CHAPTER cl.

An Act for empowering the Visiting Committee of the North Wales Counties Lunatic Asylum to execute works for supplying the said Asylum with Water and for other purposes. [20th July 1896.] A.D. 1896.

WHEREAS by an agreement dated the fifth day of October one thousand eight hundred and forty-seven the counties of Anglesea Carnarvon Denbigh Flint and Merioneth and the subscribers to the erection of an hospital for the insane of North Wales were united for the purposes of providing and maintaining an asylum for the reception of pauper lunatics and other patients under the Act 8 & 9 Vict. c. 126. :

And whereas by the said agreement a committee for the purpose of superintending the erection and management of the said asylum was constituted as follows :—

Members appointed by the county justices of Anglesea - - - - - -	Five
Members appointed by the county justices of Carnarvon - - - - -	Five
Members appointed by the county justices of Denbigh - - - - -	Six
Members appointed by the county justices of Flint - - - - - -	Four
Members appointed by the county justices of Merioneth - - - - -	Three
Members appointed by the said subscribers -	Six
	Twenty-nine

And whereas the members formerly appointed by the county justices as aforesaid are now appointed by the respective county councils :

And whereas the Committee thus constituted have provided and maintain an asylum for the reception of pauper lunatics and other

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patients known as the North Wales Counties Lunatic Asylum and in this Act referred to as "the asylum":

And whereas on a report of the Commissioners in Lunacy made under section 247 of the Lunacy Act 1890 the Secretary of State for the Home Department has recently required the Committee to provide additional accommodation for lunatics and the said Commissioners have approved plans submitted by the Committee for enlarging the existing asylum so as to provide the required accommodation:

And whereas the Commissioners in Lunacy have found that the water supply of the said asylum is already inadequate and have made it a condition that a larger and more satisfactory supply shall be provided contemporaneously with or prior to the additional accommodation for lunatics and in these circumstances the need of a better supply of water is urgent:

And whereas the Committee after full inquiry have come to the conclusion that the best available source of supply is Llyn Llymbran Lake in the county of Denbigh:

And whereas it is expedient to empower the Committee to construct works and do all other necessary acts for obtaining such supply:

And whereas it is expedient to make such provisions as to the supply of water by the Committee and other matters as this Act contains:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Denbigh and are in this Act referred to as the deposited plans sections and book of reference:

And whereas it is estimated that the cost of the purchase of land and of the execution of the proposed works will be seven thousand pounds:

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 as the North Wales Counties Lunatic Asylum (Water Supply) Act 1896.

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Incorporation of general Acts.

2. The Lands Clauses Acts and the Waterworks Clauses Act 1847 (except the provisions of that Act with respect to the supply of water to be furnished by the Undertakers and with respect to the communication pipes to be laid by the Undertakers and with respect to the communication pipes to be laid by the inhabitants and with respect to the payment and recovery of the water rates and with respect to the amount of profit to be received by the Undertakers and with respect to the yearly receipt and expenditure of the Undertakers) and the provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the Undertakers and with respect to the waste or misuse of the water supplied by or belonging to the Undertakers are subject to the provisions of this Act incorporated with and form part of this Act.

Execution of Act.

3. This Act shall be carried into execution by the Committee of Visitors (generally known as the Visiting Committee) of the North Wales Counties Lunatic Asylum (in this Act referred to as "the Committee").

Interpretation.

4. The expressions to which meanings are assigned by the Acts incorporated herewith have in this Act the same respective meanings Provided that for the purposes of and in this Act:—

The expressions "the Undertakers" and "the promoters of the undertaking" mean the Committee;

The expression "court of competent jurisdiction" or any like expression shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Power to make water works.

5. Subject to the provisions of this Act the Committee may make and maintain in the lines and situations and on the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):—

Work No. 1.—An embankment or retaining wall 12 feet high or thereabouts with a weir and sluices on the south side of the lake known as Llyn Llymbran otherwise Llyn Bran the embankment being transverse to the direction of the outlet stream known as Afon Brenig and situate wholly in the parish of Nantglyn in the county of Denbigh:

Work No. 2.—An alteration or raising by means of an embankment of the surface level of the Pentrevoelas and Denbigh main road in the parishes of Henllan and Nantglyn near the northern end of Lake Llyn Bran and having a maximum increased height of 8 feet above the present level of the

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roadway at its lowest point which embankment will also retain the water of the lake and will be situate wholly in the parishes of Henllan and Nantglyn:

Work No. 3.—An aqueduct tunnel conduit or line of pipes commencing in the parish of Nantglyn at a point on the north-easterly side of the said lake situated 213 yards or thereabouts from the boundary stone between the parishes of Nantglyn and Henllan near the lake and on the northerly side thereof The said aqueduct continuing for a distance of 500 yards in a straight line in the direction of the south-western corner of Cwm-y-Rhinwedd Farmhouse which aqueduct tunnel conduit or line of pipes will be situate wholly in the parish of Nantglyn:

Work No. 4.—Filter beds and service tank to be situate at the termination of Work No. 3 on land to the easterly side of the Pentrevoelas and Denbigh main road in the parish of Nantglyn:

Work No. 5.—An aqueduct conduit or line of pipes commencing in the parish of Nantglyn at the northerly termination of Work No. 4 and continuing along or near to the Pentrevoelas and Denbigh main road to a point nearly opposite Rhan-hir farm buildings and thence in a north-easterly direction along or near to the cart road across the moor leading from the Pentrevoelas and Denbigh main road past Wernisaf and Pen-y-lon and terminating at a point near the said cart road 700 yards or thereabouts in a north-easterly direction from the gateway on the north-easterly side of Pen-y-lon farmyard and which aqueduct conduit or line of pipes will be situate wholly in the parish of Nantglyn:

Work No. 6.—A balancing or service reservoir or tank to be situate at the termination of Work No. 5 on land part of Hendre Farm to the east side of the said cart road in the parish of Nantglyn:

Work No. 7.—An aqueduct conduit or line of pipes commencing in the parish of Nantglyn at the termination of Work No. 5 and continuing in a north-easterly direction along or near to the cart road footpath and lane leading to Nantglyn and thence along the highway in the direction of Denbigh to a point in Coed Accas Farm at a distance of 225 yards in a north-easterly direction from the centre of the entrance gates to Tyn-y-pwll farm buildings and which aqueduct conduit or line of pipes will be situate wholly in the parishes of Nantglyn and Llanrhaiadr-yn-Cinmerch:

Work No. 8.—A service reservoir or tank adjoining the termination of the pipe line Work No. 7 situate in the north-east corner of a field part of Coed Accas Farm near Tyn-y-pwll Farm in the parish of Llanrhaiadr-yn-Cinmerch and to be called the Tyn-y-pwll Reservoir:

Work No. 9.—An aqueduct conduit or line of pipes commencing in the parish of Llanrhaiadr-yn-Cinmerch at the termination of Work No. 7 and continuing along the highway in the direction of Denbigh and terminating at or near the North Wales Counties Lunatic Asylum which aqueduct conduit or line of pipes will be situate wholly in the parishes of Llanrhaiadr-yn-Cinmerch and Denbigh:

Together with all necessary roads approaches fences embankments buildings tanks sluices culverts pipes tunnels bridges dams weirs outfalls overflows bye-washes pumps drains filters filter beds gauges and other works conveniences and appliances which may be necessary or convenient in connexion with the works herein-before described or any of them.

Power to deviate.

6. Subject to the provisions of this Act in constructing the works by this Act authorised or any of them the Committee may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where the line of any work is shown on those plans as passing along any road and no limits of lateral deviation are marked thereon the committee may in making such work deviate laterally to any extent within the boundaries of such road and the Committee may deviate from the levels shown on the deposited sections to any extent not exceeding 3 feet upwards and 7 feet downwards Provided that in the exercise of these powers of deviation they do not raise above the surface of the ground any part of the pipes to a greater height than is shown on the deposited sections and provided further that the powers of lateral deviation conferred by this section shall not be exercised so as to increase the height of the embankment as shown on the deposited sections above the general surface of the ground.

Compensation waters.

7. The Committee shall as soon as the Work No. 1 by this Act authorised is completed cause to be discharged over or through a gauge or weir to be constructed by them down the stream known as Afon Brenig a regular and continuous flow of not less than twenty thousand gallons of water in every working day of twenty-four hours and the said compensation waters shall be deemed to be full compensation to all millowners and other persons interested in the waters flowing down the said stream below the said Work No. 1 or

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in any other springs streams and waters which the Committee are by this Act empowered to intercept.

Time for completion of works.

8. If the works by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period 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 lands and waters.

9. Subject to the provisions of this Act the Committee may enter on take and use such of the lands delineated and described in the deposited plans and book of reference as may be required for the purposes of this Act and they may for the purposes of their waterworks collect impound take and use the waters of the said Lake Llyn Bran and all such brooks rivulets and waters as will or may be intercepted by the intended works or as may be found on in or under any of the lands for the time being belonging to the Committee and especially the stream known as Afon Brenig.

Saving rights of the Crown.

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

For protection of owners of the Hafod Estate.

11. For the protection of William Dickson Houghton or other the owner or owners for the time being of the Hafod Estate (now owned by the said William Dickson Houghton) in the county of Denbigh all of whom are in this section included in the expression "the owner" the following provisions in this section shall have effect (that is to say):—

(1) Notwithstanding anything in this Act the Committee shall not collect impound take or use the water of any brook rivulet or stream upon the line of aqueduct conduit or pipes so as to interfere with any line of pipes stream brook or reservoir or any water flowing thereto or therefrom upon the Hafod Estate without the consent in writing of the owner first had and obtained:

(2) All existing sporting rights over any land acquired under the power of this Act from the owner shall be reserved and excepted out of any conveyance to and for the owner with the exception of sporting rights over any land acquired from the owner and now forming or which shall hereafter form part of the lake:

(3) The Committee shall not erect any workmen's dwelling-houses or buildings for the purpose of habitation on the Hafod Estate except at a place to be first approved by the owner but such approval shall not be unreasonably withheld.

Power of persons under disability to grant easements.

12. 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 Committee any easement right or privilege (not being an easement right or privilege of water in which other persons than the parties to the agreement are interested) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to acquire easements only for aqueducts &c.

13. The Committee may in lieu of acquiring any lands for the purpose of any aqueduct or tunnel by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that nothing herein contained shall authorise the Committee to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Committee to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso And it is further provided that as regards any lands used by the Committee for the purpose of any such conduits or lines of pipes the Committee shall not (unless they give notice to treat for and have acquired such lands and not merely an easement therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights

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of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been used by the Committee.

Restriction on taking houses of labouring class.

14. The Committee shall not under the powers of this Act take ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or without the consent of the Local Government Board ten or more houses which shall have been or shall be so occupied after that day For the purposes 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.

Period for compulsory purchase of lands.

15. The powers of the Committee for compulsory purchase of lands under this Act shall cease after the expiration of three years from the passing of this Act.

As to surplus lands.

16. Any lands acquired for the purposes of this Act and which shall be found unsuitable or are otherwise not required for such purposes may with the consent of a Secretary of State and subject to such conditions as he thinks fit to impose be retained by the Committee and appropriated for any purposes for which the Committee is empowered to acquire land.

Lands may be vested in county councils.

17. Any lands acquired under the powers of this Act may be conveyed to the county councils of the counties of Anglesea Carnarvon Denbigh Flint and Merioneth as joint tenants.

Supply of water to asylum.

18. The Committee shall by means of the works by this Act authorised furnish the asylum and the lands and premises belonging or appurtenant thereto or occupied therewith by the Committee with a supply of water sufficient for all the purposes for which it may be required.

Power to contract for supply of surplus water.

19. The Committee may with the consent of the district council contract with any person to supply water by meter or otherwise (but not for manufacturing or trade purposes) to any premises situate within a convenient distance of any of the works by this Act authorised other than premises situate within the limits of supply of the Denbigh Waterworks Company for such consideration and on such terms and subject to such conditions as may be agreed between the Committee and the person contracting for the supply

Provided that the Committee may with the consent of the said Company and also with the consent of the district council contract for the supply of water as aforesaid to any premises situate within the limits of supply of the Company Provided also that the powers conferred by this section shall not be exercised so as to interfere with the supply of water to the asylum.

All moneys received by the Committee under this section shall be carried to and form part of the general funds of the asylum Provided also that nothing in this Act contained shall constitute the Committee a water company within the meaning of section 52 of the Public Health Act 1875.

Recovery of damages &c.

20. All damages costs expenses and penalties recoverable or imposed by or under this Act or any provisions incorporated with this Act may without prejudice to any other remedy be recovered in a summary manner by the Committee in the name of their clerk.

Costs and expenses of obtaining and of execution of Act.

21. The costs charges and expenses of and incidental to preparing obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons and the expenses of the execution of this Act shall be paid by the treasurers of the county councils of Anglesea Carnarvon Denbigh Flint and Merioneth to the treasurer of the Committee in the proportions fixed in which contributions are made to the funds of the asylum under the recited agreement of the fifth day of October one thousand eight hundred and forty-seven And for the purpose of paying any money payable under this Act each of the said county councils shall have the like powers of borrowing on the security of the county fund as county councils have under section 274 of the Lunacy Act 1890 and that section shall apply accordingly as if the purposes of this Act were purposes of the said Lunacy Act.

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