



CHAPTER lxxxv.

An Act to authorise the urban district council of Ebbw Vale to construct additional waterworks and for other purposes. A.D. 1913.
[15th August 1913.]

WHEREAS the urban district of Ebbw Vale in the county of Monmouth is under the management and control of the Ebbw Vale Urban District Council (in this Act referred to as "the Council"):

And whereas the Council supply water within the said urban district and the adjoining places included within their limits of supply and to the Nantyglo Urban District by agreement with the Nantyglo Urban District Council in pursuance of powers in that behalf contained in the following Orders and Act (that is to say):—

An Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875;

An Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Abergavenny &c.) Act 1880;

The Ebbw Vale Water Act 1904:

And whereas for the purpose of obtaining a new supply of water the Council acting under powers conferred upon them by the Ebbw Vale Water Act 1904 have constructed a reservoir known as the Carno Reservoir by erecting a dam across the River Ebbw:

And whereas the quantity of water which the Council are enabled to take from the River Ebbw by means of the reservoir authorised by the Ebbw Vale Water Act 1904 is inadequate to

A.D. 1913. — meet the requirements of the Council and for the purpose of increasing the said quantity they have in pursuance of general powers in that behalf contained in section 6 of the Ebbw Vale Water Act 1904 driven an adit into the Llangattock Mountain in the line and level shown on the deposited plans and sections of a portion of the aqueduct Work No. 2 authorised by this Act:

And whereas the Council have expended upon the making of the said adit the sum of forty-three thousand two hundred and twenty-four pounds of which an amount of twenty-six thousand four hundred pounds was provided out of moneys borrowed by the Council under the authority of section 37 (c) of the Ebbw Vale Water Act 1904 for the extension and improvement of their waterworks undertaking and is repayable within fifty years from the date of borrowing the same and an amount of fourteen thousand two hundred pounds was provided out of further moneys borrowed under the sanction of the Local Government Board:

And whereas the Local Government Board in giving their sanction to the borrowing of the sum of fourteen thousand two hundred pounds for the purposes of the said adit directed that the same should be repaid within a period of five years from the date of borrowing and the extension of that period was made contingent upon the Council extending the said adit under the authority of Parliament and thereby obtaining an additional supply of water from the adjoining watershed:

And whereas it is expedient that powers to construct the said adit should be conferred upon the Council as by this Act provided and that the Council should be authorised to extend the said adit as part of the aqueduct Work No. 2 and to take water thereby from the Claisfer stream in the parish of Llangynidr:

And whereas the reservoir herein-after described forming part of the works authorised by this Act will be situate on the Claisfer stream and below the level of the said adit and will not by reason of its position be available for the supply of water within the Council's limits of supply but only for the purpose of regulating the flow of water in the Claisfer stream and will thereby provide compensation for the water intended to be abstracted by the Council:

And whereas estimates have been prepared by the Council for the purchase of lands and for the execution of works by this Act authorised and such estimates are as follows:—

For the purchase of lands and easements and for the construction of the waterworks by this Act authorised including certain moneys already expended by the Council in constructing the adit which is intended to form part of the aqueduct Work No. 2 (that is to say):—

Expenditure under authority of section	£
37 (c) of the Act of 1904 - - -	26,400
Expenditure sanctioned by the Local Government Board - - -	14,200
Further expenditure - - -	2,624
Estimated further expenditure - - -	77,276
	<hr/>
	£120,500
	<hr/>

For the completion of the Carno Reservoir and the works connected therewith authorised by the Ebbw Vale Water Act 1904	
the sum of - - - -	£3,211

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas it is expedient to extend the period allowed by the Local Government Board for the repayment of the said sum of fourteen thousand two hundred pounds:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and plans of the lands required or which may be taken or used for the purposes of this Act with a book of reference to such plans containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of those lands were duly deposited with the clerks of the peace for the counties of Brecknock and Monmouth which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872

A.D. 1913. and 1903 have been observed and the approval of the Local Government Board has been obtained:

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

Short title.

1. This Act may be cited as the Ebbw Vale Water Act 1913.

Incorporation of general enactments.

2. The following Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Waterworks Clauses Acts 1847 and 1863 except—

(A) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(B) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

(2) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation.

3. Terms to which meanings are assigned by enactments incorporated with this Act or which have therein special meanings have in this Act and for the purposes of this Act the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in this Act or the Acts wholly or partially incorporated with this Act for the purposes of this Act—

“The undertakers” and “the company” mean the Council:

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

“The railway” means the reservoir or the works immediately connected therewith by this Act authorised;

“The centre of the railway” means with respect to the aqueducts the centre thereof and with respect to the reservoir the boundaries thereof: A.D. 1913.

In this Act unless the subject or context otherwise requires—

“The district” means the urban district of Ebbw Vale in the county of Monmouth;

“The Council” means the urban district council of the district;

“The clerk” means the clerk of the Council;

“The district fund” and “the general district rate” respectively mean the district fund and the general district rate of the district;

“The water undertaking” means the water undertaking of the Council;

“Water revenue” means and includes all moneys received by the Council for or in relation to the water undertaking other than borrowed moneys and other moneys which ought to be carried to capital account;

“Drainage area” means the area or areas within which the waters which the Council are by this Act authorised to take arise and flow;

“The Act of 1904” means the Ebbw Vale Water Act 1904;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land

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undertakings or other property for the time being of the Council and rates or contributions leviable by or on the order or precept of the Council;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or of any local authority as defined by section 34 of the Local Loans Act 1875 but does not include securities of the Council or annuities rentcharges or securities payable to bearer.

Power to
construct
new works.

4. Subject to the provisions of this Act the Council may make construct lay down and maintain in the situation and lines and according to the levels shown on the deposited plans and sections relating thereto and in and upon the lands described upon such plans the several works shown on the said plans together with all proper embankments bridges roads approaches ways wells tanks basins gauges filter beds dams sluices by-washes waste-weirs outlets outfalls discharge-pipes adits shafts tunnels aqueducts culverts cuts channels conduits drains mains pipes stand-pipes junctions valves telegraphs telephones and other means of electric communication engines pumping machinery constructions apparatus buildings houses works and conveniences connected with or ancillary to the said works or any of them or which the Council may consider necessary for inspecting maintaining cleansing repairing conducting managing and using the same The works shown on the deposited plans and sections comprise the following principal works (that is to say):—

Work No. 1 An intake weir to be situate in the parish of Llangynidr in the rural district of Crickhowell in the county of Brecknock at a point on the Claisfer stream three hundred and thirteen yards or thereabouts measured in a south-westerly direction from its junction with the Efynton Caerhos stream :

Work No. 2 An aqueduct conduit or line or lines of pipes (in part already constructed) to be situate in the parishes of Llangynidr and Llangattock in the rural district of Crickhowell and in the parish of Rassa in the urban

district of Ebbw Vale commencing at the intake weir Work No. 1 and terminating at the valve well of the existing Carno filters of the Ebbw Vale Urban District Waterworks: A.D. 1913.

Work No. 3 An intake weir to be situate in the said parish of Llangynidr at a point on the Ffynnon Caerhos stream one hundred and twenty-seven yards or thereabouts measured in a south-westerly direction from its junction with the Claisfer stream:

Work No. 4 An aqueduct conduit or line or lines of pipes to be situate in the said parish of Llangynidr commencing at the intake weir Work No. 3 and terminating by a junction with the aqueduct Work No. 2 at a point two hundred yards or thereabouts from the commencement thereof:

Work No. 5 A compensation reservoir to be situate in the said parish of Llangynidr to be formed by means of an embankment across the Claisfer stream commencing at a point fifty-eight yards or thereabouts measured in a south-easterly direction from the southern corner of the ruin known as Tyle-Coed and terminating at a point two hundred and two yards or thereabouts measured in a north-westerly direction from the southern corner of the aforesaid ruin known as Tyle-Coed:

Provided that no telegraph telephone or other means of electric communication constructed under the authority of this Act shall be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and that any electric machinery apparatus works and conveniences shall be so constructed worked and used as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General.

5. Subject to the provisions of this Act the Council may in the construction of the works by this Act authorised deviate from the lines or position thereof respectively as shown on the deposited plans relating thereto to any extent within the limits of deviation defined on those plans and the Council may also deviate from the levels of the works by this Act authorised as delineated on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that

Power to deviate in construction of works.

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no such deviation upwards shall cause any part of any pipe to be raised above the surface of any road or (except for the purpose of crossing any stream) ground unless shown upon the deposited sections as intended to be placed above the surface of the ground or to a greater extent than is shown. Provided also that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of the embankment as shown on the deposited plans the Council may within the limits of deviation thereof marked on the deposited plans alter the same accordingly and may deviate vertically from the levels of such embankment as shown with reference to the datum line of such sections to any extent not exceeding twenty feet but the Council shall not construct the embankment of the said reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment and five feet in addition.

Power to
take waters.

6. Subject to the provisions of this Act the Council may take collect divert impound and use for the purposes of the water undertaking and for all or any other purposes of this Act all such brooks streams springs and waters as can or may be intercepted or taken by the works by this Act authorised but the Council shall not take any water by means of the works authorised by this Act until they have completed the reservoir Work No. 5 and are discharging water therefrom in accordance with the requirements of this Act and the Council shall not take by means of the aqueduct Work No. 2 any greater quantity of water than can be conveyed by means of a pipe of eighteen inches diameter laid in the said aqueduct.

Discharge of
compensa-
tion water.

7.—(1) After the reservoir Work No. 5 is completed the Council shall during every day of twenty-four hours discharge therefrom into the Claisfer stream not less than six hundred and sixty thousand gallons of water and the said water shall unless otherwise agreed between the Council the Usk Board of Conservators and the occupiers of the lands adjoining the Claisfer stream below the reservoir be discharged in a regular and continuous flow.

(2) For the purpose of measuring the quantity of water to be so discharged or delivered into the Claisfer stream the Council shall erect and maintain at a point on the said stream below the said reservoir within the limits of deviation of the said

reservoir shown on the deposited plans a proper and suitable measuring gauge over or through which the water shall flow and the same shall be open to the inspection and examination of the Usk Board of Conservators and of all persons interested in the said stream. A.D. 191 .

(3) In case of any neglect on the part of the Council to maintain any gauge in a state of efficiency or in case the said quantity of water shall not so flow the Council shall for every day on which such neglect occurs or such waters shall not so flow forfeit and pay to each of the persons affected thereby (including the said conservators who may sue for and recover the same) a sum of twenty-five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons and the said conservators or any of them.

(4) If any difference arises between the Council and the said conservators or any person so interested with respect to the construction or use of the said gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the President of the Institution of Civil Engineers.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the Claisfer and the Ffynnon Caerhos streams which the Council can divert collect impound or appropriate by means of the works by this Act authorised except in respect of any lands situate between the intake weirs Works Nos. 1 and 3 and the said point of discharge of water into the Claisfer stream.

8. The Council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament. Limiting powers of Council to abstract water.

9. Subject to the provisions and for the purposes of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference within the limits of deviation of the works described in and authorised by this Act and also the Power to acquire lands.

A.D. 1913. following lands delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Certain lands situate in the parish of Llangynidr in the rural district of Crickhowell lying on each side of the Claisfer stream and extending for a distance of three hundred and thirty-three yards or thereabouts north-eastwards and fifty-seven yards or thereabouts south-westwards from the junction of the Claisfer stream with the Ffynnon Caerhos stream.

Period for compulsory purchase of lands.

10. The powers of the Council for the compulsory purchase of lands or easements under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Council may acquire easements only in certain cases.

11.—(1) The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they had given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision:

But this proviso shall not apply to so much of the aqueduct Work No. 2 as shall be constructed in a tunnel with the crown of the arch at a depth of twenty feet below the surface.

12. The Council shall not take or interfere with permanently the surface of any part of the common or commonable lands known respectively as Llangynidr Mountain and Llangattock Mountain in the parishes of Llangynidr and Llangattock at any point where the aqueduct is more than twenty feet below the surface of the said common or commonable lands and the quantity of the said common or commonable lands of which the surface may be taken or used permanently for the purposes of this Act shall not exceed three acres.

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Limiting quantity of commonable land to be taken.

13. 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 Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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.

Persons under disability may grant easements &c.

14. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or other disposition of such lands and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Power to retain sell &c. lauds.

15. The Council shall apply all moneys received by them in respect of any sales exchanges or disposition of lands and premises by this Act authorised to be acquired or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off

Application of moneys from sale &c. of land.

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any other moneys for the time being owing by the Council
Provided that such proceeds when used to pay off the borrowed moneys shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Power to agree as to drainage of lands &c.

16. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the works by this Act authorised with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be diverted collected and appropriated by the Council flowing to upon or from such lands directly or derivatively into such works.

Power to hold lands for protection of waterworks.

17. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

New waterworks to form part of water undertaking of Council.

18. The waterworks by this Act authorised to be made by the Council shall form part of the water undertaking of the Council.

Period for completion of works.

19. If the works by this Act authorised are not completed within ten years from the passing of this Act the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

For protection of Breconshire County Council.

20. The Council shall make full compensation to the Breconshire County Council for all expenses reasonably incurred by them in relation to the re-instatement of any roads bridges or other works from time to time by reason or in consequence of the leaking bursting or giving way of the reservoir by this

Act authorised except such leaking bursting or giving way as shall be caused by earthquake and shall not be due to any default of the Council or any defect in their works. A.D. 1913.

21. The agreement dated the first day of July one thousand nine hundred and thirteen and made between the Most Noble Henry Adelbert Wellington Fitzroy Duke of Beaufort of the one part and the Council of the other part and set forth in the Second Schedule to this Act is hereby confirmed and made binding on the parties thereto. Confirming agreement with Duke of Beaufort.

22.—(1) The Council shall erect fit up and maintain or provide— Accommodation for workmen employed on construction of works.

(A) Such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Act;

(B) Such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connexion with every such building and hospital.

(2) The Council shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Insurance Act 1911 or otherwise.

(3) The medical officer of health of the county council of the county of Brecknock (in this section called "the county council") shall be entitled at any time to enter into and inspect and examine any accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

(4) The Council shall give such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable on summary conviction to a fine not exceeding forty shillings.

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(5) If at any time it appears to the county council that the Council have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Council shall afford and maintain such accommodation as the county council may require. Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Council give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Local Government Board on the application of either of the parties to the difference and the Local Government Board may make such requirements (if any) in variation of the requirements of the county council as they may think fit.

(6) If the Council fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a further daily penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Council and shall be recoverable as a debt due from the Council to the county council.

(8) The Council shall pay to the Local Government Board any expenses incurred by that Board under this section including a sum not exceeding three guineas a day for the services of any inspector in connexion with any local inquiry or investigation which they may consider necessary in the exercise of their powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

Extending
period for re-
payment of
moneys al-
ready bor-
rowed under
Local Go-
vernment
Board sanc-
tion.

23. The period of five years allowed by the Local Government Board for the repayment of the loan of fourteen thousand two hundred pounds sanctioned by the said Board on the fourteenth day of May one thousand nine hundred and twelve for the purposes of the adit which forms part of the aqueduct Work No. 2 by this Act authorised is hereby extended to a period of fifty years from the date or dates of the borrowing of the moneys forming the said loan. The existing sinking fund formed by the Council for the repayment of the said loan shall be applied forthwith to the reduction of debt.

24.—(1) The Council may from time to time independently of any other borrowing power borrow or re-borrow at interest moneys for the following purposes (that is to say):—

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Power to
Council to
borrow.

(A) For paying the costs charges and expenses of obtaining this Act as herein-after defined the sum necessary for the purpose;

(B) For the purchase of lands and wayleaves for and for the construction of the waterworks by this Act authorised the sum of eighty thousand pounds;

(C) For the completion of the Carno Reservoir and works connected therewith described in and authorised by the Act of 1904 the sum of three thousand two hundred and eleven pounds;

and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or for any of the purposes of their water undertaking.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge—

As regards moneys borrowed for the purpose of paying the costs charges and expenses of obtaining this Act the district fund and general district rate;

As regards moneys borrowed for the purposes of works authorised by this Act and by the Act of 1904 the water revenue and if the Council think fit in addition the district fund and general district rate;

As regards moneys borrowed with the consent of the Local Government Board such funds rates and revenues or any of them as that Board may prescribe.

The provisions of this subsection shall not limit the powers conferred on the Council by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" of charging the repayment of all principal sums and the payment of interest thereon upon all the revenues of the Council.

(3) In calculating the sums the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the power of the Council of borrowing and re-borrowing under and for the purposes of this Act shall

A.D. 1913. not be restricted by any of the provisions or regulations of the Public Health Acts.

Mode of raising money.

25. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions as to mortgages.

26. The provisions of sections 236 237 and 238 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply in the case of all mortgages granted by the Council under this Act as if they were with necessary modifications re enacted in this Act.

Appointment of receiver.

27.—(1) Any mortgagee of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than one thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Periods for payment off of borrowed money.

28. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say) :—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to Council to borrow" within five years from the passing of this Act ;

As to moneys borrowed for the purposes (B) and (c) mentioned in the said section within fifty years from the date or dates of borrowing the same ;

As to moneys borrowed with the sanction of the Local Government Board within such period as that Board may sanction. A.D. 1913.

29. The Council shall pay off all moneys borrowed by them under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months if by yearly repayments or within six months if by half-yearly repayments from the time of borrowing the sum in respect of which the payment is made. Mode of payment off of money borrowed.

30.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed or maintained either— Sinking fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is herein-after called a “non-accumulating sinking fund”; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is herein-after called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the

A.D. 1913. — money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed periods a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as that Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local

Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Council may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

31. Section 123 (Power to re-borrow) of the Ebbw Vale Improvement Act 1903 and section 42 (Power to re-borrow) of the Act of 1904 are hereby repealed and the following provisions shall apply and have effect with respect to the re-borrowing of moneys by the Council:—

(1) Subject to the provisions of this Act the Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys:

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that

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—

portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section :

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys :

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments ; or

(B) By means of a sinking fund ; or

(C) Out of moneys derived from the sale of land ; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Power to use one form of mortgage for all purposes.

32.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the First Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations otherwise imposed on the Council to provide for the repayment of the principal sums and interest secured by

mortgages granted under this section within the periods by the means and out of the funds rates or revenues within by and out of which they would have been payable respectively if this section had not been enacted. A.D. 1913.

(6) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the clerk or other person having the custody of the same and refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the First Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Council a register of the transfer of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

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Power to use
sinking fund
instead of
borrowing.

33.—(1) Where the Council are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of—

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to have been raised in exercise of a particular borrowing power specified therein ;
or

(B) Moneys borrowed and charged upon all the revenues of the Council in manner provided by the section of this Act whereof the marginal note is “Power to use one form of mortgage for all purposes” and not shown by the deed to have been raised in exercise of a particular borrowing power specified therein.

(2) The Council when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund :

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund :

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the

issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly. A.D. 1913.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Council shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

34. Any person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof. Protection of lender from inquiry.

35. The Council shall not be bound to see to the execution of any trust whether expressed implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages or books of the Council shall from time to time be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of any such loan or security or any part thereof or interest thereon not entered in their register of mortgages or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money. Council not to regard trusts.

36.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such Return respecting sinking fund to Local Government Board.

A.D. 1913. — other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Inquiries by
Local Gov-
ernment
Board.

37.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors 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 Act 1875.

(2) All costs incurred by the Local Government Board (including such reasonable sum not exceeding three guineas a day as that Board may determine for the services of any inspector) in relation to the duties imposed on that Board under this Act

shall save as by this Act otherwise provided be paid by the Council. A.D. 1913.

38. All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable. Application of money borrowed.

39. The costs charges and expenses preliminary to and of and incidental to preparing and obtaining this Act including the costs charges and expenses preliminary to and of and connected with compliance with the requirements of the Borough Funds Acts 1872 and 1903 aforesaid shall after taxation by the taxing officer of the House of Lords or of the House of Commons be paid by the Council out of the district fund and the general district rate or out of moneys to be borrowed by the Council under this Act. Expenses of Act.

A.D. 1913.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM OF MORTGAGE.

EBBW VALE URBAN DISTRICT.

By virtue of the Ebbw Vale Water Act 1913 and of any other powers in that behalf then enabling the Ebbw Vale Urban District Council (herein-after called "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (herein-after called "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum of _____ pounds so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the said sum of _____ pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of _____ per centum per annum from the _____ day of _____ one thousand nine hundred and _____ until payment of the said principal sum such interest to be paid half-yearly on the thirty-first day of March and thirtieth day of September in each year And it is hereby agreed that the said principal sum of _____ pounds shall be repaid (subject as herein-after provided) on the day of _____ one thousand nine hundred and _____ And that in the meantime interest shall be paid half-yearly on the day of _____ and the _____ day of _____ in each year by cheque drawn on the bankers of the Council and sent by post to the mortgagee at his address as registered in the books of the Council:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may with the consent of the mortgagee be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time

being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and .

The Endorsement within referred to.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and (and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum).

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I (the within-named of in consideration of the sum of pounds paid to me by of (herein-after called "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within-written security) (the mortgage number of the revenues of the Ebbw Vale Urban District Council bearing date the day of) and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

A.D. 1913.

THE SECOND SCHEDULE.

Stamp.



AN AGREEMENT made the first day of July one thousand nine hundred and thirteen between THE MOST NOBLE HENRY ADELBERT WELLINGTON FITZROY (9th) DUKE OF BEAUFORT (herein-after called "the Duke" which expression shall where the context admits include his heirs and assigns) of the one part and THE URBAN DISTRICT COUNCIL OF EBBW VALE (herein-after called "the Council" which expression shall where the context admits include their successors) of the other part.

WHEREAS the Council are promoting a Bill (herein-after referred to as "the Bill") in Parliament entitled the Ebbw Vale Water Bill 1913 to authorise the Council to obtain a further supply of water and for that purpose to execute such works as therein set forth and for the purpose of their undertaking to acquire lands and easements:

And whereas the works proposed to be authorised by the Bill will be constructed in part on the lands herein-after mentioned and coloured pink on the plan hereto annexed of which the Duke is seised in fee simple and as to further part thereof upon the lands herein-after mentioned and coloured green on the said plan of which the Duke is seised in right of his seigniory or manor of Crickhowell in the county of Brecon and as to further part thereof on the lands herein-after mentioned and coloured blue on the said plan of which the Duke is seised in right of his said seigniory or manor or on some part of such lands and he has agreed with the Council for the sale of the said lands coloured pink on the said plan or of such estate as the Duke may have in the said lands and for the grant of certain easements under the said lands coloured green and over the said lands coloured blue on the said plan or some part of such lands so far as the Duke can grant the same which lands and easements are required by the Council for the purpose of their undertaking to the Council upon the terms and for the considerations herein-after contained and appearing:

Now these presents witness that in pursuance of the said agreement the Council hereby covenant with the Duke and the Duke hereby covenants with the Council as follows:—

1. If the sanction of Parliament shall be obtained in the present Session of Parliament to the passing of the Bill and the obtaining of such further supply of water as aforesaid the Duke shall sell to the Council free from incumbrances except as herein-after provided and the Council shall purchase from the Duke (1) All such estate right title and interest as is vested in the Duke as freeholder thereof or in right of the seigniory of Crickhowell or otherwise howsoever in the

lands and buildings situate in the parish of Llangynidr in the rural district of Crickhowell in the county of Brecon containing respectively 24·85 acres and ·77 acres and delineated on the plan hereto annexed and thereon coloured pink (2) If and so far as the Duke can grant the same the right or easement of constructing placing laying maintaining cleansing and repairing an aqueduct or line of pipes not exceeding eighteen inches in diameter in a tunnel not exceeding six feet in diameter under the said lands coloured green on the said plan and containing 2 acres or thereabouts between the points marked A and B on the said plan doing no damage and restoring the surface of any part of the said lands coloured green which may be disturbed in the execution of the works and the exercise of the rights aforesaid and so that the surface of the said lands coloured green shall not be disturbed or interfered with except in so far as such disturbance or interference may be necessary for the purpose of constructing or repairing the exit of the said line of pipes and tunnel or either of them (3) If and so far as the Duke can grant the same liberty to construct maintain and use First a road of a width of not less than 8 feet and not more than 12 feet over such part of the lands coloured blue on the said plan as may be required by the Council as a means of access to the exit of the tunnel marked on the said plan Secondly intake weirs on the Claisfer stream and Ffynnon Caerhos stream and Thirdly the necessary mains to convey the water from the intake weirs to the said tunnel under the land coloured green but so that the common land coloured blue on the said plan and required for the purposes of such road intakes and pipes shall not exceed in the whole 3 acres subject as to all the said lands to any rights of way and other rights and easements (if any) affecting the same and to any rights or claims of the tenants of the Duke or the commoners or other persons into or over the same (reserving to the Duke all coal stone clay and other mines and minerals in or under the said premises and liberty to work the same without incurring any liability or obligation to the Council if by reason of the working of the same in due and ordinary course any damage shall arise to the works of the Council or any obstruction pollution or diminution of their water supplies shall be caused which said reservation as regards liberty to work shall not apply to the mines and minerals in or under the site of the new compensation reservoir proposed to be authorised by the Bill and to be constructed upon the said piece of land containing 24·85 acres and coloured pink on the said plan which shall be subject to the provisions of the Waterworks Clauses Act 1847 and Acts amending the same) for the sum of one hundred pounds for or in respect of every acre or part of an acre of freehold or enclosed land and fifty pounds for or in respect of every acre or part of an acre of common land required by the Council or under or over which the aforesaid easements are agreed to be granted as aforesaid and the Duke will (except

A.D. 1913. — as herein provided) accept the same as full compensation and satisfaction for such lands and for all loss damage or inconvenience whether temporary permanent or recurring occasioned by severing the same from the Duke's other property.

2. The Duke and the tenant of Llangattock Park shall have the sole and exclusive right of fishing shooting and sporting in and over the lands to be acquired by the Council hereunder and the lands in respect of which the aforesaid easements are hereby agreed to be granted and the right to kill and take away wild fowl wild birds game and fish therefrom and the right of shooting fishing and boating on the compensation reservoir to be constructed on the lands containing 24·85 acres and coloured pink on the said plan and the river adjoining the lands coloured pink on the said plan and containing ·77 acres and the lands coloured blue on the said plan and the right to kill and take away wild fowl wild birds game and fish therefrom so that the exercise of such rights shall not injure the embankment walls or sluices of the proposed new compensation reservoir or any of the works of the Council or pollute the waters of the said reservoir and the Duke shall also have the right without prejudice to a similar right on the part of the Council of protecting the said lands and reservoir from trespassers by using all lawful means therefor and the fishing and sporting rights hereby reserved shall not be made the subject of separate leases or licences.

3. The purchase of the lands coloured pink on the said plan and of the easements under the lands coloured green on the said plan and over the lands coloured blue on the said plan shall be completed at the office No. 17 Lincoln's Inn Fields in the county of London of Messrs. Rooper & Whately the Duke's solicitors within twelve calendar months after written notice (to be given by the Council to the Duke's solicitors) in that behalf but in any case within three years from the date of the passing of the Bill and if from any cause whatever the same shall not be completed within that period the Council shall pay to the Duke interest on the purchase or compensation money from the date when the said notice or the said period of three years shall expire (as the case may be) until completion at the rate of four per cent. per annum.

4. The Council shall at their own expense make and construct the road to be constructed on the land coloured blue and the land coloured pink containing ·77 acres on the said plan of a width of not less than 8 feet or more than 12 feet and properly metal the same to the satisfaction in all respects of Mr. Glyn Pryce or other the agent for the time being of the Duke and shall at all times at the like expense keep in repair and maintain the said road in the same state as the existing road of which such road to be constructed is a continuation shall be when completely repaired and shall in the assurance of the

right or easement of making constructing maintaining and using the said road enter into a proper covenant in that behalf. A.D. 1913.

5. The Council shall not enclose the said road so far as it will be situate on the lands coloured blue on the said plan but shall at all times leave the same open and the Duke and his successors in title and his or their tenants servants and agents and all persons having rights of common over the site of the said road shall at all times have free right of access to and user of the said road over the lands coloured blue and the lands coloured pink containing .77 acres for all purposes.

6. The Council shall not place any telegraph or telephone poles on the said pieces of land coloured pink on the said plan or on the road to be constructed by the Council as herein-before mentioned or on any other lands of the Duke but all telegraph or telephone wires which may be placed by the Council on any such lands shall be placed underground.

7. The Council shall at their own expense before they commence any other work on the lands coloured pink on the said plan erect and for ever thereafter maintain good and sufficient fences of the same character as those round the existing reservoir of the Council round the lands coloured pink on the said plan.

8. The exemption in the Bill contained of lands to be acquired by the Council thereunder from the provisions of section 127 of the Lands Clauses Consolidation Act 1845 shall not apply to any lands of the Duke.

9. The Council shall compensate the Duke and his tenants and commoners for all damage which may be caused to them or any of them by reason of the bursting of the said compensation reservoir or the said line of pipes to be constructed as aforesaid.

10. The Council shall at all times use their best endeavours to assist in the preservation of wild birds wild fowl game and fish on the said lands coloured pink green and blue on the said plan and in the rivers or streams flowing through the said lands coloured pink and shall protect all nests and prevent the disturbance of birds during the nesting season by dogs or otherwise.

11. The provisions of the Railways Clauses Consolidation Act 1845 as to temporary occupation of lands shall not apply to any lands of the Duke except as to any lands which may be mutually agreed upon between the parties.

12. The Council shall make good all damage done or caused by them to the surface of any lands of the Duke in exercise of the powers conferred on them by the Bill or hereunder.

A.D. 1913.

13. The said lands hereby agreed to be sold and over which the aforesaid rights and easements are agreed to be granted together with the seigniorship of Crickhowell form part of the Breconshire Estates of the Beaufort family.

14. The Council having recently investigated the Duke's title to the properties shall not make any objection or requisition in respect thereof and shall not be entitled to receive any abstract of such title except so far as may be necessary to satisfy the Council that any incumbrances thereon are so far as the property the subject of this agreement is concerned released.

15. The conveyance to the Council (a duplicate whereof shall if required by the Duke be prepared and executed at the expense in all respects including stamps of the Council and delivered to the Duke) is to be prepared by the Council and the engrossment of such conveyance (but not the duplicate) is to be delivered at the office of the said solicitors of the Duke at least fourteen days before the day fixed for completion for execution by the Duke and all other necessary parties and the draft of such conveyance for perusal and approval on behalf of the Duke and all other necessary parties is to be left at the said office at least fourteen days before delivery of the engrossment.

16. The Council shall be at liberty to take possession of the premises at any time before completion of the purchase on giving the said solicitors of the Duke fourteen days' notice in writing under the hand of the solicitor of the Council and if required depositing the said purchase or compensation money in the joint names of the Council or their nominee and the said solicitors of the Duke in the London County and Westminster Bank Limited Temple Bar Branch London where the same shall remain at the risk of the Council until the purchase shall be completed when the same shall be paid to the Duke or other the parties entitled thereto the Council paying interest at £4 per centum per annum from the date of taking possession and being entitled to any interest allowed by the said bank.

17. The Council shall pay to the Duke the sum of one hundred and fifty pounds towards the costs incurred by him in respect of this agreement and in connexion with the said Bill such sum to include all the costs so incurred up to the exchange of this agreement and a counterpart thereof duly executed and the Council will also pay all costs charges and expenses hereafter to be incurred by the Duke in accordance with the provisions of the Lands Clauses Consolidation Act 1845.

18. Nothing herein contained shall in anyway operate to bind or compel the Duke to compensate out of his own moneys any tenant or occupier or commoner who now holds or occupies or has rights over

the lands the subject of this agreement or any part thereof but any such tenant or occupier or commoner shall be paid such compensation as he may be entitled to by the Council. A.D. 1913.

19. Nothing herein contained shall be construed to prevent the Duke as owner of land adjoining the works of the Council or over which the Council may acquire easements from availing himself of the benefit of any provisions contained or to be contained in the said Bill but the Duke shall not be entitled to make any claim in respect of any lands situated between the proposed intake weirs and the proposed reservoir for compensation for water abstracted by means of the works to be authorised by the Bill.

20. The Duke shall so far as he is enabled so to do permit the Council for the purpose of constructing the works to be authorised by the Bill to have the right of ingress egress and regress at all reasonable times over other lands of the Duke to and from the lands intended to be purchased by them under this agreement paying to the Duke and his tenants and commoners compensation for any injury done to such other lands by the exercise of such right.

21. Should the Bill not pass into law in the present Session of Parliament this agreement and all the provisions therein contained except the provisions contained in paragraph 17 shall be void and of no effect.

22. If any question shall arise between the Council and the Duke with reference to any of the matters herein provided for or anything to be done or not to be done hereunder such difference shall be referred to and settled by an arbitrator to be agreed upon by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties and the provisions of the Arbitration Act 1889 shall apply to every such reference.

In witness whereof the Duke has hereunto set his hand and seal and the Council have hereunto caused their common seal to be affixed the day and year first above written.

Signed and sealed by the above-mentioned
Henry Adelbert Wellington Fitzroy Duke of
Beaufort in the presence of—
WILFRID MARKHAM
Badminton Glos.
Agent to the Duke of Beaufort.

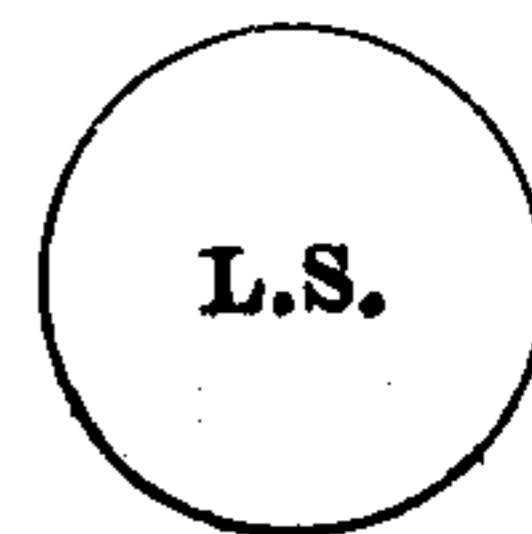
BEAUFORT.

A.D. 1913.

The common seal of the Ebbw Vale Urban District Council was hereunto affixed in the presence of—

JOHN CAMERON
Chairman.

THOS. HUGHES
Clerk.



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