



CHAP. xliii.

An Act to enable the Local Board for the District of Aberdare to erect Waterworks and supply Water ; to purchase the Undertaking of the Aberdare Waterworks Company ; and for other purposes. A.D. 1870.
[20th June 1870.]

WHEREAS, by "The Public Health Supplemental Act, 1854," the provisions of "The Public Health Act, 1848," (except section 50) were applied to the parish of Aberdare, in the county of Glamorgan, and in compliance therewith a Local Board of Health was appointed under the name of "The Local Board of Health for the District of Aberdare, in the County of Glamorgan," and the same now exists, except so far as the boundaries of the said district are varied or altered by "The Local Government Act Supplemental Act, 1866 (No. 3)": 17 & 18 Vict.
c. 53.

And whereas by "The Aberdare Waterworks Act, 1858," the Aberdare Waterworks Company (herein-after called the Company) were incorporated, and were authorised to erect waterworks and supply water within the parish of Aberdare, in the county of Glamorgan, with a capital of sixteen thousand pounds, in one thousand six hundred shares of ten pounds each, and with power to raise four thousand pounds by borrowing: 21 & 22 Vict.
c. xviii.

And whereas the Company raised the capital so authorised, and borrowed the sum of four thousand pounds, which has been converted into share capital, making such share capital twenty thousand pounds:

And whereas the Company have executed the waterworks and raised and expended the capital thereby authorised, and have supplied water within the said parish:

And whereas the supply of water is at present insufficient for the inhabitants of the district, and it is necessary that further works should be erected for the supply of water to such district, and also to such part of the town of Hirwain which is adjoining to the district of Aberdare, and is situate in the parish of Penderin, in the county

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A.D. 1870. of Brecon, and that for that purpose it is expedient that the Local Board for the district of Aberdare, herein-after called "the Local Board," should be empowered to erect the new waterworks and to supply water within the limits by this Act authorised :

And whereas an agreement, subject to the sanction thereof by the shareholders of the said Company and also to the sanction of Parliament, has been entered into between the Directors of the Company and the said Local Board for the sale and purchase of the Company's undertaking, waterworks, and property upon the terms and conditions which appear by such agreement, which is set forth in the schedule (A.) to this Act annexed :

And whereas it is expedient that the said agreement be confirmed and carried into effect and the Company wound up and dissolved :

And whereas it is expedient that the Local Board should be empowered to purchase and acquire the undertaking of the Company :

And whereas it is expedient that the Local Board should be empowered to raise money and to apply funds and rates for and towards the objects of this Act :

And whereas plans and sections of the proposed new works and a book of reference to the same containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands, houses, and property required for the purposes thereof, have been deposited with the clerk of the peace for the county of Glamorgan and the clerk of the peace for the county of Brecon :

And whereas the purposes 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 ; (that is to say,)

Short title. 1. This Act may be cited for all purposes as "The Aberdare Local Board Waterworks Act, 1870."

Provisions of General Acts herein named incorporated. 2. "The Lands Clauses Consolidation Acts, 1845, 1860, and 1869," "The Waterworks Clauses Acts, 1847 and 1863," except the clauses and provisions 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 "The Commissioners Clauses Act, 1847," so far as the provisions of those Acts respectively are applicable for the purposes, and not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

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

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—
Same meaning as incorporated Acts in this Act.

4. In this Act, and for the purposes of this Act, in any Act incorporated herewith, or rendered applicable hereto,—

Interpretation of terms.

The expression "the Public Health Acts" includes "The Public Health Act, 1848," and the several Acts passed prior to the year 1858, amending the same, and "The Local Government Act, 1858," and the several Acts subsequently passed amending the same, and from time to time in force in the said district and applicable to the Local Board:

The several expressions in the "Commissioners Clauses Act, 1847," "the Commissioners," and "the Clerk to the Commissioners," and "the Office of the Commissioners," mean respectively "the Local Board," "the Clerk to the Local Board," and "the Office of the Clerk to the Local Board:"

The expression "the District," shall mean the district of the Local Board:

The expression "Superior Court," or "Court of competent jurisdiction," or any other like expression in this Act or 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 common simple contract debt, and not a debt or demand created by statute.

5. This Act shall be executed by the Local Board with the powers and indemnities and according to the provisions of the Public Health Acts, and those Acts shall, in relation to the Local Board and the several objects and purposes of this Act, be read and construed as if the purposes and provisions of this Act were purposes and provisions of the Public Health Acts, so far as the same shall be applicable thereto, and except so far as any of the provisions of the Public Health Acts are expressly varied or otherwise provided for by this Act.

Act to be executed by Local Board.

6. The limits of this Act for the supply of water shall be the district of the Local Board, and so much of the town or village known as Hirwain as is situate in the parish of Penderin and county of Brecon.

Limits of Act.

7. Subject to the provisions of this Act, and to the powers of deviation hereby given, the Local Board may make and maintain in

Power to make works according to

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deposited
plans.

the line and situation, and upon the lands delineated in the deposited plans, and described in the deposited books of reference, and according to the levels shown in the deposited sections, the reservoir, aqueduct, and other works following; (that is to say,)

1. A reservoir with all necessary approaches, embankments, waste weirs, diversions of streams and roads, conduits, discharge tunnels, pipes, sluices, outlets, and other works and conveniences connected therewith, to be situated at or near Blaen Nant Hîr on a certain stream there known as Nant Hîr, the embankment of which reservoir, where it crosses the said stream, will be placed seven hundred and thirteen yards or thereabouts, measured in a straight line, in a northerly direction from the north-west corner of the farmhouse called Hendre Bailey, at which embankment the reservoir will commence, and thence extend up such stream in a northerly direction for a distance of four hundred and sixty-six yards or thereabouts, and there terminate, which reservoir will be situated partly in the hamlet of Llwydcoed, in the parish of Aberdare, in the county of Glamorgan, and partly in the parish of Penderin, in the county of Brecon:
2. An aqueduct, conduit, or line of pipes, with all necessary sluices, outlets, embankments, filter beds, residuum lodges, and other works and conveniences connected therewith, to commence in the intended reservoir herein lastly described, near the intended embankment of such reservoir in the bed of the said stream at a point eighty yards or thereabouts, measured in a direct line, north of the point where the said embankment crosses the said stream, and to terminate in a junction with the existing pipes of the Aberdare Waterworks Company at a point in the public road leading from Aberdare to Hirwain forty-five yards or thereabouts east of the porch of the south-eastern lodge of the Aberdare public park, which aqueduct, conduit, or line of pipes will pass through or into the parish of Penderin, in the county of Brecon, and the hamlets of Llwydcoed and Cwmdare, in the parish of Aberdare, in the county of Glamorgan:
3. A road to commence in the hamlet of Llwydcoed, in the parish of Aberdare and county of Glamorgan, at or in the turnpike road from Neath to Merthyr Tydfil, at a point in the said road where an existing road joins the said turnpike road, six hundred and twenty-two yards or thereabouts, measured in a northerly direction along the course of the said turnpike road, from the point where the road from the

farmhouse called Hendre Bailey joins the said turnpike road, and to terminate in an existing farm road at a point six yards or thereabouts west of the south-west corner of the farmhouse known as Blaen Nant Hîr, in the parish of Penderin, in the county of Brecon, all which works and the lands to be taken for the purpose thereof will be situated in the parish of Penderin, in the county of Brecon, and in the parish of Aberdare and county of Glamorgan, or one of them,

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together with all necessary works and conveniences in connexion with the before-mentioned works.

8. The Local Board, for the purposes of the said works, may collect and impound, take, use, appropriate, and divert into the intended reservoirs and works, and thence distribute and supply the waters of the stream known as "Nant Hîr," and all and every the tributaries thereof flowing directly or derivatively into the intended reservoir: Provided that nothing in this Act contained shall authorise the Local Board to collect, impound, take, use, appropriate, or divert any of the water from the said stream called "Nant Hîr," when and so long as there shall not be sufficient water in the river Cynon to flow over the weir or iron bar which is now placed in such river nearly opposite to the Gamlyn Isha farmhouse in the said parish of Aberdare, and which weir or iron bar now diverts a portion of the water of the river Cynon into the watercourse of the Aberdare Iron Company, and called "the Lower Watercourse," so nevertheless that the height or position of the said weir or iron bar shall not be increased or altered, nor the dimensions or slopes of the watercourse leading therefrom, nor the size of the inlet into the same, so as to take from the said river Cynon a larger supply of water to such watercourse than at present flows along the same when it is full; and in case any dispute shall arise hereafter as to the construction and condition of such weir or iron bar, watercourse or inlet, such dispute shall be referred to arbitration, and the provisions of "The Lands Clauses Consolidation Act, 1845," with reference to the settlement of disputes by arbitration, shall apply thereto, and the awards of the arbitrators or umpire, where applicable under such provisions, shall be binding and conclusive as to the questions so referred. The restriction lastly herein contained as to the collecting, impounding, taking, using, appropriating, or diverting of the water of the said stream called "Nant Hîr" shall be deemed to be in full compensation and satisfaction to the said Aberdare Iron Company, and the respective owners, lessees, and occupiers for the time being of all mills, manufactories,

Power to
take waters.

A.D. 1870. — breweries, foundries, railways, iron, tin, and other works situate upon or using the waters of the stream called "Nant Hîr," and the rivers Cynon and Taff respectively, below such weir or iron bar, except the Company of Proprietors of the Aberdare Canal Navigation and the Company of Proprietors of the Glamorganshire Canal Navigation, herein-after called "the Canal Companies," for the collecting, impounding, taking, using, appropriating, or diverting, by the said Local Board of the waters of the stream called "Nant Hîr," or the tributaries thereof flowing directly or derivatively into the same, and for all the rights, claims, and interests of those persons respectively in, to, or over the waters so collected, impounded, taken, used, appropriated, or diverted by the said Local Board.

For protection of the Aberdare and Glamorganshire Canal Navigation Companies.

9. In order to prevent the taking of water into the reservoir of the Local Board on the Nant Hîr stream, until there shall be a surplus of water at the weir of the Aberdare Canal Navigation, which is constructed across the river Cynon, immediately below the town of Aberdare, and near the canal head, for the purpose of diverting water to the canal (such water to be considered surplus only when the watercourse leading from the said weir to the canal head shall be fully supplied with water, the canal being at the same time at its top-water level, and water just beginning to flow over the weir), the following provisions shall take effect; viz.,

1. Proper gauges shall within one month from the passing of this Act be put down, and proper admeasurements shall within six months after the passing of this Act be taken for the purpose of ascertaining the quantity of water in the Nant Hîr stream, at the site of the before-mentioned reservoir, when a full supply of water is passing down the river at the said canal weir.
2. The determination of this quantity of water shall be left to two engineers, one to be chosen by the Canal Companies and the other by the Local Board, and, in the event of their disagreement, to an umpire to be chosen by them; and in default of an umpire being so chosen for the space of one calendar month after the said engineers shall have been so nominated, then by an umpire to be appointed by the Board of Trade, and the expense of such reference shall be borne by the Local Board.
3. After the quantity of water has been determined in manner herein-before provided, a gauge weir shall be erected at the upper end of the proposed Nant Hîr reservoir, through an aperture in which such fixed quantity of water so ascertained

as aforesaid shall pass and be conducted round the reservoir to the stream below it before any water is allowed to flow into the reservoir; provided that all water above this quantity shall be allowed to pass into the reservoir. A.D. 1870.

4. Such last-mentioned gauge weir shall be erected and maintained by the Local Board at their own expense, and to the reasonable satisfaction and approval of the engineer of the Canal Companies, and shall be open at all times to the inspection of such engineer.
5. The Local Board shall pay to the Aberdare Canal Company, as ascertained damages, the sum of ten pounds, if and whenever the said gauge weir shall be interfered with or obstructed by them or their servants, so as to diminish the supply of water flowing past it to the stream below the reservoir, and ten pounds per day for every day during which or part of which any such interference or obstruction shall continue after any such sum shall have been adjudged to be due, and all such sums shall be recoverable in any court of competent jurisdiction.
6. The Local Board shall pay to the Aberdare Canal Company the sum of five pounds per annum as their cost of supervising such gauge weir, the same to be payable yearly, and the first payment to be due at the end of twelve calendar months next after the gauge weir shall have been completed.
7. No alteration shall be made in the Aberdare Canal Company's weir, or to the intake sluice belonging to the feeder of the said canal, or to such feeder, until the aforesaid measurements shall have been taken, and the maximum quantity of water to be allowed to flow down the Nant Hîr stream for the use of the said Canal Companies shall have been finally determined.
8. The provisions herein-before contained for the protection of the said Canal Companies shall be deemed to be full compensation and satisfaction to them for the water which may be abstracted by the Local Board from the said Nant Hîr stream.

10. In constructing the said works, or any of them, the Local Board may deviate to any extent not exceeding the limits of deviation shown on the deposited plans, and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits, and may also deviate from the levels shown in the deposited sections to any extent not exceeding three feet in the case of the reservoir, and five feet in respect of the aqueduct and road. Power to deviate.

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For protec-
tion of Great
Western
Railway
Company.

11. For the protection of the Great Western Railway Company (in this section called the Great Western Company) the provisions following shall have full effect:—

1. The aqueduct, conduit, or line of pipes secondly described in this Act shall be made and maintained in the roadway under the Great Western Company's bridge, shown on the deposited plans and sections, at such a depth and in such a manner as not to injuriously interfere with the said bridge or the foundations thereof, and the said aqueduct, conduit, or line of pipes shall be laid in the said roadway at a depth not exceeding four feet beneath the surface of the roadway, and shall be at a distance of at least eight feet from the abutments of the said bridge or either of them.
2. The said aqueduct, conduit, or line of pipes shall be carried under the Merthyr branch of the Vale of Neath Railway of the Great Western Company, at the level crossing on that railway shown on the deposited plans and sections, and shall be constructed and for ever maintained in such a manner as not to injuriously interfere with the working, use, or management of the said railway, and shall be so constructed and maintained to the satisfaction of the engineer for the time being of the Great Western Company.
3. The Great Western Company, if and when they think fit, may execute for and at the expense of the Local Board all or any of those works respectively which are to be made and maintained in or upon any part of their railways, works, conveniences, and lands; and if any dispute shall arise between the Local Board and the Great Western Company with respect to the cost reasonably incurred in executing such works, the same shall be settled by arbitration in the manner provided by "The Railway Companies Arbitration Act, 1859."
4. The Local Board shall not, without the consent of the Great Western Company, testified by writing signed by their secretary, acquire any part of their land or property; but if and when any part of the said works of the Local Board is to be executed in or upon any land of the Great Western Company, the Local Board may acquire an easement or right of making and maintaining the work in that land in such a manner as not to prejudice any part of the Great Western Company's railway works and conveniences.

Power to
purchase
lands for

12. The Local Board may from time to time, by agreement, purchase and hold for the purposes of this Act any quantity of

land not exceeding in the whole five acres, in addition to the lands they are authorised to take under the compulsory powers of this Act.

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extraordinary purposes.

13. The persons by "The Lands Clauses Act, 1845," authorised to convey lands may, by agreement and subject to the provisions of such Act and of the "Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Local Board, for the purposes of this Act, any lands or the right of user thereof, or any easement (not being an easement of water), liberty, privilege, power, or authority over the same.

Persons authorised to convey land may grant easements.

14. For the purposes of this Act the several provisions of "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to land and rentcharges, so far as the same respectively are applicable in that behalf, shall extend and apply to easements and rentcharges reserved by grants and leases of easements respectively.

Application of Lands Clauses Act to easements.

15. The powers by this Act granted to the Local Board for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Period for compulsory purchase of lands.

16. The works hereby authorised shall be completed within seven years from the commencement of this Act, and on the expiration of such period the powers by this Act granted to the Local Board for making the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as shall then be completed.

Period for completion of works.

17. The water to be supplied by the Local Board need not be laid on under constant pressure, nor shall the Local Board be bound at any time to lay on the supply of water at any elevation at which, having regard to the general supply of the district included in the water limits before described, the water cannot be supplied by gravitation from the existing service reservoirs respectively from which such supply is taken, or from the reservoir to be constructed under the powers of this Act.

Pressure need not be constant.

18. A supply of water for domestic purposes shall not include a supply for more than one watercloset and one bath, or for cattle or for horses, or for washing carriages where such horses or carriages are kept for sale or hire, or by a common carrier, or a supply for steam-engines, or for working any machine or apparatus, or for any trade, manufactory, or business, or for watering gardens, or for fountains, or for any ornamental use; and any private bath included in the above supply shall not be constructed so as to contain when filled for use more than fifty gallons of water.

What to be deemed domestic purposes.

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Rates for supply of water.

19. The Local Board may demand and take for the supply of water for domestic purposes within the limits of this Act any rates and charges not exceeding the rates and charges now leviable under the "Aberdare Waterworks Act, 1858," in respect of such supply.

Power to supply by agreement in certain cases.

20. The Local Board may from time to time supply any person with water for any purpose, other than domestic purposes, at such rates and charges and upon such conditions as may be mutually agreed upon between the Local Board and such person.

Power to Local Board to remove pipes from unoccupied premises on giving notice to the owners.

21. If and whenever any house, building, or premises which shall have been supplied with water by the Local Board shall be unoccupied, the Local Board, their agents, servants, or workmen, after giving twenty-four hours previous notice to the owner by serving the notice on him or leaving the same at his usual place of abode, or, if the owner or his usual place of abode be, after due inquiry, not known, by affixing the same for three days on some conspicuous part of such houses, building, or premises, may enter into such house, building, or premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, and remove and carry away any pipe, meter, fittings, or other works, the property of the Local Board, and thereupon the supply of water to such premises shall cease.

Want of supply, when excused.

22. The Local Board shall not, in the absence of special agreement, be liable to any penalty under this Act, or otherwise, or to any damages for not supplying water as required by this Act, if the want of such supply arises from frosts, unusual drought, or other unavoidable cause or accident not under their control.

Incoming tenant not to be liable for arrears of water rent, except by express agreement.

23. If any consumer leave the premises where water has been supplied to him without paying to the Local Board the water rate or charges due from him, the Local Board shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant shall have agreed with the defaulting consumer to pay the arrears.

Application of water rent.

24. All rates and charges received by the Local Board on account of their water undertaking shall be carried to a separate account, to be called "the Water Account," and be applied by the Local Board to the following purposes, and in the following order; (that is to say,)

In payment of any annuities payable under the award of the arbitrators in pursuance of the agreement contained in the schedule (A.) to this Act:

In discharging the interest from time to time payable by the Local Board on the principal moneys borrowed by the Local

Board under this Act for the purposes of waterworks and water supply, and for the time being subsisting: A.D. 1870.

In discharging the costs, charges, and expenses of and incident to the maintenance and management of the waterworks, and the obtaining and affording of the supply of water:

In paying any sum required to be set apart as a sinking fund, or payable in instalments, to repay the moneys borrowed under this Act:

The surplus, if any, shall be expended in improving and extending the waterworks and mains, or shall be carried to the credit of the district fund account of the Local Board, and shall be applied by them in aid of the payment of any charges or expenses for the time being payable out of the general district rates leviable by the Local Board, or shall be applied otherwise for the public benefit of the inhabitants of the district and the improvement of such district as the said Local Board shall from time to time think proper.

25. If in any year the amount standing to the credit of the water account be insufficient for the payment of the charges thereon and the execution of this Act with respect to the waterworks and the water supply, the deficiency shall be made up out of the general district rates by carrying an adequate sum therefrom to the credit of the water account; and the said Local Board from time to time, in preparing the estimates of the amount required in the judgment of the said Local Board to be raised by means of a general district rate for the purposes of their said district, may include therein, and in making such rates, such sums respectively, if any, as in the judgment of the said Local Board are necessary to be provided in aid of the deficiency from time to time arising as aforesaid in the water account, and shall collect the same as part of such general district rates. Deficiency of funds of waterworks.

26. The Local Board may from time to time, in addition to any moneys they have borrowed or are authorised to borrow under the Public Health Acts, borrow at interest on mortgage of the rates and income of the Local Board under this Act, and of the general district rates, and any other rates and charges authorised to be made or collected under the Public Health Acts, either together or separately, any sums not exceeding in the whole sixty-five thousand pounds, and may mortgage any of their rates and income as aforesaid, and any part thereof, to secure repayment thereof, with interest accordingly; and the provisions of the Public Health Acts, with regard to the form, register, and transfer of mortgages and register of transfers, shall extend to the mortgages to be made under this Act. Power to borrow on mortgage.

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Application
of money
borrowed on
mortgage.

27. All moneys to be borrowed by the Local Board under this Act shall be applied to the following purposes, and in the following order; (that is to say,)

In paying and discharging the costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, and obtaining and passing of this Act, and of and incidental to the preparing and carrying into effect the agreement set forth in the schedule (A.) to this Act annexed, or otherwise in relation to all or either or any of such purposes:

In constructing the new waterworks authorised by this Act, and in paying the purchase money for and extending and improving the existing waterworks to be acquired by the Local Board under this Act.

Protection to
lenders from
inquiry as to
application
of money.

28. Any person lending money to the Local Board shall not be bound or entitled to inquire as to the observance by them of any provision of this Act, or be bound to see to the application, or be answerable for any loss, misapplication, or non-application of such money, or any part thereof.

Money bor-
rowed to be
applied for
authorised
purposes.

Power to
reborrow.

29. All money borrowed by the Local Board under this Act shall be carried to separate accounts, and shall be applied for the purposes for which it is by this Act expressly authorised to be borrowed.

30. If the Local Board pay off any part of any money borrowed by them under this Act other than by means of a sinking fund they may reborrow the same, and so from time to time, but nothing herein contained shall enable the Local Board to reborrow any money paid off by means of a sinking fund.

Priorities
of existing
mortgages of
Local Board.

31. All mortgages and bonds granted by the Local Board in pursuance of the powers of any Act of Parliament, and subsisting at the passing of this Act, shall, during the continuance of such mortgages and bonds, and as to the property comprised therein, have priority over any mortgages to be granted by virtue of this Act.

Sinking fund
for discharge
of moneys
borrowed.

32. In order to form a sinking fund to be applied in paying off and discharging the principal money borrowed by the Local Board on mortgage for the purposes of this Act, the Local Board shall, every year, appropriate and set apart out of the funds standing to the credit of the water account, and in the event of a deficiency in those funds, then out of the general district rate, as herein provided, a sum equal to one fiftieth part of the sums borrowed on the security of such funds or rates until the whole of the money so borrowed is paid off; and may from time to time pay off such proportion of the principal moneys so borrowed as shall be equal to such fiftieth part so to be annually appropriated and set apart as

aforesaid; or may from time to time cause such sinking fund to be invested in the purchase of Exchequer Bills or other Government securities, and to be increased by accumulation, in the way of compound interest or otherwise, until the same shall be of a sufficient amount to pay the principal debt to which such sinking fund shall be applicable, or some part thereof which the Local Board shall think ought then to be paid off.

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33. The mortgagees of the Local Board under this Act may enforce the payment of arrears of interest, or of principal, or of principal and interest, due to them, by the appointment of a receiver, and the amount of principal and interest in arrear to authorise the appointment of such receiver shall be two thousand pounds or upwards.

For appointment of a receiver.

34. The agreement set forth in the schedule (A.) to this Act shall be, and the same, except as varied by this Act, is hereby confirmed for the sale and purchase of the Company's undertaking, works, and property, and the Company shall convey to the Local Board the undertaking, and all the works, property, and rights of the Company, except the minute books, books of account, and seal of the Company, subject to the payment, observance, and performance by the Board of the rents, obligations, covenants, conditions, and agreements affecting the same, in consideration of the receipt by the Company of the purchase money or annuities, if the Local Board elect to pay by way of annuity for their undertaking, works, and property, to be ascertained as provided in the said agreement, such purchase money to be given over to the directors of the Company by the Local Board for distribution amongst their shareholders, or such annuities to be granted in manner hereinafter provided; and the execution of a conveyance by the Company, under their common seal, of their lands, works, property, rights, and undertaking (except as aforesaid) shall be sufficient to vest the same for all the estate, right, title, and interest of the Company therein, with all incidental rights, privileges, and easements, in the Board; and the receipt of two of such directors for such purchase money for the said undertaking endorsed upon the deed of conveyance shall be a sufficient discharge for the same to the Board, and the Board shall not be bound to see to the distribution of the moneys thereby mentioned to have been received, or be answerable for the misapplication or non-application of such moneys.

Purchase of undertaking of the Company.

35. Such conveyance shall be made by deed, duly stamped, and in which the consideration shall be fully set forth.

Deed of transfer to be stamped.

36. Immediately upon payment of the purchase money for the said undertaking, if the Local Board elect to pay in cash, or, on

Undertaking of Company

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A.D. 1870. notice given by the Local Board that they are ready to deliver the securities for the annuities, if they elect to purchase by way of annuity, and upon the execution by the Company of such deed of conveyance as aforesaid, under the common seal of the Company of the waterworks, lands, and undertaking of the Company to the Local Board, the waterworks, lands, and undertaking comprised in such conveyance, and all the rights, powers, privileges, and authorities of the Company, under the "Aberdare Waterworks Act, 1858," or otherwise, as to the supply of water, and the recovery of the rates and charges for the same, as provided in the said Act, shall by virtue of such deed and of this Act become vested in the Local Board for all the estate and interest of the Company therein, as and from the day of the execution of the conveyance and payment of the purchase money or delivery of the securities for the annuities, and the waterworks shall thenceforth be carried on by and in the name of the Local Board.

vested in
Local Board.

Payment
and appli-
cation of
purchase
money.

37. The purchase money to be paid by the Local Board for the said transfer shall, if the Local Board elect to pay the same in cash, be applied in manner following :

Firstly, in discharging any outstanding debt and liabilities of the Company :

Secondly, in making a rateable division of the residue thereof amongst the holders of the shares of the Company, in proportion to their respective shares and interests in the water undertaking.

Receipts on
behalf of
incapacitated
persons.

38. If any money be payable, or any annuity be granted under the provisions herein-after contained, to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Eventual
dissolution
of Water
Company.

39. When and so soon as the said purchase money shall have been appropriated and divided in manner herein-before directed, or the said annuities granted in manner herein-after directed, and the affairs of the Company are wound up, and all their debts and liabilities paid and satisfied, the Company shall cease to exist.

Provision as
to granting
and vesting
of annuities,
&c.

40. If the Local Board elect, in pursuance of article six of the agreement herein-before mentioned, to pay the value of the Company's undertaking by way of perpetual annuities, the following provisions shall take effect :—

(1.) In consideration of the undertaking of the Company being vested in the Local Board, the Local Board shall grant to the holders of the share capital of the Company a perpetual

annuity of the amount determined by the award of the arbitrators for and in respect of every share of ten pounds and of two pounds ten shillings respectively into which the Company's share capital of twenty thousand pounds is divided, and those annuities shall be granted upon the security of the water rates and general district rates of the Local Board.

- (2.) The annuities shall vest in and belong to the several parties who upon the day of the passing of this Act are shareholders of the Company, in proportion to the number of shares held by them respectively.
- (3.) The annuities shall in all respects, both at law and in equity, be substituted for and represent the shares in the capital of the Company; and the several parties in whom the annuities become vested under this Act shall be possessed thereof respectively, upon the same trusts and subject to the same powers, provisions, charges, and liabilities as those upon and to which their respective shares in the capital of the Company are at the time of the passing of this Act held and subject, and the annuities shall accordingly pass or be affected by any will or other instrument disposing of or affecting such shares.
- (4.) The Local Board shall issue to every party in whom any annuity becomes vested under this Act, or to his successors, executors, administrators, or assigns, on demand made by him or them to the Local Board, and on delivery by him or them of the certificate of the share in the capital of the Company for which the annuity is substituted, or proof that such certificate is lost or destroyed, a certificate of the annuity, and such certificate shall be so issued free of expense to the annuitant, and may be in the form in the schedule (B.) to this Act annexed, or to the like effect; provided that the Local Board may, by agreement with any annuitant, include in one certificate any number of annuities to which such annuitant is entitled.
- (5.) The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the distribution of the capital of the Company into shares, and with respect to the transfer or transmission of shares, shall be incorporated with this Act, and shall, except where the same are expressly varied by this Act, apply to the said annuities, and to the holders of the annuities, and to the Local Board, as if the Local Board were the Company referred to in those provisions, and the annuities were shares in the undertaking of that

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Company, and the holders of the annuities were shareholders in that Company: Provided always, that the form of transfer of an annuity may be according to the form in schedule (C.) to this Act annexed, or to the like effect.

- (6.) The annuities shall be computed from the vesting period, specified in the said agreement, and shall be payable at the office at Aberdare of the clerk to the Local Board, or, if so required by the annuitant, by cheque payable at a bank at Aberdare, to be forwarded to the annuitant by post, clear of all deductions (except income tax), by equal quarterly payments on the first day of January, the first day of April, the first day of July, and the first day of October.
- (7.) If within thirty days after any annuity becomes payable, and after demand thereof in writing, it be not paid, the person entitled thereto may, subject to the provisions of this Act, recover the same against the Local Board in any court of competent jurisdiction; and without prejudice to his right so to recover the same may require the appointment of a receiver as by this Act provided.
- (8.) The annuitants may enforce the payment of arrears of their annuities by the appointment of a receiver, as if they were mortgagees of the Local Board; and for that purpose the provisions in that behalf applicable of "The Companies Clauses Consolidation Act, 1845," shall apply mutatis mutandis to the Local Board, and the annuitants, and the receiver; and the amount in arrear to authorise an application for a receiver is two hundred pounds.
- (9.) The annuities may from time to time be redeemed in the manner and subject to such conditions and restrictions as may be determined by the arbitrators under the before-mentioned agreement.
- (10.) The Local Board shall pay and discharge any outstanding debts and liabilities of the Company, but they may deduct the amount so paid from the purchase money or annuities, as the case may be, payable to the Company, and if the payment be made by way of annuity such deduction shall be made rateably from the several annuities to be granted under the foregoing provisions.

Things done or suffered before purchase of water undertaking to remain valid.

41. On the vesting of the water undertaking in the Local Board, everything before that time done or suffered shall be as valid as if such transfer had not taken place, and such purchase and transfer shall accordingly be subject, and without prejudice, to anything done or suffered, and to all rights, liabilities, claims, and demands,

both present and future, which, if the said purchase had not been made, would be incident to or consequent on anything and everything so done or suffered; and with respect to such rights, liabilities, claims, and demands, the Local Board shall, to all intents and purposes, represent the Company: Provided always, that the generality of this enactment shall not be restricted by any of the other clauses and provisions of this Act. A.D. 1870.

42. On the vesting of the water undertaking in the Local Board under the provisions herein contained, all contracts, engagements, agreements, conveyances, leases, covenants, indemnities, and liabilities made or entered into, with, to, or in favour of, or by, or for or on behalf of the Company previously to the first day of January one thousand eight hundred and seventy shall be and remain as good, valid, and effectual in favour of and against and in reference to the Local Board, and may be proceeded on and enforced in the same manner, by or against the Local Board, to all intents and purposes, as if the Local Board had been parties to, and executed, or entered into the same, or had been named or referred to therein instead of the Company. Conveyances, &c. made in favour of or by Water Company to operate in favour of or against the Local Board.

43. Nothing in this Act contained shall release, discharge, or suspend any action, suit, or other proceeding at law or in equity, which was pending by or against the Company, or to which the Company were parties immediately before the passing of this Act; but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, or in favour of, or against the Local Board, as the case may be, in the same manner and as effectually and as advantageously as the same might have been maintained, prosecuted, or continued by or in favour of or against the Company, if this Act had not been passed. Actions, &c. not to abate.

44. Nothing in this Act contained shall in any manner affect any of the rights, interests, powers, privileges, and conveniences reserved to or in favour of any person or persons with respect to water rights, or otherwise by "The Aberdare Waterworks Act, 1858," or in any manner prevent the exercise and enjoyment of any such rights, interests, powers, privileges, and conveniences, but the same may be freely exercised and enjoyed as if this Act had not been passed. Saving of rights under "Aberdare Waterworks Act, 1858."

45. If and whenever any person shall neglect or refuse to pay the amount due from him to the Local Board in respect of rates and charges for water for the space of fourteen days after demand thereof by the Local Board, their agent, or collector, it shall be lawful for any justice to issue his summons to such person, requiring him to Recovery of rates and charges by distress.

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A.D. 1870. appear at a time and place named therein, and then and there to show cause why the amount so demanded should not be paid, and if on the appearance of such person, or, in default of appearance, after proof of the service of the summons either personally or at the last known place of abode or business of such person, no sufficient cause can be shown to the contrary, it shall be lawful for such justice to issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the costs of cutting off the water if the same shall have been cut off by the Local Board, as to such justice shall seem just and reasonable.

Contents of summons or warrant.

46. Any summons, warrant, notice, demand, or other process issued for any purpose of this Act may contain in the body thereof, or in a schedule thereto, several names and several sums.

Recovery of sums by action.

47. Whenever any person neglects to pay any rate, charge, or other sum due to the Local Board, the Local Board may recover the same, with full costs of suit, in any court of competent jurisdiction for the recovery of debts of the like amount, and the remedy of the Local Board under this enactment shall be in addition to their other remedies for the recovery of such rate, charge, or other sum.

Application of penalties.

48. Every penalty imposed by this Act, or by any Act, or any bye-law (except where the Local Board shall be the party by whom the penalty has to be paid) shall be paid to the treasurer of the Local Board, and shall be carried by him to the credit of the water account.

Contract for supply of water, &c. not to disqualify members of Local Board.

49. No person shall be disqualified from being, continuing, or acting as a member of the Local Board by reason of his being concerned in any contract entered into by the Local Board for a supply of water or other matters, articles, or things under this Act, or for the sale of any land for the purposes of "the Public Health Acts," or this Act, or of his being interested in any contract with any newspaper in which advertisements are inserted for the Local Board, nor shall any mortgagee of the rates to be levied under this Act be disqualified as a member of the Local Board by reason of his being a mortgagee, but such person or mortgagee shall not vote on any question in which he is interested otherwise than as a consumer of the water of the Local Board.

Authentication of notices.

50. Any summons, demand, or notice, or other such document, to be given by the Local Board under this Act or under "the Public Health Acts," or any of them, may be in writing or print, or partly in writing and partly in print, and if the same require authentication

by the Local Board, the signature thereof by the clerk of the Local Board shall be a sufficient authentication. A.D. 1870.

51. Penalties imposed for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act, and the Acts wholly or partially incorporated therewith, and "the Public Health Acts," shall be deemed several Acts. Penalties not cumulative.

52. Except as is by this Act expressly provided, this Act or anything therein contained shall not take away, lessen, or prejudice any of the estates, rights, powers, or privileges of the Local Board or of the Great Western Railway Company. Saving rights of Local Board.

53. All the costs, charges, and expenses of and incident and preparatory to the obtaining and passing of this Act, and of the agreement contained in schedule (A.) hereto annexed, or otherwise in relation thereto, shall be paid by the Local Board out of any moneys which they have received or may receive under this Act or the Public Health Acts. Expenses of Act.

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SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

AN AGREEMENT made the thirteenth day of December one thousand eight hundred and sixty-nine between the Aberdare Waterworks Company, herein-after called "the Company," of the one part, and the Local Board of Health for the district of Aberdare, in the county of Glamorgan, herein-after called "the Local Board," of the other part.

Whereas a part of the district of the Aberdare Local Board of Health, in the county of Glamorgan, is supplied with water by the Company by virtue of the powers and provisions of "The Aberdare Waterworks Act, 1858:"

And whereas in pursuance of such Act the Company have constructed works for the supply of water at Aberdare aforesaid, and for these purposes have acquired certain reservoirs, hereditaments, powers, and privileges, and have laid down mains and pipes within the limits of their Act:

And whereas the Local Board was established in the parish of Aberdare, under the provisions of "The Public Health Supplemental Act, 1854," under the name of the Local Board of Health for the district of Aberdare, in the county of Glamorgan, and the same now exists, except so far as the boundaries of the said district are varied or altered by "The Local Government Act Supplemental Act, 1866, No. 3:"

And whereas the said Local Board have given notice of their intention to apply to Parliament, in the session one thousand eight hundred and seventy, for powers to construct waterworks for the parish of Aberdare, and to supply with water the district of the said Company; and, in order to avoid opposition and expense, it has been agreed that the Company shall sell their undertaking to the Local Board on the footing of the same being purchased or taken from the Company under "the Lands Clauses Consolidation Acts," and it has been agreed between the Company and the Local Board that, subject to the ratification and confirmation of this agreement by three fifths of the shareholders for the time being of the Company present, personally or by proxy, at an extraordinary meeting of the Company to be specially called for that purpose, and also subject to the approbation of Parliament, the Company shall sell, and the Local Board shall purchase, on the terms herein-after mentioned, the whole of the Company's reservoirs, works, and undertaking, and that the Local Board shall make an application to Parliament, in the ensuing session, to authorise the Local Board to make such purchase and to raise the necessary funds for the same.

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Now these presents witness, and it is mutually agreed between the Company and the Local Board, that the said purchase shall be made upon the following terms; (that is to say,)

1. That such purchase shall be conditional upon this agreement being ratified and confirmed by the shareholders of the said Company in manner aforesaid, and also upon the passing of the Bill intended to be promoted by the Local Board in the ensuing session of Parliament for the purpose.

2. That such purchase shall comprise all the reservoirs, waterworks, lands, buildings, wells, tanks, filter beds, pipes, water machinery, apparatus, plant, and implements, and all other the property and effects, powers, rights, privileges, and authorities of the Company (except only the books, vouchers, and share certificates of the Company, and the rents, rates, and sums of money, debts, and credits due and owing to the Company prior to the completion of the purchase herein-after mentioned), free from all mortgages, charges, incumbrances, debts, and liabilities whatever created by the Company.

3. That the price to be paid by the Local Board for the purchase of the Company's undertaking shall be determined by arbitration in manner herein-after mentioned.

4. That the valuation of the Company's undertaking shall be made as at the 1st day of July 1870, but the said Local Board shall pay in addition thereto the cost (if any) of all subsequent erections, additions, and improvements which may be necessary and requisite to be made by the Company prior to the completion of the purchase, with interest upon such cost at the rate of 5% per cent. per annum, but the said Company shall not incur any such additional outlay without notice to the Local Board.

5. That the arbitration shall be constituted and conducted under the arbitration clauses of the Lands Clauses Consolidation Acts, and the costs of and incident to the preparation of these presents of the arbitration and the Company's costs, as vendors, to be taxed as between attorney and client, shall be paid and borne by the Local Board, and it is distinctly understood that the arbitrators shall, in estimating the value of the said undertaking, treat the same as purchased and taken by the Local Board under the said Lands Clauses Consolidation Acts.

6. That the arbitrators shall determine the value of the undertaking, both in cash and in perpetual annuities, and the Local Board shall elect, within one month from the publication of the award, which mode of payment they will adopt, and in case payment shall be elected to be made by annuities, the same shall be charged on the water rates and on the general district rates of the district of Aberdare.

7. That the Company shall retain possession of and continue to work their said undertaking until the completion of the purchase and payment of the purchase money, or delivery of the securities for the annuities, and such completion shall take place on the first day of January, the first day of April, the first day of July, on the first day of October, and on no other day.

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8. That if payment be made by annuities the securities for the same shall, at the expense of the Local Board, be issued to each shareholder of the Company in proportion to the share or shares he may hold in the Company at the time, and that the Local Board shall keep a register of the said securities, and that they shall be transferable like the present Company's shares, and the said annuities shall be redeemable upon such terms as shall be fixed by the arbitrators.

9. That on payment of the purchase money or delivery of the annuities, as the case may be, in manner mentioned in Article 6, and of all interest (if any) subsequent to the date of award in cash, the Company and all necessary parties shall execute all proper conveyances and assignments of all lands belonging to the Company or occupied by any of their works, subject to the rents, terms, and conditions upon which the Company hold the same, and shall do all other acts requisite or necessary for transferring to and vesting in the Local Board the whole of the Company's undertaking.

10. That the Bill to be introduced into Parliament by the Local Board shall contain clauses authorising the purchase of the Company's undertaking by the Local Board, and also all such provisions as the Company may reasonably think proper and sufficient for enabling the Company, after the sale of their undertaking, to dissolve, liquidate, and wind up the same.

11. That in the event of the purchase being approved by Parliament, the costs of the application, and of preparing and executing these presents, and also of the arbitration and award herein-before provided for, and the Company's costs as vendors, to be taxed as aforesaid, shall be paid by the Local Board out of the funds authorised by the intended Act; but if such purchase shall not be so approved, each of the parties hereto shall bear their own costs of and incidental to these presents, or in any manner arising thereout; and in the last-named event, these presents, and every clause, matter, and thing herein contained, shall be absolutely void, and the Local Board, or the individual members thereof, notwithstanding their execution of these presents, shall incur no liability or responsibility whatsoever to the Company.

12. That the Local Board shall accept the title of the Company as it now stands to the several lands and easements taken and used by them.

13. That if at any time any question shall arise between the Company and the Local Board as to the true intent, construction, effect, and meaning of this agreement, every such question shall be decided by the judge for the time being of the county court of Glamorganshire, holden at Aberdare.

14. That the expression "arbitrators" herein used shall be taken to include a single arbitrator or umpire.

15. If this agreement is not sanctioned by Parliament, each party shall stand in the same position as if this agreement had not been entered into.

In witness whereof the Aberdare Waterworks Company have to one part of this agreement affixed their seal, and the undersigned members of the said

Local Board have to another part thereof set their hands, and caused the seal of the said Local Board to be affixed, the day and year first before written. A.D. 1870.

Signed by Rees H. Rhys, Thomas Davies,
James Lewis, Daniel David, and David
Davis, five members of the said Local
Board, in the presence of

HY. J. HOLLIER,
Solicitor, Aberdare,
Clerk to the Board.

REES H. RHYS, Chairman.
THOS. DAVIES.
JAMES LEWIS.
DANIEL DAVID.
D. DAVIS.

The Seal of the said Local Board was here-
unto affixed at a meeting of the said
Board, on the 13th day of December
1869, the date hereof, by the said Rees
H. Rhys, in the presence of

HY. J. HOLLIER.



This Seal was affixed this 13th day of
December 1869, in the presence of

FRANK JAMES,
Secretary

to the Aberdare Waterworks Company.



SCHEDULE (B.)

Form of Certificate of Annuity.

Certificate of Annuity, No. £

By virtue of "The Aberdare Local Board Waterworks Act, 1870," the Local Board for the district of Aberdare certify that *A.B.*, of
is, under and subject to the provisions of that Act, entitled to a perpetual annuity of
, charged on the water rates and general district rates of the Local Board, and substituted for the share of
in the Aberdare Waterworks Company, No. , and such annuity is payable to him, his executors, administrators, or assigns, at the office in Aberdare of the clerk of the Local Board, by equal quarterly payments, on the 1st January, 1st April, 1st July, and 1st October yearly.

Given under the hands of five members of the Local Board of Health for the district of Aberdare, and under the seal of the Local Board, this
day of in the year of our Lord 18 .

A.D. 1870.

SCHEDULE (C.)

Form of Transfer of Annuity.

I, *A.B.*, of _____, in consideration of £
paid to me by *C.D.*, of _____, transfer to him, his
executors, administrators, and assigns, the perpetual annuity (or annuities)
No. _____, of _____, charged by "The Aberdare
Local Board Waterworks Act, 1870," on the water rates and general district
rates of the Local Board, and substituted for the share (or _____ shares)
of _____ in the Aberdare Waterworks Company, num-
bered _____, and payable at the office in Aberdare
of the clerk of the Local Board, by equal quarterly payments, on the 1st
January, 1st April, 1st July, and 1st October yearly, and all my right and
interest therein and thereto.

As witness my hand and seal, this _____ day of _____ in the
year of our Lord 18 _____.