



CHAPTER lix.

An Act to authorise the construction of a Railway at Burton-upon-Trent by Messieurs Worthington and Company ; and for other purposes. [3rd June 1881.]

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WHEREAS the construction of various short railways from the railways of the Midland Railway Company to breweries in the town of Burton-upon-Trent has from time to time been authorised by Parliament in consequence whereof the heavy traffic through the streets of that town has been greatly diminished :

And whereas the construction of the railway in this Act described will have the effect of further diminishing the heavy traffic through the said streets and it is expedient that the persons in this Act mentioned be authorised to construct such railway subject to the terms and conditions in this Act contained :

And whereas plans and sections showing the lines and levels of the railway by this Act authorised to be made and books of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and occupiers of those lands have been deposited with the clerk of the peace for the county of Stafford and those plans sections and books of reference are in this Act respectively referred to as the deposited plans sections and books of reference :

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) :

1. This Act may be cited for all purposes as the Burton-upon-Trent (Station Street Extension) Railway Act 1881. Short title.

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Incorporation of
general Acts.
8 & 9 Vict.
c. 18.
23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.
8 & 9 Vict.
c. 20.
26 & 27 Vict.
c. 92.

2. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely) the Lands Clauses Consolidation Acts 1845 1860 and 1869 the Railways Clauses Consolidation Act 1845 and Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863. Provided always that the provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking shall not apply to any properties except those specified in the schedule to this Act.

Interpretation of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings as in such Acts respectively unless there be something in the subject or context repugnant to such construction and in this Act and in any Act wholly or in part incorporated herewith the expression "superior court" or "court of competent jurisdiction" or any other like expression shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute. The expression "corporation" shall mean the mayor aldermen and burgesses of the borough of Burton-upon-Trent acting by the council and the expression "Messieurs Worthington and Company" shall mean and include the several persons for the time being partners in the firm of Worthington and Company and their heirs and assigns or other the owners or owner for the time being of the railway by this Act authorised and in any proceedings at law or in equity or otherwise for the purposes of this Act it shall be sufficient to describe the partners in the said firm for the time being by the name of "Worthington and Company."

Power to
Messieurs
Worthington and
Company
to make
railway
according to
deposited
plans.

4. Subject to the provisions of this Act Messieurs Worthington and Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway following with all proper stations sidings approaches works and conveniences connected therewith and (subject as herein-after provided) may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited books of reference as may be required for that purpose. The railway hereinbefore referred to and authorised by this Act is :—

A railway in the township and parish of Burton-upon-Trent and county of Stafford about 1 furlong 6·3 chains in length commencing by a junction with the Railway No. 1 at Burton-upon-Trent authorised by the Midland Railway (Additional Powers) Act 1878 about one hundred and ten yards measured in a north-easterly direction from the point where the centre of New Street is intersected by that railway and terminating in the brewery yard of Messieurs Worthington and Company near the driving shed of the cooperage there.

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41 & 42 Vict. c. xvi.

5. Subject to the provisions of the Railways Clauses Consolidation Act 1845 and of Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 with respect to the crossing of public carriage roads on the level (except so far as those Acts are varied by this Act) Messieurs Worthington and Company may carry the railway by this Act authorised with a single line of railway only while the railway shall consist of a single line and afterwards with a double line of railway across and on the level of the public road numbered on the deposited plans 12 in the parish of Burton-upon-Trent.

Power to cross a certain road on the level.

6. It shall not be lawful for Messieurs Worthington and Company or any company or person in shunting trains to pass any train over the said level crossing or to allow any train engine carriage or truck to stand across the same.

Trains not to be shunted across level crossing.

7. Before proceeding with any works for carrying the railway by this Act authorised across the said public road on the level plans and sections of such works together with a description of the gates proposed and the mode of intended user thereof shall be submitted to the Corporation for their approval and if within one month the Corporation 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 Corporation or of Messieurs Worthington and Company. Provided always that so much of the carriage way and footways of the said public road where it shall be crossed by the said railway as shall be between the gates erected at such railway crossing when opened across the said road shall be paved by Messieurs Worthington and Company with granite cubes of such quality and size and in such manner and at such levels as shall be directed by the Corporation and all the works connected with or incidental to the said level railway crossing shall be executed and at all times repaired and maintained by them to the satisfaction of the said Corporation.

Works for level crossing to be approved by Corporation.

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Gates to be
erected at
level cross-
ing.

8. The forty-seventh section of the Railways Clauses Consolidation Act 1845 shall not apply to the railway by this Act authorised. Provided always that at the point at which the said public road is crossed on the level by that railway Messieurs Worthington and Company shall erect and at all times maintain good and sufficient gates across the railway on each side of the said road and shall employ proper persons to open and shut such gates and shall use all signals requisite for safety at such crossing and such gates shall be kept constantly closed across the railway except during the time when traffic passing along the railway shall have occasion to cross such public road and the persons entrusted with the care of such gates shall cause the same to be closed across the railway as soon as such traffic shall have passed through the gates under a penalty not exceeding forty shillings for every default therein.

Corporation
to be deemed
a gas com-
pany within
meaning of
8 & 9 Vict.
c. 20.

9. The provisions of the Railways Clauses Consolidation Act 1845 relating to alteration of gas pipes and interference with gas supply by Messieurs Worthington and Company contained in sections 18, 19, 20, 21, 22 and 23 of that Act shall for the purposes of this Act extend and apply to the Corporation as if the Corporation were a gas company within the meaning of the same sections.

Protection of
South Staf-
fordshire
Waterworks
Company.

10. For the protection of the South Staffordshire Waterworks Company (in this section called the Waterworks Company) the following provisions shall be observed and have effect, that is to say—

- (1.) If Messieurs Worthington and Company in constructing the railway by this Act authorised shall find it convenient to alter the level of the main pipes and works of the Waterworks Company laid in the said public road numbered on the deposited plans 12 in the parish of Burton-upon-Trent then and in that case they shall not do anything to impede the passage of water into or through the same main pipes and works until they have delivered to the Waterworks Company plans and drawings of so much of the works as will affect the before-mentioned main and pipes with specifications in writing describing the proposed manner of executing the same works and shall have obtained from the principal engineer of the Waterworks Company a certificate under his hand approving of such plans specifications and proposed manner of executing the said works; and the same shall be executed accordingly under the superintendence and to the reasonable satisfaction of such principal engineer and in no

other manner without the consent in writing of the Waterworks Company under its common seal. Provided that such engineer shall within twenty-one days next after the delivery of such plans and specifications signify his approval or disapproval thereof and if disapproved the matter in question shall in such case be referred to and settled by arbitration in manner herein-after mentioned. Provided also that if such engineer shall not within thirty days next after the delivery of such plans and specifications signify his approval or disapproval thereof in writing as herein-before required he shall be deemed to have approved thereof and Messieurs Worthington and Company may thereupon proceed with the works in the same way as if they had obtained the certificate of approval :

- (2.) In case of any alteration to the existing mains and works Messieurs Worthington and Company shall bear and on demand pay to the Waterworks Company all costs and expenses they may sustain and be put to in such alteration and connecting the altered main with their present main and works and connecting and re-adjusting the service and other pipes and works of the Waterworks Company with the said altered main and shall also pay and make compensation to the Waterworks Company for all loss they may sustain through loss of water or interference with their business and indemnify them against all damages penalties and costs which may arise from interruption of supply such sums damages and costs to be recoverable by the Waterworks Company in any court of competent jurisdiction :
- (3.) In case of disagreement between the principal engineer of the Waterworks Company and the engineer of Messieurs Worthington and Company as to the works to be done for the protection of the Waterworks Company or as to the amount of costs and expenses or compensation to be paid to the Waterworks Company under this section the same shall be settled as a competent engineer appointed on the application of either party by the president for the time being of the Institution of Civil Engineers shall direct or determine :
- (4.) If any interruption in the supply of water by the Waterworks Company shall be occasioned by Messieurs Worthington and Company or by the acts neglect or default of any of their contractors agents workmen or servants or any person in the employ of them (other than such interruption if any as shall be requisite for the due execution of the works by this Act

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authorised and for which payment and compensation is to be made as herein-before provided) Messieurs Worthington and Company shall forfeit and pay to the Waterworks Company a sum equal to and after the rate of ten pounds for every hour during which such interruption shall continue and shall save harmless the Waterworks Company from all damages penalties and costs in respect of such interruption such sum damages penalties and costs to be recoverable by the Waterworks Company in any court of competent jurisdiction and the expense of all repairs or renewals of the mains or pipes of the Waterworks Company or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of Messieurs Worthington and Company their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by Messieurs Worthington and Company and may be recovered against them by the Waterworks Company in manner herein-before mentioned :

(5.) The Waterworks Company shall at all times have full and free right of access to that part of the railway and to the lands of Messieurs Worthington and Company in which the mains of the Waterworks Company shall be laid for the purpose of inspecting repairing altering or enlarging such mains or for any similar purpose connected with or arising out of their undertaking :

(6.) Except as herein expressly provided nothing in this Act shall be construed to extend to prejudice diminish alter or take away any of the rights powers privileges or authorities of or belonging to or vested in the Waterworks Company.

Junction
with Mid-
land Com-
pany's rail-
way.

11. The junction of the railway by this Act authorised with the railway of the Midland Railway Company 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 satisfaction in all respects of the engineer for the time being of the Midland Railway Company but at the sole expense of Messieurs Worthington and Company.

As to signals
watchmen
&c.

12. The Midland Railway Company may from time to time erect such signals fences works and conveniences at or incident to the junction with their railways of the railway by this Act authorised 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 junction and the working and management of such signals conveniences and works shall be under the exclusive control and regulation of the Midland Railway Company and all the expenses of erecting such signals works conveniences 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 by Messieurs Worthington and Company and in default of repayment the amount of such expenses and wages may be recovered from the parties liable to the payment thereof in any court of competent jurisdiction.

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13. With respect to any land of the Midland Railway Company which but for this enactment Messieurs Worthington and Company would by this Act from time to time be authorised 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 Worthington and Company might purchase and take the same and it shall not be lawful for Messieurs Worthington and Company 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 with the Midland Railway or any of the works thereof further or otherwise than is necessary for effecting the junction between the railway by this Act authorised and the Midland Railway nor to vary the point 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.

Easements
only in land
of Midland
Railway
Company
to be
acquired.

14. 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.

Saving
rights of
Midland
Railway
Company.

15. 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 two years from the passing of this Act.

Time for
purchase of
lands.

16. The railway by this Act authorised 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

Period for
completion
of railway.

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Railway to be private railway subject to regulations by Corporation.

17. Notwithstanding anything in this Act contained the railway by this Act authorised shall be a private railway and shall be held with and deemed to be part of the brewery at Burton-upon-Trent now vested in the several persons partners in the firm of Worthington and Company their heirs and assigns. Provided always 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 Corporation 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. Provided also that if Messieurs Worthington and Company shall deem any of such regulations to be oppressive or unjust they may appeal to the Board of Trade which Board or an arbitrator to be appointed by them shall after hearing both parties decide upon the regulations in dispute or any alterations thereof and the costs of the Board of Trade and their arbitrator (if any) shall be paid by Messieurs Worthington and Company or by the Corporation as the Board of Trade or their arbitrator may decide. Provided also that no such regulations shall take effect until after the expiration of seven days from the time at which notice in writing of such intended regulations accompanied by a copy thereof shall have been given by the Corporation to Messieurs Worthington and Company or during the pendency of any appeal to the Board of Trade.

10 & 11 Vict. c. 89.

Railway not exempt from provisions of present or future general railway Acts. Expenses of Act.

18. Nothing herein contained shall be deemed or construed to exempt the railway 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.

19. The costs charges and expenses of applying for obtaining and passing this Act or preparatory or incident thereto shall be defrayed by Messieurs Worthington and Company.

[44 VICT.]

*Burton-upon-Trent (Station Street
Extension) Railway Act, 1881.*

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The SCHEDULE referred to in the foregoing Act.

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Number on deposited Plans.	Description in deposited Books of Reference.
5	Footway leading to properties numbers 3 and 4.
12	Street called Station Street, sewer or culvert, and gas mains and pipes.
18	Railway and land adjoining.

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