ANNO VICESIMO TERTIO

VICTORIÆ REGINÆ.

****

Cap. xiii.

An Act for better supplying with Water the Borough and Parish of *Liskeard* in the County of *Cornwall*, and for other Purposes.

[15th *May* 1860.]

WHEREAS the Construction of Works for the better Supply of Water for domestic and other Purposes within the Borough and Parish of *Liskeard* in the County of *Cornwall* would be of local and public Advantage: And whereas the Persons herein-after named, with others, are willing, at their own Expense, to provide such Supply of Water: And whereas the *Liskeard and Looe Union* Canal Company (incorporated by the Act of the Sixth of *George* the Fourth, Chapter One hundred and sixty-three, and in this Act called "the *Canal* Company"), have under the Authority of the said Act constructed an 6 G. 4.
Aqueduct or Channel (known as the *Crylla* Feeder) for the Purposes of c. clxiii.
their Canal, and it is expedient that the Canal Company and the Company by this Act incorporated (in this Act called "the Company") should be empowered to enter into Agreements for the leasing to or Purchase by the Company, or for the Use by them, of the whole or Part of the *Crylla* Feeder, and otherwise in reference thereto: And whereas the Objects of this Act cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and

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.

I. This Act may be cited for any Purpose as "The *Liskeard* Waterworks Act, 1860."

Limits of Act.

II. The Limits of this Act for the Supply of Water by the Company shall be the Borough and Parish of *Liskeard* in the County of *Cornwall*.

8 & 9 Vict. cc. 16. & 18. and 10 & 11 Vict. c. 17. incorporated.

III. "The Companies Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act, 1845," and "The Waterworks Clauses Act, 1847," (save in so far as the Provisions of those Acts are varied or excepted by this Act,) shall be incorporated with this Act.

Same Meanings to Words in incorporated Acts as in this Act.

IV. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned shall have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Incorporation of Company.

V. *Reginald Rogers*, *Christopher Childs*, *Silvanus William Jenkin*, *Robert Walker Childs*, *Richard Foster*, *Nathaniel Tregelles*, *Edward Geach*, *John Philp*, *Augustus Bazeley*, the Reverend *James Frederick Todd*, *Samuel Bone*, *Thomas Firks*, and all other Persons and Corporations who have already subscribed or shall hereafter subscribe to the Undertaking by this Act authorized, and their Executors, Administrators, Successors, and Assigns respectively, shall be and they are hereby united and incorporated into a Company for the Purpose of supplying Water within the Limits of this Act, and for making and maintaining Waterworks for that Purpose, together with all proper Works and Conveniences connected therewith, according to the Provisions and for the Purposes of this Act, by and under the Name of "The *Liskeard* Waterworks Company," and by that Name shall be a Body Corporate, with perpetual Succession and a Common Seal, and shall and may sue and be sued, and shall have Power to purchase, take, hold, and dispose of Lands and other Property for the Purposes but subject to the Restrictions of this Act.

Capital.

VI. The Capital of the Company shall be Six thousand Pounds.

Shares.

VII. The Number of Shares into which the said Capital shall be divided shall be Six hundred, and the Amount of each Share shall be Ten Pounds.

VIII. Two

Calls.

VIII. Two Pounds Ten Shillings *per* Share shall be the greatest Amount of any One Call which the Company may make upon the Shareholders, and Three Months at the least shall intervene between any Two successive Calls; and not more than Four Fifths of the Amount of a Share shall be called up in any One Year.

Receipts for disqualified Persons.

IX. If any Money be payable to any Shareholder being a Minor, Idiot, or Lunatic, the Receipt of his Guardian or Committee shall be a sufficient Discharge to the Company for the same.

Power to borrow on Mortgage.

X. When the whole of the Capital of the Company shall have been subscribed for, and One Half thereof shall have been actually paid up, the Company may borrow on Mortgage or Bond any Sums not exceeding in the whole the Sum of One thousand five hundred Pounds.

Arrears may be enforced by Appointment of a Receiver.

XI. The Mortgagees of the Company may enforce the Payment of the Arrears of Interest alone, or of Principal and Interest, due on their respective Mortgages, by the Appointment of a Receiver; and the Amount of Principal due to the Mortgagees by whom a Requisition for a Receiver shall be made shall not be less than Two hundred and fifty Pounds in the whole.

Application of Moneys.

XII. All Moneys raised by Shares or borrowing under the Powers of this Act shall be applicable to the Purposes by this Act authorized, and to no other Purpose.

Number and Qualification of Directors.

XIII. The Number of Directors shall be Six, and the Qualification of a Director shall be the Possession in his own Right of Five Shares at least in the Undertaking.

Power to reduce Number of Directors.

XIV. The Company may by Resolution of a General Meeting reduce the Number of Directors to any Number not being less than Three.

Quorum of Directors.

XV. The Quorum of a Meeting of Directors shall be Three.

First Directors.

XVI. The Reverend *James Glencross* (if he shall not hold any Cure of Souls), *Reginald Rogers*, *Augustus Bazeley*, *John Philp*, *Samuel Bone*, and *Edward Geach* shall be the first Directors of the Company.

Quorum of Committees.

XVII. The Quorum of every Committee appointed by the Directors shall be fixed by the Directors when they appoint the same.

Appointment of Auditor.

XVIII. There shall be One Auditor, and the Auditor for the Time being shall go out of Office at the Ordinary Meeting to be held in the Month of *February* in every Year; and any Vacancy in the Office of Auditor

Auditor by Death or otherwise may be supplied by the Company, or in case of Emergency by the Directors.

First Ordinary Meeting.

XIX. The First Ordinary Meeting of the Shareholders shall be held within Three Months after the passing of this Act.

Quorum for General Meetings.

XX. The Quorum for any General Meeting of the Company shall be Seven Shareholders holding in the aggregate not less than Five hundred Pounds of the Capital.

Requisition by Shareholders for Extraordinary Meeting.

XXI. The Number of Shareholders on whose Requisition an Extraordinary Meeting of the Company may be required to be convened shall be Ten Shareholders holding in the aggregate not less than Two hundred Pounds of the Capital of the Company.

Power to construct Works according to deposited Plans.

XXII. And whereas Plans and Sections of the intended Works showing the Situation, Line, and Levels thereof respectively, and also a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in or through which the same respectively are intended to be made or pass, have been deposited with the Clerk of the Peace for the County of *Cornwall:* Therefore, subject to the Provisions and Restrictions in this Act and the incorporated Acts contained, the Company may enter upon, take, and use all or any of the Lands shown on the deposited Plans and described in the deposited Book of Reference, and may make and maintain the said intended Works, together with all proper Mains, Conduits, Pipes, and other Conveniencies connected therewith, in the Lines and Situations, according to the Levels, and upon the Lands delineated on those Plans and Sections and described in such Book of Reference, and may collect and impound in the intended Reservoir, and thence distribute and supply, the Waters of the several Streams called or known as the *Sibly Back* Stream, the *Crylla* Stream, the *Hendrifton* Stream, and the *Tremar* Stream, and the Tributaries thereof, and may appropriate the same for the Purposes of such intended Works and Supply of Water.

Limits of lateral Deviation.

XXIII. Wherever, and so far as the Line of any Work, as shown upon the deposited Plans, passes along any Road, and no Limits of lateral Deviation are marked thereon, the Company may, in the Construction of such Work, deviate laterally from the Line thereof as laid down on such Plans to the Extent only of the Boundaries of such Road; and elsewhere the Company may, in constructing the said Works, deviate laterally from the Lines thereof as laid down on the said Plans to the Extent of the Limits of lateral Deviation shown thereon.

XXIV. In

Limits of Vertical Deviation.

XXIV. In constructing the said Works the Company may deviate vertically from the Levels thereof as shown on the deposited Sections to an Extent not exceeding Three Feet as respects the Reservoir, and not exceeding Five Feet as respects any other Works.

Powers for compulsory Purchases limited.

XXV. The Powers of the Company for the compulsory Purchase of Lands and Houses for the Purposes of this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

XXVI. The Works by this Act authorized shall be completed within Five Years from the passing of this Act; and on the Expiration of that Period the Powers by this Act or the incorporated Acts granted to the Company for the Construction of those Works respectively, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the Works as shall then be completed: Provided always, that nothing in this Act contained shall extend or be construed to extend to restrain the Company from enlarging and extending their Mains, Pipes, and Works from Time to Time, whenever it shall be necessary for the Purpose of supplying Water within the Limits of this Act.

Lands for extraordinary Purposes.

XXVII. The Company may from Time to Time, by Agreement, purchase or take for the Purposes of this Act any Quantity of Land not exceeding One Acre, in addition to the Land which they are by this Act authorized to take by Compulsion.

Power to take Grants in perpetuity.

XXVIII. The Persons empowered by "The Lands Clauses Consolidation Act, 1845," to convey Lands shall have full Power to grant to the Company for the Purposes of this Act any Lands or Streams which the Company are by this Act authorized to take, or the Right of User thereof, or any Easement, Liberty, Privilege, Power, or Authority in or over the same, in Fee Simple, in consideration of an annual Rent.

Grants by Persons under Disability to be at best Rent.

XXIX. In any such Grant to be made by any Party under any Disability or Incapacity to sell and convey Lands, as defined by "The Lands Clauses Consolidation Act, 1845," there shall be reserved the best yearly Rent or Remuneration for or in respect of the Premises thereby granted that can be gotten, and no Fine, Premium, or Foregift shall be paid upon or in respect of such Grant, and such Rent or Remuneration shall be not less than shall be determined by Two able practical Surveyors or their Umpire, in accordance with the Ninth Section of "The Lands Clauses Consolidation Act, 1845:" Provided always, that the Company may, at any subsequent Period, purchase the Release or Discharge of the Rent or Remuneration, Covenants, and Stipulations reserved by and contained in any such Grants.

Annual Rent to enure to same Uses as Land, &c. conveyed.

XXX. The Rent or Remuneration paid or reserved in respect of any such Grant shall be and remain upon the same Uses, Trusts, and Purposes as those upon which the Rents and Profits of the Land so granted, or in respect of which the Easement, Liberty, Privilege, Power, or Authority is granted, stood settled or assured at or immediately before such Grant.

Rents to be a first Charge.

XXXI. Every such yearly Rent shall be charged on the Water Rates or Water Rents payable under this Act, or if the Rates be leased then on the Rent reserved by the Lease, in preference to any other Charge whatsoever; and if at any Time any such Rent be not paid within Thirty Days after the same becomes payable, and after Demand thereof in Writing, the Person to whom such Rent is payable may either recover the same from the Company, with Costs of Suit, by Action of Debt in any Court of competent Jurisdiction, or may levy the same by Distress of the Goods and Chattels of the Company.

Restrictions may be imposed upon the Sale of superfluous Property.

XXXII. Upon any Sale by the Company under the Provisions of "The Lands Clauses Consolidation Act, 1845," relating to superfluous Lands, of any Mills, Lands, or Hereditaments purchased by them under the Powers of this Act, the Company may reserve to themselves all or any Part of the Water or Water Rights and other Easements thereunto belonging, and may sell such Mills, Lands, and Hereditaments, subject to such Reservations, and also subject to such special Conditions, Restrictions, and Provisions with reference to the Use of Water, and for preventing the Exercise of noxious Trades or Businesses upon the Premises, and for preventing or regulating the Discharge and Deposit of Manure, Sewage, and other impure Matter and Liquids, as they may think fit.

Rate at which Water is to be supplied for Domestic Purposes.

XXXIII. The Company shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street in which any Main Pipe of the Company shall be laid, or of any Person who under the Provisions of this Act or any Act incorporated herewith shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Occupier or other Person a sufficient Supply of Water for domestic Use, at a Rate *per Centum per Annum* not exceeding Six Pounds upon the annual Rackrent or Value of such House: Provided always, that the Company shall not be obliged to furnish such Supply for any less Sum than Four Shillings and Fourpence in any One Year (being at the Rate of One Penny *per* Week), where such Dwelling House shall be occupied by One Family only, nor for any less Sum than Four Shillings and Fourpence in any One Year for each Family in One Dwelling House, where such Dwelling House may be occupied by One or more Families, if such Supply does not include a Supply of Water to One Watercloset for each Family in such Dwelling House, or for any less Sum than Ten Shillings in any One Year for each such Family if such Supply does include a Supply to One Watercloset to each such Family.

Supply of Water not to include Supply for Trade, &c.

XXXIV. A Supply of Water for domestic Purposes as aforesaid shall include a Supply for One Watercloset in each such House, but shall not include a Supply of Water for Railway Purposes, or for Baths, Wash-houses, or public Purposes, or for Horses or Cattle, or for washing Carriages, where such Horses or Carriages are let for Hire or are the Property of a Dealer, or for any ornamental Purpose, or for any Steam Engine, or for any Brewery, Warehouse, Stable, Store, Vault, Workshop, Mill, or Manufactory, or for Shipping, or for any Trade, Manufacture, or Business whatsoever.

Water for other than domestic Purposes to be supplied by Agreement.

XXXV. The Company may supply any Person, Body, or Corporation with Water (for other than domestic Purposes) at such Rate and upon such Terms and Conditions as shall be agreed upon between the Company and any such Person, Body, or Corporation desirous of having such Supply of Water.

Rates for Watercloset and Baths.

XXXVI. Subject to the Provisions of this Act in relation to Houses occupied by more than One Family, the Company, in addition to the Rates for the Supply for domestic Purposes, may demand and receive, for any second Watercloset in any House, a yearly Sum not exceeding Eight Shillings, and for every private Bath a yearly Sum not exceeding Eight Shillings, and for each additional Watercloset beyond Two, and for each private Bath beyond One, a yearly Sum not exceeding Four Shillings.

Extent of High Pressure.

XXXVII. With reference to the 35th Section of "The Waterworks Clauses Act, 1847," the Water to be supplied need not be constantly laid on under a Pressure greater than that to be afforded from the Reservoir by this Act authorized to be constructed.

Cisterns and Baths to be so constructed as to prevent Waste, or the Reflux of impure Water into Mains.

XXXVIII. Every Cistern or other Receptacle for Water, and every Watercloset, Soil Pan, and private Bath, which shall be supplied with Water by the Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connecting or communicating therewith; and, notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, the Company shall not be bound to supply Water to any Cistern or other Receptacle for Water, or to any Watercloset or Soil Pan or private Bath, which shall not be so constructed or used,

Penalty for using Water for other than domestic Purposes

XXXIX. Every Person using for other than domestic Purposes any Water supplied by the Company, and not having previously agreed with the Company for a Supply for such other Purposes, and every Person having agreed with the Company for a Supply of Water for any other than

without Agreement.

than domestic Purposes, and using the same for any Purposes other than the Purposes so agreed on, shall respectively for every such Offence forfeit and pay to the Company, over and above the Value of the Water, any Sum not exceeding Forty Shillings.

Persons using Water to provide Stopcocks.

XL. Every Person supplied with Water under the Provisions of this Act shall, when required by the Company, provide and affix such proper Tap, Stopcock, or other Apparatus to the Pipe conducting the Water from the Works of the Company as the Company shall direct, and shall keep such Tap, Stopcock, or other Apparatus in good Repair, so as effectually to prevent the Water from running to Waste; and in case any such Person shall neglect to provide, when required by the Company, such Tap, Stopcock, or other Apparatus, or to keep the same in good Repair, the Company, or any Person acting under their Authority, may cut off the Pipe or turn off the Water from the Premises of such Person until such Tap, Stopcock, or other Apparatus shall be provided or repaired, as the Case may require.

Penalty for suffering Waste of Water.

XLI. If any Person supplied with Water by the Company shall wilfully or negligently do or suffer any Act, or permit or suffer any Pipe or Apparatus belonging to him to be out of repair, so that the Water supplied to him by the Company shall be wasted or the Supply thereof improperly increased, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings, together with the Value of the Water so wasted or of the Excess obtained by such improper Increase.

Company may repair, and recover Expenses.

XLII. The Company may repair any Water Pipe or Cock that shall be out of repair in any Dwelling House or other Building; and the Expenses of such Repair shall be payable by the Person owning the same, and shall or may be recovered in manner by "The Waterworks Clauses Act, 1847," provided for Recovery of the Water Rate.

Power for Company and Canal Company to enter into Agreements in reference to Canal Feeder.

XLIII. The Company and the Canal Company may from Time to Time, with the Sanction of Three Fifths of the Votes of their respective Shareholders, present personally or by Proxy at Meetings of the respective Companies specially convened for the Purpose, enter into and carry into effect such Contracts and Agreements as they may think fit with respect to the leasing to or Purchase by the Company, or the Use by them, of the whole or any Part of the Aqueduct, Channel, Stream, or Watercourse used by the Canal Company as a Feeder for the Use of their Canal, and with respect to the Adaptation of the same to the Purposes of the Company, or of the Company and the Canal Company jointly; and any Lease executed in pursuance of any such Contract or Agreement may be for such Term of Years, for such Rent or Consideration, or upon such other Terms and Conditions as may be agreed upon between the Parties, and shall operate to vest the Premises thereby demised during the Continuance

ance thereof in the Company as Part of their Undertaking; and any Conveyance executed in pursuance of any such Contract or Agreement may be either in consideration of an annual Payment or of a Sum in gross, or on such other Terms and Conditions as may have been or may be mutually agreed upon between the Parties, and shall operate to vest the Premises thereby conveyed in the Company absolutely as Part of their Undertaking: Provided always, that no such Contract or Agreement, and no Lease or Conveyance made in pursuance thereof, shall authorize the Abstraction of Water from the said Feeder to such an Extent as that the said Canal shall become unfit for the convenient Navigation of Boats and Barges along the same; and it shall be lawful for the Board of Trade, on the Complaint of any Person using the said Canal, or of any Owner or Occupier of Lands adjoining the same, that an undue Abstraction of Water from the said Feeder has resulted from any such Contract, Agreement, Lease, or Conveyance, to cause Inquiry to be made into the Matter of such Complaint, and if the said Board shall be of opinion that an undue Abstraction of Water has taken place the said Board shall make such Order as they think fit for the Prevention in future of such Abstraction.

As to Recovery of Sums not exceeding 50*l.*

XLIV. Whenever any Person neglects to pay any Water Rent or Rate or Sum due to the Company, and such Rent or Rate or Sum does not exceed Fifty Pounds, the Company may recover the same, with full Costs of Suit, in any Court of competent Jurisdiction; and the Remedies of the Company under this Enactment shall be in addition to their other Remedies for the Recovery of such Rent or Rate or Sum.

Undisputed Rates, &c. may be recovered by Distress.

XLV. All Water Rates or Rents due to the Company, and all Damages, Costs, and Expenses by this Act or any Act incorporated herewith directed to be paid, and the Amount whereof shall not be disputed, may be levied by Distress, and any Justice, on Application, may issue his Warrant accordingly.

Several Names in One Warrant.

XLVI. Any Number of Names and Sums may be included in any Warrant of Distress or Notice obtained or given by the Company for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Costs of Distress.

XLVII. Any Justice who issues any such Warrant of Distress may order that the Costs of the Proceedings for the Recovery of the Rent or Rate or Sum shall be paid by the Person liable to pay such Rent or Rate or Sum, and such Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of such Rent or Rate or Sum.

Liability to Rates not to disqualify Justices.

XLVIII. No Justice or Judge of any County Court shall be disqualified for acting in the Execution of this Act by reason of his being liable to any Rate, Rent, or Charge under this Act, or of his being a Shareholder in the Company.

Penalties not cumulative.

XLIX. Penalties imposed on the Company by several Acts for one and the same Offence shall not be cumulative, and for this Purpose this Act and the Acts incorporated therewith shall be deemed several Acts.

Power for Justices to order Inquiry into State of Reservoir.

L. In order to provide against Accidents to Life or Property by the bursting of the Reservoir authorized to be made under the Provisions of this Act, be it enacted, That whenever any Person interested complains to Two Justices that such Reservoir is in a dangerous State the Justices shall forthwith make Inquiry into the Truth of the Complaint: Provided always, that any Two Justices on their own View, and without Complaint by any Person, may proceed under this Act as if a Complaint were so made to them.

Order of Justices for immediate Repair.

LI. If on any such Inquiry the Justices be satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they may, if they think fit, order such Persons as they think fit to enter on the Property of the Company held under this Act, and to lower the Water in such Reservoir, and to do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices after Summons on Company to repair Reservoir.

LII. If on such Inquiry the Justices be satisfied that there is due Cause for Inquiry, but are not satisfied that the Reservoir complained of is in such an imminently dangerous Condition as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Company to answer the Complaint, and upon hearing the Parties, or upon default of Appearance by the Company then in their Absence, the Justices shall, by Order in Writing under their Hand, order the Company, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the said Reservoir, and to do such Works and Things as they think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Company to obey Orders.

LIII. If in any such Case the Company do not, within such Period as the Justices specify in that Behalf in the Order, do the Works and Things thereby ordered for removing the Cause of Complaint, the Justices who made the Order, or any other Two Justices, on being satisfied as to such Failure by the Company, may, if they think fit, order such Persons as such Justices think fit to enter on the Property of the Company held under this Act, and to lower the Water in such Reservoir, and

and to do all such Works and Things specified in the Order, and not done by the Company, and all such other Works and Things (if any) as the Justices think requisite and proper for removing the Cause of the Complaint.

Form of Order.

LIV. Any such Order of Justices may be in the Form or to the Effect following:

To *A.B.*,

(*or A.B.*, of, *&c.*),

'WE, the undersigned, Two of Her Majesty's Justices of the Peace 'for the County of Cornwall, do hereby order and direct you, and 'such Person or Persons as you may require to aid and assist you 'therein, forthwith to lower the Water, *&c.* [*here specify the Work to 'which the Order applies*], and to do all such Acts and Things as are 'requisite to make good the same (and you shall do as little Injury as 'possible to the Property of the Liskeard Waterworks Company or 'other the Owners of the said Works); and in acting in obedience to 'the said Premises this shall be your sufficient Warrant.

'Given under our Hands, this Day of in 'the Year of our Lord .'

Persons acting under Order of Justices not deemed Trespassers.

LV. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully prevent or hinder any Person lawfully acting in obedience to the Order, or wilfully do or instigate or suffer to be done anything in contravention of the Order, every Person so offending shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Justices may impose Penalty on Company for disobeying Order.

LVI. If the Justices so think fit, they may by any such Order under this Act impose on the Company, for not carrying the Order into effect, any Penalty not exceeding Ten Pounds for every Day's Default which the Justices think fit, but such Penalty shall not be incurred during any Period in which the Justices have ordered any other Persons to remove the Cause of Complaint.

Order of Justices on Company for Payment of Costs.

LVII. The Justices may order all, or such Part as they think fit, of the Costs of and incident to the applying for and obtaining of any such Order, and also all or such Part as the Justices think fit of the Expenses of the Works and Things done in pursuance of any such Order by any Person other than the Company, to be paid by the Company; and every Amount so to be paid shall be paid by the Company to such Person as the Justices appoint, and may be recovered accordingly in any Court of competent Jurisdiction.

Power to Company to appeal against Order.

LVIII. Provided always, That if the Company feel aggrieved by any Order of Justices under this Act, or any Determination by the Justices on any such Complaint, the Company shall have like Power of Appeal as

as by "The Railways Clauses Consolidation Act, 1845," is given to Parties aggrieved by the Determination of Justices with respect to the Repair of Roads: Provided also, that pending any such Appeal, and except only so far (if at all) as on the Appeal it be quashed or altered, the Order appealed against shall be enforced.

Company not to be liable for Consequences of such Order.

LIX. Provided also, That the Company shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of or be answerable or accountable for any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations, which may be occasioned in or by or result from the Execution of any such Order as aforesaid, anything in this Act or the Acts incorporated herewith, or either of them, to the contrary notwithstanding.

Saving Rights of the Duchy of Cornwall.

LX. Provided always, That nothing contained in this Act or in the several Acts incorporated herewith, or herein mentioned or referred to, shall extend to authorize the Company to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, without the Consent in Writing of Two or more of the principal Officers of the said Duchy, and which Consent such principal Officers, or any Two of them, are hereby authorized and empowered to give, or belonging to the Duke of *Cornwall* for the Time being, without the Consent of such Duke, testified in Writing under the Privy Seal of such Duke, first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

Expenses of Act.

LXI. All the Costs, Charges, and Expenses of and incident to the Application for and passing of this Act shall be paid by the Company.

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