



CHAPTER clii.

An Act to extend the limits of supply of the Bodmin Waterworks Company to enable them to construct additional works and to raise further capital and for other purposes.

A.D. 1893.

[27th July 1893.]

WHEREAS by the Bodmin Waterworks Act 1866 (in this Act called "the Act of 1866") the Bodmin Waterworks Company (in this Act called "the Company") were incorporated and authorised to construct and maintain waterworks and to intercept divert into their works take and use the waters of the rivers streams and springs known as the Clerkenwater Stream the Butterwell Stream and the River Camel and their tributaries sources and springs together with all springs and streams along the line of their works and to supply water within the borough and parish of Bodmin in the county of Cornwall :

And whereas by the Act of 1866 the capital of the Company was declared to be eight thousand pounds and the Company were authorised to borrow on mortgage not exceeding two thousand pounds and to create and issue debenture stock :

And whereas the whole of the said capital has been created and issued and is fully paid up and the Company owe eight hundred and fifty pounds on mortgage but have not created any debenture stock :

And whereas it is expedient that the Company be empowered to obtain an additional supply of water and to construct additional works and that the limits of their district for the supply of water be extended so as to include the parishes or townships of Saint Breward Blisland Helland Saint Mabyn and Lanivet all in the county of Cornwall :

And whereas it is expedient that the Company be authorised to raise additional capital by shares or stock and to borrow for the purposes of this Act and the general purposes of their undertaking :

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And whereas plans and sections showing the lines situations and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Cornwall and are hereinafter respectively 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 be cited as the Bodmin Water Act 1893.

Acts to be read as one Act.

2. This Act and the Act of 1866 as altered and amended by this Act shall be read and construed as one Act and the Act of 1866 and this Act may be cited together as the Bodmin Water Acts 1866 and 1893.

Incorporation of general Acts.

3. The following Acts and parts of Acts :—

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 Provided that section 44 of the Waterworks Clauses Act 1847 shall for the purposes of the Act of 1866 and of this Act be read and construed as if the words “ with the consent in writing “ of the owner or reputed owner of any such house or of the “ agent of such owner ” were omitted from that section :

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

The conversion of borrowed money into capital ;

The consolidation of the shares into stock ;

The general meetings of the Company and the exercise of the right of voting by the shareholders ;

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The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

And Part I. (cancellation and surrender of shares) Part II. (additional capital) and Part III. (debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869;

are (except where expressly varied by this Act) incorporated with and form part of this Act.

4. In this Act—

The several words and expressions to which meanings are assigned by the Act of 1866 or the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction;

The expression "undertaking" means the undertaking of the Company under the Act of 1866 and this Act; and

The expression "limits of supply" means the limits within which the Company are by the Act of 1866 authorised to supply water as such limits are extended by this Act.

Interpreta-
tion of terms.

5. From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include (in addition to the district included within the Company's limits for the supply of water as defined by the Act of 1866) the parishes or townships of Saint Breward Blisland Helland Saint Mabyn and Lanivet all in the county of Cornwall and the said parishes and townships are herein-after called "the added area" and for the purposes of such supply and subject to the provisions of this Act the Company shall have and may exercise all the powers rights privileges and authorities and shall be subject to the same obligations they now have and may exercise or are subject to within their limits for the supply of water as defined by the Act of 1866 and the provisions of the Act of 1866 shall subject to the provisions of this Act extend and apply to the added area and the supply of water therein Provided that nothing in this Act contained shall in any way interfere with affect or detract from the powers privileges duties or rights of the Bodmin Rural Sanitary Authority Provided also that if the Company shall not be adequately supplying any parish or township within the added area with water for domestic purposes within five years from the passing of this Act the restriction on the construction of waterworks by a local authority imposed by section 52 of the Public Health Act 1875 shall not in respect of the Company and

Extension of
limits.

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Power to
make and
maintain
waterworks.

6. Subject to the provisions of this Act the Company may make and maintain in the county of Cornwall the following works in the situations and according to the lines and levels shown upon the deposited plans and sections (that is to say) :—

- (1) An aqueduct or line of pipes (Line of Pipes No. 1) commencing in the parish of Saint Breward in or near the centre of the field or marsh numbered 203 in the said parish on the ordnance map (scale $\frac{1}{2500}$) and terminating in the said parish in the reservoir herein-after described ;
- (2) A reservoir (Saint Breward Reservoir) wholly in the parish of Saint Breward in the field or rough pasture numbered 576 in the said parish on the ordnance map (scale $\frac{1}{2500}$) ; and
- (3) An aqueduct or line of pipes (Line of Pipes No. 2) commencing in the parish of Saint Breward in the reservoir herein-before described and terminating in the parish of Bodmin by a junction with the Company's existing pipes in Fore Street at or near the entrance to Crockwell Street :

And the Company may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as may be required for the purposes of this Act :

Provided that notwithstanding anything shown upon the deposited plans the Company shall not permanently acquire any of the lands being or reputed to be common or commonable lands situate in the parish of Saint Breward and known as Saint Breward Common but may acquire an easement only in over and through those lands.

Lateral and
vertical
deviation.

7. In making the works by this Act authorised or any of them the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown or defined thereon and in the case of any aqueduct or line of pipes placed underground beyond those limits with the consent of the persons through whose lands such deviation is proposed to be made and where on any road or any part of any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Company may also deviate vertically from the levels of any such works shown on the deposited sections to any extent not exceeding three feet upwards and ten feet downwards Provided that if it be found necessary or expedient in the construction of the reservoir by this Act authorised to alter the situation of the embankment thereof the Company shall not

construct such embankment of a greater height above the general surface of the ground than three feet above that shown on the deposited sections. A.D. 1893.

8. The Company in addition to the foregoing works may make alter maintain and renew all proper and necessary sluices embankments gauges weirs waste weirs overflows bridges drains aqueducts filtering beds main pipes tunnels roads approaches apparatus engines pumps machinery works and conveniences in connection with the reservoir and aqueducts herein-before described and authorised by this Act or which may be necessary or convenient to be made on any lands for the time being of the Company for the purpose of obtaining storing and distributing water and obtaining access thereto and may alter improve enlarge extend renew or discontinue all or any of the said works But nothing in this section shall exonerate the Company from any action indictment or other proceeding in the event of any nuisance being caused or permitted by them. Power to make incidental and distributing works.

9. Subject to the provisions of this Act the Company may from time to time for the purposes of their undertaking collect impound take and divert by and in the works by this Act authorised and use and appropriate the waters of all such streams and all such waters as will or may be intercepted by the works by this Act authorised or as may be found in upon or under any lands for the time being belonging to the Company or which or easements over or in respect of which they may acquire under the powers of this Act and especially the waters of the stream in the said parish of Saint Breward known as the Hamatethy stream and the tributaries sources and springs thereof Provided that so far as the parishes of Blisland Helland Saint Mabyn and Lanivet are concerned the provisions of this section shall not apply so as to authorise the use and appropriation of any waters or streams within such parishes. Power for Company to take waters.

10. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

11. The Company in addition to the lands which they are otherwise authorised to purchase or hold may for any of the purposes of their undertaking from time to time by agreement purchase or take any additional quantity of land not exceeding in the whole five acres or any easement or right (not being an easement or right of water) in or over such additional lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking and may thereon execute Power to acquire additional lands by agreement.

A.D. 1893. for the purposes of and in connection with their undertaking any of the works and exercise any of the powers mentioned in section 12 of the Waterworks Clauses Act 1847 but subject to the proviso therein contained. Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or (so long as the same are held by them) permit the erection of any buildings other than buildings connected with or necessary for their undertaking or houses cottages and buildings for their officers and servants.

Power to take easements &c. by agreement.

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 Company any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

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

For the 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 of such persons who may be residing with them.

Period for completion of works.

14. If the works by this Act authorised and shown on the deposited plans 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 to the Company for executing any such work or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing in this section shall restrict the Company from renewing extending enlarging altering or removing any of their engines machinery mains pipes works and conveniences and increasing and improving their supply of water from time to time whenever they find it requisite.

15. The Company may hold any lands already acquired by them and any lands hereafter to be acquired by them under the powers of this Act and other lands for the time being vested in them which they may deem necessary for the purpose of protecting their works against nuisances encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Consolidation Act 1845 respectively Provided always that the Company shall not create or permit any nuisance on any such lands and that no building shall be erected on any such lands whilst so held by the Company other than buildings necessary for or connected with the works of the Company.

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Power to hold lands for protection of waterworks.

16. The Company may subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands from time to time sell lease or otherwise dispose of in such manner and to such persons as the Company think fit any lands houses buildings works plant apparatus or other property for the time being belonging to the Company which they do not require for the purposes of their undertaking and in any such sale or lease the Company may reserve to themselves all or any water or water rights or other easements belonging to the lands sold or leased and may make the sale or lease for such consideration and subject to such reservations conditions restrictions or provisions and generally upon such terms and conditions as the Company think fit.

Leasing &c. of superfluous lands.

17. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or are authorised to raise.

Application of authorised capital.

18. The Company may from time to time raise additional capital not exceeding in the whole twelve thousand pounds by the creation and issue of new ordinary shares or stock or new preference shares or stock or wholly or partially by one or more of those modes respectively but the Company shall not issue any share of less nominal value than ten pounds nor shall any such share or stock vest in the person or Corporation accepting the same unless and until the full nominal amount of such share or stock (if such share or stock shall be issued at or above par) together with any premium obtained upon the sale thereof shall have been paid in respect thereof Provided that it shall not be lawful for the Company to create and issue under the powers of this Act any greater nominal amount of capital than shall be sufficient to produce including any premiums which may be obtained on the sale thereof the sum of twelve thousand pounds And provided that the Company shall not under the powers of this Act create a greater amount than six

Power to raise additional capital.

A.D. 1893. — thousand pounds (nominal value) of such additional capital as preference capital.

As to voting in respect of additional preference capital.

19. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock created under the powers of this Act to which a preferential dividend shall be assigned.

Incidents of additional capital.

20. Subject to the provisions of this Act the additional capital created under the powers of this Act by shares or stock shall form part of the general capital of the Company and save as otherwise expressly provided by this Act the holders of the shares or stock therein shall be entitled to the like rights of voting and other qualifications and privileges in proportion to the amount of their shares or stock and be subject to the like provisions liabilities and forfeitures as the holders of shares or stock in the existing capital of the Company.

Limit of dividend on addition capital.

21. The Company shall not in any one year make out of their profits any larger dividend on the additional capital to be raised under the powers of this Act than at the rate of seven pounds in respect of every one hundred pounds actually paid up of such capital as shall be issued as ordinary capital or six pounds in respect of every one hundred pounds actually paid up of such capital as may be issued as preference capital unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said sum of seven pounds or as the case may be six pounds per centum per annum.

Dividends on different classes of shares or stock to be paid rateably.

22. In case in any half-year the funds of the Company applicable to dividend shall be insufficient to pay the full amount of dividend at the prescribed maximum rate on each class of ordinary shares or stock in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

Shares or stock in additional capital to be offered by auction or tender.

23. Notwithstanding anything in this Act contained the Company shall when any new shares or stock created under the powers of this Act are to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent

by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company except that if any bidding or offer by tender of any holder or holders of shares or stock be the same in amount as any bid or offer made by any other person the bidding or offer of such holder or holders of shares or stock shall be accepted in preference.

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24. It shall be one of the conditions of any sale of shares or stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

Time for paying up shares or stock sold by auction.

25. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the said borough of Bodmin and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said borough.

Notice to be given as to sale &c. of shares or stock.

26. When any shares or stock created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender and any shares or stock not then sold shall be again offered to the holders of ordinary shares or ordinary stock at the last-mentioned reserved price and so from time to time until the whole of such shares or stock is sold.

Shares or stock not sold by auction or by tender to be offered to shareholders.

27. Any sum of money which shall arise by way of premium from the issue of any such shares or stock after deducting therefrom the expenses of and incident to such issue and any sums of money received by the Company as part of the sum of three thousand five hundred pounds mentioned in the section of this Act

Application of premium arising on issue of shares or stock and of other moneys.

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whereof the marginal note is "As to supply to Cornwall County Asylum" shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow in respect of additional capital.

28. The Company may from time to time subject to the provisions of this Act borrow on mortgage of their undertaking any further sum or sums not exceeding in the whole one-fourth part of the amount of the additional capital by this Act authorised to be raised and at the time actually issued by shares or stock but no part thereof shall be borrowed until the whole of the shares or stock at the time issued together with the premium (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premium (if any) have been issued and fully paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repeal of provisions of Act of 1866 as to receiver.

29. Section 11 of the Act of 1866 is hereby repealed but subject and without prejudice to any appointment made or proceedings taken under or by virtue of that section and in force or pending at the time of the passing of this Act.

As to appointment of a receiver.

30. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two thousand pounds in the whole.

Existing mortgages to have priority.

31. All mortgages granted by the Company before the passing of this Act and subsisting at the passing hereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

32. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act

1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

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33. All money raised or to be raised by the Company on mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act. Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made to the Company in pursuance of any Act relating to the Company which is entitled to rank in priority to or *pari passu* with the interest on their mortgages or debenture stock.

Priority of mortgages over other debts.

34. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by the issue of debenture stock or any part thereof by the creation of shares or stock instead of borrowing or to convert into share capital any money borrowed under the powers of this Act unless in either case all dividends upon the shares or stock whether ordinary or preferential are limited to a rate not exceeding five per centum per annum.

As to conversion of borrowed money into capital.

35. All moneys raised under this Act whether by shares or stock or borrowing or by debenture stock shall be applied only for the purposes of the Company to which capital is properly applicable.

Application of moneys.

36. The Company may from time to time enter into and carry into effect contracts or agreements with any county council urban or rural sanitary or other local authority public body company or persons for or with respect to the supply by the Company to any such county council sanitary or other local authority public body company or persons of water in bulk for any purposes and for any period in any district within the

Agreements with other bodies &c.

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Company's limits of supply and by agreement vary suspend or rescind any such contract or agreement and enter into and carry into effect other contracts or agreements in lieu thereof Provided that the Company shall not supply water under any such contract or agreement if and so long as the affording such supply would prevent the Company from giving a full and sufficient supply for domestic purposes.

As to supply
to Cornwall
County
Asylum.

37.—(1) At or before the expiration of five years from the passing of this Act the Company shall lay all such pipes and make all such connections as shall be necessary for supplying water to the Cornwall County Asylum (in this section referred to as "the asylum") at the rate of not less than forty thousand gallons in every day of twenty-four hours and subject as hereinafter mentioned shall for ever after laying such pipes and making such connections maintain the same in an efficient state for supplying water to the asylum at the rate aforesaid and supply to the asylum in every day of twenty-four hours commencing at midnight such a quantity of water not exceeding forty thousand gallons as the Cornwall County Council (in this section referred to as "the council") shall require to be supplied;

(2) The council shall when the Company supply water to the asylum under the foregoing provisions of this section pay to the Company the sum of three thousand five hundred pounds as and by way of payment for all water to be supplied to the asylum by the Company under such provisions;

(3) If at any time the council shall require more than forty thousand gallons of water to be supplied to the asylum in any day of twenty-four hours and the Company supply the same the council shall pay to the Company for all water so supplied in any such day in excess of forty thousand gallons at the rate of one shilling per thousand gallons;

(4) The Company shall as soon as practicable after receiving the said sum of three thousand five hundred pounds or any instalment thereof pay off thereout any money then remaining not paid off and which was borrowed or owing on mortgage by them before the passing of this Act;

(5) The said sum of three thousand five hundred pounds shall be repayable without interest by the Company to the council on their demand in writing (but not otherwise) if at any time the Company shall fail to supply water at the rate of forty thousand gallons a day as aforesaid unless such failure be occasioned by some cause which the Company could not with the exercise of due diligence prevent and for the purposes of this subsection the said sum shall be deemed to have been borrowed on mortgage by the

Company pursuant to the powers contained in the section of this Act whereof the marginal note is "Power to borrow in respect of additional capital" and shall until repaid as aforesaid have priority over any mortgage granted by the Company after the passing of this Act;

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(6) From and after such repayment every obligation under the provisions of this section on the part of the Company to supply water to the asylum shall cease; and

(7) Until the said sum of three thousand five hundred pounds shall have been paid to the Company and repaid to the council as aforesaid the Company shall not exercise any of the powers of borrowing conferred upon them by the said section whereof the marginal note is "Power to borrow in respect of additional capital."

38. The council may for the purpose of providing the moneys payable by them to the Company pursuant to the provisions of the section of this Act whereof the marginal note is "As to supply to Cornwall County Asylum" and subject to the provisions of the Local Government Act 1888 borrow any sums not exceeding in the whole three thousand five hundred pounds.

Power to Cornwall County Council to borrow for purposes of this Act.

39. Within six months after the passing of this Act the Company shall construct a fishpass at their existing weir at Dunmere on the River Camel to the satisfaction of the Board of Trade in all respects and shall at all times thereafter maintain the same to the satisfaction of the said Board :

As to fishpass on River Camel.

If the Company—

(A) shall fail to construct such fishpass in manner and within the time aforesaid; or

(B) shall at any time after such fishpass shall have been constructed fail to maintain the same to the satisfaction of the Board of Trade and shall also fail at the expiration of two months' notice to be given to them by the said Board to restore and repair such fishpass to the satisfaction of the said Board ;

the Company shall forfeit and pay to the Board of Conservators of the Camel Fishery District the sum of three hundred pounds to be recovered in any court of summary jurisdiction and such sum shall be expended or otherwise dealt with by the said Board of Conservators in such manner as the Board of Trade may direct.

40. Nothing contained in this Act shall extend to authorise 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 some two or more of such of the

Saving the rights of the Duchy of Cornwall.

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regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such duke testified in writing under the seal of the Duchy of Cornwall 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.

Costs of Act. **41.** All costs charges and expenses of incident and preliminary to the preparing and applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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