ANNO VICESIMO QUINTO & VICESIMO SEXTO

VICTORIÆ REGINÆ.

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Cap. xciv.

An Act to authorize the Construction of Railways within the Town of *Burton-upon-Trent,* and for other Purposes. [30th *June* 1862.]

WHEREAS by "The *Midland* Railway and *Burton-upon-Trent Bridge* Act, 1859," the *Midland* Railway Company were empowered to construct certain Railways therein mentioned within the Town of *Burton-upon-Trent,* and by "The *Midland* Railway (*Burton* Branches) Act, 1860," certain Alterations in those Railways and other Railways were authorized, and Messieurs *Samuel Allsopp* and Sons were empowered to construct certain Railways in that Act mentioned, and therein described as "Connexion Railway, No. 1," and "Connexion Railway, No. 2," for affording more convenient Access between their Breweries and Works and the Railways of the *Midland* Railway Company, and also for facilitating the Transmission of Traffic between their Breweries and Premises in one Part of the said Town and their Breweries and Premises in other Parts thereof: And whereas the said Connexion Railways have been completed, and are in use by Messieurs *Samuel Allsopp* and Sons, and by means of the Facilities thereby afforded in the Transmission of Goods to and from their Breweries and Premises a considerable Diminution in the Passage of Traffic along the Streets 22 & 23 Vict. c. cxxxvi.

of the said Town has been effected, and such Traffic will be further decreased when the Railways of the *Midland* Railway Company, authorized by the recited Acts, with which the said Connexion Railways will communicate, have been completed, and opened for Traffic: And whereas a still greater Diminution of the Traffic along the Streets of the said Town would result from the Construction of other Railways within the said Town, in connexion with the said Railways of the *Midland* Railway Company, and with other Breweries and Premises; and it is expedient that Powers should be conferred upon Messieurs *Bass* and Company and Messieurs *Worthington* and *Robinson* respectively to make and maintain the respective Railways in this Act mentioned: And whereas Plans and Sections of the Railways by this Act authorized, with Books of Reference to those Plans, have been deposited with the Clerk of the Peace for the County of *Stafford*: And whereas 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, as follows; (that is to say,)

Short Title.

1. This Act may be cited for all Purposes as "The *Burton-upon-Trent* Railways Act, 1862."

8 & 9 Vict. cc. 18. and 20. and 23 & 24 Vict. c. 106. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, "The Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," so far as the Provisions of those respective Acts are applicable to the Objects and Purposes of this Act, are incorporated with this Act.

Power to Messrs Bass and Co. to make Railways.

3. Subject to the Provisions of this Act and the Acts incorporated herewith, Messieurs *Bass* and Company, their Heirs or Assigns, 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 deposited Books of Reference thereto, and according to the Levels described in the deposited Sections of those Railways; (that is to say,)

A Railway in the Township and Parish of *Burton-upon-Trent* and County of *Stafford* to commence by a Junction with the authorized Line of the *Midland* Railway, and to terminate in certain Premises of Messieurs *Bass* and Company known as their new Malting and Steam Cooperage Works:

A Railway in the same Township and Parish, to commence by a Junction with the authorized Line of the *Midland* Railway, and to terminate

terminate in certain other Premises of Messieurs *Bass* and Company known as their new Brewery, there to form a Junction with the intended Railway first before described:

And Messieurs *Bass* and Company, their Heirs and Assigns, may for the Purposes of this Act enter upon, take, and use, by Agreement, but not otherwise, all or any of the Lands delineated on the said Plans relating to those Railways, and described in the said Books of Reference relating thereto.

Power to Messrs. Worthington and Robinson to construct a Railway.

4. Subject to the Provisions of this Act and the Acts incorporated therewith, Messieurs *Worthington* and *Robinson*, their Heirs and Assigns, may make and maintain the Railway following, with all proper Stations, Sidings, Approaches, Works, and Conveniences connected therewith, in the Lines and upon the Lands delineated on the Plans of that Railway deposited as aforesaid, and described in the deposited Books of Reference thereto, and according to the Levels described on the deposited Section of that Railway; (that is to say,)

A Railway in the Township and Parish of *Burton-upon-Trent*, to commence by a Junction with the authorized Line of the *Midland* Railway, and to terminate in certain Premises on the North-west Side of and adjoining *High Street*, belonging to Mr. *William Worthington*, and in the Occupation of Messieurs *Worthington* and *Robinson*, and used as a Brewery:

And Messieurs *Worthington* and *Robinson*, their Heirs and Assigns, may, for the Purposes of this Act, enter upon, take, and use, by Agreement, but not otherwise, all or any of the Lands delineated on the said Plans relating to that Railway, and described in the Book of Reference relating thereto.

As to Junction of Railway thirdly authorized with Midland Railway.

5. The Junction between the Railway by this Act thirdly authorized and the *Midland* Railway shall only be made at such Point, and in such Manner, Form, and Position, as shall be satisfactory in all respects to the Engineer for the Time being of the *Midland* Railway Company; and it shall not be lawful for the said Messieurs *Worthington* and *Robinson*, their Heirs or Assigns, to enter upon, take, use, or interfere with, either temporarily or permanently, any of the Lands belonging to the *Midland* Railway Company, or which that Company are empowered to purchase, without the Consent of that Company under their Common Seal first had and obtained.

Junctions with Midland Company's Railway.

6. The Junctions of the Railways by this Act authorized with the Railways of the *Midland* Railway Company, and all Openings in the Rails of the last-mentioned Railways, and all other Works required for effecting such Junctions respectively, and the Repair and Maintenance thereof respectively, shall be effected in the best and most approved Manner, and under the Superintendence and to the Satisfaction in all respects

respects of the Engineer for the Time being of the *Midland* Railway Company, but as regards the Railways first and secondly by this Act authorized, at the sole Expense of Messieurs *Bass* and Company, their Heirs and Assigns, and as regards the Railway thirdly by this Act authorized, at the sole Expense of Messieurs *Worthington* and *Robinson*, their Heirs and Assigns.

As to Signals, Watchmen, &c.

7. The *Midland* Railway Company may from Time to Time erect such Signals, Gates, Fences, Works, and Conveniences at or incident to the respective Junctions with their Railways of the Railways by this Act authorized, and may appoint and remove such Watchmen, Switchmen, and other Persons as that Company may deem necessary for the Prevention of Danger to or Interference with the Traffic of the *Midland* Railway at or near such respective Junctions; and the working and Management of such Signals, Conveniences, Works, and Gates shall be under the exclusive Control and Regulation of the *Midland* Railway Company; and such Gates shall be so constructed as to shut across the Railways by this Act authorized, and shall be constantly kept so shut, except when the Traffic for the Conveyance of which the said Railways are by this Act authorized to be used shall require to pass through the same; and all the Expenses of erecting such Signals, Works, Conveniences, Gates, and Fences shall be forthwith repaid to the *Midland* Railway Company, and all the Expenses of maintaining the same, and of the Wages of the Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall at the End of every Half Year be repaid to the *Midland* Railway Company as follows; (that is to say,) so far as those Expenses and Wages have reference to the Railways by this Act first and secondly authorized, by Messieurs *Bass* and Company, their Heirs and Assigns, and so far as they relate to the Railway by this Act thirdly authorized, by Messieurs *Worthington* and *Robinson*, their Heirs and Assigns; and in default of Repayment the Amount of such respective Expenses and Wages may be recovered from the Parties liable to the Payment thereof in any Court of competent Jurisdiction.

Company to acquire only Easements in Land of the Midland Railway Company.

8. With respect to any Land of the *Midland* Railway Company which but for this Enactment Messieurs *Bass* and Company, their Heirs and Assigns, would by this Act from Time to Time be authorized to enter upon, take, and use, they shall not purchase and take the same, but they may purchase and take, and the *Midland* Railway Company may and shall sell and grant accordingly, an Easement or Right of using the same for the Purposes for which but for this Enactment Messieurs *Bass* and Company, their Heirs and Assigns, might purchase and take the same; and it shall not be lawful for Messieurs *Bass* and Company, their Heirs or Assigns, to enter upon or use, either permanently or temporarily, any of the Lands belonging to the *Midland* Railway Company, or which that Company are empowered to purchase, or to alter, vary, or interfere

interfere with the *Midland* Railway, or any of the Works thereof, further or otherwise than is necessary for effecting the Junctions between the Railways by this Act firstly and secondly authorized and the *Midland* Railway, nor to vary the Points of Junction as shown on the said Plans without the Consent in every Instance for that Purpose first had and obtained of the *Midland* Railway Company, under their Common Seal.

Saving Rights of the Midland Railway Company.

9. Provided always, That, except as is by this Act expressly provided, this Act or anything herein contained shall not take away, diminish, alter, or prejudice any of the Rights, Powers, Privileges, or Authorities of the *Midland* Railway Company.

As to level Crossing of Roads.

10. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of Roads on the Level, Messieurs *Bass* and Company, their Heirs and Assigns, may carry the Railway by this Act first authorized with a Double Line of Railway across and on the Level of the public Road numbered on the deposited Plans relating thereto 15 in the Parish of *Burton-upon-Trent*; and, subject as aforesaid, Messieurs *Worthington* and *Robinson*, their Heirs and Assigns, may also carry the Railway by this Act thirdly authorized with a Double Line of Railway across and on the Level of the Public Road numbered on the deposited Plans relating thereto 52 in the same Parish.

Trains not to be shunted across level Crossings.

11. It shall not be lawful for any Company or Person in shunting Trains to pass any Train over any of such level Crossings, or to allow any Train, Engine, Carriage, or Truck to stand across such level Crossing.

Works for level Crossings to be approved by Commissioners.

12. Before proceeding with any Works for carrying the Railways by this Act authorized or any of them across the said public Roads respectively on the Level, Plans and Sections of such Works shall be submitted to the Commissioners for executing "The *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 of the Commissioners, or of Messieurs *Bass* and Company, their Heirs and Assigns, or Messieurs *Worthington* and *Robinson*, their Heirs and Assigns, as the Case may be.

Gates to be erected at level Crossings.

13. The Forty-seventh Section of "The Railways Clauses Consolidation Act, 1845," shall not apply to the Railways by this Act authorized: Provided always, that at the Points at which the said public Roads are so crossed on the Level by those Railways Messieurs *Bass* and Company, their Heirs and Assigns, as regards the said Railways first and secondly described, and Messieurs *Worthington* and *Robinson*, their

their Heirs and Assigns, as regards the Railway thirdly described, shall erect and at all Times maintain good and sufficient Gates across those respective Railways on each Side of the respective public Roads, and shall employ proper Persons to open and shut such Gates; and such Gates shall be kept constantly closed, except during the Time when Traffic passing along the respective Railways shall have to cross such public Roads; and the Persons entrusted with the Care of such respective Gates shall cause the same to be closed as soon as such Traffic shall have passed through the Gates, under a Penalty not exceeding Forty Shillings for each and every Default therein.

Powers for Purchase of Lands limited.

14. The Powers by this Act granted for the 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.

15. The Railways by this Act authorized shall be completed within Three Years after the passing of this Act, and on the Expiration of that Period the Powers by this Act granted for making the same respectively, or otherwise in relation thereto, shall cease, except as to so much thereof respectively as shall then be completed.

Railways to be private Railways.

16. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the Railways by this Act authorized shall be private Railways: Provided always, that those Railways respectively shall be used subject to and in accordance with such Regulations for the Prevention of Danger as shall from Time to Time be made by the Commissioners for executing "The *Burton-upon Trent* Act, 1853," and of which the Board of Trade, after hearing both Parties, in case of Objection being made, shall have certified their Approval; and any Act done in contravention of any Regulation so made shall be deemed to be an Offence within the Provisions of the Twenty-eighth Section of "The Town Police Clauses Act, 1847."

Expenses of Act.

17. The Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be defrayed as follows: one Moiety thereof by Messieurs *Bass* and Company, their Heirs, Executors, Administrators, or Assigns, and the other Moiety thereof by Messieurs *Worthington* and *Robinson*, their Heirs, Executors, Administrators, or Assigns.

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