



CHAPTER cxcv.

An Act for amending the powers of the Corporation of
Wolverhampton in regard to their sewage outfall and the
disposal of their sewage and for other purposes.

A.D. 1891.

[5th August 1891.]

WHEREAS the borough of Wolverhampton in the county of Stafford is a municipal borough under the government and local management of the mayor aldermen and burgesses of the borough (in this Act called the Corporation) and the Corporation acting by the council are the urban sanitary authority for the district of the borough which is also a county borough within the meaning of the Local Government Act 1888 :

And whereas by the Wolverhampton Improvement Act 1869 extensive powers in regard to the improvement and government of the borough were conferred upon the Corporation and that Act as altered and amended by the order confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1888 is still in force :

And whereas the Corporation under the Wolverhampton Improvement Act 1869 or other the enactments then in force acquired certain lands in the parishes of Tettenhall and Bushbury in the county of Stafford and constructed thereon or on some part thereof a sewage farm and certain sewerage works for the purpose of receiving storing disinfecting and distributing the sewage of the borough and the effluent from such lands and works is discharged or allowed to flow into the Pendeford Brook a stream adjoining the said lands and its tributaries :

And whereas the Corporation have in accordance with the powers vested in them borrowed and expended large sums of money for the purchase of the said lands and execution of the sewage works :

And whereas the borough is an important seat of the hardware manufacturing industry and the refuse from the processes of such manufactures (which cannot practically be entirely excluded from

A.D. 1891. the sewers without causing very serious injury to the staple industry carried on in the borough) has occasioned great difficulties in regard to the utilisation and purification of the sewage of the borough and the geographical position and altitude of the borough the large volume of the effluent to be carried off and the small capacity of the stream into which it is discharged further increase the difficulties attending the treatment and disposal of the sewage of the borough it is therefore expedient that special provision should be made in regard to the discharge of the effluent and disposal of the sewage of the borough :

And whereas it is expedient that the borrowing powers of the Corporation should be defined or extended as in this Act mentioned :

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

And whereas an absolute majority of the whole number of the council at a meeting held on the eighth day of December one thousand eight hundred and ninety after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Midland Evening News" a local newspaper published and circulating in the borough such notice being in addition to the ordinary notice required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the improvement fund and improvement rate of the borough or on such other funds property or rates as the council of the borough shall deem advisable :

And whereas that resolution was published twice in the said "Midland Evening News" and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the ninth day of February one thousand eight hundred and ninety-one not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas a plan of the lands which may be taken compulsorily under the powers of this Act and a book of reference to such plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands were duly deposited with the clerk of the peace for the county of Stafford and are hereinafter referred to as the deposited plan and book of reference :

[54 & 55 VICT.] *Wolverhampton Corporation Act, 1891.* [Ch. cxcv.]

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):--

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1. This Act may be cited as the *Wolverhampton Corporation Act 1891.* Short title.

2. The Lands Clauses Acts so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act are incorporated with and form part of this Act. Incorporation of Lands Clauses Acts.

3. This Act shall be carried into execution by the Corporation acting by the council. Execution of Act.

4. In this Act unless the context otherwise requires—

Interpretation of terms.

“The borough” means the municipal borough of *Wolverhampton*;

“The Corporation” means the mayor aldermen and burgesses of the borough;

“The council” “the town clerk” “the treasurer” “the improvement fund” and “the improvement rate” mean respectively the council the town clerk the treasurer the improvement fund and the improvement rate of the borough;

“Sewage lands” means the lands of the Corporation situate in the parishes of *Tettenhall Bushbury and Brewood* and other the lands of the Corporation (including those authorised to be taken under this Act) for the time being used for the purification or treatment of sewage;

“Effluent” means any water liquid or sewage matter discharged from the outfall sewers or sewerage works of the Corporation or passing over or through the sewage lands and flowing into the *Pendeford Brook* or any of its tributaries;

“The Act of 1869” means the *Wolverhampton Improvement Act 1869* as altered and amended by the order confirmed by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1888;

“The Public Health Acts” means the *Public Health Act 1875* and any Act amending the same:

Expressions to which meanings are assigned by the Act of 1869 have in this Act (unless the context otherwise requires) the same respective meanings. Provided that for the purposes of and in this Act the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall have effect as if the debt or

A.D. 1891. demand with respect to which it is used were a common simple contract debt and not a debt or demand created by statute.

Discharge of effluent subject to conditions.

5. Notwithstanding anything contained in the Act of 1869 the Public Health Acts and the Rivers Pollution Prevention Act 1876 or any of those Acts the Corporation may subject to the conditions herein-after in this section mentioned discharge or permit to flow into the Pendeford Brook and the tributaries thereof the effluent from their sewerage works and sewage lands:—

- (1) The Corporation shall not discharge or permit to flow any effluent unless and so long only as they shall be using the best or only practicable and available means under the circumstances of the case for rendering such effluent harmless;
- (2) A certificate by an inspector appointed by the Local Government Board to the effect that the means used by the Corporation for rendering harmless any such effluent are the best or only practicable and available means under the circumstances of the case (and in considering the said means regard shall be had to the quantity of land for the time being used for the utilisation of the sewage) shall in all courts and in all proceedings be conclusive evidence of the fact. Such certificate shall continue in force for a period to be named therein not exceeding two years and at the expiration of that period may from time to time be renewed but so that each renewal does not exceed two years;
- (3) The Staffordshire County Council or any person aggrieved by the granting or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector and the Board may either confirm reverse or modify his decision and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just;
- (4) The Corporation shall pay compensation to any riparian owner or other person injuriously affected by the exercise of the powers conferred by this section and the amount of such compensation shall in case of dispute be ascertained and determined in manner provided by the Public Health Acts:

Provided that nothing in this section contained shall be construed to prejudice or affect the rights and powers of the Corporation under section 112 of the Act of 1869 with regard to water produced by unusual rainfall:

Provided further that nothing in this section contained shall prejudice or affect the injunction granted by the High Court (Queen's Bench Division) against the Corporation at the suit of Walter Thomas Courtenay Giffard and others or the writ of sequestration ordered to be issued for enforcing the same.

6. The medical officer of health or other duly qualified person authorised in that behalf by the Staffordshire County Council shall be at liberty at any time and from time to time to enter upon and inspect the sewerage works and sewage lands of the Corporation within the administrative county of Stafford for the purpose of ascertaining whether the best or only practicable and available means under the circumstances of the case are being properly used by the Corporation for rendering the effluent harmless as certified under this Act. And if at any time such officer or person shall find that the said means are not being properly used he shall report to the Staffordshire County Council accordingly who shall thereupon take such report into consideration and if of opinion that a substantial default has occurred they shall communicate the fact to the Local Government Board who may if they think fit direct a local inquiry and if satisfied on such inquiry that the circumstances require it they shall at once cancel any then existing certificate granted under this Act. But nothing in this section contained shall affect the right of the Corporation to apply for or of the inspector to grant any further certificate or certificates under and in accordance with the provisions of this Act.

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—
Inspection
by Stafford-
shire County
Council and
local inquiry
as to obser-
vance by
Corporation
of conditions.

All expenses incurred by the county council in the execution of this and the last preceding section shall be charged to the general county account.

7. Subject to the provisions of this Act the Corporation may enter on purchase and take the lands delineated and described in the deposited plan and book of reference and also described in the schedule to this Act and may after the taking of such lands or any part thereof use the same for the purpose of receiving storing disinfecting or distributing sewage and section 93 (Power to deal with land appropriated to sewage purposes) of the Act of 1869 shall extend and apply to any lands taken by the Corporation under this Act. Provided that nothing in this Act contained shall authorise the Corporation to purchase or take any of the Shropshire Union Canal or the banks or towing-path thereof or (without the consent of the Shropshire Union Railways and Canal Company) any lands now belonging to or occupied by that company and numbered 35A and 48 on the deposited plan for the parish of Tettenhall and 1A for the parish of Brewood.

Power to
take addi-
tional lands
for sewage
purposes.

8. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plan or book of reference the Corporation may apply to two justices not being members of the council for the correction thereof after giving ten days' notice to the owners lessees and

Correction
of errors
omissions &c.

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A.D. 1891. occupiers of the lands affected by the proposed correction and if it appears to such justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the respective clerks of the peace for the county of Stafford and for the borough and shall be kept by them with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plan or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

For protection of owner &c. of Pendeford Hall estate.

9. For the benefit and protection of Colonel Robert Fowler Butler who is or claims to be the owner of Pendeford Hall estate in the parishes of Tettenhall and Bushbury in the county of Stafford his heirs and assigns (herein-after referred to as and included in the expression "the owner") and of Loftus Balfour Moreton who is or claims to be lessee and is the occupier of the mansion house on the said estate known as Pendeford Hall and of certain lands adjoining thereto part of the said estate his executors administrators and assigns (herein-after referred to as and included in the expression "the lessee") the following provisions shall have effect (that is to say):—

(1) The Corporation shall not without the consent in writing of the owner and lessee respectively place upon or cause or permit to flow or pass into over or upon the lands and properties (parts of the said estate) numbered on the deposited plan 2, 3, 4, 5, 6, 6A, 7, 8, 9, 10, 11, 12, 13, 13A, 20, and 21 in the said parish of Tettenhall or any or either of them or any part or parts thereof respectively or into over or upon any part or parts of the lands and properties (parts of the said estate) numbered on the deposited plan 14, 15, and 19 in the said parish which cannot be irrigated by gravitation from the sewage works of the Corporation or into over or upon any lands or properties shown on the deposited plan lying to the northward of Pendeford Mill Road (numbered on the said plan 1A, 2, 3, 4, 5, 6, 7, and 8 in the parish of Brewood and 38, 39, 40, 41, 42, 47, and 48 in the parish of Tettenhall) any sewage noxious or offensive matter or any effluent from any of the works or lands for the time being of the Corporation. But nothing in this section contained shall affect the right of the Corporation to discharge the effluent (subject to the conditions of section 5) into the Pendeford Brook or any tributary thereof;

(2) If the Corporation purchase or acquire any of the lands mentioned in the last preceding subsection (1) they shall not erect

or permit to be erected thereon without the consent in writing of the owner and lessee any works or any buildings other than agricultural buildings ;

- (3) All mines and minerals shall unless the owner otherwise agree be excepted out of any sale or conveyance to the Corporation of any lands forming part of the said estate but any such mines or minerals shall be worked as not to injuriously affect or interfere with any works of the Corporation and the Corporation shall not be liable for any damage by percolation from their works or lands to any such mines or minerals ;
- (4) If the owner lessee or occupier of any such mines or minerals be desirous of working the same such owner lessee or occupier thereof shall give to the Corporation notice in writing of his intention so to do thirty days before the commencement of working and upon receipt of such notice the Corporation may cause such mines or minerals to be inspected by any person appointed by them for the purpose and if it appear to the Corporation that the working of such mines or minerals is likely to damage their works and if they be willing to make compensation for such mines or minerals to such owner lessee or occupier thereof then he shall not work the same and the Corporation shall make compensation to such owner lessee or occupier accordingly and if the Corporation and such owner lessee or occupier do not agree as to the amount of such compensation the same shall be settled by arbitration in manner provided by the Lands Clauses Acts in the case of disputed compensation ;
- (5) If the Corporation purchase take or acquire any lands part of the said estate other than those mentioned in subsection 1 of this section then before using the same or any part or parts thereof for purposes of or connected with sewage or the distribution application or treatment of sewage and before permitting any effluent from any works or lands for the time being of the Corporation to flow or pass into over or upon the same or any part or parts thereof the Corporation shall at their option either (a) cement or otherwise make watertight the aqueduct conduit or line of pipes which now conveys the waters of the stream or brook now flowing through the said estate from the point at which the said stream or brook passes through the eastern side of the field numbered on the deposited plan 17 in the parishes of Tettenhall or Bushbury to and into the southern end of the ponds or lakes lying to the westward of Pendeford Hall such aqueduct conduit or line of pipes to be for ever maintained by and at the expense of the Corporation

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in such manner as that the water of the said stream or brook shall always flow through the same uncontaminated with sewage and in as pure a condition as it does at the passing of this Act or (b) furnish provide and for ever maintain free of cost or charge to the owner or tenant a good and sufficient supply of water equal in quality to the existing supply to the said ponds or lakes either from the Pendeford Mill Pool or from the stream above Pendeford Mill at some point westward of field numbered on the deposited plan 42 in the parish of Tettenhall or from the waterworks of the Corporation ;

- (6) Nothing in this section shall take away limit prejudice or affect any right or claim in respect of any matter not provided for by this section which if this section had not been enacted the owner or the tenant would or might have against the Corporation.

For the
protection of
the Shrop-
shire Union
Railways
and Canal
Company.

10. For the protection of the Shropshire Union Railways and Canal Company (in this section called "the company") the following provisions shall be observed and have effect (that is to say) :—

- (1) The Corporation shall at all times use all available means for preventing the escape or discharge from any existing or future sewerage works or sewage farm of the Corporation into the Shropshire Union Canal (in this section called "the canal") of sewage or filthy or refuse water unless such sewage filthy or refuse water is freed from all excrementitious or other foul or noxious matter which would injuriously affect or deteriorate the purity or quality of the water in the canal ;
- (2) The Corporation shall effectually indemnify and hold harmless the company from and against and compensate them for all injury loss damage claims or demands whatsoever which they may sustain or have brought against them in consequence or by reason of any failure or neglect on the part of the Corporation to comply with the provision of the foregoing subsection or in consequence or by reason of the water in the canal becoming deteriorated in purity or quality through or by reason of the escape of any such matter as aforesaid or otherwise howsoever by reason of the exercise by the Corporation of the powers conferred on them by this Act ;
- (3) The amount of the compensation to be paid in accordance with the previous subsection shall in case of dispute be ascertained and determined in manner prescribed by section 370 of the Act of 1869 Provided that such amount shall be ascertained and determined by and recovered before the county court judge of the district instead of by and before two justices of the borough not being members of the council and the said

judge for the purposes aforesaid shall have the same powers as are by the said section conferred upon such justices. A.D. 1891.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to take easements, &c. by agreement.

12. The Corporation shall not under the powers of this Act without the consent of the Local Government Board take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers. Restriction on taking houses of labouring class.

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

13. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of four years from the passing of this Act. Period for compulsory purchase of lands.

14.—(1) The Corporation may from time to time sell any lands acquired by them under this Act and not required for sewage purposes. Sale of superfluous lands and application of proceeds.

(2) The proceeds of the sale of any superfluous lands shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of any moneys borrowed by the Corporation under the provisions of this Act but shall not be applied to the payments of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that moneys so applied in the discharge of borrowed money shall not be reborrowed.

15.—(1) The Corporation may with the consent of the Local Government Board and subject and according to the restrictions and provisions of the Public Health Acts borrow at interest such sum or sums of money as they may from time to time require for the Power to borrow.

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purposes of this Act or any other sewage or sewerage purpose of the Corporation and for the purpose of securing the repayment of the moneys borrowed and interest the Corporation may mortgage or charge the improvement fund and improvement rate.

(2) The Corporation may raise all or any of the moneys which they are by this Act authorised to borrow by the creation and issue of Wolverhampton Corporation Stock under and subject to the provisions of the Wolverhampton Corporation Loans Act 1882 and the sums payable to the loans fund under that Act in respect of the moneys so raised shall be payable out of the improvement fund and improvement rate.

(3) Moneys borrowed or raised under this Act shall be applied only to the purposes for which they are borrowed or raised and for purposes to which capital is properly applicable.

(4) Any agreement which may be entered into by the Corporation with the Commissioners of Inland Revenue shall be in accordance with the provisions of the Customs and Inland Revenue Act 1887.

Amendment
of Wolver-
hampton
Corporation
Loans Act
1882.

16.—(1) From and after the passing of this Act the Corporation shall not create or issue any Wolverhampton Corporation Irredeemable Stock.

(2) The Corporation shall not after the passing of this Act invest any portion of the loans fund formed for the redemption or extinction of Wolverhampton Corporation Redeemable Stock in any statutory security of the Corporation.

Annual
return to
Local
Government
Board with
respect to
sinking fund.

17. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return such clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have

failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court. A.D. 1891.

18. The powers conferred upon the Corporation by the Public Health Acts of borrowing and re-borrowing of money for the purposes of those Acts shall extend and apply to the borrowing and re-borrowing of money for the purposes of the Act of 1869 as if those purposes were purposes of the Public Health Acts and the powers conferred by this section may be exercised (subject to the regulations of the Public Health Acts as to the exercise of the powers of borrowing under those Acts) notwithstanding any limitation contained in the Act of 1869 as to the amounts to be borrowed under that Act. Borrowing powers of Public Health Acts extended to purposes of Act of 1869.

19.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Acts. As to inquiries by inspectors of Local Government Board.

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

20. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the improvement fund and improvement rate or out of such other funds property or rates of the Corporation as they shall deem advisable or out of moneys to be borrowed on the security of the improvement fund and improvement rate and which moneys the Corporation are hereby authorised to borrow and required to repay if borrowed in accordance with the provisions of the Public Health Acts. Costs of Act.

A.D. 1891.

The **SCHEDULE** referred to in the foregoing Act.

DESCRIPTION OF ADDITIONAL SEWAGE LANDS.

A piece of land situate in the township of Bushbury and parishes of Bushbury Tettenhall and Brewood all in the county of Stafford and lying generally to the north and north-west of the existing sewage farm of the Corporation and comprised within the following boundary (that is to say):—

Commencing on the eastern boundary of the Pendeford Mill Road at a point opposite to the powder magazine thence in a northerly direction along the eastern boundary of that road to its junction with the road leading from Codsall thence across that road to the centre of and along in a westerly and north-westerly direction the centre of the Pendeford Mill Race to the western fence of the field numbered 59 on the Ordnance map (scale 25·344 inches to the mile for the parish of Tettenhall) thence in a northerly direction along that fence and the western fence of the adjoining fields numbered 25 and 2627 on the said map to the northern fence of the last-mentioned field thence in an easterly direction along the northern fence of that field to and across the Shropshire Union Canal and towing-path thence in a northerly direction along the eastern side of the said towing-path to the approach to the Upper Hattons Bridge thence in an easterly direction along the southern boundary of the Hattons Road to the centre of the Pendeford Brook thence in a general southerly direction along the centre of that brook in its old course to the Pendeford Mill Road thence in an easterly direction along the southern boundary of that road to Marsh Lane Bridge thence in a southerly direction along the western boundary of the towing-path of the Stafford and Worcester Canal to or near to the point of junction of that canal with the Shropshire Union Canal thence in a north-westerly direction along the northern side of the Shropshire Union Canal to the eastern boundary of the existing sewage farm of the Corporation thence in a northerly direction along the centre of the Pendeford Brook to a branch stream of the Wergs Brook thence in a westerly direction along the centre of that branch brook and across the towing-path and Shropshire Union Canal to the point of commencement.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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