



CHAPTER xxv.

An Act to effect the Drainage of certain Mines and Mineral Lands in the Counties of Flint and Denbigh and for other purposes. A.D. 1892.
[20th May 1892.]

WHEREAS within the district for the purposes of this Act called "the Llanarmon district" within the counties of Flint and Denbigh consisting of the area hereinafter defined and called "the drainage area" there are various important mines of lead and other minerals which are practically incapable of being worked to advantage below the water level affecting the same respectively on account of the great expense of draining the same by means of pumping and which have consequently ceased to be worked below the water level:

And whereas any effective scheme for the drainage of the said mines will operate for the common benefit of all the owners and occupiers of mines and mineral lands within the Llanarmon district and of other persons interested but it is impracticable to arrange for carrying out any such scheme by the co-operation of such owners and occupiers and of other persons interested and it is reasonable that such provision as is hereinafter authorised should be made for effecting such drainage:

And whereas the various tunnels or adit levels and other works hereinafter authorised have been devised with the view of effecting such drainage in the most effective and economical way and will when executed lessen the risk of danger to human life in carrying on mining operations within the Llanarmon district:

And whereas it is expedient and will be for the advantage of all persons interested in the mines and mineral lands in the Llanarmon district that the said tunnels or adit levels and the other works hereinafter authorised should be carried out:

And whereas the several persons hereinafter named with others are willing to make and maintain the said works and it is expedient

A.D. 1892. that they should be incorporated with all necessary powers for carrying the same into effect and that the other provisions hereinafter contained should be made with the view of making and maintaining an efficient system of drainage of the mines and mineral lands within the Llanarmon district:

And whereas plans and sections showing the lines and levels of the tunnels or adit levels authorised to be made by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerks of the peace for the counties of Flint and Denbigh 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Llanarmon District Mines Drainage Act 1892.

Incorporation of general Acts.

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

The 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 "works under this Act" were substituted for the word "railway" 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.

Interpretation.

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

The expression "the Company" means the Company incorporated by this Act: A.D. 1892.

The expression "minerals" means and includes lead ore calamine blende ironstone iron ore and other saleable minerals whatsoever except clay worked or got open-cast and not by mining or underground operations:

The expression "mineral lands" means lands containing minerals:

The expression "mine" means and includes 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 and includes so far as respects liability to the royalties hereinafter authorised only such part:

The expression "owner" means the person for the time being entitled in possession to a mine or receiving or entitled to receive the rents or royalties thereof whether on his own account or as mortgagee or as trustee for any other person and includes the agent for the time being of any such person:

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

4. His Grace the Duke of Westminster Henry Richard Lloyd Howard Bryan Davies Cooke Charles Davison Llewellyn John Henry Thomas Smith John Thompson Richard Frederick Birch Nathaniel Robert Griffith Robert Roberts Matthew Francis Thomas Abel Beckitt and all other persons corporations and companies who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the said tunnels or adit levels and other works and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Llanarmon District Mines Drainage Company" and by that name shall be a body corporate

Company
incorporated.

A.D. 1892. with perpetual succession and a common seal and with power to
--- purchase take hold and dispose of lands and other property for
the purposes of this Act.

Defining
drainage
area.

5. The drainage area in this Act referred to is the following
(that is to say) :—

The area wholly within the counties of Flint and Denbigh shown and defined upon a copy of the ordnance map signed by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords and deposited in the Parliament Office of the House of Lords and with the respective clerks of the peace for the counties of Flint and Denbigh and comprised within the limits of a line commencing at or near a point one hundred and sixteen yards or thereabouts measured in a north-easterly direction from the farm-house called "Tydraw" in the occupation of Robert Davies and numbered 75 in the township of Nerquis on the ordnance map of the county of Flint (scale $\frac{1}{2500}$) thence proceeding in a northerly direction in a straight line until the boundary of the township of Arddynwent in the parish of Mold is intersected at a point three hundred and fifty yards or thereabouts measured in a north-easterly direction from the house called "Plas onn" in the occupation of Jane Hughes Jones and numbered 24 in the said township of Nerquis on the ordnance map of the county of Flint (scale $\frac{1}{2500}$) thence proceeding in a northerly direction in a straight line to a point on the Mold and Ruthin Road situate two hundred and twenty yards or thereabouts measured in a north-westerly direction from the house called "Bryn Coch" belonging to and in the occupation of Thomas Thelwell Kelly and numbered 54 in the township of Broncoed and parish of Mold on the ordnance map of the county of Flint (scale $\frac{1}{2500}$) thence proceeding along such last-mentioned road in a westerly direction through the townships of Broncoed Arddynwent and Hendrebiffa all in the parish of Mold and thence proceeding along such last-mentioned road to the boundary of the counties of Flint and Denbigh immediately opposite the Colomendy lodge and drive numbered 100 in the parish of Llanferres on the ordnance map of the county of Denbigh (scale $\frac{1}{2500}$) thence proceeding along the boundary of the counties of Flint and Denbigh to a point where such boundary crosses the River Alyn two hundred and fifty yards or thereabouts measured in a westerly direction from the house called "Argoed" in the occupation of John Morris and numbered 982 in the township of Gwernaffield and parish of Mold on the ordnance map of the

county of Flint (scale $\frac{1}{2500}$) thence following the bed of the River Alyn in a southerly direction to a point where that river is crossed by a ford fifty yards or thereabouts measured in an easterly direction from the house called "Rhydysaf" in the occupation of Samuel Williams and numbered 2283 in the parish of Llanarmon yn Yale on the ordnance map of the county of Denbigh (scale $\frac{1}{2500}$) thence proceeding in an easterly direction in a straight line to a point on the boundary of the counties of Flint and Denbigh six hundred and sixteen yards or thereabouts measured in a north-easterly direction from the house called "Pant y ffordd" in the occupation of Thomas Jones and numbered 2344 on the last-mentioned ordnance map thence proceeding along the boundary of the said two counties in an easterly direction until the River Terrig is intersected at a point four hundred and sixty-six yards or thereabouts measured in a north-westerly direction from the public house called the "Travellers Inn" situate in the village of Rhydtalog and numbered 1395 in the township of Tryddyn on the ordnance map of the county of Flint (scale $\frac{1}{2500}$) thence proceeding along the bed of the River Terrig in a northerly direction to a point three hundred and eighty-four yards or thereabouts measured in a south-westerly direction from the house called "Plas Nant y Glyn" in the occupation of Mary Elizabeth Norris and numbered 584 in the township of Nerquis on the ordnance map of the county of Flint (scale $\frac{1}{2500}$) thence proceeding in a straight line in a northerly direction to the point of commencement of the area above described.

A.D. 1892.

6. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tunnels or adit 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 purchase and 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 always that nothing herein contained shall authorise the Company to acquire by compulsion any such easement within forty feet of the surface of any land in any case in which the owner of such land shall in his particulars of claim require the Company to acquire such land and every notice by the Company to treat for the acquisition of an

Power to
make tunnels
and other
works.

A.D. 1892. easement within forty feet of the surface of any land shall be endorsed with notice of this proviso. The tunnels or adit levels hereinbefore referred to and authorised by this Act are—

- (1) A tunnel or level commencing at a point in a field belonging or reputed to belong to Pennant Athelwold Lloyd and in the occupation of Richard Roberts and numbered 98 in the township of Leeswood and parish of Mold on the ordnance map of the county of Flint (scale $\frac{1}{2500}$) and which point is three hundred and sixty yards or thereabouts measured in a south-easterly direction from the farmhouse called "Waen" situate in the township of Broncoed and parish of Mold now in the occupation of William Bellis and thence extending in a westerly direction for two thousand seven hundred and twenty-one yards or thereabouts and terminating at or under a mine shaft known as the "Glyndwr Shaft" formerly called the "East Maes y safn Shaft" and now in the occupation of the Glyndwr Mining Company Limited :
- (2) A tunnel or level commencing by a junction with the tunnel or level No. 1 at its termination above described and thence extending in a south-westerly direction for a distance of one thousand eight hundred and nineteen yards or thereabouts to a point three hundred and ninety yards or thereabouts measured in a northerly direction from the farmhouse called "Hendrefoelas" in the parish of Llanferres and in the occupation of Richard Harrison and numbered 950 in that parish on the ordnance map of the county of Denbigh (scale $\frac{1}{2500}$) thence proceeding in a southerly direction for a distance of three thousand and thirty-four yards or thereabouts and terminating at or near a shaft called "The Mary Ann Shaft" situate in the parish of Llanarmon yn Yale and numbered 1543 in that parish on the ordnance map of the county of Denbigh (scale $\frac{1}{2500}$) and at present unoccupied :
- (3) A tunnel or level wholly situate in the township of Arddynwent and parish of Mold commencing by a junction with the tunnel or level No. 1 at its termination above described thence extending in a north-westerly direction for a distance of one thousand seven hundred and ten yards or thereabouts and terminating at or near a point underneath the public road leading from Mold to Ruthin twenty-two yards or thereabouts measured in a north-westerly direction from the "Rainbow Inn" situate at Gwernymynydd in the said last-named township and in the occupation of Thomas Davies.

7.—(1) In constructing the tunnel or level No. 1 under the Mold and Tryddyn Railway of the London and North Western Railway Company (hereinafter called "the railway company") as also in executing or effecting the maintenance repairs renewals and alterations thereof or of any of the works in proximity to such railway the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the railway company and according to plans sections and specifications to be submitted to him and be to his reasonable approval before such works are commenced and all such works shall be executed by and in all things at the expense of the Company and so as not to cause any injury to such railway or the works land or property of the railway company or interruption to the passage or conduct of the traffic over such railway and if any such injury shall arise to such railway or interruption to such traffic the Company shall make full compensation to the railway company in respect of such injury or interruption. The amount of such compensation to be recoverable from the Company by the railway company together with full costs by all and the same means as any simple contract debt is recoverable.

(2) The said tunnel or level shall for its entire length under the said railway and for twenty-five feet on each side of the said railway be constructed of such materials dimensions quality and thickness as such engineer shall in writing reasonably require.

(3) The Company shall not (except with the previous consent of the railway company under their common seal) purchase or acquire any lands or property of the railway company but nothing in this section contained shall prevent the Company from purchasing and taking under the powers of this Act the easement or right of making maintaining and using the tunnel or level No. 1 under the railway or through the property of the railway company.

(4) The said tunnel or level and all other works which may be executed by the Company under or in proximity to or in any way affecting the said railway shall be maintained and renewed by them and in case they shall fail to execute such maintenance repairs and renewals the railway company may make and do in and upon as well their own lands as in and upon the lands or other property of the Company all such works and things as the railway company may reasonably think requisite in that behalf and the reasonable expense thereof shall be repaid to the railway company by the Company and in case of non-payment may be recovered from them in manner aforesaid together with full costs.

(5) If by reason of any works or proceedings of the Company or of their contractors or of their workmen or the failure leakage

A.D. 1892.

With respect
to the
London and
North
Western
Railway
Company.

A.D. 1892.

or bursting of the tunnel or level No. 1 or any of the works thereof or connected therewith or by reason of subsidence caused by any of the works operations or proceedings of the Company the said railway or any of the works thereof or the land buildings or property of the railway company shall be injured or damaged such injury shall be forthwith made good by the Company at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do the railway company may make good the same and recover in manner aforesaid the reasonable expense thereof from the Company with full costs or full compensation for the injury or damage done or arising from such subsidence shall be paid by the Company to the railway company recoverable as aforesaid and if any interruption shall be caused to the traffic of the railway company by reason of any works of the Company or of any such failure leakage or bursting or subsidence as aforesaid the Company shall pay to the railway company all losses costs and expenses to which they may be put as well as full compensation for the loss and inconvenience sustained by them by reason of such interruption the amounts thereof respectively to be recoverable by the railway company from the Company in manner aforesaid with full costs.

Power to make agreements with owners and occupiers of lands within or adjoining the drainage area.

8. The Company may from time to time enter into and carry into effect arrangements and agreements with the owners or occupiers of any 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 tunnels levels shafts or works of the nature hereby authorised or the communication of any such tunnels levels shafts or works to or with the tunnels levels shafts or works of the Company respectively having for their object the draining or facilitating the working of any 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 agreements with Halkyn District Mines Drainage Company.

9. The Company and the Halkyn District Mines Drainage Company (in this section called "the Halkyn Company") may at any time and from time to time enter into and carry into effect arrangements and agreements for or with respect to the execution maintenance or use by the Company and the Halkyn Company

jointly or severally of any works within the authorised powers of the Company or the Halkyn Company or 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 Halkyn Company on the northerly side 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 Halkyn 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 Halkyn 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 purpose of the Halkyn District Mines Drainage Act 1875 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.

A.D. 1892.

10. Provided that nothing in the two last preceding sections contained shall authorise the construction of any work or the doing of any act or thing north of an imaginary line drawn due east and west through Holy Trinity Church Gwernaffield from the western to the eastern boundary of the Drainage Area No. 2 of the Halkyn District Mines Drainage Company without the previous consent in writing of the United Alkali Company Limited.

Limitation of such powers to south of a defined line.

11. The Company may for the purposes of their undertaking construct maintain use and renew from time to time engines pumps conduits and all requisite machinery and works for pumping and draining water now accumulated in or hereafter flowing or percolating into any mine 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 upon such terms as may be agreed upon or be settled by arbitration any pumping winding or other plant or machinery from time to time

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

A.D. 1892. — 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 compensate for such employment or use.

Power to execute auxiliary works.

12. It shall be lawful for the Company for the purpose of constructing or maintaining the tunnels or levels and works hereby authorised or for conducting or facilitating or preventing the flow of water into the said tunnels levels or works or any mines or mineral lands within the drainage area to execute any of the following works (that is to say) :—

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 :

They may make drains or conduits for conveying water to or from their tunnels or levels or other works or to or from any mines or mineral lands within the drainage area :

They may erect and construct such houses engine-houses workshops offices and other buildings engines machinery apparatus and other works and conveniences as they think proper :

They may from time to time alter repair or discontinue the before-mentioned works or any of them and substitute others in their stead :

They may do all other acts necessary for making maintaining altering using or protecting the said tunnels or levels and works :

Provided always that in the exercise of the powers by this section granted the Company shall do as little damage as can be and shall make fair and reasonable satisfaction to all persons interested for all damage by them sustained by the exercise of such powers.

Power to acquire lands by agreement.

13. 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 ten 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 of water 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 by them upon any land taken under the powers of this section.

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

Limiting period for purchase of lands.

15. The Company 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.

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" 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 such persons who may be residing with them.

16. The persons by the Lands Clauses Acts 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 Acts 1862 to 1890 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 to propose such resolution and for the purposes of this Act the several provisions of the Lands Clauses Acts 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.

Persons under disability may sell exchange or lease.

17. The capital of the Company shall be one hundred thousand pounds in ten thousand shares of ten pounds each.

Capital.

18. The Company shall not issue any share created under the authority of this Act nor shall any share vest in the person

Shares not to be issued until one-fifth paid up.

A.D. 1892. — 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.

Receipts on behalf of incapacitated persons.

19. If any money be payable to a shareholder or mortgagee or debenture stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Powers to other companies to subscribe to capital of company.

20. Any joint stock or other company if authorised by its regulations or any instrument settling or defining its constitution or by special resolution or by resolution passed as hereinbefore provided as the case may be may subscribe to the capital of the Company and be and become a proprietor in the undertaking.

Power to borrow.

21. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-five thousand pounds and of such sum they may borrow on mortgage any sum not exceeding six thousand two hundred and fifty pounds for every twenty-five thousand pounds of the capital of the Company which shall from time to time be issued and accepted and one-half whereof is paid up but no such borrowing powers shall be exercised until 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 the portion of the capital in respect whereof the borrowing powers are from time to time sought to be exercised has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations 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 shall be sufficient evidence thereof.

For appointment of a receiver.

22. The mortgagees of the Company 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 six hundred pounds.

23. The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863, but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

A.D. 1892.
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Debenture
stock.

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

Application
of money.

25. The first ordinary meeting of the Company after the passing of this Act shall be held within six months after the passing of this Act.

First
ordinary
meeting.

26. The number of directors shall be not less than five nor more than nine.

Number of
directors.

27. The qualification of a director shall be the possession in his own right of not less than twenty-five shares.

Qualification
of directors.

28. The quorum of a meeting of directors when the number of directors is more than seven shall be five and when the number of directors is seven or less than seven the quorum shall be three.

Quorum.

29. His Grace the Duke of Westminster Henry Richard Lloyd Howard Thomas Smith Llewellyn John Henry and Charles Davison and not more than four persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in the Companies

First
directors.

A.D. 1892. —
Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Appointment of arbitrator. **30.** The arbitrator for the purposes of this Act shall be the county court judge for the time being of the district in which the town of Mold in the county of Flint is comprised if he shall consent to act and failing such consent an arbitrator to be appointed by him upon the application of the Company and the decision of the arbitrator for the time being acting under the authority of this Act in all matters shall be final and without appeal and such arbitrator may at any time and from time to time appoint by writing under his hand an assessor or assessors for his guidance and assistance where necessary such assessor or assessors being a person or persons of experience conversant with mining operations but having no interest in or employment with relation to any mine affected by or interested in the arbitration.

Provision in case of arbitrator being unwilling or incapable of acting.

31. If and when the arbitrator appointed by or in pursuance of this Act shall from any cause be incapable of acting or be unwilling to act either generally or in any particular case or arbitration another person shall be appointed in his place by the Lord Chancellor such person being a barrister of not less than ten years' standing and such last-mentioned person may be appointed or re-appointed for such periods or purposes as the Lord Chancellor shall in each case determine although the county court judge for the time being of the district may be capable of acting and willing to act.

Declaration by arbitrator.

32. No person shall be capable of acting as an arbitrator until he shall have made and subscribed the declaration following (that is to say) :—

I A. B. do solemnly and sincerely declare that I will faithfully honestly and impartially according to the best of my skill and ability execute and perform the several trusts powers and authorities vested in and imposed upon me as arbitrator by virtue of the Llanarmon District Mines Drainage Act 1892 according to equity and good conscience and without favour or affection prejudice or partiality to any person or persons whatsoever :

and such declaration shall be made and subscribed before any justice of the peace and shall be delivered to the Company and kept at the office of the Company along with the books and documents belonging to them.

33. In all cases of difference the arbitrator shall have power to ascertain the costs of and incident to the reference including the reasonable remuneration and costs of the arbitrator and assessor or assessors and to direct payment of the same by the parties thereto or any of them in such manner as he shall think proper and in all other cases where the arbitrator shall act under the provisions of this Act (and no discretion is given him as to awarding costs) the reasonable remuneration and costs of the arbitrator and assessor or assessors shall be paid by the Company.

A.D. 1892.
Costs of
arbitration.

34. The arbitrator shall if and when thereto required by the Company and so far as and to the extent he shall be so required do the following acts or any or either of them and all things incidental thereto:—

Arbitrator to
ascertain
condition of
mines.

He shall ascertain as nearly as may be the height or level of the water existing at any time or times or within any period specified by the Company in any mine or in any district (forming part of the drainage area) in which any mine is situate the sources from which such water is or was derived the means of disposing of the same whether such mine is in accordance with the provisions of this Act to be deemed to have been and to be drained and whether the water of the district in which such mine is situate has been and is drained:

And he shall embody the result of his inquiries in a report or reports together with such surveys and sections as he may deem necessary for the due understanding of the same and for putting on record the condition of such mine or district or both or the drainage thereof respectively at the time of making such inquiry or at any other time or times as the Company may require and such report or reports shall be verified by the signature of the arbitrator and delivered to the Company and shall be preserved by them and shall at all reasonable times be open to inspection by all persons interested.

35. For the purposes aforesaid or for any of the purposes of this Act the arbitrator may by himself or by any person appointed by him enter upon inspect and survey any mine and open any shaft or make any boring thereon or therein and make all such soundings and examinations as he may think necessary provided always that the Company shall make compensation to the owner and occupier of such mine and other persons interested for any damage done thereby.

Entry upon
lands.

A.D. 1892.
Powers of
arbitrator.

36. For the purposes of such inquiry as aforesaid or of any other inquiry or arbitration under this Act the arbitrator may require the attendance of all persons interested in the mines to which his inquiry relates whom he may think fit to call before him and examine and he shall have power and authority to require discovery from any party to summon any person before him to give evidence or to bring and produce and to give inspection of deeds documents plans sections and books to administer oaths and to take or direct the taking of affidavits and declarations and an order or requisition under the hand of the arbitrator shall have the force and effect of a subpoena or process issued by the High Court and every person who being examined under the authority of this Act shall wilfully swear affirm or declare falsely in any vivâ voce evidence or in any affidavit declaration or deposition shall be liable to the penalties and consequences of wilful and corrupt perjury.

Mode of
conducting
references.

37. Applications to the arbitrator in the case of any difference between the Company and any person corporation or company as to any matters authorised by this Act to be determined by the arbitrator shall be made in such manner and form and shall be heard and disposed of on the attendance of such parties or persons chosen as the representatives of such parties on such written or other statements on such evidence and in all respects in such manner as the arbitrator may from time to time direct and the costs of and incident to such applications shall be in the discretion of the arbitrator who may direct to or by whom the same shall be paid and the opinion or decision of the arbitrator on any such application or with respect to the costs thereof or incident thereto shall not be subject to review or appeal Provided always that the arbitrator may from time to time upon the application of either party review and if he see fit alter or modify his award in case of any altered state of circumstances or otherwise.

Award of
arbitrator to
have the
same force
and effect as
a judgment
of the High
Court.

38. For the purpose of enforcing any award or decision of the arbitrator under this Act such award or decision shall be taken and deemed to be and shall have the same force and effect as a judgment of the High Court and shall on the application of any person interested be recorded and entered and be enforceable by the same processes and in the same manner as a judgment of the said court.

Arbitrator
may employ
surveyors
&c.

39. The arbitrator may from time to time employ such surveyors and other persons as he may find necessary for the performance of his duties and the whole or any part of the remuneration

of such persons shall be paid by such corporation company or person as the arbitrator shall determine. A.D. 1892.

40. For the purposes of this Act it shall be deemed that all the mines and mineral lands within the drainage area are at the time of the passing of this Act affected by the water of the district in which the same respectively are situate and that a mine has been and is drained if the water of the district in which such mine is situate be drained to the level of the waterflow in the tunnel or adit level of the Company serving such district or as near thereto as allowing for intervening distance and other circumstances may be practicable and that notwithstanding that the whole of or any other district within the drainage area be not drained and notwithstanding that other means or appliances may have to be taken or used by the occupier of such mine for raising water therefrom.

When mines shall be deemed to be drained.

41. From and after the passing of this Act the Company may demand levy and take from every occupier of a mine the royalties respectively specified in Schedule A to this Act in respect of each ton or fraction of a ton of minerals thereafter raised or got from such mine. Provided always (1) that 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 to be deemed to be drained and if any dispute shall at any time arise between the Company and the occupier as to whether any mine is to be deemed to be 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 (2) That if any occupier of a mine shall allege that owing to such mine not being drained to the depth of the lowest levels or workings thereof or therein or to any other cause or circumstance he has to employ machinery worked by steam or other like power in raising water from such mine it shall be lawful to and in the power of the arbitrator on the application of such occupier to make or cause to be made such inquiry as the arbitrator 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 machinery has to be and is employed in raising water from such mine 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. And (3) that notwithstanding any such dispute or allegation or the

Company to levy royalty on minerals raised within the drainage area.

A.D. 1892.

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.

Statement to
be furnished
to Company
of minerals
raised.

42. Every occupier of a mine from which minerals are raised or got shall quarterly within fourteen days after every thirty-first day of March thirtieth day of June thirtieth day of September and thirty-first day of December respectively make and send to the Company a return in writing of the number of tons and description of minerals raised from such mine during the preceding quarter and of the saleable value thereof on the mine and if sold of the names and addresses of the purchasers and the true actual sale prices thereof and of the amount of royalty payable in respect of such return and of each separate ton of minerals comprised in such return and he shall if called upon by the Company so to do verify such return by statutory declaration and the amount of royalty payable under this Act in respect of the minerals so raised or got during such quarter shall for the purposes of this Act be deemed to be due on such quarter-day and every occupier who shall fail or neglect to make such return 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 five pounds for every day during which such default continues and every occupier who shall make a false return shall be liable to a penalty not exceeding one hundred pounds.

Power to
Company to
check
returns.

43. For the purpose of ascertaining the amount of royalties payable to the Company under this Act and the correctness of any returns made or sent to the Company in pursuance of this Act the Company may by their officers or servants or other persons appointed by them from time to time and at any time inspect any book pay-sheet or other document kept by any occupier containing any entry of the minerals raised or gotten or sold from or out of any mine or any entry or entries of any payment made for raising or getting such minerals and the working plans and sections of

such mine and if deemed necessary by the Company the mine itself and may take copies of such books documents and working plans and sections and any occupier or the agent clerk or servant of any occupier doing any act to prevent or impede the Company from exercising any of the powers by this section granted shall be liable to a penalty not exceeding ten pounds for each offence. A.D. 1892.

44. 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 Schedule B to this Act out of any rent or royalty in respect of such mine 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. Occupiers to pay royalties to Company and deduct proportion of same from the rent payable to owners.

45. In case any occupier shall refuse or neglect to pay any royalties due to the Company for thirty days next after the same shall become due it shall be lawful for any two justices on the application of the Company to issue a warrant of distress for the amount of royalties so due and the costs of and incident to the application which warrant shall and may be executed and enforced in like manner as a warrant of distress for recovery of a poor rate in arrear. Royalties due to Company may be levied by distress.

46. The Company may from time to time for any purpose of this Act by their officers or servants or other persons appointed by them enter upon inspect and survey any mine and may inspect the plans sections and working drawings of such mine and make copies thereof and extracts therefrom and may open any shaft or shafts and make any borings at on or in such mine and may make all such soundings and examinations as may be necessary and the Company shall make compensation to the owners and occupiers of such mine for the damage (if any) done thereby. Powers to Company to inspect mines within drainage area.

47. It shall not be lawful for any person or company without the written consent of the Company first had and obtained and then only upon such terms and subject to such conditions and regulations as shall be prescribed by the Company to make or form any communication or opening with into or out of any tunnel level or other work of the Company and any person or company who shall act in violation of this provision shall be liable to a penalty not No communication with Company's works to be made without consent of the Company.

A.D. 1892.

exceeding one hundred pounds and shall also make compensation for all injury or damage occasioned by or resulting from such violation as aforesaid.

Power to
make byelaws.

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

For the protection of the works of the Company :

For the protection of or with the view to enable the Company to secure or enforce any of the rights or remedies of the Company under this Act :

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

Allowance
of byelaws
by arbitrator.

49. No such byelaws shall have effect until allowed by the arbitrator and such arbitrator shall on the request of the Company or of any owner or occupier inquire into any byelaws tendered to him for allowance and allow or disallow the same as he may think meet.

Notice of
application
for allow-
ance.

50. No such byelaws shall be allowed unless notice of intention to apply for the allowance thereof has been given by advertisement in at least one newspaper circulating in each of the counties of Flint and Denbigh one month at least before the application for allowance is made.

Objections
to proposed
byelaws.

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

Access to
proposed
byelaws.

52. For one month at least before the hearing of any such application printed copies of the proposed byelaws shall be kept at the principal office of the Company and the secretary of the Company shall furnish every person applying for the same with a copy thereof on payment of a sum not exceeding two shillings and sixpence for each copy.

Copies of
byelaws.

53. All byelaws when allowed shall be printed and the secretary of the Company shall deliver a printed copy thereof to every person applying for the same on payment of a sum not exceeding two shillings and sixpence for each copy.

54. A printed copy signed by the secretary of the Company purporting to be under the common seal of the Company and to be allowed by the arbitrator shall until the contrary be proved be evidence of the existence and due making and allowance of such byelaws without further proof or proof of the signature of the secretary. A.D. 1892.
Proof of bye-laws.

55. Any owner occupier or other person who without reasonable excuse obstructs the Company or the arbitrator or any person appointed by them respectively in the execution of any of the powers authorities works or things to be exercised or done by the Company or arbitrator respectively under the authority of this Act shall be liable for each offence to a penalty not exceeding ten pounds. Penalty for obstructions.

56. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Her Majesty's Woods Forests and Land Revenues or either of them without the consent in writing of the same commissioners or one of them on behalf of Her Majesty first had and obtained for that purpose (which consent such commissioners are hereby respectively authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. Saving rights of the Crown.

57. 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. 1892.

SCHEDULES referred to in the foregoing Act.

SCHEDULE A.

ROYALTIES TO BE LEVIED WITHIN THE DRAINAGE AREA.

For every ton of blende or calamine raised or got one-twelfth part and for every ton of lead lead ore ironstone iron ore or other minerals raised or got one-sixth part of the saleable value thereof on the mine which saleable value as to minerals usually washed dressed or otherwise made merchantable before sale shall be deemed to be the saleable value thereof after the same respectively shall have been so washed dressed or made merchantable and so in proportion for each fraction of a ton.

SCHEDULE B.

PROPORTION OF ROYALTIES TO BE DEDUCTED BY THE OCCUPIER FROM
THE RENT OR ROYALTY PAYABLE TO THE OWNER.

For every ton of lead lead ore blende calamine ironstone iron ore or other minerals raised or got fifteen per cent. of the royalty paid by the occupier to the Company in respect thereof.

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