CHAPTER cl.

An Act to facilitate the Drainage of Mines in parts of South Staffordshire and East Worcestershire. [21st July 1873.]

A.D. 1873.

WHEREAS there are within the portion of South Staffordshire and East Worcestershire known as the South Staffordshire coal field large mines of coal, ironstone, and other minerals, some of which are already so flooded with water as to prevent the working thereof, whilst the working of others is impeded and rendered more costly by the flow of water into them either immediately from the surface or from other mines, or by percolation, and large bodies of water are now collected and are increasing in exhausted and abandoned mines, the irruption of which water into existing workings will not only prevent those workings, but has been and is likely to be destructive to human life:

And whereas the mining operations within the limits of this Act have disturbed the surface of the soil, and have thus diverted the ancient watercourses and have caused ponds from which the water flows into the mines:

And whereas the purposes of this Act are to remedy the existing mischiefs and to prevent the recurrence thereof, and for those purposes it is of great public and local importance that provision should be made—

For disposing of the surface water falling or flowing into or pumped from the mines within the limits of this Act, so that the same shall not find its way into the mines within those limits;

For pumping out the water already collected in mines still working, or in disused mines; and

For preventing so far as may be the accumulation of water in any such mines, whether by percolation or irruption or otherwise:

And it is expedient that Commissioners should be appointed with the necessary powers for accomplishing these purposes, and that the other provisions herein-after contained should be made:

A.D. 1873.

And whereas the objects aforesaid cannot be attained 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:

Short title.

1. This Act may be cited as "The South Staffordshire Mines Drainage Act, 1873."

Provisions of general Acts herein named incorporated.

2. The following Acts and parts of Acts are, except where expressly varied by this Act, incorporated with and form part of this Act:

"The Lands Clauses Consolidation Acts, 1845, 1860, and 1869;"

"The Commissioners Clauses Act, 1847," excepting the provisions thereof enumerated in the first schedule to this Act; and

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, the word "railway" in the said provisions being, for the purposes of this Act, read as though the expression "works under this Act" were substituted for the said word "railway;"

And the provisions of the same Act with respect to the settlement of disputes by arbitration, and with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices.

Interpretation of terms.

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:

The expression "the Commissioners" means the Commissioners incorporated by this Act;

The expression "mine" includes mines within the drainage area at work, or which might be worked if freed from water;

The expression "exhausted mines" means those mines within the drainage area which are no longer worked, and which would not be productive if worked;

The expression "mineral" means and includes coal, slack, shale, ironstone, fireclay, limestone, or other saleable mineral;

The expression "owner" means the person entitled to the beneficial enjoyment of the rents or royalties of a mine within the drainage area as herein-after defined, or the agent of any such person appointed in writing under his hand;

A.D. 1873.

The expression "occupier" means any person actually working any mine or entitled to work such mine, and includes any lessee so working a mine;

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Drainage Area.

Defining drainage area.

4. The limits within which the powers and duties of the Commissioners shall extend are what is known as the South Staffordshire coal field, which limits are more accurately defined on a map authenticated by the signature of the Most Noble the Duke of Bedford, Chairman of the Committee of the House of Lords, to whom this Act was in its passage through Parliament referred, and are thereon coloured red and green, and the lands within the said limits are in this Act called the "drainage area," and comprise the parishes or parts of parishes and places following; that is to say,

Aldridge, westward of the Downthrow Fault, Amblecote, Bentley, Bilston, Bradley, Bloxwich, Brockmoor, Brettell Lane, Brierley Hill, Bescot, Broadstone, Blakenhall, Caldmoor, Coalpool, Churchbridge, Cheslyn Hay, Cradley Heath, Corngreaves, Darlaston, Daw End, Dudley Port, Essington, Fishley, Five Ways, Fullbrook, Fallings Heath, Great Barr, Great Wyrley, Great Bridge, Great Bloxwich, Goscote, Harts Hill, Hilton, Himley, Highbridge, Harden, Horsley Heath, Heath End, James Bridge, Jinity Greaves, Kingswinford, Kingshill, Lower Gornal, Lower Penn, Little Bloxwich, Little London, Lower Birchills, Leamoor, Landywood, Little Norton, Moxley, Maw Green, New Town, Newton Hardwick, Ocker Hill, Old Hill, Pensnett, Pelsall, Penn, Princes End, Pratts Bridge, Palfrey, Parkbrook, Quarry Bank, Rushall, Rowley Regis, Reddall Hill, Ryecroft, Shareshill, Sedgley, Smethwick, Saint Mary's Kingswinford, Shelfield, Snails Green, Tividale, Tipton, Tipton Green, the Butts, the Pleck, the Vigo, the Delves, Upper Gornal, Upper Penn, Upper Birchills, Wordsley, Walsall Borough, Walsall Foreign, Wednesbury, Westbromwich, Wednesfield, Willenhall, Wolverhampton, Wyrley, Winterley, Wallington Heath, Whitehall, all in the county of Stafford; and Cakemore, Cradley, Dudley, Dudley Castle Hill, Hagley, Halesowen, Hasbury, Hawn, the Hill, Hunnington, Illey,

A.D. 1873.

Lapal, Lutley, Langley, Netherton, Oldbury, Pedmore, Ridgacre, Stourbridge, the Lye, the Borough, Oldswinford, Upper Swinford, Warley, Wigorn, Wollascote, Warley, Salop, all in the county of Worcester.

Providing for deposit of maps.

5. The Commissioners shall not put in force any of the powers of this Act until they have deposited at the offices of the clerk of the peace for Staffordshire and of the clerk of the peace for Worcestershire respectively, a copy of the said map, authenticated by the common seal of the Commissioners, and the Act 1 Victoria, cap. 83, shall apply to the maps so deposited as though they were documents the custody of which is provided for in that Act.

Commissioners.

Appointment and incorporation of commissioners.

6. The persons whose names are mentioned in the first list herein-after contained, and the successors of those persons, and the persons holding for the time being the offices mentioned in the second list herein-after contained, and the persons nominated from time to time as by this Act provided, shall be and are hereby appointed Commissioners for carrying into effect the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the South Staffordshire Mines Drainage Com-" missioners," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

(List 1.)—*Ordinary Commissioners.*

Name.	Description.	Place of Abode.
George Addenbrooke -	Coal and iron master -	Wombourne, Staffordshire.
John Aston - -	Coal master - -	Dudley, Staffordshire.
George Jones Barker -	Coal and iron master -	Albrighton Hall, Shropshire.
Richard Bagnall -	Coal and iron master -	Severn Stoke, Worcestershire.
Walter Bassano - -	Coal and iron master -	Old Hill, Staffordshire.
Boaz Bloomer, junior -	Coal and iron master -	Pelsall, Staffordshire.
Elias Crapper - -	Coal master - -	Walsall, Staffordshire.
Joseph Bramah Cochrane	Coal and iron master -	Dudley, Worcestershire.
William Henry Dawes -	Coal and iron master -	Moseley Hall, Worcestershire.
William Orme Foster -	Coal and iron master -	Apley Park, Shropshire.
Henry Onions Firmstone	Coal and iron master -	Wollaston Hall, Worcestershire.
Daniel Groucutt - -	Coal and iron master -	Bilston, Staffordshire.
Michael Phillips Grazebrook.	Coal and iron master -	Hagley, Worcestershire.
Henry Hall - -	Coal and iron master -	Stourbridge, Worcestershire.
Peter Harris - -	Fire clay manufacturer	Brierley Hill, Staffordshire.
John Hartley - -	Coal and iron master -	Tong Castle, Shropshire.
Alexander Staveley Hill	Q.C., M.P. - -	Oxley Manor, Staffordshire.

Name.	Description.	Place of Abode.
Noah Hingley - -	Coal and iron master -	Netherton, Worcestershire.
James Holcroft - -	Coal and iron master -	Dudley Port, Staffordshire.
Jonathan Edward Howl	Coal and iron master -	Tipton, Staffordshire.
James Peart Hunt -	Coal and iron master -	Corngreaves, Staffordshire.
Rupert Alfred Kettle -	Judge of the county court for Worcestershire.	Wolverhampton, Staffordshire.
Sampson Lloyd - -	Coal and iron master -	Wassall Grove, Worcestershire.
Samue Minton - -	Coal master - -	Rowley Regis, Staffordshire.
William North - -	Coal master - -	Dudley, Worcestershire.
Frederick Charles Perry	Coal master - -	Dunston, Staffordshire.
William Mander Sparrow	Coal and iron master -	Albrighton, Shropshire.
John William Sparrow -	Coal and iron master -	Penn, Staffordshire.
Nathaniel Neale Solly -	Coal and iron master -	Edgbaston, Warwickshire.
Edward Fisher Smith -	Coal and iron master -	Dudley, Worcestershire.
James Evers Swindell -	Coal and iron master -	Oldswinford, Worcestershire.
Thomas Thorneycroft -	Coal and iron master -	Tettenhall Wood, Staffordshire.
Henry Ward - -	Coal and iron master -	Rodbaston Hall, Staffordshire.
Joseph William Williams	Coal and iron master -	Handsworth, Staffordshire.
Walter Williams - -	Coal and iron master -	Creswell Hall, Staffordshire.
Benjamin Whitehouse -	Coal and iron master -	Sedgley, Staffordsdire.

(List 2.)—*Persons holding the following Offices or nominated as follows:*

The chairman of the court of quarter sessions for the county of Stafford:

The deputy chairman of such court:

The chairman of the court of quarter sessions for the county of Worcester:

The deputy chairman of such court:

The chairman of the South Staffordshire Iron-masters Association:

The chairman of the South Staffordshire Coal-masters Association:

One person nominated by the committee for the time being of the company of proprietors of the Birmingham Canal Navigations, one person nominated by the committee for the time being of the Staffordshire and Worcestershire Canal Navigation, and one person nominated by the directors for the time being of the company of proprietors of the Stourbridge Navigation under the common seals of those companies respectively, and to be removed or replaced by the like authority:

The Right Honourable William Earl of Dudley, or other the owner for the time being for any estate of freehold of the mansion called Himley Hall, in the parish of Himley, in the county of Stafford, shall from time to time be entitled by

A.D. 1873.

writing under his hand to nominate one Commissioner, and from time to time in like manner to revoke such nomination, and on any vacancy by death or otherwise in the office of Commissioner so nominated to nominate another person to fill the vacancy, and so from time to time.

Distinguishing Commissioners.

"Ordinary."

"Official."

7. Every Commissioner mentioned in the first of the two foregoing lists shall be an ordinary Commissioner, and shall, unless he dies, resigns, or becomes disqualified, remain in office until the first Wednesday in August one thousand eight hundred and seventy-six, and the persons holding the offices mentioned in the second of the said lists, together with the persons nominated as mentioned in the same second list, shall, so long as they hold the said offices or their nomination remains in force, be official Commissioners, and shall not cease to be Commissioners for want of attendance at the meetings of the Commissioners, notwithstanding anything contained in the 16th section of the "Commissioners Clauses Act, 1847."

Qualification of Commissioners.

8. All persons qualified to vote for Commissioners according to the provisions herein-after contained, and any justice of the peace for the counties of Stafford or Worcester, shall be qualified to be ordinary Commissioners, provided that any person who shall have been constituted an elector by writing under the hands of his partners, his fellow trustees, or guardians, and shall have been elected a Commissioner, shall cease to be a Commissioner if the authority is revoked in writing by the persons by whom that authority was originally given.

Providing for number of ordinary Commissioners.

9. From and after the first Wednesday in August one thousand eight hundred and seventy-six the number of ordinary Commissioners shall be thirty, and if on that day there are a greater number than thirty ordinary Commissioners, inclusive of those who according to the provisions herein-after contained are to vacate office, so many of such Commissioners (chosen by ballot among themselves) shall vacate office as shall reduce the number to thirty, and if on that day there be (inclusive as aforesaid) a smaller number of ordinary Commissioners than thirty, there shall be elected as many additional qualified persons as will raise the number of such Commissioners to thirty.

Rotation of ordinary Commissioners.

10. On the first Wednesday in August one thousand eight hundred and seventy-six, and on every succeeding first Wednesday in August, one third of the ordinary Commissioners shall go out of office, and their places shall be filled by the owners and occupiers of mines subject to be rated under the provisions of this Act (herein-after called "electors"), and the meeting or meetings of electors for the purposes of such election shall be held on the said first

A.D. 1873.

Wednesday in August in every year, and if from any cause no election takes place on the day so appointed, the Commissioners who would have gone out of office shall remain in office until the next succeeding first Wednesday in August, when they shall vacate office, and the Commissioners who would otherwise have vacated office shall remain in office until the next succeeding year; provided that any Commissioner going out of office shall be re-eligible.

Meetings of Commissioners.

11. The first meeting of the Commissioners shall be held within two months after the passing of this Act, and the annual meetings of the Commissioners shall be held at such places as they shall from time to time appoint on the first Wednesday in August, and notwithstanding anything contained in the fortieth section of "The Commissioners Clauses Act, 1847," it shall not be necessary for the Commissioners to hold monthly meetings.

Expenses of Commissioners.

12. The Commissioners may allow to any Commissioner reasonable expenses incurred in the execution of the duties committed to him.

Providing for separate committees.

13. The Commissioners may from time to time appoint out of their number separate committees to be called "district committees" for the separate districts which may be formed under the powers herein-after contained, and the following provisions shall apply to such committees:

(1.) The committees shall consist only of the owners and occupiers of mines within the district for which they are appointed:

(2.) They shall within that district have such of the powers hereby granted to the Commissioners, excepting the imposing of rates, as the Commissioners may from time to time determine.

ELECTORS.

Qualification of electors.

14. Every person being an owner or occupier of a mine within the drainage area, and being liable to be rated in respect of such mine, shall be entitled to vote in the election of Commissioners, and he shall have one vote in respect of every twenty acres of mining surface owned or occupied by him up to one hundred acres, and an additional vote for every fifty acres owned or occupied by him beyond the first one hundred acres up to five hundred acres, and an additional vote for every one hundred acres owned or occupied by him beyond five hundred acres, and both the owner and occupier shall be entitled to vote in respect of the same mine, and the following provisions shall also apply to such electors:

Where partners are either owners or occupiers of a mine, one only of such partners to be nominated in writing by the partnership or firm shall vote on behalf of the firm:

A.D. 1873.

If the owner is a married woman, her husband shall for the purposes of this Act be deemed the owner, and may vote in her stead:

If the owner or occupier is an infant, a lunatic, or a bankrupt, or if his estate is in liquidation under the provisions of the "Bankruptcy Act, 1869," then the guardian, committee, or trustee of his estate (as the case may be) shall for the purposes of this Act be deemed an owner or an occupier, and may vote in his stead:

If there are more than one such guardian, committee, or trustee, one of them may vote with the written authority of the remainder, but in no case may two persons vote in respect of the same qualification.

Providing for elections.

15. In applying to this Act the clauses of the "Commissioners Clauses Act, 1847," with respect to the election and rotation of the Commissioners, the following powers shall apply:

If the Commissioners shall so determine, the vacancies among the Commissioners after the first Wednesday in August in the year one thousand eight hundred and seventy-six may be so supplied as that each drainage district as herein-after provided for within the drainage area shall be distinctly represented, and in case of such distinct representation the vacancies occurring among the representatives of any district shall be filled up by the electors in that district, and the word "ward" in the 21st, 22nd, and other sections of the "Commissioners Clauses Act, 1847," shall for the purposes of this Act be read as though the word "district" were inserted in the said sections instead of the word "ward."

Providing for appointment of assessor.

16. The returning officer at any election may, if he thinks fit, appoint an assessor, being a barrister or a solicitor of not less than seven years standing, to advise him at any election, and the Commissioners may vote to such assessor such remuneration as they may think fit.

Statement of minerals raised.

17. Every occupier of a mine shall, if and whensoever required in writing by the Commissioners under the hand of their clerk or other constituted officer, make a return of the area of each measure of mine worked by him, and of the number of acres of mine occupied by him during the year ending the next preceding thirty-first day of December, and also a return of the number of tons of mineral raised by him from such mine during the same year; and if called upon so to do by the Commissioners he shall verify such returns by statutory declaration.

ARBITRATORS.

A.D. 1873.

Appointment of arbitrators.

18. The Commissioners shall with all convenient dispatch after their first meeting appoint three competent persons as arbitrators, two of whom shall be surveyors acquainted with mining operations, but having no interest in or employment with relation to any mine in the drainage area, and the third of whom shall be a barrister of not less than seven years standing, and the said arbitrators shall remain in office, unless in case of death, resignation, or incapacity, until the first day of August one thousand eight hundred and seventy-six; and if before that day either of them dies, resigns, or becomes incapable of acting, his place may be filled up by the Commissioners, if the Commissioners think fit, and the arbitrator so appointed shall retain his office until the first day of August one thousand eight hundred and seventy-six, and shall have the same powers and perform the same functions as though he had been originally appointed; and when the term "arbitrators" is used in this Act it includes not only the persons so originally nominated, but their successors appointed as aforesaid: Provided that if it shall not seem necessary to the Commissioners to fill up a vacancy among the arbitrators the two remaining arbitrators shall have and exercise all the powers hereby conferred upon the arbitrators originally appointed, but there shall in no case be fewer than two arbitrators.

Power to dismiss arbitrator.

19. It shall be lawful for the Lord Chancellor, if he thinks fit, to remove for inability or misbehaviour any arbitrator appointed in pursuance of this Act.

As to re-appointment of arbitrators.

20. The Commissioners may after the 1st day of August 1876 re-appoint the said arbitrators, or appoint other arbitrators in their stead, and the Commissioners may from time to time re-appoint the arbitrators or appoint other arbitrators as occasion shall require: Provided that in every case the arbitrators so appointed or re-appointed shall be under the same restrictions and have the same qualifications and powers as the arbitrators originally appointed.

Declaration by arbitrators.

21. No person shall be capable to act as an arbitrator until he shall have made and subscribed the declaration following; (that is to say,)

"I *A.B.* do solemnly and sincerely declare, that I will faithfully, "impartially, and honestly, according to the best of my skill and "ability, execute and perform the several trusts, powers, and "authorities vested and imposed in me as arbitrator by virtue of "'The South Staffordshire Mines Drainage Act, 1873,' according

A.D. 1873.

" to equity and good conscience, and without favour or affection, " prejudice or partiality to any person or persons whomsoever."

And such declaration shall be made and subscribed before any Commissioner authorised to act in execution of this Act, and shall be delivered to the clerk of the said Commissioners, and kept by him with the documents belonging to them.

Remuneration of arbitrators.

22. The arbitrators shall receive such remuneration, either annual or otherwise, as shall be agreed upon between them and the Commissioners.

Functions of arbitrators.

23. The arbitrators shall with all due dispatch after their appointment do the following acts and all things incidental thereto:

Surface Drainage.

They shall survey the surface of the drainage area and make plans and sections thereof, with a view to ascertain how the water falling on or flowing into or discharged upon the surface can best be disposed of:

They shall determine upon the cuts, channels, conduits, reservoirs, sluices, and drains necessary for the disposing of such water, so as to prevent it as far as possible from finding its way into mines or exhausted mines:

They may for the purposes of such plans and sections, or instead thereof, use any existing plans, maps, or sections which they deem trustworthy.

Mines Drainage.

They shall enter upon, survey, and so far as is possible or necessary, make plans and sections of all mines and exhausted mines within the drainage area, and of all ribs or barriers within or between such mines, constructed or left remaining for the purpose of preventing the flow of water:

They shall ascertain the quantity of water existing at the time of their survey in mines or exhausted mines, the sources whence that water is derived, whether from the surface or from other mines, or from percolation or otherwise, and the existing means of disposing of such water:

They shall divide the drainage area into drainage districts, the limits of such districts being determined by the physical conformation of the underground basins:

They shall classify the mines within each drainage district, stating, (1) which mines are in the crop and are free from water, and distinguishing those which being themselves free from water

send water into lower levels; (2) which mines are obstructed by water and require perpetual pumping; (3) flooded mines; (4) exhausted mines:

They shall ascertain the existing pumping plant in each drainage district, whether such plant can be used by the Commissioners, whether any and what new plant is required, and to what extent it is desirable that the powers of the Commissioners with respect to underground drainage should be put in force in each district:

They shall report to the Commissioners the foregoing facts, and the means best adapted in their opinion for disposing of the water so accumulated, and for preventing its accumulation in future, and shall advise concerning the order in which the works recommended by them should be executed:

They shall attach to their report such plans, sections, and specifications and estimates as shall enable the Commissioners to judge what works should be undertaken by them, and the series of such works, and the sums needful to be raised from time to time for the purpose of the works:

Provided that the arbitrators may, if they think fit, make reports from time to time upon portions of the works which they deem the most immediately requisite; and provided also, that they shall in the first instance report upon the surface drainage.

Entry upon lands.

24. For the purposes aforesaid the arbitrators may by themselves, or by any person appointed by them, enter upon any lands and mines, and exhausted mines, and make borings therein; provided that the Commissioners shall make compensation to the owners and occupiers of such lands and mines for any damage done thereto by the exercise of the powers of the arbitrators.

Power of arbitrators.

25. For the purposes aforesaid the arbitrators may require the attendance of such persons interested in the lands and mines, and exhausted mines, to which their inquiry relates as they think fit to call before them and examine; and may require answers or returns to such inquiries as they may think fit to make, and may require the production of books and documents relating to the matters under inquiry, and may administer an oath.

Arbitrators may employ assistants, &c.

26. The arbitrators may, subject to the previous approval of the Commissioners, employ such surveyors, clerks, and other assistants as they may find necessary for the performance of their duties, and the remuneration of such persons shall be fixed and paid by the Commissioners.

A.D. 1873.

Separate drainage district to consist of northern sub-district and southern sub-district.

27. The district coloured green upon the map referred to in section 4 of this Act (herein-after called "the Old Hill district") shall for the purposes of this Act be a separate drainage district, and such district shall be divided by the River Stour into the northern sub-district and the southern sub-district; and the arbitrators shall, without the inquiries which they are herein-before authorised to make, adopt the system of drainage in operation at the passing of this Act under the Old Hill Mines Drainage Company, Limited, as the system of drainage for the said northern sub-district. Upon the requisition of an owner or occupier or owners or occupiers of mines in the southern sub-district having water in their mines, or upon proof that water in the mines in the last-mentioned sub-district is being pumped in the northern sub-district, the sub-districts shall be united for all the purposes of this Act.

Providing for committee of Old Hill district.

28. Walter Bassano, William Henry Dawes, James Peart Hunt, James Holcroft, Edward Fisher Smith, and James Evers Swindell, together with such other of the ordinary Commissioners as are owners or occupiers of mines within the Old Hill district, shall be the first district committee for the Old Hill district, and if the southern sub-district shall become part of the Old Hill district, then the Commissioners shall appoint one of their number, being an owner or occupier of mines in the said southern sub-district, to be a member of the Old Hill district committee, instead of one of the persons herein-before mentioned, and the Old Hill district committee shall at all times consist of not fewer than five ordinary Commissioners, being owners and occupiers of mines in the said drainage district, and being elected by such owners and occupiers.

As to formation of drainage district north of Bentley Fault.

29. So much of the drainage area as lies to the north of the Great Bentley Fault, or such part thereof, if any, as may be included within the drainage area in manner herein-after mentioned shall be a district of itself; but notwithstanding anything herein-before contained, no part of such district shall be included in the drainage area, or subject to the provisions of this Act, unless and until the arbitrators to be appointed as herein-before mentioned shall direct the same or any part thereof to be so included and subject, regard being had to the watersheds of such district, both surface and underground, and to the question of the water of such district finding its way into and injuring any mines lying south of the said Great Bentley Fault, and an appeal shall lie against any decision of the arbitrators on matters in this section mentioned to an arbitrator to be appointed by the Board of Trade.

Providing for Award.

Subjects of awards of arbitrators.

30. The arbitrators shall make one or more draft awards setting forth,—

The districts into which the drainage area shall be divided;

The amount of general drainage rate which will be required to be levied for the surface drainage, and for other the purposes of this Act except the drainage of mines;

The amount of rate required for the drainage of mines in each drainage district, including the Old Hill district, herein-after called the mines drainage rate;

The proportion of such rate to be borne by the several mines in each drainage district as between themselves, according to the circumstances of the particular mine, or according to the circumstances of the district, or according to both such circumstances;

And they may fix the duration of such rates with respect to each particular district or mine.

Providing for apportionment of rates.

31. In determining the proportion of mines drainage rate to the payment of which any mine in a drainage district shall be liable, the arbitrators shall take into consideration, among other things, the following facts:

To what extent the working of the mine is impeded or rendered more costly by the flow of water into it;

What means have been adopted and are in use for the relief of any mine from water, and to what extent those means are effectual;

What benefit any mine derives from the pumping in any other mine;

Whether the water from a mine discharges itself into any other mine directly or indirectly, and whether any such discharge is occasioned by the neglect or default of the owner or occupier of either mine;

The expense theretofore incurred by any owner or occupier of a mine in pumping plant or machinery, and in pumping, and the effect that pumping produces for the benefit of neighbouring mines or of the drainage district;

And the arbitrators shall graduate the amount of rate, if any, payable in respect of each mine according to the foregoing facts, and according to the degree in which each mine is or will be in the judgment of the arbitrators benefited by the execution and maintenance of the works under this Act, yet so that the amount of annual rate in respect of each mine

A.D. 1873.

where the pumping plant or machinery for raising water are, in the judgment of the arbitrators, sufficient, shall not exceed the annual cost theretofore incurred by the owner or occupier in the pumping of such mine, such annual cost to be ascertained upon an average of three years preceding the date of the award.

General drainage rate.

32. They shall, by a draft award, declare whether and to what extent the general drainage rate shall be payable in respect of all mines, or shall apply only to particular mines or particular drainage districts.

Notice of draft award and appeal.

33. When the arbitrators shall have made any draft award, the Commissioners shall give notice by advertisement in newspapers circulated within the drainage area, and by such other means as they shall think fit, that such draft award has been made, and that copies thereof may be had at the office of the Commissioners upon payment of a sum not exceeding one shilling for each copy, and every person rateable according to such award may, within two months after the publication of such notice, appeal to the Commissioners against such award, whether as applicable to himself or to the drainage district in which the appellant is rated, or to any other drainage district, but he may not appeal with respect to the rate of taxation of any particular mine in any drainage district other than his own, and the Commissioners shall, after due notice of their intention to consider such appeal, hear all such appeals publicly if the appellant claims a public hearing, and shall hear counsel, solicitors, agents, and witnesses on the part of the persons interested in the said inquiry, and the decision of the Commissioners upon all such appeals shall be final, subject nevertheless to the provisions next herein-after contained.

Further provisions as to decisions of Commissioners.

34. The following provisions shall also apply to any decisions of the Commissioners:

The Commissioners may review and rescind or vary any decision or order previously made by them or any of them.

The Commissioners shall at the instance of any party to the proceedings before them, and upon such security being given by the appellant as the Commissioners may direct, state a case in writing for the opinion of any superior court, to be determined by the Commissioners, upon any question which in the opinion of the Commissioners is a question of law. The court to which the case is transmitted shall hear and determine the question or questions of law arising thereon, and shall thereupon reverse, affirm, or amend the determination in respect of which the case has been stated, or

remit the matter to the Commissioners with the opinion of the court thereon, or may make such other order in relation to the matter, and may make such order as to costs, as to the court may seem fit, and all such orders shall be final and conclusive on all parties: Provided that the Commissioners shall not be personally liable to any costs in respect or by reason of any such appeal.

The operation of any decision or order made by the Commissioners shall not be stayed pending the decision of any appeal, unless the Commissioners shall otherwise order. Save as aforesaid, every decision and order of the Commissioners shall be final.

Providing for final award.

35. When the said appeals shall be disposed of, and in no case later than four months after notice of any draft award shall have been advertised as aforesaid, the arbitrators shall amend the draft award conformably to the decisions of the Commissioners upon any appeal as aforesaid, and shall make the award accordingly, and the said award shall be signed by at least two arbitrators, and shall be made in triplicate, and shall be accompanied by any plans and sections which the arbitrators think needful for the elucidation of the said award, and such plans shall also be authenticated as aforesaid; and one copy of the said award and any accompanying plan or other document shall be kept at the office of the Commissioners, another copy shall be deposited at the office of the clerk of the peace for Staffordshire, and another copy at the office of the clerk of the peace for Worcestershire, and the said Act of 1st Vic. cap. 83 shall apply to the said award and other documents so deposited; and from and after the deposit of the said award the same shall be binding upon the Commissioners, and upon the owners, lessees, and occupiers of mines within the drainage area, so far as the rating of the said mines and the division of the said area into drainage districts is concerned.

Deposit of award to be advertised.

36. The Commissioners shall forthwith after the deposit of any award cause notice that the same has been so deposited to be advertised in the London Gazette, and in a Staffordshire newspaper, and a Worcestershire newspaper.

Providing for surface drainage award.

37. After having determined the limits of the drainage area in pursuance of the provisions herein-before contained, the arbitrators shall in the first instance make an award upon the surface drainage.

Execution of Works.

As to execution of works.

38. When the Commissioners have received from the arbitrators any report concerning the works to be executed for surface drainage they shall, if they approve of such report, forthwith commence and

A.D. 1873.

with all due speed proceed with the execution of the works specified in such report, in the order recommended in the report, and they shall act in like manner with respect to any report of the arbitrators concerning the drainage of mines; but if the Commissioners shall disapprove of the works recommended in any such report, or of the order in which those works are to be executed, and if the Commissioners and the arbitrators cannot ultimately agree, then the difference between them shall be referred to some engineer to be nominated by the Commissioners.

Powers of Commissioners.

39. The Commissioners may and shall in like manner, with all convenient speed, after the approval of any report of the arbitrators, execute from time to time all or any of the works following, and any works incidental thereto, within the drainage area, and may use, maintain, and from time to time vary or renew the same, and for the purposes of this Act they may (subject to the conditions and restrictions in this Act contained) enter upon, take, and use, compulsorily or by agreement, and temporarily or permanently, lands, mines, or other property within the drainage area:

Description of works.

They may make drains, culverts, sewers, passages, and reservoirs for the interception, storage, and flow of water, and they may make new watercourses and outfalls for water; provided that it shall not be lawful for the Commissioners, under the powers of this Act, to make any cut, channel, or outfall of a greater width at the bottom than eleven feet:

They may cleanse, repair, scour, deepen, widen, straighten, divert, improve, or otherwise maintain in a due state of efficiency any existing river, stream, drain, watercourse, or outfall for water, natural or artificial, and the beds and banks thereof, or any existing defence against water, and remove or alter mill-dams, weirs, or other obstructions to the flow of water:

They may remove artificial mounds, and pump or otherwise drain, and may fill up swags or ponds within the drainage area:

They may construct, maintain, use, and renew from time to time engines, pumps, conduits, and all requisite machinery and works for pumping and draining water now accumulated in or hereafter flowing or percolating into any mines or exhausted mines, and for preventing for the future any such accumulation, or any such flowing or percolation:

They may construct, purchase, maintain, remove, pierce, or otherwise alter any underground wall, pillar, rib, barrier, or other defence against or impediment to the flow of water; provided that no rib, barrier, or other defence or impediment shall be

removed or pierced unless with the consent of the owner and occupier of the mines in which or between which it exists: A.D. 1873.

They may purchase and acquire or take on lease or occupy, upon such terms as may be agreed upon or settled by arbitration, any existing pumping plant or machinery, and may use the same for the purposes of this Act, or they may agree with the owners or occupiers of such plant or machinery for the continued employment thereof, and may compensate for such employment, or they may require the owners or others using the same to discontinue the use thereof: Provided that if such owner or other person is of opinion that such pumping plant or machinery ought not to be discontinued or otherwise interfered with by the Commissioners, that question shall be referred to the arbitration of some person to be appointed by the Board of Trade:

They may agree with the owners or proprietors of mills or canals, or any other bodies or persons, for the supply to them of water, and for the making or repair of cuts, canals, drains, embankments, or other like works: Provided always, that nothing in this Act contained shall enable the Commissioners, without the previous consent in every case of the South Staffordshire Waterworks Company, or of the Birmingham Waterworks Company, or of the corporation of Wolverhampton, under their respective common seals, to supply water for domestic, sanitary, or manufacturing purposes within the limits of supply defined by the Acts relating to those bodies respectively: Provided also, that nothing contained in this enactment shall authorise the Commissioners to interfere with any ornamental waters attached to any residence.

District may exempt itself from certain powers of the Act.

40. The majority in rateable value according to the poor rate of the owners and occupiers of mines in any drainage district may by memorial in writing addressed to the Commissioners, and signed by such owners and occupiers, require that the mines and exhausted mines within their district shall be exempt from the operation of this Act with respect to underground drainage, and the powers of the Commissioners with respect to mines drainage and to the mines drainage rate in such drainage district shall thereupon cease: Provided nevertheless, that the owners and occupiers of mines within such district shall be and remain liable to be rated for payment of all expenses incurred by the Commissioners with respect to mines drainage within such district down to the time of the receipt by the Commissioners of such memorial; and provided also, that the owners and occupiers of mines in a district so exempted may at any

A.D. 1873.

future time by virtue of a memorial signed by a like majority in value of the owners and occupiers of the mines within the said district be re-admitted within the operation of this Act with respect to underground drainage within such district, upon such conditions as the Commissioners shall prescribe, and after such re-admission the said district shall be deemed to be to all intents a portion of the drainage area.

Providing for compensation.

41. Provided that the Commissioners shall make compensation for all injury done by them or by the arbitrators, or by any person employed either by the Commissioners or the arbitrators in the execution of this Act, and such compensation may be recovered from the Commissioners in any court of competent jurisdiction.

Rates.

Providing for general drainage rates.

42. The Commissioners shall with all convenient dispatch, after the settlement of the award of the arbitrators on the surface drainage, assess and levy upon the occupiers of mines an annual rate, to be called "the general drainage rate," to be assessed in respect of all minerals gotten from mines within the drainage area, and the said rate shall not exceed in respect of each class of mineral mentioned in Schedule II. to this Act the amount specified in the first part of the said schedule, and the said rate shall be applicable only to the surface drainage, and to such proportions of the general expenses of the Commissioners as they shall think fit, and it shall be payable in equal half-yearly parts to such persons, in such places, and at such times as the Commissioners shall appoint, and if any rate shall not be paid by the person from whom it is due within one month after demand thereof, the same may be recovered with costs, either by action in any court of competent jurisdiction or by distress upon the goods and chattels of the person from whom the same rate is due, in the same manner and with the same incidents as a distress for rent in arrear.

Providing for mines drainage rate.

43. The Commissioners shall also, after the settlement of the award or awards of the arbitrators relating thereto, assess and levy upon the occupiers of mines an annual rate in respect of all minerals gotten from such mines, and such rate shall be called "the mines drainage rate," and shall be fixed according to the scale with respect to each drainage district, and (if the award shall so prescribe) with respect to the particular mines in each district which the award of the arbitrators shall have prescribed; and the said mines drainage rate shall in no case exceed in respect of each class of mineral mentioned in the said Schedule II. the amount specified in the second part of the said schedule, and the said rate

shall be payable and recoverable in the same manner as the general drainage rate. A.D. 1873.

Providing for appeal.

44. If any person liable to the payment of any rate deems himself aggrieved by the amount assessed upon him, and the Commissioners after hearing his objection to the said rate abide by the amount so assessed, the matter shall be referred to the arbitration of some one person appointed by the Board of Trade, and the decision of the arbitrator shall be binding upon both parties, and the costs of the reference and the award shall be in the discretion of the arbitrator.

Application of rate.

45. All moneys received by the Commissioners in respect of rates shall be applied as follows:

In payment of the salaries and expenses of the arbitrators, and the salaries of officers and servants, and all expenses which the Commissioners shall from time to time incur with respect to the transaction of their business;

In payment of the interest from time to time payable by the Commissioners on the principal moneys for the time being borrowed by them by virtue of this Act, and outstanding, and in payment of the annuities granted by the Commissioners by virtue of this Act;

In making such payments as the Commissioners may from time to time deem properly chargeable to their revenue;

In the execution of any of the works authorised by this Act;

In accumulating the sinking fund by this Act required:

And the matters aforesaid shall be paid by the Commissioners out of the general drainage rate, and out of the mines drainage rate, according to the provisions of this Act; provided that no moneys raised in any drainage district by means of the mines drainage rate shall be applied to the purposes of works outside that district.

Providing for revision of rates.

46. The Commissioners may, either at their own discretion or upon the request in writing of a majority of the owners or occupiers of mines in any drainage district, require the arbitrators to reconsider, and if they think fit, vary the rates payable, either as general drainage rate or as mines drainage rate, and the provisions hereinbefore contained with respect to the assessing and levying of rates shall apply to any such revised rates.

Providing for auditor.

47. The Inclosure Commissioners for England and Wales shall from time to time appoint an auditor of the accounts of the Commissioners, and the 92nd, 93rd, and 94th sections of the Commissioners Clauses Act, 1847, shall apply to such auditor.

A.D. 1873.

BORROWING.

Power to borrow money.

48. The Commissioners may from time to time borrow, either by way of annuity or mortgage or otherwise, on the security of the rates and property which they are hereby authorised to levy and acquire, such sums as they may from time to time require for the execution of the powers hereby vested in them, and they may mortgage the said rates and property to secure repayment thereof with interest accordingly.

Regulations as to annuities.

49. All annuities granted by the Commissioners shall be for terms of years not exceeding fifty, and shall be by deed under the corporate seal of the Commissioners, and the annuity shall be paid in equal half-yearly sums, and the annuitants shall with respect to the half-yearly payments rank equally with one another, and with the interest of mortgages, without reference either to the date either of the annuities or of the mortgages, and the provisions in "The Commissioners Clauses Act, 1847," with respect to the register of mortgages, to the transfer of mortgages, and the register of transfers, shall apply to the said grants of annuities.

As to sinking fund.

50. The amount required by the eighty-fourth section of "The Commissioners Clauses Act, 1847," to be set aside annually as a sinking fund, to be applied in paying off the principal moneys borrowed by the Commissioners, shall be one thirtieth part of the amount so borrowed.

Application of borrowed money.

51. Moneys borrowed by the Commissioners under the powers of this Act shall be applied by them,—

(1.) In the payment of the costs and expenses of applying for and obtaining this Act and incidental thereto;

(2.) In defraying the expenses of the Commissioners and arbitrators until the general drainage rate shall be received;

(3.) In the execution of such of the works authorised by this Act, and to such other of the expenses incidental to the execution of this Act, as are not to be defrayed out of income:

Provided that it shall not be necessary for any mortgagee or annuitant to see to the application of any money lent by him, nor shall he be responsible for the misapplication thereof.

ACQUISITION OF LANDS.

Power to acquire lands by agreement.

52. The Commissioners may from time to time for all or any of the purposes of this Act by agreement acquire, either by purchase or by way of lease, hire, exchange, or otherwise, any land or any estate, term, or interest therein, or any easement, power, or privi-

lege in or over the same, and may from time to time sell, lease, exchange, or otherwise dispose of all lands so acquired by them, and not wanted for the said purposes.

Persons under disability may exchange or lease.

53. The person by "The Lands Clauses Consolidation Act, 1845," empowered to sell and convey and release lands may agree to make such exchanges and leases respectively, and may grant in fee or demise any such easement, power, or privilege as aforesaid, and for the purposes of this Act the several provisions of the same Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," as far as the same are respectively applicable in that behalf, shall extend and apply to any such easements, power, or privilege, and to any rentcharge reserved on any such grant or demise.

Byelaws.

Power to make byelaws.

54. The Commissioners may from time to time make, repeal, alter, or amend byelaws to take effect within the drainage area, and with respect to the mines and exhausted mines therein, and may impose reasonable penalties for the breach of such byelaws; provided that all byelaws be so framed as to allow a part only of the maximum penalty being in any case ordered to be paid, and such byelaws may relate to the following matter or matters incidental thereto:

For the protection of the works of the Commissioners:

For preventing the flow or escape or percolation of water by any means inconsistent with those prescribed or provided by the Commissioners.

Allowance of byelaws by quarter sessions.

55. No such byelaws shall have effect until allowed by the justices at quarter sessions for the county of Stafford, and such justices shall on the request of the Commissioners inquire into any byelaws tendered to them for allowance, and allow or disallow the same as they think meet.

Notice of application for allowance.

56. No such byelaws shall be allowed unless notice of intention to apply for the allowance thereof has been given by advertisement one month at least before the application for allowance is made.

Objections to proposed byelaws.

57. Any person desiring to object to any such byelaws, on giving to the Commissioners notice of the nature of his objection not less than ten days before the hearing of the application for allowance, may by himself or his counsel, attorney, or agent be heard thereon.

Access to proposed byelaws.

58. For one month at least before the hearing of any such application printed copies of the proposed byelaws shall be kept at the principal office of the Commissioners, and the clerk to the Commissioners shall furnish every person applying for the same with a

A.D. 1873.

copy thereof on payment of a price not exceeding sixpence for each copy.

Copies of byelaws.

59. All byelaws when allowed shall be printed, and the clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same on payment of a price not exceeding sixpence for each copy.

Proof of byelaws.

60. A printed copy signed by the clerk to the Commissioners, purporting to be under the common seal of the Commissioners, and to be allowed at quarter sessions, shall be evidence of the existence and due making and allowance of such byelaws, without proof of the signature of the clerk.

Penalty for obstructions.

61. Any person who without reasonable excuse obstructs the Commissioners, or the arbitrators, or any person appointed by them respectively, in the execution of any of the powers, authorities, works, or things to be exercised or done by the said Commissioners or arbitrators respectively under the authority of this Act, shall be liable to a penalty not exceeding ten pounds.

Saving rights of canal owners and wharfingers.

62. Nothing in this Act shall authorise the Commissioners—

(1.) To interfere with any sewers or other works already or hereafter made and used for the purpose of draining, preserving, irrigating, or improving land under any local or private Act of Parliament, so as to injuriously affect the same;

(2.) To interfere with any river, canal, dock, harbour, lock, reservoir, or basin, or the supply of water to any river, canal, dock, harbour, lock, reservoir, or basin, so as to injuriously affect the navigation on such river, canal, dock, harbour, lock, reservoir, or basin, or the use and maintenance thereof, or to interfere with any towing-path so as to interrupt the traffic thereof, in cases where any corporation, company, undertakers, commissioners, conservators, trustees, or individuals are by virtue of any Act of Parliament entitled to navigate on or to use such river, canal, dock, harbour, lock, reservoir, or basin, or in respect of the navigation on or use of which river, canal, dock, harbour, lock, reservoir, or basin any corporation, company, undertakers, commissioners, conservators, and trustees, or individuals are entitled by virtue of any Act of Parliament to the receipt of any tolls or other dues, or to interfere with the Pensnett Canal, or the Castle Mill Branch, or other canals belonging to the Earl of Dudley, or with the waters supplying the same;

(3.) To interfere with the works or supply of water of any body or persons, corporate or unincorporate, supplying water to any town or place so as to injuriously affect the same;

(4.) To execute any works in, through, or under any wharves, quays, docks, harbours, or basins belonging to the proprietor or proprietors of any inland navigation constituted by Act of Parliament, or for the use of which they are entitled by virtue of any Act of Parliament to demand any tolls or dues;

(5.) To interfere with any railway or the stations, buildings, sidings, or works connected therewith, or the land immediately connected therewith and used for the purposes thereof;

without the consent of such corporation, company, undertakers, commissioners, conservators, trustees, or individuals as are hereinbefore in that behalf respectively mentioned, such consent to be expressed in writing in the case of individuals under their hands, in the case of a corporation under their common seal, and in the case of a company, undertakers, commissioners, conservators, or trustees under the hand of their clerk or other duly authorised officer or agent.

Restricting interference with the lands of the Birmingham and Staffordshire Gaslight Company.

63. For the protection of the Birmingham and Staffordshire Gaslight Company (herein-after called the Gas Company), be it enacted as follows:

The Commissioners shall not, without in every case the previous consent of the Gas Company under their common seal, take, use, enter upon, or interfere with any of the lands from time to time belonging to or in the possession or under the power of that Company:

Alterations of gas mains.

All alterations in the position or otherwise of the mains or pipes of the Gas Company which may be required for the purpose of any works by this Act authorised shall be made and executed by and at the cost of the Commissioners, but under the superintendence and to the reasonable satisfaction of the engineer for the time being of the Gas Company, and no such alteration shall be commenced until after three days notice in writing shall have been given to the Gas Company, and any difference as to the manner of carrying this enactment into effect, or any matter or thing arising thereunder, shall be settled by an engineer to be appointed by the Board of Trade:

Saving rights of the Gas Company.

Except as is expressly enacted by this Act, nothing in this Act contained nor in any byelaw to be made thereunder shall extend

A.D. 1873.

to prejudice, diminish, alter, or take away any of the rights, privileges, or powers of the Gas Company.

Saving rights of the South Staffordshire Waterworks Company, &c.

64. Except as in this Act is expressly provided, nothing in this Act contained shall in anywise alter, prejudice, or affect any of the rights, powers, estates, or privileges of the South Staffordshire Waterworks Company or of the Birmingham Waterworks Company.

Saving the Birmingham Waterworks Company.

65. If by reason of any act or default of the Commissioners the waters of the River Tame above Salford Bridge, in the parish of Aston, shall be in anywise diverted, diminished, or polluted, the Commissioners shall, at the request in writing of the Birmingham Waterworks Company under their common seal, do all such acts as shall be necessary to prevent and as shall prevent such diversion, diminution, or pollution, and if any difference shall arise between the said Commissioners and the said Waterworks Company touching anything contained in this enactment it shall be referred to arbitration.

Protection of works of Birmingham Canal Company.

66. The Commissioners shall not execute or maintain any work or do any act that may injure or may contract or alter the course or position of any canal, reservoir, lock, aqueduct, bridge, culvert, watercourse, feeder, towing-path, embankment, wharf, basin, or other work of the company of proprietors of the Birmingham Canal Navigations (herein-after called "the Canal Company"), or that may cause an escape of water from or a diminution of water in any such canal, reservoir, lock, aqueduct, culvert, watercourse, feeder, or basin, or that may divert water therefrom, or that may foul or pollute any such water, without the previous consent of the Canal Company under their common seal, or that may in any way impede the navigation of any canal of the Canal Company, or the traffic to, from, or along the same or any towing-path adjoining thereto.

Prohibiting interference with works of Canal Company.

67. Notwithstanding anything in this Act or in any byelaw contained, the Commissioners shall not, without in every case the previous consent of the Canal Company under their common seal, take, enter upon, use, or interfere with, either temporarily or permanently, any works of the Canal Company, or any lands acquired by them for the purposes of their undertaking, and the Commissioners shall on demand pay and satisfy to the Canal Company all damages incurred by them by reason of any act or default of the Commissioners.

Providing for alteration of works of Canal Company.

68. If the Canal Company shall hereafter require to execute any works which they are under the Acts relating to the said company authorised to execute and such works shall interfere with any

works of the Commissioners, the Canal Company shall submit to the Commissioners plans of the works proposed by them, together with sections and specifications, and if the Commissioners agree to the same the said works and any alterations in the works of the Commissioners incidental thereto shall be executed at the expense of the Canal Company, and under the superintendence and to the reasonable satisfaction of the Commissioners; and if any difference shall arise between the Commissioners and the Canal Company touching the said works, such difference shall be referred to an engineer to be appointed upon the application of either party by the Board of Trade. A.D. 1873.

Penalty in case of interruption of traffic on canal.

69. If by reason of any act or default of the Commissioners any interruption shall at any time be occasioned to any of the traffic passing to or from or along any canal of the Canal Company, the Commissioners shall pay to the Canal Company as or by way of ascertained damages the sum of one hundred and twenty pounds for every twelve hours during which any such interruption shall continue, and so in proportion for any less period than twelve hours, and in default of payment of any such sum on demand made on the Commissioners, the Canal Company may sue for and recover the same with full costs of suit against the Commissioners in any court of competent jurisdiction.

Saving rights of the Canal Company.

70. Nothing in this Act or in any byelaw contained, and no works to be executed under the powers of this Act, shall prejudice, diminish, alter, or take away any of the rights, privileges, powers, or authorities of or belonging to or vested in the Canal Company, or shall enable the Commissioners to abstract or divert any waters which the Canal Company are by the Acts relating to the Canal Company authorised to take.

For protection of Staffordshire and Worcestershire Canal.

71. The provisions contained in the five next preceding sections for the protection of the company of proprietors of the Birmingham Canal Navigations shall apply to and shall be in force in favour of the company of proprietors of the Staffordshire and Worcestershire Canal Navigation, as fully and effectually as though the last-named company of proprietors and their undertaking had been expressly named in the said provisions.

For protection of the borough of Walsall.

72. The Commissioners shall not interfere with any public road or street, or with any gas main, or with any sewer, or brook, or watercourse within or belonging to the borough of Walsall, or within or belonging to the district under the jurisdiction of the Commissioners appointed by "The Walsall Improvement and Market Act, 1848," (herein-after called the Walsall Commissioners,") except

A.D. 1873.

in such manner as shall be reasonably satisfactory to the surveyor of the town council of the said borough, or of the said Walsall Commissioners, as the case may be, and as shall have been previously approved of by him in writing, and if there shall be any difference between the Commissioners and the said surveyor as to any such proposed interference, or as to the works to carry out the same, such difference shall be referred to the decision of an arbitrator to be appointed by the Local Government Board, whose decision upon the question shall be final and conclusive.

For protection of corporation of Wolverhampton.

73. The Commissioners shall not interfere with any public road or street, or with any gas or water main, or with any sewer, or brook, or watercourse within or belonging to the borough of Wolverhampton, except in such manner as shall be reasonably satisfactory to the surveyor of the corporation of the said borough, and shall have been previously approved of by him in writing, and if there shall be any difference between the said Commissioners and the said surveyor as to any such proposed interference, or as to the works to carry out the same, such difference shall be referred to the decision of an arbitrator to be appointed by the Local Government Board, whose decision upon the question shall be final and conclusive.

Application to be made to Parliament if additional powers necessary.

74. If it shall appear that any works which the Commissioners may deem necessary for the improvement of the surface drainage, or of the drainage of the mines and exhausted mines, within the drainage area, cannot lawfully be carried into effect by the said Commissioners under the powers vested in them by this Act, by reason either that the moneys authorised to be raised by them are insufficient for the purpose, or that any lands are required which the said Commissioners are not authorised to take or use, or for any other reason, the said Commissioners may, by order and resolution to be made and agreed to by the said Commissioners at a special meeting of the said Commissioners to be duly called for that purpose, cause application to be made to Parliament for an Act to enable them to execute such further works, to raise such further moneys, or to take and use such further lands, or otherwise, and the Commissioners may defray the expenses of such application out of the rates, taxes, and moneys authorised to be levied and raised by them under this Act.

SCHEDULES.

I.

Sections in the Commissioners Clauses Act, 1847, *which are not incorporated with this Act.*

Section 7. (Same property not to give two qualifications.)
Section 24. (Scale of votes of owners and occupiers.)
Section 25. (Electors to vote in ward, &c.)
Section 27. (Returning officer may summon rate collector, &c.)
Section 32. (Manner of proceeding if any person is elected in more than one ward.)
Section 48. (Expenses of meetings.)
Section 54. (Commissioners to provide daily attendance, &c.)

SCHEDULE.

II.

PART I.—*General Drainage Rate.*

Class

1. For every ton of slack, shale, limestone, ironstone, fire-clay, coal, or other mineral raised, one penny.

PART II.—*Mines Drainage Rate.*

Class

1. For every ton of fire-clay or limestone raised, threepence.
2. For every ton of ironstone raised, ninepence.
3. For every ton of coal, slack, or other mineral raised, not being fire-clay, limestone, or ironstone, sixpence.

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