CHAPTER xlvi.

An Act to authorise the Birmingham Tame and Rea District Drainage Board to acquire lands and construct works for sewage and drainage purposes to borrow moneys and for other purposes. [3rd June 1897.] A.D. 1897.

WHEREAS by virtue of the under-mentioned Orders made by the Local Government Board (that is to say):—

(*a*) A Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (Joint Boards) Act 1877;

(*b*) A Provisional Order confirmed by the Local Government Board's Provisional Orders Confirmation (Birmingham Tame and Rea &c.) Act 1881;

(*c*) The City of Birmingham Order 1891 confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1891;

(*d*) The Warwick and Birmingham (Aston) Confirmation Order 1894;

(*e*) The Stafford Worcester and West Bromwich (Oldbury and Perry Barr) Confirmation Order 1894; and

(*f*) A Provisional Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (No. 12) Act 1896;

the city of Birmingham the borough of Sutton Coldfield the urban districts of Aston Manor Erdington Handsworth Perry Barr and Smethwick the part of the rural district of Castle Bromwich which comprises the contributory places of Castle Bromwich and Water Orton and the part of the rural district of King's Norton which comprises the contributory places of King's Norton and Northfield (such city borough urban districts and parts of rural districts being herein-after referred to as "the constituent districts") constitute a united district called the Birmingham Tame and Rea Main

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Sewerage District (herein-after referred to as "the united district") of which the governing body is the Birmingham Tame and Rea District Drainage Board (herein-after referred to as "the Joint Board"):

And whereas by virtue of the above-recited Orders and Acts the Joint Board now consists of two ex-officio members and of twenty-one elective members elected by the urban sanitary authority of the city of Birmingham and the district councils of the other constituent districts (all which authorities are herein-after referred to as "the constituent authorities"):

And whereas the existing sewage farm and works of the Joint Board are insufficient for dealing with the sewage of the largely increasing population of the districts of the constituent authorities:

And whereas it is expedient that the Joint Board be authorised to acquire the additional lands (including the freehold interest of certain lands forming part of the existing sewage farm) and to execute the works in this Act described or mentioned:

And whereas it is expedient that the Joint Board be authorised to borrow money for the purposes of this Act:

And whereas it is expedient that the other powers contained in this Act should be conferred on the Joint Board:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas estimates for the purchase of the said lands and the execution of the said works and for the utilisation of the said lands for the treatment and disposal of sewage have been prepared by the Joint Board and the amount estimated to be required for those purposes is the sum of four hundred thousand pounds:

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas plans and sections of the proposed works and plans of the lands proposed to be acquired under this Act together with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Warwick which plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference:

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) :— A.D. 1897.

Short title.

1. This Act may be cited as the Birmingham Tame and Rea District Drainage Board Act 1897.

Incorporation of general Acts.

2. The Lands Clauses Acts and (in regard to the construction of Conduit No. 5 by this Act authorised) so much of the Railways Clauses Consolidation Act 1845 as relates to the temporary occupation of lands near the railway during the construction thereof are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

Provided that—

The expression "superior courts" or "court of competent jurisdiction" or any other like term shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute :

Expressions referring to the centre of the railway in the provisions of the Railways Clauses Consolidation Act 1845 hereby incorporated shall mean in the case of Conduit No. 5 by this Act authorised the centre line thereof.

Power to acquire lands.

4. Subject to the provisions of this Act the Joint Board may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

For protection of Minworth Green.

5.—(1.) The Joint Board shall not permanently acquire any greater estate or interest in or over the common lands known as Minworth Green shown on the deposited plans than a right or easement of using so much thereof as may be required for constructing and maintaining the Conduit No. 1 by this Act authorised across and under such common lands in manner shown on the said plans and the Joint Board may purchase and the owners of and other persons interested in such lands shall sell to the Joint Board such right or easement and the provisions of the Lands Clauses Acts with respect to the purchase of lands shall extend and apply to the purchase of such right or easement.

(2.) Notwithstanding anything in this Act contained the Joint Board in constructing the Conduit No. 1 by this Act authorised

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shall not deviate upwards from the levels shown on the deposited sections and shall restore the surface of the ground near and over the same and shall during the construction thereof properly guard all temporary excavations so as to prevent accidents to the public using the common lands All works on the said common lands shall be completed covered and turfed over and the surface restored within twelve months after such works are respectively commenced.

For the protection of Lord Norton.

6. Notwithstanding anything in this Act contained the Joint Board shall not enter upon take or use any part of the lands numbered 229 to 251 inclusive on the deposited plans in the parish of Curdworth without the consent in writing of the Right Honourable Lord Norton but the Joint Board may acquire an easement across over or under the said lands for the purpose of constructing and maintaining the Conduit No. 5 by this Act authorised in the line or within the limits of deviation shown on the deposited plans.

Correction of errors &c. in deposited plans or book of reference.

7. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands shown or described or intended to be shown or described on the deposited plans or in the deposited book of reference the Joint Board may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction.

If it appears to the justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the county of Warwick.

The certificate shall be kept by the clerk of the peace with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Joint Board may enter on take hold and use those lands accordingly.

Power of persons under disability to grant easements &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Joint Board any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have

an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Period for compulsory purchase of lands.

9. The powers of the Joint Board for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Restrictions on displacing persons of labouring class.

10.—(1.) The Joint Board shall not under the powers by this Act granted purchase or acquire in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(B) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

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(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Joint Board acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if they think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Joint Board may appropriate any lands for the time being belonging to them or which they have power to acquire.

(7.) Subject to the provisions of this section the Joint Board and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Joint Board in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit to impose.

(8.) The Joint Board shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that

Board not exceeding three guineas a day for the services of such inspector. A.D. 1897.

(9.) For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

(10.) Provided that the Local Government Board may by order dispense with all or any of the foregoing provisions of this section upon the Joint Board undertaking not to pull down any house occupied by persons belonging to the labouring class and taken under the powers of this Act and not to displace the persons residing in any such house or upon such other terms and conditions as the Local Government Board may think fit to impose.

Power to add lands to sewage farm.

11. The Joint Board may utilise for the treatment and disposal of sewage such of the lands to be acquired under this Act as are described in Part I of the schedule to this Act and may construct and lay down on or in such lands all necessary and proper buildings engines pumps sewers tanks drains culverts channels and other sewage works:

Provided always that the Joint Board shall in the exercise of the powers conferred upon them by this section and in the treatment and disposal of sewage on the said lands the construction and laying down of the works authorised by this Act in all respects comply with and be subject to the provisions as to nuisance contained in section 27 of the Public Health Act 1875.

Restrictions as to use of portions of lands.

12. Notwithstanding the provisions of this Act the Joint Board shall keep free from all sewage matter and shall not utilise for the treatment or disposal of sewage in any way and shall not irrigate for the purposes of such treatment or disposal belts of land forming parts of the lands described in Part I of the schedule of this Act of the dimensions and within the limits following (that is to say):—

(A) A belt of land not less than thirty yards broad on the south side of the Tamworth Road within the parish of Minworth commencing at the east side of the railway bridge and extending to where the said road leaves the parish of Minworth on the east:

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(B) A belt of land not less than thirty yards wide extending from the side of the road or in case of existing houses from the back of the houses along the whole of the east and west sides of Minworth Green and along each side of the road leading from Minworth Green to Water Orton as far as there are any houses now existing on either side of the said road.

Power to make further works.

13. Subject to the provisions of this Act the Joint Board may upon the lands mentioned or referred to in Part II of the schedule to this Act make and maintain in the lines and according to the levels shown upon the deposited plans and sections the following conduits or channels and pumping station with all necessary and proper intakes outfalls overflows drains weirs sluices junctions engines machinery works buildings and conveniences connected therewith (that is to say) :—

(1) A conduit or channel (to be called Conduit No. 1) commencing in the hamlet or parish of Minworth by a junction with the existing main conduit of the Joint Board and terminating in the field numbered 1211 on the $\frac{1}{2500}$ Ordnance map (1888) of the parish of Sutton Coldfield :

(2) A pumping station in the field numbered 204 on the $\frac{1}{2500}$ Ordnance map (1889) of the parish of Minworth :

(3) A conduit or channel (to be called Conduit No. 2) commencing in the said pumping station and terminating in the field numbered 2193 on the $\frac{1}{2500}$ Ordnance map (1888) of the parish of Sutton Coldfield :

(4) An outfall conduit or channel (to be called Conduit No. 3) commencing by a junction with a watercourse situate on the western side of the field numbered 244 on the $\frac{1}{2500}$ Ordnance map (1889) of the parish of Minworth and terminating in or near to the River Tame :

(5) An outfall conduit or channel (to be called Conduit No. 4) commencing by a junction with the watercourse situate between two fields numbered respectively 2176 and 2199 on the $\frac{1}{2500}$ Ordnance map (1888) of the parish of Sutton Coldfield and terminating by a junction with Conduit No. 5 next herein-after mentioned :

(6) An outfall conduit or channel (to be called Conduit No. 5) commencing in the field numbered 1168 on the $\frac{1}{2500}$ Ordnance map (1888) of the parish of Sutton Coldfield and terminating at or in the River Tame.

Power to deviate.

14. In the construction of the works herein-before by this Act authorised the Joint Board may deviate to any extent not exceeding

the limits of deviation defined on the deposited plans and they may deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards.

For the protection of the Warwickshire County Council.

15. In the execution of the works and exercise of the powers by this Act authorised the following provisions for the protection of the Warwickshire County Council shall have effect (that is to say) :—

(1) In constructing the conduits under the Birmingham and Kingsbury Road in the parish of Curdworth and under the Coleshill and Lichfield Road near to Curdworth Bridge the Joint Board shall not deviate upwards from the levels shown on their deposited plans without the previous consent in writing of the county surveyor for the time being of the county of Warwick :

(2) In carrying out their proposed new works and in exercise of the powers of this Act the Joint Board shall take every precaution to protect from injury the structure of the Water Orton Curdworth and Sweetmore county bridges and in case the structures of the said bridges or any of them shall be interfered with by their operations the Joint Board shall forthwith execute to the satisfaction in all respects of the county surveyor for the time being of the county of Warwick such works as may in his opinion be necessary to reinstate and make good the said bridges.

For the protection of the Birmingham Corporation.

16. The following provisions for the protection and benefit of the mayor aldermen and citizens of the city of Birmingham (in this section called "the corporation") shall have effect (that is to say) :—

(1) Nothing in this Act shall authorise the Joint Board to take up divert remove or in any way interfere with any water mains or pipes of the corporation within or adjoining the existing sewage farm of the Joint Board or within or adjoining the additional lands authorised to be taken under the powers of this Act without the consent in writing of the corporation and then only to the reasonable satisfaction of the engineer of the corporation :

(2) If in the exercise of the powers conferred on the Joint Board it be found necessary to construct or lay down any sewer drain or sewage work over under or across or in near proximity to any water main or pipe of the corporation the Joint Board shall give not less than seven days' previous notice to the corporation of the intention of the Joint Board to lay down

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such sewer drain or sewage work and such sewer drain or sewage work where it crosses over or under or is in near proximity to the water mains or pipes of the corporation shall only be laid to the reasonable satisfaction of the engineer of the corporation so as to ensure as little hindrance or obstruction or difficulty of access to the water mains and pipes of the corporation as possible:

(3) The Joint Board shall make good all damage which may be done by them to the water mains and pipes of the corporation in the exercise of the powers conferred upon the Joint Board and shall also make full compensation for any loss or damage which the corporation may sustain in the exercise of such powers:

(4) Any difference which may arise between the Joint Board and the corporation as to the construction or laying down of sewers drains and sewage works or interference with water mains or pipes of the corporation shall on the application of either party be referred to and determined by an arbitrator to be agreed upon or failing agreement appointed by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to such reference.

For protection of the Midland Railway Company.

17. In constructing and maintaining the works authorised by this Act where they will pass under or over or otherwise affect the lands and property of the Midland Railway Company the Joint Board shall be subject to the following conditions:—

(1) All works to be done by the Joint Board in the exercise of the powers conferred by this Act in any way affecting the railway of the Midland Railway Company (herein-after called "the Midland Company") or any of the bridges or works thereof or any lands or property belonging to the Midland Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that company and according to plans to be previously submitted to and reasonably approved by him:

(2) All such works shall be done by and at the expense of the Joint Board who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or viaduct of the railways of the Midland Company or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or owing to any operations of the Joint Board:

(3) Conduit No. 1 by this Act authorised shall be passed under the Midland Railway by means of a tunnel of such form and description and to be constructed in such manner as shall be reasonably required by the said engineer:

(4) The Joint Board shall not in any way affect or interfere with the structure of the bridge numbered 16 on the deposited plans in the parish of Coleshill or the piers wings or abutments thereof:

(5) All such works shall be constructed so as to cause as little injury as may be to such railways bridges approaches works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways:

(6) If any injury or interruption shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the failure or leakage of such conduit mains culverts pipes or works of the Joint Board in under or near to any railway land works or property of the Midland Company the Joint Board shall make compensation to that company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided:

(7) The Joint Board shall bear and on demand pay to the Midland Company the expense of the employment by that company during the execution of any work affecting any railway siding or other work of that company of a sufficient number of inspectors watchmen and signalmen to be appointed by that company for watching and signalling the same with reference to and during the execution of any such work of the Joint Board and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Joint Board or their contractors or any person in the employ of the Joint Board or of their contractors with reference thereto or otherwise:

(8) Notwithstanding anything in this Act contained the Joint Board shall not enter upon take and use compulsorily the land numbered 17 on the deposited plans in the parish of Aston-juxta-Birmingham without the consent in writing of the Midland Company under their common seal:

(9) The Joint Board shall acquire only such an easement across over or under any of the railways works or property of the Midland Company as may be necessary for constructing and maintaining the works of the Joint Board by this Act authorised and shall pay to the Midland Company for any

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such easement to be acquired by them such sum as may be agreed upon or failing agreement as shall be settled by arbitration:

(10) The amount to be paid for the acquisition of such easement and for compensation for any permanent or temporary damage or injury occasioned to the Midland Company by reason or in consequence of the exercise of the powers of this Act shall in the event of the Midland Company and the Joint Board not being able to agree with respect thereto be settled in manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement:

(11) Any dispute or difference (not otherwise provided for) which may arise between the Midland Company and the Joint Board with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Midland Company and the Joint Board or either of them and the costs of such arbitration shall be in the discretion of such arbitrator.

Time for completion of works.

18. If the works herein-before by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making of such respective works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Power for Joint Board to lower the bed of the River Tame.

19.—(1.) It shall be lawful for the Joint Board to remove the weir sluices dams channels and works in connexion with the Forge Mills shown on the deposited plans and to lower the bed of the River Tame and of all streams channels mill-ponds and drains connected therewith between the Forge Mills and a point in the said river twenty chains above the most westerly junction with the River Tame of the pond or channel connected with the said mills and also between the junction of Conduit No. 5 by this Act authorised with the said river and a point fifteen chains below the bridge known as Sweetmore Bridge and to lower the level of the water in the said river streams channels mill-ponds and drains.

(2.) And the Joint Board may alter straighten deepen divert and improve the River Tame between the said point twenty chains above the most westerly junction with the River Tame of the pond or channel connected with Forge Mills and a point ten chains below the weir across that river used in connexion with the Forge Mills.

(3.) And the Joint Board may do all acts and things necessary or proper in the execution of the powers conferred by this section but shall make full compensation to any person who may sustain damage by the exercise of the powers of this section and any dispute as to the fact of damage or amount of compensation shall be settled by arbitration under the provisions of the Public Health Act 1875.

Power to divert streams intercepted by authorised conduits &c.

20. The Joint Board may divert all streams and waters which can or may be intercepted or taken by the conduits or channels authorised by this Act and the Joint Board may by means of such conduits or channels discharge or permit to flow into the River Tame the waters so intercepted or taken together with any effluent and other waters passing over or through or discharged from the sewage farm land and works of the Joint Board.

Stopping up of footpaths.

21. The Joint Board may stop up and discontinue for public use any footpath shown on the deposited plans as intended to be stopped up and upon the stopping up and discontinuance of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Joint Board so far as they are the owners of the adjoining lands on both sides freed from all public and other rights over or affecting the same.

For protection of Sutton Coldfield Corporation and Castle Bromwich Council as to footpaths &c.

22. For the protection of the mayor aldermen and burgesses of the borough of Sutton Coldfield (in this section called "the corporation") and the Castle Bromwich Rural District Council (in this section called "the council") the following provisions shall (unless otherwise agreed in writing between the Joint Board on the one hand and the corporation and the district council on the other hand) have effect:—

(A) Notwithstanding anything to the contrary in this Act contained or shown on the deposited plans and sections the Joint Board shall not except with the previous consent both of the corporation and of the district council stop up discontinue or interfere with the footpaths numbered respectively 1 4 5 and 8 on the identified plan and shown thereon by dotted red lines or any part thereof unless and until the Joint Board shall have constructed in lieu thereof in manner herein-after mentioned and dedicated to the use of the public so that the same shall for ever remain open to the public as footroads or footpaths of the kinds and in the positions following:—

(1) In lieu of the said footpath numbered 1 a road not less than fourteen feet wide in the position and along the lines indicated on the identified plan by a green line and

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starting from a point a little to the west of the said existing footpath numbered 1 and ending at a point a little to the west of the said footpath;

(2) In lieu of the said footpath numbered 4 a footpath not less than six feet wide in the position and along the line shown by a green line on the identified plan commencing at or near a point where the existing Footpath No. 4 leaves the road near the village of Curdworth and ending by a junction with the road to be constructed coloured green in lieu of the said Footpath No. 1;

(3) In lieu of the footpath numbered 5 or such portion thereof as shall be interfered with a footpath not less than six feet wide in the line and position indicated by a green line on the identified plan commencing at a point in the Birmingham and Kingsbury Road east of Curdworth School and ending by a junction with an existing footpath south of Curdworth Church Provided that if the consent of the landowners cannot be obtained by the Joint Board the Joint Board shall construct a similar footpath along the lines shown on the deposited plans and sections;

(4) In lieu of the footpath numbered 8 a footpath not less than six feet wide in the position and along the line shown by a green line on the identified plan commencing at a point where the present footpath numbered 8 leaves the Tamworth Road and following the green line shown on the identified plan:

(b) All roads and footpaths to be constructed by the Joint Board in pursuance of this section in substitution for existing footpaths shall be properly constructed with gravel and ashes at such levels as to be beyond the reach of floods and if and in case the footpath substituted for Footpath No. 4 shall be constructed so as to pass alongside Conduit No. 5 or within three yards thereof the same shall be properly fenced off by the Joint Board from that conduit and the said roads and footpaths and fence shall at all times be efficiently maintained by the Joint Board at their sole expense:

(c) The Joint Board shall not in the exercise of the powers conferred upon them by this Act stop up or interfere with any drain watercourse or outlet available for carrying off any drainage or water from any neighbouring lands or roads unless and until they shall have constructed in lieu thereof another drain or watercourse equally efficient for the carrying off of drainage and water Such substituted drains or watercourses to

be constructed to the reasonable satisfaction of the engineers of the corporation and the district council:

(D) The Joint Board shall not enclose or interfere with the free access to any waste lands by the roadside in the borough of Sutton Coldfield or the district of the district council and in the event of any of the works authorised by this Act interfering with or being under or along public roads or such waste lands within the said borough or district the Joint Board shall not interfere with the surface of such roads or waste lands more than is necessary and shall immediately on the completion of such works restore the surface of such roads and waste lands wherever the same shall have been disturbed to the reasonable satisfaction of the engineer of the corporation or district council as the case may be:

(E) The expression "identified plan" in this section means the plan signed by Frederick William Brampton the mayor of Sutton Coldfield Howard Proctor Ryland the chairman of the district council and by George Baker the chairman of the Joint Board.

Borrowing powers.

23. The Joint Board may for the purposes of this Act and for the costs charges and expenses of preparing applying for and obtaining this Act borrow such sums of money not exceeding in the whole (except with the consent of the Local Government Board) the sum of four hundred thousand pounds as they may require and may raise the same on the credit of their common fund in the like manner and subject to the like regulations as if the Joint Board were a local authority under the Public Health Act 1875 and sections 233 to 239 of that Act shall (subject to the provisions of this Act) apply in the case accordingly.

Periods for repayment.

24. The Joint Board shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the payment of the costs charges and expenses of preparing applying for and obtaining this Act within ten years from the date or dates of borrowing the same;

As to moneys borrowed for the purposes of this Act (other than the last-mentioned purposes) and within the said limit of four hundred thousand pounds within sixty years from the date or dates of borrowing the same;

As to moneys borrowed with the consent of the Local Government Board within such period as they may sanction.

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Contributions of constituent authorities.

25. The amounts to be paid by the Joint Board in respect of interest on moneys borrowed under this Act and repayment of the principal of such moneys whether by instalments or by means of a sinking fund shall be deemed to be expenses incurred by the Joint Board within the meaning of Article 23 of the recited Provisional Order of the year 1877 as amended by any subsequent Provisional Order and shall be defrayed by the Board out of their common fund.

Application of money borrowed.

26. All moneys borrowed by the Joint Board under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Proceeds of sale of surplus lands to be treated as capital.

27. The proceeds of the sale of any lands of the Joint Board under the powers of this Act shall be distinguished as capital in the accounts of the Joint Board and shall be applied in discharge of any moneys borrowed by the Joint Board under this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be re-borrowed.

Annual return to Local Government Board.

28.—(1.) The clerk to the Joint Board shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act transmit to the Local Government Board a return in such form as may from time to time be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the said clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

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(2.) If it appear to the Local Government Board by that return or otherwise that the Joint Board have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required by this Act for any sinking fund or have applied any portion of any sinking fund to any purpose other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Audit of accounts.

29. The accounts of receipts and expenditure of the Joint Board under this Act shall be audited and examined in like manner and with the same consequences as the other accounts of the Joint Board are audited and examined.

As to application of section 303 of the Public Health Act 1875.

30. This Act shall be deemed to be a local Act within the meaning of section 303 of the Public Health Act 1875 and on the application of the Joint Board be capable of amendment by Provisional Order of the Local Government Board accordingly.

Power to carry drains under streets canals and railways.

31. The Joint Board may carry any drain across and under any street canal or railway within or adjacent to the lands described in the schedule to this Act subject and according to the provisions of the Public Health Act 1875 as if the same were a sewer constructed by a local authority within their district For the purpose of this section the expression "street" shall have the same meaning as that assigned to it by the last-mentioned Act.

Inquiries by Local Government Board.

32.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2.) The Joint Board shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Local Government Board not exceeding three guineas a day for the services of such inspector.

Powers of Act cumulative.

33. All powers given to the Joint Board by this Act shall be deemed to be in addition to and not in derogation of any other

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powers conferred upon them by the Public Health Acts and such other powers may be exercised in the same manner as if this Act had not been passed provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of Act.

34. The costs charges and expenses preliminary and of and incidental to preparing obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Joint Board out of their common fund or out of moneys borrowed under the authority of this Act.

The SCHEDULE.

PART I.

Description of Lands to be utilised for the Treatment and Disposal of Sewage.

1. Certain lands containing sixty-six acres or thereabouts situate in the parish of Aston-juxta-Birmingham adjoining or adjacent to the existing sewage farm of the Board and lying to the south of the Birmingham and Fazeley Canal to the north of the Birmingham and Derby line of the Midland Railway Company to the east of a lane or road leading from Ward End to Erdington and known as Bromford Lane and to the west of certain lands now in the possession of the Board and used for sewage purposes and known as Ashold Farm.

2. Certain lands containing eight hundred and twenty-six acres or thereabouts situate partly in the hamlet or parish of Minworth (forming part of the ancient parish of Curdworth) partly in the parish of Sutton Coldfield partly in the parish of Curdworth and partly in the parish of Aston-juxta-Birmingham all which lands lie to the south of the main road from Birmingham to Tamworth to the north of the said Birmingham and Derby line to the east of Plants Brook and to the west of the main road from Coleshill to Lichfield and known as the London Road.

3. Certain lands containing three hundred acres or thereabouts partly situate in the said hamlet or parish of Minworth and partly in the parish of Sutton Coldfield which said lands are bounded on the west north-west and north partly by the Water Orton and Walsall branch of the Midland Railway Company partly by a lane commencing at the Birmingham and Tamworth main road about one hundred and twenty yards west of the bridge carrying the said railway over the said road and leading to Walmley Ash partly by a lane known as Peddimore Lane and partly by lands belonging to William Wakefield and partly by lands belonging to the Joint Board and on the east partly by lands belonging to J. W. Lowe and partly by a public road or lane leading from the main road between Birmingham and Tamworth through Wiggins Hill to Over Green and on the south by the Birmingham and Fazeley Canal.

All the above lands are situate in the county of Warwick and are delineated on the deposited plans and are there referred to as lands intended to be taken for the treatment and disposal of sewage.

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PART II.

Lands upon which the Works by this Act authorised may be constructed.

The existing sewage farm of the Joint Board the lands described in the first part of this schedule and the lands numbered 78 197 197A 189 207 234 209 276 239 on the $\frac{1}{2500}$ Ordnance map (1889) of the parish of Minworth the lands numbered 66A 67A 66 61 60 24 on the $\frac{1}{2500}$ Ordnance map (1888) also of the parish of Minworth the lands numbered 2889 2967 2229 on the $\frac{1}{2500}$ Ordnance map (1888) of the parish of Sutton Coldfield and the lands numbered 29 50 22 21 13 14 7 6 5 4 and 3 on the $\frac{1}{2500}$ Ordnance map (1888) of the parish of Curdworth All the above lands are situate in the county of Warwick.

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