company.

Lands to the adjoining Owners explained and amended.

XXXIII. And be it further enacted, That in all Cases where the Verdict of a Jury summoned as by the said first-recited Act directed shall be given for the same or a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands to be used or taken by them for the Purposes of the said recited Acts or this Act, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers thereof, the reasonable Fees which may have been paid to One Counsel for attending the Inquiry before such Jury, by the Party with whom the said Company may be in dispute, shall be paid by the said Company, and the Amount of such Fees shall be settled and determined by the Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking

Expences of Counsel to be allowed in the Taxation of Costs.

[Local.]

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of

of such Inquiry in like Manner as the Costs of summoning such Jury and other Expences payable by the said Company, but upon the same Scale of Allowance as may for the Time being be adopted or allowed by the taxing Officers of Her Majesty's Courts of Record at *Westminster*.

Company may sell Lands not wanted for the Purposes of this Act.

XXXIV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby required, within Ten Years after the passing of this Act, to sell all such Lands as shall have been purchased by the said Company, and shall be found unnecessary for effecting the Purposes of this Act, or be inapplicable to the Purposes hereof, and to release and convey the same at such Times during the said Period, for such Prices, and in such Manner as they shall think proper, with such Right of Pre-emption in favour of adjoining Proprietors, and under such Provisions and Restrictions, as are limited, expressed, and declared in and by the said recited Acts and this Act in respect of Lands purchased and taken under the said Acts or either of them; and if the said Company shall not within the Time hereinbefore limited have sold such Parts of the Lands purchased by them as shall not be wanted for the Purposes of this Act, then and in such Case such last-mentioned Lands shall vest in the Owners for the Time being of the Land adjoining that which shall not have been then sold, in manner following; that is to say, one Moiety in the Owners of the Land on the one Side thereof, and the other Moiety in the Owners of the Land on the other Side thereof.

Provision as to the Terms on which Tenants at Will shall deliver Possession repealed.

XXXV. And whereas it is by the said recited Act of the Fifth Year of the Reign of His said late Majesty enacted, that all Tenants at Will, Lessees for a Year, Tenants from Year to Year, and other Persons in Possession of any Lands which should be intended to be taken or used for the Purposes of the said Act, and who should have not greater Interest in the said Lands than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, should respectively deliver up the Possession of such Lands to the said Company, or to such Persons as they should appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect should have been given by the said Company to such respective Tenants or Lessees or Persons in Possession, or left upon the said Lands, (whether such Notice were given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice were given before or after the said Lands should be purchased by the said Company,) or at such Time after the Expiration of Six Calendar Months from the giving or leaving of such Notice as they should be respectively required; and in case any such Tenant or Lessee or Person so in Possession as aforesaid should refuse to deliver up such Possession as aforesaid, it should be lawful for the said Company, either under their Common Seal or under the Hands and Seals of Five at least of the Directors of the said Company, to issue their Precept to the Sheriff of the County in which such Lands might be situate to deliver Possession thereof to such Person or Persons as should in such Precept be nominated to receive the same; and the said Sheriff was thereby required to deliver Possession of the said Lands accordingly, and to levy and satisfy such

Costs

Costs as should accrue by or on account of the issuing and Execution of such Precept in the Person so refusing to deliver Possession, by Distress and Sale of his Goods and Chattels: And whereas it is expedient that the said recited Provision should be altered and amended; be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

XXXVI. And be it further enacted, That, subject and without Prejudice to any other compulsory Power or Authority in the said recited Acts or this Act contained whereby the said Company can or may obtain, or but for the Provision last herein-before recited and repealed could or might at any Time heretofore have obtained, Possession of any Lands intended to be taken for the Purposes of the said Acts or this Act, all Tenants at Will, Lessees for a Year, Tenants from Year to Year, and other Persons in Possession of any Lands which shall be intended to be taken or used for the Purposes of the said recited Acts or this Act, and who shall have no greater Interest in the Lands than as Tenants at Will or Lessees for a Year, or as Tenants from Year to Year, shall respectively deliver up the Possession of such Lands to the said Company, or to such Persons as they shall appoint to take Possession of the same, at the Expiration of Six Calendar Months next after Notice to that Effect shall have been given by the said Company to such respective Tenants or Lessees or Persons in Possession, or left upon the said Lands, (whether such Notice be given with reference to the Time of the Commencement of such Tenants holding or not, and whether such Notice be given before or after the said Lands shall be purchased by the said Company,) or at such Time after the Expiration of Six Calendar Months from the giving or leaving of such Notice as they shall be respectively required; and in case any such Tenant or Lessee or Person so in Possession as aforesaid shall refuse to deliver up such Possession as aforesaid, it shall be lawful for the said Company, either under their Common Seal or under the Hands and Seals of Two at least of the Directors of the said Company, to issue their Precept to the Sheriff of the County in which the Lands shall be situate to deliver Possession to such Person or Persons as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Lands accordingly, and to levy and satisfy such Costs as shall accrue by or on account of the issuing and Execution of such Precept, on the Person so refusing to deliver Possession, by Distress and Sale of his Goods and Chattels.

Tenants at Will, for a Year, or from Year to Year, to deliver up Possession on Notice.

XXXVII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Lands so occupied by him before the Expiration of his Term or Interest therein, the said Company shall and they are hereby required to make or tender to such Tenant or Lessee, before they shall issue their Precept to the Sheriff to give Possession of the Lands in the Occupation of such Tenant or Lessee, Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises, which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same

Compensation to be made for Interest of Tenants to be settled by a Jury in case of Dispute.

same Manner as any other Satisfaction or Compensation for any Lands to be taken or used under the Authority of the said recited Acts or this Act is by the said recited Act of the Fifth Year of King *William* the Fourth directed to be made or determined.

Providing
Remedy in
case of Pro-
ceedings for
Recovery of
Land pur-
chased by the
Company.

XXXVIII. And be it further enacted, That if any Proceedings shall at any Time be had or taken against the said Company, or any Person claiming under them, for the Recovery of the Possession of any Land which may have been purchased or taken in pursuance of the said recited Acts or this Act, and for which they shall have *bonâ fide* and without Collusion paid, deposited, or tendered, according to the Provisions of the said recited Acts or this Act, the Purchase Money, Compensation, or Satisfaction agreed or awarded to be paid in respect of the same, then, within Two Months after final Judgment shall be obtained by any Person for the Recovery of the Possession of any such Lands, or the final Determination of any Writ of Error or Appeal from such Judgment, or the final Taxation of the Costs of such Proceedings, there shall be paid or rendered, in lieu of such Lands, to the Person so obtaining such Judgment, or into the Court in which such Proceedings shall be pending, his full Costs, Charges, and Expences of any Proceedings for the obtaining such Judgment, together with such Sum of Money as the Jury shall in manner herein-after mentioned find to be the Value of the said Lands at the Time when the same were purchased and conveyed for the Purposes of the said Acts or this Act, when Possession thereof was taken as aforesaid by the said Company, together with such a Sum of Money as the said Jury shall at the same Time find to be the Value or an Equivalent for such mesne Rents and Profits of the said Lands, in case the same had not been taken or used for the said Railway or Branch Railway, as the Party obtaining such Judgment would have been entitled to; or in case the Person obtaining such Judgment shall be entitled to any partial or less Interest in the said Land than the absolute Fee Simple thereof in Possession, free from Incumbrances, then the Value of the said Lands, to be ascertained as herein-after mentioned, shall be paid into the Bank of *England* with the Privity of the Accountant General of the Court of Exchequer; or in such other Manner as directed by the said recited Acts with respect to Lands purchased from such Parties, and upon Payment or Tender of such Sum or Sums of Money as herein-before mentioned the Interest of such Person or Persons in the said Lands shall be and remain absolutely vested in the said Company, their Successors and Assigns.

The Jury
who shall try
such Pro-
ceeding shall
ascertain the
Value to be
paid in lieu
of the Land.

XXXIX. And be it further enacted, That the Jury who shall try any Proceedings brought for the Recovery of the Possession of such Lands as aforesaid shall at the same Time ascertain the Value thereof at the Time when they were purchased and conveyed for the Purposes of the said recited Acts or this Act, or when Possession was taken thereof by the said Company, and also the Value or an Equivalent for such mesne Rents and Profits of the said Lands, in case the same had not been taken or used for the said Railway, as the Party obtaining such Judgment would have been entitled unto; and the respective Sums so found shall be certified by the presiding Judge under his Hand, and such Certificate shall be

delivered to the Person seeking to recover Possession of the same Lands; and if any Jury who shall try any such Proceedings as aforesaid shall not ascertain and find such Value and such Equivalent for mesne Rents and Profits as aforesaid, then such Value and Equivalent shall and may be settled and ascertained by a Jury to be summoned and returned as and in manner directed by the said recited Act of the Fifth Year of King *William* the Fourth; and in all such Cases the Sum or Sums which shall be ascertained and found by either of the Means aforesaid to be the Value of such Lands, and an Equivalent for such mesne Rents and Profits as aforesaid, shall be the Amount to be paid in lieu of the said Lands, and shall be paid and applied in manner directed by the said recited Acts and this Act.

XL. And be it further enacted, That all Corporations and Persons by the said recited Acts or this Act capacitated to treat and agree with the said Company, for the Sale and Conveyance of Land required for the said Railway or Branch Railway, may and they are hereby empowered (if they shall be willing, but not otherwise,) to treat and agree with the said Company for the Sale and Conveyance of and to sell and convey any further Land that may hereafter be required for the Purpose of the said Railway or Branch Railway, notwithstanding the Period by the said recited Acts or this Act limited for the compulsory Purchase of such Land may have expired, but subject nevertheless to the Provisions and Restrictions in the said recited Acts or this Act contained.

Corporations, &c. may sell further Lands to the Company.

XLI. And be it further enacted, That the Consideration Money to be paid for any Lands to be purchased from or conveyed by any Corporation, or any Person under any Disability or Incapacity, as in the said first-recited Act mentioned, or not having Power to sell, except under the Provisions of the said recited Act or this Act, shall in no Case be less than such Sum as the same shall be estimated at by the Verdict of a Jury, or by Two able practical Surveyors, one of whom shall be nominated by the said Company, and the other by the Person or Corporation contracting or agreeing to sell the same, and if such Two Surveyors shall not agree in the Valuation thereof, then by such Third Surveyor as they, with the Consent in Writing of any Two Justices acting for the County in which the Lands or any Part thereof shall be situate, shall for that Purpose by Writing under their respective Hands nominate; and each of the said Two Surveyors, if they shall agree in and make their Valuation, or if not then the Surveyor so to be nominated by them as aforesaid, shall annex to their or his Survey, Estimate, or Valuation, when completed, a Declaration of the Correctness thereof.

Lands purchased of any Person under Disability to be valued by Two Surveyors or their Umpire.

XLII. And be it further enacted, That the said Branch Railway shall not be made across any public Highway or public Bridleway or Footpath on the Level, without the previous Consent in Writing of some Two Justices of the Peace for the County of *Southampton* acting for the Division within which the Street, Highway, Bridleway, or Footpath so to be crossed shall be situate; and where the said Branch Railway shall cross any public Bridleway or Footpath in any other Manner than on the Level the said Company shall make and

Regulation as to Branch Railway crossing Highways or Footpaths.

[Local.]

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maintain convenient Ascents and Descents, as the Case may be, to such Bridleway or Footpath: Provided nevertheless, that the said Company, and all other Persons and Corporations, who may think themselves aggrieved by any Determination, Consent, or Refusal of Consent of the said Justices herein, shall have Power of Appeal to the Court of Quarter Sessions for the County of *Southampton*; and the said Court of Quarter Sessions shall have full Power to determine such Appeal, and to award such Costs to be paid by the Appellant or Respondent in such Appeal as the said Court shall think fit; and such Determination of the said Court of Quarter Sessions shall be final and binding.

Where the Branch Railway crosses public Highways on a Level, Company to erect Gates on each Side.

XLIII. And be it further enacted, That in all Cases wherein, in pursuance of the Powers in this Act and in the said firstly-recited Act contained, the said Branch Railway shall cross any public Highway, not being a Turnpike Road, on the Level, the said Company shall erect and at all Times maintain a good and sufficient Gate on each Side of such public Highway where the said Branch Railway shall communicate therewith, all which Gates shall be constantly kept shut by some Person to be appointed by the said Company (and which Person the said Company are hereby empowered to appoint), except during the Times when Carriages passing along the said Branch Railway shall have to cross such public Highway, and then the same shall be opened for the Purpose only of letting such Carriages pass through; and such Gates shall be so constructed as when opened for Passage along the said Branch Railway they shall close the Passage of the said public Carriage Road across the said Branch Railway; and the Person intrusted with the Care of such Gate shall cause every such Gate to be shut as soon as such Carriages shall have passed through the same, under the Penalty of Forty Shillings for every Default therein.

Regulation as to Width and Height of Bridges for carrying Railway over public Roads, and the Descent of Roads under such Bridges;

XLIV. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Branch Railway over or across any Turnpike Road or public Carriage Road, the Span of the Arch of such Bridge shall, without reference to the previous greater Width of any such Road at or near that Point, be formed and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such Arch of not less than Twenty-five Feet for such Turnpike Road, and of not less than Fifteen Feet for such public Carriage Road, and of a Height from the Surface of such Turnpike Road to the Centre of such Arch of not less than Sixteen Feet; and the Descent under any such Bridge, in the Case of a Turnpike Road, shall not exceed One Foot in Thirty Feet, and in the Case of a public Carriage Road shall not exceed One Foot in Twenty Feet, and in case of a private Carriage Road shall not exceed One Foot in Fifteen Feet.

Width and Ascent of Bridges for carrying public Roads over Railway;

XLV. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road or public Carriage Road over the said Branch Railway, the Road over such Bridge, without reference to the previous greater Width of any such Road at or near

near that Point, shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Parapet Walls or Fences of such Road of not less than Twenty-five Feet for such Turnpike Road, nor less than Fifteen Feet for such public Carriage Road not being a Turnpike Road; and the Ascent of every such Bridge for the Purpose of such Turnpike Road shall not be more than One Foot in Thirty Feet, and for the Purpose of any other public Carriage Road not more than One Foot in Twenty Feet, and for the Purpose of any private Carriage or Occupation Road not more than One Foot in Fifteen Feet; and a good and sufficient Parapet Wall or Fence shall be made and at all Times thereafter continued and repaired, by and at the Expence of the said Company, on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

XLVI. And be it further enacted, That where the Level of any Road shall be altered by means of such Branch Railway the Ascent of any Turnpike Road so altered shall not be less than One Foot in Thirty Feet, or any other public Carriage Road less than One Foot in Twenty Feet, except in the Cases herein-after mentioned.

Ascent of Roads where the Land is altered.

XLVII. Provided always, and be it further enacted, That the Regulations herein-before contained respecting the Ascent or Descent of Turnpike Roads or public or private Carriage Roads over or under the said Branch Railway, and which shall be altered by means thereof, shall not apply where the mean Inclination of such respective Roads between the Points within which the same shall be interfered with by the said Company shall not be increased by the making of the said Branch Railway.

Regulations as to Ascent or Descent to or under Bridges not to apply in certain Cases.

XLVIII. And whereas by the said first-recited Act the said Company are empowered to make Bye Laws, and to impose Penalties for the Nonobservance thereof, and it is expedient that such Power should be altered and amended; be it therefore enacted, That no Bye Law already made by the said Company shall continue in force for a longer Space of Time than Six Calendar Months next after the passing of this Act, unless the same shall, previously to the Expiration of that Period, have been submitted to and approved by One of the Judges of Her Majesty's Courts of Record at *Westminster*, or by the Justices of the Peace for the Counties of *Surrey* and *Southampton*, or either of them, in Quarter Sessions assembled; and that no Bye Law which shall be made by the said Company after the passing of this Act shall have any Operation or Effect until the same shall have been in like Manner approved by such Judge or Justices as aforesaid; and every such Bye Law, when approved as aforesaid, shall be binding and conclusive upon all Persons whomsoever; and any Justice of the Peace before whom any Person offending against any such Bye Law may be brought or summoned shall have the Power of convicting for the Whole or for any Part of the Penalty imposed by such Bye Law, as the said Justice may in his Discretion think proper, any thing in the said first-recited Act, or in such Bye Laws, to the contrary thereof notwithstanding.

Bye Laws to be approved by Judges or Magistrates in Quarter Sessions.

XLIX. And

Power to raise a Sum of 300,000*l.* as additional Capital.

XLIX. And whereas the Capital of the said Company consists at present of the Sum of One Million Pounds divided into Twenty thousand Shares of Fifty Pounds each, and of the further Sum of Four hundred thousand Pounds divided into Sixteen thousand Shares of Twenty-five Pounds each, and every such last-mentioned Share being equivalent to Fifty Pounds Share in respect of Profits and Privileges: And whereas it is expedient that the said Company should be authorized to raise, by Contribution among themselves, or by such other Ways or Means as are herein-after mentioned, a further or additional Sum of Money by way of additional Capital to enable them to make the said Branch Railway and other Works, and for other the Purposes in the said recited Acts and this Act mentioned; be it therefore further enacted, That it shall be lawful for the said Company to raise, by Contribution amongst themselves or by the Admission of other Persons as Subscribers to the said Undertaking, or in part by each of those Means, a further Sum of Money not exceeding the Sum of Three hundred thousand Pounds, the whole to be divided into Six thousand Shares of Fifty Pounds each, and the same to be numbered in regular Order, beginning with Number Thirty-six thousand and one, and ending with Number Forty-two thousand, in arithmetical Progression, and every such Share shall always be distinguished by the Number to be applied to the same.

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

L. And be it further enacted, That the said additional Shares hereby authorized to be created shall be and the same are hereby respectively vested in the several 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, proportionably to the Sums by them severally subscribed and to be subscribed; and all Persons who have subscribed or shall subscribe for One or more of the said additional Shares by this Act authorized to be created, or such Sum or Sums as shall be demanded in lieu thereof, and their respective 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 (except as herein-after mentioned) to all Intents and Purposes whatsoever as Proprietors of the like Number of any of the Shares by the said recited Acts or either of them authorized to be created, and shall in respect of the said Shares by this Act authorized to be created be entitled to all such Rights and Privileges (except as aforesaid), and be under and subject to all the Powers, Provisions, Indemnities, Remedies, Penalties, Clauses, Matters, and Things, contained in the said recited Act of the First Year of Her present Majesty's Reign, except where altered or otherwise provided for by this Act, and also to all the Powers, Provisions, Indemnities, Remedies, Penalties, Clauses, Matters, and Things contained in the said recited Act of the Fifth Year of the Reign of His said late Majesty, except where altered or otherwise provided for by the said recited Act of the First Year of Her present Majesty's Reign or this Act.

Directors empowered to make Calls

LI. And be it further enacted, That the Directors of the said Company shall have Power from Time to Time, and at any Time or Times

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 additional 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 such additional Share, and so that there shall be an Interval of Three Calendar Months at least between every Two successive Calls; and 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-before 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 the County of *Southampton*; and all the Powers, Provisions, Remedies, Penalties, Forfeitures, Matters, and Things created or imposed by the said recited Act of the First Year of the Reign of Her said present Majesty and the said recited Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth (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 additional 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 present Act in respect of the said additional Shares hereby authorized to be created: Provided always, that no Proprietor or Owner of any additional Share hereby authorized to be created shall be in any Case liable to pay any greater Sum in the whole in respect of such additional Share than the Sum of Fifty Pounds.

LII. And be it further enacted, That all Persons who have subscribed or shall subscribe for One or more of the said additional Shares by this Act authorized to be created, and their Executors, Administrators, and Assigns, shall (but subject and without Prejudice to all Mortgages and Bonds made and issued and to be made and issued by the said Company) be entitled to receive, at the Expiration of Three Calendar Months from the Day of the passing of this Act, out of and from the Funds of the said Company, Interest after the Rate of Five Pounds *per Centum per Annum* on the Sum or Sums which may have been paid by such Subscribers respectively, their Executors, Administrators, or Assigns, in respect of any such additional Share or Shares so subscribed for by them respectively, to be computed from the Time or respective Times of paying such Sum or Sums; and that from and after the Expiration of the said Three Calendar Months from the Day of the passing of this Act the Proprietor of every such additional Share shall (but subject and without Prejudice as last aforesaid) be entitled to receive Interest after the Rate last aforesaid on the Sum or Sums for the Time being paid on such Share, to be computed from the Expiration of the said Three

[Local.]

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Calendar

on new Shares.

Interest to be paid on the Money from Time to Time advanced upon the additional Shares.

Calendar Months, or from the subsequent Time or respective Times of paying any such Sum or Sums; and such last-mentioned Interest shall be paid half-yearly, and shall be received and taken in lieu and instead of any Dividends or other Profits in the said Undertaking in respect of such Share.

Proprietors of additional Shares entitled to elect within Six Months after the Branch Railway shall be opened to receive Dividends instead of Interest.

LIII. Provided always, and be it further enacted, That it shall be lawful for the Proprietor of every such additional Share by this Act authorized to be created as aforesaid, by Writing under his Hand, to be left at the principal Office of the said Company in *London*, to elect, at any Time within Six Calendar Months from the Day of the opening to the Public of the said Branch Railway by this Act authorized to be made, to be entitled, from and after the half-yearly Day of Payment of Interest on such additional Share which shall happen next after the opening to the Public of the said Branch Railway, to receive, and every such Proprietor who shall so elect, and his Executors, Administrators, and Assigns, shall for ever thereafter be entitled to receive, Dividends out of the general Profits of the said Company on every such additional Share in respect whereof he shall so elect as aforesaid, in common with the other Proprietors of Shares in the said Company, in lieu and instead of continuing to receive such Interest as aforesaid.

Power to borrow an additional Sum on Mortgage.

LIV. And whereas by the said recited Act of the First Year of the Reign of Her present Majesty it is enacted, that in case the Money authorized to be raised by Subscription, as by the said recited Act of the Fifth Year of the Reign of His said late Majesty and therein-before was mentioned, should be found insufficient for the Purposes of the said Acts, it should be lawful for the said Company, when and as soon as One Half of the Capital of the said Company so as aforesaid authorized to be raised by Subscription should 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 the Sum of Four hundred and sixty thousand Pounds, on the Credit of the said Undertaking, as to them should seem proper, and divers Sums of Money have already been raised under the said Power: And whereas it is expedient to amend and enlarge the said Power of borrowing Money, so as to enable the said Company to raise the Sum of Five hundred and sixty thousand Pounds, instead of the Sum of Four hundred and sixty thousand Pounds; be it therefore enacted, That it shall be lawful for the said Company, when and as 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, together with the Sums of Money already raised as aforesaid, the Sum of Five hundred and sixty thousand Pounds, on the Credit of the said Undertaking, 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 or Assignments as are mentioned
and

and described in the said recited Act of the First Year of the Reign of Her present Majesty; and all the Powers, Authorities, Provisions, Directions, Remedies, Regulations, Matters, and Things in the said recited Acts contained, 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 Sum of Five hundred and sixty thousand Pounds hereby authorized to be raised as aforesaid, in the same Manner as the same do extend and are applicable by the said recited Acts to the said Sum of Four hundred and sixty thousand Pounds authorized to be raised as aforesaid: 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 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.

LV. And whereas by the said recited Act of the First Year of Her present Majesty it was enacted, that it should be lawful for the said Company, or the Directors thereof, and they were thereby authorized and empowered, to borrow and take up at Interest, from any Persons or Corporations who should be willing to lend the same, the Whole or any Part of the Sum of Four hundred and sixty thousand Pounds thereby authorized to be raised by Mortgage, as to them should seem meet and convenient, at such Rate of Interest as might be agreed upon, not exceeding Five Pounds *per Centum per Annum*, and to secure the Repayment thereof, with Interest, by Bonds under the Common Seal of the said Company, payable at such Times as the said Company and the Persons or Corporations lending the Money might mutually agree upon, and divers Sums of Money have already been raised under the said recited Power, and Bonds to secure the Repayment thereof have been issued under the Common Seal of the said Company: And whereas it is not expedient that the said Company should raise any further Sum of Money upon the Security of any such Bonds; be it therefore further enacted, That, subject and without Prejudice to any Bond which the said Company at any Time before the passing of this Act shall or may have made or given to any Person as a Security for Money borrowed by them under or by virtue of the Provision last herein-before recited, or to any Right or Privilege of any Holder or Assignee of any such Bond, the said recited Power to raise the Whole or any Part of the said Sum of Four hundred and sixty thousand Pounds, and to secure the Repayment thereof by Bonds under the Common Seal of the said Company, in manner in the said recited Act mentioned, shall from and after the passing of this Act cease and be no longer exercised.

Power to borrow on Bond the Money authorized to be raised by Mortgage repealed.

LVI. And be it further enacted, That in case the said Company, having borrowed the Sums of Money which by the said recited Acts and this Act they are authorized to borrow, shall pay off all or any Part thereof, then and in every such Case it shall be lawful for the said Company immediately, or at any Time or Times thereafter, again to borrow and take up at Interest upon such Mortgages or Assign-

In case Mortgages are paid off, the Company may raise the Amount again.

Assignments as herein-before are mentioned, in lieu of any Principal Money so paid off, the Whole or any Part of any Sum of Money which they shall from Time to Time have paid off, and so from Time to Time as often as the same shall happen.

Power to increase the Capital Stock.

LVII. And be it further enacted, That in case the said Company, at any Special Meeting to be called as in the said recited Act of the Fifth Year of His late Majesty's Reign is directed, instead of borrowing such further or additional Sums as by the said recited Acts and this Act authorized, in manner in the said recited Acts and this Act directed, or continuing the same on Interest, shall think it advisable to raise such further or additional Sums, 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 Sums upon the Securities aforesaid, and to raise the Remainder thereof, or Part of the Remainder thereof, by way of Augmentation of their Capital Stock, or to convert the Whole or any Part of the Sum so borrowed into Capital Stock of the said Company, then and in either of the said Cases it shall be lawful for the said Company, by such Ways and Means and upon such Terms as at such Meeting shall be thought expedient, to augment the Capital Stock of the said Company provided and authorized to be raised by the said recited Acts and this Act by any further Sum of Money, so as the same, together with any Sum of Money that may have been borrowed and continuing at Interest in manner aforesaid, shall not exceed the further and additional Sum of Five hundred and sixty thousand Pounds by the said recited Acts and this Act authorized to be raised as aforesaid; and all such further and additional Capital Stock, not exceeding such further or additional Sum as aforesaid, as shall be so raised, shall be considered as Part of the general Capital Stock of the said Company, and 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 original Capital Stock of the said Company, except as to the Times of making Calls for the said additional Capital Stock, and the Amount of such Calls, which Times and the Amount of such Calls respectively shall from Time to Time be appointed by the said Company: Provided always, that all the Regulations, Provisions, and Authorities contained in the said recited Acts in relation to the Calls for the Capital Stock of the said Company by the said recited Acts authorized to be raised, and to the Recovery thereof or of any Arrears thereof, and to the Forfeiture of any Sum advanced by reason of any Neglect or Refusal to comply with such Calls, shall be applicable to the Calls for the said further and additional Sum hereby authorized to be raised or subscribed as aforesaid, or such Part thereof as shall be required to be raised by way of additional Capital Stock as aforesaid, and to the Refusal or Neglect to comply with such last-mentioned Calls.

Authorizing Ecclesiastical Persons to hold Shares.

LVIII. And be it further enacted and hereby declared, so as to operate retrospectively as well as prospectively, That any Clerk, Clergyman, or Ecclesiastical Person is and has been and shall be legally competent to, and can or may purchase, hold, or enjoy and dispose of, any Share or Shares already or hereafter to be created in

the said Company, or the Capital or Stock and Profits thereof, in like Manner and subject to the same Conditions as any other Person is by the said recited Acts or this Act authorized, and without being liable to any Penalty or Forfeiture or other Consequence by reason thereof; and the said Company may sue and be sued, and enjoy the same Privileges and Immunities, as they are or would be entitled to if no such Clerk, Clergyman, or Ecclesiastical Person was or had been a Shareholder; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding: Provided always, that no such Clerk, Clergyman, or Ecclesiastical Person shall be capable of acting as a Director or otherwise in the Management of the Affairs of the said Company.

LIX. And whereas it is by the said first-recited Act enacted, that in all Cases in which it might be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ or other Proceeding at Law or in Equity, upon the said Company, personal Service thereof upon the Secretary of the said Company, or leaving the same at the Office of the said Company either in *London* or *Southampton*, or delivering the same to some Inmate at such Office, or in case the same should not be found or known, then personal Service thereof upon any Agent of or Officer employed by the said Company, should be deemed good and sufficient Service of the same respectively on the said Company: And whereas it is expedient that such Provision should be amended; be it therefore enacted, That the same shall be and is hereby repealed.

Repeal of Provision as to Notices and other Proceedings necessary to be served on the Company.

LX. And be it further enacted, That in all Cases in which it may be necessary to give or serve any Summons or Demand, Notice, Writ, or other Proceeding at Law or in Equity, or otherwise howsoever, upon the said Company, the same shall be given to or served upon or left at the usual Place of Abode of the Secretary of the said Company, or in case there shall be no such Secretary, then the same shall be given to or served upon or left at the usual Place of Abode of some One of the Directors of the said Company; and such Service shall be deemed good and sufficient Service upon the said Company.

Writs, Notices, &c. how to be served.

LXI. And be it further enacted, That if any Person who has personally or by some other Party at any Time taken a Place or Seat, or paid the Fare, or been booked for the Purpose of being carried in, upon, or by any of the Coaches or Carriages of the said Company, or any other Person using the said Railway or Branch Railway from one Place to another Place, shall knowingly and wilfully refuse or neglect to quit such Coach or Carriage on arriving at the Point to which he has paid his Fare, or been booked, or taken his Place or Seat; or shall knowingly and wilfully ride and proceed, or attempt to ride or proceed, in the same or in any other Coach or Carriage, to a Place more distant than that to which he shall have so taken a Place or Seat, or paid the Fare, or been booked, without previously paying or tendering to the said Company or other Person as aforesaid the additional Fare or Price of Carriage to such more distant Place; or if any Person shall at any Time hereafter knowingly and wilfully ride or be in any of the said Company's Coaches or Carriages, or in any Coaches or Carriages belonging to any other

For preventing Frauds on the Carriers on the Railway.

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Person

Person using the said Railway or Branch Railway, without having previously paid or tendered to the said Company or other Person aforesaid his Fare or the Charge for his Carriage; every such Person shall forfeit and pay any Sum not exceeding Forty Shillings, with Costs, to be recovered and applied in the same Way as any other Penalty or Forfeiture under the said recited Act of the Fifth Year of the Reign of King *William* the Fourth is directed to be recovered and applied; and if any Person shall be discovered in or after the Commission or Attempt to commit any such Offence as aforesaid, it shall be lawful for all Officers and Servants and other Persons on behalf of the said Company or other Person as aforesaid, and for all Constables, Gaolers, and Peace Officers, to apprehend and detain every such Person until he can be conveniently taken before some Justice of the Peace, or until he be otherwise discharged by due Course of Law, or until he shall have paid to the said Company, or to any Officer or Servant thereof by whom he may be apprehended or in whose Custody he may then be, the full Fare due or payable by him, and the further Sum of Forty Shillings by way of Penalty as aforesaid.

Passage upon
the Railway
to be free.

LXII. And be it further enacted, That all Persons shall have free Liberty to pass along and upon and to use and employ the said Railway and Branch Railway, with or in Carriages not belonging to the said Company, properly constructed as is by the said recited Act of the Fifth Year of the Reign of His said late Majesty directed, upon Payment of all such Rates and Tolls as shall be demanded by the said Company, not exceeding the respective Rates and Tolls authorized by the said recited Acts and this Act, and also to pass and to convey all Carriages, Animals, Goods, and Merchandize along and upon, and to employ and use, the said Railway and Branch Railway, in and upon Carriages belonging to the said Company, and then publicly used or employed upon the said Railway or Branch Railway for the Conveyance of any such Carriages, Animals, Goods, and Merchandize, upon Payment of all such Rates, Tolls, and other Charges as shall from Time to Time be demanded by the said Company, such Rates and Tolls not exceeding the respective Rates and Tolls authorized by the said recited Acts or this Act, and subject to the Provisions of the said recited Acts and this Act, and the Rules and Regulations to be from Time to Time made by the said Company in pursuance of the Powers to them thereby and hereby granted.

Rates of
Carriage to
be charged
equally.

LXIII. And be it further enacted, That the Charges by the said recited Acts or this Act authorized to be made for the Carriage of any Passengers, Goods, Animals, or other Matters or Things to be conveyed by the said Company, or for the Use of any Steam Power or Carriage to be supplied by the said Company, shall be at all Times charged equally to all Persons, and after the same Rate *per* Mile or *per* Ton *per* Mile in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, passing on the same Portion of the Line of the said Railway or Branch Railway; and no Reduction or Advance in any Charge for Conveyance by the said Company,

Company, or for the Use of any locomotive Power to be supplied by them, shall be made either directly or indirectly in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway or Branch Railway.

LXIV. And be it further enacted, That the said Company shall and they are hereby required in each and every Year to cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied under or by virtue of this or the said recited Acts, for the Year ending on the Thirtieth Day of *June*, or some other convenient Day, in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account duly audited and certified by the Secretary or Clerk for the Time being of the said Company, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the several Counties through which the said Railway will pass on or before the First Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit or neglect to prepare and transmit or cause to be prepared and transmitted such Account as aforesaid, they shall forfeit and pay for every such Omission or Neglect the Sum of Twenty Pounds.

Annual Account to be made up, and Copy transmitted to the Clerk of the Peace.

LXV. And whereas it was by the said recited Act of the Fifth Year of the Reign of King *William* the Fourth enacted, that if any Person should throw or place or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the Railway thereby authorized to be made, or should extinguish any Light or Lamp set up by the said Company on or near the said Railway or other Works for the Purpose of lighting the same, unless by Authority of the said Company, or should wilfully obstruct or prevent any Person in the lawful Execution of that Act, or should do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he should forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds for every such Offence: And whereas it is expedient that further and more effectual Provision should be made for preventing Accidents upon the said Railway and Branch Railway; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repealing Clause in the recited Act of 4 & 5 W. 4. Penalty on damaging Works or obstructing Passage on Railway.

LXVI. And be it further enacted, That if any Person shall throw or place or wilfully scatter or drop any Gravel, Stone, Rubbish, or other Matter or Thing upon any Part of the Railway authorized by the said recited Acts, or either of them, or this Act, to be made, or shall extinguish any Light or Lamp set up by the said Company on or near the said Railway or other Works for the Purpose of lighting the same, unless by Authority of the said Company, or shall do any Act, Matter, or Thing to obstruct the free Passage of the said Railway or any Part thereof, he shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence.

Penalty for obstructing the Passage on the Railway.

LXVII. And

For Punish-
ment of Per-
sons ob-
structing the
Railway, or
guilty of
Negligence
or Miscon-
duct thereon.

LXVII. And be it further enacted, That if any Person shall wilfully, maliciously, or negligently do or omit to do any Act, by which Act or Omission the Life or Limb of any Person passing along or who shall be otherwise upon the said Railway or Branch Railway, or the Works thereof respectively, shall be or might be injured or endangered, every such Person so offending, and every Person counselling, aiding, or assisting therein, shall be deemed guilty of an Offence against this Act, and being convicted thereof, upon the Oath of any or more Witnesses, before any Two or more of Her Majesty's Justices of the Peace for the County or Place wherein the said Offence shall be committed, who are hereby authorized and required, upon Complaint to them made upon Oath, to take cognizance thereof, and to act summarily in the Premises, shall for every such Offence forfeit and pay a Sum not exceeding Ten Pounds, to be recovered and applied in like Manner as Penalties imposed by the said recited Act of the Fifth Year of the Reign of His said late Majesty are directed to be recovered and applied, and in default of Payment thereof shall, in the Discretion of such Justices, be imprisoned, with or without hard Labour, for any Term not exceeding Three Calendar Months, or, being indicted and convicted of any such Offence as aforesaid before any Court of Quarter Sessions or Court of Assize, shall, at the Discretion of such Court, be imprisoned, with or without hard Labour, for any Period not exceeding Two Years.

Provision as
to Limitation
of Actions
repealed.

LXVIII. And whereas it is by the said recited Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth enacted, that no Action, Suit, or Information, nor any other Proceedings, of what Nature soever, should be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of the said Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under the said Act, unless Ten Days previous Notice in Writing should be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding, to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding should be brought or commenced within Six Calendar Months next after the Act committed, or in case there should be a Continuation of Damage then within Three Calendar Months after the doing or committing such Damage should have ceased, nor unless such Action, Suit, Information, or Proceeding should be laid and brought in the County or Place within which the Matter in dispute or Cause of Action should have arisen; and the Defendant in such Action, Suit, Information, or Proceeding might plead the General Issue, and give the said Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or were omitted to be done (as the Case may be) in pursuance or by the Authority of the said Act; and if they should appear to have been so done or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding should have been brought otherwise than as therein-before directed, then and in every such Case the Jury should find for the Defendant; and upon such Verdict, or if the Plaintiff should become nonsuited, or should suffer a Discontinuance of his Action, Suit, Information, or other Proceeding after the
Defendant

Defendant should have appeared thereto, or if a Verdict should pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment should be given against the Plaintiff, the Defendant should have his Costs, and should have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases: And whereas it is expedient that the said recited Provision should be repealed; be it therefore enacted, That the said recited Provision shall be and the same is hereby repealed.

LXIX. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences in any way incident thereto, shall be paid and defrayed by the said Company out of the Money already raised or received, or out of the Money to be raised by virtue of the said recited Acts or this Act, in preference to any other Payment whatsoever.

Expences of the Act how to be defrayed.

LXX. Provided always, and be it further enacted, That nothing herein contained shall be deemed or construed to exempt the Railway or Branch Railway by this or the said recited Acts authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Railway not to be exempt from Provisions of any General Act relating to Railways.

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

Public Act.

The SCHEDULE to which the foregoing Act refers.

Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
COUNTY OF SOUTHAMPTON.				
<i>Parish of South Stoneham.</i>				
1	The London and Southampton Railway Company.	- - -	Themselves	London and Southampton Railway.
24	The Honourable Charlotte Georgina Harriet Craven, and Sir Frederick Hutchison Hervey Bathurst and Dame Louisa Mary his Wife.	- - -	John Ewer	Withy Bed.
25	George Hollis	- - -	George Hollis	Itchen Navigation and Towing Path.
25 b	The Honourable Charlotte Georgina Harriet Craven, and Sir Frederick Hutchison Hervey Bathurst and Dame Louisa Mary his Wife.	Robert Scott	Robert Scott	Meadow.
29	Edward Twynam and Frederick Twynam.	Edward Twynam and Thomas Twynam.	Edward Twynam and Thomas Twynam.	Part of the old River Itchen.
31	Ditto	Ditto	Ditto	Main Water Carriage for irrigating wide Meadow.
37	Ditto	Ditto	Ditto	Wood.
51	Edward Twynam and Frederick Twynam.	Edward Twynam and Thomas Twynam.	Edward Twynam and Thomas Twynam.	Wood.
57	Warden and Scholars, Clerks of St. Mary's College, Winchester.	Edward Twynam and Frederick Twynam.	Ditto	Ponds.
60	Edward Twynam and Frederick Twynam.	Edward Twynam and Thomas Twynam.	Ditto	Wood.
61	Warden and Scholars, Clerks of St. Mary's College, Winchester.	- - -	Themselves	Ditto.
64	Ditto	James Warner senior.	James and Thomas Butt.	Ditto.
65	William Hallett	- - -	Self	Ditto.
68	Warden and Scholars, Clerks of St. Mary's College, Winchester.	William Hallett	William Hallett	Ditto.
69	Warden and Scholars, Clerks of St. Mary's College, Winchester.	William Hallett	William Hallett	Ditto.

Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
70	Mary Ann Crowdy, Emily Crowdy, James William Crowdy, William Slater Crowdy, Henry Crowdy, Crowdy, Matilda Amelia Slater Crowdy, Rosalind Crowdy, and Henrietta Elizabeth Crowdy.	- - -	Themselves -	Wood.
71	Thomas Chamberlayne -	- - -	Himself -	Ditto.
75 a	Provost and Fellows of Queen's College, Oxford.	- - -	Themselves -	Ditto.
77	Ditto - - -	Caleb Owton -	Caleb Owton -	Ditto.
78	John Ellis - - -	- - -	William Hockley -	House and Garden.
Part 79	Ditto - - -	- - -	James Tebble -	Ditto.
Part 79	Ditto - - -	- - -	Joseph Small -	Ditto.
81	Thomas Chamberlayne -	- - -	Self -	Wood.
85	James Warner junior -	- - -	Henry Alford -	House and Garden.
86	Thomas Butt - - -	- - -	James Butt junior -	Ditto.
87	Warden and Scholars, Clerks of St. Mary's College, Winchester.	Edward Twynam and Frederick Twynam.	Edward Twynam and Thomas Twynam.	Waste Pasture.
88	Provost and Fellows of Queen's College, Oxford.	- - -	Themselves -	Wood.
91	Ditto - - -	- - -	Ditto - -	Ditto.
94	James Warner senior -	- - -	Self - -	Ditto.
96	Ditto - - -	- - -	Ditto - -	Ditto.
98	Ditto - - -	- - -	Ditto - -	Ditto.
101	Ditto - - -	- - -	Ditto - -	Ditto.
102	Ditto - - -	Stephen Warner -	Stephen Warner -	Rough Pasture and Brush Wood.
104	Ditto - - -	- - -	James Warner senior.	Wood.
106	Ditto - - -	- - -	Self - -	Ditto.
111	Ditto - - -	- - -	Peter Duffin -	House and Garden.
113	Provost and Fellows of Queen's College, Oxford.	- - -	Levi Reeves -	Ditto.
114	Ditto - - -	- - -	Themselves -	Wood.
122	James Warner senior -	- - -	Self - -	Ditto.
123	Ditto - - -	- - -	Self - -	Wood and Occupation Road.
133	Ditto - - -	- - -	Ditto - -	Wood.
134	Ditto - - -	- - -	Ditto - -	Ditto.
143 and 144	Frederick Bampton -	- - -	James Newman -	House and Garden.
146	James Warner senior -	- - -	Elizabeth Thrift -	Garden.
147	James Terry - - -	- - -	Self - -	Gardens.
148	Ann Terry - - -	- - -	Ditto - -	Ditto.
149	James Terry - - -	- - -	Ditto - -	Ditto.
150	Ann Terry - - -	- - -	Ditto - -	Ditto.

Parish of North Stoneham.

18	John Butler Harrison -	John Barfoot -	John Barfoot -	Garden.
19	Ditto - - -	Ditto - -	Ditto - -	Ditto.
21	Ditto - - -	Ditto - -	Ditto - -	House, Yard, Garden, and Farm Buildings.

Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
25 a	George Hollis	- - -	George Hollis	Itchen Navigation and Towing Path.
28	John Butler Harrison	John Barfoot	John Barfoot	Part of the old River Itchen.
28 a	John Fleming	- - -	Self	Ditto.
<i>Parish of Botley.</i>				
151	James and Ann Terry	- - -	James and Ann Terry.	Cottage and Garden.
152	Ann Terry	- - -	Ditto	Ditto.
154	Ditto	- - -	Self	Garden.
155	Ditto	- - -	Ditto	Ditto.
159	Trustees of Turnpike Road from Botley to Winchester.	- - -	Charles Maton	House and Gate.
162 and 163	Richard Dubber and Betsy Wyatt.	- - -	Richard Dubber	House and Garden.
164	Frederick Brampton	- - -	John Shrimpton	Ditto.
167 and 168	James Terry	Robert Gater	Robert Gater and Joseph Emery.	Farm-yard, Buildings, and Garden.
170	Ditto	Ditto	Ditto	Wood.
182	James and William Clark.	- - -	James and William Clark.	Mill-pool.
<i>Parish of Bishops Waltham.</i>				
183	James and William Clark.	- - -	James and William Clark	Bank to the Mill-pool.
200 a	Thomas Aslett	Thomas Aslett	Thomas Aslett	Barn and Cart Shed.
200 f	Richard Baker	- - -	Richard Baker	Wood.
203	Thomas Leader Harman.	Aaron Hatch	Aaron Hatch	Ditto.
205	Ditto	Ditto	Ditto	Ditto.
206	James George Bouchier	- - -	Self	Ditto.
209	Ditto	- - -	Ditto	House, Garden, Farm-yard, and Building.
210	Ditto	- - -	Ditto	Pasture.
212	Ditto	- - -	Ditto	Wood.
<i>Parish of Titchfield.</i>				
222	William Hornby	James Russell	James Russell	Wood.
223	Ditto	Ditto	Ditto	Ditto.
225	Ditto	Ditto	Ditto	Wood and Occupation Road.
226	Ditto	Ditto	Ditto	Ditto.
228	Ditto	Ditto	Ditto	Paddock and Farm Buildings.
229	William Hornby	James Russell	James Russell	Farmhouse, Garden, and Orchard.
231	Ditto	Ditto	Ditto	Wood.
233	Ditto	Ditto	Ditto	Driftway.
234	Ditto	Ditto	Ditto	Brook.
235	John Guitton	- - -	John Guitton	Wood.
238	William Hornby	Ditto	James Russell	Ditto.
244	Ditto	Ditto	Ditto	Ditto.
246	Ditto	Ditto	Ditto	Barn and Outhouse.
250	Ditto	Ditto	Ditto	Wood and Hedge-row.
251	Ditto	Ditto	Ditto	Ditto.
253	Ditto	Ditto	Ditto	Wood.
255	John Guitton	- - -	Self	Ditto.

Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
Part 260	John Guitton	- - -	Thomas Howell	House, Garden, and Premises.
266	Ditto	- - -	Self	Wood.
267	Ditto	James Westbrook	James Westbrook	Ditto.
272	Ditto	Ditto	Ditto	Ditto.
273	Ditto	- - -	Self	Ditto.
279 a	Ditto	George Penton	George Penton	Water Meadow.

Parish of Wickham.

Part 260	John Guitton	- - -	Thomas Howell	House, Garden, and Premises.
Part 279	Ditto	- - -	John Guitton and George Penton.	River and Mill Feeder.

Parish of Fareham.

Part 279	John Guitton	- - -	John Guitton and George Penton.	River and Mill Feeder.
281	Elizabeth Greene and Robert Hewett, Trustees of William Greene deceased.	- - -	John Budd	Water Meadow.
284	Ditto	- - -	Ditto	Homestead.
288	Ditto	- - -	Ditto	Water Meadow.
290	Ditto	- - -	Ditto	Wood.
291	Ditto	- - -	Ditto	Occupation Road and Wood.
292	Ditto	- - -	Ditto	Ditto.
293	William Thresher	Thomas Pratt	Thomas Pratt	Wood.
295	Ditto	Ditto	Ditto	Barn, Stable, and Yard.
296	Ditto	Ditto	Ditto	Chalk Pit.
297	Ditto	Ditto	Ditto	House and Garden.
299	Ditto	Ditto	Ditto	Rough Pasture.
300	John Nicoll	- - -	James and John Underwood.	Homestead.
303	Ditto	- - -	James Jackman and Thomas Carter.	Two Tenements and Gardens.
304	John Nicoll	- - -	James Cox and John Biggs.	Two Tenements and Gardens.
307	John Brocas Whalley Smythe Gardiner.	- - -	James and John Underwood.	Plantation.
308	Ditto	- - -	Ditto	Ditto.
310	Ditto	- - -	Self	Wood.
311	Elizabeth Greene and Robert Hewett, Trustees of William Greene deceased.	- - -	John Budd	Ditto.
321	Robert Hunt	- - -	Self	Cottage, Garden, and Shed.
322	George Hunt	- - -	Ditto	Ditto.
322 a	Ditto	- - -	Ditto	Cottage and Garden.
322 b	Joseph Digby	- - -	Ditto	Ditto.
323	Henry Feast	- - -	Ditto	Ditto.
324	Thomas Cousins	- - -	Ditto	Ditto.
325	Stephen Cousins	- - -	William Reeves	Ditto.
326	Arthur Cousins	- - -	Self and Thomas Edmunds.	Three Tenements and Gardens.
327	Ditto	- - -	Self	Cottage and Garden.

[Local.]

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Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
328	James and John Underwood.	- - -	George Savage -	Cottage and Garden.
329	Ditto - - -	- - -	William Parkes - -	Ditto.
330	George Harding - -	- - -	Void - - -	Ditto.
331	Rebecca Connor - -	- - -	William Edmunds -	Cottage and Garden.
332	William Druett - - -	- - -	Self - - -	Ditto.
334 and 335	James Connor - - -	- - -	William Aldridge and Sarah Underwood.	Two Tenements and Gardens.
336 and 337	Rebecca Connor - -	- - -	Self - - -	Cottage and Garden.
338	Samuel Cousins - - -	- - -	Ditto - - -	Ditto.
340	Arthur Cousins jun. -	- - -	Ditto - - -	Ditto.
342	Ditto - - -	- - -	Ditto - - -	Shed.
343	John and James Underwood.	- - -	George Savage and William Adams.	Sheds and Garden.
344	Arthur Cousins - - -	- - -	Self - - -	Shed.
346	Sir Francis A. Collier -	- - -	William Adams - -	Wood.
351	Stephen Burrell - - -	- - -	Self - - -	Ditto.
352	Thomas Stares - - -	- - -	Ditto - - -	Clay Pits.
356	John Nicoll - - -	- - -	George Harding - -	Homestead.
359	Thomas Marshall - -	James Oliver jun. -	James Oliver jun. and George Hunt.	House, Gardens, Brick Grounds, Buildings, and Sheds.
360				
361				
366	Mary Ann Blatherwick -	Charles Henry John Knight.	Charles Henry John Knight.	Homestead.
368	Proprietors of Land in the Parish of Fareham.	- - -	Themselves - - -	Allotment for Gravel Pits.
369	John Brocas Whalley Smythe Gardiner.	- - -	John Budd - - -	Arable and Gravel Pits.
373	John Halkett - - -	- - -	Self - - -	Wood.
376	Ditto - - -	- - -	Richard Mansfield -	Drove.
381	Ditto - - -	- - -	Ditto - - -	Plantation.
388	Joseph Paddon - - -	- - -	Self - - -	Wood.
390	Ditto - - -	- - -	Ditto - - -	Ditto.
395	Ditto - - -	- - -	Ditto - - -	Homestead.
401	Ditto - - -	- - -	Ditto - - -	Wood.
407	James Whettam - - -	- - -	Robert Aldridge - -	House and Garden.
408	Ditto - - -	- - -	Ditto - - -	Rickyard.
409	Ditto - - -	- - -	James Whettam junior.	Farm Buildings and Yard.
410	Richard Jessey - - -	- - -	James Edwards - -	House and Garden.
411	Ditto - - -	- - -	Joseph Churcher - -	Ditto.
412	Ditto - - -	- - -	Ditto - - -	Garden.
413	Samuel Jurd - - -	- - -	Himself and Isaac Golder.	Two Houses and Gardens.
414	George Thomas Maitland Purvis.	- - -	Charles Martin - -	Garden.
415	Ditto - - -	- - -	Ditto - - -	Ditto.
417	Ditto - - -	Grace Parker - -	William Russell - -	Garden.
418	Ditto - - -	Ditto - - -	Thomas Luff - - -	Ditto.
419	Ditto - - -	Ditto - - -	John Luff - - -	Ditto.
420	Ditto - - -	Ditto - - -	Charles Martin - -	Ditto.
421	Ditto - - -	Ditto - - -	William Stratton - -	Ditto.
422	Ditto - - -	Ditto - - -	John Maynard - - -	Ditto.
423	Ditto - - -	Ditto - - -	William Bishop - -	Gardens.
424	Ditto - - -	Ditto - - -	John Clark - - -	Ditto.
425	Ditto - - -	Ditto - - -	William Carter - - -	Ditto.
426	Ditto - - -	Ditto - - -	Edward Churcher - -	Ditto.
427	Ditto - - -	Ditto - - -	Joseph Churcher, John Britain.	Ditto.
428	Ditto - - -	Ditto - - -	Henry Chatfield - -	Ditto.
429	Ditto - - -	Ditto - - -	Thomas Peters - - -	Ditto.

Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
430	George Thomas Maitland Purvis.	Grace Parker	Daniel Thomas Woodman.	Gardens.
431	Ditto	Ditto	Charles Martin	Ditto.
432	Ditto	Ditto	Charles Hunt	Ditto.
433	Ditto	-	William Coker	Ditto.
434	Ditto	-	William Stratton	Ditto.
435	Ditto	-	William Brown	Ditto.
436	Ditto	-	John Payne	Ditto.
437	Ditto	-	George Hutchins	Ditto.
438	Ditto	-	William Gamblin	Ditto.
439	Ditto	-	James Curnell	Ditto.
440	Ditto	-	James Earwaker	Ditto.
441	Ditto	-	William Russell	Ditto.
442	Ditto	-	John Coker	Ditto.
443	Ditto	-	John Russell	Ditto.
444	George Thomas Maitland Purvis.	-	James Russell	Ditto.
445	Ditto	-	George Churcher	Ditto.
446	Ditto	-	John Cook	Ditto.
447	Ditto	-	Richard Sanders	Ditto.
448	Ditto	-	William Chatfield	Ditto.
449	Ditto	-	James Gamblin	Ditto.
450	Ditto	-	Charles Bishop	Ditto.
451	James Whettam	-	James Whettam junior.	Wood.
452	Ditto	-	Ditto	Ditto.
455	Ditto	-	Ditto	Pasture.
456	Ditto	-	Ditto	Wood.
459	Ditto	-	Ditto and others	Brick Yard, Sheds, and Gardens.
461	Ditto	-	Ditto	Wood.
462	Sir John Wentworth Loring.	-	Edward Turner	Withy Bed.
463	Henry Ducie Chads	-	John Hallett	Wood.
473	Stephen Fitchett	-	Thomas Burrell	Homestead.
474	James Fitchett Burrell	-	Ditto	Garden.
475	Ditto	-	Ditto	Rickyard.
482	Wilhelmina Antoinetta Bingham.	-	James Earwaker	Cottage and Garden.
483	Ditto	-	John Clark	Ditto.
490	John Stares	-	John Woods James Hughes	} Two Cottages and Gardens.
<i>Parish of Rowner.</i>				
696	Henry Peter Delmé	-	Charles Stares	Wood.
708	Rachel Elizabeth Aiskew	-	John Stares	Field, Homestead, Buildings, and Farm-yard.
709	Ditto	-	John Stares, Robert Stiggins, Charles Marsh.	Two Cottages and Gardens.
<i>Parish of Alverstoke.</i>				
714	Reverend Richard Bingham.	-	Joseph Bingham	Plantation and Row.
718	John Ayling	-	John Ayling	Wood.
722	Mary Catherine Reeves Kirkland.	-	Joseph Bingham	Ditto.
726	John Ayling	-	John Ayling	Droeway.
731	Mary Catherine Reeves Kirkland.	-	Joseph Bingham	Wood.
740	Charles Prideaux Brune	-	John Stares	Ditto.
747	Ditto	-	James Hines	Arable or Garden.

Numbers on Plan.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.	Description of Property.
748	Joseph Paffard Dickson Larcom.	- - -	William Leane -	Arable or Garden.
752	John Dunnaway and George Penton.	- - -	John Dunnaway -	Garden.
754	David William Weddell	- - -	George Hayter -	Cottage and Garden.
755	John Dunnaway or George Penton.	- - -	John Dunnaway -	Garden.
772	Joseph Fielder - -	- - -	Thomas Arney, Martha Knights.	Two Cottages and Gardens.
774	Mary Catherine Reeves Kirkland and Eliza Kirkland.	- - -	Thomas Arney and James Churcher.	Part Meadow, and Part Garden.
779	Samuel Leaver -	- - -	Daniel Vick - -	Garden Land.
781	Caroline Carter -	- - -	Herself - -	Arable Land, Brick Kiln, &c.
783	George Legg - -	- - -	William Moody and James Buxey.	Two Cottages and Gardens.
785	Ditto - -	- - -	John Cowdry -	Arable Field and Barn.
786	Ditto - -	- - -	Sarah Ward and Mary Ann Ward.	Two Houses and Gardens.
787	Samuel Leaver -	- - -	Void - -	Ditto.
797	Honourable the Board of Ordnance.	- - -	Caroline Carter -	Garden and Rick-yard.
798	Ditto -	- - -	Ditto - -	House and Garden.
803	Robert Cruickshank -	- - -	William Wolfe -	Homestead and Buildings.
804	Caroline Carter -	- - -	Thomas Martjn -	Garden.
805	Ditto -	- - -	Herself - -	Paddock.
809	Elizabeth Harding (Widow).	- - -	John Mitchell -	Orchard.
812	Caroline Carter -	- - -	Ditto - -	Garden.
816	Selina Louisa Barney -	- - -	Self, Henry Hawkins, and Benjamin Wilcocks.	Garden and Tenement.
817	David Compigné -	- - -	Benjamin Wilcocks	Garden.
818	William Parker junior -	- - -	Himself - -	Garden and Building.
819	Edward Samuel -	- - -	Ditto - -	Garden and Conservatory.
820	Ditto -	- - -	Ditto - -	House, Lawn, Shrubbery, and Carriage Road.
821	Ditto -	- - -	Thomas Watkins -	Entrance Lodges.
822	Robert Curry -	- - -	Isaac Legg - -	Nursery Grounds.
823	Richard Gore -	- - -	Himself - -	Garden.
824	William Richardson -	- - -	Jane Derrick, Rebecca Barber, Richard Conroy, Henry Layton.	Three Houses and Gardens.
825	John Barnett Humphreys, Samuel Bovill, and Thomas King.	- - -	John Daniels -	House and Garden.
826	Richard Gore, Robert Cruickshank, and John Lilley.	- - -	Charles Cox -	Bowling Green and Buildings.