CHAPTER xxiii.

An Act to confer powers upon the South Staffordshire Mines Drainage Commissioners for the borrowing of moneys and the purchase and sale of lands to confirm an agreement between the said Commissioners the Company of Proprietors of the Birmingham Canal Navigations and the Public Works Loan Commissioners to vary and amend the provisions of the South Staffordshire Mines Drainage Acts 1891 1894 and 1904 and for other purposes. [8th July 1914.]

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WHEREAS the South Staffordshire Mines Drainage Act 1873 (in this Act referred to as "the Act of 1873") was passed for the purpose of facilitating the drainage of mines in parts of South Staffordshire and East Worcestershire and that Act was subsequently varied and amended by the South Staffordshire Mines Drainage Acts 1878 and 1882:

And whereas the arbitrators appointed under the provisions of the Act of 1873 shortly after their appointment divided the drainage area into drainage districts in accordance with the directions contained in the twenty-third section of the same Act and one of such districts as subsequently altered by an award of the arbitrators dated the ninth day of March one thousand eight hundred and eighty-one is called or known by the name of "the Tipton District":

And whereas under the provisions of the South Staffordshire Mines Drainage Acts 1873 to 1882 (in this Act collectively referred to as "the Acts of 1873 to 1882") the Drainage Commissioners thereby appointed (in this Act referred to as "the Commissioners") from time to time borrowed divers

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sums of money on mortgage of the mines drainage rate levied in the said Tipton District (in this Act referred to as "the Tipton rate") and the total sum of two hundred and sixty-five thousand two hundred and ninety-five pounds is now owing in respect of principal moneys with an arrear of interest:

And whereas the Commissioners being unable to pay the current interest on the said sum so borrowed an action against them was commenced in the month of October one thousand eight hundred and eighty-eight in the Chancery Division of the High Court by Francis William Victor Mitchell and John Biddle Manly as plaintiffs on behalf of themselves and all other their co-mortgagees of the Tipton rate and by the judgment in the said action dated the second day of November one thousand eight hundred and eighty-eight a receiver of the Tipton rate was appointed and directions were given as to the application of the moneys received by him and the further consideration of the said action was adjourned:

And whereas by the South Staffordshire Mines Drainage Act 1891 (in this Act referred to as "the Act of 1891") the said action was stayed and a permanent receiver was appointed of the Tipton rate and revenue as from the first day of July one thousand eight hundred and ninety-one:

And whereas by the Act of 1891 it was enacted that in addition to the powers of borrowing conferred on them by the Acts of 1873 to 1882 the Commissioners might for the purposes of the Act now in recital borrow any moneys either at one time or several times not exceeding in the whole one hundred thousand pounds and that such moneys should be secured by mortgage or mortgages upon the Tipton rate and upon all other moneys in the nature of income receivable by the Commissioners from any other source in respect of the drainage of mines in the Tipton District only and also (subject to the provisions thereinafter contained) upon all property of the Commissioners for the time being situate in the Tipton District and acquired by them for the purposes of the drainage of mines in that district (not including the general drainage rate or any property acquired by the Commissioners for the purpose of general drainage) which rate income and property by the Act now in recital authorised to be mortgaged were in the said Act and are in this Act collectively referred to as "the Tipton revenue and property" and separately as "the Tipton revenue"

and "the Tipton property" and that notwithstanding anything contained in the Acts of 1873 to 1882 or in the Commissioners Clauses Act 1847 or in the Local Loans Act 1875 or in the several existing mortgages of the Tipton rate the several mortgages created under the powers of the said Act now in recital should rank as a first charge on the Tipton revenue and property in priority to all existing mortgages of the Tipton rate and should be called mortgages of the A class and that all then existing mortgages and all mortgages issued in exchange for existing mortgages under the provisions contained in the said Act now in recital should be called mortgages of the B class:

And whereas by section 12 of the Act of 1891 provision was made for the application of the moneys received by the receiver and by subsection (3) of that section for the setting aside annually of a sinking fund:

And whereas under the provisions of the Act of 1891 a committee (hereinafter referred to as "the mortgagees' committee") representing the holders of the mortgages of the B class has been appointed by the name of the mortgagees' committee with the powers and authorities specified in the said Act (including a power to object to any proposed expenditure of moneys borrowed under the Act of 1891):

And whereas the Commissioners having been unable to raise the said sum of one hundred thousand pounds or any part thereof on the security of the Tipton revenue and property only they were by the South Staffordshire Mines Drainage Act 1894 (in this Act referred to as "the Act of 1894") empowered to borrow the said sum not only on the security of the Tipton revenue and property but also collaterally on the security of a contingent first charge on the fee simple and inheritance of certain of the mines and minerals situate within the said Tipton District and described in the First Schedule to the Act of 1894 and in this Act referred to as "the scheduled mines":

And whereas by the Act of 1894 it was further enacted that a scheme or schemes for the whole of the Tipton District with respect to the sites for any proposed new engines and with respect to any proposed alterations and improvements of the existing engines should be prepared and should comprise as far as practicable the drainage of the whole of the said district and the said Act contained provisions with respect to the approval and sanctioning of the works referred to in any such scheme

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and it was thereby further provided that no part of the one hundred thousand pounds authorised by the Act of 1891 to be borrowed should be spent on the aforesaid works save in accordance with the provisions of such scheme or schemes and that the powers of the mortgagees' committee under the Act of 1891 to object to any proposed expenditure of moneys borrowed under that Act should extend and apply also to any objection to any of the works proposed:

And whereas a scheme (in this Act referred to as "the scheme") for the whole of the Tipton District was accordingly prepared which was recommended by the arbitrators appointed under the Act of 1891 and was duly advertised and approved by the mortgagees' committee:

And whereas the Public Works Loan Commissioners (in this Act referred to as "the Loan Commissioners") between the years 1895 and 1898 advanced to the Commissioners by instalments sums amounting to eighty-five thousand pounds the repayment of which sums with interest is secured on mortgage of the Tipton revenue and property and (as a collateral security) of the fee simple and inheritance of the scheduled mines subject to and with the benefit of the conditions and provisoes contained in the Act of 1894:

And whereas in or about the year 1904 it was anticipated that the works mentioned in the scheme would be completed within two or three years from that time and that thereafter the Tipton rate and the Tipton revenue would increase and the expense of pumping the water from the mines in the Tipton District diminish to such an extent as to enable the Commissioners to pay working expenses and to provide for the interest on and the instalments for repayment of the capital advanced by the Loan Commissioners but in the meantime the Tipton rate and the Tipton revenue were insufficient for those purposes:

And whereas in these circumstances with the consent and approval of the Loan Commissioners and the mortgagees' committee the said subsection (3) of section 12 of the Act of 1891 was repealed by the South Staffordshire Mines Drainage Act 1904 (in this Act referred to as "the Act of 1904") and the Commissioners were by the same Act empowered (inter alia) to enter into and carry into effect agreements with the Loan Commissioners with respect to the mode and time of repayment of the principal moneys borrowed by the Commissioners under

the Acts of 1891 and 1894 and the payment of interest thereon either in lieu of or in addition to those contained in the indenture of mortgage securing the said principal moneys and interest:

And whereas by the Act of 1904 the Commissioners were also empowered if at any time before the expiration of one year after the completion and carrying into actual operation of the works comprised in the scheme or before the thirtieth of June one thousand nine hundred and nine (whichever should first happen) the Tipton rate and the Tipton revenue should be insufficient to meet in full the working expenses of the Tipton District (including the financial year ending the thirtieth day of June one thousand nine hundred and four) out of the moneys borrowed or to be borrowed from the Loan Commissioners to make up any such deficiency and also out of such moneys to recoup to the revenue account the sum of one thousand three hundred and eleven pounds fourteen shillings and one penny paid on revenue account in excess of revenue actually received as in the said Act mentioned provided that any sum or sums so appropriated and applied out of moneys so borrowed should be recouped to the capital account of such moneys out of the Tipton rate and the Tipton revenue when and so soon as the sums to the credit of such rate or revenue should admit of such recoupment:

And whereas from the first day of July one thousand nine hundred and two to the thirtieth day of June one thousand nine hundred and nine the sum of seven thousand five hundred and sixty-two pounds sixteen shillings and sixpence was carried forward in the books of the Commissioners as a deficit in the working expenses of the Tipton District inclusive of the said sum of one thousand three hundred and eleven pounds fourteen shillings and one penny so paid on revenue account as aforesaid in excess of revenue actually received towards which said sum of seven thousand five hundred and sixty-two pounds sixteen shillings and sixpence four thousand eight hundred and seventy-three pounds seventeen shillings only had been used from capital moneys borrowed from the Loan Commissioners leaving a deficiency of two thousand six hundred and eighty-eight pounds nineteen shillings and sixpence still to be made up:

And whereas in the year one thousand nine hundred and twelve in order to provide for such deficiency and with the

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approval of the mortgagees' committee the Loan Commissioners advanced to the Commissioners the sum of two thousand six hundred and eighty-eight pounds upon further mortgage of the Tipton revenue and property and (as a collateral security) of the fee simple and inheritance of the scheduled mines:

And whereas the mortgages in favour of the Loan Commissioners for securing the repayment of the said capital sums of eighty-five thousand pounds and two thousand six hundred and eighty-eight pounds and interest thereon respectively are the only mortgages of the A class executed by the Commissioners under the Acts of 1891 1894 and 1904:

And whereas although since the construction of the works provided for by the scheme (in so far as the same have been completed) substantial economies have been effected in the working expenses of the Tipton District the Tipton rate and the Tipton revenue have materially diminished and are insufficient to provide for the continuance of the pumping operations and the maintenance of the drainage works of the Commissioners and for the interest and the instalments for the repayment of the said several sums of eighty-five thousand pounds and two thousand six hundred and eighty-eight pounds capital money advanced by the Loan Commissioners as aforesaid in respect of which moneys the sum of eighty-four thousand two hundred and seventy-eight pounds six shillings and threepence remained owing on the first day of September one thousand nine hundred and thirteen with arrears of interest amounting to twenty-five thousand nine hundred and ten pounds fourteen shillings and fourpence:

And whereas any cessation of the pumping operations or interference with the maintenance of the drainage works of the Commissioners upon which the drainage of the mines in the Tipton District depend would involve the flooding of the said mines and give rise to serious unemployment and dislocation of trade and it is of great public and local importance that the said operations and works should not be prejudiced or in any ~~way endangered~~:

And whereas the Commissioners are under contractual obligations to the company of proprietors of the Birmingham Canal Navigations (in this Act referred to as "the canal company") for (inter alia) the delivery of water into the

works of the canal company and the canal company are accordingly directly interested in the maintenance of the drainage works and pumping operations of the Commissioners:

And whereas in order to provide funds to enable the drainage works and pumping operations of the Commissioners to be maintained and continued for a term of ten years from the first day of August one thousand nine hundred and fourteen and with the approval and consent of the mortgagees' committee the Commissioners the canal company and the Loan Commissioners have entered into the agreement set out in the schedule to this Act providing (inter alia) for the purchase from the Commissioners by the canal company of the fee simple of certain pumping stations in the said agreement described and the pumps plant engines and machinery used in connection therewith for the increase of certain payments made by the canal company for water pumped by the Commissioners into the Birmingham Canal for the advance to the Commissioners by the Loan Commissioners of certain further moneys upon further charge of the Tipton revenue and property and for the application of the purchase money arising from such sale and of the moneys so to be advanced in repayment of certain moneys advanced by the canal company to the Commissioners prior to the first day of August one thousand nine hundred and fourteen to enable the Commissioners to continue their said pumping operations and maintain their said drainage works and in meeting the working expenses of the Tipton District during the said period:

And whereas the Loan Commissioners are empowered to advance moneys for the purposes of the said agreement:

And whereas it is expedient that the said agreement should be confirmed and carried into effect and that further borrowing powers should be conferred upon the Commissioners accordingly and that the several mortgages proposed to be created under this Act should take effect as mortgages of the A class and rank after the existing mortgages of that class but in priority to all existing mortgages of the B class:

And whereas in order that the said agreement may be carried into effect it is expedient that the Commissioners should be empowered to purchase or acquire by agreement the lands now in lease to them upon which or part of which certain of the pumping stations so agreed to be sold to the canal company stand;

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And whereas it is expedient that the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing this Act should be paid out of the moneys received or to be received by the Commissioners out of the general drainage rate:

And whereas the objects of this Act 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Short and collective titles.

1. This Act may be cited as the South Staffordshire Mines Drainage Act 1914 and the South Staffordshire Mines Drainage Acts 1873 to 1894 and the Act of 1904 and this Act may be cited together as the South Staffordshire Mines Drainage Acts 1873 to 1914.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the South Staffordshire Mines Drainage Acts 1873 to 1894 or by the Act of 1904 or by any of them or by the Acts wholly or partially incorporated with those Acts or any of them have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Incorporation of general Acts.

3. The Lands Clauses Acts (except the provisions with respect to the purchase and taking of lands otherwise than by agreement and section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act.

Purchase of lands in lease to Commissioners.

4. Subject to the provisions of this Act the Commissioners may purchase or otherwise acquire by agreement the fee simple of and in and any other interest in or over all or any part of the following lands in the county of Stafford (namely):—

(*a*) The lands situate in the parish and urban district of Bilston upon which or part of which the Bradley pumping station described in the agreement set out in the schedule to this Act stands which lands are held by them for a term of twenty-one years expiring

on the twenty-ninth day of September one thousand nine hundred and twenty-five by virtue of an indenture of lease dated the twenty-fifth day of October one thousand nine hundred and four and made between Piers Frederick Legh of the one part and the Commissioners of the other part; and

(*b*) The lands situate in the parish and county borough of Wolverhampton upon which or part of which the Stowheath pumping station described in the agreement set out in the schedule to this Act stands which lands are held by them for a term of twenty-one years expiring on the twenty-fifth day of March one thousand nine hundred and twenty-five by virtue of an indenture of lease dated the fourth day of May one thousand nine hundred and five and two further indentures endorsed thereon dated the third day of January one thousand nine hundred and seven and the fourteenth day of March one thousand nine hundred and eight and made between the Duke of Sutherland K.G. of the one part and the Commissioners of the other part.

Confirmation of agreement.

5. The agreement made the first day of October one thousand nine hundred and thirteen between the Commissioners of the first part the canal company of the second part and Robert Philpot of the Public Works Loan Office Old Jewry in the city of London C.B. Secretary of the Loan Commissioners of the third part set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto and may and shall be carried into effect according to the tenour thereof.

Power to borrow.

6. In addition to the powers of borrowing conferred on them by the South Staffordshire Mines Drainage Acts 1873 to 1894 and notwithstanding anything therein contained to the contrary the Commissioners may for the purposes specified in the agreement set out in the schedule to this Act borrow upon the terms in the manner and at the times in the said agreement expressed such moneys as may from time to time be required by the Commissioners for the said purposes during the period of ten years from the first day of August one thousand nine hundred and fourteen and the Commissioners shall apply the same to the purposes to which by the said agreement the same are made applicable.

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Such moneys shall be secured by mortgage or mortgages of the Tipton revenue and property and notwithstanding anything contained in the South Staffordshire Mines Drainage Acts 1873 to 1894 or in the Act of 1904 or in the Commissioners Clauses Act 1847 or in the Local Loans Act 1875 or in the several existing mortgages of the Tipton rate the several mortgages created under the powers of this section shall take effect as mortgages of the A class and shall rank as a charge on the Tipton revenue and property after the existing mortgages of that class but in priority to all existing mortgages of the B class.

Application of provisions of Acts as to borrowing.

7. The provisions of the Act of 1891 as amended by the Act of 1904 in relation to the borrowing of moneys upon mortgage of the Tipton revenue and property and in relation to the effect and priority of such mortgages of the A class shall (with the necessary modifications and subject to and in so far as the same are not inconsistent with the provisions of this Act and of the agreement set out in the schedule to this Act) extend and apply mutatis mutandis to the moneys borrowed under this Act in all respects as if such moneys had formed part of the sum of one hundred thousand pounds authorised to be borrowed by the Act of 1891 and had been borrowed accordingly.

Incidence of costs of obtaining this Act.

8. The costs charges and expenses preliminary to and of and incidental to the preparing applying for 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 Commissioners out of moneys received or to be received by them in respect of the general drainage rate.

The SCHEDULE referred to in the foregoing Act.

An agreement made the first day of October One thousand nine hundred and thirteen between the South Staffordshire Mines Drainage Commissioners (hereinafter called "the Commissioners") of the first part the Company of Proprietors of the Birmingham Canal Navigations (hereinafter called "the canal company") of the second part and Robert Philpot of the Public Works Loan Office Old Jewry in the city of London Esquire C.B. secretary of the Commissioners for carrying into execution the Public Works Loans Act 1875 (which Commissioners are hereinafter called "the Loan Commissioners") of the third part.

Whereas the Commissioners acting under the provisions of the South Staffordshire Mines Drainage Acts 1891 1894 and 1904 have from time to time borrowed on loan from the Loan Commissioners certain moneys on the security of mortgages of the Tipton revenue and property in the said Acts referred to and on the collateral security of certain mines and minerals in the Tipton District more particularly referred to in the South Staffordshire Mines Drainage Act 1894 for the purpose of carrying out certain drainage works and pumping operations in the said Tipton District:

And whereas such mortgages are the only mortgages of the "A" class executed by the Commissioners under the said Acts and the sum of eighty-four thousand two hundred and seventy-eight pounds six shillings and threepence together with arrears of interest to the amount of twenty-five thousand nine hundred and ten pounds fourteen shillings and fourpence remained due on the first day of September one thousand nine hundred and thirteen to the Loan Commissioners on the security of the said mortgages:

And whereas under certain agreements the canal company and the Commissioners are under mutual obligations to take and pay for and to supply certain quantities of water for the purposes of the Birmingham Canal but by an agreement dated the thirty-first day of March one thousand nine hundred and five and made between the canal company of the first part the Commissioners of the second part and the South Staffordshire Mond Gas (Power and Heating) Company (therein and hereinafter called "the gas company") of the third part relative to the use of canal water by the gas company it was provided that the Commissioners should deliver the water pumped at their Park Lane pumping station into the Wolverhampton Level of the canal company free of cost to the canal company:

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And whereas the revenue derived by the Commissioners from the Tipton District has recently diminished and is now insufficient to provide for the service of the said loan and for the continuance of such drainage works and pumping operations:

And whereas in order to prevent the flooding of mines in the Tipton District it is of the greatest importance that further moneys should be provided to insure the continuance of such drainage works and pumping operations:

And whereas in order that the Commissioners may be able to continue such drainage works and pumping operations as aforesaid in the Tipton District it is intended to promote a Bill in Parliament (hereinafter called "the Bill") with the object and intention of obtaining Parliamentary powers in the next session of Parliament authorising the Commissioners *inter alia* to borrow further moneys on the security of mortgages of the "A" class of the Tipton revenues and property (such mortgages to take effect as mortgages of the "A" class hereinbefore referred to and to rank after the existing mortgages of that class and in priority to the mortgages of the "B" class created under the South Staffordshire Mines Drainage Acts 1873 to 1882) and authorising the Commissioners to sell certain pumping stations hereinafter described to the canal company and for that purpose to acquire by agreement the fee simple of the lands now in lease to the Commissioners upon which certain of the same now stand:

And whereas it has been deemed desirable by the Commissioners the canal company and the Loan Commissioners that an agreement with the objects hereinafter defined should be entered into between them (the Loan Commissioners concurring therein by their secretary in manner hereinafter appearing) and that the same should be scheduled to and form part of the Bill:

Now it is hereby jointly and severally agreed between the Commissioners the canal company and the Loan Commissioners as follows:—

1. The canal company will as from the first day of January one thousand nine hundred and thirteen up to the purchase of the fee simple of the freehold and leasehold hereditaments easements water pipes pumps and machinery specified in the schedule hereto (hereinafter referred to as "the scheduled pumping stations") pay to the Commissioners for all water pumped into the Birmingham Canal in the Tipton District by the Commissioners except water pumped at Park Lane into the Wolverhampton Level under the provisions of the recited agreement of the thirty-first day of March one thousand nine hundred and five during the continuance of that agreement at the

rate of ninepence per lock of twenty-five thousand gallons subject to a maximum payment for water so pumped of five thousand pounds per annum.

2. The Commissioners shall sell and the canal company shall purchase for the sum of twenty thousand pounds and in the manner hereinafter provided the fee simple of the scheduled pumping stations.

3. The said purchase money of twenty thousand pounds shall be paid by the canal company to the Commissioners by ten equal instalments of two thousand pounds each payable annually as and when required by the Commissioners in each year the first of such instalments to be paid on or before the first day of August one thousand nine hundred and fifteen and each succeeding sum of two thousand pounds to be paid as and when required before the first day of August in each year up to and including the first day of August one thousand nine hundred and twenty-four.

4. On the first day of August one thousand nine hundred and twenty-four if the said payments of two thousand pounds have been promptly and punctually paid in accordance with the provisions of the preceding clause the fee simple of the scheduled pumping stations shall be conveyed and transferred by the Commissioners to the canal company who shall bear their own legal expenses in connection with such conveyance and transfer in the usual way.

5. Until the scheduled pumping stations shall be conveyed and transferred to the canal company under the provisions hereinbefore contained possession thereof shall be retained by the Commissioners who shall be entitled to and shall use the same for the purpose of pumping operations in the Tipton District and shall at their own expense maintain the same in good working order and condition.

6. The Commissioners shall apply the said annual instalments of two thousand pounds as and when the same shall be received by them in or towards the cost of maintaining during the said period of ten years the pumping operations in the Tipton District authorised by the said South Staffordshire Mines Drainage Acts and for no other purpose and if in any one year the said sum of two thousand pounds is not required for such operations the balance of the sum not so required shall be paid by the Commissioners to the Loan Commissioners to be retained by them in part discharge of all moneys to be advanced pursuant to this agreement or of the principal and interest outstanding in respect of the said loan already made to the Commissioners by the Loan Commissioners.

7. Within one week after the first day of August one thousand nine hundred and twenty-four subject as aforesaid the Commissioners will deliver to the canal company an abstract of their title to the

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scheduled pumping stations The abstract of the title of the Moat pumping station shall commence with the conveyance to the Commissioners they being entitled to call for same at any time on the payment of five hundred pounds but subject to the payment of the rent during the remainder of the term of the lease under which the premises are now held from the Moat Estate Limited The abstract of the title of the Bradley pumping station shall commence as to one rood four perches with an indenture dated the thirty-first day of December one thousand eight hundred and eighty-four which was a conveyance to the Commissioners and as to remainder thereof being leasehold (the freehold of which the Commissioners are to acquire) with the conveyance thereof to the Commissioners and as to the mines under three acres one rood and eleven perches adjoining the engine with an indenture dated the seventh August one thousand eight hundred and eighty-nine being the conveyance of the said mines to the Commissioners The abstract of the title of the Stowheath pumping station (the freehold of which the Commissioners are to acquire) shall commence with the conveyance of the property from the Duke of Sutherland to the Commissioners The abstract of the title of the Herberts Park pumping station shall commence with an indenture dated the twenty-fourth day of January one thousand nine hundred and five being the conveyance of the same to the Commissioners.

8. The Loan Commissioners shall advance to the Commissioners on the first day on which certificates by the Loan Commissioners are issued after the expiration of four weeks from the first day of August one thousand nine hundred and fourteen a sum sufficient to repay to the canal company the total amount of all advances that may have been made by the canal company to the Commissioners up to the first day of August one thousand nine hundred and fourteen for the purpose of enabling the Commissioners to continue their pumping operations up to that date including the sum of three thousand four hundred and forty-eight pounds advanced for this purpose prior to the date of this agreement and the Commissioners shall apply such sum in repaying the amount of such advances.

9. The Loan Commissioners shall if and so far as the said annual instalments of two thousand pounds (when added to the other revenue of the Commissioners in respect of the Tipton District applicable for the purpose) shall be insufficient to enable the Commissioners effectually to maintain and continue the said pumping operations in the Tipton District advance to the Commissioners on the security of the Tipton revenue and property such additional sums as may from time to time be required by the Commissioners during a period of ten years from the first day of August one thousand nine hundred and

fourteen to enable the Commissioners effectually to maintain and continue such pumping operations in the Tipton District during such period of ten years.

10. For the purpose of ascertaining the sums if any to be advanced under the last preceding clause hereof Edmund Howl or other the receiver for the time being of the Tipton rate revenue and property under the South Staffordshire Mines Drainage Act 1891 shall from time to time certify in writing the amount required to be so advanced to the Commissioners for the purposes aforesaid.

11. The repayment of all moneys advanced to the Commissioners under or in pursuance of the provisions of clauses 8 and 9 hereof with interest at the rate of four per cent. per annum shall be secured by a mortgage or mortgages of the Tipton revenue and property such mortgage or mortgages to be executed in favour of the Loan Commissioners or as they may direct and to take effect as a mortgage or mortgages of the "A" class within the meaning of the South Staffordshire Mines Drainage Act 1891 and to rank after the existing mortgages of that class and in priority to the mortgages of the "B" class created under the South Staffordshire Mines Drainage Acts 1873 to 1882 and shall provide for the repayment of the moneys advanced with interest thereon on or before the first day of August one thousand nine hundred and twenty-four either by a sinking fund or by annual instalments or otherwise as may be agreed between the Commissioners and the Loan Commissioners but this clause shall be without prejudice to the rights of the Loan Commissioners to put into force the powers contained in the South Staffordshire Mines Drainage Act 1894 for the purpose of realising all principal and interest due to them upon the security of the mortgages of the Tipton revenue and property and the collateral security provided by the South Staffordshire Mines Drainage Act 1894 already entered into by the Commissioners.

12. The canal company shall not in any event be entitled to have any of the said annual instalments of two thousand pounds repaid to them.

13. If before the completion of the sale of the scheduled pumping stations the Commissioners shall give to the canal company not less than three months' notice in writing that they desire to continue to use the scheduled pumping stations the canal company shall upon the completion of the said sale lease the said pumping stations to the Commissioners for the period specified in such notice at a rent of one thousand five hundred pounds per annum such lease to contain covenants by the Commissioners for the maintenance and repair of such pumping stations by the Commissioners and such other covenants as may reasonably be required by the canal company including covenants to keep the said pumps working to as great an extent as

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the water in the Tipton District will allow and not to lay down any new or additional deep level pumps without the previous consent in writing of the canal company and the canal company shall remain liable to pay for all the water pumped into their canal at the scheduled pumping stations at the rate aforesaid or at such other rate as shall be agreed upon or settled by arbitration as a fair rate if the parties disagree but they shall be under no obligation to take or pay for water pumped by any other pumps in the Tipton District and in case of difference such lease shall be finally settled by a conveyancing council to be nominated on the application of either party by the president for the time being of the Incorporated Law Society.

14. The Commissioners shall use their best endeavours to obtain prior to the completion of the purchase a perpetual easement for water pipes to carry the water for the time being raised by the Stowheath pumps from the Stowheath pumping station to the Birmingham Canal along the high road or otherwise but shall not be required to obtain compulsory powers to purchase such easements In the event of the Commissioners not being able to obtain such perpetual easement the agreed purchase price of the scheduled pumping stations shall be reduced by such sum as may be agreed upon between the canal company and the Commissioners or settled by arbitration under the Arbitration Act 1889.

15. This agreement which is intended to be scheduled to the Bill is made subject to such alterations as Parliament may think fit to make therein or in the Bill but if Parliament make any such alteration as may materially affect the terms of this agreement it shall be competent to any of the parties to this agreement to rescind the same except as hereinafter provided by clauses 16 and 17.

16. The costs charges and expenses of all parties of and incidental to the negotiations for and preparation and execution of these presents and preliminary to and of and incidental to the preparing applying for and promotion of the Bill shall in any case be paid by the Commissioners.

17. If the Bill shall fail to pass into law during the next ensuing session of Parliament or if this agreement shall not be confirmed by Parliament (either without modification or with such modification only as the parties to this agreement shall approve) this agreement shall be void and of no effect and none of the parties hereto shall in that case have any claim against the other or others of them in respect of anything hereinbefore contained save and except only that the said costs charges and expenses shall be paid as provided by clause 16 hereof.

18. In the event of any dispute difference or question arising between the parties hereto touching the construction meaning or effect of these presents or the rights or liabilities of the parties or otherwise in relation to the premises the same shall be referred to the arbitration of a single arbitrator to be agreed upon by the parties or failing their agreement to be nominated by the president for the time being of the Incorporated Law Society and this shall be deemed to be a submission to arbitration within the provisions of the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being.

In witness whereof the Commissioners and the canal company have hereunto caused their respective common seals to be affixed and the said Robert Philpot hath hereunto set his hand and seal the day and year first above written.

SCHEDULE.

Moat pumping station at Summerhill in the parish and urban district of Tipton in the county of Stafford:—

New engine compound condensing horizontal tandem double-acting pumping engine high pressure cylinder thirty-four inches diameter low pressure seventy-six inches diameter with plant complete:

Leviathan engine vertical Cornish beam pumping engine eighty-eight inches diameter cylinder with plant complete:

The site comprises the land on which the engines stand containing one acre fifteen poles and also the mine under the land included in the circular line in the plan on the lease of the property.

Bradley pumping station at Bradley in the parish and urban district of Bilston in the county of Stafford:—

Compound condensing horizontal tandem double-acting pumping engine high pressure cylinder forty inches diameter low pressure cylinder ninety inches diameter with plant complete A portion of the land on which the engine and boilers are built is freehold and a portion leasehold:

Freehold One rood and four poles conveyed to the Commissioners by indenture of conveyance dated the thirty-first day of December one thousand eight hundred and eighty-four:

Leasehold Lease dated the twenty-fifth day of October one thousand nine hundred and four from Piers Frederick Legh

A.D. 1914.

for twenty-one years expiring the twenty-ninth day of September one thousand nine hundred and twenty-five at a rent of forty pounds per annum.

Stowheath pumping station in the parish and county borough of Wolverhampton in the county of Stafford :—

Compound vertical condensing Cornish pumping engine with plant complete high pressure cylinder twenty-five inches diameter low pressure cylinder fifty-five inches diameter one forty horse-power national gas engine complete running on Mond gas one Mather and Platt high lift turbine pump driven by belt complete one thousand three hundred yards fifteen inches diameter cast iron delivery main laid along the highway from the pumping station to the canal :

The land at pumping station with old engine house buildings and two pumping pit shafts is held under indenture of lease from the Duke of Sutherland dated the fourth day of May one thousand nine hundred and five at a present annual rent of seventy-five pounds for a term of twenty-one years expiring the twenty-fifth day of March one thousand nine hundred and twenty-five :

By an endorsement dated the third day of January one thousand nine hundred and seven additional land was taken at a further rent of one pound per annum to expire at same date :

By an endorsement dated the fourteenth day of March one thousand nine hundred and eight there was an exchange of land without alteration in rent.

Herbert's Park pumping station in the parish and urban district of Darlaston in the county of Stafford :—

Compound vertical condensing Cornish pumping engine with plant complete high pressure cylinder twenty-two inches diameter low pressure cylinder forty-seven inches diameter Freehold Conveyed to the Commissioners by indenture of conveyance dated the twenty-fourth day of January one thousand nine hundred and five.

Generally All pipes and other plant used for conveying the water from the said pumping stations to the canal and the benefit of all easements connected therewith.

The common seal of the South Staffordshire Mines Drainage Commissioners was hereunto affixed in the presence of } L.S.

JOHN HUGHES Chairman.
J. E. UNDERHILL Law Clerk.

A.D. 1914.

The common seal of the Company of Proprietors of the Birmingham Canal Navigations was hereunto affixed in the presence of } L.S.

GEO. MACPHERSON Member of Committee.
RICH. ALTHAM Clerk to the Company.

Signed sealed and delivered by the above-named Robert Philpot in the presence of } R. PHILPOT.

A. MARSHALL Clerk to the Solicitor
Public Works Loan Board Old Jewry E.C.

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