ANNO VICESIMO OCTAVO & VICESIMO NONO

VICTORIÆ REGINÆ.

Cap. ccxlii.

An Act to abolish certain Restrictions as to the Use of the Connexion Railways of Messieurs *Samuel Allsopp* and Sons at *Burton-upon-Trent*, and to authorize them to construct additional Railways. [5th *July* 1865.]

23 & 24 Vict. c. lxv.

WHEREAS by "The *Midland* Railway (*Burton* Branches) Act, 1860," (herein-after called "the *Midland* Act,") Messieurs *Samuel Allsopp* and Sons were authorized to construct certain Railways therein described as Connexion Railway No. 1. and Connexion Railway No. 2., and for such Purpose to enter upon, take, and use Lands by Compulsion, and it was in and by the said Act (Section Thirty-nine) provided that the said Railways, when constructed, should be private Railways: And whereas by the said Act (Section Forty) it is enacted as follows, that is to say: "The Connexion "Railway No. 1. shall be used solely and exclusively for the Convey- "ance of the Traffic of Messieurs *Samuel Allsopp* and Sons between "their new Brewery Premises situate Westwards of *Horninglow Street* "and their Cooperage Premises situate Eastwards of *Horninglow* "*Street*, and shall not be used for the Conveyance of any Traffic be- "tween the said new Brewery Premises and their *Trinity Church*

" *Croft* Premises situate Westwards of *Horninglow Street*, or between " the said new Brewery Premises and their old Brewery Premises " situate South-eastwards of *High Street*; and Connexion Railway " No. 2. shall be used solely and exclusively for the Conveyance of " the Traffic of Messieurs *Samuel Allsopp* and Sons between the old " Brewery Premises and the said *Trinity Church Croft* Premises, or " between the said old Brewery Premises and the said Cooperage " Premises, and shall not be used for the Conveyance of any Traffic " between the said old Brewery Premises and the said new Brewery " Premises:" And whereas the said Connexion Railways were by the Thirty-fourth Section of the *Midland* Act authorized to be carried across and on the Level of certain Roads in the Parish of *Burton-upon-Trent*, but it was by that Section also provided that so long as those Roads should be crossed on the Level by the said Connexion Railways it should not be lawful for Messieurs *Samuel Allsopp* and Sons or any other Person or Company to use the Portion of the Railways across those Roads with Engines or Carriages drawn or propelled by Steam or Atmospheric Agency, or drawn by Ropes in connexion with stationary Engines, or otherwise than by ordinary Animal Traction: And whereas by the Thirty-seventh Section of

25 & 26 Vict. c. ccviii.

"The *London and North-western* Railway (Additional Powers) Act, 1862," (herein-after called "the *London and North-western* Act,") so much of the said Thirty-fourth Section of the *Midland* Act as prohibited the Use of the said Connexion Railways with Engines or Carriages drawn or propelled by Steam or Atmospheric Agency, or drawn by Ropes in connexion with stationary Engines, or otherwise than by ordinary Animal Traction across the said Roads was repealed; and it was thereby also provided that Engines or Carriages so drawn or propelled might thereafter be used across the said Roads by Messieurs *Samuel Allsopp* and Sons and their Successors in Trade, but solely and exclusively for the Purposes limited and defined in and by the said Fortieth Section of the *Midland* Act with reference to the Use of the said Connexion Railways: And whereas it is expedient that the Restrictions enacted by the said Fortieth Section of the *Midland* Act, and so continued by the *London and North-western* Act, should be abolished: And whereas it is also expedient that Messieurs *Samuel Allsopp* and Sons should be empowered to construct additional Railways in connexion with the said Connexion Railways: And whereas Plans and Sections of the proposed Railways showing the Lines and Levels thereof, and a Book of Reference to those Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the said proposed Railways will be made or pass, have been deposited with the Clerk of the Peace for the County of *Stafford*: And whereas the Objects of this Act cannot be effected without the Authority of Parliament:

ment: 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, as follows; (that is to say,)

Short Title.

1. This Act may be cited as "The *Burton-upon-Trent Connexion* Railways Act, 1865."

Interpretation of Term Messieurs S. Allsopp and Sons.

2. The Term "Messieurs *Samuel Allsopp* and Sons," when used in this Act and in "the *Midland* Act" and "the *London and North-western* Act," shall be deemed and taken to mean and include the several Persons for the Time being Partners in the Firm of *Samuel Allsopp* and Sons; and in any Proceedings at Law, in Equity, or otherwise, under or for the Purposes of this and the said Acts or either of them, it shall be sufficient to describe the Partners in the said Firm for the Time being under the Name of "*Samuel Allsopp* and Sons."

8 & 9 Vict. cc. 18. & 20. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the Provisions of the same respectively are applicable to the Purposes of this Act, shall be incorporated with and form Part of this Act.

Sect. 40 of 23 & 24 Vict. c. lxv. and Part of Sect. 37 of 25 & 26 Vict. c. ccviii. repealed.

4. Section Forty of the *Midland* Act, and so much of the Thirty-seventh Section of the *London and North-western* Act as provides that the Engines and Carriages therein mentioned or referred to should be used across the Roads in the Parish of *Burton-upon-Trent* therein mentioned or referred to, solely and exclusively for the Purposes limited and defined by the said Fortieth Section of the *Midland* Act with reference to the Use of the said Connexion Railways, shall be and the same are hereby repealed.

Compensation to Midland Railway Company.

5. Messieurs *Samuel Allsopp* and Sons shall pay to the *Midland* Railway Company as Compensation for the Loss of Traffic they will sustain by reason of Messieurs *Samuel Allsopp* and Sons using their Connexion Railways for the Conveyance of Traffic between their new Brewery Premises and their *Trinity Church Croft* Premises, and between their old Brewery Premises and their new Brewery Premises situated respectively at *Burton-upon-Trent* aforesaid, such a Sum of Money as, unless otherwise agreed upon, shall be determined and awarded by an Arbitrator to be appointed for that Purpose in the Manner prescribed by the "Railway Companies Arbitration Act, 1859."

6. Messieurs

Messieurs Allsopp may make certain Railways herein stated.

6. Messieurs *Samuel Allsopp* and Sons may make and maintain the Railways following, with all proper Stations, Sidings, Approaches, Works, and Conveniences connected therewith, in the Lines and upon the Lands delineated upon the Plans of those Railways deposited as aforesaid, and described in the said deposited Book of Reference thereto, and according to the Levels described in the said deposited Sections of those Railways; (that is to say,)

A Railway (No. 1.) commencing by a Junction with the said Connexion Railway (No. 1.) to the South-west of the Point where that Connexion Railway crosses *Horninglow Street*, and terminating near the Running-in Shed in the new Cooperage Yard of Messieurs *Samuel Allsopp* and Sons;

A Railway (No. 2.) commencing by a Junction with the said Connexion Railway (No. 2.) at a Point thereon to the South-west of the Point where that Connexion Railway crosses *Horninglow Street*, and terminating in the old Brewery Premises of Messieurs *Samuel Allsopp* and Sons;

And may for the Purposes of this Act enter upon, take, and use all or any of the Lands delineated on the said Plans, and described in the said Book of Reference thereto.

Level Crossings of Roads.

7. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to crossing Roads on the Level, and of "The Railways Clauses Act, 1863," relating to level Crossings, Messieurs *Samuel Allsopp* and Sons may carry the Railway (No. 2.) with a double Line of Rails across and on the Level of *High Street* in the Parish of *Burton-upon-Trent*.

Works for level Crossings to be approved by Commissioners.

8. Before proceeding with the Works for carrying the said Railway (No. 2.) across the said Street on the Level, Plans and Sections of such Works shall be submitted to the Commissioners for executing "The Town of *Burton-upon-Trent* Act, 1853," for their Approval; and if within Fourteen Days the Commissioners shall signify their Disapproval of the same, and if their Objection shall not be removed, the Matters in difference shall be determined by some Person to be approved by the Board of Trade for that Purpose, on the Application either of the said Commissioners or of Messieurs *Samuel Allsopp* and Sons.

Gates to be erected at level Crossings.

9. The Forty-seventh Section of "The Railways Clauses Consolidation Act, 1845," shall not apply to the Railway (No. 2.): Provided always, that at the Points at which the said Street is so crossed on the Level by that Railway Messieurs *Samuel Allsopp* and Sons shall erect and at all Times maintain good and sufficient Gates across the Railway on each Side of the Street, and shall employ proper

proper Persons to open and shut such Gates, and such Gates shall be kept constantly closed, except during the Time when Engines and Trucks passing along that Railway shall have to cross such Street, and the Person entrusted with the Care of such Gates shall cause the same to be closed as soon as such Engines and Trucks shall have passed through the Gates under a Penalty not exceeding Forty Shillings for any Default therein.

Powers of Messieurs Allsopp for compulsory Purchases limited.

10. The Powers of Messieurs *Samuel Allsopp* and Sons for the compulsory Purchase or taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of One Year from the passing of this Act.

Period for Completion of Railways.

11. The Railways (No. 1. and No. 2.) shall be completed within Two Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same, or otherwise in relation thereto, shall cease, except as to so much thereof respectively as shall then be completed.

Connexion Railways to be private Railways.

12. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the Railways (No. 1. and No. 2.), when constructed, shall be private Railways: Provided always, that the Railways shall be used subject to and in accordance with such Regulations for the Prevention of Danger by reason of the Use of those Railways as shall from Time to Time be made by the Commissioners for executing "The Town of *Burton-upon-Trent* Act, 1853," and of which the Board of Trade, after hearing both Parties, shall have certified their Approval, and any Act done in contravention of any such Regulation so made and certified shall be deemed to be an Offence within the Provisions of the Twenty-eighth Section of "The Town Police Clauses Act, 1847."

Plans of Bridges under Midland Railway.

13. The Railway (No. 1.) shall be carried under the *Midland* Railway by means of a Bridge, and Messieurs *Samuel Allsopp* and Sons shall not commence the Construction of the Bridge for carrying the Railway under the *Midland* Railway until they shall have delivered to the *Midland* Railway Company Plans, Drawings, and Specifications of those Bridges and the Works connected therewith respectively showing the proposed Position, Dimensions, and Materials thereof, nor until those Plans, Drawings, and Specifications shall have been approved in Writing under his Hand by the principal Engineer for the Time being of that Company, or if he fail for Two Months after the Delivery thereof so to approve the same, then until the same shall have been so examined and approved at the Expense of the Company by an Engineer to be appointed by the Board of Trade on the Application either of the Company or Messieurs *Samuel*

Allsopp and Sons, and such Bridge and Works respectively shall be executed only according to such approved Plans, Drawings, and Specifications, and under the Superintendence and to the reasonable Satisfaction of the principal Engineer for the Time being of the *Midland* Railway Company, and shall be so executed and for ever maintained at the sole Cost of Messieurs *Samuel Allsopp* and Sons.

For Protection of Midland Railway Company.

14. In constructing Railway (No. 2.) by this Act authorized Messieurs *Samuel Allsopp* and Sons shall not, without the Consent of the *Midland* Railway Company under their Common Seal, enter upon, take, use, or interfere with any of the Lands, Works, or Property of the *Midland* Railway Company situate within Twelve Feet of the Centre Line of the existing *Midland* Railway, nor shall they without such Consent enter upon or use any of the Lands of the *Midland* Railway Company lying at a greater Distance than Twelve Feet from the said Centre Line, but being within Fourteen Feet from that Line, except for the Purpose of placing on such intervening Two Feet, and from Time to Time repairing, ballasting, and maintaining thereon, such Sleepers or other underground Works as may be necessary for the Support of their Railway, the *Midland* Company retaining the Liberty of making such Use of and over the Surface of such intervening Two Feet as they may think fit, so that they do not interfere with the Rights and Easements hereby provided for therein for Messieurs *Samuel Allsopp* and Sons; and it shall be lawful for the *Midland* Railway Company, upon any of their Lands shown on the deposited Plans, to erect such Buildings, Stages, and Apparatus as they may find necessary for the Safety and Protection of the *Midland* Railway and the level Crossing at *High Street* respectively, by signalling Trains and otherwise, so that there shall remain a clear and uninterrupted Passage thereunder for the Easement to be enjoyed by Messieurs *Samuel Allsopp* and Sons for the Purposes of Railway (No. 2.) of not less than Fifteen Feet in Height and Fifteen Feet in Width.

Penalty for Interruption of Traffic.

15. If by reason of any Works or Proceedings of Messieurs *Samuel Allsopp* and Sons there shall be any Obstruction of or Interference with the *Midland* Railway so as to prevent or impede the convenient Passage of Engines and Carriages along the same, Messieurs *Samuel Allsopp* and Sons shall pay to the *Midland* Railway Company the Sum of Fifty Pounds *per* Day by way of ascertained Damages for every Day during which any such Obstruction, Interference, or Failure shall continue.

Messieurs Allsopp to acquire only Easement in

16. Messieurs *Samuel Allsopp* and Sons shall not purchase or acquire any Ownership in any Lands belonging to the *Midland* Railway Company, but may purchase and take, and the Company shall

shall sell and grant accordingly, an Easement or Right of using the same for the Purposes for which but for this Enactment Messieurs *Samuel Allsopp* and Sons might purchase and take the same. Lands of Midland Railway Company.

17. Nothing in this Act contained shall exempt the Railways by this Act authorized from the Provisions of any General Act relating to Railways now in force or which may hereafter pass during this or any future Session of Parliament. Railways not exempt from Provisions of present and future General Acts.

18. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid by Messieurs *Samuel Allsopp* and Sons. Expenses of Act.

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