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Cap. ccxliii.

An Act to authorize the Construction of a Railway in the Town of *Burton-upon-Trent*; and for other Purposes. [5th *July* 1865.]

WHEREAS by "The *Midland* Railway and *Burton-upon-Trent* Bridge Act, 1859," and "The *Midland* Railway (*Burton* Branches) Act, 1860," the *Midland* Railway Company were empowered to construct within the Town of *Burton-upon-Trent* the Railways in those respective Acts mentioned, one of which Railways was authorized to be constructed across and on the Level of a Street in the said Town called *Guild Street*, and another of which Railways was authorized to be constructed across and on the Level of a Street in the said Town called *High Street*: And whereas the said Railways have for some Time past been completed and opened for Traffic, and by reason thereof a great Diminution in the Passage of Traffic along the Streets of the said Town has been effected, and Obstructions to the Passage of Traffic have decreased, and further Convenience to the Inhabitants of and others frequenting the said Town would result from the Construction of another Railway across *Guild Street*, by facilitating the Transmission of Traffic between the Premises of Messieurs *Bass* and Company on the one Side of the said

22 & 23 Vict. c. cxxxvi.
23 & 24 Vict. c. lxv.

said Street and their Premises on the other Side thereof: And whereas Plans and Sections of the said Railway, 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 of this Act 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, 1865."

8 & 9 Vict. cc. 18. & 20., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 92. incorporated.

2. The Provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the Purchase of Lands by Agreement, "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Clauses Consolidation Act, 1845," and Part I. (with respect to the Construction of a Railway) of "The Railways Clauses Act, 1863," so far as the Provisions of those respective Acts are applicable to the Objects and Purposes of this Act, are incorporated with this Act.

Defining Expression "Messrs. Bass and Company."

3. The Expression "Messieurs *Bass* and Company" in this Act means for the Purposes of this Act *Michael Thomas Bass*, *Richard Ratcliff*, *John Gretton*, *Joseph Spender Clay*, *Michael Arthur Bass*, and *John Gretton* the younger, or other the Persons or Person carrying on Business as Brewers at *Burton-upon-Trent* under the Style or Firm of "*Bass* and Company," and in any Proceedings at Law or in Equity, or otherwise, for the Purposes of this and the incorporated Acts, it shall be sufficient to describe the Partners for the Time being in the said Firm under the Style of "Messieurs *Bass* and Company."

Power to Messrs. Bass and Co. to make Railway.

4. Subject to the Provisions of this Act and the Acts incorporated herewith, Messieurs *Bass* and Company may make and maintain within the Township and Parish of *Burton-upon-Trent* a Railway, with all proper Stations, Sidings, Approaches, Works, and Conveniences connected therewith, in the Line and upon the Lands delineated upon the Plans deposited as aforesaid, and described in the deposited Book of Reference thereto, and according to the Levels described on the deposited Sections, to commence in certain Property belonging or claimed to belong to *Michael Thomas Bass* on the West Side of *Guild Street*, and to terminate in certain Property belonging or claimed to belong to Messieurs *Bass* and Company on the East Side of that Street, and may for the Purposes of this Act enter upon, take, and use, by Agreement but not otherwise, all or any of the Lands

Lands delineated on the said Plans and described in the said Book of Reference.

Not to take Lands, &c. of Midland Company without Consent.

5. Messieurs *Bass* and Company shall not, under the Powers of this Act, enter upon, take, or use any Part of the *Midland* Railway or the Lands of the *Midland* Railway Company, without the Consent of that Company under their Common Seal.

Level Crossing.

6. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the crossing of Roads on the Level, and of "The Railways Clauses Act, 1863," with respect to level Crossings, Messieurs *Bass* and Company may carry the Railway by this Act authorized, with a Single Line of Railway, across and on the Level of the public Road numbered on the deposited Plans relating thereto 55, in the Parish of *Burton-upon-Trent*.

Works for level Crossing to be approved by Commissioners.

7. Before proceeding with any Works for carrying the Railway by this Act authorized across the said public Road 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.

Gates to be erected at level Crossing.

8. The Forty-seventh Section of "The Railways Clauses Consolidation Act, 1845," shall not apply to the Railway by this Act authorized: Provided always, that at the Point at which the said public Road is so crossed on the Level by the Railway Messieurs *Bass* and Company shall erect and at all Times maintain good and sufficient Gates across the said Railway on each Side of the said public Road, 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 Railway shall have to cross such public Road; 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.

Period for Completion of Railway.

9. The Railway 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, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

10. Not-

Railway to be a private Railway.

10. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the Railway by this Act authorized shall be a private Railway: Provided always, that the Railway 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 Town of *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.

11. The Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be defrayed by Messieurs *Bass* and Company.

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