CHAPTER xviii.

An Act to amend the Llandudno Improvement Act, 1876, to authorise the Abandonment of certain Waterworks, and the Construction of other Waterworks instead thereof, by the Commissioners acting in execution of the said Act; and for other purposes. [23d May 1879.]

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WHEREAS by the Llandudno Improvement Act, 1876, (in this Act referred to as "the Act of 1876,") the Llandudno Commissioners, (herein-after called "the Commissioners,") incorporated by the Llandudno Improvement Act, 1854, were empowered to purchase certain waterworks, and to construct, in connexion with the said waterworks, the new waterworks and works connected therewith, in the said Act described, and the limits of the district of Llandudno (herein-after referred to as "the district") were settled and defined:

39 & 40 Vict. c. ccxli.

17 & 18 Vict. c. cii.

And whereas it is expedient that the Commissioners should be authorised to abandon certain of the said new waterworks and works connected therewith as by this Act provided, and to construct instead thereof the waterworks and works connected therewith herein-after in this Act mentioned and described:

And whereas it is expedient that for the better government and sanitary condition of the district such new powers as are in this Act contained in relation thereto should be conferred on the Commissioners, and that further and other provisions should be made in that behalf:

And whereas the Commissioners have caused estimates to be prepared of the moneys which they will require with respect to the works to be constructed under this Act, and such estimates amount to the sum of eleven thousand pounds:

And whereas the said works included in such estimates are permanent works within the meaning of the two hundred and thirty-fourth section of the Public Health Act, 1875, and it is

38 & 39 Vict. c. 55.

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expedient that the Commissioners should be authorised to borrow money for the purposes of the same in the manner by this Act provided:

And whereas plans and sections describing the lines, situations, and levels of the works authorised by this Act, and plans showing the lands to be acquired under the powers of 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 in the line of those works or within the limits of deviation as defined on the plans, and describing those lands, have been deposited with the respective clerks of the peace for the counties of Carnarvon and Denbigh, and are in this Act referred to as "the deposited plans, sections, and book of reference":

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as the Llandudno Improvement Act, 1879, and the Act of 1876 and this Act may be cited together as the Llandudno Improvement Acts, 1876 and 1879.

Incorporation of Acts.

2. The Act of 1876, as amended by this Act, and this Act shall be construed together as one Act, and the provisions of the Acts incorporated with the Act of 1876 shall be deemed to be incorporated with this Act, and to be applicable to the purposes thereof as though such purposes were purposes of the Act of 1876.

Abandonment of works.

3. The Commissioners shall abandon the construction of so much of the works authorised by the Act of 1876 as are herein-after described; (that is to say,)

So much of the Conduit No. 1, described in and authorised by the Act of 1876, as lies between a certain bridge called the Ddol Bridge, on the road from Llanbedr, otherwise Llanbeder, to Roe, otherwise Roe Wen, within the parish of Caerhun, otherwise Caerhyn, in the county of Carnarvon, and being the Ddol Bridge No. 1 shown on the plans deposited in connexion with the Bill for the Act of 1876, and a point near the Llandudno Junction Railway Station, where the Conway Bridge embankment and the road from Llandudno join the Conway and Saint Asaph turnpike road in the parish of Eglwys Rhos in the same county of Carnarvon:

The works to be abandoned were intended to pass through, from, or into the several townships or parishes following, or some of them; (that is to say,) Caerhun, otherwise Caerhyn, Llangelynin, Gyffin, Conway, and Eglwys Rhos, all in the county of Carnarvon.

Compensation for damage to land by entry, &c. for purposes of works abandoned.

4. The abandonment by the Commissioners of the works which they are by this Act authorised to abandon shall not prejudice or affect the right of any owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Commissioners on such land for the purposes of the said works, and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Commissioners to receive compensation for such temporary occupation, or for any loss, damage, or injury which may have been sustained by such owner or occupier by reason thereof, or of the exercise as regards such land of any of the powers contained in the Act of 1876, or in the Acts incorporated therewith.

Compensation to be made in respect of portion of works abandoned.

5. Where, before the passing of this Act, any contract may have been entered into or notice given by the Commissioners for the purchasing of any land for the purposes of or in relation to the portion of their works by this Act authorised to be abandoned, the Commissioners shall be released from all liability to purchase or to complete the purchase of any such lands; but, notwithstanding, full compensation shall be made by the Commissioners to the owners and occupiers, or other persons interested in such lands, for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice, and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, for determining the amount and application of compensation paid for lands taken under the provisions thereof.

8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
32 & 33 Vict. c. 18.

Power to construct waterworks.

6. Subject to the provisions of this Act, the Commissioners may from time to time make and maintain in the lines and according to the levels shown on the deposited plans and sections, and upon the lands delineated on the deposited plans and described in the deposited book of reference, the works herein-after described and other works connected therewith, and may for such purpose, subject to the provisions of this Act, enter upon, take, and use such of the lands shown on the deposited plans and described in the deposited book of reference, and any easement, right, or privilege in, over, under, or through the same, as they may require for such purpose.

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The works herein-before referred to and by this Act authorised to be constructed are as follows:

A conduit or line of main pipes commencing at Ddol Bridge No. 1 aforesaid, in the parish of Caerhun, otherwise Caerhyn, in the county of Carnarvon, and terminating at the point herein-before mentioned of the junction of the said Conway Bridge embankment and road leading to Llandudno with the Conway and Saint Asaph turnpike road, in the parish of Eglwys Rhos in the same county of Carnarvon;

Which said conduit or line of main pipes will pass or be made from, in, through, or into the several parishes, townships, and places following, or some of them; (that is to say,) Caerhun, otherwise Caerhyn, Llangwstenin, and Eglwys Rhos, in the county of Carnarvon, and Eglwys Fach, Cefn-y-Coed, Bodnant, otherwise Bodnod, and Llansaintffraid, Glan Conway, Trallwyn, Trebwll, and Trellan, in the county of Denbigh;

and all such works, conveniences, and appliances, in the parishes, townships, and places herein-before mentioned, as may be necessary for the purpose of enabling the Commissioners to take, collect, distribute, and supply water in accordance with the provisions of the Act of 1876 and of this Act: Provided always, that, for the purpose of avoiding as far as practicable interference with the public traffic upon the Saint Asaph and Conway turnpike road, the service pipes of the Commissioners shall, except in cases where it may be necessary to cross that road, be laid on either side and not in the centre thereof as shown on the deposited plans; and if, owing to the formation of the ground or other engineering difficulties, it may be found necessary to lay such pipes in the centre or away from either side of the said road, then and in such case such pipes may be laid in such part of the said road as the Commissioners may deem fit, but in such manner as shall be least prejudicial to the traffic thereon.

For the protection of the lands and waters of the Caerhun estate.

7. For the protection of the lands in the parish of Caerhun in the county of Carnarvon, belonging or reputed to belong to Hugh Thomas Davies Griffith, (herein-after referred to as "the Caerhun estate,") be it enacted as follows:

(A.) Notwithstanding anything in the Act of 1876 or in this Act contained, the Commissioners shall not take or use the waters of the River Varchwell, or of any brook, stream, or spring upon or flowing into any part of the Caerhun estate, or enter upon, take, or use either permanently or temporarily any part of the said estate, except so far and for such time as may be absolutely and indispensably necessary

for the construction through or under the same of the conduit or line of main pipes by this Act authorised:

(B.) The said conduit or line of main pipes shall be laid through the said Caerhun estate outside of and parallel to and within six feet (measured horizontally) of the north and north-east sides or edges of the main road leading from the entrance lodge on the Conway and Llanrwst turnpike road to the old mansion of Caerhun, and thence to the parish church of Caerhun, respectively standing within the said estate, and so as not to interfere with any timber-tree standing on the said estate, and the Commissioners shall not construct or form any wall, embankment, or other work above the general surface of the said estate where traversed by the said conduit or line of pipes without the written consent in any such case of the owner or owners of the said estate for the time being: Provided, that if any timber-tree should prevent the said conduit or line of pipes being laid down or constructed within such six feet to be so measured as aforesaid, the owner or owners of the said estate for the time being may at his or their option require the Commissioners either to take down such tree (the same to remain the property of such owner or owners) and to lay down or construct the said conduit or line of pipes in the course herein-before described, or to carry the said conduit or line of pipes round such tree on the side furthest from the said main road:

(C.) Should it, in the judgment of the owner or owners of the said estate for the time being, become necessary, for the convenience of any new capital mansion intended to be built on the said estate, or of any building or other work of a domestic or ornamental character in connexion with such new mansion, that the said conduit or line of pipes should be carried between the said lodge and the said church in a different course from that herein-before described, the Commissioners shall at any time before such conduit or line of pipes shall have been actually laid and completed between the said lodge and the said church, upon written notice from such owner or owners, (to be served as mentioned in section 264 of the Public Health Act, 1875,) construct or lay down the said conduit or line of pipes between the said lodge and the said church in any different course or direction not unduly impeding or interfering with the flow of water through such conduit

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or line of pipes, and not more than two hundred feet at any one point distant from the course herein-before described that may be required by such owner or owners as aforesaid:

(D.) The Commissioners shall immediately after the completion of the said conduit or line of pipes, and after every repair or renewal thereof within the said estate, restore the surface of the ground of the said estate wherever the same shall have been opened or disturbed for the purpose of laying, repairing, or renewing the said conduit or line of pipes:

(E.) The Commissioners, if and when required so to do by the said owner or owners, shall, for the purpose of affording a water supply to the present or any future mansion house of the said estate, allow the said owner or owners, under the supervision of the engineer for the time being of the Commissioners, and at the cost of the said owner or owners from time to time to connect any water pipes of the said owner or owners (such pipes being of no greater dimensions than one inch internal diameter) with the said conduit or line of pipes of the Commissioners at any point between the said lodge and the said church, and for that purpose from time to time to make openings in the said conduit or line of pipes of he Commissioners; and the Commissioners shall, through a meter to be connected with such water pipes of the said owner or owners, at some proper and convenient place, furnish from time to time such a supply of water for all the domestic purposes of any such mansion house and its appurtenances, and of the said owner or owners, as may reasonably be required from time to time by the said owner or owners, at rates and charges not exceeding those for the time being charged by the Commissioners for a supply of water by meter at any point or place within their district; and if for the time being the Commissioners are not supplying water by meter at any point or place within their district, then at the rate of one shilling for every one thousand gallons of water, and so in proportion for any smaller quantity:

(F.) Nothing in this section shall take away, diminish, alter, prejudice, or affect any right to compensation which the said owner or owners would otherwise have or might claim by reason of any part of the Caerhun estate being taken or interfered with, or injuriously affected for or by the works by this Act authorised, or any other right of the said owner or owners:

(G.) All works to be constructed within the said estate and between Ddol Bridge and the said lodge (except in the case of inevitable accident) to be completed within three calendar months from the opening of the ground for the commencement thereof:

(H.) Notwithstanding anything in the Act of 1876 or in this Act respectively contained, it shall not be lawful for the Commissioners to take any of the lands of the said estate, but an easement only of laying and continuing the said conduit or line of pipes, such easement to be deemed to be "lands" within the meaning of the Lands Clauses Consolidation Acts:

(I.) If any difference arise between the Commissioners and the said owner or owners as to the meaning or interpretation of this section, or as to the plan or mode of construction of the works of the Commissioners in the Caerhun estate, or in relation to any other matter arising under this Act and not otherwise expressly provided for, the same shall be from time to time determined by an arbitrator, to be appointed on the application of either party by the Board of Trade, and the decision of any such arbitrator shall be binding and conclusive on all parties, and the costs of the arbitration shall be in his discretion.

Limits of deviation.

8. In constructing the works authorised by this Act, the Commissioners may deviate laterally from the lines of the intended new works to any extent not exceeding the limits of lateral deviation shown upon the deposited plans, and may deviate vertically from the levels of those works shown upon the deposited sections to any extent not exceeding ten feet upwards or ten feet downwards.

Power to take easements, &c. by agreement.

9. Persons empowered by the Lands Clauses Consolidation Act, 1845, to sell and convey or release lands, may, if they think fit, subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act, 1860, and of this Act, grant to the Commissioners any easement, right, or privilege, not being an easement of water, in, over, or affecting any such lands, required for the purposes of this Act; and the provisions of the last-mentioned Acts with respect to lands and rentcharges, as far as the same are applicable in this behalf, shall extend and apply to such grants or to such easements, rights, or privileges as aforesaid.

Extension of time for compulsory purchase of lands.

10. The period limited by section forty-four of the Act of 1876 during which the powers of the Commissioners for the compulsory purchase of lands for the purposes of that Act may be exercised, is hereby extended, and such powers, and the powers of the Com-

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missioners for the compulsory purchase of lands for the purposes of this Act, may be exercised until, but not after, the fifteenth day of August one thousand eight hundred and eighty-two.

Extension of time for completion of works.

11. The powers of the Commissioners for the completing of the works by the Act of 1876 authorised, and limited by section forty-five of that Act, are hereby extended, and the said powers, and the powers of the Commissioners for the making of the works by this Act authorised, may be exercised until, but not after, the fifteenth day of August one thousand eight hundred and eighty-eight, and from and after that day the powers of the Commissioners under the Act of 1876 and this Act for the completing of the works by the said Acts authorised, or in relation thereto, shall cease to be exercised, except as to so much thereof as shall be then completed.

Works under this Act to form part of water undertaking under Act of 1876.

12. The works by this Act authorised shall be deemed to and shall form part of the water undertaking of the Commissioners authorised by the Act of 1876.

Saving rights of annuitants, mortgagees, &c.

13. The abandonment by this Act authorised of the works forming part of the water undertaking authorised by the Act of 1876 shall not prejudice, alter, or affect the right of any person entitled to any annuity, mortgage, debenture, debenture stock, or other charge on the water undertaking of the Commissioners, to the payment of all moneys from time to time due to such person on account of such annuity, mortgage, debenture, debenture stock, or other charge, and the securities charged with the payment of such annuity, mortgage, debenture, debenture stock, or other charge shall, except so far as the same may have comprised that part of the water undertaking of the Commissioners authorised by this Act to be abandoned, continue charged with such payments as aforesaid, as though such part of such water undertaking had never formed part of the water undertaking of the Commissioners.

Notice to be given by householders and medical practitioner of infectious diseases.

14. If an inmate of any house or building situate within the district be attacked by any of the diseases herein-after mentioned; (that is to say,) small-pox, cholera, diphtheria, typhus fever, typhoid fever, or scarlatina, then, as soon as the nature of such disease has been ascertained, notice in writing, in the form to be adopted by the Commissioners and to be gratuitously supplied by them, addressed to the clerk to the Commissioners, stating the nature of the disease, the name of the person affected, the house or building of which such person is an inmate, and the name of the person being the occupier or having the control or management of such house or building, shall be given by

The owner or occupier or other person having the management or control of the house or building of which the person

attacked by any such disease is an inmate, or in the event of the person so attacked being the owner or occupier or other person having the management or control of such house or building, then by the person or persons having the charge of such person so attacked, and by

Any legally qualified medical practitioner called in to attend or attending any person attacked by any such disease:

And any such owner, occupier, or other person, and any legally qualified medical practitioner, failing or neglecting to give such notice, shall for such default in giving such notice be liable to a penalty not exceeding ten pounds.

Fee to medical practitioners for giving notice.

15. Every legally qualified medical practitioner giving notice to the clerk to the Commissioners, pursuant to this Act, of the existence of any of the herein-before mentioned diseases within the district, shall for every case in which he gives such notice be entitled to a fee of two shillings and sixpence, to be paid by the Commissioners.

Power to license town porters.

16. The Commissioners may from time to time, on such terms as to forfeiture or otherwise as they think fit, grant licenses empowering the persons to whom the same are granted to carry on business as town porters within the district, and any person who shall, without such license, carry on such business as aforesaid within the district shall be subject to a penalty not exceeding forty shillings.

For the purposes of this Act "town porter" shall mean any person plying for hire as a messenger, or for carrying or conveying parcels or luggage by hand or in any cart, wheelbarrow, truck, or other vehicle drawn by any horse, mule, or other animal, or drawn or propelled by any person or persons: Provided always, that the provisions of this section shall not apply to any railway company or any of their servants employed by them in collecting or delivering goods, parcels, luggage, or other articles, matters, or things which have been or are intended to be conveyed by railway.

Fees for licenses.

17. The Commissioners may demand and take in respect of any licenses granted by them to persons, empowering such persons to act as town porters, any sum not exceeding five shillings, and no such license shall be in force for more than one year from the granting thereof.

Power to make bye-laws.

18. Subject to the provisions of this Act, the Commissioners may from time to time make, and when made may repeal, amend, or alter, such byelaws as they may think fit,—

For regulating the conditions of issue, duration, renewal, and cancellation of town porters licenses;

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For regulating the fees to be charged for the issuing and renewal of such licenses;

For fixing and regulating the charges to be made by and paid to town porters for services rendered by them;

For regulating and controlling the conduct of persons licensed to act as town porters;

and may impose penalties for the breach or non-observance thereof, not exceeding forty shillings for each offence.

As to bye-laws under this Act.

19. Nothing in this Act contained shall authorise the making of any byelaw repugnant to law or to this Act.

All byelaws made by the Commissioners under this Act shall be so framed as to allow of part only of the maximum penalty thereby imposed being inflicted.

All byelaws made by the Commissioners under this Act shall be made and confirmed subject to the provisions of the Public Health Act, 1875, with respect to byelaws.

Providing for costs of execution of Act.

20. All costs, charges, and expenses from time to time incurred by the Commissioners with respect to the water undertaking under this Act shall be charged on and defrayed out of the revenue of the same and out of the revenue of the gas undertaking of the Commissioners by the Act of 1876 authorised, and the general improvement rate, and all costs, charges, and expenses from time to time incurred by the Commissioners with respect to the other purposes of this Act shall be charged on and defrayed out of the general improvement rate. The words "costs, charges, and expenses" in section eighty-eight of the Act of 1876 shall be deemed to include, and shall include, the sum to be paid by the Commissioners as an annual instalment of principal and interest on any mortgage already executed by the Commissioners under the Act of 1876 or to be hereafter executed under the powers of the Act of 1876 or this Act: Provided always, that any limits imposed in respect of such general improvement rate by the Act of 1854 shall not apply to any rate required to be levied for the purpose of defraying any costs, charges, and expenses incurred by the Commissioners in the execution of the Act of 1876 and of this Act.

Power to borrow.

21. In addition to the moneys which the Commissioners are authorised to borrow under the provisions of the Act of 1876, they may from time to time borrow at interest such further moneys as they may think requisite for the purposes of the water undertaking and gas undertaking of the Commissioners under the Act of 1876 and this Act, to an amount not exceeding in the aggregate eleven thousand pounds; provided that in case further moneys are required for any of the aforesaid purposes, the Local Government Board may,

at the request of the Commissioners, authorise them to borrow such further sums as the Local Government Board may from time to time think fit.

Power to mortgage.

22. For securing the repayment of moneys borrowed under the authority of this Act, the Commissioners may mortgage the water undertaking and the gas undertaking of the Commissioners, and the revenues thereof, and the general improvement rate; and in case they do so, the provisions of section eighty-two of the Act of 1876, with respect to mortgages to be made by the Commissioners, shall extend and apply to mortgages under the authority of this Act.

Application of borrowed money.

23. All moneys borrowed under the authority of this Act shall be applied to the purposes of the water undertaking and the gas undertaking of the Commissioners under the Act of 1876 and this Act, to which capital is properly applicable.

Accounts to be kept by the Commissioners.

24. The Commissioners shall keep an account of their receipts, credits, payments, and liabilities under this Act and the Act of 1876 on capital and revenue account.

Power to borrow under 38 & 39 Vict. c. 83.

25. The Commissioners, if they think fit, in lieu of borrowing on the security of mortgages as herein-before provided, may borrow the moneys which they are by this Act authorised to borrow, under the powers and subject to the provisions of the Local Loans Act, 1875, 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 money borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon the revenue of the water undertaking and the gas undertaking charged therewith by this Act, and upon the general improvement rate, and such revenue and rate shall be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act, 1875. Every such loan shall be discharged within sixty years from the date thereof, and such discharge or any part thereof shall be effected by means of a sinking fund, if the Commissioners shall so think fit; and if the Commissioners at any time think fit to form any such sinking fund, all sums paid into the same shall, as soon as may be, be invested by the Commissioners in any manner in which trustees are by law for the time being authorised to invest trust moneys.

Saving for existing charges.

26. Nothing in this Act shall prejudicially affect any charge on any property of the Commissioners, and any fund in their hands, and any rate leviable by them under the Act of 1854, the Act of 1876, or any other Act whatsoever, or any of them, by way of annuity, mortgage, debenture, debenture stock, or otherwise, and

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every annuitant, mortgagee, holder of debenture or debenture stock, or incumbrancer, 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 property subject to the charge, as if this Act had not been passed; and all such charges shall, during the subsistence thereof, have priority over any mortgage, debenture, debenture stock, or annuity certificate granted under this Act.

For the protection of London and North-western Railway Company.

27. The Commissioners shall, for the protection of the London and North-western Railway Company, be bound by and shall observe and perform the following stipulations, restrictions, and conditions:

1. The conduit or line of main pipes authorised by this Act (in this section referred to as the New Conduit) shall be carried across under the Bettws-y-Coed branch and over the Chester and Holyhead Railways of that company, and along the immediate approaches to the bridge over the last-mentioned railway in the course and according to the line thereof as shown on the deposited plans, and according to the level thereof as shown on the deposited sections; and in so carrying the same across and alongside those railways and along the said approaches, as also alongside the Saint George's Harbour Railway of that company, and in laying down any mains or pipes, or in executing any other works, under or in exercise of the powers conferred by this Act, across, alongside, or in any way affecting those railways, or any of the bridges, approaches, or other works thereof, or any lands or property belonging to or used or occupied by that company, the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of that company, and according to plans to be submitted to and approved by him before any such works are commenced, and such works shall be executed by and in all things at the expense of the Commissioners, and so as not to cause any injury to any such railways, bridges, approaches, or other works, lands, or property, or interruption to the passage or conduct of the traffic over any such railways, or at any station thereof; and if any such injury shall arise to any such railways, bridges, approaches, or other works, lands, or property, or interruption to such traffic, the Commissioners shall make full compensation to that company in respect of such injury or interruption:

2. The New Conduit shall for its entire length across the said railways, and the lands and works thereto respectively

belonging, and for fifteen feet on each side of those railways and along the said immediate approaches, be of such material, dimensions, quality, and thickness as such engineer shall in writing reasonably require:

3. The New Conduit, and all the works so to be executed by the Commissioners across, alongside, or in any way affecting the said railways, bridges, approaches, or other works, lands, or property, shall be maintained and renewed by them, and such renewals and repairs be effected to the reasonable satisfaction and under the superintendence of such engineer, and when the works for such crossings, maintenance, or renewals are commenced, they shall be executed and completed with all due despatch; and in case the Commissioners fail to execute such maintenance and renewals, that company may make and do, in and upon as well their own lands as on the lands of the Commissioners, all such works and things as that company may reasonably think requisite in that behalf; and the sum certified by such engineer to be the reasonable amount of such their expenditure shall be repaid to that company by the Commissioners, and in case of non-payment may be recovered from them with full costs in any court of competent jurisdiction:

4. If by reason of any works or proceedings of the Commissioners or of their contractors, or of any employés of the Commissioners or of their contractors, or the failure of any such works, or the leakage or bursting of any of the mains or pipes of the Commissioners, the said railways of that company, or any of the works thereof, shall be injured or damaged, such injury or damage shall be forthwith made good by the Commissioners at their own expense, and to the reasonable satisfaction of such engineer; and in the event of their failing so to do, that company may make good the same, and recover as aforesaid the expenses thereof, certified as aforesaid, against the Commissioners, with full costs; and if any interruption shall be occasioned to the traffic of the said respective railways by reason of any of the operations or failure of any of the works of the Commissioners, or of their contractors, or any such employés as aforesaid, or by reason of any such leakage or bursting as aforesaid, the Commissioners shall pay to that company all costs and expenses to which they may be put, as well as full compensation for the loss and inconvenience sustained by them by reason of any such interruption, such costs, expenses, and compensation to be recoverable as aforesaid against the Commissioners, with full costs:

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5. The Commissioners shall acquire only an easement in and upon such of the works, lands, and property of that company as may be necessary for constructing and maintaining the New Conduit as shown on the deposited plans, and the company shall sell and grant to the Commissioners such easement accordingly:

6. The amount to be paid for the acquisition of such easement shall be settled, in case of difference, in the manner provided by the Lands Clauses Consolidation Act, 1845, with respect to the purchase of lands otherwise than by agreement.

Saving rights of railway companies herein named.

28. Nothing in this Act contained shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the London and North-western and Chester and Holyhead Railway Companies, or either of them, otherwise than is herein expressly provided.

Expenses of Act.

29. The costs, charges, and expenses preliminary to, and of and incidental to, the preparing of and applying for and obtaining and passing of this Act, shall be paid by the Commissioners out of moneys borrowed under the authority of this Act or out of the general improvement rate or other moneys coming to their hands, and such costs shall include the costs incurred by the Commissioners in or with the object of complying with the provisions of the Act of the session of Parliament held in the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter ninety-one, with respect to the Bill for this Act, and all matters relating thereto, such costs and expenses to be taxed and ascertained by the taxing officer of the House of Commons.

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