



### CHAPTER lii.

An Act to authorise the Halkyn District Mines Drainage Company to construct additional works for the drainage of certain mines and mineral lands in the county of Flint and for other purposes. [15th August 1913.] A.D. 1913.

**W**HEREAS by the Halkyn District Mines Drainage Act 1875 (in this Act referred to as "the Act of 1875") the Halkyn District Mines Drainage Company (in this Act referred to as "the Company") were incorporated and were authorised to construct the tunnels and works in that Act mentioned for effecting the drainage of the mines and mineral lands in the county of Flint situated in the areas described in the Act of 1875 as "Drainage Area No. 1" and "Drainage Area No. 2" and the Company were authorised to levy the royalties prescribed by the Act of 1875 on the minerals raised in such drainage areas:

And whereas the Company were authorised by the Act of 1875 to purchase the tunnel or level known as the Halkyn Deep Level in the occupation of the Halkyn Deep Level Mining Company Limited and the watercourse extending from the mouth of such tunnel to the Nant-y-Flint Brook which is a tributary of the Swinchiard Brook and certain lands in the parish of Holywell:

And whereas the Company have constructed certain of the tunnels authorised by the Act of 1875 and have acquired the tunnel known as the Halkyn Deep Level and the watercourse and lands hereinbefore referred to and have effectively drained a large part of the mines and mineral lands within the said Drainage Areas Nos. 1 and 2 to the depth of the tunnels authorised by the Act of 1875 and the tunnel known as the Halkyn Deep Level so far as such tunnels are constructed and extend:

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And whereas owing to the minerals above the level of the tunnels authorised by the Act of 1875 and the tunnel known as the Halkyn Deep Level having been to a great extent worked out and to the mines and mineral lands now being worked being situate for the most part below the level of those tunnels it is expedient that the Company should be authorised to construct the tunnels or levels and works by this Act authorised for the purpose of draining such mines and mineral lands:

And whereas it is expedient that the Company should be authorised to raise further moneys for the purposes of this Act and the general purposes of their undertaking:

And whereas the Holywell-Halkyn Mining and Tunnel Company Limited (in this Act called "the tunnel company") have constructed a tunnel and other works for draining mines and mineral lands situated to the north of the said Drainage Areas Nos. 1 and 2 of the Company and such tunnel extends from its outlet into the River Dee at Bagillt to a point within about a mile of the northern boundary of the Drainage Area No. 1 of the Company:

And whereas the tunnel company have agreed with the Company to extend their said tunnel to the northern boundary of the said Drainage Area No. 1 and such tunnel and any extension thereof up to such boundary and the works connected therewith are hereinafter referred to as "the Milwr Tunnel":

And whereas the tunnels or levels and works by this Act authorised will form a junction with the Milwr Tunnel and the water to be drained by the Company by means of the tunnels or levels and works by this Act authorised must be discharged into and pass through the Milwr Tunnel and works of the tunnel company and it is expedient that the Company should be authorised to acquire from the tunnel company a permanent right or easement for that purpose and to acquire by agreement the Milwr Tunnel and undertaking and other works of the tunnel company and that the Company and the tunnel company should be authorised to make the arrangements and agreements and have the powers with reference thereto conferred upon them hereinafter contained:

And whereas it is expedient that the agreement between the tunnel company and the Company set forth in the Fourth Schedule to this Act should be confirmed:

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And whereas the said Drainage Area No. 2 of the Company adjoins the northern boundary of the drainage area of the Llanarmon District Mines Drainage Company (in this Act called "the Llanarmon Company") defined in the Llanarmon District Mines Drainage Act 1892 (in this Act referred to as "the Llanarmon Act") and it would be convenient and of advantage to the Company and to the mines and mineral lands in the drainage area of the Llanarmon Company that works to be constructed by the Llanarmon Company under the powers granted by the Llanarmon Act should be connected with the works authorised by this Act:

And whereas the existing tunnels and other works of the Company and the tunnels or levels and other works by this Act authorised to be constructed will materially assist in the development and working of the mines and minerals and quarries and other industries within the said Drainage Areas Nos. 1 and 2 by affording convenient means of access and carriage to and from the same and it is expedient that the Company should be authorised to lay down in and along the said tunnels or levels and works railways and tramways and to use the same and to grant the use thereof to the occupiers of mines and others as in this Act provided:

And whereas the tunnels or levels and other works by this Act authorised will be constructed at such a depth that no injury or damage can be done to the surface of the lands and property under which the said tunnels or levels and other works will be situate and the subsoil other than minerals through which the same will pass has no value for which compensation should be made and it is expedient that the Company should be authorised to construct and maintain the tunnels or levels and works connected therewith through such subsoil without having to make compensation therefor:

And whereas the Company were authorised by the Act of 1875 to raise one hundred thousand pounds by shares and to borrow thirty-three thousand pounds and the Company have raised capital by shares to the extent of seventy-five thousand pounds but they do not owe any money on mortgage:

And whereas it is expedient that the other powers in this Act mentioned should be conferred on the Company:

And whereas plans and sections showing the lines and levels of the tunnels or levels and works authorised by this Act and

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A.D. 1913.      also books of reference thereto containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of or which will be liable to have a drainage royalty imposed upon them by this Act were duly deposited with the clerk of the peace for the county of Flint and are hereinafter respectively referred to as the deposited plans sections and books of reference :

And whereas the objects aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 :—

Short title  
and citations.

1. This Act may be cited as the Halkyn District Mines Drainage Act 1913 and this Act and the Halkyn District Mines Drainage Act 1875 may be cited together as the Halkyn District Mines Drainage Acts 1875 and 1913.

Incorporation  
of Acts.

2. The following Acts and parts of Acts are (except where expressly varied or other provision is made by this Act) incorporated with and form part of this Act :—

The Companies Clauses Consolidation Act 1845 :

Parts I. and III. (relating respectively to cancellation and surrender of shares and to debenture stock) of the Companies Clauses Act 1863 :

The Lands Clauses Acts :

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 "tunnels or levels and other works authorised by this Act" were substituted for that word and the provisions of the same Act 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.

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 :

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Interpreta-  
tion.

And in this Act—

“The Act of 1875” means the Halkyn District Mines Drainage Act 1875 ;

“The Llanarmon Act” means the Llanarmon District Mines Drainage Act 1892 ;

“The Company” means the Halkyn District Mines Drainage Company ;

“The tunnel company” means the Holywell-Halkyn Mining and Tunnel Company Limited ;

“The Llanarmon, Company” means the Llanarmon District Mines Drainage Company ;

“The Milwr Tunnel” means the existing tunnel or level of the tunnel company and any extension thereof to be constructed and continued up to the Company’s Drainage Area No. 1 and the works connected therewith ;

“The arbitrator” means the arbitrator appointed under the Act of 1875 ;

“The drainage area” means the Drainage Areas Nos. 1 and 2 in the Act of 1875 defined ;

“Mine” or “mines” means mines either actually worked or opened or which may be hereafter worked or opened and mineral lands either wholly or partly within the drainage area but in the case of any mine only in part within the drainage area means so far as respects liability to the royalties by this Act authorised only such part ;

“Minerals” means lead lead ore calamine blende coal cannel shale ironstone iron-ore fire-clay and other saleable minerals ;

“Mineral lands” means lands containing minerals ;

“Owner” means the person for the time being entitled to the possession of a mine or the receipt or beneficial



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enjoyment of the rents or royalties thereof or the agent for the time being of any such person ;

“Occupier” means any corporation company or person actually working any mine or entitled to work such mine and includes any owner or lessee working a mine ;

“The tunnels” means the tunnels or levels and works connected therewith authorised by this Act.

Power to  
construct  
tunnels and  
other works.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tunnels or levels hereinafter described in the lines or within the limits of deviation and according to the levels shown on the deposited plans and sections with all proper shafts works and conveniences connected therewith and may enter upon take and use or at their option may take an easement in through over or under or right of using such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose or other purposes of this Act Provided that the Company shall be entitled to take such easement or such right of user only where the said tunnels or levels are situate more than two hundred feet below the surface of the ground The tunnels hereinbefore referred to and authorised by this Act are—

Work No. 1 A tunnel or level wholly in the parish of Halkyn in the county of Flint commencing at a point on the northern boundary of the Drainage Area No. 1 of the Company being sixty-three yards or thereabouts distant in a south-westerly direction from the western end of the fence between the enclosures numbered 314 and 379 on the Ordnance map of the said parish (scale  $\frac{1}{2500}$  second edition 1899) and terminating at or under the shaft of the new North Halkyn Mining Company known as Pen-y-bryn Shaft :

Work No. 2 A tunnel or level commencing in the said parish of Halkyn by a junction with Work No. 1 at its termination above described and terminating in the parish of Mold Rural at a point at or under the shaft (known as the Iron Shaft) in the enclosure numbered 3304 on the Ordnance map of the said parish of Mold Rural (scale  $\frac{1}{2500}$  second edition 1899).

The said tunnel or level Work No. 2 will be situate in or pass from through or into the parishes of Halkyn Northop Cilcain and Mold Rural in the county of Flint. A.D. 1913.

5. Subject to the provisions of this Act the tunnels shall for all purposes (including the levying of the royalties hereby authorised on minerals raised in the drainage area) form part of the undertaking of the Company authorised by the Act of 1875 to the same extent and effect as if the tunnels had been authorised by that Act. Tunnels to form part of undertaking authorised by Act of 1875.

6. For the protection of Dame Anna Maria Mostyn and other the owner or owners for the time being of the Holywell Estate in the county of Flint (all of whom are in this section included in the expression "the owner") and the Holywell Urban District Council (in this section called "the council") the following provisions shall unless otherwise agreed in writing between the owner and the council and the Company apply and have effect (that is to say):— For protection of Holywell Estate and Holywell Urban District Council.

- (1) Notwithstanding anything in the Act of 1875 or this Act contained no tunnel or other work shall be constructed by the Company or otherwise under the powers of the said Acts or either of them to the west or north-west of the line coloured black on the plan of which five copies have been signed by Sir William Howell Davies the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Private Bill Office of the House of Commons one copy with the Clerk of the Parliaments one copy with the clerk of the peace for the county of Flint one copy retained by the Company and one copy retained by the owner and no communication shall be made directly or indirectly between any tunnel level shaft or other work situate on or under any land to the west or north-west of the said line and any tunnel or work of the Company and no lands mines or minerals situate to the west or north-west of the said line shall be drained directly or indirectly into any of the tunnels or works of the Company:

- (2) The Company shall not exercise any of the powers of the sections of this Act of which the marginal notes

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are "Power to Company to construct and use pumping apparatus &c." and "Power to execute auxiliary works" upon or under any lands situate to the west or north-west of the said line:

- (3) The owner shall at all reasonable times after giving twenty-four hours' notice in writing to the Company be entitled to enter upon any of the lands tunnels levels shafts and other works of the Company situate within a quarter of a mile of the black line shown on the said plan for the purpose of inspecting any such tunnel or level and if there shall be no shaft or means of access thereto within that distance the owner shall at all reasonable times be entitled to enter upon and use the nearest or most convenient shaft and means of access for the purposes of getting an entry to the said tunnel or level.

Company  
not to take  
lands of  
Mold and  
Denbigh  
Junction  
Railway  
Company  
without  
consent.

7. Notwithstanding anything in this Act contained the Company shall not enter upon take or interfere with otherwise than by agreement with the Mold and Denbigh Junction Railway Company and with the consent of the London and North Western Railway Company testified under the common seal of that Company during the continuance of the working agreement between those two companies any of the lands belonging to the Mold and Denbigh Junction Railway Company but the Company may acquire and take under the powers of this Act any easement power or privilege in or under the said lands (but not nearer than fifty yards to the surface thereof) which may be necessary for the purposes of this Act.

For protec-  
tion of Holy-  
well Rural  
District  
Council.

8. The following provisions for the protection of the rural district council of Holywell (in this section called "the council") shall (notwithstanding anything in this Act contained) unless otherwise agreed in writing between the council and the Company apply and have effect:—

- (1) The Company shall not in the construction of the works by this Act authorised without the previous consent in writing of the council under the hand of their clerk raise lower or divert any road vested in the council:
- (2) The council shall not be liable for any claim for damages in respect of any injury which may be caused to



any tunnels or other works belonging to the Company through the proper use by the council of any steam roller: A.D. 1913.

- (3) Nothing in this Act contained shall in any way limit or affect the powers of the council to divert improve widen or reconstruct any road or to remove alter widen or rebuild any bridge or approach in alongside or near to which such tunnels or other works are laid in the same manner as they might have diverted improved removed altered widened reconstructed or rebuilt any such road bridge or approach if this Act had not been passed without making any compensation to the Company for any expense or loss to which the Company may be put in consequence of the exercise by the council of such powers:
- (4) If any culvert drain sewer pipe or other property of the council is damaged or in any way interfered with by the Company the Company shall repair and restore the same to the satisfaction of the council and if the Company do not so repair and restore the same the council may cause the necessary repairs and work to be done and may charge the costs and expenses against the Company and may recover the same in any court of competent jurisdiction:
- (5) Notwithstanding anything in this Act contained the Company shall not without the consent of the council in constructing the tunnels by this Act authorised deviate vertically from the levels of the said tunnels as defined on the deposited sections to such an extent as to come nearer than two hundred feet to the surface of the ground above the tunnels The expression "tunnels" in this subsection shall mean the actual tunnels and shall not include any work connected therewith:
- (6) If any difference shall arise between the council and the Company touching anything to be done or not to be done under the provisions of this section such difference shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either of the parties in difference.

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For protec-  
tion of  
London and  
North West-  
ern Railway  
Company.

9. The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the railway company") shall (unless otherwise agreed in writing) be in force and have effect:—

- (1) If any existing culverts under the Chester and Holyhead Railway of the railway company shall at any time during or after the construction of the works by this Act authorised be found insufficient for carrying off any water which may be discharged through such culverts from the said works the railway company may thereupon forthwith after giving written notice to the Company of their intention so to do execute all such works as may be reasonably necessary for enlarging the said culverts to such an extent as the railway company may deem fit and the reasonable cost of and incidental to the execution of such works shall be borne and defrayed by the Company:
- (2) If the Company shall within fourteen days after receiving such notice as aforesaid intimate to the railway company that they do not admit that the necessity for such enlargement of such culverts has been caused by the flow of water from the Company's works and shall claim an arbitration in respect thereto the question shall be referred to an arbitrator to be appointed as in this section provided:
- (3) Notwithstanding the provision hereinbefore contained with respect to the intimation which may be given by the Company the works which the railway company may execute may be proceeded with by them but if it shall be decided by the arbitrator that the necessity for such works has not been caused by the flow of water from the Company's works the cost of such works of the railway company shall be borne and paid by the railway company:
- (4) The Company shall make good and pay to the railway company all reasonable damages costs and expenses which the railway company may be put to sustain or incur for or in respect of damage caused to their Chester and Holyhead Railway or any of its works by or by reason of such flow of water whether the railway company shall or shall not enlarge such

culverts and all such expenditure damages costs and expenses may be recovered with full costs by the railway company from the Company in any court of competent jurisdiction : A.D. 1913.

- (5) If any dispute shall arise between the Company and the railway company under or in relation to any of the provisions of this section such difference shall be referred to and determined by an engineer to be mutually agreed upon between the companies or failing agreement to be appointed on the application of either of them by the President of the Institution of Civil Engineers and subject as aforesaid any such arbitration shall be under and subject to the provisions of the Arbitration Act 1889.

10. The quantity of the surface of common or commonable lands known as Halkyn Mountain which may be taken compulsorily by the Company under the powers of this Act shall not exceed six acres. Limiting quantity of common lands to be taken.

11. Subject to the provisions of this Act the Company may in the construction of the tunnels deviate laterally from the lines thereof delineated upon the deposited plans to any extent within the limits of deviation marked thereon and they may deviate vertically from the levels of the tunnels as defined on the deposited sections to such extent only as may, from engineering or geological conditions be necessary or convenient for carrying into effect the objects and purposes of this Act. Power to deviate from lines delineated on deposited plans &c.

12. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Flint for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Flint and a duplicate thereof shall also be deposited with the clerks of the urban district rural district and Correction of errors in deposited plans and books of reference.

A.D. 1913. — parish councils in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of urban district rural district and parish councils respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and the Company may take the lands and execute the works in accordance with such certificate.

Power to  
make agree-  
ments with  
owners &c.  
of lands.

**13.** The Company may enter into and carry into effect arrangements and agreements with the owners or occupiers of any mines or mineral lands within or outside the drainage area for or with respect to the constructing enlarging deepening improving or maintaining or the using for any purpose by the Company or such owners or occupiers severally or jointly of any of the tunnels and works authorised by or acquired under the Act of 1875 or this Act or of any other tunnels levels shafts or works of the nature of the tunnels and works by the Act of 1875 or by this Act authorised or the communication of any such tunnels levels shafts or works to or with the tunnels of the Company respectively having for their object the draining or facilitating the working of any mines or minerals within or outside the drainage area and for or with respect to the royalties tolls rates rents duties or other payments consideration or compensation to be paid or made to or by the contracting parties or any of them in respect thereof or of any benefit or advantage derived or to be derived by such owners or occupiers by means thereof or through or by means of any of the tunnels works or operations of the Company.

Power to  
make agree-  
ments with  
tunnel  
company.

**14.** The Company may enter into and carry into effect arrangements and agreements with the tunnel company for or with respect to the following matters:—

- (1) The execution maintenance or use by the Company and the tunnel company jointly or severally of any works within the authorised powers of the Company or competent to the tunnel company:
- (2) The communication of any of the tunnels or works of either of the said companies to or with any of the tunnels or works of the other of the said companies or otherwise having for their object the draining or facilitating the working of any minerals within or outside the drainage area:

- (3) The apportionment or adjustment of any royalties payable to the Company or the tunnel company or for or with respect to the tolls rates rents duties or other payments consideration or compensation to be paid or made to or by the Company or the tunnel company in respect of the subject-matter of any such arrangement or agreement or of any benefit or advantage derived or to be derived by either of the said companies by means thereof or through or by means of any of the tunnels works or operations of the other of the said companies. A.D. 1913.

15. From and after the completion of the junction of the tunnel or level Work No. 1 by this Act authorised with the Milwr Tunnel the Milwr Tunnel and the outfall works connected therewith shall (subject to the agreement set out in the Fourth Schedule to this Act) be and remain for ever thereafter an open and free waterway for the water flowing down the Works Nos. 1 and 2 by this Act authorised or of any extension thereof and shall not be closed or obstructed by the tunnel company or by any person or persons whomsoever. Milwr Tunnel to remain an open waterway.

16. Subject to the provisions and for the purposes of the Act of 1875 and this Act the Company may by agreement purchase lease or otherwise acquire the Milwr Tunnel or any easement in through or over such tunnel or right of drainage through and other rights of using the same and all or any lands shafts works tramways railways docks wharves culverts drains waterways watercourses pools ponds reservoirs gutters sluices and conveniences belonging thereto or connected therewith. Acquisition of Milwr Tunnel by Company.

17. The Company may at any time and from time to time enter into and carry into effect arrangements and agreements with the Llanarmon Company for or with respect to the execution maintenance or use by the Company and the Llanarmon Company jointly or severally of any works within the authorised powers of the Company or the Llanarmon Company or for effecting the communication of any of the tunnels or works of either of the said companies to or with any of the tunnels or works of the other of the said companies or otherwise having for their object the draining or facilitating the working of any minerals within the drainage area of the Company or of the drainage areas of the Llanarmon Company on the southerly side Power to make agreements with Llanarmon District Mines Drainage Company.



A.D. 1913. of the drainage area of the Company and for or with respect to the apportionment or adjustment of any royalties payable to the Company or the Llanarmon Company or for or with respect to the tolls rates rents duties or other payments consideration or compensation to be paid or made to or by the Company or the Llanarmon Company in respect of the subject-matter of any such arrangement or agreement or of any benefit or advantage derived or to be derived by either of the said companies by means thereof or through or by means of any of the tunnels works or operations of the other of the said companies and any part of any drainage area of either of the said companies which shall have been drained wholly or in part by means of any works constructed or acquired by the other of those companies shall for the purposes of the Llanarmon Act and this Act respectively be deemed to have been drained by means of the works constructed or acquired by the Company within whose drainage area such part is situate.

Power to  
Company to  
construct and  
use pumping  
apparatus  
&c.

**18.** The Company may for the purposes of their undertaking construct maintain use and renew from time to time engines pumps levels conduits and all requisite machinery and works for pumping and draining water now accumulated in or hereafter flowing or percolating into any mines or mineral lands and for preventing for the future any such accumulation or any such flowing or percolation they may also 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 and they may also purchase and acquire or take on lease or occupy on such terms as may be agreed upon or be settled by arbitration any pumping winding or other plant or machinery from time to time existing at in or on any mine 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 employment or use thereof and may make compensation for such employment or use.

Power to  
execute  
auxiliary  
works.

**19.—(1)** The Company may within the drainage area and subject as herein provided for the purpose of constructing maintaining or utilising the tunnels and the tunnels and other works authorised by or acquired under the Act of 1875 or this Act or for conducting or facilitating or temporarily preventing the flow of water into the tunnels or the tunnels and works authorised by or acquired under the Act of 1875 or this

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Act or any mines or mineral lands or for providing access for and carriage of minerals goods or merchandise to or from mines or mineral lands quarries or other industries or for providing power for working mines and for any other purpose of this Act execute any of the following works and do any of the following acts or things (that is to say):—

- (A) They may construct and maintain any subsidiary tunnels drains conduits adits levels or other works necessary or expedient to enable them effectually to drain any mines and mineral lands in or outside the drainage area:
- (B) They may cross alter divert stop or stop up either temporarily or permanently any pits shafts adits levels underground streams or watercourses or any fissures swallows crevices or apertures through or by means of which water flows into any mines or mineral lands within the drainage area:
- (C) They may erect and construct such houses engine-houses works workshops offices and other buildings engines machinery apparatus and other works and conveniences as they think proper:
- (D) They may construct and maintain waterways culverts drains pools ponds reservoirs docks locks and sluices for the purpose of conveying and carrying away the water drained by the tunnels or impounding and storing such water:
- (E) They may sink new and may use existing shafts and widen deepen straighten and enlarge the same and may use any levels connected with existing shafts and may drive and make new levels to existing shafts:
- (F) They may lay down and maintain work and use railways and tramways in through and upon any of their tunnels and other works and property:
- (G) They may grant lease or let or authorise any right to use any of their tunnels railways tramways and other works:
- (H) They may utilise any water flowing in the tunnels and the tunnels and other works authorised by or acquired under the Act of 1875 and this Act or grant the

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right to any local authority corporation company or person to use the same Provided always that except as provided by the section of this Act of which the marginal note is "Power to sell water to Flint Gas and Water Company" the Company shall not sell any water for domestic purposes The Company may nevertheless charge for water supplied to any person other than the occupier of a mine within the drainage area but the Company shall not be deemed to be a water company for the purposes of section 52 of the Public Health Act 1875 and nothing in this Act contained shall confer or be deemed to confer on the Company any right to or control over water after it has passed from the tunnels into the Milwr Tunnel:

- (I) They may from time to time alter repair or discontinue the before-mentioned works or any of them and may substitute others in their stead:
- (J) They may do all other acts necessary for making maintaining altering using or protecting their tunnels and auxiliary and other works and for carrying into effect any of the powers and purposes of the Act of 1875 and this Act.

(2) Nothing in this section contained shall authorise or be deemed to authorise the Company to do any act or construct any work which may permanently prevent the flow of water from any mine within the drainage area into the tunnels.

(3) In the exercise of the powers by this section granted the Company shall do or cause as little damage or loss as reasonably may be and shall make fair and reasonable compensation to any occupier of a mine for all damage and loss sustained by him thereby.

Construction  
of subsidiary  
tunnels.

20.—(1) Whenever a subsidiary tunnel more than fifty yards in length shall be necessary to drain a mine or any part thereof into the tunnels the Company shall bear and pay one half the cost of constructing such subsidiary tunnel if the same shall not exceed one thousand yards in length and if the same does exceed that length shall pay half the cost of constructing the first thousand yards thereof from the tunnels subject to the following conditions:—

- (A) The engineer of the Company shall certify that such subsidiary tunnel is necessary: A.D. 1913.
- (B) The subsidiary tunnel shall be constructed of the dimensions and in such direction or line and in such manner as shall be reasonably approved of by the engineer of the Company and under his superintendence and to his reasonable satisfaction:
- (C) If the occupier of a mine shall desire such subsidiary tunnel to be made for any purpose or use in addition to that of draining a mine or any part thereof and the engineer of the Company shall certify that it can be done without prejudice to the drainage then the engineer shall certify the proportion of the cost of such tunnel attributable to its construction for drainage purposes only and the cost so certified shall be the amount of which the Company shall bear and pay one half:
- (D) All minerals gotten in the construction of a subsidiary tunnel or the first one thousand yards of a subsidiary tunnel as the case may be shall be sold and the nett proceeds applied towards the cost of construction thereof:
- (E) The Company may by agreement with the occupier of a mine arrange that the Company shall construct such subsidiary tunnel.

(2) The Company shall give the occupier of the mine all reasonable facilities for constructing the subsidiary tunnel from the tunnels to the mine but subject to the reasonable regulations of the engineer of the Company and under his superintendence and to his reasonable satisfaction.

**21.** Notwithstanding anything in this Act or the Lands Clauses Acts contained the Company shall not be required to pay or make compensation for---

No compensation to be paid for easements &c.

- (A) Any easement for the tunnels through any lands delineated on the deposited plans and described in the deposited books of reference:
- (B) Any right of user of any disused shafts in any such lands:
- (C) Any right of user of any disused level in such lands:

A.D. 1913. Provided that the provisions of this section shall not extend and apply to any such easement or level where such easement or level is less than two hundred feet below the surface of the ground.

Connection  
of mines  
with tunnels.

**22.** Any occupier of a mine may for the purpose of draining such mine connect such mine with the tunnels and with the tunnels authorised by the Act of 1875 or with the tunnels or the tunnels authorised by the Act of 1875 but such connections shall be made to the reasonable approval of the engineer of the Company And nothing in this Act shall authorise the Company to make any charge for allowing water drained from mines and mineral lands within the drainage area to flow through the tunnels other than the charges authorised by the Act of 1875 and the section of this Act of which the marginal note is "Company to levy royalties on minerals raised within drainage area."

Use of  
tunnels.

**23.**—(1) The Company may by agreement—

(A) Permit the occupier of any mine to use any of the tunnels in such manner for such purposes and upon such conditions as the Company may think proper for facilitating the working of the mine and the getting carrying away and raising of the minerals and spoil from such mine but the Company shall not make any charge by way of premium rent or royalty for such user :

(B) Permit the use of the tunnels by any persons for any other purposes upon any terms and conditions the Company may think proper and may make reasonable charges for such user and for any services rendered or performed by them in connection therewith.

(2) The Company may from time to time prescribe alter and vary general rules and regulations which shall be observed and performed by all persons permitted to use any of the tunnels but nothing in this section shall empower the Company or any person to permit or do anything which will prevent or obstruct the free flow of water through the tunnels.

Power to  
work and  
dispose of  
minerals  
intersected

**24.** If in constructing the works or in exercising the powers by the Act of 1875 and by this Act authorised the Company intersect or pass through any seam vein bed or deposit of minerals the Company may get and raise so much of such minerals as



shall be necessary but the minerals so gotten and raised shall belong to the person entitled thereto whether as owner lessee or occupier but the same shall be subject to the royalty payable to the Company in respect thereof.

A.D. 1913.

by works of  
Company.

**25.** The Company may from time to time for the purposes of their undertaking by agreement acquire either by purchase or by way of lease hire exchange or otherwise any quantity of land not exceeding twenty acres or any estate term or interest therein or any easement power or privilege in through under or over the same (not being an easement right or privilege of water in which persons other than the grantors have an interest) and may from time to time sell lease exchange or otherwise dispose of all lands easements powers or privileges so acquired by them and not wanted for the said purposes But nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired under the powers of this section.

Additional  
lands.

**26.** The powers of the Company for the compulsory acquisition of lands for the purposes of this Act shall cease after the expiration of twenty years from the passing of this Act.

Period for  
compulsory  
purchase of  
lands.

**27.** The persons by the Lands Clauses Acts or the Settled Land Acts 1882 to 1890 empowered to sell and convey or release lands and also any joint stock or other company not specially authorised by its regulations or any instrument settling or defining its constitution to sell lease or otherwise dispose of property acquired by them may sell lease exchange or otherwise dispose of any lands and may grant in fee or demise any such easement power or privilege as aforesaid but in the case of any joint stock or other company not specially authorised as aforesaid the power hereby granted shall only be exercised in the case of a company registered under the Companies (Consolidation) Act 1908 in pursuance of a special resolution and in the case of any other company in pursuance of a resolution of such company to that effect passed by a majority of not less than three-fourths of the members of such company for the time entitled according to the regulations or constitution of such company to vote present in person or by proxy (in cases where by the regulations or constitution of the company proxies are allowed) at any general meeting of which notice has been given specifying the intention

Persons  
under dis-  
ability may  
sell exchange  
or lease  
lands &c.

A.D. 1913. to propose such resolution and for the purposes of this Act the several provisions of the Lands Clauses Acts and the Settled Land Acts 1882 to 1890 as far as the same are respectively applicable in that behalf shall extend and apply to any such sale lease exchange grant demise easement power or privilege and to any rentcharge reserved on any such grant or demise The persons empowered by the Settled Land Acts 1882 to 1890 to sell and convey or release lands or to grant easements may make any conveyance or demise of land or grant in fee of any easement power or privilege as aforesaid to the Company or to the tunnel company without requiring the payment of any purchase money rent or compensation or other valuable consideration therefor but only if the consent of the Board of Agriculture and Fisheries to the conveyance demise or grant is previously obtained.

Company to  
levy royalties  
on minerals  
raised within  
drainage  
area.

**28.**—(1) From and after the passing of this Act the Company may and they are hereby authorised to demand levy and take from every occupier of a mine the royalties respectively specified in the First Schedule to this Act in respect of each ton or fraction of a ton of lead lead ore blende and calamine thereafter raised or got from such mine from below the level of the waterflow in the existing tunnels of the Company.

(2) Subject to the provisions of this section no occupier shall be liable to pay such royalties unless and until the mine of such occupier is in accordance with the provisions of this Act deemed to be drained by means of the tunnels and if any dispute shall at any time arise between the Company and the occupier as to whether any mine has been so drained the same shall on the application of either party be referred to and settled by the arbitrator who may make such inquiry and hear such evidence as either party may adduce and he may think necessary for determining the matter in dispute.

(3) If the arbitrator shall find that a mine cannot be deemed to be drained in accordance with the provisions of the section of this Act of which the marginal note is "When mines shall be deemed to be drained" but yet derives benefit from the tunnels he may prescribe that such reduced royalties as in his judgment shall be equitable shall be paid in respect of the benefit derived and such reduced royalties may be from time to time varied by the arbitrator and the reduced royalties shall continue to be payable until such mine can be deemed to be drained or until such benefit ceases but this subsection shall

not be applicable to any case falling within the next subsection of this section. A.D. 1913.

(4) If any occupier of a mine shall allege that owing to the Company's works not draining such mine to the depth of the lowest levels or workings thereof or therein he has to employ steam or other power in pumping it shall be lawful to and in the power of the arbitrator to make or cause to be made such inquiry as he may think fit and if he find the allegation to be sustained to prescribe such reduction of the said royalties as in his judgment shall be equitable and such reduced royalties shall thenceforth so long as such mine shall be worked below the level of the drainage effected by the works of the Company and be drained by means of steam or other power or until the arbitrator shall on further inquiry otherwise decide or prescribe be taken by the Company in respect of minerals raised or got from the said mine in full satisfaction of the royalties authorised by this Act.

(5) Notwithstanding any such dispute or allegation or the pendency undetermined of any application to the arbitrator in reference thereto the royalties authorised by this Act shall be payable at the times and in manner prescribed by this Act and be enforceable against every occupier so disputing or alleging in like manner as if no such dispute or allegation had arisen or been made and no application by any such occupier to the arbitrator shall be entertained or proceeded with while such royalties or any part thereof shall be in arrear but all royalties paid by such occupier after the application to the arbitrator shall be subject to the award of the arbitrator and be as to the whole or any part thereof retained by the Company or repaid by the Company to such occupier with such or without any interest as the arbitrator shall determine.

(6) The minerals upon which royalties shall be payable under this Act shall not be liable to the royalties prescribed by the Act of 1875 and nothing in this Act contained shall prejudice or affect the powers of the Company of demanding levying and taking the royalties prescribed by the Act of 1875 upon minerals which are not liable to the royalties prescribed by this Act.

(7) Notwithstanding any agreement now existing between the Company and any owner or occupier of a mine the provisions of this Act shall apply to all minerals comprised in such

A.D. 1913, agreement lying below the level of the waterflow in the existing tunnels of the Company and the provisions of any such agreement affecting such minerals shall cease to exist.

When mines shall be deemed to be drained.

**29.**—(1) For the purposes of this Act a mine shall be deemed to be drained if the water of the district be drained to the level of the waterflow in the tunnels or as near thereto as allowing for intervening distance and other circumstances may be practicable and if such mine can be worked to the depth of such waterflow or as near thereto as aforesaid notwithstanding that other means or appliances may have to be taken or used by the occupier of such mine for getting rid of surface or top water in such mine.

(2) If a mine is deemed to be drained by the tunnels by this Act authorised although it may not be drained by the existing tunnels of the Company such mine shall for the purpose of levying royalties under and for all other purposes of the Act of 1875 be deemed to have been already drained down to the level of the waterflow in the existing tunnels of the Company within the meaning of that Act.

Power to vary rates.

**30.** Notwithstanding anything in this Act or in the Act of 1875 the Company may from time to time lower or reduce the royalties payable under this Act or the Act of 1875 and fix a rate or scale varying according to the circumstances which the Company may deem to affect different mines and may from time to time withdraw the rate or scale for the time being in operation and fix a new one Provided that the royalties so fixed may from time to time be increased or reduced but shall not at any time exceed the royalties by this Act or the Act of 1875 as the case may be made payable.

Power to make special agreements for royalties.

**31.** Notwithstanding anything in this Act contained the Company may by agreement with the occupiers of mines and mineral lands as the consideration for the acquisition of rights and privileges in through or over such mines and mineral lands or any of them or for any other consideration and either in perpetuity or for such periods as the Company think fit levy from such occupiers special royalties (either higher or lower than those authorised by this Act or the Act of 1875) or wholly exempt such occupiers from royalties on the minerals raised or got from their mines.

**32.** Notwithstanding anything in this Act contained the Company may agree with any owner lessee or occupier of any mine and upon such terms as may be arranged for paying the whole or contributing some portion of the expense of providing and working any plant and machinery for pumping or raising water or of unwatering any mine.

A.D. 1913.  
—  
Agreements  
with owners  
&c. for  
sharing costs  
of pumping.

**33.** Every occupier of a mine from which minerals are raised or got shall quarterly on the thirty-first day of March the thirtieth day of June the thirtieth day of September and the thirty-first day of December respectively make and send to the Company—

Statement to  
be furnished  
to Company  
of minerals  
raised.

(1) A return in writing of the number of tons and description of minerals raised from such mine during the preceding three months and distinguishing minerals raised or got within the Drainage Areas Nos. 1 and 2 defined in the Act of 1875 and those raised and got from above the level of the waterflow in the existing tunnels of the Company and those raised and got from below that level; and

(2) A return in writing of the actual sale prices (if sold) or the market value (if not sold) of all lead ore blende and calamine raised from such mine during the said preceding three months from below the level of the waterflow in the existing tunnels of the Company and if called upon by the Company so to do he shall verify such returns by statutory declaration and the amount of royalty payable under this Act in respect of the minerals so raised or got shall for the purposes of this Act be deemed to be due and payable at the date at which such quarterly returns respectively are hereinbefore required to be made. Provided always that every occupier who shall fail or neglect to make such returns to the Company for seven days after demand thereof in writing by or on behalf of the Company shall be liable to a penalty not exceeding ten pounds for each offence and to a further penalty not exceeding five pounds for every day during which such default shall continue and every occupier who shall make a false return shall be liable to a penalty not exceeding one hundred pounds.



A.D. 1913.

Occupiers to  
pay royalties  
to Company  
and deduct  
proportion of  
same from  
rent payable  
to owners.

**34.** The occupier of every mine is hereby authorised and required to pay the amount of the royalties by this Act authorised to be levied by the Company and to deduct so much of the same as is specified in the Second Schedule to this Act out of any rent or royalty then due or within three years after the payment to accrue due to the owner of such mine and every occupier who shall make such payment shall be acquitted and discharged to the extent of the money so authorised to be deducted as if the same had been actually paid to the owner of such mine or other person to whom his rent or royalty was due and payable and in those cases where royalty is rendered by the occupier to the owner in kind then an equivalent in kind may be deducted.

Power to  
raise  
additional  
capital.

**35.** The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred thousand pounds nominal capital by the issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any shares of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

New shares  
or stock to be  
subject to  
same inci-  
dents as  
other shares  
or stock.

**36.** The capital in new shares or stock created by the Company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

New shares or  
stock to form  
part of capital  
of Company.

**37.** The capital in new shares or stock so created shall form part of the capital of the Company.

Dividends on  
new shares  
or stock.

**38.** Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the Company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called up and paid on such new shares or to the whole amount of such stock as the case may be.

**39.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

A.D. 1913.

Restriction as to votes in respect of preferential shares or stock.

**40.** Subject to the provisions of any Act already passed by which the Company are authorised to raise capital by new shares or stock and to the provisions of this Act the Company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

New and existing shares or stock may be of same class.

**41.**—(1) Section 19 (Power to borrow) of the Act of 1875 is hereby repealed.

Power to borrow.

(2) The Company may in respect of the additional capital of one hundred thousand pounds which they are by this Act authorised to raise and in respect of the capital authorised by the Act of 1875 borrow on mortgage of the undertaking any moneys not exceeding in the whole sixty-six thousand pounds and of such sum they may borrow on mortgage any sum not exceeding five thousand pounds for every fifteen thousand pounds of the capital which has been issued under the Act of 1875 or which shall from time to time be issued under the Act of 1875 or this Act but no part of such respective sums of five thousand pounds shall be borrowed in respect of capital to be issued under the Act of 1875 or authorised by this Act until shares for so much of the unissued capital authorised by the Act of 1875 and of the said additional capital as is to be raised by means of shares are issued and accepted and one half of such capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that shares for so much of such capital in respect whereof the borrowing powers are sought to be exercised have been issued and accepted and that one half of such capital has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of the unissued capital authorised by the Act of 1875 and of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid

A.D. 1913. before he so certifies that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also so far as the unissued capital authorised by the Act of 1875 and the said additional capital is raised by shares that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Appointment  
of receiver.

**42.** Section 20 of the Act of 1875 with respect to the appointment of a receiver by mortgagees of the Company is hereby repealed but without prejudice to any appointment made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under that section The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

Debenture  
stock.

**43.** The Company may create and issue debenture stock subject to the provisions of section 21 of the Act of 1875 Notice of the effect of that enactment shall be endorsed on all mortgages and certificates of debenture stock.

Existing  
mortgages to  
have  
priority.

**44.** All mortgages granted by the Company in pursuance of the powers of any Act of Parliament before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Act under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Application  
of moneys.

**45.** All moneys raised under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

**46.** The sections of the Act of 1875 of which the marginal notes are set forth in the Third Schedule to this Act shall extend and apply to this Act to the same extent and effect as if they had been re-enacted in this Act.

A.D. 1913.  
 Application of certain sections of Act of 1875.

**47.** The Company may sell to the Flint Gas and Water Company Limited any water drained by means of the tunnels and other works of the Company authorised by the Act of 1875 for such price or consideration and on such terms and conditions as may be agreed.

Power to sell water to Flint Gas and Water Company.

**48.** The agreement set forth in the Fourth Schedule to this Act made between the Company and the tunnel company is hereby confirmed and made binding on the parties thereto and shall have effect and may be carried out as if it formed part of this Act and the Company and the tunnel company may respectively do all things necessary for carrying the said agreement into effect.

Confirming agreement with Holywell-Halkyn Mining and Tunnel Company Limited.

**49.** The works of the Company authorised by the sections of this Act of which the marginal notes are "Power to construct tunnels and other works" and "Power to Company to construct and use pumping apparatus &c." and any auxiliary works executed for the purpose of constructing maintaining or utilising the works mentioned in those sections and the works authorised by the section of the Act of 1875 of which the marginal note is "Powers to Company to inspect mines in drainage areas" in its application to this Act shall be subject to the Metalliferous Mines Regulation Acts 1872 and 1875.

Application of Mines Regulation Acts.

**50.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners are hereby authorised to give).

Crown rights.

**51.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

A.D. 1913.      The SCHEDULES referred to in the foregoing Act.

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### THE FIRST SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Company to levy royalties on minerals raised within drainage area."

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#### SCALE OF DRAINAGE ROYALTIES.

##### LEAD AND LEAD ORE.

The royalty on lead and lead ore shall be one pound per ton when the selling price or market value thereof on the mine after the same shall have been washed dressed and made merchantable and fit for sale is seven pounds per ton or less and when the selling price exceeds seven pounds per ton the royalty per ton shall be one pound and in addition one third of the amount of such excess.

##### BLENDE AND CALAMINE.

The royalty on blende or calamine shall be two shillings and sixpence per ton when the selling price or market value thereof on the mine after the same shall have been washed dressed and made merchantable and fit for sale is three pounds fifteen shillings per ton or less and when the selling price exceeds three pounds fifteen shillings per ton the royalty per ton shall be two shillings and sixpence and in addition one fourth of the amount of such excess.

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### THE SECOND SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Occupiers to pay royalties to Company and deduct proportion of same from rent payable to owners."

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For every ton of lead and lead ore blende and calamine raised or got fifteen per centum of the royalty paid by the occupier to the Company in respect thereof.

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THE THIRD SCHEDULE.

A.D. 1913.

Referred to in the section of this Act of which the marginal note is "Application of certain sections of Act of 1875."

SECTIONS OF THE ACT OF 1875 MADE APPLICABLE TO THIS ACT.

Marginal Note of Section.	Number of Section.
Appointment of arbitrator - - - - -	28
Provision for future appointment of arbitrator - - - - -	29
Declaration by arbitrator - - - - -	30
Costs of arbitration - - - - -	31
Arbitrator to ascertain condition of mines - - - - -	32
Entry upon lands - - - - -	33
Powers of arbitrator - - - - -	34
Mode of conducting references - - - - -	35
Award of arbitrator to have the same force and effect as a judgment of the county court - - - - -	36
Arbitrator may employ surveyors &c. - - - - -	37
Power to Company to check returns - - - - -	41
Royalties due to Company may be levied by distress - - - - -	43
Powers to Company to inspect mines within drainage areas - - - - -	44
Penalty for obstructions - - - - -	53

THE FOURTH SCHEDULE.

Referred to in the section of this Act of which the marginal note is "Confirming agreement with Holywell-Halkyn Mining and Tunnel Company Limited."

AN AGREEMENT made the twenty-seventh day of March one thousand nine hundred and thirteen between the HOLYWELL-HALKYN MINING AND TUNNEL COMPANY LIMITED (hereinafter called "the tunnel company") of the one part and the HALKYN DISTRICT MINES DRAINAGE COMPANY (hereinafter called "the drainage company") of the other part.

Stamp.

Ten  
Shillings.

WHEREAS the tunnel company have constructed and are the owners of a deep level drainage tunnel from Bagillt in the county of Flint to Caeau in the same county and are extending the same to the point at the boundary of Area No. 1 (described in the Halkyn District Mines Drainage Act 1875) situate at Windmill in the parish of Halkyn in

A.D. 1913. such county shown on the plan deposited for the purposes of the Bill (hereinafter mentioned) as the commencement of Work No. 1 (which said tunnel and the extension thereof to the drainage company's boundary as aforesaid are hereinafter called "the Milwr Tunnel") and they have constructed outfall works at Bagillt aforesaid and the drainage company desire to continue the said tunnel into and through the areas or districts defined by their Halkyn Mines Drainage Act 1875 so as to provide a main drain or tunnel for carrying away the water from all mines and mineral areas they may have the right to drain within that district and the neighbouring districts:

And whereas the said Work No. 1 will be a continuation of the Milwr Tunnel from its termination at the point aforesaid to the shaft of the New North Halkyn Mining Company known as Pen-y-bryn Shaft:

And whereas both companies have agreed to mutually aid one another in attaining the aforesaid objects:

And whereas the drainage company intend to promote a Bill in the ensuing session of Parliament to obtain the necessary powers for works and capital and for other purposes:

Agreement.

Now it is agreed by and between the parties hereto as follows:—

To grant  
rights to the  
drainage  
company.

1. The tunnel company shall in consideration of the sum of thirty-three thousand seven hundred and fifty pounds to be paid to them by the drainage company at the times and in manner hereinafter provided grant to the drainage company the easement or right to connect their intended tunnel with the Milwr Tunnel at its termination at or near Windmill aforesaid and the easement or right in perpetuity to discharge into the Milwr Tunnel all water which may by any means be collected or drained into the Halkyn Company's intended tunnel or any extension thereof and whether emanating from their present two drainage areas the drainage area of the Llanarmon District Mines Drainage Company as defined by the respective Acts of Parliament of those companies or from any other drainage area or district which the drainage company may at any time be authorised under the authority of Parliament to drain or to take the water from for the purpose of drawing off the water from the mines in such drainage areas or districts.

Works to be  
executed.

2. The tunnel company shall forthwith after receipt of the sums of one thousand three hundred pounds and five hundred pounds hereinafter mentioned commence and shall carry out and complete to the reasonable satisfaction of the respective engineers of the drainage company and the tunnel company or a single arbitrator as hereinafter mentioned the extension of the Milwr Tunnel and other works specified in the schedule hereto. The said works shall be executed by the tunnel company continuously vigorously and as expeditiously as possible unless prevented by fire water unavoidable accident or impediment strikes combination or lock out of workmen act of God or other

unavoidable occurrence caused or circumstance and the Milwr Tunnel extension shall as far as reasonably practicable be of the same form and dimensions at the same gradient and in all respects of the same size character and capacity as the existing tunnel when improved and completed by the works specified in the schedule hereto.

A.D. 1913.

3. The drainage company shall (if and when they have obtained their Act of Parliament) pay the said sum of thirty-three thousand seven hundred and fifty pounds at the times and in manner following (viz.):—

Payment of  
the thirty-  
three thou-  
sand seven  
hundred and  
fifty pounds  
for works &c.

- (A) The drainage company shall within three calendar months of the Royal Assent being given to the said Act of Parliament pay the sum of one thousand three hundred pounds to the tunnel company on account of the said sum:
- (B) For the purpose of constructing the said extension of the Milwr Tunnel and other works the drainage company shall (within the said period of three calendar months) pay to the tunnel company the further sum of five hundred pounds and that company shall forthwith lay out and expend the same in the extension of the Milwr Tunnel and/or the other works specified in the schedule hereto to the reasonable satisfaction of the engineers of the two companies and in case they disagree then to the satisfaction of a single arbitrator to be appointed under the Arbitration Act 1889 Provided that the tunnel company shall not use any of the aforesaid money for the purchase of new plant without the consent of the drainage company:
- (c) At the end of the first and every subsequent fortnight after the said payment and until the extension of the Milwr Tunnel and other works are completed the said engineers (or in case of disagreement the said arbitrator) shall certify the amount expended during that fortnight and if the amount expended shall be more than five hundred pounds the drainage company shall forthwith pay to the tunnel company the amount of the excess and the further sum of five hundred pounds for the work of the next fortnight but if the amount so expended shall be less than the five hundred pounds the drainage company shall make up the unexpended part thereof to five hundred pounds for the work of the next fortnight:
- (d) When the said engineers (or in case of disagreement the said arbitrator) shall certify that the extension of the Milwr Tunnel and other works are completed to their or his reasonable satisfaction the drainage company shall forthwith pay to the tunnel company the balance of the said sum of thirty-three thousand seven hundred and fifty pounds.

- A.D. 1913. \* 4. Upon completion of the extension of the Milwr Tunnel and other works and after payment of the balance of the said sum of thirty-three thousand seven hundred and fifty pounds (but not before) the drainage company shall connect their Work No. 1 with the Milwr Tunnel at its aforesaid termination or at such other point as may be agreed upon between the parties hereto.
- Connection of drainage company's tunnel.
5. Both parties hereto shall drive their respective tunnels and execute all necessary works for the connection of the said two tunnels in such manner that when completed they shall form one continuous tunnel and waterway so that the waters may flow down the same free and unobstructed.
- Tunnels to form a continuous waterway.
6. The tunnel company shall maintain work and manage the Milwr Tunnel and the outfall works and the expenses of and incidental thereto shall be borne and paid by the tunnel company.
- Maintenance of Milwr Tunnel.
7. From and after completion of Work No. 1 the drainage company shall maintain and keep open a shaft or shafts on the line of their tunnel and thereby provide for the free and unobstructed passage of air from the Milwr Tunnel through Work No. 1 and the said shaft or shafts for the ventilation of the Milwr Tunnel by means thereof and the drainage company shall grant to the tunnel company the right in perpetuity to such free and unobstructed passage of air for ventilation as aforesaid. Provided that the aforesaid obligation and right shall be subject and without prejudice to the waterflow down Work No. 1.
- Ventilation of Milwr Tunnel.
8. The drainage company shall when constructing Work No. 1 execute and construct and from time to time after the said connection shall have been made maintain in good order and condition a suitable catchpit and of sufficient capacity at or near the Pen-y-bryn Shaft to prevent as far as practicable the entry into the Milwr Tunnel of anything but the natural water (emanating from the aforesaid areas or district or any of them) free from solid material of any kind.
- Silt in water.
9. If the tunnel company shall during the construction of the Milwr Tunnel extension and the execution of the said works for one calendar month after notice in writing given to them by the drainage company make default in observing and performing any of the stipulations hereof with regard to the construction of the said Milwr Tunnel extension and the execution of the works to be executed by them the drainage company may enter upon the Milwr Tunnel and works connected therewith and take and use the tunnel company's machinery and plant and make good such default and may deduct the reasonable cost thereof (to be settled in case of difference by a single arbitrator as aforesaid) from the said sum of thirty-three thousand seven hundred and fifty pounds.
- Power to drainage company to execute works on default of tunnel company.

10. The Milwr Tunnel and outfall works shall for ever hereafter provide a free waterway for the water flowing down the said intended tunnel of the drainage company and such free waterway shall not be obstructed by the tunnel company or any person or persons claiming under them.

A.D. 1913.  
Milwr Tunnel  
to be left  
open.

11. If at any time hereafter the tunnel company shall (for three calendar months after notice in writing given to them by the drainage company) fail to maintain and keep the said Milwr Tunnel and outfall works in good order and condition and effectual for the free and unobstructed flow of water the drainage company may enter upon the Milwr Tunnel and works and put the same in such good order and condition and effectual for the aforesaid purpose at their own cost. Provided that in case of calamity or emergency the drainage company may give immediate notice thereof to the tunnel company and should that company not take steps to deal with the matter complained of within twenty-four hours of the receipt of such notice then the drainage company may act as aforesaid without further notice.

Power to  
drainage  
company to  
maintain  
Milwr  
Tunnel.

12. The tunnel company shall permit the drainage company to use without payment the Caeau Shaft and the extension of the Milwr Tunnel from thence to the drainage company's boundary for the purpose of the construction of Work No. 1 only and to use the tunnel company's land adjoining or near thereto for the purpose of tipping thereon the excavations and spoil from Work No. 1 but the drainage company shall pay for all damage done by them by such user and shall also pay a fair proportion (to be settled in case of difference by a single arbitrator as aforesaid) of the cost of working the said shaft the maintenance and repair of plant and machinery and other expenses of a similar nature. They shall also pay the tunnel company for all land which the drainage company may use for tipping an amount equal to the actual price which they shall have paid for such land and all costs and expenses incurred by them in acquiring clearing developing or setting out the same. And the tunnel company shall use their best endeavours to get sufficient land for the drainage company for tipping their excavation and spoil.

Drainage  
company to  
have use of  
Caeau Shaft.

13. The tunnel company may by agreement with the drainage company empower the drainage company and that company may thereupon construct all or any part of the Milwr Tunnel from the bottom of the said Caeau Shaft to the drainage company's boundary at or near Windmill aforesaid. And the drainage company may by agreement with the tunnel company and that company may thereupon construct all or any part of Work No. 1.

Tunnel com-  
pany may  
allow drain-  
age company  
to construct  
tunnel there-  
upon.



[Ch. lii.] *Halkyn District Mines Drainage* [3 & 4 GEO. 5.]  
Act, 1913.

A.D. 1913.

Powers to  
tunnel com-  
pany and  
drainage  
company.

14. The said Bill in Parliament may contain powers to enable the two companies if occasion should arise to enter into agreements with respect to the maintenance working use and management of the Milwr Tunnel and the outfall works and to vary and renew the same from time to time and power to enable the drainage company by agreement with the tunnel company to acquire on such terms as the two companies may think fit all or any part of the undertaking of the tunnel company.

Commence-  
ment of title  
of the tunnel  
company.

15. The title to the tunnel company's right to grant the aforesaid easement or rights shall commence with the various grants to that company of the right to construct and use the Milwr Tunnel and the grant to the drainage company of the aforesaid easement shall be made subject to the terms and conditions expressed and contained in such grants.

Tunnel com-  
pany to get  
perpetual  
easements.

16. The tunnel company shall in all cases in which they have not already acquired from the landowners and/or mineral owners perpetual easements or rights for any part or parts of the Milwr Tunnel proceed as speedily as possible to acquire grants in perpetuity (or in fee simple) of such easements or rights from the landowners and/or mineral owners (whether their lessors or not) and the drainage company may by their Bill obtain power to enable them or the tunnel company to acquire such grants or to enable the landowners to make such grants.

Limitations  
of grant.

17. Neither this agreement nor the grant hereinbefore agreed to be made by the tunnel company to the drainage company shall confer or be deemed to confer upon the drainage company any rights powers or authorities other than those agreed to be conferred and granted by these presents nor shall interfere with curtail or in any way prejudice the rights powers privileges and authorities vested in or conferred upon the tunnel company or any person or persons company or companies claiming under or through them with regard to or in connection with the Milwr Tunnel provided that the free passage of the aforesaid water from the drainage company's tunnel is not obstructed.

Tunnel  
company to  
assist the  
promotion of  
the Bill.

18. The tunnel company shall give to the drainage company such assistance and support as they shall require in their aforesaid application to Parliament for the said Act and the drainage company shall pay to the tunnel company all proper costs charges disbursements and expenses incurred by the latter company at the express request of the drainage company in giving such assistance and support.

Agreement  
subject to  
sanction of  
Parliament.

19. This agreement is subject to the approval of Parliament and to such alterations as Parliament may require and may be scheduled to the said Bill and confirmed and established by the said Act of Parliament.

20. The drainage company or the tunnel company may terminate this agreement if the drainage company do not obtain the Royal Assent to their aforesaid Act during the ensuing session of Parliament or if the tunnel company do not within three calendar months after the Royal Assent has been given to the said Bill obtain perpetual (or fee simple) grants of easements for the Milwr Tunnel from all the landowners and/or mineral owners through whose lands and/or mines the Milwr Tunnel has been and/or is to be constructed or agreements to make such grants.

A.D. 1913.  
Power to  
drainage  
company or  
tunnel com-  
pany to  
terminate  
agreement.

In witness whereof the common seals of the tunnel company and the drainage company have been hereunto affixed the day and year first before written.

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The SCHEDULE before referred to.

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1. To extend the Milwr Tunnel which is not to be less than eight feet wide by eight feet high clear from the present terminus at Caeau to the northern boundary of the Halkyn district mines drainage area at or near Windmill aforesaid and to permanently secure the same as well as the existing tunnel between the mouth and the present end of it at Caeau by lining with brickwork where necessary.

2. To enlarge the capacity of the aforesaid tunnel between Herward and Caeau to eight feet wide by eight feet high clear.

3. To deepen Caeau Shaft vertically to the depth of the Milwr Tunnel extension and to place the shaft in communication with it by driving and constructing a branch tunnel thereto as well as to permanently secure the shaft and the branch between the shaft and the tunnel by lining it with brickwork if necessary.

4. To construct a reservoir at the mouth of the Milwr Tunnel of sufficient capacity to contain the discharge when owing to the height of the tide it cannot gravitate into the estuary.

5. To erect sluice gates between the estuary and the reservoir with an automatic arrangement for opening and closing them.

6. To make the capacity of the channel carrying the discharge between the mouth of the tunnel and the reservoir large enough to deal with the additional volume of water.

7. All the above works are to be executed and completed to the reasonable satisfaction of the drainage company's and tunnel company's

[Ch. lii.]      *Halkyn District Mines Drainage* [3 & 4 GEO. 5.]  
*Act, 1913.*

A.D. 1913.      engineers respectively or of a single arbitrator as aforesaid in case of  
—      disagreement.

The common seal of the Holywell-Halkyn Mining and  
Tunnel Company Limited was hereunto affixed in the  
presence of—

L.S.

H. A. COPE }  
JOHN BROCK } Directors.  
J. PHILIP JONES Secretary.

The common seal of the Halkyn District Mines Drainage  
Company was hereunto affixed in the presence of—

L.S.

HENRY HOWARD }  
SAML. MOSS } Directors.  
WAKEFIELD DODD & THORNELLY Secretaries.

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