


ANNO VICESIMO TERTIO

# VICTORIÆ REGINÆ.

## *Cap.* lxv.

**An Act to confer further Powers with respect to the Construction of Railways at or near *Burton-upon-Trent*, and for other Purposes.**

[25th *May* 1860.]

WHEREAS by "The *Midland* Railway and *Burton-upon-Trent* Bridge Act, 1859," (in this Act called "the Act of 1859,") the *Midland* Railway Company (in this Act called "the Company") were empowered, *inter alia*, to construct a Branch Railway, to commence by a Junction with the Main Line of the *Midland* Railway in the Township of *Horninglow* and Parish of *Burton-upon-Trent*, and to terminate on the South-eastern Side of *Guild Street* in *Burton-upon-Trent* in the same Parish: And whereas by Section Ten of that Act it was enacted, that none of the Powers granted to the Company by that Act for the Purchase of Land or Construction of the said Branch should, as regards so much thereof as would be situate between the North-east Side of the Property numbered on the Plans referred to in the said Act 34 in the Township and Parish of *Burton-upon-Trent*, and the Property numbered on the same Plans 49 in the same Township, be exercised by the Company before the Thirtieth Day of *August* One thousand eight hundred and sixty, without the Consent in Writing of Messieurs *Samuel Allsopp* and Sons; and if the Company, or the said Messieurs *Allsopp* 22 & 23 Vict. c. cxxxvi.

and Sons, acting either jointly or severally, should in the then next Session of Parliament obtain an Act for authorizing a Deviation in the said Branch which should not interfere with the Properties numbered on the said Plans 35, 36, 37, and 47 in the said Township, and which should also comprise an Extension of the said Branch into the Property of Messieurs *Samuel Allsopp* and Sons adjoining or near to *Trinity* Church there, then and in such Case all the Powers by the said Act conferred for making the said Portion of the Branch between the said Properties numbered respectively 34 and 49 in the said Township should cease and determine: And whereas it is expedient that the Company be empowered to make a Deviation in and Extension of the said Branch Railway, in conformity with the Conditions of the recited Provision of the Act of 1859: And whereas it is also expedient that the Company be empowered to construct the other Railways and Works in this Act mentioned: And whereas the said Branch Railway would materially interfere with the Means of Access which Messieurs *Samuel Allsopp* and Sons now enjoy between different Portions of their Business Premises at *Burton-upon-Trent*, and it is therefore expedient, for the convenient Conduct of their Business, that they should be authorized to construct the Connexion Railway No. 1 herein-after described, and it is also expedient, for the same Purpose, that they should be authorized to connect other Portions of their Premises with each other and with the Railway herein-after thirdly described, by constructing the Connexion Railway No. 2, herein-after also described: And whereas Plans and Sections of the proposed Deviation, new Railways and Works, and a Book of Reference to such Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Land which under this Act may be taken for the Purposes of the same, and also Plans and Sections of the said Connexion Railways No. 1 and No. 2, showing the Lines and Levels thereof respectively, and also 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 through which the said Connexion Railways will 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: 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.

I. This Act may be cited for all Purposes as "The *Midland* Railway (*Burton* Branches) Act, 1860."

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

II. "The Lands Clauses Consolidation Act, 1845," and "The Railways Clauses Consolidation Act, 1845," so far as the Provisions of the same

same respectively are applicable to the Purposes of this Act, shall be incorporated with and form Part of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

III. Except as is by this Act otherwise provided, the several Words and Expressions to which by the Acts incorporated wholly or partially with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless excluded by the Subject or Context.

Power to take Lands.

IV. Subject to the Provisions of this Act and of the Acts incorporated herewith, the Company may from Time to Time enter upon, take, and use all or any of the Lands defined on the deposited Plans and described on the deposited Book of Reference; provided that in constructing the proposed Deviation in the Branch Railway authorized by the Act of 1859 the centre Line thereof shall be so diverted as to pass through the Lands of Messieurs *Samuel Allsopp* and Sons numbered on the deposited Plans herein-before referred to 34, 34a, 34b, 35, 36, 37, and 39, in the Township and Parish of *Burton-upon-Trent*, in such Direction within the Limits of Deviation defined on those Plans as shall have been or shall be agreed upon between the Engineer for the Time being of the Company and an Engineer appointed by Messieurs *Samuel Allsopp* and Sons; provided, that it shall not be lawful for the Company to construct the said Railway across the Street in *Burton-upon-Trent* called *Brook Street*.

Company to make a Deviation in their Railway through the Property of Messrs. Allsopp.

Company not compelled to take the whole of certain Property, if Part only required.

V. Notwithstanding anything in "The Lands Clauses Consolidation Act, 1845," contained, the Company shall not be compellable to take the whole of any Brewery or Land used for the Purposes of or in connexion with any Brewery, where they require only a Part thereof.

Power to make Works authorized by Act.

VI. Subject to the Provisions of this Act, the Company from Time to Time may make, in the Lines and in accordance with the Levels respectively shown on the deposited Plans and Sections, and in and upon the Lands which the Company are by this Act authorized to enter upon, take, and use, the Railways and Works by this Act authorized.

Railways and Works authorized.

VII. The Railways and Works by this Act authorized, and therein called "the Railways," comprise the following, with all proper Stations, Works, and Conveniences connected therewith; (that is to say,)

A Deviation in the Branch Railway authorized by the Act of 1859, and therein described as commencing by a Junction with the Main Line of the *Midland* Railway in the Township of *Horninglow* and Parish of *Burton-upon-Trent*, and terminating on the South-eastern Side of *Guild Street* in *Burton-upon-Trent* in that Parish, which Deviation will commence in the Township and Parish of *Burton-upon-Trent* about One hundred and twenty Yards from the Westernly

Side

Side of *Horninglow Street*, and will terminate in the said Township on the North-west Side of and near to *Guild Street*;

A new Railway to commence in the said Township on the South-eastern Side of *Guild Street* by a Junction with the Branch Railway herein-before described as being authorized by the Act of 1859, and to terminate in the Property of Messieurs *Samuel Allsopp* and Sons adjoining or near to *Trinity* Church in the said Township;

A new Railway to commence by a Junction with the proposed new Railway lastly herein-before described in the Property of Messieurs *Samuel Allsopp* and Sons near *Trinity* Church, and to terminate in a Field known as "the *Hay*," belonging to the Marquis of *Anglesey*, all in the said Parish and Township;

A short Junction Line within the Field called "the *Hay*" to connect the intended Railway lastly herein-before described with the Branch Railway authorized by the Act of 1859, and therein described as terminating near to the Churchyard of the Parish Church of *Burton-upon-Trent*;

A new Railway to commence by a Junction with the *Birmingham and Derby* Branch of the *Midland* Railway at a Point about Five Furlongs and Eight Chains South-west of the Junction of the *Leicester and Burton* and *Birmingham and Derby* Branches of the *Midland* Railway in the Township of *Burton Extra*, and to terminate by a Junction with the said *Leicester and Burton* Branch at or near a Point about Three Furlongs and Nine Chains South of the said Junction of the *Leicester and Burton* and *Birmingham and Derby* Branches;

And the widening and Enlargement of so much of the *Birmingham and Derby* Branch of the *Midland* Railway as lies between the said Junction of that Branch with the said *Leicester and Burton* Branch and a Point about Sixty-six Yards to the North-eastward of *Moor Street* in the said Township of *Horninglow*.

As to Construction of Deviation Railway.

VIII. The Deviation Railway in this Act first described shall be so constructed as to admit of its being crossed on the Level by Connexion Railway No. 1; and if any Difference shall arise between the Company and Messieurs *Samuel Allsopp* and Sons as to the Line or Levels according to which or as to the Manner in which both or either of such Railways shall be constructed, so as to admit of the level Crossing being effected in the most convenient Manner, such Difference shall be settled and determined by some Person to be appointed for that Purpose, on the Application of either Party, by the Board of Trade.

As to Contruction of Railway thirdly described.

IX. The Railway by this Act authorized, and herein described as terminating in the *Hay*, shall be so constructed as that a Junction thereof with Connexion Railway No. 2 shall be effected on the North-east Side of

of *High Street* in or near the Property numbered on the deposited Plans of the said Railway terminating in the *Hay* 74 A. in the Parish and Township of *Burton-upon-Trent;* and if any Difference shall arise between the Company and Messieurs *Samuel Allsopp* and Sons as to the Line or Levels according to which or as to the Manner in which both or either of the said Railways shall be constructed, so as to admit of such Junction being effected in the most convenient Manner, such Difference shall be settled and determined by some Person to be appointed for that Purpose, on the Application of either Party, by the Board of Trade.

Limiting Property of Messrs. Allsopp to be taken.

X. Nothing in this Act or in the Acts incorporated herewith contained shall authorize or empower the Company, for the Purposes of this Act, to enter upon, take, or use any greater or other Portion of the Property of Messieurs *Samuel Allsopp* and Sons than may be absolutely required for the Construction of the Railways herein-before described with Two Lines of Railway, and for the Erection of such Gates and other Works and Conveniences as shall be necessary for the Protection of the Railways, without the previous Consent in Writing of Messieurs *Samuel Allsopp* and Sons in each Case being obtained.

Conveniences to be afforded for a Connexion with Messrs. Allsopp and Sons New Brewery.

XI. The Company shall, when required to do so by Notice in Writing from and at the Expense of Messieurs *Samuel Allsopp* and Sons, forthwith construct, and thenceforth, at the like Expense, maintain, all proper and sufficient Turntables, Points, Switches, or other Conveniences for the Purpose of connecting the Deviation Railway in this Act first described with the Railways, Sidings, and other Works which are or may be constructed in or upon the Property of Messieurs *Samuel Allsopp* and Sons, known as the "New Brewery Premises," and for the Purpose of connecting the Railway in this Act secondly described with the Railways, Sidings, and other Works which may be constructed upon the Property of Messieurs *Samuel Allsopp* and Sons known as "*Trinity* Church Croft," and for the Purpose of connecting the Railway in this Act thirdly described with the Railways, Sidings, and other Works which may be constructed upon the Property of Messieurs *Samuel Allsopp* and Sons, known as the "Old Brewery Premises;" and should any Difference arise between the Company and Messieurs *Samuel Allsopp* and Sons, either as to the respective Points at which the said Works shall be placed, or as to the Nature and Extent of the same respectively, or otherwise relating thereto, such Difference shall be settled and determined by some Person to be appointed for that Purpose, on the Application of either Party, by the Board of Trade.

Tolls.

XII. The said Deviation, new Railways and Works, shall for all Purposes whatsoever be Part of the Undertaking of the Company; provided that, as regards all Traffic passing exclusively upon the Railways by this Act and the Act of 1859 authorized, without passing upon any

other Railway, the Company shall be entitled to demand and receive such Tolls and Charges only (not exceeding the maximum Tolls and Charges leviable by them in respect of the like Traffic passing over their Main Line of Railway) as shall be from Time to Time settled by Agreement between the Company and the Persons using the said Railways or any Part thereof, or as in default of Agreement shall be settled by Arbitration in the Manner provided by "The Companies Clauses Consolidation Act, 1845."

Level Crossings.

XIII. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to crossing of Roads on a Level, the Company may carry the Railway, with a double Line of Railway, across and on the Level of the Roads numbered respectively on the deposited Plans 100 and 3 in the Township and Parish of *Burton-upon-Trent*: Provided always, that so long as the said Road numbered 100 shall be crossed on the Level by the Railway, it shall not be lawful for the Company or for any other Company or Person to use the Portion of Railway so crossing that Road on the Level with Engines or Carriages propelled by Steam or Atmospheric Agency, or drawn by Ropes in connexion with Stationary Engines: Provided also, that it shall not be lawful for the Company in shunting Trains to or from any Siding near to any such level Crossings to pass any Train over any such level Crossings, or to allow any Train to stand across any such level Crossings.

Company to make Roadway under their Railway.

XIV. The Company shall construct and at all Times hereafter efficiently maintain a Roadway under their Railway at or near the Place where the same crosses the said Road No. 3 on the Level, such Roadway to be throughout of the Width of Twenty-one Feet, and of an uniform Height of Ten Feet Six Inches, and the Company shall keep the same efficiently lighted during the Night, and shall always maintain at either End of the said Roadway legible Notices of the Height at which Carriages may safely pass thereon.

Company to erect a Station or Lodge at Point of Crossing, and abide by Rules, &c. of Board of Trade.

XV. For the greater Convenience and Security of the Public, the Company shall erect and permanently maintain either a Station or Lodge at the Points where the Railway crosses the said Roads on the Level; and the Company shall be subject to and abide by all such Rules and Regulations with respect to the crossing of the said Roads on the Level, or with respect to the Speed at which Trains shall pass the said Roads, as are from Time to Time made by the Board of Trade; and if the Company fail to erect or at all Times maintain such Station or Lodge, or to appoint a proper Person to watch and superintend the Crossing at any such Point or Station, or to observe or abide by any such Rule or Regulation, they shall for every such Offence be liable to a Penalty of Twenty Pounds, and also to a daily Penalty of Ten Pounds for

for every Day the Offence continues after the Penalty of Twenty Pounds is incurred.

Powers for compulsory Purchases limited.

XVI. The Powers by this Act conferred for the compulsory Purchase of Lands shall not be exercised after the Expiration of Two Years after the passing of this Act.

Period for Completion of Railways.

XVII. The Railways 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.

Suspension of Dividend if Railways not completed in Two Years.

XVIII. After the Expiration of Two Years after the passing of this Act, if the Railways be not then completed, the Payment of any Dividend on the ordinary Capital of the Company shall be suspended until the Railways are completed and opened for Public Use.

Parts of 8 & 9 Vict. c. 16. incorporated.

XIX. The following Provisions of "The Companies Clauses Consolidation Act, 1845," are incorporated with this Act; (that is to say,)

"With respect to the Transfer or Transmission of Shares;"

"With respect to the Payment of Subscriptions, and the Means of enforcing the Payment of Calls;"

"With respect to the Forfeiture of Shares for Nonpayment of Calls;"

"With respect to the Consolidation of Shares into Stock;"

"With respect to the borrowing of Money by the Company on Mortgage or Bond;" and

"With respect to the Conversion of borrowed Money into Capital."

Power to raise Money by Creation of new Shares.

XX. The Company may raise, for the Purposes of this Act, by the Creation and Issue of new Shares, such Amount of Capital as they think fit, not exceeding Thirty thousand Pounds; and the new Shares may be of such Amount as the Company, with the Sanction of Three Fifths at least of the Votes of the Shareholders present, in Person or by Proxy, at any Meeting of the Company specially convened for the Purpose, determine; and the Company may issue the new Shares to such Persons, at such Times, and in such Manner, and with such special Advantages with respect to Priority or Amount of Dividend payable thereon (not exceeding Five Pounds *per Centum per Annum*), as by any Order of any such Meeting shall be determined; and all Persons and Corporations who shall be entitled to any such new Shares, and their several and respective Successors, Executors, Administrators, and Assigns, shall in respect thereof be Shareholders of the Company, and be interested therein and entitled to Dividends and Profits, and (subject to the Provisions of this Act) to vote in respect thereof, in proportion to the Amount from Time to Time paid up on the new Shares held by them respectively;

respectively; and the Directors of the Company may (subject to any Restrictions imposed by this Act or by the Company) call up the Amount of the new Shares by such Instalments and to be payable at such Times as they think fit: Provided always, that, unless otherwise determined by the Meeting sanctioning the new Shares, no Person shall be entitled to vote in respect of any of the new Shares to which a preferential Dividend is assigned.

Power to raise Capital under any other Act of this Session and this Act by new Shares of One Class.

XXI. If, by any other Act passed in the present Session of Parliament, whether before or after the passing of this Act, the Company be authorized to raise any Capital by new Shares, then, subject to the Provisions of the other Act and this Act respectively, the Company, if they think fit, may raise, by the Creation and Issue of new Shares of One and the same Class, all or any Part of the aggregate Capital which they are by the other Act and this Act respectively authorized to raise by the Creation and Issue of new Shares.

Saving Rights of existing Preference Shareholders.

XXII. This Act, or anything therein contained, shall not prejudice or affect any Preference or Priority in the Payment of Interest or Dividend granted or assigned by the Company to any Shares or Stock before the passing of this Act, or conferred by any Act, or otherwise lawfully subsisting at the Time of the passing of this Act, or any Dividend on any *Midland* Mortgage Preference Shares, or any Payment in respect of *Midland* Annuities.

Calls.

XXIII. Twenty-five *per Centum* on the Amount of every new Share shall be the greatest Amount of any One Call which the Directors may make on or in respect of any of the new Shares, and Two Months at the least shall be the Interval between successive Calls, and the aggregate Amount of Calls on any Share in any One Year shall not exceed Four Fifths of the Amount of such Share.

Power to borrow on Mortgage, &c.

XXIV. After the whole of the Sum by this Act authorized to be raised by Shares shall have been subscribed for, and One Half thereof shall have been paid up, and the Company shall have proved to the Justice who is to certify, under the Fortieth Section of "The Companies Clauses Consolidation Act, 1845," before he so certifies, that all the Capital which the Company are by this Act authorized to raise by the Creation of new Shares has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable, the Directors of the Company may borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by an Order of any General or Special General Meeting of the Company, not exceeding in the whole the Sum of Ten thousand Pounds, in addition to the Sums which they are or may be authorized to borrow by any other Act or Acts of Parliament; and all and every Part of the Money

Money to be raised under this Act shall be applied to the Purposes of this Act, and to no other Purpose.

Former Mortgages to have Priority.

XXV. All Mortgages or Bonds granted under the Authority of any former Act relating to the Company, and which shall be in force at the Time of the passing of this Act, shall during the Continuance thereof have Priority over any Mortgages to be granted by virtue of this Act.

Company may apply Corporate Funds to Purposes of Act.

XXVI. The Company from Time to Time may apply for or towards all or any of the Purposes of this Act any Sums of Money which they have already raised or are authorized to raise by any of their Acts, and which are not required for the Purposes to which they are by those Acts respectively made specially applicable.

Repealing Powers for Construction of Part of Line authorized by the Act of 1859.

XXVII. On the passing of this Act, all the Powers granted to the Company by the Act of 1859 for the Construction of the Portion of Railway by that Act authorized, the Powers for the Execution of which were by the Tenth Clause thereof suspended until the Thirtieth Day of *August* One thousand eight hundred and sixty, shall absolutely cease and determine.

Extending to certain of the Railways authorized by this Act the Provisions of 22 & 23 Vict. c. cxxxvi., and the Agreement therein referred to.

XXVIII. Whereas by "The *Midland* Railway and *Burton-upon-Trent* Bridge Act, 1859," a certain Agreement set out in the Schedule thereto is made binding on the said Companies Parties thereto, and by Clause Twenty-one of that Act it is enacted as follows: "The Agree-
" ment between the Company of the one Part and the *London and*
" *North-western* Railway Company of the other Part, set forth in the
" Schedule to this Act, shall be binding on the Companies respectively:
" Provided always, that the *North Staffordshire* Railway Company
" shall, if they so require, be entitled to the same Powers, Rights, and
" Privileges in respect of the User of Railways and Works, and all such
" other Liberties, Powers, Rights, and Privileges as by the said Agree-
" ment are granted to or vested in the *London and North-western*
" Railway Company; but in such event the *North Staffordshire* Rail-
" way Company shall also agree to undertake and be subject to the
" Payment of One Third (not exceeding Three thousand Pounds) of the
" Cost of the Bridge and Works referred to in that Agreement beyond
" the Contribution of Ten thousand Pounds by the Marquess, and to a due
" Proportion of all such other Liabilities and Obligations in every respect
" as by that Agreement attach to or are undertaken by the *London and*
" *North-western* Railway Company as the Consideration for such User
" or otherwise howsoever:" Be it enacted, That the *London and North-western* Railway Company and the *North Staffordshire* Railway Company shall be entitled to the same Liberties, Powers, Rights, and Privileges in respect of the Deviation Line, also the new Railway terminating in the Property of Messieurs *Samuel Allsopp* and Sons, and the new

Railway to the "*Hay*," and the short Junction Line in the "*Hay*" hereby authorized, as if the same Deviation and new Railways and Junction Lines last referred to had been authorized by the Act of 1859, and included in the same Agreement and Clause Twenty-one of that Act.

Interest not to be paid on Calls paid up.

XXIX. The Company shall not, out of any Money by this Act or any other Act relating to the Company authorized to be raised by Calls in respect of Shares, pay to any Shareholder Interest or Dividend on the Amount of the Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of the Calls actually made as shall be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845," in that Behalf contained.

Deposit for future Bills not to be paid out of Company's Capital.

XXX. The Company shall not, out of any Money by this Act or any other Act authorized to be raised by the Company, pay or deposit any Sum of Money which by any Standing Order of either House of Parliament from Time to Time in force may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Company to make any other Railway or execute any other Work or Undertaking.

Messrs. Allsopp may make certain Railways herein stated.

XXXI. Messieurs *Samuel Allsopp* and Sons may make and maintain the Connexion 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 (in this Act called "Connexion Railway No. 1") commencing in the new Cooperage Yard of Messieurs *Samuel Allsopp* and Sons, and terminating at or near the South-west Corner of the old Cooperage Premises of Messieurs *Samuel Allsopp* and Sons on the North Side of *Horninglow Street* in *Burton-upon-Trent*;

A Railway (in this Act called "Connexion Railway No. 2") commencing from and out of the said old Cooperage Premises of Messieurs *Samuel Allsopp* and Sons at or near the South-east Corner thereof, and terminating in or near to a certain Property numbered on the said deposited Plans thereof 17a in the Parish and Township of *Burton-upon-Trent*, and there joining the Extension Railway No. 2;

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: Provided always, that it shall not be lawful for Messieurs *Samuel Allsopp* and Sons to enter upon, purchase, or take for

for the Purposes of the said Connexion Railways or either of them, or the Works connected therewith, or for any other Purposes of this Act, more of the Lands now belonging to or which may be acquired by the Company under this Act or the recited Act of 1859 than may be absolutely necessary for constructing each of the said Connexion Railways with Two Lines of Railway: Provided also, that no Land belonging to the Marquess of *Anglesey* shall be taken or used for the Purposes of the Connexion Railways 1 and 2, or either of them, except the Properties numbered 1 and 2 on the Plans deposited for the said Connexion Railway No. 2, without the Consent of the said Marquess, his Heirs and Assigns, first had and obtained.

Junction with Midland Company's Railway.

XXXII. The Junction of Connexion Railway No. 2 with the Railway by this Act authorized, and herein-before described as terminating at the *Hay*, and all Openings in the Rails of the last-mentioned Railway, and all other Works required for effecting such Junction, and the Repair and Maintenance thereof, shall be effected in the best and most approved Manner, and under the Superintendence and to the reasonable Satisfaction of the principal Engineer for the Time being of the Company, and at the sole Expense of Messieurs *Samuel Allsopp* and Sons.

As to Expense of Signals, Watchmen, &c.

XXXIII. The Company may from Time to Time erect such Signals, Gates, Fences, and Conveniences at or incident to the crossing on the Level of their Deviation Railway by Connexion Railway No. 1, and at or incident to the Junction with their said Railway terminating at the *Hay* of Connexion Railway No. 2, and may appoint and remove such Watchmen, Switchmen, and other Persons as may be necessary for the Prevention of Danger to or Interference with the Traffic of the *Midland* Railway at or near such level Crossing and such Junction respectively; and the Working and Management of such Signals and Conveniences and Gates shall be under the exclusive Management and Regulation of the Company; and such Gates shall be so constructed as to shut across the Connexion 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 and maintaining such Signals, Conveniences, Gates, and Fences, and of the Wages of such Watchmen, Switchmen, and other Persons, and all incidental current Expenses, shall at the End of every Half Year be repaid to the Company by Messieurs *Samuel Allsopp* and Sons, and in default of such Repayment the Amount of such Expenses and Wages may be recovered from them in any Court of competent Jurisdiction.

Level Crossings of Roads.

XXXIV. Subject to the Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to crossing Roads on the Level, Messieurs

Messieurs *Samuel Allsopp* and Sons may carry the Connexion Railway No. 1 with a double Line of Rails across and on the Level of the Road numbered on the deposited Plans of that Railway 29 in the Parish of *Burton-upon-Trent*, and also, subject as aforesaid, may carry the Connexion Railway No. 2 with a double Line of Rails across and on the Level of the Road numbered on the deposited Plans of that Railway 3 in the same Parish: Provided always, that so long as the said Roads shall be so crossed on the Level it shall not be lawful for Messieurs *Samuel Allsopp* and Sons, or for any other Person or Company, to use the Portion of Railway across the 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: Provided also, that it shall not be lawful for Messieurs *Samuel Allsopp* and Sons to allow any Train to stand across such level Crossing, or in shunting Trains to or from any Siding near to any such level Crossing to pass any Train over such level Crossing.

Works for level Crossings to be approved by Commissioners.

XXXV. Before proceeding with the Works for carrying the said Connexion Railways across the said Roads 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 of either of the said Commissioners, or of Messieurs *Samuel Allsopp* and Sons.

Gates to be erected at level Crossings.

XXXVI. The Forty-seventh Section of "The Railways Clauses Consolidation Act, 1845," shall not apply to the Connexion Railways No. 1 and No. 2: Provided always, that at the Points at which the said Roads are so crossed on the Level by those Railways Messieurs *Samuel Allsopp* and Sons shall erect and at all Times maintain good and sufficient Gates across the Railways on each Side of the 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 Horses and Trucks passing along the Connexion Railways shall have to cross such Roads, and the Person entrusted with the Care of such Gates shall cause the same to be closed as soon as such Horses and Trucks shall have passed through the Gates, under a Penalty not exceeding Forty Shillings for any Default therein.

Powers of Messrs. Allsopp for

XXXVII. The Powers of Messieurs *Samuel Allsopp* and Sons for the compulsory Purchase or taking of Lands for the Purposes of this Act shall

shall not be exercised after the Expiration of Two Years from the passing of this Act. compulsory Purchases limited.

XXXVIII. The Connexion 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. Period for Completion of Railways.

XXXIX. Notwithstanding anything in this Act or in the Acts incorporated herewith contained, the Connexion Railways No. 1 and No. 2 when constructed shall be private Railways: Provided always, that the Connexion 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, 1857." Connexion Railways to be private Railways.

XL. The Connexion Railway No. 1 shall be used solely and exclusively for the Conveyance 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 between 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. Respecting Use of Connexion Railways.

XLI. Nothing in this Act contained shall exempt the Railways from the Provisions of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges, or of the Rates for small Parcels, in respect of the said Railways by this Act so authorized. Railways not exempt from Provisions of present and future General Acts.

Expenses of Act.

XLII. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, which shall have been incurred by the Company shall be paid by the Company, and which shall have been incurred by Messieurs *Samuel Allsopp* and Sons shall be paid by them.

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