



ANNO SEPTIMO & OCTAVO

GEORGII IV. REGIS.

Cap. xx.

An Act to amend and enlarge the Powers and Provisions of an Act relating to the *Heckbridge and Wentbridge Railway*. [12th April 1827.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tramroad from Heckbridge in the Parish of Snaith to Wentbridge in the Parish of Kirksmeaton, all in the West Riding of the County of York*, whereby several Persons were incorporated and were created One Body Politic and Corporate, by the Name and Style of "The *Heckbridge and Wentbridge Railway Company*," for the Purpose of making such Railway or Tramroad, and the other Works by such Act authorized and required: And whereas by the said recited Act the said Company were required to make a good and sufficient Dock or Basin in the Land belonging to the said Company, at the Place where the said Railway or Tramroad is intended to communicate with the Canal from *Knottingley to Goole*, belonging to the Undertakers of the Navigation of the Rivers *Aire and Calder*, for the Purpose of loading and unloading Vessels from, upon, or for the Purposes of the said Railway, and to make a Cut from such Dock or Basin to communicate with the said Canal, of sufficient Width and Depth to admit any Vessels that could navigate the said Canal to pass thereon; and where the said Cut would intersect the Bank and Towing Path of the said Canal, the said Company were by

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7 G. 4. c. 46.

such Act required to make a good and sufficient Bridge, to be constructed of Stone, Brick, or Iron, and of the Width of such Towing Path, across the said Cut, of such Height as not to obstruct the Passage of such Vessels as aforesaid, with their Masts lowered; and it was by the said Act further declared and provided, that the said Cut, and the said Bridge, and the Walls and Fences on each Side thereof, and the Assent or Approaches thereto, should be made, erected, and built by and at the Expence of the said Company, and that such Bridge, Walls, and Fences should from Time to Time and at all Times be kept and maintained in good and sufficient Repair by the said Company and their Successors: And whereas by the said recited Act the said Company were also directed and required, at their own Costs and Charges, to make and maintain a good and sufficient Culvert under the Cut by the said Act required to be made, for the Passage of the Water coming down a certain Drain called the *Fleet Drain*, on the South Side of the said Canal from *Knottingley* to *Goole*: And whereas by the said recited Act the said Company were authorized and empowered to raise and contribute amongst themselves a Sum of Money for making and maintaining the said Railway or Tramroad, and other Works belonging or requisite thereto, not exceeding in the whole the Sum of Eleven thousand three hundred Pounds (except as therein mentioned); and in case the said Sum of Eleven thousand three hundred Pounds should be found insufficient for the making, completing, and maintaining of the said Railway or Tramroad, and other the Works thereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, and that the said Company should be desirous of raising a further or additional Sum of Money for the Purposes of such Act, the said Company were empowered, by an Order of any General Meeting of the said Company, to borrow and take up at Interest any such further or additional Sum, not exceeding the Sum of Two thousand eight hundred Pounds, on the Credit of the said Undertaking, as to them should seem meet and convenient, in the Manner in such Act directed: And whereas no Calculation of the Expences of making such Dock or Basin, Cut, Bridge, Culvert, and other additional Works so required by the said recited Act to be made and maintained by the said Company as aforesaid, was included in the Estimate of the Expence of the Undertaking of the said Company, or in the Amount of Capital authorized to be raised by such Act, and the Money so authorized to be raised as aforesaid has been found insufficient for the making and maintaining of the said Railway or Tramroad, and also for the making and maintaining of the said Dock or Basin, Cut, Bridge, Culvert, and other Works by the said Act authorized and required to be made as aforesaid; and it is therefore expedient that Power should be granted to raise Money for the making and maintaining of the said Dock or Basin, Cut, Bridge, Culvert, and other Works as aforesaid, and for defraying the necessary Charges and Expences relating thereto: And whereas considerable Progress hath been made towards the Completion of the said Railway or Tramroad, and of the other Works so authorized and required to be made and maintained as aforesaid: And whereas by the said recited Act the said Company are authorized and empowered to purchase and hold Lands, Messuages, Buildings, or Hereditaments, (not exceeding

ceeding in the whole Six Statute Acres,) for the Purposes therein mentioned; but by reason and in consequence of the said Company having been required to make and construct the said Dock or Basin, Cut, and other Works as aforesaid, a further and additional Quantity of Land or Ground will be required to enable the said Company to make and construct the said Dock, Basin, Cut, and other Works, and to provide Coal and other Yards, Staiths, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences, for the Purpose of receiving, lodging, depositing, or keeping Goods, Merchandizes, or other Things carried or conveyed upon the said Railway or Tramroad, and for making convenient Roads, Avenues, or Ways thereto, and for other Purposes connected with the same: And whereas it is expedient that some of the Powers and Provisions of the said recited Act should be repealed, altered, amended, extended, enlarged, and explained, and that further and more effectual Powers and Provisions should be granted and made: And whereas the several Purposes aforesaid cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Remedies, Matters, and Things therein contained, shall respectively (so far as the same respectively are applicable to this Act, and are not hereby varied, altered, or repealed, or otherwise provided for,) be as good, valid, and effectual, to all Intents and Purposes, for carrying this Act into Execution, as if the same had been respectively repeated and re-enacted in the Body of this Act.

Powers and Provisions of former Act extended to this Act.

II. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered to contract with any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, who shall be willing to sell the same, for the Purchase of any Parcel or Parcels of Land or Hereditaments, in addition to the said Six Acres authorized to be purchased in and by the said recited Act, not exceeding in the whole Twenty Statute Acres, in such Place or Places as shall be deemed by the said Company eligible and convenient, for the Purpose of making, constructing, erecting, forming, and providing the said Dock or Basin, Cut, Bridge, Culvert, and Drain, and other Works herein-before mentioned, and Coal or other Yards, Staiths, Wharfs, Messuages, and other Buildings or Conveniences, for the Purpose of receiving, lodging, depositing, or keeping Goods, Merchandizes, and other Things carried or conveyed upon the said Railway or Tramroad, or for making convenient Roads, Avenues, or Ways leading thereto, or for any other Purpose whatsoever connected with the said Undertaking which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors, any Lands, Tenements, or Hereditaments whatsoever for the Purposes aforesaid, in the Manner directed and

Empowering the Company to purchase Twenty additional Acres of Land.

and under and subject to the Restrictions contained in the said recited Act, in reference to the Lands, Messuages, Buildings, and Hereditaments to be purchased or taken under the Powers of such Act, for the Purpose of forming, making, and maintaining the said Railway or Tramroad.

Company may sell Lands not required for the Purposes of the Act, and afterwards purchase and sell again from Time to Time, within the Quantity prescribed.

III. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, from Time to Time and at any Time hereafter, to sell and dispose of such additional Lands, Tenements, and Hereditaments as they are hereby authorized and empowered to purchase, and shall have actually purchased for the Purposes of this Act, or so much and such Part or Parts of the same Messuages, Lands, Tenements, and Hereditaments as the said Company shall think proper, and either together or in Parcels, by public Auction or private Contract, as shall be thought advisable or expedient, to any Person who shall be willing to become the Purchaser thereof, and again from Time to Time to contract for the Purchase of any other Messuages, Lands, Tenements, and Hereditaments more eligible or convenient for the Purposes aforesaid or any of them, and afterwards to sell and dispose of the same as aforesaid, so that the total Number or Quantity of Acres to be purchased by the said Company of Proprietors for any of the Purposes hereinbefore mentioned shall not exceed at any one Time the Quantity or Number of Acres by this Act specified or allowed for the same respective Purposes.

Company not to purchase more than Twenty Acres of Land from incapacitated Persons, &c.

IV. And be it further enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons, being under legal Disability or Incapacity, more than such Quantity in Number of Acres as are hereinbefore specified; and in case the said Company shall afterwards sell the Whole or any Part of such last-mentioned Quantity of Land, it shall not be lawful for the said Company to purchase of or from the same, or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, nor for the same or any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trust, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, to sell to the said Company any other

other Lands in lieu or stead of such last-mentioned Quantity of Land, or any Part thereof, so sold or disposed of by the said Company as aforesaid.

V. And, to the end that the said Company may be enabled to carry on and complete the said Railway, Dock, or Basin, Cut, Bridge, Culvert, and other Works as aforesaid, be it further enacted, That so much of the said recited Act as restrains the said Company from raising any Sum of Money by way of Mortgage, until the said Sum of Eleven thousand three hundred Pounds should be found insufficient for making and completing the said Railway or Tramroad and other Works, shall be and the same is hereby repealed.

Repealing Clause restraining Company from borrowing Money until the Capital has been expended.

VI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered to raise and contribute amongst themselves, or by the Admission of other Persons as Subscribers to the Undertaking, any further Sum or Sums of Money (not exceeding in the whole the Sum of Seven thousand six hundred Pounds); and all and every the new Share or Shares to be created in consequence thereof shall be deemed Personal Estate, and shall be transmissible as such; and all Bodies Politic, Corporate, or Collegiate, and other Persons, who shall subscribe for or towards raising the said new Shares, or who shall become entitled thereto, and the several and respective Successors, Executors, Administrators, and Assigns of such Bodies and Persons respectively as aforesaid, shall be and they are hereby declared to be the Owners or Proprietors of the said new Shares in the said Undertaking, and are hereby united to and incorporated with the said Company of Proprietors.

Empowering Company to raise the further Sum of 7,600*l.* amongst themselves or by the Admission of new Subscribers.

VII. Provided always, and be it further enacted, That in case the said Company shall be desirous of raising, by Mortgage of the said Railway or Tramroad and other Works, the said additional Capital or Sum of Seven thousand six hundred Pounds, or any Part thereof, or the said Sum of Two thousand eight hundred Pounds so authorized to be raised in and by the said recited Act as aforesaid, it shall be lawful for the said Company, at any Time or from Time to Time, by any Order of any General or Special General Meeting of the said Company, to borrow the said Sums of Seven thousand six hundred Pounds and Two thousand eight hundred Pounds respectively, or any Part thereof, of and from the Commissioners for carrying into Execution an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, upon the Credit of the said Undertaking, and by One or more Deed or Deeds under the Common Seal of the said Company, and at the Costs of the said Company in all things, to mortgage, assign, and secure to the Secretary for the Time being of the said Commissioners, in such Manner and Form as the said Commissioners shall direct and appoint, the said Railway and Under-

Company empowered to raise such further Sum from Commissioners for Issue of Exchequer Bills.

3 G. 4. c. 86.

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taking, and all Works relating thereto, and all Property, of what Nature or Kind soever, belonging or which may thereafter belong to the said Company, and so as to have a prospective Operation, and all Rates, Tolls, Profits, and Receipts, of what Nature and Kind soever, accruing, or which may at any Time thereafter accrue, arise, or be taken, collected, or received by or for the Use of the said Company, under the Powers and Provisions of the said recited Act and this Act, or any subsequent Act or Acts of Parliament relating to the said Railway, or otherwise howsoever.

Security given to Commissioners to have Priority.

VIII. And be it further enacted, That any Security which shall be given by the said Company to the said Commissioners shall not be impeachable for or on account of any Informality in the convening of or holding of any General or Special General Meeting of the said Company, or any Meeting of the Directors thereof, or for or on account of the Informality of any Acts done at any such Meeting, and shall have Priority over and shall precede all other Mortgages, Assignments, or Securities granted or to be granted by the said Company, and all Dividends and Divisions of Profits or Interest upon any Sums advanced or contributed, or which may hereafter be advanced or contributed, for carrying on or completing of the said Undertaking or Railway; any thing in the said recited Act or this Act, or any subsequent Act or Acts of Parliament relating to the said Undertaking or Railway, to the contrary in anywise notwithstanding.

Company may borrow the said Sums of any other Person.

IX. And be it further enacted, That it shall be lawful for the said Company, if they shall think proper so to do, instead of applying to the said Commissioners for the Loan of Exchequer Bills in manner aforesaid, to borrow of any Person or Persons, or Body or Bodies Politic or Corporate, other than the said Commissioners for issuing Exchequer Bills, on the Credit of the said Undertaking, the whole or any Part of the said Sums of Seven thousand six hundred Pounds and Two thousand eight hundred Pounds respectively, as to them shall seem meet and convenient, and to assign the Property of the said Undertaking, and the Rates, Tolls, and Duties arising or to arise by virtue of the said recited Act or this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates, Tolls, or Duties,) as a Security for the Repayment of the Sums of Money so to be borrowed, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, as shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company, in the Words or to the Effect in the said Act relating to the said Railway or Tramroad contained, with such Variations as the Circumstances of the Case may require.

Expences of Act.

X. And be it further enacted, That all the Costs, Charges, and Expences of obtaining and passing this Act shall be paid and defrayed by the said Company out of the Money already raised or received, or out of the first Monies to be received or raised by virtue of the said recited Act and of this Act, or either of them, in preference to all other Payments whatsoever.

XI. And be it further enacted, That this Act shall be deemed Public Act, and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others, without being specially pleaded.

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