CHAP. clxv.

An Act to confirm a Provisional Order under "The Local Government Act, 1858," relating to the district of Merthyr Tydfil. [10th August 1870.]

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WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the Local Government Act, 1858, duly made a Provisional Order, which is contained in the first schedule to this Act annexed; and it is provided by the aforesaid Local Government Act that no such order shall be of any validity whatever until it shall have been confirmed by Parliament; and it is expedient that, subject to the provisions of this Act, the said order should be confirmed:

Be it therefore 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:

Provisional Order in first schedule confirmed.

1. The Provisional Order contained in the first schedule hereunto annexed shall, from and after the passing of this Act, be absolute, and be as binding and of like force and effect as if the provisions of the same had been expressly enacted in this Act, subject nevertheless to the clauses and provisions herein-after contained.

Compulsory powers not to extend to mines and minerals.

2. The compulsory powers of taking the lands described in the schedule to the Provisional Order confirmed by this Act shall not extend to any mines or minerals lying under such lands.

Portion of land to be given up to owners of mines and minerals.

3. If at any time hereafter the owner of any mines or minerals lying under any of the lands leased or taken under this Act shall be desirous of winning and working any such mines or minerals, then and in such case the local board of health for the district of Merthyr Tydfil shall give up such portion of the land as may be necessary effectually to win or work such mines or minerals; provided that the quantity of such land shall, in case of difference, be determined by an arbitrator to be appointed by the Board of Trade, and the

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price or rent to be paid by such owner for the portion of land so given up shall be at the same rate per acre as the price or rent paid by the local board for the land of which it forms a portion.

On agreement to take lands on lease, power of compulsory purchase to cease.

4. In case the said local board shall have at any time either before or after the passing of this Act made or entered into an agreement in writing for the taking on lease of any of the lands set forth and described in the schedule annexed to the said Provisional Order, then the powers contained in this Act for the compulsory purchase and taking of the lands comprised in any such agreement shall not, after the execution thereof by the said local board, be exercised by them, but shall thenceforth absolutely cease and determine.

Sewer not to be carried along the Taff Vale Railway.

5. It shall not be lawful for the local board to carry their sewer along the cutting of the Taff Vale Railway, nor to use any part thereof except for carrying the sewer under or across the same, and they shall execute all the work required to be done in connexion with the railway so as not to interfere with the traffic of the line, and to the reasonable satisfaction of the engineer for the time being of the Taff Vale Railway Company.

As to land belonging to Dr. Carne.

6. If under the powers by this Act conferred upon the local board the said local board shall take any of the lands belonging to John Whitlock Nicholl Carne, D.C.L., they shall take the whole portion thereof which lies to the east of the Taff Vale Railway, and the houses and buildings thereon.

Confirming agreement between local board and W. W. Lewis, Esq.

7. The agreement made between the said local board and Wyndham William Lewis, Esquire, and others, and contained in the second schedule to this Act annexed, is hereby confirmed and made binding on all parties thereto.

Nothing in this Act to exempt local board from proceedings for a nuisance, &c.

8. Nothing in this Act or in the Provisional Order contained in the schedule hereunto annexed shall exonerate the said local board from any indictment, action, or other proceeding for nuisance or damages in the event of any nuisance being caused by them in using, for the purposes of sewage irrigation, any lands acquired under the powers of this Act or the said Provisional Order.

Act incorporated with 21 & 22 Vict. c. 98.

9. This Act shall be deemed to be incorporated with the Local Government Act, 1858, and shall be as if this Act and the said Local Government Act were one Act.

Short title.

10. In citing this Act in any other Act of Parliament, or in any proceeding, instrument, or document whatever, it shall be sufficient to use the words and figures "The Local Government Supplemental Act, 1870 (No. 2.)"

The FIRST SCHEDULE referred to in the preceding Act. A.D. 1870.

MERTHYR TYDFIL.

Provisional Order putting in force the Lands Clauses Consolidation Act, 1845, *within the District of the Merthyr Tydfil Local Board of Health, for the Purchase of Lands by the said Board for purposes of Sewage Irrigation.*

WHEREAS the Local Board of Health in and for the district of Merthyr Tydfil, in the county of Glamorgan, to which the Public Health Act, 1848, was duly applied, and in pursuance of the provisions of the 75th section of the Local Government Act, 1858, and after complying with the requirements of that section by duly giving and serving all notices thereby directed, presented a petition, under the seal of the said Local Board, to one of Her Majesty's Principal Secretaries of State, for authority to put in force the Lands Clauses Consolidation Act, 1845, to enable the aforesaid Local Board of Health to purchase, otherwise than by agreement, certain pieces of land required for the purposes of sewage irrigation:

And whereas the said petition, and the schedule thereto annexed, duly set forth and described the pieces of land intended to be taken by such board for such purposes, and the names of the owners, lessees, and occupiers of the aforesaid pieces of land who have assented, dissented, and are neuter in respect of the taking such pieces of land, or who have returned no answer to the notice issued by such board; and such petition prayed that the said board might, with reference to such lands, be allowed to put in force the powers of the Lands Clauses Consolidation Act aforesaid, with respect to the purchase and taking of land otherwise than by agreement; and on the receipt of such petition Her Majesty's Principal Secretary of State for the Home Department directed Arnold Taylor, Esq., the inspector appointed for the purpose, to visit the said district, and the said inspector has now inquired in the district aforesaid into the subject matter of such petition, and has duly reported thereon:

Now, therefore, I, as Her Majesty's Principal Secretary of State for the Home Department, do hereby, in pursuance of the powers vested in me by the Local Government Act, 1858, make order and direct,—

That from and after the passing of any Act of Parliament confirming this Order,—

1.—The aforesaid Local Board of Health for the district of Merthyr Tydfil shall be empowered to put in force, with reference to the lands referred to

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and described in the schedule to this Order annexed, the powers of the Lands Clauses Consolidation Act, 1845, with respect to the purchase and taking of land otherwise than by agreement for the purpose herein-before set forth and described.

Given under my hand, this first day of June one thousand eight hundred and seventy.

(Signed) H. A. BRUCE.

SCHEDULE referred to in the preceding Order.

The PIECES of LAND proposed to be taken as described in the foregoing Order are the following, and the numbers in column one refer to those on the plan accompanying the petition of the Local Board aforesaid.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
		LANDS TO BE TAKEN.		
1	Meadow, wood, and part of river.	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and Wm. Chas. Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Edwd. Purchase.
12	Field, pasture - -	Do. - -	- - -	Do.
13	Do., wood, and part of river.	Do. - -	- - -	Do.
16	Field, pasture - -	Do. - -	- - -	Do.
17	Do. - -	Do. - -	- - -	Do.
3	Field, pasture, wood, and part of river.	Lady Mary Selina Louisa Windsor Clive, guardian of the Rt. Hon. Robt. George Lord Windsor, an infant, and the Rt. Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees.	- - -	William Williams.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
4	Field, arable, wood, and part of river.	Lady Mary Selina Louisa Windsor Clive, guardian of the Rt. Hon. Robt. George Lord Windsor, an infant, and the Rt. Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees —*cont.*	- - -	William Williams.
5	Field, pasture, wood, and part of river.	Do. - -	- - -	Do.
6	Field, pasture - -	Do. - -	- - -	Do.
7	Do. - -	Do. - -	- - -	Do.
9	Do. - -	Do. - -	- - -	Do.
10	Do. - -	Do. - -	- - -	Do.
70	Field, pasture, wood, and part of river.	Wyndham Wm. Lewis	Plymouth Iron Company.	Plymouth Iron Company.
71	Homestead, field, pasture, wood, and part of river.	Do. - -	Richd. Fothergill and Thomas Alers Hankey.	Richd. Fothergill and Thomas Alers Hankey.
72	Field, pasture, wood, and part of river.	Do. - -	Do. - -	Do.
84	Common and 2 houses	Trustees of Lord Bute, lord of the manor, John Boyle, and Lieut.-Col. Wm. Stuart, Morgan Davies, Robert Davies, and Daniel Watkins Edward Smith, John Williams, Daniel Richard Henry Williams.	- - -	Roger Edmonds, Thomas Evans.
92	Common - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. William Steuart.	- - -	Do.
93	Enclosure, houses, and gardens.	Edward Lewis, Wm. Evans, Evan Jones, and Daniel Meredith, Rees Evans, Hannah Brown.	- - -	Wm. Morgan, Wm. Thomas, Sarah Samuel, Wm. Evans, and Wm. Morgan.
95	Common - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. Wm. Stuart.	- - -	—
96	Do. - -	- - - -	- - -	—

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
97	Field, pasture, part of river.	Wm. Jones, Jno. Richards, Jno. Richards Newport, Dd. Richards, Thos. Richards, Wm. Evans, and Jane Morgan, Wm. Richards.	- - -	Wm. Llewellyn.
98	Wood and part river -	Do. - -	- - -	Do.
99	Field, pasture - -	Do. - -	- - -	Do.
100	Do. - -	Do. - -	- - -	Do.
101	Do., wood, and part river.	Do. - -	- - -	Do.
102	Field, arable - -	Do. - -	- - -	Do.
103	Do., pasture, and wood.	Do. - -	- - -	Do.
104	Do., arable - -	Do. - -	- - -	Do.
105	Do., pasture - -	Do. - -	- - -	Do.
106	Occupation road - -	Do. - -	- - -	Do.
107	Field, pasture, wood, &c.	Do. -	- - -	Do.
108	Do., pasture, homestead, orchard, &c.	Do. - -	- - -	Do.
109	Field, arable, and wood	Do. - -	- - -	Do.
110	Do. - -	Do. - -	- - -	Do.
111	Do., pasture -	Do. - -	- - -	Do.
112	Do., arable - -	Do. - -	- - -	Do.
113	Do. - -	Do. - -	- - -	Do.
114	Do., pasture -	Do. - -	- - -	Do.
115	Field, pasture, wood, and part of river.	Dr. Nichol Carne -	- - -	Thos. Rees.
116	Field, pasture - -	Do. - -	- - -	Do.
117	Wood and part of river	Do. - -	- - -	Do.
118	Field, pasture - -	Do. - -	- - -	Do.
119	Do. - -	Do. - -	- - -	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
121	Field, arable - -	Dr. Nichol Carne -	- - -	Thos. Rees.
122	Homestead, yard, &c. -	Do. - -	- - -	Do.
123	Field, pasture - -	Do. - -	- - -	Do.
124	Do. wood, and part of river.	Do. - -	- - -	Do.
125	Field, arable ditto -	Do. - -	- - -	Do.
126	Do. - -	Do. - -	- - -	Do.
127	Do. do. -	Do. - -	- - -	Do.
128	Field, pasture - -	Executors of Nash Vaughan, Edwards Vaughan-Vaughan, H. Lee.	- - -	now or late. John Edwards.
129	Do. wood, and part of river.	Do. - -	- - -	Do.
130	Field, arable - -	Do. - -	- - -	Do.
131	Field, pasture, wood, and part of river.	Do. - -	- - -	Do.
132	Do. do. -	Do. - -	- - -	Do.
133	Homestead, garden, &c.	Do. - -	- - -	Do.
135	Field, pasture - -	George Thomas -	- - -	Thomas Richards.
136	Homestead, mill, and occupation road.	Do. - -	- - -	Do.
137	Field, pasture, wood, and part of river.	Do. -	- - -	Do.
138	Field, wood, water-course, and part of river.	Do. -	- - -	Do.
139	Field, pasture - -	Do. - -	- - -	Do.
140	Wood, land - -	R. T. Crawshay -	- - -	R. T. Crawshay.
141	Field, pasture, and part of river.	Morgan Walters -	- - -	Morgan Walters.
142	Do. do. -	Do. - -	- - -	Do.
143	Do. do. -	Do. - -	- - -	Stephen Davies.
144	Do. do. -	Do. - -	- - -	Hy. Jas. Wiltshire.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
145	Homestead, garden, and wood.	Morgan Walters -	- - -	Morgan Walters.
146	Field, pasture - -	Do. - -	- - -	Do.
147	Field, pasture, wood, and part of river.	Do. - -	- - -	Edwin Phillips.
148	Field, arable - -	Do. - -	- - -	Do.
149	Field, pasture, wood, and part of river.	Do. - -	- - -	Do.
150	Field, arable - -	Do. - -	- - -	Do.
151	Field, pasture, wood, and part of river.	Do. - -	- - -	Do.
152	Field, arable - -	Do. - -	- - -	Do.
153	Field, pasture, wood, and part of river.	Do. - -	- - -	Do.

COMMON OR WASTE LANDS.

No. on Plan.	Description.	Lord of Manor.	Owners of Land adjoining.	Occupiers of Land adjoining.	Name of Common.
84 92 93 95 96	Common or waste lands. Do. Do. Do.	Trustees of Lord Bute. John Boyle and Lieut.-Col. William Stuart.	Glamorganshire Canal Co., Lady Mary Selina Louisa Windsor Clive, guardian of The Rt. Hon. Robt. Geo. Lord Windsor, an infant, and the Rt. Hon. The Earl of Bradford and the Hon. Thos. Herbert, his trustees, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Chas. Luard, her trustees, Chas. Fitzroy and Chas. Alex. Wood, trustees of Rhys Wingfield, and Lord Dynevor, Thomas Evans, Edwd. Williams, Edwd. Thomas, Wm. Jones, Jno. Richards, Jno. Richards, David Richards, Thos. Richards, Wm. Evans, Jane Morgan, Wm. Richards.	Thos. Richards, Thos. Edwards, Edwd. Thomas, Wm. Lewis Rees Evans, Thomas Jones, John Lewis, Wm. Llewellyn, Thomas Sheppard.	Craig Evan Leyshon.

LANDS FOR CONDUITS TO PASS THROUGH.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
2	Wood - - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander, trustees of Rhys Wingfield.	- - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.
8	Wood - - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Hon. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.
11	Field, arable, bog -	Do. - -	- - -	Edward Purchase.
14	Do. pasture - -	Colonel Tynte -	- - -	Do.
15	Do. - -	Do. - -	- - -	Do.
18	Field, pasture - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Do.
19	Occupation road - -	— -	- - -	Do.
20	Field, pasture - -	—	- - -	Do.
21	Do. - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	Nixon, Taylor, and Co.	Nixon, Taylor, and Co.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
22	Field, pasture, and road to level.	Do.—*cont.* - -	Nixon, Taylor, and Co.	Nixon, Taylor, and Co.
23	Abervan parish road -	—	- - -	
24	Field, pasture - -	Trustees of Lord Dynevor, Harriet Diana Arabella Mary Richards, Robert Oliver Jones, her next friend, and William Charles Luard, her trustees, George Fitzroy and Charles Alexander Wood, trustees of Rhys Wingfield.	- - -	Do. Hopkin.
25	Do. - -	Do. - -	- - -	Do.
26	Do. - -	Do. - -	- - -	David Davies.
27	Two houses, garden, and pasture.	Rowland T. Griffiths	- - -	Thomas Walker and William Morgan.
28	Occupation road - -	Do. - -	- - -	R. T. Griffiths.
29	Field, arable - -	Do. - -	- - -	Do.
30	Wood - - -	Do. - -	- - -	Do.
31	Field, arable - -	Do. - -	- - -	Do.
32	Do. - -	Do. - -	- - -	Do.
33	Woodland - - -	Do. - -	- - -	Do.
34	Field, pasture - -	Do. - -	- - -	Do.
35	Do. - -	Do. - -	- - -	Do.
36	Rough ground and old road.	Lewis Jenkin	- - -	David Pritchard.
37	Field, pasture - -	Do. - -	- - -	Do.
38	Aberfan parish road -	Do. - -	- - -	Do.
39	Field, pasture - -	Do. - -	- - -	Do.
40	Wood and stony ground	Do. - -	- - -	Do.
41	Field, pasture - -	Do. - -	- - -	Do.
42	Occupation road -	Do. - -	- - -	Do.
43	Field, pasture - -	Do. - -	- - -	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
44	Field, pasture - -	Lewis Jenkin -	- - -	David Pritchard.
45	Wood - - -	Do. - -	- - -	Do.
46	Field, pasture - -	Executors of the late William Foreman, George Hardy, Henry Kebbel, and William Anthony Collins.	- - -	Thomas Parry.
47	Do. - - -	Do. - -	- - -	Do.
48	Do. - - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. George Lord Windsor, an infant), and the Right Honble. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	David Williams.
49	Do. - - -	Do. - -	- - -	Do.
	Rough wood (Clotch) -	John Rees, Gwenny Rees, and Thomas John.	—	—
51	Parish road - -	—	—	—
52	Wood - - -	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Honble. Robert George Lord Windsor, an infant), and the Right Honble. the Earl of Bradford and the Honble. Thomas Herbert, his trustees.	- - -	David Williams.
53	Wood - - -	John Jenkins - -	- - -	Thomas Price.
54	Garden, &c. - -	Do. - -	- - -	Do.
55	Field, pasture - -	Do. - -	- - -	Do.
56	Do. -	Do. - -	- - -	Do.
57	Do. - -	Do. - -	- - -	Do.
58	Do. -	Do. - -	- - -	Do.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
59	Wood	John Jenkins		Thomas Price.
60	Do.	John and Lewis Jenkins.		John Jenkins.
61	Field, pasture	Do.		Do.
62	Do.	Do.		Do.
63	Do.	Do.		Do.
64	Great Western Railway	Great Western Railway Company.		G. W. Railway Co.
65	Rough ground	John and Lewis Jenkins.		John Jenkins.
66	Field, pasture	Do.		Do.
67	Rough land, wood, &c.	Do.		Do.
68	Taff Vale Railway cutting and quarries.	Taff Vale Railway Company.		Taff Vale Railway Company.
69	Rough wood and old road.	The executors of Thomas Jenkins, deceased.		Thomas Jenkins.
73	Field, pasture	Isaac Jones		Richard Morris.
74	House and garden	Dd. Jenkins	Elijah Oldham	Thomas Jones.
75	Merthyr Basin tramroad.	Executors of late Wm. Foreman, George Hardy, Henry Kebbel, and Wm. Anthony Collins, Plymouth Iron Co., Richard Fothergill, and Thomas Alers Hankey.		Plymouth Iron Co., Richard Fothergill, and Thomas Alers Hankey.
76	Rough ground	Dd. Jenkins	Elijah Oldham	Elijah Oldham.
77	House and garden	Dd. Jenkins	Dd. Jones	Dd. Peters.
78	Mafen brook and ridge.	Plymouth Iron Company, Rd. Fothergill, and Thos. Alers Hankey.		Plymouth Iron Company, Richard Fothergill, and Thos. Alers Hankey.
79	Field, pasture	Lady Mary Selina Louisa Windsor Clive (guardian of the Right Hon. Robt. Geo. Lord Windsor, an infant), and the Right Hon. the Earl of Bradford and the Hon. Thos. Herbert, his trustees.		John Gethin.

No. on Plan.	Description.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
80	Turnpike road - -	Turnpike trust -	—	—
81	New church - -	Do. - -	—	—
82	Common - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. Wm. Stuart.	—	—
83	Turnpike road - -	Turnpike trust -	—	—
85	Do. - -	—	—	—
86	Common - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. Wm. Stuart.	—	—
87	Turnpike road - -	Turnpike trust -	—	—
88	Garden - - -	Henry and John Lewis.	- - -	Henry Lewis.
89	Common - - -	Trustees of Lord Bute, John Boyle, and Lieut.-Col. William Steuart.	—	—
90	Canal wharf -	Plymouth Iron Company, Richard Fothergill, and T.A. Hankey.	- - -	Plymouth Iron Com-Company, Rd. Fothergill, and T. A. Hankey.
91	Canal and canal towing-path, &c.	Glamorganshire Canal Co.	- - -	Glamorganshire Canal Company.
94	Llanciach branch -	T. V. Railway Co. -	- -	T. V. Railway Co.
120	Do. Do. -	Do. - -	- - -	Do.
120 (a)	Two houses, garden -	Dr. Nichol Carne -	- - -	Charles Leat.
115 (a)	Parish road to Aberdare	The Highway Board	—	—
134	Parish road and Cwm-bridge.	The Highway Board	—	—

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The SECOND SCHEDULE referred to in the preceding Act.

MEMORANDUM of AGREEMENT made this eighth day of July one thousand eight hundred and seventy, between WYNDHAM WILLIAM LEWIS, Esquire, and THE PLYMOUTH IRON COMPANY, of the one part, herein-after called the "lessors," and THE MERTHYR TYDFIL LOCAL BOARD OF HEALTH (herein-after called "the said Board") of the other part;

Whereby it is agreed as follows:—

1. The said Board to abandon and not to exercise any compulsory powers under the confirming Act herein-after referred to over the lands herein-after particularised, and the lessors to grant and the said Board to accept a lease of the lands numbered 70, 71, 72 on the plan referred to in the schedule to the Provisional Order of the Secretary of State under the Local Government Act, 1858, dated first day of June one thousand eight hundred and seventy, being part of Troedyrhiew Farm, and containing by admeasurement twenty-three acres one rood and twenty-four perches or thereabouts, situate in the parish of Merthyr Tydfil, for a term of twenty-one years from the first day of September one thousand eight hundred and seventy. The yearly rent to be agreed upon, or, failing such agreement, the same to be determined under the provisions of the Lands Clauses Consolidation Act, 1845. The rent to be paid by equal half-yearly payments.

2. The lessors, or either of them, to be permitted to resume possession of, and the said Board to surrender to them, or either of them, all such parts of the lands as the said lessors, or either of them, may from time to time deem necessary for the purpose of sinking shafts, winning, working, getting, converting, and leading away the minerals thereunder, or under any adjoining or adjacent property, or under any property the minerals in which are capable of being worked by means of the property hereby agreed to be granted, such minerals belonging to or hereafter to be acquired by the said lessors, or either of them, or for accommodation works necessary or desirable for such workings and mining operations, or incident to getting, converting, and leading away of such minerals, and for spoil ground and room for tipping rubbish, or for erecting ironworks or other manufactories, and for the construction of all erections necessary for such works or manufactories, and for the erection of houses on building leases, upon receiving six months previous notice in writing from the said lessors, or either of them, or their or either of their agents, such notice to terminate at any period during the term, and such possession to be obtained and such surrender to be made without compensation to the said Board, except an allowance of rent at the same rate per acre per annum for any lands so resumed as is reserved in clause 1 of this agreement, from the time when possession is obtained by the said lessors, or either of them, during the residue of the term: Provided, however, that such notice shall not be required if the lessors, or either of them, compensate all the tenants or occupiers under the

Board for their crops and outgoing tenants claims, the value to be agreed upon, and in the event of disagreement to be settled according to the principles of the Lands Clauses Consolidation Act, 1845.

3. The lease to contain all usual and ordinary covenants contained in such leases, and which shall be necessary for carrying out the works of the said Board under the said intended Act, and including power for the said Board to underlet. But it is expressly stipulated that no such underletting, nor any assignment of the said term, shall be made without first giving the offer of the property to be underlet or assigned firstly to the said Plymouth Iron Company, and secondly to the said Wyndham William Lewis, at the same rent and upon the same terms as can be had or is had or obtained from any other person or persons for the same.

It is also hereby declared that, notwithstanding the resumption and surrender of the lands as herein-before provided for, the lessors shall not interfere with the sewers or channels which the Board may construct under the powers now vested in them by the Healths of Towns Acts, but that the said Board may divert, re-arrange, or construct and maintain such sewers or channels as easements, in accordance with the provisions of such last-mentioned Acts, and without making any compensation whatever upon any resumption of such lands, or at the termination of the said lease, but that such rights of easements are to be in perpetuity.

Provided further, that if the said lands shall be so resumed, and there shall be a sewer or channel therein, the same may be diverted as the said Board may think fit, at their own cost, at any time through the lands of the lessors, without any compensation to them; and, whether the same shall be so diverted or not, the lessors and each of them may tip spoil rubbish or construct works or buildings over such sewers or channels at their pleasure.

4. This agreement being entered into with the view to the carrying out of a general system of sewage irrigation for the district of the said Board, and the Provisional Order referred to in paragraph 1 of this agreement requiring to be confirmed by Act of Parliament, this agreement is made subject to the passing of such confirming Act and the actual carrying out of such general system of sewage irrigation, provided that the lessees shall have the right to elect whether they will or will not take such lease, and they shall be under no obligation to take the same unless at their own option.

It is expressly stipulated that this agreement shall be scheduled to the said intended Act, or that the first three heads or provisions thereof shall be introduced as a clause into the said Act.

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