CHAPTER clvi.

An Act to authorise the Urban District Council of Merthyr Tydfil to construct Additional Waterworks and for other purposes. [6th July 1895.]

A.D. 1895.

WHEREAS the urban district of Merthyr Tydfil is co-extensive with the parish of Merthyr Tydfil in the county of Glamorgan and is governed for local and sanitary purposes by the Urban District Council for that district (in this Act referred to as "the District Council"):

And whereas by the Merthyr Tydfil Waterworks Act 1852 the Merthyr Tydfil Waterworks Company were incorporated and authorised to construct waterworks and supply water within the parish of Merthyr Tydfil and other parishes and places in that Act mentioned and by the same Act the said company were authorised to sell and transfer to the local board for the district of Merthyr Tydfil (the predecessors of the District Council) and the local board were authorised to purchase and accept a transfer of the undertaking and terms for such sale and transfer were afterwards agreed upon:

And whereas by the Merthyr Tydfil Water Act 1858 (herein-after referred to as "the Act of 1858") the local board were authorised to construct other works for the supply of water within their district and to abandon the works authorised by the said Act of 1852 and that Act was repealed:

And whereas by the Act of 1858 the local board were authorised to make and maintain certain waterworks shown on the plans and sections deposited for and referred to in that Act which include a reservoir situated on the course of the River Tâf Fechan (herein-after referred to as "the Pentwyn Reservoir") and were required to construct that reservoir of such dimensions as would enable it to contain when filled to the level of the waste weir not less than forty million cubic feet of water and to cause to flow or be discharged from the same for the supply of the said river and as compensation

A.D. 1895.

to all persons interested in the waters thereof certain quantities of water in the said Act mentioned and in consideration of such discharge the local board were empowered to lay down maintain and continue for the supply of the inhabitants of Merthyr and its neighbourhood with the waters of the said river and Callan Brook and of the said reservoir a line of main pipes of not more than fourteen inches internal diameter Provided that it should be lawful for the Company of Proprietors of the Glamorganshire Canal Navigation (in the said Act and herein-after called "the Glamorganshire Canal Company") and the respective occupiers of the Cyfarthfa Ironworks and the Plymouth Ironworks from time to time to agree that any quantity of water in the said reservoir in excess of twenty million cubic feet should be discharged into the said river either continuously or intermittently at different rates from the rates of discharge therein-before prescribed and having so agreed might give notice as therein provided of the rate and times at which and the manner in which they had agreed that such excess of water should be discharged into the said river and provision was made for the discharge of such excess of water into the said river in accordance with the notice:

And whereas by an agreement made the fifteenth day of December one thousand eight hundred and sixty-four between the respective occupiers of the Cyfarthfa and Plymouth Works and the Glamorganshire Canal Company of the one part and the local board of the other part (herein-after referred to as "the agreement of 1864") the parties thereto of the first part consented that the local board might thenceforth supply unlimited quantities of water for machinery and motive power and including a supply for Cefn in the parish of Vaynor subject to the observance of the conditions therein-after expressed by which the right of the local board to a supply of water and the mutual rights of the parties to the agreement were defined and regulated:

And whereas the local board claiming to act under the authority of a Provisional Order of the Local Government Board confirmed by the Local Government Board's Provisional Orders Confirmation (Chelmsford &c.) Act 1876 subsequently constructed another reservoir (herein-after called "the Neuadd Reservoir") on the River Tâf Fechan and a twelve-inch main for the supply of water therefrom within their district and elsewhere and the owners and occupiers of the Cyfarthfa Works aforesaid commenced an action against the local board claiming an injunction to restrain the local board from impounding or diverting any water from the Tâf Fechan river or its tributaries by means of the Neuadd

Reservoir or the said twelve-inch main or by any means other than those authorised by the Act of 1858:

And whereas an agreement dated the thirty-first day of July one thousand eight hundred and ninety-three (a copy of which is set forth in the schedule to this Act and which agreement is herein-after referred to as "the scheduled agreement") between the owners and occupiers of the Cyfarthfa Works of the first part the Glamorganshire Canal Company of the second part the owners and occupiers of the Plymouth Works of the third part (the said parties of the second and third parts claiming to have rights in respect of the flow of water in the Tâf Fechan river and its tributaries) and the local board of the fourth part was entered into for the settlement of the matters in difference between the parties thereto And by the said agreement the parties thereto of the first three parts consented upon certain terms and subject to certain conditions therein contained and expressed to the repair or reconstruction of the Neuadd Reservoir and to the construction at any time of a new reservoir or reservoirs of such capacity or capacities and in such situation as the local board should from time to time think fit and the maintenance thereof for the purpose of intercepting impounding diverting taking using and supplying for such purposes as the local board might think fit the water of the upper watershed of the Tâf Fechan provided that any such new reservoir be situated on the upper watershed above or upon the site of the existing Neuadd Reservoir and provided also that except as therein-after provided the local board should not draw from any such reservoir or reservoirs or otherwise conduct from out of the upper watershed or use or supply any of the water of the upper watershed except during such time as they should by means of the said reservoir or reservoirs or otherwise be sufficiently securing and giving the compensation discharge provided for by the said agreement such compensation discharge being of a minimum daily quantity of water to be continuously discharged into and allowed to flow down the bed of the Tâf Fechan towards the Pentwyn Reservoir and such quantity varying with the capacity of the new reservoir or reservoirs up to one million gallons when such capacity exceeded one hundred and forty million gallons:

And whereas by the Merthyr Tydfil Water Act 1865 (herein-after called "the Act of 1865") the limits defined by the Act of 1858 for the supply of water by the local board were extended and now comprise and include that part of the parish of Vaynor in the county of Brecon which is situated within the parliamentary borough of Merthyr Tydfil:

A.D. 1895.

And whereas for the purpose of enabling the District Council to provide a better supply of water to their district and to so much of the said parish of Vaynor as is comprised within their limits for the supply of water and to other places supplied by them under the provisions of the Public Health Acts the District Council are desirous and it is expedient that they should be authorised and empowered to make construct and use the reservoir and works herein-after described subject to the provisions of this Act:

And whereas the reservoir by this Act authorised will be situate on the River Tâf Fechan above the site of the existing Neuadd Reservoir and will when completed be capable of storing more than one hundred and forty million gallons of water:

And whereas the charges for supplying water limited by the Act of 1858 are unusually low and the water undertaking of the District Council has hitherto been carried on at a loss and in consideration of the further expenditure required for providing the additional waterworks in this Act described it is expedient that a more equitable scale of charges for a supply of water for domestic purposes should be substituted for the charges for such purposes limited by the Act of 1858:

And whereas plans and sections of the works authorised by this Act the plans also showing the lands which may be taken under the powers of this Act and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands have been deposited with the clerk of the peace for the county of Brecon and are in this Act referred to as the deposited plans sections and book of reference:

And whereas an estimate has been prepared by the District Council for the purchase of lands and the execution of the works by this Act authorised and such estimate amounts to the sum of one hundred and twenty thousand pounds:

And whereas the works included in such estimate are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas it is expedient that the District Council should be authorised to raise money for the purposes herein-before mentioned and that the further powers in this Act contained should be conferred upon them:

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

And whereas an absolute majority of the whole number of the members of the District Council at a meeting held on the twelfth day of November one thousand eight hundred and ninety-four

after ten clear days' notice by public advertisement of the meeting and of the purposes thereof in the "Merthyr Times" a local newspaper published and circulating in the district of the District Council such notice being in addition to the ordinary notices required for summoning that meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the general district rate water rates and charges for water supplied and to be supplied by the District Council:

And whereas that resolution was published twice in the "Merthyr Times" of fifteenth and twenty-second November one thousand eight hundred and ninety-four a local newspaper circulating in the said district and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the members of the District Council at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January one thousand eight hundred and ninety-five being not less than fourteen days after the deposit of such Bill in Parliament:

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

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 Merthyr Tydfil District Council Waterworks Act 1895.

Provisions of certain general Acts incorporated.

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

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 (except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

The Waterworks Clauses Act 1863; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to roads and to the temporary occupation of lands

A.D. 1895.

near the railway during the construction thereof but these provisions shall apply only to the embankment or retaining wall of the reservoir by this Act authorised.

Amendment of Waterworks Clauses Act 1847.

3. For the purposes of the Act of 1858 the Act of 1865 and of this Act the Waterworks Clauses Act 1847 as incorporated with such Acts respectively shall be read and have effect as if the words "with the consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted from section forty-four of that Act.

Interpretation of terms.

4. The several words and expressions to which by the Public Health Act 1875 or the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there is something in the subject or context repugnant to such construction Provided that in this Act and in the Acts wholly or partially incorporated with this Act for the purposes of this Act—

"The undertakers" or "the company" means the District Council;

"The railway" means the reservoir by this Act authorised;

"Centre of the railway" means with respect to the embankment or retaining wall of the reservoir the centre line of that work;

"The district" means the urban district of Merthyr Tydfil;

"The district fund" and "the general district rate" mean respectively the district fund and the general district rate of the district;

"The Public Health Acts" means the Public Health Act 1875 the Public Health (Water) Act 1878 and any Act amending the same respectively;

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

Water limits.

5. The limits for the supply of water by the District Council (in this Act called "the water limits") shall be the district and that part of the parish of Vaynor in the county of Brecon which is within the existing parliamentary borough of Merthyr Tydfil.

Pressure.

6 The water to be supplied by the District Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir or other work from which the supply shall be taken.

A.D. 1895.

Power to District Council to supply water.

7. Subject to the provisions of this Act and the scheduled agreement the District Council by means of the works by this Act authorised may from time to time supply sell and dispose of water from the upper watershed of the Tâf Fechan as defined by the scheduled agreement within the water limits and to the extent and in manner herein-after provided beyond those limits.

Power to make waterworks.

8. Subject to the provisions of this Act and upon the lands delineated on the deposited plans and described in the deposited book of reference the District Council may make and maintain in the lines and situations and according to the levels shown on the deposited sections the waterworks and other works following in the county of Brecon (that is to say) :—

(1) A reservoir (to be called the Upper Neuadd Reservoir) situate partly in the parish of Llanfrynach and partly in the parish of Cantref to be formed by means of a dam across the River Tâf Fechan forty chains or thereabouts northward of the dam of the existing Neuadd Reservoir and extending in a northerly direction up the said river for a distance of thirty-three chains or thereabouts :

(2) An aqueduct line of pipes or intercepting drain (No. 1) wholly in the said parish of Llanfrynach commencing in the reservoir before described at a point near the eastern end of the said dam and terminating in the stream which joins the eastern side of the existing Neuadd Reservoir at a point fourteen chains or thereabouts in an easterly direction from that existing reservoir :

(3) An aqueduct line of pipes or intercepting drain (No. 2) wholly in the said parish of Llanfrynach commencing in the reservoir before described at a point near the western end of the said dam and terminating in the stream which joins the western side of the said river at a distance of ten chains or thereabouts measured in a westerly direction from the junction of the stream with the said river :

(4) An aqueduct line of pipes or intercepting drain (No. 3) wholly in the said parish of Llanfrynach commencing in the stream lastly before referred to at a point twenty-two chains or thereabouts measured in a westerly direction from the junction of that stream with the said river and terminating in the stream which joins the western side of the existing Neuadd Reservoir at a distance of twenty-seven chains or thereabouts measured in a westerly direction from that existing reservoir :

(5) An aqueduct conduit or line of pipes wholly in the said parish of Llanfrynach commencing in the Upper Neuadd

A.D. 1895.

Reservoir and terminating by a junction with the existing water main of the District Council at a point two chains or thereabouts southward from the dam of the existing Neuadd Reservoir:

Together with all necessary and proper embankments dams byewashes culverts tunnels cuts shafts bridges communications road approaches drains outfalls overflows sluices filter beds engines pumps conduits catchwaters weirs tanks pipes junctions valves telegraphs telephones and other means of electric communication houses buildings and other apparatus and conveniences connected with or ancillary to the said works or any of them or necessary or proper for inspecting maintaining repairing cleansing using and managing the same:

Provided that the telegraphs telephones and other means of electric communication authorised by this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

District Council may guarantee Postmaster-General against loss.

9. The District Council may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the District Council under such undertaking may be defrayed out of any revenue or funds of the District Council.

Power to take lands and waters.

10. Subject to the provisions of this Act the District Council may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may subject to the provisions of the scheduled agreement from time to time for the purposes of their waterworks take intercept collect impound use divert and appropriate the water which may be intercepted or abstracted by means of any of the waterworks before described including the waters of the River Tâf Fechan and of the streams in the parishes of Cantref and Llanfrynach flowing into that river above the dam of the existing Neuadd Reservoir all which waters now flow into the River Taff and thence into the estuary of that river.

Washing places for sheep.

11. The proviso to section 12 of the Waterworks Clauses Act 1847 incorporated with this Act shall for the purposes of this Act be read and have effect as if the words "sheep washing places" were inserted therein after the words "watering places" and the District Council shall pay compensation to any person who may be

deprived of the use of any sheep washing place by the exercise of the powers of this Act unless an equally satisfactory washing place shall have been provided in lieu thereof by the District Council and the amount of such compensation unless agreed on shall be settled by a court of summary jurisdiction.

Limiting quantity of land which may be taken from certain commons.

12. The quantity of land which may be taken by the District Council from the commons or reputed commonable lands next herein-after mentioned for the purposes of the reservoir and other works shall not exceed the quantities mentioned in connexion with such lands respectively :—

Name of Common.	Parish.	Estimated Quantity required to be taken.
Llanfrynach Common -	Parish of Llanfrynach -	70 acres.
Torglasse Common -	Do. -	
Cantref Common -	Parish of Cantref - -	18 acres.

and no part of the lands so taken shall be fenced with barbed wire.

For the protection of the commoners of Cantref and Llanfrynach.

13. The following provisions for the protection and benefit of the commoners of the common lands in the parishes of Cantref and Llanfrynach (in this section called "the commoners") shall apply and have effect (that is to say) :—

(1) Section 2 of the Commonable Rights Compensation Act 1882 shall as regards any compensation paid by the District Council to the commoners under this Act be read as if the following ways had been inserted therein in addition to the ways (A) (B) (C) (D) and (E) therein mentioned :—

(F) In the improvement or making of roads bridges and bridge approaches in the parishes of Cantref and Llanfrynach ;

(G) In the redemption of the land tax tithe rentcharge or other charge bearing rateably on all the enclosed lands in such parishes ;

(H) In providing pensions for aged or infirm shepherds who shall have been shepherds on the said common lands for ten years or upwards ;

(I) In the maintaining of any public elementary schools in or for the said parishes or either of them ;

(J) In the erection and maintenance of a parish room or parish rooms for the purposes of the said parishes or either of them :

A.D. 1895.

(2) The District Council shall make good any loss or damage which may be suffered by any of the commoners by reason of the killing harassing or disturbing of their sheep by any person in the employ of the District Council or of their contractors.

Confirmation of scheduled Agreement with certain modifications.

14. The scheduled agreement is hereby confirmed and made binding on the parties thereto and their respective heirs executors administrators successors and assigns subject to the following modifications (that is to say):—

(A) The District Council shall be deemed to have elected under the second article of the scheduled agreement to construct the reservoir by this Act authorised as a new reservoir within the meaning of the said second article and shall be bound to complete the same within four years from the passing of this Act which date shall be substituted in the second article of the scheduled agreement for the thirty-first day of December one thousand eight hundred and ninety-seven and in the fourth article thereof for the first day of January one thousand eight hundred and ninety-eight:

(B) The second article of the scheduled agreement shall be read and have effect as if in lieu of the minimum daily discharge to be provided by the District Council varying according to the capacity of the reservoir or reservoirs the minimum daily discharge of one million gallons had alone been mentioned in the said article.

Repair of existing reservoir.

15. The construction of the existing Neuadd Reservoir and the works connected therewith is hereby confirmed and the District Council may from time to time repair or reconstruct the same and may take impound or supply thereby the waters of the upper watershed of the Tâf Fechan as defined by the scheduled agreement in accordance with the provisions of the scheduled agreement as modified by this Act but shall not thereby take impound or supply any other waters.

For protection of canal company and riparian owners.

16. The provisions of the scheduled agreement shall inure for the benefit and protection not only of the parties thereto of the first second and third parts but of all other the riparian proprietors on the River Tâf Fechan below the works authorised by this Act and shall be deemed to be full compensation and satisfaction to them for any water which may be taken by the District Council from the said river and the tributaries thereof under the powers of this Act.

Compensation for damage from

17. The District Council shall from time to time make full compensation to all bodies and persons (including the Breconshire

County Council) for all damage and injury losses and expenses whatsoever as well immediate as consequential which may from time to time be incurred or suffered by them by reason of the bursting or giving way of any of the waterworks by this Act authorised or of the Neuadd Reservoir the amount of compensation if not agreed upon to be settled by arbitration under the provisions of the Arbitration Act 1889.

A.D. 1895.

bursting &c. of waterworks.

18. The District Council shall during such period as the works in the county of Brecon by this Act authorised are in process of construction pay to the Breconshire County Council the cost of maintaining such additional number of police as the county council may reasonably think necessary for the due preservation of order at the works not exceeding one policeman for every two hundred men employed for the time being on such works.

For protection of the Breconshire County Council.

Any difference which may from time to time arise between the Breconshire County Council and the District Council with respect to any payment to be made by the District Council to the county council under this section shall be settled by arbitration under the provisions of the Arbitration Act 1889.

19. In the construction of the works by this Act authorised the District Council may deviate from the lines of the respective works to the extent of the limits of deviation shown in each case on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and seven feet downwards and in the case of all other works not exceeding three feet upwards and ten feet downwards Provided that no pipes shall be deviated upwards so as to be above the surface of the ground except where necessary in crossing a bridge or stream Provided also that if it be found necessary or expedient in the construction of the reservoir to alter the situation of any embankment or retaining wall within the limits of deviation they may in the construction thereof and of the works connected therewith deviate vertically from the levels of any such embankment weir and works as shown with reference to the datum line to any extent not exceeding twenty feet but the District Council shall not construct any embankment or wall 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 or wall and three feet in addition.

Power to deviate.

20. The powers of the District Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

A.D. 1895.

Time for completion of works.

21. If the Upper Neuadd Reservoir by this Act authorised is not completed within four years from the passing of this Act and the aqueducts and other works herein-before described within seven years from the passing of this Act then on the expiration of those respective periods the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as is then completed.

Power to take additional lands by agreement.

22. The District Council may from time to time for the purposes of their water undertaking purchase by agreement any lands not exceeding fifteen acres in addition to the lands which they are authorised by this Act to take compulsorily but the District Council shall not create or permit any nuisance on any such lands and such lands shall not be used for any buildings except buildings required for or used in connexion with the water undertaking of the District Council.

Power to take easements &c. by agreement.

23. 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 District Council any easement right or privilege (not being an easement right or privilege of water in which other than the parties to the agreement 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.

Restriction on taking houses of labouring class.

24. The District Council shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied:

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

A.D. 1895.

Rate at which water is to be supplied for domestic purposes.

25. So much of section 47 of the Act of 1858 and so much of section 9 of the Act of 1865 as limits the rates or charges at which water is to be supplied for domestic purposes are hereby repealed And from and after the passing of this Act the District Council shall at the request of the owner or occupier of any house or part of a house in any street in which any supply main of the District Council is from time to time laid or on the application of any person who under the provisions of the Act of 1858 or this Act is entitled to demand a sufficient supply of water for domestic purposes furnish to such owner or occupier or other person a sufficient supply of water for domestic purposes at rates and charges not exceeding the following (that is to say):—

Where the rateable value of the house or part of a house supplied does not amount to four pounds per annum the sum of twopence per week;

Where the rateable value amounts to four pounds but does not amount to six pounds per annum the sum of twopence halfpenny per week;

Where the rateable value amounts to six pounds but does not amount to eight pounds per annum the sum of threepence per week;

Where the rateable value amounts to eight pounds but does not amount to ten pounds per annum the sum of threepence halfpenny per week;

Where the rateable value amounts to ten pounds but does not amount to forty pounds at a rate per annum not exceeding eight per centum of such rateable value;

Where the rateable value amounts to forty pounds or more at a rate per annum not exceeding seven per centum of such rateable value:

Provided also that the District Council shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rateable value to bring it within the next division of the said scale relating to premises of a higher rateable value whereon a lower rate per centum per annum is chargeable:

For the purposes of this section rateable value shall be the rateable value as ascertained by the valuation list in force at the commencement of the quarter in which the water rate becomes payable or if there is no such list in force by the last rate made for the relief of the poor;

A.D. 1895.

Provided that where the water rate is chargeable on the rateable value of a part only of any premises entered in the valuation list or poor rate such rateable value shall be a fairly apportioned part of the rateable value of the whole premises ascertained as aforesaid the apportionment in case of dispute to be determined by two justices.

Existing waterworks of District Council and works authorised by this Act to form one undertaking.

26. Subject to the provisions of this Act the waterworks by this Act authorised shall for all purposes whatsoever be deemed part of the waterworks undertaking of the District Council and the District Council may continue to demand and recover rates rents and charges in respect of water supplied within their water limits not exceeding the rates rents and charges authorised by the Act of 1858 and the Act of 1865 as amended by this Act Provided that the District Council may so long as the revenue of their water undertaking is insufficient after payment of the working expenses to pay the interest on moneys borrowed in respect of that undertaking and the payments to the sinking fund or by way of instalment appropriation or annual repayment in respect of such moneys demand and recover from consumers of water outside their district but within the water limits twenty per centum in addition to the respective water rates rents and charges prescribed by the said Acts as amended by this Act or as the case may be in addition to the rates rents and charges from time to time charged to consumers of a like class within the district.

Deficiency in water revenue to be made good out of general district rate.

27. Any deficiency in the water revenue in any year to meet the payments to be made thereout shall be charged to and payable out of the district fund and general district rate Provided always that in any year in which any such deficiency occurs or is reasonably apprehended the District Council shall levy the full amount of the rates for the supply of water by this Act authorised.

Provision for sale of portion of waterworks and plant to other sanitary authorities.

28. If at any time after the passing of this Act any sanitary authority whose district is beyond the district of the District Council but within their limits for the supply of water shall give not less than six months' notice in writing to the District Council of their desire to purchase such portion of the waterworks and plant of the District Council as is contained within the district of any such sanitary authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the District Council (except the reservoirs mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the District Council for the supply of water) and to supply water within such

district then it shall not be lawful for the District Council to oppose such application (except as to the details thereof) and if such powers to purchase and supply be granted the District Council shall sell and such sanitary authority shall purchase the portion of the waterworks and plant of the District Council (except as aforesaid) within the district of such sanitary authority for such a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts and the District Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that any purchase by any sanitary authority under this section shall be deemed to be a purpose of the Public Health Act 1875 and for the purposes of such purchase such authority may exercise the powers of borrowing conferred by that Act Provided also that after the completion of such purchase all obligations on the part of the District Council to supply water within the district of the purchasing authority shall cease and determine.

Repeal of sections 55 to 59 of Act of 1858.

29. Sections 55 to 59 of the Merthyr Tydfil Water Act 1858 are hereby repealed.

Byelaws for preventing waste &c. of water.

30. For preventing waste misuse undue consumption or contamination of the water of the District Council the following provisions shall have effect (that is to say):—

(1) The District Council may from time to time make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size make nature materials workmanship and strength and the size and the mode of arrangement connexion and disconnexion alteration and repair of the ferrules pipes meters cocks valves soil-pans waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and may forbid any arrangements and the use of the several things before mentioned or any or either of them which may lead to such waste or undue consumption misuse or contamination:

(2) No such byelaws shall be of any force or effect except within such part or parts of the district in which the District Council are for the time being bound to supply and do in fact supply or are prepared on demand (subject to the provisions of the Waterworks Clauses Act 1847) to supply water under constant pressure:

(3) All such byelaws shall be subject to the provisions contained in sections 182 183 184 185 and 186 of the Public Health

A.D. 1895.

Act 1875 and all penalties imposed for the breach of any such byelaws shall be recoverable in manner provided by that Act for the recovery of penalties:

(4) In case of failure of any person to observe such byelaws as are for the time being in force the District Council may if they think fit after twenty-four hours' notice in writing between the hours of nine in the morning and five in the afternoon enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter valve cock ferrule tank cistern bath soil-pan watercloset or other apparatus means contrivance or receptacle fittings or appliances belonging to or used by such person and the expense of every such repair replacement or alteration shall be repaid to the District Council by the person on whose credit the water is supplied and may be recovered by them in the same manner as the water rate is recoverable.

Reservation of water rights &c. on sale of surplus lands.

31. The District Council on selling any lands acquired for or in connexion with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may also make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use or flow of water exercise of noxious trades or discharge passage or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to borrow.

32. The District Council may from time to time borrow at interest (in addition to any moneys they are already authorised to borrow or which they may be authorised to borrow under the provisions of any public or local Act) any sum or sums of money they may require not exceeding in the whole the sum of one hundred and twenty thousand pounds for the purposes of this Act and for those purposes may mortgage or charge the revenue of their water undertaking and collaterally the district fund and general district rate.

Power to borrow further sums with approval of Local Government Board.

33. In addition to the sum of one hundred and twenty thousand pounds which the District Council are herein-before authorised to borrow they may from time to time with the sanction of the Local Government Board borrow at interest on the securities aforesaid or either of them such sum or sums of money as the District Council may require for any of the purposes for which money is by this Act authorised to be borrowed,

A.D. 1895.

Power to Local Government Board to direct inquiries.

34. The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875 The expenses of the Local Government Board in connexion with any proceedings under this Act including a reasonable sum not exceeding three guineas a day for the services of their inspector shall be paid by the District Council and shall be recoverable in the same manner as any other expenses incurred by the Local Government Board may be recovered by that Board.

Power to borrow under Local Loans Act 1875.

35. The District Council may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the District Council in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the prescribed period of fifty years and the provisions of the section of this Act of which the marginal note is "Regulations as to sinking fund" shall for the purposes of such loan and the discharge thereof be substituted for section 15 of the Local Loans Act 1875.

Provisions of Public Health Act as to mortgages to apply.

36. The following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

Section 236. Form of mortgage;
Section 237. Register of mortgages;
Section 238. Transfer of mortgages;
Section 239. Receiver may be appointed in certain cases.

As to repayment of borrowed moneys.

37. The District Council shall repay all moneys borrowed under the powers of this Act for the purposes of the waterworks and other works by this Act authorised to be constructed by the District Council within the following periods (that is to say) Money borrowed with the sanction of the Local Government Board within such period as that Board shall prescribe and all other money

A.D. 1895.

within a period not exceeding fifty years except as regards money applied in payment of the costs of this Act which shall be repaid within a period not exceeding ten years from the borrowing of the same respectively (which said respective periods are hereinafter referred to as "the prescribed period") by means of equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund.

Regulations as to sinking fund.

38. If the District Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed:—

(1) The District Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest not exceeding the rate of three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security within the prescribed period:

(2) The payment to the sinking fund for repayment of moneys to be borrowed under the powers of this Act shall commence on the twenty-fifth day of March next following the time of the borrowing of such moneys respectively:

(3) Provided as follows (that is to say):—

(A) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in securities in which trustees are for the time being authorised to invest or in mortgages debenture stock or other securities (not being transferable by delivery) duly created and issued by any local authority as defined by the Local Loans Act 1875 other than the District Council and any such investments may be from time to time varied or transposed Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate of accumulation any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate of accumulation any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund:

(B) The District Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the

borrowed moneys in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based Provided also that whenever and so long as the market value of the securities in the sinking fund shall be equal to the principal of such borrowed moneys then outstanding the District Council may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto. A.D. 1895.

Sinking funds may be adjusted in certain events.

39. If the District Council out of the proceeds of the sale or disposition of lands or other moneys received on capital account other than borrowed moneys repay any principal moneys the payments to the sinking fund (if any) established under the provisions of this Act or the amounts of the instalments for the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Contracts for supply of water to county council and others.

40. The District Council may enter into and fulfil contracts and agreements with any county district or parish council or other local authority for the supply by the District Council of water in bulk beyond the limits of supply and may vary or rescind any such contracts or agreements Provided that any such supply shall not interfere with the supply of water for domestic purposes within the water limits.

For the protection of railway companies.

41. In laying down or executing or in effecting the repairs and renewals of any mains pipes or other works for the supply of water within the water limits by the District Council upon across over under or in any way affecting the railways belonging to any railway company or the bridges approaches viaducts or level crossings of or repairable by any railway company the same shall (except in cases of emergency) be done under the superintendence (if the same be given) and to the reasonable satisfaction of the principal engineer of such company and according to plans and sections previously submitted to and reasonably approved of by him and in all things by and at the expense of the District Council who also shall restore and

A.D. 1895.

make good the roads over any such bridges level crossings and approaches which such company is or may be liable to maintain and which may be disturbed or interfered with by or owing to any operations of the District Council and all such works matters and things shall be executed and done so as not to cause any injury to such railways bridges level crossings approaches or viaducts or interruption to the passage or conduct of the traffic over such railways or at any station thereon And if any such injury or interruption shall arise from or be in any way owing to any of the acts operations matters and things aforesaid or the bursting leakage or failure of any such mains pipes or works under or near to any railway siding bridge or level crossing the District Council shall make compensation in respect thereof to such company the amount of such compensation together with full costs to be recoverable from the District Council by all and the same means as any simple contract debt is recoverable.

Audit of accounts.

42. Section 58 of the Local Government Act 1894 shall apply to the accounts of the District Council and their committees and officers under this Act and to the audit of such accounts.

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

43. The clerk to the District Council shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act or the Acts of 1858 or 1865 transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act If it appear to the Local Government Board by such return or otherwise that the District Council have failed to pay any instalment or to set apart the sum required by this Act or the Acts of 1858 or 1865 for the sinking

fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act or the Acts of 1858 or 1865 the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall apply mutatis mutandis to appropriations and annual repayments.

Power to reborrow.

44. The District Council may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal moneys borrowed under this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can reborrow at a lower rate of interest and so from time to time Provided as follows:—

The time for the repayment of any moneys so reborrowed shall not be extended beyond the unexpired portion of the terms respectively in that behalf prescribed:

For the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed the same loan:

The District Council shall not reborrow any moneys paid off by means of instalments or a sinking fund or appropriations or annual repayments or out of the proceeds of the sale or disposition of land or other moneys received on capital account other than borrowed moneys.

Application of money received from sale of land.

45. Any purchase money received by the District Council on any sale of land acquired under this Act and any fines or premiums on leases or other moneys received on capital account not being borrowed moneys shall be distinguished as capital in the accounts of the District Council relating to their water undertaking and applied in discharge of any moneys borrowed for the purposes of that undertaking but shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided that borrowed money discharged by the application of such moneys shall not be reborrowed.

Protection of lender from inquiry.

46. A person lending money to the District Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss or non-application of the money lent or any part thereof.

A.D. 1895.

Application of money borrowed.

47. Money borrowed by the District Council under this Act shall be applied only for the purposes of this Act for which it is authorised to be borrowed and to which capital is properly applicable.

Regulations in section 234 of Public Health Act 1875 not to apply.

48. The powers of borrowing money by this Act authorised shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the District Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Saving for existing charges.

49. In the event of the District Council borrowing on mortgage or under the powers and subject to the provisions of the Local Loans Act 1875 as amended by the Local Loans Sinking Funds Act 1885 the whole or any part of the money authorised by this Act nothing in this Act relating to any such borrowing shall prejudicially affect any charge on the revenue and rates or the estates and property of the District Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority over any mortgage or charge granted under this Act on the same revenue rate and property.

Costs of Act.

50. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining this Act including the costs charges and expenses incurred in complying with the provisions of the Borough Funds Act 1872 as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the District Council out of moneys borrowed under the provisions of this Act.

SCHEDULE referred to in the foregoing Act.

An Agreement made the thirty-first day of July one thousand eight hundred and ninety-three between William Thompson Crawshay of Caversham Park Reading in the County of Berks Esquire Robert Thompson Crawshay of 9 Delahay Street in the City of Westminster Esquire Richard Frederick Crawshay of Ty Mawr Abergavenny in the County of Monmouth Esquire (herein-after referred to as "Messrs. Crawshay") and Crawshay Brothers Cyfarthfa Limited whose registered office is at Cyfartha Office Merthyr Tydfil in the County of Glamorgan (herein-after referred to as "the Cyfarthfa Company") of the first part the Company of Proprietors of the Glamorganshire Canal Navigation (herein-after referred to as "the Canal Company") of the second part Edward Alers Hankey of Epsom in the County of Surrey Esquire and Hill's Plymouth Company Limited (the present owners and occupiers of the Plymouth Ironworks and herein-after referred to as "the Plymouth Owners") of the third part and the Local Board of Health for the District of Merthyr Tydfil (herein-after referred to as "the Local Board") of the fourth part.

Whereas there has been commenced in the Chancery Division of the High Court of Justice and is now pending and set down for trial an action of Crawshay and Others *v.* The Local Board of Health for the District of Merthyr Tydfil 1889 C. No. 4019 wherein Messrs. Crawshay and the Cyfarthfa Company as owners and occupiers of the Cyfarthfa Works claim (among other things) an injunction to restrain the local board from impounding or diverting any water from the Taff Fechan river or its tributaries by means of the Neuadd Reservoir or the twelve-inch main therein mentioned or by any means other than those authorised by the Merthyr Tydfil Water Act 1858 And whereas the canal company and the Plymouth owners also claim to have rights in respect of the flow of water in the Taff Fechan river and its tributaries And whereas the several parties hereto are respectively desirous of providing for the settlement of the matters in difference between them in manner herein-after appearing And whereas the local board proposes to impound the water of the upper watershed of the Taff Fechan as herein-after defined by means of the said Neuadd Reservoir or some other reservoir or reservoirs as herein-after mentioned And whereas for the purposes of these presents the phrase "the water of the upper watershed of the Taff Fechan" means and includes all such water of the watershed of the Taff Fechan as now flows naturally into the River Taff Fechan or the Neuadd Reservoir above the site of the dam of the Neuadd

A.D. 1895.

Reservoir but does not include the water of the Nant-y-gleisiad Brook and other the stream or streams which flow into the Taff Fechan immediately below such dam and the expression "the upper watershed" has a corresponding meaning Now it is hereby agreed as follows:—

1. The parties hereto of the first three parts hereby consent to the repair or reconstruction of the Neuadd Reservoir and to the construction from time to time or at any time and whether before or after the thirty-first day of December one thousand eight hundred and ninety-seven of a new reservoir or reservoirs of such capacity or capacities and in such situation as the local board shall from time to time think fit and the maintenance thereof for the purpose of intercepting impounding diverting taking using and supplying for such purposes as the local board may think fit the water of the upper watershed of the Taff Fechan Provided that any such new reservoir be situated on the upper watershed above or upon the site of the existing Neuadd Reservoir Provided also that except as herein-after otherwise expressly provided the local board shall not draw from any such reservoir or reservoirs or otherwise conduct from out of the upper watershed or use or supply any of the water of the upper watershed of the Taff Fechan except during such time as they shall by means of the said reservoir or reservoirs or otherwise be sufficiently securing and giving the compensation discharge provided for by the clause next herein-after contained.

2. The local board hereby undertake forthwith to take all steps which may be necessary for letting to contractors as from the first day of January one thousand eight hundred and ninety-four the works of repairing or reconstructing the Neuadd Reservoir or constructing a new reservoir or reservoirs and to complete the same or cause the same to be completed on or before the thirty-first day of December one thousand eight hundred and ninety-seven And the local board hereby further undertake from and after the repair or reconstruction of the Neuadd Reservoir or the construction and completion of the said new reservoir or reservoirs which shall first happen and at latest by the thirty-first day of December one thousand eight hundred and ninety-seven and subject to the provisions herein-after contained to maintain by means of the said repaired or reconstructed Neuadd Reservoir or the said new reservoir or reservoirs and also by means of any further reservoir or reservoirs or other works that may be necessary for the purpose having regard to the quantity of water from time to time taken by the local board sufficient provision for continuously discharging and to continuously discharge into and allow to flow down the bed of the Taff Fechan towards the Pentwyn Reservoir over a suitable and proper daily self-recording gauge or gauges (to be so constructed as to ascertain the quantity of water flowing towards the Pentwyn Reservoir exclusive of any water derived otherwise than from the upper watershed and to be fixed and maintained by the local board on the Taff Fechan below the dam of the Neuadd Reservoir at a point to be agreed upon or in default of agreement to be determined as herein-after mentioned) during every twenty-four hours during every year a minimum compensation discharge (in a continuous and uniform flow to be measured over such self-recording gauge or gauges) of the water of the upper watershed of the Taff Fechan proportioned in accordance with the following table to the

capacity or united capacities of any reservoir or reservoirs for the time being used for impounding storing or holding the water of the upper watershed of the Taff Fechan whether belonging to the local board or supplied directly or indirectly by them (but other than and except reasonable service reservoirs for the supply of places by the local board up to a total capacity not exceeding for all such reservoirs together four million gallons) that is to say :—

Capacity of Reservoir or Reservoirs.	Minimum Daily Discharge to be provided.
Not exceeding 80 million gallons - -	600,000 gallons
Exceeding 80 million gallons but not exceeding 100 million gallons - - -	700,000 gallons
Exceeding 100 million gallons but not exceeding 120 million gallons - - -	800,000 gallons
Exceeding 120 million gallons but not exceeding 140 million gallons - - -	900,000 gallons
Exceeding 140 million gallons - -	1,000,000 gallons

Proper records shall be kept by the local board of the water flowing over and measured by the aforesaid gauge or gauges and such records shall at all reasonable times be open to the inspection of any of the parties hereto of the first three parts and any of the said parties shall at all times have full rights of access to and inspection of the said gauge or gauges and have all proper facilities afforded to them by the local board for checking the measurements of the local board and ascertaining the quantity of the aforesaid discharge For all purposes of this agreement all water of the upper watershed of the Taff Fechan which passes over the said gauge or gauges in any day of twenty-four hours shall although not discharged from any reservoir or reservoirs of the local board nevertheless be deemed to be a part of the daily discharge above-mentioned for that day If at any time any difference shall arise between the parties hereto whether the reservoir or reservoirs and works of the local board for the time being in existence constitute having regard to the quantity of water then taken by the local board a sufficient provision for securing the continuous compensation discharge aforesaid then and in every such case such difference shall be referred to the arbitration of some engineer to be agreed on between the parties or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers in London.

3. The local board shall not be responsible for failing to provide and ensure such a continuous discharge as mentioned in clause 2 hereof during any period reasonably required for the execution at any future time after the completion as aforesaid of repairs necessary for the maintenance of the Neuadd Reservoir as reconstructed or repaired as aforesaid or of other the reservoir or reservoirs or works of the local board on the upper watershed if and so long as and to the extent to which the necessary effect of the execution of such repairs shall be to render it reasonably impracticable to provide or ensure such continuous discharge Provided always that during any such period as aforesaid the local board shall to the full extent of any water flowing into the Taff Fechan above the aforesaid gauge or stored in their said reservoir or

A.D. 1895.

reservoirs or otherwise available for the purpose make and give such continuous discharge as aforesaid in every day (subject only to and after taking such a supply as may be needed for the domestic use herein-after mentioned) and shall not on any day when they are unable to make and give a discharge to the full amount provided for by the last preceding clause themselves take away use or supply any water whatever of the upper watershed of the Taff Fechan except for the purpose of domestic use within their district Any difference which may arise between the parties hereto with reference to the period reasonably required for the execution of repairs or to the extent to which the execution of such repairs renders it reasonably impracticable to provide and ensure such continuous discharge as aforesaid shall be determined by the arbitration of some engineer to be agreed on between the parties or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers in London.

4. The local board shall not construct any reservoir or reservoirs (other than such service reservoirs as mentioned in clause 2 hereof) for impounding storing or holding any water of the upper watershed of the Taff Fechan except on the upper watershed and shall not take or supply any water of the upper watershed of the Taff Fechan except out of and by means of such reservoir or reservoirs and on the terms aforesaid and shall not take or supply any other water of the Taff Fechan or of the tributaries thereof except by the works authorised by the Merthyr Tydfil Water Act 1858 Provided always that until the first day of January one thousand eight hundred and ninety-eight or until the repair or reconstruction of the Neuadd Reservoir or until the construction of the new reservoir or reservoirs aforesaid (whichever shall be earliest in date) the local board may intercept impound divert take and supply water by their existing Neuadd Reservoir and 12-inch pipe or by the 12-inch pipe alone although such reservoir in its state for the time being may not be capable of sufficiently providing for a minimum daily discharge of six hundred thousand gallons but so that the local board shall proceed during the said period before the first day of January one thousand eight hundred and ninety-eight with all reasonable diligence to repair or reconstruct the Neuadd Reservoir or to construct and complete a new reservoir or reservoirs in accordance with the provisions of clause 2 hereof for the purpose of making sufficient provision for the continuous and uniform discharge herein-before provided for.

5. If any difference shall arise between the parties as to the precise point at which the gauge or gauges mentioned in clause 2 hereof is or are to be placed under the provisions of that clause or the meaning of the expression "the site of the dam of the Neuadd Reservoir" as used in these presents or as to the precise line which is to be considered as the site of such dam for the purpose of ascertaining the boundary of the upper watershed of the Taff Fechan such difference shall be referred to the arbitration of Sir William Thomas Lewis whose decision shall be final If any difference shall arise between the parties hereto as to the nature or quality of the gauge or gauges to be fixed and maintained by the local board as aforesaid or as to the manner in which the same should be fixed or maintained or as to the method to be adopted for

measuring checking or recording the water flowing over the same the same shall be referred to the arbitration of some engineer to be agreed on between the parties or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers in London.

6. The local board shall from time to time on the request of any of the parties hereto of the first three parts produce and furnish to the party or parties making such request and allow him or them to take copies of all plans and other information and give all other necessary facilities to enable them to make an accurate determination of the capacity of any reservoir impounding or intended to impound water of the upper watershed of the Taff Fechan and in case of any doubt or difference as to the capacity of any such reservoir the same shall be referred to the arbitration of some engineer to be agreed on between the parties or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers in London.

7. If the repair or reconstruction of the Neuadd Reservoir or the construction and completion of the said new reservoir or reservoirs shall be delayed for any period exceeding a week by any strike lock-out or combination of workmen employed in relation thereto whether by the local board or any contractor or contractors for the execution of the works or by accident weather or other unavoidable hindrance then and in such case and provided that the particulars of any such strike lock-out combination or other cause of delay and of the delay caused thereby shall be forthwith or so soon as reasonably practicable communicated by the local board to the other parties hereto the maximum period allowed by clause 2 hereof shall be increased and extended for a period equal to the period of the delay aforesaid.

8. So soon as the Pentwyn Reservoir is next emptied or is in such a condition that the capacity thereof can be taken the capacity thereof at successive heights shall be ascertained in such manner as may be agreed upon between the parties hereto or in default of agreement shall be ascertained by some engineer to be agreed upon between the parties or in default of agreement to be nominated by the President for the time being of the Institution of Civil Engineers in London and when ascertained shall be marked on the rod or gauge at present used for indicating the contents of the said reservoir And until the capacity of the Pentwyn Reservoir shall have been so ascertained or determined as aforesaid it shall for the purposes of sections 20 and 21 of the Merthyr Tydfil Water Act 1858 be deemed to contain twenty million cubic feet of water when the level of the water therein reaches or stands at the 17-feet mark on the said rod or gauge that is to say nine feet below the level of the crest of the present waste weir.

9. Save as hereby otherwise expressly agreed the rights of the several parties hereto in respect of the water of the River Taff Fechan and the tributaries and feeders thereof shall remain unchanged and unaffected.

10. The rights and obligations of this agreement are intended to enure for the benefit of and to be binding on the successors in interest or estate of the several parties hereto that is to say the owners and occupiers for the time being of the Cyfarthfa Works the Plymouth Ironworks and the Glamorganshire Canal respectively and the local authority for the time being of the urban

A.D. 1895.

sanitary district of Merthyr Tydfil or other the body having the control for the time being of the water supply to such district or to any part thereof or any extension thereof in succession to the local board.

11. The said action and counterclaim shall be stayed on the terms of the parties respectively bearing their own costs in relation thereto The several parties to this agreement shall likewise bear their own respective costs in relation thereto.

In witness whereof the several persons and corporations parties hereto have hereunto respectively set their hands and seals or caused their common seals to be affixed the day and year first above written.

Signed sealed and delivered by the above-named William Thompson Crawshay and Robert Thompson Crawshay in the presence of

ALLEN BATHURST
Clerk to Messrs. Lawrence Graham and Co.
6 New Square Lincoln's Inn
Solicitors.

WM. T. CRAWSHAY.
ROBERT T. CRAWSHAY. L.S.

Signed sealed and delivered by the above-named Richard Frederick Crawshay in the presence of

JNO. ROGERS
Secretary Cyfarthfa Works
Merthyr Tydfil.

R. F. CRAWSHAY. L.S.

The common seal of Crawshay Brothers Cyfarthfa Limited was affixed hereto pursuant to a resolution of the board of directors passed and dated the 14th day of July 1893

R. F. CRAWSHAY
WILLIAM EVANS } Directors.

JNO. ROGERS Secretary.

L.S.

The common seal of the Company of Proprietors of the Glamorganshire Canal Navigation was hereunto affixed pursuant to a resolution of the committee in the presence of

JOHN STUART CORBETT
Cardiff
Solicitor to the Company.

L.S.

A.D. 1895.

Signed sealed and delivered by the above-named Edward Alers Hankey in the presence of

JAMES COLLINS
Clerk to Messrs. Hollams Sons Coward and Hawkesley
Solicitors
Mincing Lane London.

EDWARD A. HANKEY. L.S.

The common seal of the Hills Plymouth Company Limited was affixed hereto pursuant to a resolution of the board of directors passed and dated the 13th day of July 1893 in the presence of

EDWARD A. HANKEY
SYDNEY A. HANKEY
Directors.

N. F. HANKEY Secretary.

L.S.

The common seal of the Local Board of Health for the district of Merthyr Tydfil was affixed hereto pursuant to a resolution of the board passed this 19th day of July 1893

THOMAS WILLIAMS
Chairman.

L.S.

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