CHAPTER lxix.

An Act to consolidate with amendments certain of the local Acts in force in the borough of Plymouth to confer further powers upon the mayor aldermen and burgesses of that borough and to make further provision in regard to the health local government and improvement of the borough and for other purposes. A.D. 1915.

[29th July 1915.]

WHEREAS before the commencement on the ninth day of November nineteen hundred and fourteen of the Borough of Plymouth Order 1914 which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 18) Act 1914 the area of the existing borough of Plymouth comprised the former boroughs of Devonport and Plymouth and the former urban district of East Stonehouse:

And whereas numerous local Acts were in force in the former boroughs of Devonport and Plymouth and in the former urban district of East Stonehouse and are in force in the borough or in the several parts thereof and by the Order of 1914 it was provided that the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the Corporation") should promote a Bill in Parliament within the period of three years from the commencement of that Order for the consolidation and amendment of the local Acts and it is expedient that the same be consolidated and amended in the manner provided by this Act:

And whereas it is expedient at the same time to extend in various respects the powers of the Corporation and to make further provision in regard to the health local government and improvement of the borough:

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And whereas by an agreement dated the eighth day of October nineteen hundred and twelve and made between William Lewis and John Daniel Grimsey of the one part and the Corporation of the other part a copy of which is set forth in the Ninth Schedule it was agreed that certain lands forming part of an estate known as the Mutley Park Estate should be conveyed to the Corporation and held by them for the convenient use and benefit of the public as and for a public road and a public ornamental pleasure ground subject to the conditions restrictions and stipulations mentioned in the said agreement and it is expedient that provision be made as in this Act contained for vesting the said lands in the Corporation:

And whereas by an indenture dated the sixth day of April eighteen hundred and fifty-two and made between William Cotton of the first part the Right Honourable Edmund Earl of Morley George Tonkin Shortland Robert Hudson Harry Bulteel Harris Charles Cobley Whiteford and George Pridham of the second part and the said Edmund Earl of Morley William Cotton George Tonkin Shortland Robert Hudson Harry Bulteel Harris Charles Cobley Whiteford and George Pridham of the third part (in this Act called "the deed of trust") after reciting that the said William Cotton was possessed of a valuable collection of books prints drawings and works of art and vertu which he was desirous of dedicating to public purposes and in order thereto had delivered the several books prints drawings and works of art and vertu specified in the first schedule thereto into the custody of the parties thereto of the third part the said William Cotton covenanted and agreed to and with the parties thereto of the second part that the executors or administrators of the said William Cotton should within three calendar months after his decease deliver to and deposit with the trustees for the time being of the deed of trust the books prints drawings and works of art and vertu specified in the second schedule thereto And it was declared that the trustees for the time being of the deed of trust should stand and be possessed of the said collection upon trust whilst and so long as a certain room part of the building called the Plymouth Public Library together with certain easements and appurtenances demised by an indenture bearing even date therewith should under and by virtue of the same indenture or otherwise be available and be held upon and for the trusts and purposes thereof declared or referred to by the same indenture and when whilst and so long as sufficient funds

or means should by the proprietors of the Plymouth Public Library or otherwise be from time to time provided and placed at the disposal of the trustees or trustee for the time being of the deed of trust to keep and maintain the said collection in a good state and condition applicable to and for the trusts and purposes therein declared thereof for public purposes Upon trust to permit the said collection to remain deposited in the said room so demised as aforesaid and to be exhibited to and used for purposes of amusement and instruction by the inhabitants of the towns of Plymouth Stonehouse and Devonport and their vicinity and also by the proprietors of the Plymouth Public Library subject to such rules orders and regulations as should from time to time be made by the trustees for the time being of the deed of trust under the provisions in that behalf therein contained so as that (except during such periods as may be deemed necessary for an annual or other inspection or cleaning thereof) the said collection be open to the public gratuitously at least one day in every week from the hours of ten in the forenoon to four in the afternoon and upon divers other trusts expressed in the deed of trust:

And whereas by the deed of trust provision was made for the appointment of trustees thereof three of such trustees to be nominated by the proprietors of the Plymouth Public Library and three by the executors or administrators of the late William Cotton and one to be appointed by the trustees nominated as aforesaid:

And whereas the Plymouth Public Library is now known as the Plymouth Proprietary Library:

And whereas in order that the public should derive full benefit from the said museum it is expedient that the same should be transferred to the Corporation and should be placed in larger and more commodious premises and that the provisions in regard thereto contained in this Act should be enacted:

And whereas it is expedient to increase the amount which the Corporation may expend for museum purposes under the Museums and Gymnasiums Act 1891:

And whereas it is expedient that the other provisions contained in this Act be enacted:

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

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And whereas estimates have been prepared by the Corporation for the purposes herein-after mentioned and such estimates are as follows:—

	£
For and in connexion with the construction of a conduit and water mains - - -	60,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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):—

Part I.
Preliminary.

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Plymouth Corporation Act 1915.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Water.
Part III.—Gas.
Part IV.—Electricity.
Part V.—Tramways.
Part VI.—Markets Fairs and Slaughter-houses.
Part VII.—Piers and Landing Stages.
Part VIII.—Lairy Bridge and Embankment.
Part IX.—Mutley Park Estate.
Part X.—Cottonian Museum.
Part XI.—Streets Buildings Sewers and Drains.
Part XII.—Police.
Part XIII.—Lands.
Part XIV.—Financial Provisions.
Part XV.—Miscellaneous Provisions.

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Preliminary.

Incorporation of Acts.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act are hereby incorporated with this Act:—

(1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

(2) The Waterworks Clauses Act 1847 except—

(*a*) The words "with the consent in writing of "the owner or reputed owner of any such house or "of the agent of such owner" in section 44;

(*b*) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(*c*) Section 83 (with respect to the yearly receipt and expenditure of the undertakers);

(3) The Waterworks Clauses Act 1863;

(4) The Gasworks Clauses Act 1847 except—

(*a*) Sections 30 to 37 (with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit); and

(*b*) Section 38 (with respect to the yearly receipt and expenditure of the undertakers):

Provided that section 13 shall be read as if—

The words "or any premises" were inserted after the words "private building"; and

The words "Provided also that every such "contract entered into by the undertakers shall "be alike in terms and amount under like cir-"cumstances to all consumers" were added at the end of that section;

(5) The Gasworks Clauses Act 1871 except sections 7 8 24 25 26 27 29 and 35;

(6) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 except subsection (1) of section 21:

Provided that section 7 shall be read as if—

The words "one fifth" were inserted in that section in lieu of the words "one tenth";

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Preliminary.

(7) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) Part II. and Part III. of the Tramways Act 1870:

Provided that the words in section 19 of that Act "but nothing in this Act contained shall authorise "any local authority to place or run carriages upon "such tramway and to demand and take tolls and "charges in respect of the use of such carriages" shall not apply to the Corporation;

(8) The Markets and Fairs Clauses Act 1847 except sections 12 31 32 and 44 to 53 thereof; and

(9) The Harbours Docks and Piers Clauses Act 1847 except as provided in subsection (2) of the section of this Act whereof the marginal note is "Application of General Pier Act 1862":

Sec. 124.

Provided that—

(*a*) In the said Act the expressions "packet boat" and "post office packet" mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression "post office bag of letters" means a mail bag as defined by the same Act;

(*b*) Nothing in the said Act or in this Act shall extend to exempt from rates or duties any such vessel as aforesaid if she also conveys passengers or goods for hire; and

(*c*) The word "baggage" in section 28 (Exemption of vessels in Her Majesty's or the public service from rates) of the said Act shall for the purposes of Part VII (Piers and Landing Stages) of this Act be deemed to include all articles which now or hereafter may reasonably be classed as baggage.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires—

(i) "The Corporation" means the mayor aldermen and burgesses of the borough of Plymouth;

(ii) "The borough" means the county borough of Plymouth;

(iii) "The council" means the council of the borough;

(iv) "The mayor" "the town clerk" "the treasurer" "the medical officer" "the surveyor" and "the inspector of nuisances" mean respectively the mayor the town clerk the treasurer the medical officer of health the surveyor and the inspector of nuisances of the borough and respectively include any person duly authorised to discharge temporarily or permanently the duties of those offices;

(v) "The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

(vi) "The water undertaking" includes all lands reservoirs properties leats works buildings machinery plant mains apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to waterworks and the diversion collection storage and distribution of water or otherwise for or in relation to or in connexion with the supply of water by them;

(vii) "The gas undertaking" includes all lands properties works buildings machinery plant mains apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to gasworks or the manufacture storage or distribution of gas or otherwise for or in relation to or in connexion with the supply of gas by them;

(viii) "The electricity undertaking" includes all lands properties works buildings stations machinery plant mains apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to electricity works or the generation or distribution of electricity or otherwise for or in relation to or in connexion with the supply of electricity by them;

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(ix) "The Corporation tramways" means the tramways for the time being belonging to or authorised to be constructed by the Corporation and includes all the existing tramways in the borough when acquired by the Corporation;

(x) "The tramway undertaking" includes the Corporation tramways and also all lands properties works buildings stations machinery plant apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connexion with the Corporation tramways;

(xi) "Mechanical power" means steam electrical and any other motive power not being animal power;

(xii) "Engine" includes motor;

(xiii) "Markets" includes the fairs held by the Corporation at the Feast of St. Matthew and the Feast of the Conversion of St. Paul;

(xiv) "The markets undertaking" includes all lands properties buildings apparatus appliances rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connexion with markets;

(xv) "The pier undertaking" includes the several piers and landing stages for the time being of the Corporation and the works connected therewith and all lands properties buildings apparatus appliances rights powers and privileges for the time being belonging to or held used and enjoyed by the Corporation for or in relation to or in connexion with their piers and landing stages;

(xvi) "The Lairy Bridge" means the bridge (sometimes known as the Lary or Laira Bridge) constructed under the authority of the Act 4 George IV. cap. x. and the Act 5 George IV. cap. cxiii. (in this Act called "the Lairy Bridge Acts") together with the approaches to the bridge and the conveniences and appurtenances belonging thereto or used or enjoyed therewith and all other the undertaking authorised by the Lairy Bridge Acts;

(xvii) "The Lairy Embankment undertaking" means the undertaking which was acquired under the Plymouth Corporation Act 1898 and includes all lands properties buildings works rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in relation to or in connexion with that undertaking;

(xviii) "The Embankment Acts" means the Act 42 George III. cap. xxxii. the Act 43 George III. cap. xv. and the Act 5 George IV. cap. xxvi.;

(xix) "The museum" means the collection of books prints drawings and works of art and vertu vested at the passing of this Act in the trustees appointed in pursuance of the deed of trust recited in the preamble to this Act;

(xx) "The Devonport area" means the area of the parish of Devonport as constituted on the ninth day of November nineteen hundred and fourteen;

(xxi) "Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

(xxii) "The prescribed period" means the period allowed by any statutory borrowing power for the repayment of loans raised thereunder;

(xxiii) "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed

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Preliminary.

of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

(xxiv) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertakings or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;

(xxv) "Daily fine" means a fine for each day on which an offence is continued by a person after conviction;

(xxvi) "The Order of 1914" means the Borough of Plymouth Order 1914 confirmed by the Local Government Board's Provisional Order Confirmation (No. 18) Act 1914;

(xxvii) "The recited Acts" means the Acts of Parliament and Orders confirmed by Parliament mentioned in the First Schedule;

(xxviii) "The First Schedule" "the Second Schedule" "the Third Schedule" "the Fourth Schedule" "the Fifth Schedule" "the Sixth Schedule" "the Seventh Schedule" "the Eighth Schedule" "the Ninth Schedule" "the Tenth Schedule" and "the Eleventh Schedule" mean respectively the First Second Third Fourth Fifth Sixth Seventh Eighth Ninth Tenth and Eleventh Schedules to this Act.

Part II.
Water.

Part II.

Water.

Works &c.

Water undertaking to continue vested in Corporation.

5. The water undertaking as it exists at the passing of this Act shall be and continue vested in the Corporation and be held used and enjoyed by them.

Power to maintain and provide waterworks and supply water.

6. The Corporation may—

(1) maintain renew alter and improve the water undertaking or any part thereof in the manner which was authorised by the recited Acts;

(2) take intercept and impound any water which can or may be intercepted by any of their existing works or which they might have taken intercepted or impounded if this Act had not been passed;

(3) erect lay down provide and maintain upon lands vested in the Corporation for the purposes of the water undertaking additional and other works and apparatus;

(4) lay down provide and maintain additional and other aqueducts mains and pipes in under or across streets subject to the provisions of this Act and of the Acts incorporated therewith; and

(5) sell and supply water in accordance with the provisions of this Act.

Further powers in relation to water mains.

7. The Corporation shall have and may exercise within their water limits the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits of the Corporation shall be deemed to be the district of the Corporation.

Limiting powers of Corporation to abstract water.

8. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament (including the Acts repealed by this Act).

Power to hold lands and exercise powers for protection of waters.

9.—(1) For the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take the Corporation may by agreement purchase take on lease or otherwise acquire any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking so long as they shall deem it necessary or expedient for those purposes Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section nor erect any buildings thereon except offices and dwellings for persons in their employment in connexion with the water undertaking and such buildings and works as may be incident to or connected with the water undertaking.

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(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

(3) The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Corporation are for the time being authorised to take.

Reservation of water rights &c.

10. The Corporation on selling any lands held by them for the purposes of the water undertaking and not required for those purposes may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Penalty for drawing off water from leat.

11.—(1) No person shall open any sluice or flood gate of or in any other manner divert draw or let off any of the water from any leat of the Corporation without or otherwise than in accordance with the previous licence of the Corporation.

(2) Every person who shall offend against this section shall be liable to a fine not exceeding twenty pounds and the amount of all damage injury or loss thereby occasioned to the Corporation may be recovered by them and if such amount does not exceed twenty pounds it may be recovered summarily as a civil debt.

Temporary discharge of water into streams.

12.—(1) For the purpose of constructing enlarging extending repairing cleansing or examining any of the waterworks of the

Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration in accordance with the provisions of the Arbitration Act 1889.

Application of Waterworks Clauses Act 1847 to discharge pipes and telephones.

13. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall with the necessary modifications apply within the water limits to the construction laying down erection and maintenance in any streets or roads of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to erect or lay down within the water limits for the purposes of the water undertaking.

For protection of Postmaster-General.

14. Any telegraphic or telephonic apparatus made maintained erected or laid down by the Corporation under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to lay pipes in private streets.

15. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation in this Act.

Detection of waste.

16.—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footways courts passages tramways gas or water pipes electric lines wires and apparatus.

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(2) Provided that the Corporation shall not interfere with any electric lines wires and apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

For protection of rural district councils.

17. For the protection of the council of the rural district of Tavistock and of the council of the rural district of Plympton St. Mary (in this section respectively referred to as "the council") the following provisions shall unless otherwise agreed between the Corporation and the council apply and have effect as regards the execution by the Corporation of any works under or in pursuance of the powers of this Part of this Act (that is to say):—

(1) The notice required by section 30 of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall as regards any road bridge or approach repairable by the council be not less than seven clear days instead of three clear days except in cases of emergency:

(2) The plan required by section 31 of the Waterworks Clauses Act 1847 shall in the case of interference with any such road bridge or approach and except in the case of repairs or renewals be accompanied by a section and a description of the proposed works:

(3) Any works carried out by the Corporation under this Act shall be so executed as to stop impede or interfere with the traffic on any such road bridge or approach as little as may be:

(4) If any difference arises at any time between the council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers on the application of either party.

Supply.

Water limits.

18. The limits of this Part of this Act (in this Act called "the water limits") shall be—

(1) the borough; and

(2) the parishes of Bickleigh Compton Gifford Egg Buckland Saint Budeaux Tamerton Foliot Weston Peverell Buckland Monachorum Meavy Sheepstor and Walkhampton—

all in the county of Devon.

Conditions as to supply of water.

19.—(1) The Corporation shall supply water for domestic purposes within the water limits in accordance with the provisions of this Act and shall duly supply the shipping resorting to the port of Plymouth with water for shipping purposes at rates not exceeding those authorised by this Act in that behalf.

(2) The Corporation if and when they think fit may—

(*a*) supply any persons within the water limits with water for any purposes other than domestic purposes and shipping purposes;

(*b*) supply water by measure to any person within the water limits for domestic shipping or other purposes

for such remuneration and upon such terms and conditions as may be agreed on between the Corporation and the persons supplied.

(3) Any sums payable for a supply of water under the foregoing provisions of this section shall be recoverable as water rates.

(4) The Corporation on the one hand and the Secretary of State for War the Admiralty the Sutton Harbour Improvement Company and the Plymouth Great Western Dock Company respectively on the other hand may enter into and carry into effect contracts for the supply by the Corporation of water to or for those authorities and bodies respectively whether in bulk or otherwise for such remuneration and on such terms and conditions and for such period as may be agreed upon and any water supplied by the Corporation under this subsection may be used without as well as within the water limits.

(5) Provided that when the Admiralty shall (in addition to their other rights and powers contractual or otherwise) require water for supply by them to the warships of friendly Foreign Powers or to the ships and vessels chartered by the Admiralty or in use by contractors carrying out Admiralty work the Corporation shall supply the said water to the Admiralty at rates

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no higher than the rates in force from time to time in respect of other water passing through Admiralty meters.

(6) In any case in which the Corporation are affording a supply of water to any body or person under any agreement made under any of the recited Acts and in force at the date of the passing of this Act the Corporation may continue to afford a supply of water to such body or person under such agreement.

(7) The Corporation may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the water limits to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon:

Provided that—

(*a*) such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area;

(*b*) nothing in this subsection shall authorise the Corporation to lay any mains beyond the water limits.

(8) Provided that the Corporation shall not supply any water to the detriment of any supply of water which by this Act they are compellable to afford or for His Majesty's service under the provisions set forth in the Second Schedule.

Pressure.

20.—(1) Subject to the provisions of subsection (2) of this section the water to be supplied by the Corporation need not be constantly laid on under pressure greater than can be supplied by gravitation from the reservoir from which the supply shall be taken.

(2) Provided that in the case of premises which are supplied from the Rowden's Reservoir and the top storey of which cannot be supplied by gravitation directly from that reservoir the water need not be laid on under pressure greater than that supplied by gravitation from the stand-pipe erected at or near to the reservoir the elevation of which is not less than fifty feet above the top water level of the reservoir.

Water rates for domestic purposes.

21.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house

occupied as a separate tenement or dwelling in any street within the water limits in which any main or service pipe of the Corporation from time to time is laid or of any person who under this Act is entitled to demand a supply of water for domestic purposes furnish to the owner occupier or other person by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained at the cost of the person having the supply a supply of water sufficient for his domestic purposes at a rate on the yearly value of the dwelling-house or part of a dwelling-house not exceeding the rates herein-after mentioned.

(2) In regard to dwelling-houses within the borough—

(*a*) Where the yearly value does not exceed five pounds four shillings;

(*b*) Where the yearly value exceeds five pounds and does not exceed ten pounds eight shillings;

(*c*) Where the yearly value exceeds ten pounds and does not exceed fifteen pounds twelve shillings;

(*d*) Where the yearly value exceeds fifteen pounds and does not exceed twenty pounds fourteen shillings;

(*e*) Where the yearly value exceeds twenty pounds and does not exceed twenty-five pounds sixteen shillings;

(*f*) Where the yearly value exceeds twenty-five pounds and does not exceed thirty pounds one pound;

(*g*) Where the yearly value exceeds thirty pounds and does not exceed forty pounds one pound four shillings;

(*h*) Where the yearly value exceeds forty pounds and does not exceed fifty pounds one pound eight shillings;

(*i*) Where the yearly value exceeds fifty pounds and does not exceed sixty pounds one pound twelve shillings;

(*j*) Where the yearly value exceeds sixty pounds and does not exceed eighty pounds one pound sixteen shillings;

(*k*) Where the yearly value exceeds eighty pounds and does not exceed one hundred pounds two pounds;

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(*l*) Where the yearly value exceeds one hundred pounds and does not exceed three hundred pounds two pounds per centum of such yearly value;

(*m*) Where the yearly value exceeds three hundred pounds six pounds together with a sum equal to one pound ten shillings per centum of the amount of such yearly value in excess of three hundred pounds.

(3) (*a*) In regard to any dwelling-house situate within that part of the water limits which is now comprised within the rural district of Plympton St. Mary the rate shall be equivalent to the rate for the time being charged by the Corporation under the foregoing provisions of this section for a supply of water to a dwelling-house in the borough of the same yearly value together with a sum equal to one-half of the amount of such last-mentioned rate and such last-mentioned sum is referred to in this subsection as "the additional sum."

(*b*) Provided that if within three months after the expiration of fifteen years from the passing of this Act the Corporation give notice in writing to the Plympton St. Mary Rural District Council and that council give notice in writing to the Corporation or either of them give notice in writing to the other of them requiring a revision of the amount of the additional sum the amount of the additional sum shall be revised either by agreement between the Corporation and the said council or failing such agreement by an arbitrator appointed by the Local Government Board and that after any period of twenty-five years from the expiration of the said fifteen years or from any subsequent revision under this subsection the additional sum may on three months' notice in writing being given by the said council to the Corporation so requiring be again and so often as the occasion arises revised by agreement or by arbitration as in this subsection provided.

(4) (*a*) In regard to any dwelling-house situate within that part of the water limits which is now comprised within the rural district of Tavistock the rate shall be seven pounds ten shillings per centum of the amount of the yearly value of such dwelling-house:

(*b*) Provided that if within three months after the expiration of fifteen years from the passing of this Act the Corporation give notice in writing to the Tavistock Rural District Council and that council give notice in writing to the Corporation or

either of them give notice in writing to the other of them requiring a revision of the said rate the rate shall be revised either by agreement between the Corporation and the said council or failing such agreement by an arbitrator appointed by the Local Government Board and that after any period of twenty-five years from the expiration of the said fifteen years or from any subsequent revision under this subsection the rate may on three months' notice in writing being given by the said council to the Corporation so requiring be again and so often as the occasion arises revised by agreement or by arbitration as in this subsection provided.

(5) The yearly value of any premises for the purposes of this Part of this Act shall be the gross estimated rental thereof ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor.

(6) Provided that where the water rate is chargeable on the yearly value of a part only of any hereditament entered in the valuation list such yearly value shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

(7) In addition to the foregoing charges the Corporation may charge for every fixed bath capable of containing more than eighty gallons such sum as the Corporation may think fit such additional sum to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Dates for payment of water rates.

22. Notwithstanding anything contained in section 70 (Rates to be paid quarterly in advance) of the Waterworks Clauses Act 1847 the Corporation may by resolution declare that their water rates and charges shall be payable at such date or dates as the Corporation may from time to time appoint:

Provided that no person shall be compellable to pay water rates or charges so demanded for any longer period in advance than three months.

Rates payable by owners of small houses

23.—(1) Where the yearly value of a house supplied with water or of a part of a house occupied as a separate tenement and so supplied does not exceed twenty pounds or where a house or part of a house so supplied is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of

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a year the owner instead of the occupier shall if the Corporation so determine pay the rate for the supply but the rate may be recovered by the Corporation from the occupier and may be deducted by him from the rent from time to time due from him to the owner.

(2) Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate.

Supply to houses partly used for trade &c.

24.—(1) The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

(2) Provided that the price to be charged for a supply of water by measure under this section shall not exceed one shilling per one thousand gallons.

Supply of water by hose pipe to stables &c.

25. When water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in premises where carriages or motor cars are kept the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding one pound per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as water rates.

As to communication pipes.

26.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

Power to Corporation to repair communication pipes.

27. If by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Corporation not bound to supply several houses by one pipe.

28. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Maintenance of common pipe.

29. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Corporation.

Byelaws for preventing waste &c. of water.

30.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soilpans waterclosets baths cisterns and other apparatus (in this Act referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter

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and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

Power to sell meters.

31. The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Notice to Corporation of connecting or disconnecting meters.

32.—(1) Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation.

(2) Any person who shall offend against this section shall be liable to a fine not exceeding two pounds.

Register of meter to be primâ facie evidence.

33.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties.

Injuring meters &c.

34.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the pro-

tection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

(2) In any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Power to lay pipes against buildings.

35. The Corporation with the consent of the owner or occupier of any building may lay and fix any pipe or other necessary apparatus from any main or branch pipe to in or through the building for the purpose of supplying it with water and may supply and fix any apparatus necessary for securing to the building a proper and complete supply of water and from time to time may repair replace alter or discontinue and remove any such pipe or apparatus.

Supply of water for shipping.

36.—(1) The Corporation shall appoint such convenient and proper places within the water limits or the port of Plymouth for the delivery of water for the supply of shipping and such persons to have charge of the supply as the Corporation think fit.

(2) Every master or other person having the charge of any vessel belonging or resorting to the port of Plymouth and

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desirous of being supplied by the Corporation with water for his vessel shall be supplied by the Corporation therewith on payment to the Corporation of eighteenpence for every ton of water and one shilling for any fractional part of every ton of water so supplied and the payment shall in every case be made before the delivery of the water and in case of any such prepayment not being made he shall not be entitled to take the water and the Corporation may refuse to let him have any supply.

(3) If any supply of water be afforded to any such master or other person without the prepayment the amount payable by him for the supply may be recovered in like manner as water rates in arrear may be recovered under this Act.

(4) If any such master or other person without making the prepayment forcibly or secretly take or procure to be taken or receive any water of the Corporation or aid or assist therein or if any such master or other person take or procure to be taken or receive any water of the Corporation for any ship or other vessel from any place other than a place appointed by the Corporation for the supply of water to shipping or aid or assist therein every person so offending shall be liable to a fine not exceeding five pounds.

(5) Nothing in this section shall be deemed to authorise the Corporation to break up streets or to lay down pipes or apparatus save within the water limits and the port of Plymouth.

Construction of Devonport Water Act.

37.—(1) The provisions of the Act 33 George III. cap. lxxxv. and of the Devonport Waterworks Act 1893 set forth in the Second Schedule shall continue to apply and have effect as if the Corporation were therein referred to instead of the company of proprietors or the company therein mentioned and as if the Admiralty dockyards and establishments within the Devonport area had been referred to in section 20 of the Act 33 George III. cap. lxxxv. instead of His Majesty's dockyard and departments at the town of Plymouth Dock.

The quantity of water to be supplied under section 20 of the Act 33 George III. cap. lxxxv. shall be four hundred and eighty thousand gallons for each day of twenty-four hours.

(2) If the Admiralty shall require that water shall be delivered by the Corporation at a place or places within the Devonport area other than to a place on the outside of the dockyard as nominated and appointed in accordance with the said section 20

the Corporation shall lay water mains and pipes to such other place or places aforesaid as the Admiralty shall require and deliver thereat a continuous supply of water of the same quality and at the same pressure as the water for the time being generally supplied by the Corporation within the district within which the supply is taken The cost of laying the said mains and pipes to the said place or places and of maintaining the said mains and pipes when so laid shall be paid to the Corporation by the Admiralty.

(3) The Admiralty may connect with any future extensions of the water distributing system of the Corporation in the Devonport area at any point of the extension.

Provided as follows:—

(*a*) The Admiralty shall not be liable to bear any part of the cost of re-laying or enlarging any of the existing water mains of the Corporation;

(*b*) Subsection (2) of this section shall not come into force during the currency of the agreement dated the ninth day of November nineteen hundred and nine between the Devonport Corporation and the Admiralty or of any other agreement between the Admiralty and the Corporation relating to the subject matter of the said subsection;

(*c*) Nothing in subsections (2) or (3) of this section shall be construed or taken as increasing the liability of the Corporation to supply water in excess of four hundred and eighty thousand gallons for each day of twenty-four hours.

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Gas undertaking to continue vested in Corporation.

38. The gas undertaking as it exists at the passing of this Act shall be and continue vested in the Corporation and be held used and enjoyed by them.

Gas limits.

39. The limits within which the Corporation are authorised to supply gas and to exercise all their rights powers and privileges relating to gas and within or in respect of which the provisions of this Part of this Act (other than the provisions enabling the Corporation to sell supply and deal in residual products arising or resulting from or obtained or used in the manufacture of gas

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and other than the section of this Act of which the marginal note is "Supply of gas in bulk") shall apply and have effect shall be the Devonport area (in this Act called "the gas limits").

Maintenance and construction of gasworks.

40.—(1) Subject to the provisions of this Act the Corporation may continue maintain improve alter and enlarge the existing gasworks upon the lands herein-after described and may also on those lands make erect and maintain additional gasworks retort houses retorts gas holders reservoirs purifiers water-gas plant stores sewers drains mains pipes meters machinery and other apparatus works and conveniences and do all such acts as may be proper for making storing and supplying gas.

(2) The Corporation may also upon the said lands—

(*a*) work up and convert the residual products arising directly or indirectly from the manufacture of gas by them;

(*b*) purchase the residual products arising from the manufacture of gas by other gas undertakers and therewith manufacture other products of the same kind as the Corporation are manufacturing from their own residual products Provided that the quantity of any residual product so purchased by the Corporation in any year shall not exceed one third of the quantity of the like residual product which shall in that year arise directly or indirectly from the manufacture of gas by them;

(*c*) purchase from other gas undertakers and elsewhere and use the materials required to work up and convert the residual products so arising from their own manufacture of gas or purchased as aforesaid;

but the Corporation shall not manufacture chemicals exclusively from raw materials purchased from sources other than gas undertakings or in the manufacture of which the use of residual products produced by the Corporation or purchased from other gas undertakings is merely subsidiary.

(3) The lands referred to in this section are situate in the Devonport area and are—

(*a*) the lands upon which the existing gasworks of the Corporation are situate containing 4 acres 1 rood 17 poles or thereabouts and lying between the Great Western Railway and Keyham Road;

(*b*) the lands bounded on the north by the said existing gasworks on the south by Boscawen Place on the east by the Great Western Railway and on the west by Kemyell Place; and

(*c*) the lands bounded on the north by the church path or public footpath leading from Melville Road to Wolseley Road on the south by St. Levan Road on the east or north-east by Wolseley Road and on the west by hereditaments belonging or reputed to belong to the Right Honourable John Townshend Baron St. Levan.

Power to lay pipes in private streets.

41. The Corporation may on the application of the owner or occupier of any premises within the gas limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with gas and for that purpose the Gasworks Clauses Act 1847 shall apply as if section 7 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation in this Act.

Power to lay down pipes for ancillary purposes.

42. The Corporation may lay down place repair alter remove and renew mains pipes and culverts and other apparatus for the purpose of procuring conducting or disposing of any oil or other material used by them in or resulting from the manufacture of gas or any residual products thereof or for any other purpose connected with their gas undertaking and the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when so laid shall so far as applicable for the purposes of this section extend and apply mutatis mutandis to and for the purposes thereof.

Quality pressure and testing of gas.

43.—(1) The prescribed number of candles shall be not less than fourteen.

(2) The prescribed testing place shall be the testing place provided by the Corporation at their gasworks.

(3) The prescribed burner shall be that known as the Metropolitan Argand No. 2 or such other burner as shall for the time being be approved by the Board of Trade.

(4) All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than one inch in height at the top of a service pipe to a public lamp.

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(5) Any gas examiner appointed under the Gasworks Clauses Act 1871 may subject to the terms of his appointment test the pressure at which the gas is supplied and may for that purpose use any public lamp as aforesaid and subject to the provisions of this section the provisions of the Gasworks Clauses Act 1871 with reference to testing of gas and to penalties shall mutatis mutandis apply to such testing of pressure.

(6) No forfeiture shall be incurred in any case with respect to which it is proved before the justices that the defect of illuminating power or insufficiency of pressure or excess of impurity was occasioned by unavoidable cause or accident.

(7) In the event of the gas examiner finding any defect of illuminating power or purity or deficiency of pressure in the gas he shall forthwith give notice thereof to the town clerk at his office.

Limiting price of gas.

44. The price to be charged by the Corporation for gas supplied by them to persons who shall burn the same by meter shall not at any time exceed four shillings per one thousand cubic feet.

As to construction and placing of pipes &c. between mains and meters.

45. In order to enable the Corporation to ensure a satisfactory supply of gas to their consumers the following provisions shall have effect:—

(1) The Corporation may specify the size and material of the pipes with the fittings thereof which are to be laid by the consumer on his own premises either in the first instance or on the occasion of any renewal between the Corporation's mains and the meter so far as such pipes and fittings are intended to be covered over:

(2) The Corporation may if they think fit make different specifications for different classes of premises having regard to the probable maximum consumption of gas thereon at any one time:

(3) The specification shall be published twice in some newspaper (or once in each of two newspapers) circulating within the gas limits and a copy thereof shall be kept exhibited in the office of the Corporation:

(4) Every meter to be used in a new building or a building not previously supplied with gas or in connexion with a new or substituted pipe laid by the consumer

between the main and the consumer's meter shall be placed as near as reasonably practicable to the Corporation's main but within the outside wall of the building:

(5) When any such pipe or meter as aforesaid has been laid or placed notice thereof shall be given to the Corporation and the pipe shall not be covered over until after the expiration of twenty-four hours from the service of such notice on the Corporation:

(6) Any officer of the Corporation duly appointed may between nine o'clock in the morning and five o'clock in the afternoon attend and inspect such pipes (with their fittings) and meter and if the officer is not permitted to make the inspection or if the pipes or fittings are not according to the Corporation's specification or if the meter is not placed as required by this section the Corporation may refuse to supply gas to the premises until the provisions of this section have been complied with:

(7) Any person to whom the Corporation refuses a supply of gas under the provisions of this section may appeal to a petty sessional court against such refusal and the court may after hearing the parties and considering any questions as to the reasonableness of the Corporation's specification make such order as seems to them proper in the circumstances and may order by which of the parties the costs of and incident to the appeal shall be paid.

Corporation to pay interest on money deposited as security for gas meter &c.

46. If any person is required by the Corporation to give to them security for any supply of gas or for the payment of the price or rent of a meter and such security is made by way of deposit the Corporation shall pay interest after the rate of four pounds per centum per annum on every sum of ten shillings deposited by way of such security for every six months during which the same remains in their hands.

Power to supply gas fittings &c. for heating and other purposes.

47.—(1) The Corporation may within the gas limits sell let for hire or otherwise deal in fix repair and remove (but shall not manufacture) engines stoves ranges pipes and other fittings (all of which are in this Part of this Act called "fittings") for lighting for motive power for the warming and ventilating of houses and buildings for the cooking of food and for all other purposes for which gas can or may be used provide all materials

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and do all work necessary or proper in that behalf and demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon between the Corporation and the persons to or for whom the fittings are sold let fixed repaired or removed.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be.

(3) All fittings let for hire under the provisions of this section shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and removable by the Corporation:

Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) The Corporation shall only be entitled to the privileges and exemptions conferred by subsections (2) and (3) of this section in respect of such of the said fittings as shall have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

Anti-fluctuators to be used with gas engines.

48.—(1) The Corporation may by notice in writing require a consumer of gas supplied by the Corporation and used for the working of an engine to fix and use an efficient anti-fluctuator in a suitable position upon the premises to which the gas is supplied and whereon the engine is in use or to keep an efficient anti-fluctuator so fixed and used in proper order and repair at all times while in use or to repair renew or replace an anti-fluctuator which is not in proper order or repair.

(2) If the consumer after any such notice as aforesaid fails to fix and use an efficient anti-fluctuator or to keep an anti-fluctuator in proper order and repair or to repair renew or replace an anti-fluctuator which is not in proper order and repair the Corporation may cease to supply him with gas.

(3) The Corporation may at all reasonable times demand and shall thereupon have access to any anti-fluctuator fixed upon any premises to which gas is supplied by the Corporation and

for the purpose of ascertaining whether the anti-fluctuator is efficient and in proper order or repair may take off remove test and inspect the anti-fluctuator such taking off removing testing and inspecting to be done at the expense of the Corporation if the anti-fluctuator be found efficient and in proper order but otherwise at the expense of the consumer.

(4) For the purposes of this section an "anti-fluctuator" means any apparatus article or thing for the purpose of controlling and regulating the supply of gas to any engine and preventing any inconvenience or danger from the intermittent consumption of gas by the engine.

Gas consumers to give notice to Corporation before removing.

49.—(1) At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be stated in or endorsed upon every demand note for gas charges payable to the Corporation.

Period of error in defective meter.

50.—(1) In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Supply of gas in bulk.

51. The Corporation may contract with any local authority company or persons authorised to supply gas under parliamentary powers in any district adjacent to the gas limits for the supply

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to them respectively of gas in bulk upon such terms and conditions and for such periods not exceeding in any case seven years from the making of the contract as may be agreed upon but nothing in this section shall authorise the Corporation to lay any mains or interfere with any street beyond the gas limits.

Supply of gas to Government establishments.

52.—(1) The Corporation may from time to time and if required by the Admiralty or the War Department shall enter into and carry into effect contracts with the Admiralty and the War Department respectively for the supply by the Corporation of gas in bulk for use in His Majesty's naval and military establishments in the Devonport area.

(2) The price to be paid for the gas so supplied shall be the price from time to time charged by the Corporation to ordinary consumers for private lighting less a discount calculated at a rate of fifteen per centum.

(3) Should either party to any such contract be of opinion at any time or times that it is desirable or equitable that the terms and conditions of such contract either as regards the pressure at which the gas is to be supplied or the rate of discount to be allowed or otherwise should be revised or altered the same shall be settled in default of agreement by an arbitrator to be appointed on the application of either party by the Board of Trade.

(4) In the event of a supply of electricity being provided for the before-mentioned establishments or any of them such supply shall for the purposes of section 29 (Power for Board of Trade to relieve gas undertakers from obligation to supply gas in certain cases) of the Electric Lighting Act 1882 be deemed to be a supply of electricity authorised by licence order or special Act and nothing in this section contained shall prejudice or affect the right or powers of the Corporation and the Board of Trade under the said section.

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Electricity undertaking to continue vested in Corporation.

53. The electricity undertaking as it exists at the passing of this Act shall be and continue vested in the Corporation and be held used and enjoyed by them.

Application of Electric

54. The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with this Act so

far as the same are applicable for the purposes of this Act and with the substitution of the words "special Act" for "special Order" shall apply to the electricity undertaking and to the Corporation in respect thereof in all respects as though such undertaking had been authorised by this Act.

Generating stations.

55.—(1) The Corporation may upon the lands herein-after described continue maintain improve alter enlarge work and use their existing generating stations together with such machinery engines works matters or things of whatever description as may be required by the Corporation to enable them to supply electrical energy.

(2) The lands referred to in subsection (1) of this section are—

(*a*) the lands in the parish of Plymouth upon which or part of which one of the existing generating stations is situate bounded on the south-east side by the Cattewater branch of the London and South Western Railway and on all other sides by property of the Corporation and now in the occupation of the Corporation or their tenants;

(*b*) the lands in the parish of East Stonehouse upon which or part of which one of the existing generating stations is situate bounded on the north-westerly side by Stonehouse Pool on the south-easterly side by Newport Street and being part of Newport Quays and lands in that parish adjoining Newport Street and St. George's Churchyard and bounded on the west by a malthouse and other premises and on the east by Newport Cottages Newport House and other premises all of which said lands are now in the occupation of the Corporation and their tenants.

Area of supply.

56. The area for the supply of electricity by the Corporation shall be the borough and that area shall be the area of supply within the meaning of section 4 (Area of supply and prohibition of supply beyond area) of the schedule to the Electric Lighting (Clauses) Act 1899.

Power to break up streets.

57. Subject to the provisions incorporated with this Act the Corporation are specially authorised by this Act to break up the streets not repairable by the local authority and the railways and tramways which are mentioned in the Third Schedule.

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Power to lay electric lines in private streets.

58. The Corporation may on the application of the owner or occupier of any premises within the area of supply abutting on or erected or being erected in any street laid out or made but not dedicated to public use supply such premises with electrical energy and may lay down take up alter relay repair remove and renew in across along or out of such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of this Act and of the Electric Lighting Acts 1882 to 1909 so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Corporation under the powers of this section.

Maximum prices.

59. The maximum prices which may be charged by the Corporation as mentioned in section 32 (Maximum prices) of the schedule to the Electric Lighting (Clauses) Act 1899 are those stated in the Fourth Schedule.

Period of error in defective meters.

60.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

As to maximum power which may be demanded.

61. The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken only on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 (Arbitration) of the Electric Lighting Act 1882.

Electrical fittings.

62.—(1) The Corporation may subject to the provisions of this section sell let for hire and fix repair and remove (but shall not manufacture) lamps electric lines fuses switches lamp-holders motors and other electrical fittings for lighting motive or other purposes and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges and such terms and conditions as may be agreed upon.

(2) The Corporation shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the contract The Corporation shall not sell any such electrical fittings except through a contractor carrying on his business independently of the Corporation.

(3) Any electrical fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose possession the same may be provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof.

(4) Provided as follows:—

(*a*) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);

(*b*) The sums properly chargeable and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year;

(*c*) Every sum charged by the Corporation to a consumer in respect of the provision of such fittings or the

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fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

Further powers as to entry upon premises.

63.—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 as extended by section 16 of the Electric Lighting Act 1909 or from exercising the powers contained in that section shall be liable to a fine not exceeding two pounds and a daily fine not exceeding one pound.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 as so extended are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

As to expenses.

64. Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses.

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Works.

Tramway undertaking to continue vested in Corporation.

65. The tramway undertaking as it exists at the passing of this Act (including the tramways which are shortly described in the Fifth Schedule) shall be and continue vested in the Corporation and shall be held used and enjoyed by them.

Power to maintain and work Corporation tramways.

66.—(1) The Corporation may work use repair maintain and renew the Corporation tramways together with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places posts poles brackets and wires and may

maintain and use the existing and provide erect construct maintain and use additional carriage-houses stables sheds workshops stores offices buildings works and conveniences connected therewith or for the purposes thereof.

(2) Provided that nothing in this Part of this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section.

Gauge of tramways and width of carriages.

67.—(1) The gauge of the Corporation tramways shall be three feet six inches:

Provided that the Corporation may at any time with the previous approval of the Board of Trade increase the gauge of the tramways from three feet six inches to any gauge not exceeding four feet eight and a half inches.

(2) So much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramways beyond the outer edge of the wheels of such carriages shall not if and so long as the gauge is three feet six inches apply to carriages used on the Corporation tramways but no engine or carriage used thereon shall exceed six feet in width or such other width as may from time to time be prescribed by the Board of Trade.

(3) Carriages or trucks adapted for use upon railways shall not be used on the Corporation tramways.

Rails.

68. The rails of the Corporation tramways shall be such as the Board of Trade may approve.

Provisions as to construction of tramways.

69. In addition to the requirements of section 26 (Power to break up streets &c.) of the Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining or renewing the Corporation tramways or any part thereof lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways or such part thereof and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance or renewal of such tramways or of any part thereof except for the purpose of necessary

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repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Penalty for not maintaining rails and roads.

70.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the Corporation tramways and the substructure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 (Repair of part of road where tramway is laid) of the Tramways Act 1870 they shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding five pounds.

(2) In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions of this section or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the Board and if the officer reports that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of the default and of the liability of the Corporation to such fine or fines in respect thereof as is or are by this section imposed.

Tramways to be kept at road level.

71. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the Corporation tramways is laid or authorised to be laid the Corporation may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Alteration of tramways.

72.—(1) Notwithstanding anything contained in this Act the Corporation with the consent of the Board of Trade may—

(*a*) make maintain alter and remove such cross-overs passing-places sidings junctions and other works with reference to any of the Corporation tramways as they find necessary or convenient for the efficient working of those tramways or for forming junctions with other tramways or light railways or for providing access to

any warehouses stables or carriage-houses or works of the Corporation or to any lands or premises adjoining or near to the street in which any of the Corporation tramways is laid;

(*b*) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the Corporation tramways either when constructing the tramways or at any time thereafter; and

(*c*) construct or take up and reconstruct any of the Corporation tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Board of Trade) if the owners or occupiers of one third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

Cross-overs to be constructed in certain cases.

73. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Board of Trade construct a cross-over or cross-overs connecting the one line of tramway with the other and by means of such cross-over or cross-overs the traffic shall when necessary be diverted from one line of tramway to the other.

Temporary tramways.

74. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the Corporation tramways is laid it shall in the

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opinion of the Corporation be expedient temporarily to remove or discontinue the use of the tramway or any part thereof the Corporation may construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway in lieu of the tramway or part of the tramway so removed or discontinued.

Application of road materials excavated in construction of works.

75. Any paving metalling or material excavated by the Corporation in the construction of any works under the authority of this Part of this Act from any road under their jurisdiction or control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Working of Tramways.

Motive power.

76. The carriages used on the Corporation tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):—

(1) Mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

(2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the Corporation tramways and for regulating the use of electrical power:

(3) The Corporation or any company or person using any mechanical power on the Corporation tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a fine not exceeding ten pounds and also in the case of a continuing offence to a daily fine not exceeding five pounds:

(4) The Board of Trade if they are of opinion—

(*a*) that the Corporation or any company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a fine in respect of such non-compliance has or has not been recovered; or

(*b*) that the use of mechanical power as authorised under this Act is a danger to the passengers or the public

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order.

In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Electrical works &c.

77. The Corporation may in under or over the surface of the streets or roads in which the Corporation tramways are situate or in which it may be necessary so to do in order to connect the tramways with any generating station construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make and maintain openings and ways for the purpose of working the tramways by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such streets or roads and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that—

(1) no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade or within six feet of the wall of any naval establishment except with the consent of the Admiralty;

(2) nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the former Act apply except in accordance with and subject to the provisions of that section.

Special provisions as to use of electrical power.

78. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

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(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) Electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent

injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Corporation and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "Corporation" in this section shall include lessees licencees and any person owning working or running carriages over any tramway of the Corporation.

Alteration of telegraph lines of Postmaster-General.

79. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Part of this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Post Office telegraph lines.

80. In the event of the Corporation tramways being worked by electricity the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise of such telegraphic lines or the currents therein;

Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the

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Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the fine is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

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(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the Corporation tramways.

Use of tramway posts by Postmaster-General.

81.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts or standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the Corporation tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(*a*) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways:

(*b*) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain;

Any difference as to any matter referred to in such notice shall be determined as herein-after provided:

(*c*) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the

public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(*d*) Unless otherwise agreed or in case of difference determined as herein-after provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires;

Any difference as to the conditions of attachment shall be determined as herein-after provided:

(*e*) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(*f*) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(*g*) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:

(*h*) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General

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and the Corporation or failing agreement determined as herein-after provided:

(*i*) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintenance and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(*j*) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same:

Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as herein-after provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their tramways or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise:

Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as herein-after provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "Corporation" includes their lessees the expression "telegraph" has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Attachment of brackets to buildings.

82.—(1) The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the Corporation tramways by mechanical power.

(2) Provided that—

(*a*) where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid;

(*b*) any consent of an owner and any order of a petty sessional court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (*a*);

(*c*) the owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

(3) For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

(4) Nothing in this section shall authorise the Corporation to attach any brackets wires or apparatus to the structure of any

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railway bridge or viaduct forming part of the railway of a railway company without the previous consent in writing of such company.

(5) In the case of any building of which a railway company are the owners any question which pursuant to this section is to be determined by a petty sessional court shall in lieu thereof be referred to and determined by an engineer to be agreed on by the parties to such question or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Any engineer to whom any such question is referred shall (in addition to any other powers vested in him under the Arbitration Act 1889) have all the like powers as are by this section conferred upon a petty sessional court and for the purposes of this section the award of such engineer shall be deemed to be equivalent to an order of a petty sessional court.

Mechanical apparatus to be part of tramway undertaking.

83. The provisions of sections 26 to 33 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Corporation for the purposes of mechanical power were parts of the tramway.

Byelaws.

84.—(1) Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the Corporation tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

(*a*) For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages;

(*b*) For regulating the emission of smoke or steam from engines used on the tramways;

(*c*) For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

(*d*) For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

(*e*) For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere.

(2) Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a fine not exceeding two pounds.

Power to take electrical energy.

85. The Corporation may agree to take from any body corporate company or person for the time being supplying electrical power or energy and any such body corporate company or person may agree to supply to the Corporation electrical power or energy for the purposes of the Corporation tramways and the premises and plant connected therewith.

Power to Corporation to work tramways.

86.—(1) The Corporation may (subject to any leases for the time being in force) place and run carriages on and may work and may demand and take tolls and charges in respect of any of the Corporation tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power but nothing in this section shall empower the Corporation to create or permit a nuisance.

(2) The byelaws and regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being belonging to and worked by the Corporation be made by the Corporation and the provisions of section 46 (Byelaws by local authority) of the Tramways Act 1870 shall apply to the making and enforcement of byelaws made by the Corporation under this section.

Omnibuses.

Power to provide and run omnibuses.

87.—(1) The Corporation may provide (but shall not manufacture) and maintain omnibuses and may run the same within the borough.

(2) The Corporation may purchase by agreement take on lease and hold lands and buildings and may erect on any lands

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acquired by them for or which they are authorised to appropriate and use for the purposes of this section or of their tramway undertaking omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any such lands.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in their omnibuses Provided that any such byelaw shall be made subject and according to the provisions of section 46 (Byelaws by local authority) and section 47 (Penalties may be imposed in byelaws) of the Tramways Act 1870 and those provisions shall apply accordingly.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The undertaking authorised by this section shall be deemed to form part of the tramway undertaking of the Corporation:

Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connexion with their omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and expenditure upon or in connexion with the remainder of such undertaking.

Fares Rates &c.

Traffic on tramways and omnibuses.

88.—(1) The Corporation tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

(2) The omnibuses of the Corporation may be used for the purpose of conveying passengers and parcels.

(3) Provided that the Corporation shall not be bound to carry animals goods minerals or parcels other than passengers' luggage as provided by this Act.

Passengers' fares.

89. The Corporation may demand and take for every passenger travelling upon the Corporation tramways or any part or parts thereof or in any omnibus of the Corporation (including every expense incidental to such conveyance) a fare not exceeding

one penny per mile and in computing the said fare a fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than one penny.

Fares on Sundays or holidays.

90. The Corporation shall not take or demand on Sunday or any public holiday any higher fares or charges for passengers travelling on the Corporation tramways than those levied by them on ordinary weekdays.

Passengers' luggage.

91.—(1) Every passenger travelling upon the Corporation tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

(2) All such luggage shall be carried by hand and at the responsibility of the passenger and shall not occupy any part of a seat nor be of a form or description to annoy or inconvenience other passengers.

Cheap fares for certain classes.

92.—(1) The Corporation at all times shall and they are hereby required to run a proper and sufficient service of carriages on the Corporation tramways for seamen soldiers and marines in His Majesty's service below the rank of warrant officer and for artizans mechanics and daily labourers each way every morning and every afternoon (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than half-past four in the afternoon respectively as may be most convenient for such persons going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance.

On Saturdays the Corporation in lieu of running such carriages after half-past four in the afternoon shall run the same at such hours between noon and two in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3) The Corporation shall be liable to a fine not exceeding five pounds for every day during which they fail to comply with any order under this section.

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PART V.
Tramways.
List of fares to be exhibited.

93. A list of the fares and charges which shall be charged from time to time under this Act for passengers (including therein the cheap fares for the labouring classes) shall be exhibited in a conspicuous place inside only of each of the carriages used upon the Corporation tramways for the conveyance of passengers.

Stages.

94. The Corporation may appoint stages upon any of their tramways and in respect of omnibuses and may demand and take for every passenger travelling upon any such stage such reasonable fares rates or charges not exceeding the fares rates and charges authorised to be taken in respect of the tramways or omnibuses (as the case may be) as may be determined by the Corporation.

Stopping and starting places.

95. The Corporation may appoint the stations and places from which the carriages on their tramways and their omnibuses shall start or at which they may stop for the purpose of taking up or setting down passengers and may make regulations for fixing the time during which such carriages and omnibuses shall be allowed to remain at any such place.

Through cars and omnibuses.

96. The Corporation may run through cars along any of the routes of the Corporation tramways or any specified portion thereof and through omnibuses along any route in the borough and such cars and omnibuses shall be distinguished from other cars and omnibuses in such manner as may be directed by the Corporation and they may demand and take for every passenger by such cars and omnibuses a fare or charge not exceeding the maximum fare allowed by this Act for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or omnibus Provided that the running of such through cars shall in no way curtail the ordinary service.

Restrictions not to apply to special carriages.

97. The restrictions contained in this Act as to fares for passengers shall not extend to any special carriages run upon the tramways of the Corporation or to special omnibuses or to any special service of such carriages or omnibuses on extraordinary occasions and in respect thereof the Corporation may demand and take such fares as they shall think fit but such restrictions shall apply only to the ordinary service of carriages and omnibuses appointed from time to time for the conveyance of passengers Provided that the running of such special service shall in no way curtail the ordinary service.

Rates for goods.

98. The Corporation may demand and take in respect of any animals goods minerals or parcels conveyed by them on the Corporation tramways and in respect of any parcels conveyed in the omnibuses of the Corporation (including every expense incidental to such conveyance) any rates or charges not exceeding the rates and charges specified in the Sixth Schedule subject to the regulations in that behalf therein contained.

Payment of fares rates and charges.

99. The fares rates and charges authorised by this Act shall be paid to such persons and at such places upon or near to the Corporation tramways or omnibuses and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint.

Revision of fares rates and charges.

100. If at any time after three years from the passing of this Act or after three years from the date of any order made in pursuance of this section in respect of the Corporation tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough or by the Corporation that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the Corporation tramways or on any portion thereof should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

Application of Conveyance of Mails Act 1893.

101. All the provisions of the Conveyance of Mails Act 1893 relating to the conveyance of mails on tramways shall apply and have effect in relation to the Corporation tramways as if they had been authorised after the first day of January eighteen hundred and ninety-three and in relation to the omnibuses provided under this Act as if such omnibuses were carriages on tramways authorised after that date.

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PART V.
Tramways.

Working agreements.

Miscellaneous.

102.—(1) The Corporation on the one hand and any local authority company body or person owning or working any tramways contiguous to or which may now or hereafter be connected with any of the Corporation tramways on the other hand may enter into and carry into effect agreements with respect to the following purposes or any of them (that is to say):—

(*a*) The leasing working running over management and maintenance of the tramways of the contracting parties or any part or parts thereof;

(*b*) The interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways;

(*c*) The taking of tolls fares and charges by the working party on the tramways of the owning party;

(*d*) The supply and maintenance by the working party under and during the continuance of any such agreement as aforesaid for the working of the tramways of engines stock and plant necessary for the purposes of such agreement and the employment of officers and servants;

(*e*) The supply by either party to the other of motive power;

(*f*) The payments to be made and the conditions to be performed with respect to the matters aforesaid;

(*g*) The issue of through tickets available over all or any parts of the tramways of any of the contracting parties and the fixing of through fares and charges as between the tramways of the contracting parties;

(*h*) The fixing collection payment appropriation apportionment and distribution between the contracting parties of the tolls fares charges and revenue levied taken or arising upon or from the tramways and works of the contracting parties or any part thereof.

(2) Provided that the amount of the fares rates or charges fixed by any agreement made in pursuance of this section shall not exceed the maximum fares rates and charges authorised in respect of the tramways with respect to which the agreement is made.

(3) Provided also that for the purpose of calculating the maximum fares rates and charges any tramways worked by or

leased to the Corporation or any other tramway authority in pursuance of an agreement made under the powers of this section and any other tramways connected therewith and worked by or leased to the Corporation or such authority shall during the continuance of such agreement be deemed to be one undertaking.

(4) For the purposes of this section a tramway shall include a light railway.

Shelters or waiting-rooms.

103. The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers on the routes of the Corporation tramways or of their omnibuses and for the accommodation of the servants of the Corporation and may use for that purpose portions of the public streets or roads.

Lost property.

104. Any property found in any tramcar or omnibus of the Corporation shall forthwith be handed to the conductor of the car or omnibus or taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Attachment of signs indicating stopping places to lamp-posts &c.

105.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to the route of any of the tramways or omnibuses of the Corporation signs or directions indicating the position of stopping places for tramcars and omnibuses:

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

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(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

Byelaws by local authority.

106. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than that so authorised.

Penalty for malicious damage.

107. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the Corporation tramways anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 (Penalties for wilful injury or obstruction to tramways &c.) of the Tramways Act 1870 with respect to any of the Corporation tramways shall be liable to a fine not exceeding twenty pounds.

Plymouth Stonehouse and Devonport tramways.

108.—(1) The repeal by this Act of the existing Acts relating to the tramways which are leased to the Plymouth Stonehouse and Devonport Tramways Company or over which that company have running powers at the time of the passing of this Act shall have no effect in regard to those tramways for the period during which that company are lessees thereof or are entitled to run over the same under their existing powers and the provisions of this Act other than of subsection (3) of this section shall not apply to those tramways during such period nor during such period shall the Corporation run omnibuses on any road along which any part of the said tramways is laid or on any other route which may compete with the said tramways.

(2) All the provisions of the existing Acts referred to in subsection (1) of this section relating to the incorporation constitution capital and borrowing powers of the Plymouth Stonehouse and Devonport Tramways Company the appointment and proceedings of directors and the management of that company's affairs shall remain in force until the dissolution of the

company and shall continue to have the same effect as they would have had if this Act had not been passed.

(3) The Plymouth Stonehouse and Devonport Tramways Company on the one hand and the Corporation on the other hand may enter into and carry into effect any agreement or agreements for the surrender to the Corporation or the determination of any lease of or agreement for the running over or working of any of the Corporation tramways at such time or times for such consideration and upon such terms and conditions as may be agreed between the said company and the Corporation.

Devonport and district tramways.

109.—(1) The agreement dated the tenth day of May nineteen hundred and fifteen made between the Devonport and District Tramways Company (in this section called "the company") of the one part and the Corporation of the other part and set forth in the Seventh Schedule for the sale and purchase of the tramway undertaking and light railway therein mentioned is hereby confirmed and made binding upon the parties thereto.

(2) Upon the second day of October nineteen hundred and fifteen (the date named in the said agreement for the transfer to the Corporation of the said tramway undertaking and light railway) the said tramway undertaking shall vest in the Corporation subject to the terms of the said agreement as if it had been purchased by the Corporation under section 43 of the Tramways Act 1870 and the provisions of section 51 (Effect of sale of undertaking) of the Devonport Light Railway Order 1905 shall apply as if the undertaking authorised by that Order had been sold to the Corporation under that Order.

(3) The repeal by this Act of the existing Acts relating to the company shall have no effect until the second day of October nineteen hundred and fifteen and the provisions of this Act (except this section) shall not apply to the tramways or light railway of the company or to any powers exerciseable by the company until that date and until that date the Corporation shall not run omnibuses on any road along which any part of the said tramways or light railway is laid or on any other route which may compete with the company.

(4) All the provisions of the existing Acts relating to the incorporation constitution capital and borrowing powers of the company the appointment and proceedings of directors and the management of the company's affairs shall remain in force

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until the dissolution of the company and shall continue to have the same effect as they would have had if this Act had not been passed.

(5) After the completion of the said sale and purchase the company shall as soon as may be found expedient be wound up in the same manner and with the same incidents as if the company were a company registered in England under the Companies (Consolidation) Act 1908 and had on the day of the completion of the said purchase passed a special resolution requiring the company to be wound up voluntarily and the company shall thereupon be deemed to have passed an effective resolution for such winding up and for the purposes of such winding up the company shall be deemed to be registered in England under the said Companies Act and for the purpose of calling and holding meetings and passing resolutions and other matters incident to such winding up resolutions of meetings of the company convened and held in pursuance of and in accordance with the provisions contained in the Devonport and District Tramways Act 1898 and the enactments incorporated therewith may and shall take effect as resolutions passed under the provisions of the said Companies Act by a company so registered.

And the company shall within fourteen days of the appointment of the liquidator or liquidators in such winding up pay to the said liquidator or liquidators all moneys then in their hands or under their control and in the meantime shall hold such moneys in trust for the said liquidator or liquidators and all such moneys shall be applied by the said liquidator or liquidators as part of the assets of the company.

On the completion of the winding up of the company in accordance with the provisions of this Act the company shall by virtue of this Act be dissolved.

(6) Any penalty under the lease granted to the said company in pursuance of the agreement set forth in the Fourth Schedule to the Devonport Corporation (General Powers) Act 1902 may be recovered in manner provided by the Summary Jurisdiction Acts.

(7) If the amount of the consideration for the tramway undertaking vested in the Corporation by this section is not ascertained before the second day of October nineteen hundred and fifteen the date of the final ascertainment of that amount shall for the purposes of section 12 of the Finance Act 1895

(which relates to stamp duty on property vested by Act of Parliament) be treated as the date of vesting.

Power for Corporation to suspend traffic.

110. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or any gas company or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of the Corporation tramways or any part thereof shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof and for every contravention of the provisions of such order the offender shall be liable to a fine not exceeding five pounds.

Use of tramways for sanitary purposes.

111.—(1) The Corporation may in such manner as they think fit use the Corporation tramways for sanitary purposes and for the conveyance of scavenging stuff night soil road and sewer material coal pipes and any other materials required for or arising at the works of the Corporation and may for such purposes with the consent of the Board of Trade form connexions between any yards or works belonging to the Corporation and any of the Corporation tramways.

(2) Provided always that in the construction of such connexions as aforesaid no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice of their intention express their objection thereto.

Construction and removal of crossings &c. opposite to Admiralty buildings.

112.—(1) Where any tramway constructed under this Act shall pass any land or building vested in or under the control of the Admiralty no crossing passing-place siding junction or other work opposite to such land or building shall be constructed until it shall have been approved by the Admiralty or by an officer acting on their behalf in writing and if at any time it shall in the opinion of the Admiralty be desirable that such

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crossing passing-place siding junction or other work shall be altered or removed the Corporation or their lessees shall alter or remove it within twenty-eight days from the time at which they are called upon so to do.

(2) The Corporation or their lessees shall not permit any of their engines cars or carriages to stop or stand upon the tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the Admiralty in such manner as to interfere with access to or from such lands or buildings.

Part VI.
Markets Fairs and Slaughter-houses.

Part VI.

Markets Fairs and Slaughter-houses.

Markets undertaking to continue vested in Corporation.

113. The markets undertaking as it exists at the passing of this Act shall be and continue vested in the Corporation and shall be held used and enjoyed by them.

Limits of markets.

114. The limits of the markets of the Corporation shall be the borough.

Provision of market houses &c.

115. The Corporation may continue maintain improve alter and enlarge their existing market places and market houses and may erect maintain improve alter enlarge furnish and equip other market places and market houses buildings shops stalls sheds approaches works and conveniences connected therewith or for the purposes thereof.

Purchase of Devonport market undertaking.

116.—(1) The Corporation and the proprietors of the Devonport market undertaking enlarged regulated and established under the Act 5 William IV. cap. xv. may with the approval of the Local Government Board make and carry into effect an agreement or agreements for the purchase by or transfer to the Corporation of the said market undertaking and of all the powers rights privileges and authorities of the said proprietors relating to the same.

(2) Any agreement under this section shall be carried into effect by a deed duly stamped and truly stating the consideration (if any) and thereupon by virtue of the deed and of this Act the undertaking rights privileges and authorities purporting to be comprised in the deed shall be transferred to and vest in the Corporation for such estate and interest therein of the said proprietors as shall purport to be comprised in the deed.

(3) Provided that until the Devonport market undertaking has been acquired by the Corporation nothing contained in this Part of this Act shall prejudice the rights of the proprietors thereof.

(4) After the Devonport market undertaking shall have been acquired by the Corporation the same shall become part of the market undertaking of the Corporation but the Corporation may continue to demand and take in respect thereof the tolls stallages rates rents and charges authorised by the said Act 5 William IV. cap. xv.

Market days.

117.—(1) Unless and until the Corporation otherwise appoint their present markets shall be held on the respective days on which they are now held.

(2) The Corporation from time to time may alter the days for holding any of their markets:

Provided that a market shall not be held on Sunday Christmas Day Good Friday or a day appointed for a public fast or thanksgiving.

(3) When the Corporation alter the day for holding a market they shall give public notice thereof by advertisement in two or more local newspapers circulating in the borough and also by placards posted at conspicuous places in the borough.

Copies of the newspapers containing the advertisement shall be conclusive evidence that the provisions of this subsection have been complied with.

(4) Provided that if and when the Corporation change any day for holding any market the change of day shall not take effect until the expiration of one month after the first publication by the Corporation of a notice in pursuance of this section.

(5) The provisions of this section shall not apply to fairs.

Market tolls.

118.—(1) The Corporation may continue to demand and take in respect of their present markets the tolls stallages rates rents and charges (all of which are in this Part of this Act included in the expression "tolls") which they now lawfully demand and take in respect of the same.

(2) In addition to the tolls authorised by or under the foregoing provisions of this section the Corporation may demand and take from persons using or occupying any refrigerators appliances or accommodation in any market of the Corporation such reasonable tolls as they may from time to time fix.

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PART VI. *Markets Fairs and Slaughter-houses.*

Tolls to be payable by successive sellers and occupiers.

119.—(1) The several tolls payable in respect of any article or commodity shall be paid not only by the original seller but also by any subsequent seller or person who exposes such article or commodity for sale and each such toll shall be payable before any such article or commodity is exposed for sale.

(2) Any toll payable with respect to the occupation of any stall standing shop bench site space of ground or other convenience or accommodation shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

Leases &c. in market.

120. The Corporation may let any of the places and conveniences in their market places to any person on such terms pecuniary and otherwise and conditions as the Corporation and the lessees agree on.

Power to let stands &c.

121. The Corporation may let for such term as they may think fit any stall standing shop bench site space of ground or other convenience or accommodation in their markets upon such terms and conditions as the Corporation think fit.

Slaughtering prohibited except in Corporation slaughter-houses when provided.

122.—(1) (*a*) After the Corporation shall have provided adequate slaughter-houses to the satisfaction of the Local Government Board and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle horse sheep or pig within the borough except in such slaughter-houses.

(*b*) Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes only any cattle belonging to him with the consent of the Corporation or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer or the inspector of nuisances such inspection to be made within a reasonable time.

(*c*) The production of copies of the newspapers containing a notice in pursuance of this subsection shall be conclusive evidence of the publication of such notice.

(2) Any person who acts in contravention of this section shall be liable to a fine not exceeding five pounds.

(3) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house within the borough who shall be injuriously affected by the exercise of the prohibition contained in this section.

(4) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any Act amending that Act or of any order or licence of the Board of Agriculture and Fisheries made or granted thereunder.

(5) Nothing contained in this section shall apply to or prevent the use as slaughter-houses of buildings erected or to be erected on the wharf belonging to the Great Western Railway Company known as the Foreign Animals Wharf or erected or to be erected in His Majesty's Victualling Yard or which may be erected or used elsewhere in the borough for the purpose of slaughter-houses for His Majesty's service.

Part VII.

Piers and Landing Stages.

Works.

Pier undertaking to continue vested in Corporation.

123.—(1) The pier undertaking as it exists at the passing of this Act including the works which are shortly described in this section shall be and continue vested in the Corporation and shall be held used and enjoyed by them.

(2) The works herein-before referred to are—

(*a*) A floating landing stage known as the Pottery Quay Landing Stage together with a bridge or gangway and works and conveniences connected therewith constructed in pursuance of the Devonport Landing Stages Order 1881;

(*b*) A floating landing stage known as the North Corner Landing Stage together with a pier or projection bridge or gangway and other works and conveniences in connexion therewith constructed in pursuance of the Devonport Landing Stages Order 1881;

(*c*) A landing pier known as the Mutton Cove Landing Pier together with a pier or breakwater and other

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works and conveniences in connexion therewith constructed in pursuance of the Devonport Landing Pier and Breakwater Order 1889;

(*d*) A pier known as the Phœnix Wharf Pier together with works and conveniences in connexion therewith constructed in pursuance of the Plymouth (Phœnix Wharf) Pier Order 1892.

Application of General Pier Act 1862.

Sec. 123.

124.—(1) The provisions of Part II. of the General Pier and Harbour Act 1861 Amendment Act shall subject to the provisions of this Act continue to apply to the works referred to in subsection (2) of the section of this Act whereof the marginal note is "Pier undertaking to continue vested in Corporation" as if this Part of this Act were a Provisional Order of the Board of Trade.

(2) Provided that—

(*a*) The provisions of the following sections of the Harbours Docks and Piers Clauses Act 1847 shall not be incorporated with this Act (namely):—

Section 12 (Consent of Commissioners of Woods &c. and of the Admiralty as to works on foreshore &c.);

Section 13 (Alterations in plans to be approved of by the Admiralty and the Commissioners of Woods &c.);

Section 16 (Lifeboat mortar and rockets to be provided by undertakers with tackle crews &c. for assistance of vessels in distress);

Section 17 (Penalty for not providing lifeboat &c.);

Section 18 (Self-registering tide gauge and barometer to be provided by undertakers);

Section 19 (Penalty for not providing tide gauge &c.);

Section 50 (Annual account to be prepared by undertakers);

Section 84 (Byelaws may be enforced by penalties);

Section 85 (Byelaws affecting persons other than the undertakers &c. not to come into operation until confirmed):

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or cause to be attached to any part of the piers and works comprised in the pier undertaking spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets over the piers and works.

Exhibition of lights.

129.—(1) The Corporation shall at the outer extremity of the works comprised in the pier undertaking exhibit for all or any part of the time from sunset to sunrise and according to the seasons of the year and the requirements of the traffic such light or lights (if any) and take such other steps for the prevention of danger to navigation as shall from time to time be directed by the corporation of Trinity House Deptford Strond.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall for each day on which they so fail be liable to a fine not exceeding twenty pounds.

Provision against danger to navigation.

130. In case of injury to or destruction or decay of the works comprised in the pier undertaking or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the corporation of Trinity House Deptford Strond and shall apply to that corporation for directions as to the means to be taken and the corporation shall be liable to a fine not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Use of Works Tolls &c.

Limits of Part VII. of Act.

131.—(1) The limits within which the Corporation shall have authority under this Part of this Act and which shall be deemed to be the limits to which this Part of this Act extends shall comprise the works included in the pier undertaking with all the accesses and conveniences connected therewith and as regards the Phœnix Wharf Pier the space coloured green on the plan signed in triplicate by the Right Honourable Thomas Wodehouse Baron Newton the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred which limits are in this Act termed "the limits of this Part of this Act."

(2) One of the plans signed as aforesaid has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the

(*b*) The provisions of section 49 of the Harbours Docks and Piers Clauses Act 1847 relating to the accounts to be kept of the rates of the vessels in respect of which they are payable shall not apply to the Phœnix Wharf Pier.

Maintenance and continuance of works.

125.—(1) The Corporation may continue maintain improve alter and enlarge and use the works comprised in their pier undertaking and may from time to time construct erect maintain and use all such necessary or appropriate approaches buildings toll-houses toll-gates sea-walls works moorings and conveniences for the landing embarking and transport of passengers animals and goods of every description.

(2) The Corporation may erect maintain and use upon or near to the works comprised in their pier undertaking toll-houses toll-gates or barriers and waiting-rooms and may provide and use steam and other engines cranes boats buoys and other apparatus and conveniences.

Power to dredge.

126.—(1) The Corporation may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the works comprised in the pier undertaking for vessels using the same.

(2) All sand mud and other materials dredged up or removed shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they may think fit Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained.

(3) All money arising from any sale or other disposition of sand mud and other materials under this section after payment of the expenses connected therewith shall be applied in the same manner as the revenue of the pier undertaking is to be applied.

Works to be deemed within borough.

127. The works comprised in the pier undertaking shall for all purposes be deemed to be within the borough and within the parish to which they are adjacent.

Life-saving apparatus may be attached to piers &c.

128. The officers of the coastguard and all other persons for the time being actually employed in connexion with the lifeboat or the apparatus for saving life may either permanently or temporarily and from time to time without payment attach

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Piers and Landing Stages.

Stage by himself his heirs or assigns and his or their family and friends; or

(*b*) any agreement that has been made between the Corporation or their predecessors and Lord St. Levan respecting the use of the Mutton Cove Landing Pier and works by himself and his heirs and assigns and his and their families and friends.

Annual account to be sent to Board of Trade.

136.—(1) The Corporation within two months after the thirty-first day of March in each year shall send a copy of the abstract of their annual accounts so far as they relate to their pier undertaking to the Board of Trade and section 16 of the General Pier and Harbour Act 1861 Amendment Act shall apply to and include any and every such account.

(2) If the Corporation refuse or neglect to comply with this section after receipt of a request from the Board of Trade for a copy of the said abstract they shall be liable to a fine not exceeding twenty pounds for every week during which such refusal or neglect shall continue.

Rates to be revised.

137.—(1) The Corporation shall from time to time revise the rates received by them under this Part of this Act so that the income of the Corporation thereunder may always be so far as practicable sufficient and not more than sufficient for the purposes of this Part of this Act and if at any time and from time to time the clear annual income derived from the pier undertaking on the average of the then three last preceding years after payment of all expenses and outgoings shall exceed the amount sufficient to answer the purposes of this Part of this Act the Board of Trade may if in their discretion they think fit reduce the rates leviable under this Part of this Act to such extent as will be sufficient to provide the amount aforesaid and the rates shall thereupon be reduced accordingly but with power to the Board of Trade at any time and from time to time to raise them again to sums not exceeding those authorised by this Part of this Act.

(2) Provided that this section shall not apply to the Phœnix Wharf Pier or to the moneys received and expended in connexion therewith.

Exemption of certain fishing vessels.

138. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges such vessels when forced by stress of weather to seek

town clerk at his office and copies of the plan so deposited with the town clerk or extracts therefrom certified by him to be correct copies or extracts shall be received in all courts of justice and elsewhere as primâ facie evidence of the correctness thereof.

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Part VII.
Piers and Landing Stages.

Restriction on mooring vessels.

132.—(1) No vessel or boat except steamboats and pleasure boats embarking or disembarking passengers and their luggage shall be allowed to be moored alongside the works comprised in the pier undertaking without the consent of the Corporation or their officer duly authorised in that behalf.

(2) Provided that this section shall not apply to any boats or vessels of His Majesty's Navy or otherwise in use for His Majesty's service.

Byelaws under Harbours Docks and Piers Clauses Act 1847.

133.—(1) The byelaws made by the Corporation in exercise of the power in that behalf conferred on them by section 83 (Byelaws may be made for all or any of the purposes herein named) of the Harbours Docks and Piers Clauses Act 1847 may provide for imposing a fine not exceeding two pounds for the breach or non-observance of any of the byelaws.

(2) No byelaw shall come into operation until it has received the allowance and confirmation of the Board of Trade and that allowance and confirmation shall be sufficient for all purposes.

Power to take rates in schedule.

134. For the use of the works comprised in the pier undertaking (other than the Phœnix Wharf Pier) the Corporation may demand recover and take in respect of the vessels goods and animals described in the Eighth Schedule any tolls and dues not exceeding the rates mentioned in that schedule.

Power to enter into compositions.

135.—(1) The Corporation may confer vary or extinguish exemptions from and enter into compositions with any person with respect to the payment of the tolls and dues authorised by this Part of this Act but so that no preference be in any case given to any person and that anything done under this section shall not prejudice the other provisions of this Part of this Act.

(2) Nothing contained in this Part of this Act shall be construed to prejudice or affect—

(*a*) any agreement that has been or may be made between the Corporation or their predecessors and Sir John St. Aubyn Baronet respecting the use of the Pottery Quay Landing Stage or the North Corner Landing

shelter in the ports or on the coasts of the United Kingdom shall when forced by stress of weather to make use of the works comprised in the pier undertaking and not breaking bulk while making use thereof be exempt from rates leviable under this Part of this Act.

Exemption of Board of Trade officers and police.

139. Officers of the Board of Trade and members of the police force of the borough being in the execution of their duty shall at all times have free ingress to and passage and egress on along through and out of the works comprised in the pier undertaking by land and with their vessels and otherwise without payment.

Exemption of lifeboat crew.

140. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to or along and from the works comprised in the pier undertaking without payment.

Cesser of rates on repayment of borrowed money.

141. When and so soon as all moneys borrowed under the Devonport Landing Stages Order 1881 and the Devonport Landing Pier and Breakwater Order 1889 have been repaid all rates authorised by this Act in respect of the pier and landing stages constructed in pursuance of those Orders other than rates in respect of vessels and boats shall cease to be demanded and taken but the Corporation may continue to demand recover and receive the rates authorised by this Act in respect of vessels and boats and shall apply the same from time to time in defraying the expenses of maintenance repair and improvement of the works comprised in the pier undertaking.

Meters and weighers.

142. The Corporation shall have the appointment of meters and weighers on and in connexion with the works comprising the pier undertaking.

Local lighthouse authority.

143. The Corporation shall within the limits of this Part of this Act be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

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Part VII. *Piers and Landing Stages.*

Further Provisions as to Phœnix Wharf Pier.

Phœnix Wharf Pier free to public.

144. Subject to the provisions of this Part of this Act and to the byelaws for the time being in force relating to the Phœnix Wharf Pier that pier shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers and notwithstanding such byelaws shall be at all times open to the Cattewater Commissioners and their officers.

For protection of Cattewater Commissioners.

Sec. 131.

145.—(1) The Corporation shall not dredge deepen or otherwise improve or remove portions of the foreshore and bed of the sea at or near the sides of the Phœnix Wharf Pier except to the extent of the space hatched green on the plan referred to in the section of this Act whereof the marginal note is "Limits of Part VII of Act" and the Corporation will at all times dredge such parts of the harbour as are hatched green on the said plan and shown on the sections thereto attached so as to maintain the depth shown or specified thereon.

(2) Nothing in this Part of this Act shall prejudice or affect the dues rates or jurisdiction nor except as otherwise expressly provided the rights and powers of the Cattewater Commissioners and their officers.

Part VIII. *Lairy Bridge and Embankment.*

Part VIII.

Lairy Bridge and Embankment.

Lairy Bridge to continue vested in Corporation.

146.—(1) The Lairy Bridge shall continue vested in and be held by the Corporation and the Corporation may repair and maintain the same.

(2) The unrepealed provisions of the Lairy Bridge Acts shall continue to have effect as if the Corporation were named therein instead of the Earl of Morley as the owner of the Lairy Bridge.

Lairy Embankment undertaking to continue vested in Corporation.

147. The Lairy Embankment undertaking as it exists at the passing of this Act shall continue vested in and be held and enjoyed by the Corporation.

Maintenance of roads and appropriation of lands.

148. The Corporation shall repair and maintain the embankments constructed under the Embankment Acts and the roads therein described and known as "the embankment roads" and may alter widen and improve the embankment roads and make new approaches thereto and junctions and connexions therewith and the Corporation may appropriate any of the lands

comprised in the Lairy Embankment undertaking for any of those purposes and may sell and dispose of any such lands not required for any of those purposes or may use the same for any municipal sanitary or other public purpose as the Corporation may think fit.

Application of tolls.

149. All tolls rates and other moneys received by the Corporation in respect of the Lairy Embankment undertaking shall be applied in or towards the repair and maintenance of the embankments and embankment roads and in meeting any other expenses in connexion with such undertaking and subject thereto shall be applied towards the payment of the interest on and discharge of the moneys borrowed for the purposes of the undertaking and the surplus (if any) shall be carried to the credit of the district fund.

Corporation may declare embankment roads free of tolls.

150. The Corporation may by resolution of the council declare that the embankment roads shall be open to the public free of toll and as from the date named in such resolution the same shall be free and open to the public without payment of toll and thereupon the provisions of the Public Health Acts relating to streets which are highways repairable by the inhabitants at large shall apply to such embankment roads.

Not to embank mud lands except with consent of Admiralty.

151. The Corporation shall not embank any of the mud or unreclaimed lands comprised in the Lairy Embankment undertaking except with the consent of the Admiralty.

Compensation in respect of powers under section 27 of 42 Geo. III. cap. xxxii.

152. The Corporation shall make compensation to the owners and occupiers of any lands which may be injuriously affected by the exercise of the powers conferred upon the Corporation under section 27 (Powers for making the embankment) of the Act 42 George III. cap. xxxii. and the amount of such compensation shall be settled and determined in accordance with the provisions of the Lands Clauses Acts.

Application of Embankment Acts.

153. The provisions of the Embankment Acts set forth in the Second Schedule shall apply so far as the same are consistent with the provisions of this Part of this Act and shall have effect as if the Corporation were therein referred to instead of the company of proprietors for embanking part of the Lairy near Plymouth and the council instead of the committee of management and the borough surveyor instead of the surveyor of roads.

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Part IX.
Mutley Park Estate.

Part IX.

Mutley Park Estate.

Transfer of Mutley Park Pleasure Grounds.

154.—(1) The Mutley Park Pleasure Grounds which are referred to in the agreement dated the eighth day of October nineteen hundred and twelve and made between William Lewis and John Daniel Grimsey of the one part and the Corporation of the other part (a copy of which is set forth in the Ninth Schedule) and which are coloured red and brown on the plan annexed to the said agreement and the inheritance thereof in fee simple shall as from the passing of this Act be by virtue thereof vested in the Corporation subject to the conditions restrictions and stipulations mentioned in the agreement.

(2) The Corporation shall perform and observe the several conditions restrictions and stipulations to be performed by the Corporation under clauses 4 5 and 6 of the said agreement and William Lewis or the owners for the time being of the land adjoining and on the north side of the proposed fence between the points marked F G and H on the said plan shall observe and perform the conditions to be observed and performed by him or them under clause 4 of the agreement.

Part X.
Cottonian Museum.

Part X.

Cottonian Museum.

Transfer of Cottonian Museum to Corporation.

155. As from the passing of this Act the museum now vested in the trustees appointed in pursuance of the deed of trust recited in the preamble to this Act shall by virtue of this Act be transferred to and vested in the Corporation free and discharged from the trusts and provisions declared by or contained in the said deed but subject to the provisions of this Act.

Further provisions as to museum.

156.—(1) Until the museum is removed from the Plymouth Proprietary Library the Corporation shall be entitled to the benefit of and shall observe and perform the covenants and conditions contained in the indenture of lease dated the sixth day of April eighteen hundred and fifty-two and made between William Langmeade William Prance Thomas Duncan Newton George Shute Eastlake Alfred Rooker and William Joseph Square of the first part William Cotton of the second part and the Right Honourable Edmund Earl of Morley the said William Cotton George Tonkin Shortland Robert Hudson Harry Bulteel Harris Charles Cobley Whiteford and George Pridham of the third part

and shall bear all expenses of maintaining the museum or otherwise in relation thereto including the expenses of repairing and cleaning the room demised by the said indenture of lease and the approaches thereto and when and so soon as the museum has been removed from the Plymouth Proprietary Library the said lease shall be by virtue of this Act determined and the said room thereby demised shall vest in the proprietors of the said library free from the provisions of the said indenture in the same manner in all respects as if the lease had expired by effluxion of time.

(2) Until the museum is removed from the Plymouth Proprietary Library it shall unless and until otherwise agreed between the Corporation and the committee of that library be open to the public only upon the days and at the times upon and at which it is at present open to the public in pursuance of the rules relating to the museum.

(3) Within five years after the passing of this Act or within such further time as may be agreed between the Corporation and the trustees nominated or appointed in pursuance of the deed of trust or the survivors or survivor of them or (failing them) by the legal personal representatives for the time being of the late William Cotton (such trustees or personal representatives being in this section referred to as "the trustees") the Corporation shall provide adequate premises for the reception of the museum in connexion with a museum provided by the Corporation such premises to be suitable for the due preservation of the museum and to be reasonably approved by the trustees before the removal of the museum.

(4) At all times after the Corporation have removed the museum it shall be kept intact in a separate room or separate adjoining rooms and shall always be known as the "Cottonian Museum."

(5) The curator to be appointed by the Corporation to take charge of the museum shall be a responsible person having a competent knowledge of art and art subjects.

(6) The Corporation shall permit the museum to be exhibited and used for purposes of amusement and instruction by the inhabitants of the borough and the vicinity thereof so that the museum shall be open to the public gratuitously at least one day in every week from the hour of ten in the forenoon to the hour of four in the afternoon and shall be open on other days

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Part X.
Cottonian Museum.

subject to such regulations and byelaws as may be made by the Museums Committee herein-after mentioned.

Provision of buildings &c.

157. For the purpose of this Part of this Act the Corporation may purchase take on lease erect or (with the consent of the Local Government Board) appropriate lands buildings and provide all necessary furniture and fittings and generally may do all things necessary for the maintenance improvement management control and regulation of the museum.

Application of certain provisions of Museums and Gymnasiums Act 1891.

158. The following provisions of the Museums and Gymnasiums Act 1891 shall so far as they are applicable extend and apply to the museum as if the same were with the necessary modifications re-enacted in this Act (namely):—

Section 5 (Admission to museum);

Section 7 (Regulations and byelaws);

Section 8 (Closing of museum for repairs);

Section 9 (Appointment of officers and servants for museum);

Section 10 (Expenses and borrowing (as modified by the section of this Act whereof the marginal note is "Increase of museum rate")).

Sec. 226.

Application of money received.

159. All money received by the Corporation under the provisions of this Part of this Act shall be applied only in carrying those provisions into effect.

Appointment of committee.

160. All or any of the powers and duties of this Act relating to the said museum (other than the powers to borrow money to make a rate and to enter into a contract) may be exercised and performed through the committee of the council known as "the Museums Committee" and when such powers and duties are so exercised and performed the following provisions shall apply in regard to that committee (namely):—

(1) The existing trustees nominated or appointed in pursuance of the deed of trust shall if and so long as they so desire be members of the committee:

(2) The legal personal representatives for the time being of the late William Cotton and the proprietors for the time being of the Plymouth Proprietary Library may if they so desire appoint members of the committee but the number of members appointed by the said

representatives together with the number of trustees nominated by the executors of the late William Cotton in pursuance of the deed of trust who shall for the time being be members of the committee in pursuance of the foregoing provisions of this section shall not at any time exceed three and the number of members appointed by the said proprietors together with the number of trustees nominated by them in pursuance of the deed of trust who shall be members of the committee in pursuance of the foregoing provisions of this section shall not at any time exceed three.

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Part X.
Cottonian Museum.

Part XI.

Streets Buildings Sewers and Drains.

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Streets Buildings Sewers and Drains.

Continuation of existing streets to be deemed new streets.

161. Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

Intersecting streets.

162.—(1) The Corporation in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than one hundred and fifty yards on each side of such new street and of any street of which it forms a continuation:

Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than one hundred and fifty yards without an intersecting street such greater length shall for the purposes of this section be deemed to be one hundred and fifty yards.

(2) Any person who shall offend against this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

Power to define future line of existing streets.

163.—(1) Where any street or road in the borough repairable by the inhabitants at large is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that

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PART XI
Streets Buildings Sewers and Drains.

the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage on either side of such street or road.

The line which in any case the Corporation propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises.

No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid and the street or road and such land when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Arbitration Act 1889.

(3) Whenever in any of the above cases the Corporation shall require the line prescribed by them to be observed and kept they shall make full compensation to the owner of and other persons interested in any land for any loss or damage he or they may sustain respectively in consequence of the line of frontage being set back and kept and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation for all damage and loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring such line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

Exchange of parts of street disused.

164. The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Lopping of overhanging trees and shrubs.

165.—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or with the construction and working of tramways or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

Elevation of buildings erected on front lands to be subject to approval of Corporation.

166.—(1) All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes

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any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of six weeks after any drawing of such elevation is submitted to them neglect to notify their determination in writing with reference thereto they shall be deemed to have approved thereof.

(2) Any person who shall offend against this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(3) The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence in pursuance of any requirement of the Corporation.

No building allowed until street defined.

167.—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and the level thereof.

(2) Any person who shall offend against the provisions of this section shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding two pounds.

Byelaws as to materials and construction of buildings.

168. The Corporation may make byelaws with respect to the following matters (namely):—

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connexion therewith and as to the occupation of buildings when united;

(3) Woodwork in external walls of buildings;

(4) The testing of drains of new buildings.

Provisions as to houses without water supply.

169. The owner of any dwelling-house which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding one pound.

Reconstruction of drains.

170.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws or regulations relating to the drainage of new buildings.

(2) Any person who shall offend against this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding one pound.

Amendment of section 19 of Public Health Acts Amendment Act 1890.

171. The powers given by section 19 (Extension of 38 and 39 Vict. cap. 55. sec. 41) of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Separate sewers for surface water and sewage may be required.

172.—(1) The Corporation may by resolution declare that any sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for sewage (in this section called a "sewage sewer") and they may also declare that any other sewer for the time being belonging to or vested in them shall thenceforth be appropriated and used for surface water (in this section called a "surface-water sewer").

(2) Where under the provisions of any Acts for the time being in force in the borough the Corporation have power to require any street to be sewered they may require the provision of separate sewage sewers and surface-water sewers and the provisions of those Acts (including powers of appeal) shall apply to such sewers accordingly:

Provided that the provisions of this subsection shall not be exercised unless and until the Corporation shall have provided sewers adequate and proper for the purpose of receiving the sewage from such separate sewage sewers and shall have provided sewers or other outlets adequate and proper for the purpose of receiving the surface water from such separate surface-water sewers.

(3) (*a*) Where in any street separate sewage sewers and surface-water sewers shall have been provided (whether before

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or after the passing of this Act) no sewage shall be allowed to pass from any premises into the surface-water sewers and so far as practicable no surface or storm water other than from back roofs and paved yards of domestic dwellings shall be allowed to pass into the sewage sewers except with the consent in writing of the Corporation.

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds.

(*c*) Provided that in the case of any premises existing at the time of the provision of separate sewers the drains whereof were already connected with a sewer and would but for the provisions of this section have been sufficient effectually to drain such premises the provisions of this subsection shall not apply to such premises until the Corporation have at their own expense made all necessary alterations to the drains and pipes of such premises in order to keep separate the sewage and surface-water drainage thereof and the Corporation may if they think fit make all such alterations.

(4) The provisions of this section shall be in force in so much only of the borough (being part of the Devonport area) which is edged brown on a map signed in triplicate by the Right Honourable Thomas Wodehouse Baron Newton the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one of which maps has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office.

Copies of the map referred to in this subsection and deposited with the town clerk or extracts therefrom certified by him to be correct copies or extracts shall be received in all courts of justice and elsewhere as primâ facie evidence of the correctness thereof.

Power to require culverting of watercourses on building land.

173.—(1) If any watercourse or ditch situate upon any land in the borough laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert.

(2) Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building.

(3) In the event of the owner or owners of any land neglecting or refusing to comply with any requirement of the Corporation under this section the Corporation may themselves fill up or cover over the watercourse or ditch to which their requirement relates and substitute therefor a pipe drain or culvert and may recover the expense incurred by them in so doing from such owner or owners.

Power to enter premises.

174. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupiers refusing execution of Act.

175. If the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Part of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a fine not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

As to appeal.

176. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Part of this Act or by any conviction or order by a court of summary jurisdiction under any provision of this Part of this Act may if no other mode of appeal is provided by this Part of this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a

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court of summary jurisdiction the Corporation may in like manner appeal.

General saving as to railway companies.

177.—(1) The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connexion with their railway under any Act of Parliament.

(2) Nothing in the sections of this Act herein-after mentioned shall apply to any work constructed by a railway company as a part of or for the purposes of their railway under any statutory powers or to any lands held or acquired or which may hereafter be held or acquired by a railway company and used for the purposes of their railway with the authority of Parliament but this exemption shall not apply to dwelling-houses or shops or to the lands upon which they are or shall be erected or to the streets in which they are or shall be situate.

The sections of this Act herein-before referred to have the following marginal notes:—

Sec. 161. Continuation of existing streets to be deemed new streets;

Sec. 167. No building allowed until street defined;

Sec. 170. Re-construction of drains.

Part XII.

Police.

Part XII. *Police.*

Prescribed distance for hackney carriages.

178. For the purposes of the provisions of the Town Police Clauses Acts 1847 and 1889 with respect to hackney carriages the prescribed distance shall be seven miles from the Guildhall of the borough.

Corporation may appoint stands and number of carriages at each.

179.—(1) The Corporation may fix the number and situation of the stands for hackney carriages within the borough and the number of carriages to be at such stands and from time to time may alter and vary the number and situation of such stands and the number of carriages to be at each such stand as they shall think fit.

(2) Provided always that the Corporation shall not without the consent in writing of any railway company or the owner or owners of any dock pier or landing place affected thereby first had and obtained appoint any stand for hackney carriages at in or on any station station-yard approach quay wharf pier works

or other property belonging to or occupied by any such railway company or such owner or owners as aforesaid.

Notice of processions to be given.

180.—(1) Any person or persons intending to organise or form a circus procession or procession of wild animals through the streets of the borough shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the chief constable's office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a fine not exceeding five pounds each.

For protection of public lamps.

181. Every person who shall carelessly or accidentally break throw down or damage any post pillar lamp or other apparatus belonging to the Corporation or under their control and used for lighting the streets shall pay such sum by way of satisfaction to the Corporation for the damage done as a court of summary jurisdiction shall think reasonable.

Boats and vessels to be licensed.

182.—(1) The Corporation may grant upon such terms and conditions as they may think fit licences for boats and vessels of any kind or description to be let for hire or to be used for carrying passengers to or from any stations or places within the borough and within the area comprising the waters of Plymouth Sound and Hamoaze including all the bays creeks lakes pools and rivers as far as the tide flows to the northward of a straight line drawn across the entrance of Plymouth Sound from Penlee Point on the west to the Shagstone on the east or to or from the ships or vessels of His Majesty or other ships or vessels lying within the area aforesaid and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge annual fees for such licences for a boat or vessel a fee not exceeding the sum of five shillings and for a boatman or other person a fee not exceeding the sum of one shilling.

(2) Any such licence may be granted for such period as the Corporation may think fit and may be suspended or revoked by the Corporation whenever they shall deem such suspension or

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revocation to be necessary or desirable in the interests of the public Provided that the existence of the power to suspend or revoke the licence shall be plainly set forth in the licence itself.

(3) No person shall let for hire any boat or vessel not so licensed or at any time during the suspension of the licence for the boat or vessel nor shall any person carry or permit to be carried passengers for hire in any boat or vessel not so licensed or at any time during the suspension of the licence for the boat or vessel.

(4) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the Board of Trade.

(5) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted in letters and figures not less than one inch in height and three quarters of an inch in breadth on a conspicuous part of the said boat or vessel his own name and also the number of persons which it is licensed to carry in the form "Licensed to carry persons."

(6) Every holder of a licence under this section shall by himself his agent or servant produce such licence when demanded by a justice of the peace and deliver the same to be read and examined by him.

(7) The provisions of the Town Police Clauses Act 1847 with respect to hackney carriages shall apply so far as the same are applicable to all boats and vessels and the proprietors thereof and boatmen subject to the provisions of this Act for the purposes hereof and the word "hackney carriage" in those provisions shall include any such boat or vessel and the word "driver" shall include boatman and for the purposes of this Act the plying standing or being let out for hire within the borough or within the area mentioned in subsection (1) of this section shall be deemed to be a standing or plying for hire within the provisions of the Town Police Clauses Act 1847.

(8) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a fine not exceeding two pounds.

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Byelaws for regulating boats and vessels.

183. The Corporation may (subject to the provisions of this Act) make byelaws for all or any of the purposes following (that is to say):—

(1) (*a*) For regulating the conduct and duties of boatmen;

(*b*) For determining whether boatmen shall wear any and what badges and when and in what manner they shall be worn and whether any and if so what sum (not exceeding one shilling) shall be paid for the use of the same and for securing the return to the Corporation of such badges where there is no licence in force relating thereto;

(*c*) For regulating the hours within which they shall exercise their calling;

(*d*) For determining whether any and what ticket shall be delivered by the boatman to the hirer:

(2) For regulating the manner in which the number of each boat or vessel corresponding with the number of its licence shall be displayed in and upon such boat or vessel:

(3) (*a*) For regulating and ordering the boats and vessels let to hire;

(*b*) For fixing the number of passengers and the quantity of luggage to be carried by such boats or vessels;

(*c*) For fixing the manner in which such number is to be shown in or on such boats and vessels;

(*d*) For regulating the number of boatmen to be employed in such boats and vessels;

(*e*) For regulating and ordering how such boats and vessels are to be furnished cleansed kept in order and repaired:

(4) (*a*) For fixing the station or stations place or places for all boats or vessels and boatmen to wait and ply for hire;

(*b*) And the distances the boatmen so plying shall be obliged to take passengers in and upon the waters aforesaid:

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(5) (*a*) For fixing the fares or rates of passengers and luggage as well for time as distance as also a waiting-time fare to be paid for such boats or vessels;

(*b*) For securing the publication of such fares or rates;

(*c*) For fixing and determining the places from whence and the manner in which the state of the weather as affecting the fares shall be indicated and the conditions under which and the limits within which such boats or vessels shall ply during stormy weather;

(*d*) For forming tables of distances and fares as evidence for the purpose of any fare to be charged by distance by the preparation of a book map or plan or any combination of a book map or plan:

(6) (*a*) For securing the safe custody and re-delivery of any property accidentally left in any boat or vessel;

(*b*) For fixing the charges to be made in respect thereof with power to cause such property to be sold or to be given to the finder in the event of its not being claimed within a certain time.

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Purchase of lands by agreement.

184.—(1) The Corporation may by agreement purchase take on lease acquire and hold lands for the purposes of this Act and of their several undertakings referred to in this Act.

(2) Provided that—

(*a*) the quantity of additional lands to be acquired by the Corporation in pursuance of the powers which are conferred upon them by this section and for the time being held by them shall not at any time exceed fifty acres;

(*b*) the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section; and

(*c*) no lands shall be used by the Corporation for the purpose of manufacturing gas or residual products in the manufacture of gas except the lands described in the section of this Act whereof the marginal note is "Maintenance and construction of gas-works."

Sec. 40.

Persons under disability may grant easements &c.

185. 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 Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) 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 rentcharges 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.

Retention sale and disposal of lands.

186.—(1) Notwithstanding anything to the contrary in the Lands Clauses Acts or in any other Act or Acts the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in lands vested in or acquired by them prior to or under this Act or under any of the recited Acts or any other local Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that nothing in this section shall be taken to dispense with the necessity for obtaining the approval of the Local Government Board to any alienation sale lease or other disposition of any lands for which such approval would be required but for the provisions of this Act.

(2) Any capital money received by the Corporation on the sale lease exchange or other disposition of lands under this section shall be applied in the repayment of any loan raised for the purchase of the lands in respect of which the capital

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money is received and subject thereto shall be applied in the manner directed by the provisions of the Stock Regulations 1891 1897 and 1901 relating to the application of capital money arising from any sale lease or other disposition of land or in such other manner as may be approved by the Local Government Board.

Dwelling-houses for persons in Corporation's employment.

187.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

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Power to borrow.

188.—(1) The Corporation may independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenue funds and rates mentioned in the third column of the said table and they shall pay off all moneys so borrowed within the respective periods mentioned in the fourth column thereof (namely):—

1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
	£		
(*a*) For and in connexion with the construction of a conduit and water mains.	60,000	The revenue of the water undertaking of the Corporation and the district fund and general district rate.	Sixty years from the date or dates of borrowing.
(*b*) For paying the costs charges and expenses of this Act as herein-after defined.	The sum requisite.	The borough fund and the borough rate.	Five years from the passing of this Act.

(2) The Corporation may also independently of any other borrowing power borrow at interest for the purposes mentioned in the second column of the Tenth Schedule the respective sums mentioned in the third column thereof which they were empowered to borrow under the provisions of the Acts repealed by this Act but which they have not yet borrowed and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates which they could have mortgaged or charged if this Act had not been passed and they shall pay off all moneys so borrowed within the respective periods calculated from the respective dates of borrowing mentioned in the fourth column of the Tenth Schedule.

(3) (*a*) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of the provisions of Part V. (Tramways) and Part VII. (Piers and Landing Stages) of this Act and of the section of this Act whereof the marginal note is "Wharf wall and embankment at Cattewater" and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of those provisions.

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(*b*) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge such revenue fund or rate as may be prescribed by the Board with whose consent the money is borrowed.

(*c*) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board with whose consent it is borrowed.

(4) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

Sec. 198.

Restriction on borrowing.

189. Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money (other than money required to pay the costs charges and expenses of this Act as herein-after defined) during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

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Repayment of existing loans.

190.—(1) The sums borrowed by the Corporation under the provisions of the Acts repealed by this Act which have not yet been repaid shall notwithstanding such repeal be repaid within the respective periods within which they were required to be repaid by or under those provisions.

(2) The provisions of this Act shall apply to the sums mentioned in subsection (1) of this section as if they were borrowed under this Act.

Section 234 of Public Health Act 1875 not to apply.

191. The powers of borrowing money given by this Act shall not be restricted by any of the regulations contained in section 234 (Regulations as to exercise of borrowing powers) of the Public Health Act 1875 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

192. The Corporation may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others :

Provided that the provisions of this Act relating to sinking funds shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) of that Act.

Provisions of Public Health Act 1875 as to mortgages to apply.
Sec. 198.

193. Subject to the provisions of the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say) :—

Section 236 (Form of mortgage) ;

Section 237 (Register of mortgages) ;

Section 238 (Transfer of mortgages).

Mode of payment off of money borrowed.

194. The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or

when the money is repaid by half-yearly instalments or by half-yearly payments to the sinking fund within six months from the date of borrowing.

Sinking fund.

195.—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed (otherwise than by the issue of stock) by virtue of any statutory borrowing power such fund shall be formed and maintained either—

(*a*) by payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called a "non-accumulating sinking fund"; or

(*b*) by payment to the fund throughout the prescribed period of such equal yearly or half-yearly sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the moneys for the repayment of which the fund is formed:

Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

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(5) (*a*) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(*b*) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appears to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose:

Provided that if it appears to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board

be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

(12) All moneys which on the thirty-first day of March nineteen hundred and fifteen were standing to the credit of any sinking fund in respect of moneys borrowed otherwise than by the issue of stock and not applied in repayment thereof shall be transferred to the sinking fund established under this Act and the sums so transferred shall be taken into account in calculating the future payments to be made to the sinking fund under this section.

Appointment of receiver.

196.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall not be less than five hundred pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Application of money borrowed.

197. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Power to use one form of mortgage for all purposes.

198.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

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(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Eleventh Schedule or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed.

Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a fine not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating

the consideration and such transfer may be according to the form contained in the Eleventh Schedule or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a fine not exceeding twenty pounds.

Interest fund.

199.—(1) For payment of interest on all money for the time being owing by the Corporation the repayment whereof is secured by mortgage and in respect of which provision for repayment is made by means of a sinking fund (in this section called "principal moneys") there shall be established and formed a fund called "the interest fund."

(2) In each year the Corporation shall pay into the interest fund a sum or sums equal to the aggregate amount of interest payable in that year on the principal moneys and the total amount so required shall be apportioned among the several revenues of the Corporation according to the respective amounts of the principal moneys charged upon those revenues respectively.

(3) The Corporation shall apply the interest fund in paying the interest on the principal moneys.

(4) As parts of the general account of the interest fund the Corporation shall keep separate accounts distinguishing and

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showing in relation to each undertaking or purpose for or in respect of which any of the principal moneys are borrowed by them all moneys paid into the interest fund from the revenues of the Corporation in respect of the interest on the several amounts of the principal moneys chargeable to that undertaking or purpose.

(5) The yearly sum or sums to be provided under this section shall be provided by contributions from the several revenues of the Corporation (if any) specially made liable to provide the same by or under any statutory borrowing power or by any resolution of the Corporation having reference to the respective borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several revenues out of which the respective contributions would be properly payable and in default thereof or subject thereto out of such fund or rate as the Corporation may consider equitable having regard to the provisions of this Act and the objects for which the statutory borrowing power was exercised.

(6) The Corporation shall in order to raise the amounts of the several contributions as aforesaid out of their several revenues do all such acts exercise all such powers collect all such moneys and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purpose of or in relation to the respective statutory borrowing powers in exercise whereof the several principal moneys are raised.

Provisions as to raising money by bills.

200. In the exercise of any statutory borrowing power the Corporation may if they see fit raise the money which they are thereby authorised to borrow by means of bills subject to and in accordance with the following provisions:—

(1) Bills issued by the Corporation shall be called "Plymouth Corporation bills":

(2) A Plymouth Corporation bill shall be a bill in the form prescribed by regulations made in pursuance of this Act for the payment of the sum named therein in the manner and at the date therein mentioned so that the date be not less than three or more than twelve months from the date of the bill:

(3) Such bills may be offered for purchase by tender in such manner on such conditions and after public

advertisement in such manner as the Corporation determine:

(4) The bills shall be issued under the authority of a warrant sealed by the Corporation:

(5) Each bill shall be for the amount directed by the Corporation not being less than one thousand pounds:

(6) Each bill shall be under the seal of the Corporation:

(7) A register of the bills issued or renewed by the Corporation shall be kept by the treasurer or such other person as may be appointed by the Corporation and such register shall show the amount of each bill the principal money raised by such bill the statutory borrowing power in respect of which the bill is issued the date of issue the date when the same falls due and the date of payment thereof;

Such register shall at all reasonable times be open to inspection without payment of any fee by any creditor of the Corporation:

(8) The Corporation shall not issue bills payable to bearer:

(9) The Corporation shall before issuing any bill under this Act and from time to time make regulations with respect to bills subject to and in accordance with this Act and shall furnish to the Local Government Board a copy of any regulations so made;

Such regulations shall provide—

(*a*) for regulating the preparation form mode of issue mode of payment and cancellation of bills;

(*b*) for regulating the issue of a new bill in lieu of one defaced lost or destroyed;

(*c*) for preventing by the use of counterfoils or of a special description of paper or otherwise fraud in relation to bills;

(*d*) for the proper discharge to be given upon the payment of a bill:

(10) The Corporation may enter into such arrangements with any bank for carrying into effect the provisions of this Act with respect to the issue of bills and to the payment of the principal sum named therein

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and to all matters relating thereto and for the proper remuneration of such bank with reference thereto as they may think proper;

Such remuneration shall be apportioned between the several funds or rates to which the principal moneys raised by the bill are chargeable:

(11) The amount of money received by the Corporation in respect of a bill shall be deemed to be principal money raised by means of such bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:

(12) The Corporation shall provide from the same source and pay at the appropriate times into a sinking fund or sinking funds the same sums for repayment of the principal money so raised as they would have done if mortgages of the same amount had been issued and such fund or funds shall be dealt with in the same manner as if the same were a mortgage sinking fund and the Corporation shall pay the interest on the principal money out of the fund or rate to which the principal money so raised is charged:

(13) The aggregate amount payable on bills current at any one time shall not exceed the sum of one hundred thousand pounds except by the amount payable on bills issued shortly before any other bills fall due in order to pay off those bills:

(14) The Corporation may subject to the provisions of the preceding subsection renew bills at maturity:

(15) Money raised by the issue of bills shall be employed by the Corporation for the purposes of the several statutory borrowing powers in respect of which the bills are respectively issued:

(16) For the repayment of the principal money raised by bills the Corporation may raise money by the creation and issue of stock under and in accordance with the provisions of Part V. of the Public Health Acts Amendment Act 1890 or by the issue of mortgages or further bills but save as aforesaid the powers

given to the Corporation to raise moneys by the creation of stock or mortgages shall be suspended to the extent to which moneys have been raised by the issue of bills:

(17) A Plymouth Corporation bill shall entitle the holder to payment at maturity of the sum expressed in such bill to be payable and shall be charged on all the revenues of the Corporation:

(18) The treasurer shall within forty-two days after the thirty-first day of March in any year during which any bills have been issued paid off or are outstanding under this section transmit to the Local Government Board a return in such form as the Board may prescribe and containing all such particulars as they may require in regard to the issue and payment of bills by the Corporation.

Power to use sinking fund instead of borrowing.

201.—(1) Where the Corporation are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of—

(*a*) a loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issued of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(*b*) moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

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(2) The Corporation when exercising the powers conferred on them by this section shall—

(*a*) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed

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to be exercised by the user of moneys from such sinking fund;

(*b*) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;

(*c*) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and reborrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875.

(4) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Temporary borrowing.

202.—(1) The Corporation may from time to time for the purpose of providing temporarily for any current expenses that may be incurred by them in the execution of any Act of Parliament or Provisional Order confirmed by or under any Act of Parliament borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person and in either case at such rate of interest as they may determine such sum as they may from time to time resolve not exceeding in the aggregate at any time an amount equal to one fourth of the total aggregate amount of the beforementioned expenses for the immediately preceding financial year.

(2) Any amount borrowed under this section together with the interest thereon shall form a charge upon all the funds properties rates and revenues of the Corporation pari passu

with all other mortgages stock or other securities affecting the same.

(3) It shall also be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds or reserve funds which they may have on hand crediting the said sinking funds or reserve funds with such fair rate of interest not being less than three per centum per annum as they may resolve.

(4) All sums borrowed by the Corporation under this section in respect of the current expenses of any financial year shall be repaid out of the revenue received by the Corporation in respect of such year.

(5) When the Corporation borrow money under this section—

(*a*) the treasurer shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require;

(*b*) the Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

(6) The provisions of this section limiting the amount of the sums which the Corporation may borrow and the provisions of subsection (4) of this section requiring the repayment thereof out of the revenue referred to in that subsection shall not affect any lender or his security for the loan or overdraft and the interest thereon respectively or his right to obtain payment thereof from the Corporation.

(7) The provisions of this section shall cease to be in force at the expiration of five years from the thirty-first day of March nineteen hundred and sixteen unless they shall have been continued by Act of Parliament or Provisional Order made by the

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Local Government Board and confirmed by Parliament which order the Local Government Board are hereby empowered to make in accordance with the provisions of the Public Health Act 1875 and in the event of that Board making any such order they are hereby empowered to make such modifications or amendments in the provisions of this section as may appear to them to be necessary.

Power to re-borrow.

203.—(1) The Corporation shall have power—

(*a*) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(*b*) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(*a*) by instalments or annual payments; or

(*b*) by means of a sinking fund; or

(*c*) out of moneys derived from the sale of land; or

(*d*) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

Returns as to sinking fund.

204.—(1) The treasurer shall within forty-two days after the thirty-first day of March in each year if during the twelve

months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to the sinking fund in respect of any of the moneys raised by the Corporation in pursuance of any statutory borrowing power and not raised by the issue of stock and at any other time when the Local Government Board may require such a return to be made transmit to the Board a return in such form as may be prescribed by the Board and if required by the Board verified by a statutory declaration of the treasurer showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year together with such further information (if any) as the Board shall require and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

(2) If it appears to the Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for the sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of the sinking fund to any purposes other than those authorised the Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Board out of the High Court.

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Closing of transfer books.

205.—(1) The town clerk with the approval of the Corporation may as regards any mortgages close the transfer books or the register of transfers (as the case may be) on any day in the month in which interest under those mortgages is payable but so that the books be not at any time kept closed for more than fifteen days.

(2) The persons who on the day of such closing are registered as mortgagees shall as between them and the transferees be entitled to the interest next payable thereon.

Protection of lender from necessity of inquiry.

206. A person lending money to the Corporation under any statutory borrowing power shall not be bound to inquire as to the observance by the Corporation of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Corporation not to regard trusts.

207. The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for a loan may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Dividends &c. by post.

208.—(1) Where the registered owner of a mortgage bond debenture annuity or stock desires to have the warrant or order for the payments of his interest annuity or dividend sent by post to him or to any other person he may make a request for that purpose to the Corporation in writing signed by him in a form approved by the Corporation and shall give to the Corporation an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants or orders are from time to time to be sent.

(2) The posting by the Corporation of a letter addressed to such holder or other person at his request at the address so given by him containing a warrant or order for the payment of his interest annuity or dividend shall as respects the liability

of the Corporation be equivalent to the delivery of such warrant or order to the holder himself.

(3) Every warrant or order shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Joint holders of mortgages &c.

209.—(1) Where more persons than one are registered as joint holders of a mortgage bond debenture or annuity any one of them may give an effectual receipt for any payment whether of principal or interest in respect thereof unless notice to the contrary be given to the Corporation by any other of them.

(2) The provisions of this Act in regard to payments by post may be exercised by joint holders provided that the name and address of only one of such joint holders shall be given for the transmission of the warrant or order for the payments.

(3) This section shall not apply in the case of any security unless notice of the provisions of this section either is contained in or endorsed on the security or the certificate thereof or is given to the joint holders thereof.

Scheme for fixing equated periods.

210.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Corporation under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act:

Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

(3) The Corporation may with the sanction of the Local Government Board and on the security of the revenue funds or

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rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Corporation for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Period for repayment of loans under Municipal Corporations Act 1882.

211. Notwithstanding anything contained in the Municipal Corporations Act 1882 any money borrowed or to be borrowed by the Corporation in pursuance of that Act shall be repaid within such period not exceeding sixty years as the Local Government Board shall in each case prescribe.

Plymouth Corporation Redeemable Stock.

212.—(1) The repeal by this Act of the enactments mentioned in this section and of any other enactments relating to the Plymouth Corporation Redeemable Stock created and issued under the Plymouth Corporation Act 1887 and the Acts and Orders amending that Act shall have no effect until the whole of the said stock has been redeemed or purchased and extinguished and those provisions shall continue to apply as if this Act had not been passed.

(2) The enactments herein-before referred to are—

Part III (Corporation Stock) of the Plymouth Corporation Act 1887 and the schedule to that Act;

Section 33 (Amendment of Act of 1887) of the Plymouth Corporation Water Act 1893;

Article II of the Plymouth Order (No. 2) 1897 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897;

Article I (Altering provisions of Act of 1887 as to account of loans fund and application of money raised by corporation stock) of the Plymouth Order 1905 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905; and

The Plymouth Order 1911 which was confirmed by the Local Government Board's Provisional Orders Confirmation (No. 3) Act 1911.

Application of revenues of several undertakings.

213.—(1) The Corporation shall keep separate accounts in respect of the following undertakings (namely):—

(*a*) the water undertaking;

(*b*) the gas undertaking;

(*c*) the tramways undertaking;

(*d*) the markets undertaking;

(*e*) the pier undertaking;

and shall apply all money received by them on account of the revenue of each of those undertakings in the manner and in the order following (namely):—

First—In payment of the working and establishment expenses and cost of maintenance of the undertaking in respect of which it is received;

Secondly—In payment of the interest on moneys borrowed by the Corporation for the purposes of such undertaking;

Thirdly—In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of such undertaking;

Fourthly—If the Corporation think fit in extending and improving any works for the purposes of such undertaking;

Fifthly—If the Corporation think fit in making reasonable provision for working capital;

Sixthly—If the Corporation think fit in providing a reserve fund for the purpose of the said undertaking by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of such undertaking not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Corporation upon such undertaking.

(2) Any reserve fund which has been formed for the purposes of any of the said undertakings and which is in existence at the passing of this Act shall be deemed to have been formed under this section.

(3) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand

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at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the works forming part thereof or otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens:

Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(4) The Corporation shall carry to the district fund so much of the balance remaining in any year of the revenue of the water undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(5) The Corporation shall carry to the borough fund so much of the balance remaining in any year of the revenue of either the tramways undertaking or the markets undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Corporation not be required for carrying on the undertaking and paying the current expenses connected therewith.

(6) The balance remaining in any year of the revenue of the gas undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) shall be carried forward to the revenue account of the next succeeding year and shall be applicable to the reduction of the price of gas supplied within the Devonport area.

Further provision for application of revenue of electricity undertaking.

214. The Corporation may if they think fit apply any part of the surplus of the revenue of their electricity undertaking in extending and improving any works for the purposes of that undertaking and in making reasonable provision for working capital.

Deficiencies in respect of several undertakings.

215.—(1) Any deficiency in the revenue of any of the undertakings mentioned in the last but one preceding section (except the gas undertaking) which is not made good out of the reserve fund in respect of such undertaking shall be made good and any expenses incurred by the Corporation for the purposes of any of the said undertakings except as aforesaid (other than

expenses defrayed out of the revenue or reserve fund thereof or out of borrowed money) shall be defrayed—

(*a*) in the case of the water undertaking and the pier undertaking out of the district fund; and

(*b*) in the case of the tramways undertaking or the markets undertaking out of the borough fund;

and the next general district rate or borough rate as the case may be shall be increased so far as may be necessary to raise the money to recoup the district fund and the borough fund respectively the amounts so made good or defrayed out of those funds.

(2) Any deficiency in the revenue of the gas undertaking in any year shall be made good in the first instance out of the reserve fund (if any) formed in connexion with such undertaking and if there be no such reserve fund or if such reserve fund shall be insufficient for the purpose then out of the district fund and in such case any deficiency shall be a debt due from and shall be repaid to the district fund out of any future revenue of the said undertaking.

Expenses of execution of Act.

216. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the borough fund or the district fund as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Audit of accounts.

217.—(1) Sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall not apply to the accounts of the Corporation or of the treasurer or of the officers of the Corporation.

(2) The accounts of the Corporation and of the treasurer and the officers of the Corporation under any public or private Act of Parliament shall be audited by an auditor appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of such authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and

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all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of such audit.

(3) Provided that for the purposes of this section the First Schedule to the District Auditors Act 1879 shall be modified in the manner described in the Second Schedule to the Local Government Act 1888.

Section 60 of Cemeteries Clauses Act 1847 not to apply to Corporation.

218. Section 60 (Annual accounts) of the Cemeteries Clauses Act 1847 shall not apply to the Corporation.

Loans to guardians.

219.—(1) The Corporation may if they think fit by resolution determine that any sum which the guardians of the poor of any parish for the time being comprised in the borough (in this section called "the guardians") may be by law authorised to borrow or re-borrow upon the security of any rates or funds and which the guardians may be desirous of borrowing from the Corporation shall be lent by the Corporation accordingly.

(2) The Corporation may independently of any other borrowing power borrow at interest any sum which they shall resolve to lend to the guardians under this section and the prescribed period for the repayment by the Corporation of any sum so borrowed shall be a period expiring not more than one year after the period for which the same is lent by the Corporation to the guardians.

(3) The following provisions shall apply to moneys borrowed for the purpose of loans to the guardians:—

(*a*) The sum shall be lent by the Corporation to the guardians for a period not exceeding that for which the guardians are authorised to borrow or re-borrow the same and with a provision for repayment by equal annual instalments of principal or of principal and interest combined;

(*b*) If any sum payable to the Corporation for principal in respect of any sum lent to the guardians shall not be received within six months of the time appointed for the payment thereof a like sum shall be set apart out of the borough fund and if after the application or investment of the sum so set apart or the payment thereof into any stock (redemption) fund or loans fund the whole or any part thereof shall be received by the Corporation the sum so received shall be carried to the credit of the borough fund.

(4) The following provisions shall apply to moneys borrowed for the purpose of loans to the guardians and not raised by the issue of stock :—

(*a*) All sums received from the guardians for interest shall be applied towards the payment of interest payable in respect of moneys so borrowed the balance (if any) being carried to the credit of the borough fund;

(*b*) All sums received from the guardians for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) (*b*) of this section) and all sums set apart out of the borough fund under subsection (3) (*b*) of this section shall be applied towards the repayment of the principal payable in respect of moneys so borrowed and until so applied shall be invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments The interest derived from such investments shall be applied in making good any loss or deficiency of or in the principal moneys so invested that may arise by depreciation of the investments or otherwise and if not required for that purpose shall be applied as if the same had been received for interest from the guardians.

(5) The following provisions shall apply to moneys raised by the issue of stock for the purpose of loans to the guardians:—

(*a*) All sums received from the guardians for interest shall be paid into the stock (dividends) fund or loans fund:

Provided that if the sums so received shall be in excess of the dividends payable in respect of the proportion of stock issued to raise money to lend to the guardians such excess may be carried to the credit of the borough fund;

(*b*) All sums received from the guardians for principal (except sums which are to be carried to the credit of the borough fund under the provisions of subsection (3) (*b*) of this section) and all sums set apart out of the borough fund in pursuance of subsection (3) (*b*) of this section shall be paid into the stock (redemption) fund or loans fund.

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(6) If any doubt shall arise as to how much of any sum received by the Corporation from the guardians is to be regarded as principal or interest the question shall be determined by the Local Government Board.

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(7) The return to be made in pursuance of the section of this Act whereof the marginal note is "Returns as to sinking fund" shall in the case of money borrowed for the purposes of this section show for the year next preceding the making of the return the amounts which have been received by the Corporation from the guardians for principal.

Accident fund.

220.—(1) The Corporation may if they think fit form a fund to be called "the accident fund" to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they may from time to time deem expedient and such sums shall be invested at compound interest in or upon statutory securities and accumulated until the same shall amount to the sum of ten thousand pounds.

(2) Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of ten thousand pounds and if the said fund be reduced at any time it may in manner provided by this section be restored to the said amount.

(3) If at any time it should be necessary for making any payment in respect of any claim to which this section relates to borrow money the Corporation may with the sanction of the Local Government Board borrow the necessary sum on the security of the revenues of the Corporation.

Corporation to collect borough rate.

221. The Corporation shall themselves make and levy the borough rate separately from the poor rate and shall collect the borough rate and the Corporation and all persons employed by them in the collection of such rate shall have the like powers rights and remedies for and be subject to the like obligations as to notice with respect to the making levying collecting and recovering of such rate as overseers have by law in relation to

poor rates and the obligations and duties of overseers shall not apply in relation to the making levying and collecting of a borough rate but nothing in this section contained shall prejudice or affect the collection and recovery by the overseers of any borough rate made before the thirty-first day of March nineteen hundred and fifteen.

Power to levy rates by instalments.

222. The Corporation may levy the borough rate or general district rate either in one sum or by any number of instalments of such amounts and to be paid at such times as they shall from time to time fix and determine at the time of making the rate but if the rate is made payable by instalments the demand note shall in addition to other requisite particulars state the time appointed for payment of each instalment and all the powers rights and remedies of the Corporation and their officers for levying and recovering the borough rate and general district rate respectively shall extend and apply to each instalment as if the same were a separate rate.

Power to amend rates.

223.—(1) The provisions of section 221 (Rates may be amended) of the Public Health Act 1875 shall be read and have effect so as to authorise the Corporation to amend any rate made by them in pursuance of the Public Health Acts so as to insert and include therein the name of any person who may have become entitled or liable to be assessed to any such rate since the time such rate was made and before the period covered by such rate has expired and no such amendment shall avoid the rate.

(2) Provided that any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as is conferred by the said section of the Public Health Act 1875 in respect to amendments thereby authorised.

Collection of local rates.

224. The Corporation may appoint and remove officers to collect and give receipts for the borough rate the general district rate and any other rates leviable by the Corporation and in regard to parishes the overseers and assistant overseers of which are appointed by the Corporation the poor rate and any other rates and the salaries and expenses of such officers shall be paid out of the said respective rates in such proportions as the Corporation shall determine.

Existing officers in East Stonehouse.

225. The provisions of Article XX. (Existing officers) of the Order of 1914 shall apply to all officers or servants of the guardians of the poor of the parish of East Stonehouse who

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by virtue of this Act or anything done in pursuance or in consequence of this Act suffer any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary and such officers or servants shall be deemed to be officers or servants within the meaning of the said Article XX. of the Order of 1914.

Increase of museum rate.

226. Notwithstanding anything to the contrary contained in section 10 (Expenses and borrowing) of the Museums and Gymnasiums Act 1891 the amount which the Corporation may expend under that Act for museum purposes in any year prior to the first day of April nineteen hundred and thirty-one shall be any sum not exceeding the amount produced for the time being by a rate of one penny in the pound.

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Application of Act of 18 Henry VI.

227. The provisions of Article III. of the Order of 1914 shall extend and apply to the Act passed in the Eighteenth year of Henry VI. incorporating the town and inhabitants of Plymouth as if it were a charter within the meaning of the said article.

Power to apply funds for certain purposes.

228.—(1) The Corporation may out of the borough fund—

(*a*) pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and of purchasing reports of the proceedings of any such conferences or meetings;

(*b*) pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough;

(*c*) contribute annually any sum not exceeding one hundred pounds to the funds of the Royal Albert Hospital at Devonport Provided that such contribution shall be conditional upon the Corporation being represented upon the house committee or other the committee of management of that institution by three members nominated by the council;

(*d*) make reasonable subscriptions not exceeding in the whole twenty guineas in any one year to the funds of hospitals established and maintained in the borough for the use and benefit of the public;

(*e*) make reasonable subscriptions in aid of local territorial forces and other institutions established in or connected with the borough for the purpose of rendering national or public services;

(*f*) pay the reasonable expenses of maintaining the office of lord high steward of the borough and other ancient offices privileges and ceremonies; and

(*g*) pay the reasonable expenses of employing a borough organist.

(2) The Corporation may out of the district fund pay the reasonable expenses of employing or make reasonable contributions towards the employment of a band or bands of music to perform in public places:

Provided that the amount defrayed in any year in pursuance of this subsection shall not exceed the amount which would be produced for the time being by a rate of one halfpenny in the pound on the property in the borough assessable to the general district rate.

Power to grant gratuities in certain cases.

229.—(1) The Corporation may if they think fit in cases not within the Workmen's Compensation Act 1906 grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be paid out of the fund or funds out of which the salary wages or emoluments of such officer or servant would have been paid if he had continued in his office or service.

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Recreation grounds.

230. The Corporation may lay out drain plant embellish and maintain the following lands within the borough or any part or parts thereof as pleasure or recreation grounds for the benefit of the inhabitants of the borough and the provisions of the Public Health Acts relating to parks and recreation grounds shall apply to the pleasure or recreation grounds provided under this section.

The lands referred to in this section are—

(1) Land bounded on the south by a watercourse leading from Lipson Valley to Arnold's Point on the north partly by the main line of the Great Western Railway and partly by land belonging or reputed to belong to the Soltau Trustees on the east by the loop line of the London and South Western Railway leading from Mutley to Friary Station and on the west by premises fronting Lipson Vale:

(2) Land bounded on the south by the main line of the London and South Western Railway on the north by Tothill Lane on the north-east by the roadway leading to the bridge carrying Tothill Lane over the main line of the London and South Western Railway and on the west by the retaining wall of Egerton Crescent.

Wharf wall and embankment at Cattewater.

231.—(1) The Corporation may maintain the wharf wall and embankment at Cattewater constructed by them in pursuance of Part VI. (Wharf) of the Plymouth Corporation Act 1898.

(2) The said wharf wall and embankment shall be deemed to be a portion of the quay wall referred to in an agreement bearing date the fifth day of May eighteen hundred and eighty-four and made between Lord Graves (the predecessor in title of the Corporation) of the first part William Ekersley of the second part and the Cattewater Commissioners of the third part and by the said agreement authorised to be constructed and except as in this Act otherwise expressly provided nothing in this Act shall be construed to abridge alter or affect any of the stipulations and provisions of the said agreement.

(3) Provided that the Corporation shall not carry on or permit to be carried on upon the said wharf wall and embankment the business of wharfingers or warehousemen.

(4) Should the Corporation at any time acquire any portion of the fundus of the Cattewater in front of the land or premises

of Burnard and Alger Limited they shall not in any way limit or interfere with the full use and enjoyment of the quays and wharves belonging to the said Burnard and Alger Limited and further they shall not prevent Burnard and Alger Limited or their successors from extending their quays or wharves in front of the land now owned by Burnard and Alger Limited on the authorised line.

(5) The Corporation shall on or near the works below high-water mark authorised by this section during the whole time of altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Admiralty from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this subsection they shall for each night in which they so fail be liable to a fine not exceeding twenty pounds.

(6) The Corporation shall at the outer extremity of the works authorised by this section below high-water mark exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall direct.

If the Corporation fail to comply with the provisions of this subsection they shall for each night in which they so fail be liable to a fine not exceeding twenty pounds.

Embankment at Camels Head Bridge.

232.—(1) The Corporation may maintain the embankment road cut culvert and other works and conveniences constructed in pursuance of Part III. (Works and Lands) of the Devonport Corporation (General Powers) Act 1902.

(2) If any work authorised by this section to be maintained on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Admiralty may abate and remove the work or any part of it and restore the site thereof to its condition before the construction of such work at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

(3) In case of injury to or destruction or decay of such work or any part thereof the Corporation shall lay down such

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buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Admiralty and shall apply to the Admiralty for directions as to the means to be taken and the Corporation shall be liable to a fine not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

(4) The Corporation shall at or near the works below high-water mark authorised by this section to be maintained during the whole time of the altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Admiralty from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this subsection they shall for each day in which they so fail be liable to a fine not exceeding twenty pounds.

(5) No person other than the Corporation and their licencees and tenants shall have any rights of navigation or other rights or interests in or over the lands forming part of the site fundus or foreshore of Weston Mill Lake which have been acquired under the Devonport Corporation (General Powers) Act 1902.

Modification of agreement with Richard Hall Clarke.

233. The agreement dated the twenty-ninth day of April nineteen hundred and two and made between Richard Hall Clarke of the one part and the mayor aldermen and burgesses of the borough of Devonport of the other part which as set forth in the Second Schedule to the Devonport Corporation (General Powers) Act 1902 was confirmed by that Act and the indenture dated the twenty-third day of September nineteen hundred and two made in pursuance of that agreement and between the same parties shall as from the twenty-first day of September nineteen hundred and nine be deemed to have been modified and varied in the manner set forth in the agreement bearing that date and made between the said Richard Hall Clarke of the one part and the said mayor aldermen and burgesses of the other part and notwithstanding anything contained in this Act the said agreement dated the twenty-ninth day of April nineteen hundred and two and the said indenture as so modified and varied shall remain binding on the said Richard Hall Clarke his heirs and assigns and on the Corporation.

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Public Health Acts Amendment Act 1907 to apply throughout borough.

234.—(1) The provisions of the Public Health Acts Amendment Act 1907 (except sections 82 83 85 and 94) shall apply throughout the borough as if orders had been made thereunder by the Local Government Board and the Secretary of State respectively declaring those provisions to be in force in the borough.

(2) Unless and until the Local Government Board otherwise declare specify and direct by means of an order made on such application and after compliance with such requirements as are described and set forth in section 3 (Applications of Parts or section of Act) of the Public Health Acts Amendment Act 1907 each of the following sections of that Act in its application to the borough and in relation to the exercise of the powers and to the discharge of the duties of the Corporation under that section shall have effect as if the addition herein-after mentioned with reference to the section were made thereto (namely):—

Section 25 (Yards to be paved &c.):—

The power of making or enforcing byelaws under section 157 of the Public Health Act 1875 as extended by section 23 of the Public Health Acts Amendment Act 1890 with respect to the paving of yards and open spaces in connexion with dwelling-houses shall cease to be exerciseable;

Section 27 (As to temporary buildings):—

(7) Nothing in this section shall apply to any temporary building erected or set up for use by the Territorial Force;

Section 35 (As to nuisances):—

This section so far as it relates to the deposit of material shall have effect subject to the first proviso to section 91 of the Public Health Act 1875;

The power of making or enforcing byelaws under section 23 of the Municipal Corporations Act 1882 for the prevention and suppression of nuisances shall not be exerciseable in relation to any subject matter of this section;

Section 38 (Local authority may require old drains to be laid open for examination by surveyor before communicating with sewers):—

Nothing in this section shall prejudicially affect any power or right exerciseable by or attaching to an owner

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or occupier of premises by virtue of section 22 of the Public Health Act 1875 or of section 18 of the Public Health Acts Amendment Act 1890;

Section 59 (Provisions as to library books):—

(6) Nothing in this section shall apply to a public or circulating library which is not within the district.

Temporary stoppage of streets.

235.—(1) The Corporation during the execution of the powers of this Act may break up and also temporarily stop up divert and interfere with any street for the purpose of executing such powers and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

Notice of discontinuance.

236. A notice to the Corporation from a consumer for the discontinuance of a supply of water gas or electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation.

Removal of gas and electricity fittings.

237. The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 and section 24 of the Electric Lighting Act 1882 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas or electricity by the Corporation shall not require to take a supply of gas or electricity from the Corporation or to hire from the Corporation all or any of the pipes meters fittings or apparatus belonging to the Corporation and let by them on hire to any former occupier of such premises.

Corporation may refuse to supply gas or electrical energy in certain cases.

238. The Corporation may refuse to supply gas or electrical energy to any person whose payments for the supply of either gas or electrical energy or meter rent are for the time being in arrear whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Certain parochial documents to be in custody of Corporation.

239. All tithe and tithe commutation charge apportionments and maps minutes of proceedings deeds papers and writings belonging to the parish of Devonport or to the former parish of Stoke Damerel within the borough or the parts of the

parishes of St. Budeaux and Weston Peverell united to the parish of Stoke Damerel and together with that parish now constituted the parish of Devonport shall be retained in the municipal offices of the Corporation and be there kept and preserved by the Corporation and the ratepayers shall at all times have the same right of inspection and making extracts from such books and minutes as they would have had if they were ratepayers of the parish of Devonport.

Appointment of additional inspectors of nuisances.

240. The Corporation may appoint more than one inspector of nuisances and section 189 (Appointment of officers of urban authority) and section 191 (As to medical officer of health &c.) of the Public Health Act 1875 shall for the purposes of the execution of that Act within the borough be construed accordingly.

Inquiries by Local Government Board.

241.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Orders &c. of Board of Trade.

242. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Application of Arbitration Act 1889.

243. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

As to notices.

244.—(1) Where any notice or demand under this Act or under any local Act Provisional Order byelaw or regulation for the time being in force within the borough requires authentication by the Corporation the signature of the town clerk or

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other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order byelaw or regulation for the time being in force within the borough may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) of that Act authorised to be served:

Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

Confirmation of byelaws.

245. The provisions of the following sections of the Public Health Act 1875 (namely):—

Section 182 (Authentication and alteration of byelaws);
Section 183 (Power to impose penalties on breach of byelaws);
Section 184 (Confirmation of byelaws); and
Section 185 (Byelaws to be printed &c.)

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except byelaws to which the provisions of the Tramways Act 1870 apply and except byelaws made under the Harbours Docks and Piers Clauses Act 1847.

Consent of Corporation to be in writing.

246. All consents given by the Corporation under the provisions of this Act or of any local Act Provisional Order byelaw or regulation for the time being in force within the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

Evidence of appointments and authority.

247. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to

be authenticated by the signature of the mayor or of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

In executing works for owner Corporation liable for negligence only.

248. Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Application of section 265 of Public Health Act 1875.

249. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Apportionment of expenses in case of joint owners.

250. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Determination of compensation.

251.—(1) When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

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(2) Provided that where the Corporation in the exercise of any of their powers under the provisions of the Act 27 Elizabeth cap. xxi. or under section 1 of the Act 33 George III. cap. lxxxv. or under the provisions set forth in the Second Schedule hereto of the Act 5 George IV. cap. xlix. become liable to pay compensation or to make satisfaction for any lands taken or any damage or injury done by them the amount of any sum so payable shall be ascertained paid recovered and applied in accordance with the provisions of the Lands Clauses Acts.

Damages and charges to be settled by justices.

252. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses costs or charges in case of dispute respecting the same may be settled and determined by a court of summary jurisdiction before whom any offender is convicted.

Recovery of fines and expenses.

253.—(1) Save as otherwise by this Act expressly provided all offences against this Act and all fines forfeitures penalties costs and expenses imposed or recoverable under this Act or any of the enactments set out in the Second Schedule or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner:

(2) Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of demands in county court.

254. Proceedings for the recovery of any demand made under the authority of this Act or any of the enactments set out in the Second Schedule or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Informations by whom to be laid.

255. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Judges not disqualified.

256. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or of any

local Act for the time being in force in the borough by reason of his being liable to any rate.

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Saving for indictment &c.

257. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act:

Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Powers of Act cumulative.

258. All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed:

Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Repeal.

259.—(1) Subject to the provisions of this Act—

(*a*) the Acts and Orders specified in the First Schedule are hereby repealed to the extent mentioned in that schedule;

(*b*) the following provisions of the Order of 1914 are hereby repealed (namely):—

Article XV. (Abolition of Commissioners);

Article XVI. (Relating to the audit of accounts);

Article XVII. (Local Acts and Orders) except paragraphs (iii) and (v) of sub-division (2); and

Sub-division (4) of Article XXVIII. (Powers under Public Health Acts Amendment Act 1907);

(*c*) the Orders made by the Local Government Board and the Secretary of State and in operation at the passing of this Act whereby any of the provisions of

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the Public Health Acts Amendment Act 1907 are declared to be in force in any part of the borough are hereby repealed;

and the Acts Orders and provisions so repealed are in this section called "the repealed Acts."

(2) The enactments which are mentioned in the First Schedule and are not repealed and which are set forth in the Second Schedule shall have effect as if—

(*a*) a reference to the borough were substituted for a reference in any of such enactments to the borough of Plymouth or the borough of Devonport;

(*b*) a reference to the Corporation were substituted—

(i) in any of such enactments for a reference to the Corporation of the borough of Plymouth or the Corporation of the borough of Devonport;

(ii) in the Acts 4 George IV. cap. x. and 5 George IV. cap. cxiii. for a reference to John Earl of Morley;

(iii) in the Act 5 George IV. cap. xxii. and the East Stonehouse Waterworks Act 1851 for a reference to the Commissioners therein respectively mentioned;

(iv) in the Plymouth Stonehouse and Devonport Tramways Act 1870 the Plymouth Devonport and District Tramways Act 1882 the Plymouth and Devonport (Extension) Tramways Act 1886 the Devonport Waterworks Act 1893 the Devonport and District Tramways Act 1898 and the Plymouth Stonehouse and Devonport Tramways Act 1900 for a reference to any of the companies in such Acts respectively mentioned;

(v) in the Acts 42 George III. cap. xxxii. 33 George III. cap. lxxxv. 43 George III. cap. xv. and 5 George IV. cap. xxvi. for a reference to any of the companies of proprietors in such Acts respectively mentioned;

but subject to the provisions of this subsection those enactments shall continue to have the same effect as they would have had if this Act had not been passed.

(3) Notwithstanding the repeal of the repealed Acts—

(*a*) All existing bonds mortgages annuities stock or other securities granted payable or created under any of the repealed Acts shall continue valid and available for all purposes and for and against all parties and the holders of all such bonds mortgages annuities stock or other securities shall be in the like position and entitled to the like powers rights and remedies as if this Act had not been passed;

(*b*) All property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts covenants deeds instruments leases obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed;

(*c*) All actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the repealed Acts or any of them may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed;

(*d*) Any proceedings for or in relation to a new equitable adjustment under subsection (6) of section 32 (Adjustment of financial relations between counties and county boroughs) of the Local Government Act 1888 as applied by any of the repealed Acts may be taken and shall have the same consequences as if this Act had not been passed;

(*e*) Any enactment in the repealed Acts which altered or prescribed the boundaries of the borough or of any district parish ward electoral division or other area or which abolished any such area or which made

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provision with regard to the council or other local authority of any such area or in regard to the members of any such council or authority shall continue to have effect as if this Act had not been passed;

(*f*) All existing byelaws rules regulations orders and licences shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;

(*g*) All rates rents tolls and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed;

(*h*) All books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

For protection of certain railway companies.

260. For the protection of the Great Western Railway Company the London and South Western Railway Company and the Plymouth Devonport and South Western Junction Railway Company (each of which companies in relation to its railways and works and property connected therewith is in this section referred to as "the railway company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

(1) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes culverts or other works for the supply of water or gas in the exercise of the powers contained in this Act or any Act incorporated herewith upon across over under or adjoining or in any way affecting the railways works lands and property now or hereafter belonging to or used or occupied by the railway company (which said

portions of mains pipes culverts and other works are herein-after referred to as "the said works") the same shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the railway company and only according to such plans sections and specifications and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing or determined by arbitration Provided that if the said engineer shall not signify his approval or disapproval of such plans sections and particulars within twenty-eight days after they shall have been submitted to him he shall be deemed to have approved thereof:

(2) Except as in this section otherwise provided the said works shall be done by and at the expense of the Corporation who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge or over any level crossing of the railway of the railway company or over the approaches to any such bridge or level crossing which may be disturbed or interfered with by or owing to any operations of the Corporation Provided always that if the railway company so elect and if they execute the work with all reasonable dispatch they may themselves execute and maintain all such works (other than the actual laying down and maintenance of the works) and may recover the reasonable cost of so doing from the Corporation:

(3) The said works and all matters incidental thereto shall be constructed executed and done so as to cause as little injury as may be to such railways works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways:

(4) If by reason of any works or proceedings of the Corporation their contractors or workmen or the failure leakage or bursting of the said works or by reason of the failure of the Corporation to maintain such works the said railway or any of the works or lands of the railway company shall be injured or damaged such injury or damage shall be made good by the Corporation at their expense and to the reasonable satisfaction of the said engineer within a reasonable time after receiving from the railway company notice

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of the injury or damage and in the event of the Corporation failing so to do or in case of emergency the railway company may after giving to the Corporation such notice as may be reasonable in the circumstances make good the same and recover the reasonable expense thereof from the Corporation and if any interruption shall be caused to the traffic on the said railway by reason of any works of the Corporation or of any such failure leakage or bursting as aforesaid the Corporation shall make good and re-pay to the railway company any loss damage or expense which they may sustain or be put to in consequence of such interruption:

(5) The Corporation shall bear and pay to the railway company the reasonable expense (if any) of the employment by them during the construction or maintenance of the said works on over or under the said railway works lands and property of the railway company of a sufficient number of inspectors signalmen or watchmen to be appointed by the railway company for watching and protecting the said railway and works and the conduct of the traffic thereon with reference to and during the execution and maintenance of the said works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or of any person or persons in the employ of the Corporation or their contractors with reference thereto:

(6) If in the exercise of their existing powers the railway company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their railways lands or property or to extend alter or repair their railways bridges viaducts or works upon across over or under which any of the said works may have been constructed or laid the railway company may on giving to the Corporation twenty-eight days' notice in writing under the hand of their secretary or general manager for the time being (and in case of emergency on giving such notice as may be reasonable in the circumstances) divert support or carry the said works across over or under their lands railways bridges or

works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works and the Corporation shall at their own expense shore up or support the said works which may be interfered with during the alteration or repair of any bridges of the railway company and failing their doing so the railway company may do so at the expense of the Corporation:

(7) Any additional expense which the railway company in the exercise of their existing powers may reasonably and properly incur in widening altering reconstructing repairing or maintaining their railways bridges or works by reason of the existence of any of the said works shall be paid by the Corporation:

(8) Notwithstanding anything contained in this Act the Corporation shall not without the consent in writing of the railway company under the hand of their secretary or general manager erect any shelter or waiting-room in front of or in close proximity to the entrances to or exits from the stations and premises of the railway company so as to impede or interfere with the traffic to and from such stations and premises or on or under the bridges on the railway of the railway company over or under which the tramways may pass:

(9) When the Corporation under the powers of this Act stop up temporarily any road or street in front of or in close proximity to the railway company's stations or depôts they shall provide such temporary means of access to such stations or depôts as the railway company may reasonably require:

(10) Any dispute or difference which may arise between the railway company and the Corporation with reference to the provisions of this section or in any way arising thereout shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of the railway company and the Corporation or either of them by the President of the Institution of Civil Engineers.

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For protection of Admiralty and other Government Departments.

261.—(1) Notwithstanding anything in this Act contained the Corporation shall not break up any street in such a manner as to interfere with the traffic to or from any naval establishment without previously obtaining the consent in writing of the Admiralty as to the date and probable duration of the period at or during which it is proposed to break up the street.

(2) Every provision protecting or relating to the property interests or duties of the Postmaster-General contained in the sections of this Act whereof the marginal notes are—

Section 79. Alteration of telegraph lines of Postmaster-General;
Section 80. For protection of Post Office telegraph lines;
Section 81. Use of tramway posts by Postmaster-General;
Section 87. Power to provide and run omnibuses; and
Section 105. Attachment of signs indicating stopping places to lamp-posts &c.;

shall where the context admits and the property interests or duties of the Admiralty are concerned or affected be read as if the Admiralty were mentioned therein as well as the Postmaster-General and the provisions of the Telegraph Act 1878 and of any other Act mentioned in the said sections shall where applicable apply mutatis mutandis to this subsection.

(3) Nothing in this Act contained and no powers rights or duties of the Corporation under this Act shall enlarge diminish vary or in any way alter or affect the powers duties rights interests or property of the Admiralty within the borough or in or relating to the Dockyard Port.

(4) Every question or dispute between the Admiralty and the Corporation shall except where and as expressly provided by this Act or by agreement be referred to arbitration.

(5) Without prejudice to any existing right of His Majesty nothing in this Act shall be deemed to authorise any tolls to be demanded from any person when on duty in the service of the Crown or for any animal vehicle or goods the property of or when being used in the service of the Crown or returning after being so used or from any police officer acting in execution of his duty or returning after so acting or for any mail bag The expression "the Crown" shall include any Government department.

Saving rights of Duchy of Cornwall.

262. Nothing contained in this Act shall extend to authorise the Corporation to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to

His Majesty in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the 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 His Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Crown rights.

263. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of Act.

264. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of money to be borrowed under this Act for that purpose.

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SCHEDULES.

THE FIRST SCHEDULE.

First Schedule.

LOCAL ACTS AND CONFIRMATION ACTS.

Plymouth Local Acts.

1	2	3
Session and Chapter.	Title or Short Title.	Extent of Repeal.
18 Henry VI.	——	——
27 Eliz. c. xxi.	An Act for preservation of the Haven of Plymouth.	——
4 Geo. IV. c. x.	An Act for erecting a bridge over the water of Lary from Pomphlet Point to or near to Great Prince Rock in the county of Devon.	The whole Act except section 3 and the parts of sections 22 and 23 set forth in Second Schedule.
5 Geo. IV. c. xxii.	An Act for better paving lighting cleansing watching and improving the town and borough of Plymouth in the county of Devon and for regulating the police thereof and for removing and preventing nuisances and annoyances therein.	The whole Act except section 80.
5 Geo. IV. c. xlix.	An Act for enabling the Commissioners for victualling His Majesty's Navy to purchase certain premises for completing a victualling establishment at Cremill Point near Plymouth in the county of Devon and for supplying the said establishment with water.	The whole Act except sections 3 4 24 27 and 36 and the parts of sections 2 and 8 set forth in Second Schedule.
5 Geo. IV. c. cxiii.	An Act for altering and amending an Act of the last session of Parliament for erecting a bridge over the water of Lary in the county of Devon.	The whole Act except sections 2 3 and 5.
30 & 31 Vict. c. cxxviii.	Plymouth Corporation Water and Markets Act 1867.	The whole Act except section 68.
45 & 46 Vict. c. clix.	Plymouth Devonport and District Tramways Act 1882.	The whole Act except sections 6 and 7.
47 & 48 Vict. c. ccxl.	Plymouth Devonport and District Tramways Act 1884.	The whole Act.
50 Vict. c. lii.	Plymouth and Devonport (Extension) Tramways Act 1886.	The whole Act except sections 10 and 11.
50 & 51 Vict. c. clv.	Plymouth Corporation Act 1887 - -	The whole Act except section 9.
52 & 53 Vict. c. ccvii.	Plymouth Tramways Act 1889 - -	The whole Act.
53 & 54 Vict. c. ccxi.	Plymouth Corporation Act 1890 - -	The whole Act.

1	2	3
Session and Chapter.	Title or Short Title.	Extent of Repeal.
55 & 56 Vict. c. clxii.	Plymouth Tramways Act 1892 - -	The whole Act.
56 Vict. c. lix.	Plymouth Corporation Water Act 1893 -	The whole Act except section 9 parts of section 10 set forth in Second Schedule and sections 11 24 25 and 27.
60 Vict. c. l. -	Plymouth Corporation Act 1897 - -	The whole Act except sections 4 and 24 and clauses 11 and 14 of scheduled agreement.
61 & 62 Vict. c. cxxxix.	Plymouth Corporation Act 1898 - -	The whole Act except sections 26 27 28 29 parts of section 63 set forth in Second Schedule section 84 and parts of the Third Schedule thereto set forth in Second Schedule.
4 Edw. VII. c. xcviii.	Plymouth Corporation Act 1904 - -	The whole Act.

Plymouth Confirmation Acts.

1	2	3	4
Session and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
17 & 18 Vict. c. liii.	Public Health Supplemental Act 1854.	Order dated 3rd November 1853.	The whole Order and so much of the Act as relates thereto.
33 & 34 Vict. c. cxiv.	Local Government Supplemental Act 1870.	Order dated 25th April 1870.	The whole Order and so much of the Act as relates thereto.
46 & 47 Vict. c. cxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1883.	Order dated 22nd May 1883.	The whole Order and so much of the Act as relates thereto.
52 & 53 Vict. c. lxii.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1889.	Order dated 23rd May 1889.	The whole Order and so much of the Act as relates thereto.
54 & 55 Vict. c. lxviii.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1891.	Order dated 17th April 1891.	The whole Order and so much of the Act as relates thereto.
55 Vict. c. xxxiii.	Pier and Harbour Orders Confirmation (No. 1) Act 1892.	Plymouth (Phœnix Wharf) Pier Order 1892.	The whole Order and so much of the Act as relates thereto.
55 & 56 Vict. c. lxxii.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1892.	Order dated 14th April 1892.	The whole Order and so much of the Act as relates thereto.
56 & 57 Vict. c. cxi.	Local Government Board's Provisional Order Confirmation (Housing of Working Classes) Act 1893.	Order dated 21st April 1893.	The whole Order (except part of Article iii. set forth in Second Schedule) and so much of the Act as relates thereto.
56 & 57 Vict. c. cxxviii.	Local Government Board's Provisional Orders Confirmation (No. 7) Act 1893.	Order dated 6th April 1893.	The whole Order and so much of the Act as relates thereto.

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1	2	3	4
Session and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
56 & 57 Vict. c. cxciii.	Tramways Orders Confirmation Act 1893.	Plymouth Corporation Tramways Order 1893.	The whole Order (except Articles 7 8 and 9) and so much of the Act as relates thereto.
57 & 58 Vict. c. cxiv.	Electric Lighting Orders Confirmation (No. 3) Act 1894.	Plymouth Corporation Electric Lighting Order 1894.	The whole Order and so much of the Act as relates thereto.
59 Vict. c. xxix.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1896.	Plymouth (Markets) Order 1896.	The whole Order and so much of the Act as relates thereto.
59 & 60 Vict. c. cxx.	Tramways Orders Confirmation (No. 1) Act 1896.	Plymouth Corporation Tramways Order 1896.	The whole Order and so much of the Act as relates thereto.
59 & 60 Vict. c. ccxxxvii.	Local Government Board's Provisional Order Confirmation (No. 15) Act 1896.	Plymouth (Extension) Order 1896.	The whole Order (except Article xxiv.) and so much of the Act as relates thereto.
60 & 61 Vict. c. lxviii.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1897.	Plymouth Order (No. 2) 1897.	The whole Order and so much of the Act as relates thereto.
60 & 61 Vict. c. cxxxvii.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1897.	Plymouth Order (No. 1) 1897.	The whole Order and so much of the Act as relates thereto.
63 & 64 Vict. c. cci.	Tramways Orders Confirmation (No. 4) Act 1900.	Plymouth Corporation Tramways Order 1900.	The whole Order (except Article 6) and so much of the Act as relates thereto.
4 Edw. VII. c. clxxx.	Tramways Orders Confirmation (No. 1) Act 1904.	Plymouth Corporation Tramways Order 1904.	The whole Order (except Articles 6 7 and 8) and so much of the Act as relates thereto.
5 Edw. VII. c. lxxi.	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1905.	Plymouth Order 1905 -	The whole Order and so much of the Act as relates thereto.
6 Edw. VII. c. ci.	Local Government Board's Provisional Orders Confirmation (No. 2) Act 1906.	Plymouth Order 1906 -	The whole Order and so much of the Act as relates thereto.
1 & 2 Geo. V. c. cxlii.	Local Government Board's Provisional Orders Confirmation (No. 3) Act 1911.	Plymouth Order 1911 -	The whole Order and so much of the Act as relates thereto.

Devonport Local Acts.

1	2	3
Session and Chapter.	Title or Short Title.	Extent of Repeal.
54 Geo. III. c. clxxii.	An Act to repeal an Act passed in the twenty-first year of His present Majesty for better maintaining and regulating the poor within the town of Plymouth Dock and parish of Stoke Damarel in the county of Devon and for other purposes and granting further powers in lieu thereof for lighting watching and otherwise improving the said town and parish and regulating porters and watermen therein.	The whole Act.
61 & 62 Vict. c. ccxxxii.	Devonport and District Tramways Act 1898.	The whole Act except parts of sections 36 and 37 set forth in Second Schedule.

1	2	3
Session and Chapter.	Title or Short Title.	Extent of Repeal.
63 & 64 Vict. c. cclxiii.	Devonport Corporation Act 1900 - -	The whole Act except parts of sections 9 and 10 set forth in Second Schedule and sections 13 and 32.
1 Edw. VII. c. cclxxiii.	Devonport Corporation (Gas) Act 1901 -	The whole Act except section 6.
2 Edw. VII. c. ccxxiv.	Devonport Corporation (General Powers) Act 1902.	The whole Act except parts of section 9 set forth in Second Schedule section 10 and parts of section 30 set forth in Second Schedule.
2 Edw. VII. c. ccxxv.	Devonport Corporation (Water) Act 1902	The whole Act except sections 6 20 and 21 and parts of schedule set forth in Second Schedule.
7 Edw. VII. c. lxxix.	Devonport Corporation Act 1907 - -	The whole Act except section 18 and parts of section 85 set forth in Second Schedule and the schedule.

Devonport Confirmation Acts.

1	2	3	4
Session and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
30 & 31 Vict. c. cxxiii.	Local Government Supplemental Act 1867 (No. 6).	Order dated 28th June 1867.	The whole Order and so much of the Act as relates thereto or to the borough of Devonport.
41 & 42 Vict. c. cv.	Local Government Board's Provisional Orders Confirmation (Artizans and Labourers Dwellings) Act 1878.	Order dated 2nd May 1878.	The whole Order and so much of the Act as relates thereto.
44 & 45 Vict. c. civ.	Pier and Harbour Orders Confirmation Act 1881.	Devonport Landing Stages Order 1881.	The whole Order and so much of the Act as relates thereto.
52 & 53 Vict. c. xlviii.	Pier and Harbour Orders Confirmation (No. 2) Act 1889.	Devonport Landing Pier and Breakwater Order 1889.	The whole Order and so much of the Act as relates thereto.
54 & 55 Vict. c. lxviii.	Local Government Board's Provisional Orders Confirmation (No. 5) Act 1891.	Order dated 1st April 1891.	The whole Order and so much of the Act as relates thereto.
56 & 57 Vict. c. cxxix.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1893.	Order dated 28th April 1893.	The whole Order and so much of the Act as relates thereto.
59 & 60 Vict. c. lxxxiii.	Electric Lighting Orders Confirmation (No. 2) Act 1896.	Devonport Corporation Electric Lighting Order 1896.	The whole Order and so much of the Act as relates thereto.
59 & 60 Vict. c. cv.	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1896.	Devonport Order 1896	The whole Order and so much of the Act as relates thereto.

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1	2	3	4
Session and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
61 & 62 Vict. c. xcix.	Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1898.	Devonport (Housing of Working Classes) Order 1898.	The whole Order (except part of Article iii. set forth in Second Schedule) and so much of the Act as relates thereto.
61 & 62 Vict. c. ccxi.	Local Government Board's Provisional Order Confirmation (No. 10) Act 1898.	Devonport (Extension) Order 1898.	The whole Order (except Articles xxix. and xxxiii.) and so much of the Act as relates thereto.
62 & 63 Vict. c. cxii.	Local Government Board's Provisional Orders Confirmation (No. 8) Act 1899.	Devonport Order (No. 1) 1899.	The whole Order and so much of the Act as relates thereto.
		Devonport Order (No. 2) 1899.	The whole Order and so much of the Act as relates thereto.
62 & 63 Vict. c. cli.	Tramways Orders Confirmation (No. 1) Act 1899.	Devonport Corporation Tramway Order 1899.	The whole Order (except Article 8) and so much of the Act as relates thereto.
1 Edw. VII. c. cclxxvii.	Tramways Orders Confirmation (No. 1) Act 1901.	Devonport Corporation Tramway Order 1901.	The whole Order and so much of the Act as relates thereto.

East Stonehouse Local Acts.

1	2	3
Session and Chapter.	Title or Short Title.	Extent of Repeal.
35 Eliz. c. x.	An Act for bringing fresh water to the town of Stonehouse in the county of Devon.	The whole Act.
14 & 15 Vict. c. cxi.	East Stonehouse Waterworks Act 1851 -	The whole Act except sections 20 21 44 and 45.
53 & 54 Vict. c. ccxxxii.	East Stonehouse Local Board Act 1890 -	The whole Act.
56 Vict. c. lxii.	East Stonehouse Water Act 1893 - -	The whole Act.

East Stonehouse Confirmation Acts.

1	2	3	4
Session and Chapter.	Short Title.	Order thereby confirmed.	Extent of Repeal.
37 & 38 Vict. c. cliii.	Local Government Board's Provisional Orders Confirmation Act 1874 (No. 4).	Order dated 4th June 1874.	The whole Order and so much of the Act as relates thereto.
60 & 61 Vict. c. cxli.	Local Government Board's Provisional Orders Confirmation (No. 14) Act 1897.	East Stonehouse Order 1897.	The whole Order and so much of the Act as relates thereto.
61 & 62 Vict. c. xcii.	Electric Lighting Orders Confirmation (No. 6) Act 1898.	East Stonehouse Electric Lighting Order 1898.	The whole Order and so much of the Act as relates thereto.

Plymouth Devonport and East Stonehouse Local Act.

1	2	3
Session and Chapter.	Short Title.	Extent of Repeal.
40 & 41 Vict. c. xcvi.	Plymouth Devonport and Stonehouse Carriages and Boats Act 1877.	The whole Act.

Plymouth Stonehouse and Devonport Tramways Acts.

1	2	3
Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. clxix.	Plymouth Stonehouse and Devonport Tramways Act 1870.	The whole Act except parts of section 7 set forth in Second Schedule.
37 & 38 Vict. c. lxxii.	Plymouth Stonehouse and Devonport Tramways Act 1874.	The whole Act.
63 & 64 Vict. c. cclxxvii.	Plymouth Stonehouse and Devonport Tramways Act 1900.	The whole Act except section 33 and parts of section 34 set forth in Second Schedule.

THE SECOND SCHEDULE.

Second Schedule.

Enactments excepted from Repeal.

Plymouth Local Acts and Orders.

Item quedam alia petitio exhibita fuit eidem Domino Regi in Parliamento predicto per prefatos Communes pro hominibus ville de Plymouth ac aliis personis in eadem petitione specificatis in hec verba: 18 Henry VI.

Supplicat vestre Regie Celsitudini Communitas totius regni vestri Anglie in presenti Parliamento vestro congregat' Quod cum villa Sutton Pryour et Decenna de Sutton Raf' ac parcella hameletti de Sutton Vautort que villa Decenna et parcella vulgariter nuncupantur Plymmouth ac quedam parcella Decenne de Compton infra comitatum Devon' tam prope litus et costeras maris scituat' existant ac tanta et tam magna et communis applicatio classium navium et vassorum tam inimicorum quam aliorum in portu ejusdem ville Decenne parcellis hamelett' et Decenne de Compton adjacente de tempore in tempus habeatur quod villa Decenna et parcelle predict' ante hec tempora multotiens in magna parte earumdem ob defectum clausure

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sive murationis earumdem temporibus inclitorum progenitorum vestrorum sepius combust' et destruct' necnon habitatores earumdem de bonis et catallis suis nocte dieque spoliati multique eorundem habitatorum per eosdem inimicos ad partes exteras educti ibidem quosque fines et redemptiones fecerunt diris carceribus miserabiliter mancipati extiterint aliaq' mala deperdita et incommoda non modica eisdem ville Decenne et parcellis hamelett' et Decenne ac habitatoribus eorumdem tempore transacto multotiens evenerunt multoque majora ibidem imposterum evenire formidantur nisi relevamini fortificationi et meliorationi ville Decenne et parcell' predict' citius remedium provideatur opportunum Super quo premissis consideratis vestra dignetur regia celsitudo prelibata de consensu et assensu Dominorum Spiritualium et Temporalium ac Communitatis regni vestri Anglie in presenti Parliamento existen' authoritate ejusdem Parliamenti pro malitie inimicorum vestrorum ibidem indies applicatium resistentia ac salvatione ville Decenne et parcell' predict' et ut habitatores earumdem se citius quo villa Decenna et parcell' predict' firmentur includantur et fortificentur melius quietius et securius ibidem residere et permanere valeant ordinare et stabilire quod villa Decenna et parcelle predicte sint de cetero liber burgus incorporatus de uno majore et una communitate perpetua et burgus de Plymmouth pro perpetuo nuncupetur iidemque major et communitas sint unum corpus perpetuum in re et nomine et habeant successionem perpetuam ac major et communitas burgi de Plymmouth cunctis futuris temporibus nominentur et sint persone habiles et in lege capaces ad perquirend' sibi heredibus et successoribus suis in feodo et perpetuitate seu ad terminum vite vel annorum aut in alio statu quocumque terras tenementa redditus reversiones possessones et hereditamenta quecumque de quibuscumq' personis habeantq' commune sigillum et per nomen majoris et communitatis de Plymmouth in quibuscumque curiis vestris heredum et successorum vestrorum et aliorum quorumcumque et coram quibuscumque judicibus et in actionibus quibuscumque placitare valeant et implacitari Et quod burgus predictus per metas et bundas semper consistat subscriptas videlicet inter montem vocat' Wynrigg per ripam de Sourpole versus Boriam usque ad le gret Dyche alias dict' le grate Diche et exinde iterum versus Boriam ad Stokedamarleflete et abinde per litus ejusdem flete usque ad Millebrokebrigge inclusive et deinde versus orientem per le Middlediche de Houndescom usque ad Houndescombrigge inclusive et abinde usque ad Thornhilpark exclusive et deinde usque ad Lypstonbrigge inclusive et abinde per litus maris continue usque ad le lare ad le Caae de Hyngston Fysshtoore et Estkyng et abinde usque dictum montem de Wynrigge sicut mete et bunde undique erecte et fixe plenius et apertius demonstrant Et quod predicti major et communitas et successores sui burgum illum habeant et teneant sibi heredibus et successoribus suis predictis de vobis heredibus et successoribus vestris ad feodi firmam Reddendo inde

annuatim quadraginta solidos ad scaccarium vestrum et heredum vestrorum ad terminos Pasche et Sancti Michaelis equaliter Ac quod predicti major et communitas heredes et successores sui burgum predictum firmare et muris lapideis includere et circuire et turres in eisdem muris pro fortificatione et defensione ejusdem burgi de novo construere et edificare necnon eosdem muros et turres kernellare et batellare valeant licite et impune Et quod dignetur vestra Regalis Magestas Willielmum Ketrich unum probiorum et magis discretorum hominum infra metas et bundas predictas jam commorantium in majorem burgi predicti creare et perficere qui major burgi illius usque festum Sancti Michaelis prox' futur' ad eundem burgum bene et fideliter regend' et gubernand' existat Et ulterius vestre Regie Celsitudini predicte placeat de vestra gratia speciale prefatis majori et communitate auctoritate Parliamenti predicti graciose concedere quod ipsi quolibet anno in festo Sancti Lambert Martiris et episcopi quandam personam de seipsis juxta eorum sanas discretiones magis idoneum et discretum pro sana et salubri gubernatione burgi illius pro uno anno integro in majorem ejusdem burgi eligere et ipsum in festo Sancti Michaelis tunc prox' sequen' in ejusdem burgi majorem perficere possint. Et si predictus Willielmus per vos in majorem burgi predicti creatus et perfectus ante festum Sancti Michaelis prox' jam futur' aut aliquis successorum suorum futurorum majorum ejusdem burgi durante officio majoratus sui decesserit aut burgum illum minus juste aut incommode rexerit et gubernaverit per quod dicta communitas ipsum ab officio illo pro utilitate ejusdem burgi aut rei publice merito censerit ammovend' tunc eadem communitas ipsum majorem sic delinquentem ab officio majoratus ammovere aliumque idoneum de seipsis loco majoris sic decedentis aut delinquentis ad idem officium eligere valeant et perficere in majorem et sic totiens quotiens aliquis major burgi predicti ut prefertur decesserit aut burgum illum minus juste vel incommode rexerit aut gubernaverit ac quod hujusmodi major sic de novo electus et prefectus sit major ejusdem burgi usque festum Sancti Michaelis tunc proximo sequen' nisi consimiliter in officio illo fecerit quo ab eodem officio merito fuerit ammovend' Et quod quilibet per dictam communitatem ad officium majoratus burgi predicti imposterum eligendus et in festo Sancti Michaelis per dictam communitatem in majorem dicti burgi perficiendus antequam officium ejusdem majoratus suscipiat in Guyhalda burgi predicti coram communitate ejusdem necnon coram priore de Plympton qui pro tempore fuerit vel in ejus absentia coram senescallo terrarum aut hospitii suorum si idem prior vel senescallus suus predict' ibidem in eodem festo Sancti Michaelis ante horam undecimam diei ejusdem festi presens fore voluerit alioquin coram dicta communitate t'm presentia ipsius prioris aut senescalli sui ulterius illa vice non expectata sacramentum ad burgum illum bene fideliter ac indifferenter regend' et gubernand' necnon ad omnia et singula

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articulos redditus et appunctuamenta in presenti supplicatione contenta et specificata priorem et conventum de Plympton concernentia debite observand' tenend' solvend' et perimplend' dum sic in officio majoratus hujusmodi steterit prestet corporale Et quod quilibet in majorem burgi predicti post mortem aut amotionem alicujus inde majoris in forma predicta perficiendus antequam officium majoratus hujusmodi suscipiat in presentia loco forma et ordine superius limitatis in die quem communitas dicti burgi ad hoc tunc limitaverit debita premunitione priori de Plympton qui adtunc fuerit ad prioratum suum aut conventui ejusdem prioratus in ejusdem prioris absentia per tres dies ante diem sic limitatum facta consimile sacramentum prestet corporale ut predictum est Et quod iidem major communitas heredes et successores sui pro bono publico burgi predicti burgenses ejusdem burgi quotiens sibi placuerit de tempore in tempus facere valeant et creare authoritate Parliamenti supradicti Et quod iidem major et communitas habeant et teneant sibi heredibus et successoribus suis authoritate hujus Parliamenti omnimoda terr' ten' redditus servitia molendina vocat' Surpole Mylles possessiones ferias nundinas mercat' curias franches' libertates visus francipleg' privilegia ac alia proficua et emolumenta temporalia et secularia que fuerunt et nunc sunt prefatorum prioris et conventus ut de jure ecclesie sue predicte infra limites metas et bundas predict' ac infra dictum burgum de Plymmouth Salvis semper exceptis et reservatis prefatis priori et conventui et successoribus suis tribus messuagiis et tribus gardinis eisdem messuag' adjacent' cum eorum pertin' scituat' in predicto burgo de Plymmouth quorum unum messuagium scituatur inter ten' Johannis Jaybien in orientali parte et ten' Johannis Snellyng in occident' parte et terr' hered' Rogeri Goold ac terr' prefati Johannis Jaybien in australi parte et regiam viam vocat' Bylleburystrete in parte boriali Et aliud messuagium jacet inter ten' Thome Piers in orientali parte et ten' Willielmi Myleton in occidentali parte et gardinum Willielmi Venour in boriali parte et altam viam regiam vocat' Notestrete in australi parte Ac tertium messuagium scituatur inter ten' Vincentii Hagge in part' orient' et toft' nuper Johis Piers in parte occidentali et ten' Walteri Whytelegh in parte boriali et regiam viam vocat' Stilmanstrete in parte australi Salvis etiam except' et reservatis eisdem priori et conventui et successoribus suis imperpetuum tam advocatione ecclie de Plymmouth' quondam vocat' Sutton quam ecclesiam in proprios usus habent et tenent quam advocatione vicarie ejusdem ecclesie ac quibuscumque decimis oblationibus obventionibus emolumentis rebus juribus et proficuis eidem ecclesie de Plymmouth qualitercumque spectantibus sive pertinentibus Et quod predicta tria messuagia sint immperpetuum extra franches' libertatem et jurisdictionem dict' majoris et communitatis ac dicti burgi de Plymmouth et non parcel' ejusdem Et quod dicti prior et conventus et successores sui ac eorum tenentes messuagiorum predictorum quovismodo imposterum non sint onerabiles

onerati nec taxati ad aliquod onus solutionem exactionem seu impositionem quamcumque cum burgensibus et inhabitantibus in dicto burgo de Plymmouth set a solutione exactione et impositione alicujus oneris per dictos burgenses et inhabitantes solvend' aut portand' sint quieti et exonerati imperpetuum Salvis etiam eisdem priori et conventui et successoribus suis insula vocat' Seint Nicholas Ilond ac omnibus terris tenementis et possessionibus suis infra parochiam de Makre existent' cum omnibus pertinen' et commoditatibus eisdem spectant' ac quibuscumque proficuis et advantagiis super aliqua eorundem imposterum accidentibus sive contingentibus de quibus insula terr' ten' possessionibus proficuis et comoditatibus prefati major et communitas et eorum successores seu eorum aliquis quovismodo se non intromittent Proviso semper quod si aliquis pro felonia seu proditione fugerit in aliquem locum infra dicta tria messuagia et gardina seu ibidem permanserit quod tunc bene liceat prefato majori ac servientibus et ministris suis dicti burgi de Plymmouth pro tempore existent' in eadem messuag' et gardina intrare et illum sic ad aliquem locum infra eadem messuagia et gardina ex causa predicta fugientem vel ibidem ex eadem causa permanentem capere arrestare et ad gaolam vestram in comitatu predicto ducere et cariare Proviso etiam et ordinat' quod dicti prior et conventus ac eorum successores ministri servientes officiarii et familiares eorundum prioris et conventus ac ejusdem prioris et successorum suorum libere possint venire ad dictum burgum de Plymmouth ac singula loca infra metas libertatem et jurisdictionem ejusdem cum quibuscumque suis vectilibus carectis summagiis et cariagiis ac cum omnibus bonis catallis victualibus et mercandisis predict' prioris et successorum suorum ac eorundem servient' officiar' ministrorum et familiarium suorum et successorum suorum pro tempore existentium et bona et catalla sua quecumque ibidem vendere ac alia bona catalla et mercimonia ibidem emere sine aliquo tolneto custuma picagio panagio portagio muragio stallagio ac quibuscumque aliis oneribus exactionibus impositionibus et demandis eisdem majori et communitati aut successoribus suis solvend' ex causa quacumque nunc imposit' existent' seu imposterum futur' et imponend' seu per vos vel heredes vestros imposterum concedend' Et quod iidem prior et conventus et successores sui ac ministri familiares officiarii et servientes eorundem et successorum suorum sint quieti imperpetuum et exonerati infra dict' burgum procinctum et jurisdictionem ejusdem de quibuscumque teoloniis exactionibus et oneribus supradictis eisdem majori et communitati et successoribus suis ac eorum ministris solvend' Proviso etiam et ordinat' quod nec prefati prior et conventus nec eorum successores nec familiar' servientes officiarii ministri nec homines aut servientes eorundum pro tempore existent' quovis modo implacitabuntur ex causa quacumque coram majore dicti burgi de Plymmouth nec successoribus suis nec aliquibus ministris dict' majoris et communitatis et successorum suorum nec per eorum corpora attachientur seu imprisonentur aut per eorum bona et

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catalla distringantur seu attachientur per ministros aliquos eorundem majoris et communitatis aut successorum suorum ad respondend' aliquibus de populo vestro virtute aliquarum querelarum billarum materiarum seu causarum affirmat' prosecut' seu affirmand' coram eisdem majore et successoribus suis aut eorundem majoris et communitatis ministris quibuscumque qui pro tempore fuerint nec virtute aliquarum presentationum seu indictamentorum capt' coram eisdem majore et successoribus suis aut aliquibus officiar' senescal' vel ballivis eorundem majoris et communitatis et successorum suorum in aliquibus curiis visibus francipleg' seu hundr' infra burgum predictum tent' seu tenend' set ab omni jurisdictione potestate arrestatione et cohertione eorundem majoris et communitatis et successorum suorum penitus sint exonerati quieti et exempti imperpetuum Et quod nec iidem prior et conventus nec successores sui nec eorum familiares servientes officiarii ministri nec homines eorundem seu tenentes trium messuagiorum predictorum pro tempore existentes quovismodo distringantur aut compellantur ad faciend' aliquam sectam ad cur' aliquas coram dict' majore et successoribus suis aut ministris suis infra burgum predictum nec ad aliquos visus francipleg' aut hundr' infra eundem burgum tenend' Et si coram eisdem majore et successoribus suis aut aliquibus ministris ipsorum majoris et communitatis et successorum suorum pro tempore existent' in contrarium hujus ordinationis aliquid fiat procedatur seu attemptetur contra prefatos priorem et conventum aut successores suos aut eorum familiares servientes offic' ministros aut homines eorundem seu tenentes trium messuagiorum predictorum pro tempore existentes quod tunc processus ille ipso jure sit nullus ac ut processus coram non judice fact' habeatur Et quod dicti prior et conventus et eorum successores ac eorum familiares servientes officiar' ministri et homines eorundem pro tempore existen' possint implacitare dict' majorem et communitatem et successores suos ac quoscumque burgenses burgi predicti pro tempore existentes et alios quoscumque coram vobis et heredibus vestris ac in quibuscumque curiis vestris et heredum vestrorum pro quacumque re et causa infra dictum burgum emergent' aliqua franches' libertate et jurisdictione eisdem majori et communitate aut eorum successoribus per vos aut heredes vestros imposterum concedend' non obstant Et ulterius auctoritate predicta sit ordinat' et stabilit' quod dicti major et communitas et eorum successores imperpetuum reddent et solvent prefatis priori et conventui et eorum successoribus in prioratu predicto annuatim a festo Sancti Michaelis Archangeli ultimo preterito xlj[l] ad quatuor anni terminos videlicet ad festa Natalis Domini Pasche Nativitatis Sancti Johannis Baptiste et Sancti Michaelis Archangeli per equales portiones et si idem redditus xlj[li] vel ejus aliqua pars aretro fuerit non solut' prefatis priori et conventui aut eorum successoribus per xv. dies post aliquem terminum solutionis supradict' quod tunc bene liceat eisdem priori et conventui et successoribus suis et eorum ministris distringere in dicto

burgo de Plymmouth et nomine districtionis capere omnia bona et catalla dictorum majoris et communitatis et quorumcumque burgensium burgi illius et aliorum in eodem residentium et commorantium infra eundem burgum et procinctum ejusdem invent' et quamcumque inde parcellam et districtiones illas sic captas abinde asportare abducere imparcare et retinere in quocumque loco eis placuerit quosque eis de reddit' sic aretro existent' plenar' fuerit satisfactum Et si contingat dictum redditum vel aliquam ejus parcellam aretro esse non solut' per sex septimanas post aliquem terminum solut' supradict' vel si iidem major et communitas aut aliquis burgensis burgi predicti aut aliquis ibidem residens et comorans aliquas districtiones pro reddit' predict' sic aretro existent' capt' replegiaverint vel replegiaverit aut rescussum inde fecerint vel fecerit quod tunc iidem major et communitas et successores sui solvent et reddent prefatis priori et conventui et successoribus suis centum solidos nomine pene percipiend' totiens quotiens contigerit dictum redditum vel ejus parcellam aretro esse non solut' per hujusmodi sex septimanas aut districtiones sic capt' in forma predicta repleg' aut inde rescussum fieri Et si contigerit dictum redditum vel ejus parcell' aretro esse non solut' per unum quarterium anni post aliquem terminum soluc' supradict' quod tunc iidem major et communitas et successores sui solvent prefatis priori et conventui et eorum successoribus x^li^ nomine pene solvend' eis totiens quotiens contigerit eundem redditum vel ejus parcell' aretro esse non solut' per hujusmodi quarterium anni post aliquem terminum soluc' supradict Et bene liceat eisdem priori et conventui et successoribus suis distringere infra dict' burgum et procinctum ejusdem in forma predicta tam pro redditu illo sic aretro existen' quam pro predict' c. s̃. necnon pro predictis x^li^ nomine pene in forma supradicta solvend' Et si contigat dictum redditum vel ejus aliquam parcellam aretro esse non solut' per unum annum integrum post aliquem terminum soluc' supradict' quod tunc iidem major et communitas et successores sui solvent et reddent annuatim imperpetuum dictis priori et conventui et successoribus suis in prioratu predicto ad terminos supradictos xx^li^ ultra dictum annuum redditum xlj^li^ et sic in toto per annum lxj^li^ imperpetuum tunc solvend' Et si contingat eundem redditum lxi^li^ vel ejus aliquam parcellam in forma supradicta aretro esse non solut' per sex septimanas post aliquem terminum soluc' ejusdem quod tunc iidem major et communitas heredes et successores sui solvent eisdem priori et conventui et successoribus suis centum solidos nomine pene habend' et percipiend' eisdem priori et conventui et successoribus suis totiens quotiens contigerit aliquam parcellam ejusdem redditus sexaginta et unius librarum aretro esse non solut' per hujusmodi sex septimanas Et quod bene liceat eisdem priori et conventui et successoribus suis distingere in forma predicta infra burgum predictum et procinctum ejusdem pro redditu illo sic aretro existen' ac pro eisdem c. s̃. nomine pene solvend' Et quod ulterius auctoritate supradicta sit ordinat' et

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stabilit' quod dicti prior et conventus et eorum successores gaudere habere et optinere possint omnes predict' reddit' et penas in forma predicta eis et eorum successoribus in forma predicta concess' secundum modum formam et conditionem superius expressat' aliquibus statutis aut ordinationibus in contrarium fact' in aliquo non obstant' Et quod eadem auctoritate breve vestrum et heredum vestrorum de fieri fac' ad prosecutionem dict' prioris et successorum suorum emanare posset et debeat de scaccario vestro et heredum vestrorum totiens quotiens eisdem priori et successoribus videbitur expediens et oportunum dirigend' vic' Devon' pro tempore existen' eidem vicecomiti percipiend' quod non omittat propter aliquam libertatem quin idem vic' fieri et levari fac' de terris et catallis dict' majoris et communitatis et cujuslibet burgensis burgi illius et quorumcumque aliorum residentium et comorantium infra eundum burgum denarios quos de reddit' aut penis predict' in futur' aretro fore contigerit et denarios illos predict' priori qui ad tunc fuerit deliberet nisi iidem major et communitas et successores sui eidem vicecomiti monstraverint sufficientes aquietanc' sub sigillo ejusdem prioris de solutione eorundem denar' sic aretro fore supposit' et quamvis imposterum ex aliqua causa emergente contingat dictum burgum de Plymmouth vel dict' franches' libertates aut possessiones dict' majoris et communitatis aut successorum suorum vel aliquam eorum parcellam capi vel seisiri in manus vestras vel heredum vestrorum quod eisdem captione et seisina non obstant dict' reddit' et pene in forma et condic' predict' sint bene et fideliter persolut' dictis priori et conventui et successoribus suis ad terminos et locum supradictos Proviso semper quod omnes homines et tenentes dictorum prioris et conventus et successorum suorum pro tempore exiten' libere possint infra dictum burgum de Plymmouth et procinctum ejusdem emere seu vendere omnia bona catalla mercimonia et mercandisas omnimod' ad opus et usum eorum proprium sine tolloneo custuma picagio panagio stallagio muragio et ab omni tali exactione impositione et inquietatione in forma predicta quieti sint et exonerati imperpetuum Et preterea cum abbas de Bokelond in predicto comitatu Devon' seisitus existat in dominico suo ut de feodo et jure ecclesie sue Beate Marie de Bokelond de hundredo de Rouburgh cum pertin' infra quod hundredum predicte villa de Sutton' Priour Decenna de Sutton' Raf' parcell' hameletti sive Decenne de Sutton' Vautort et parcell' Decenna de Compton' que modo faciunt predictum burgum de Plymmouth existunt et a toto tempore cujus contrarii memoria hom' non existit fuerunt parcella ejusdem hundredi Dignetur jam vestra Regia Celsitudo auctoritate presentis Parliamenti concedere et ordinare quod amodo predicti major et communitas habeant sibi heredibus et successoribus suis imperpetuum omnimoda jura libertates franches' jurisdictiones potestates hereditamenta et alia quecumque proficua que predictus abbas infra procinctum predicti burgi habet aut habere debuit ut in jure ecclesie sue predicte quoquo modo Et quod predicti

major et communitas habeant sibi heredibus et successoribus suis curiam suam semel in quolibet mense cum idem major eam assignare voluerit coram eodem majore in Guyhalda ejusdem burgi tenend' Et quod in curia illa omnes defectus excessus transgressiones articuli visus francipleg' ceteraque omnia que infra procinctum dicti burgi fient et accident in futur' et que in aliquibus curiis predicti abbatis infra hundredum predictum tenend' presentari emendari corrigi aut puniri debuerunt si presentis Parliamenti auctoritas non fuisset in predicta cur' coram predicto majore ut predicitur tened' decetero presententur emendentur corrigantur et puniantur eisdem mediis viis modis et formis quibus in predicta curia predicti abbatis presentari emendari corrigi et puniri debuerunt aut consueverunt Et quod omnes qui ratione terrarum et tenementorum aut possessionum suarum infra procinctum dicti burgi existen' aut ratione residentie sue infra eundem procinctum sectam servitium prestationem redditum certum aut quodvis aliud commodum ad aliquas predictarum curiarum predicti abbatis facere reddere solvere aut presentare debuerunt imposterum eadem sectam servitium prestationem redditum et commodum ad predictas curias predictorum majoris et communitatis heredum et successorum suorum faciant reddant solvant et presentant imperpetuum Salvis semper et reservatis predicto abbati et successoribus suis auctoritate predicta omnibus juribus franchesiis libertatibus commoditatibus jurisdictionibus potestatibus hereditamentis et proficuis suis quibuscumque in toto residuo hundredi sui predicti extra procinctum burgi predicti existen sicut idem abbas ante hec tempora ea habuit et habere debuit Et dignetur vestra Celsitudo auctoritate predicta ordinare quod predicti major et communitas heredes et successores sui imperpetuum reddant et solvant apud Bathe in com' Somers' Willielmo priori de Bathe et successoribus suis decem marcas annuatim ad festa Pasche et Sancti Michaelis Archangeli per equales portiones Et si contingat easdem decem marcas annuas aut aliquam inde parcellam aretro fore in futur' ad aliquod festum festorum predicturum extunc bene liceat eidem priori de Bathe et successoribus suis in toto predicto burgo per omnia bona et catalla in eodem inventa distringere et districtiones sic capt' ubicumque sibi placuerit asportare abducere et penes se retinere quosque sibi de omnibus arrearag' predictarum decem marcarum annuarum unacum omnibus misis et costagiis suis que occasione non solutionis ejusdem sustinuerunt plenarie fuerit satisfactum Et quod idem prior et successores sui habeant brevia de scaccario vestro et heredum vestrorum de fieri fac' vic' Devon' direct' et in lege sufficien' ad levand' de terris et catallis omnium infra dictum burgum commorantium singulos denarios quos de predictis decem marcis annuis aretro fore contigerit in futur' quotiens predicto nunc priori aut successoribus suis hoc expediens videbitur aut oportunum Et cum predictus prior de Bathe seisitus jam existat ut de feodo et jure ecclesie suo Apostolorum Petri et Pauli de Bathe de advocatione ecclesie parochialis de Baunton in

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comitatu Devon' quod predictus abbas ecclesie Beate Marie de Bokeland auctoritate presentis Parliamenti amodo habeat advocationem illam sibi et successoribus suis imperpetuum Et quod eadem auctoritate liceat sibi et successoribus suis eandem ecclesiam sibi appropriare et eam in proprios usus tenere sibi et successoribus suis imperpetuum aliquibus statutis in contrarium editis aut eo quod predictus prioratus de Bathe est de fundatione progenitorum vestrorum aut de patronatu vestro existat in aliquo non obstant' Salvis semper dictis priori de Bathe et successoribus suis omnibus pensionibus et annuitatibus suis de dicta ecclesia de Baunton aut de rectoria ejusdem debitis Et quod predict' abbas et successores sui servientes officiarii familiares tenentes ac ministri ejusdem abbatis et successorum suorum de cetero sint exonerati et quieti imperpetuum de quibuscumque tolnetis custumis picagiis panagiis portagiis pontagiis muragiis ac quibuscumque oneribus exactionibus et demandis prefatis majori et communitati et successoribus suis imposterum solvend' pro quibuscumq' mercandisis victualibus seu aliis rebus quibuscumque per prefat' abbatem et successores suos servientes officiar' familiar' tenentes ac ministros ejusdem abbatis et successorum suorum infra burgum predictum et libertatem ejusdem de cetero emend' vendend' seu quovis modo providend' aliquibus concessionibus inde prefatis majori et communitati per vos seu heredes vestros imposterum concedend' non obstantibus Salvis semper et reservatis vobis heredibus et successoribus vestris omnibus possessionibus libertatibus franchesiis jurisdictionibus cur proficuis hereditamentis escaetis forisfacturis et juribus vestris ac omnibus ligeis vestris et heredum vestrorum omnibus possessionibus libertatibus franchesiis jurisdictionibus curiis proficuis hereditamentis forisfacturis escaetis et juribus suis quibuscumque que in presenti Actu prefatis majori et communitati aut predictis aliis personis in eodem Actu nominatis superius specialiter et expresse non conceduntur Qua quidem petitione in Parliamento predicto lecta audita et plenius intellecta eidem petitioni de avisamento et assensu predictis taliter fuit responsum The King will that it be as it is desired by this Petition Provided alway that this present Act and ordinance extende hem noght to the manoir of Trematon the burgh of Saltayssh to the Water of Tamer nor to non other possessions franchesies libertees Waters fisshynges rentys services courtes jurisdictions offices enheritances forfaites eschetes other ony other issues profites or commoditees the which Sir John Cornewaill lorde of Faunhope holdyth terme of his lyve the reversion thereof to the Kyng belongyng.

An Acte for Presvacon of the Haven of Plymowth.

27° Eliz. 21.

Whereas Yo^r^ Ma^ts^ towne of Plymowth in the cowntie of Devon being an auncyent borough towne bordering vpon the meane sea yet havinge a pleasaunte and safe harboroughe and rode for shipps within or nere

the same comonlie called Plymmowth haven wheare aswell Yo^r^ Ma^ts^ shippes as the shipps and vessells of dyvers Yo^r^ Highnes subiects tradinge into forren partes and from porte to porte within this realme do often vpon necessitie and otherwise arrive harboroughe refresshe and vittell themselfes aswell wth fresshe water being a thing verey necessarie for them as withe divers other thinges hathe for the moste parte of the yere none or at the leaste verey litle fresshe water within a myle of the saide towne or thereabowt a matter verey incomodiouse By reason whereof Yo^r^ Ma^ts^ shippes and the shippes of Yo^r^ Highnes subiects arryveng and harbowring in the saide haven as aforesaide the maryners of the same are manye and often tymes dryven by necessytie to goe a myle or more from the saide towne and theire shippes to fetche fresshe water for theire necessarie vses By reason whereof dyvers tymes they loste dyvers good wyndes and oportuyties whiche they might take benefite of yf they mighte water them selfes nere theire shippes besides the saide towne being subiecte to fyer aswell by the enemye for the same was once burned by the frenche in the tyme of warre as by negligence and other mishappe at home there is no water in or nerer the saide towne for the moste parte of the yere (especiallie in the sommer tyme when the daungers be greateste) then a myle or sometyme more as the dryeth is And wheare also the saide haven of Plymowth being one of the pryncipall havens and harboroughes of the west parts of Englande dothe daylie querre & fill wth the sande of the Tynnewoorcks and mynes nere adioyneng to the same and in shorte tyme wilbe vtterlie decayed yf some redresse and speedie remedie be not hadd and wheare also there is a water or ryver within the saide countie of Devon called the water or ryver of Mewe als Mevye distaunte from the saide towne abowte eight or tenne myles parte of the whiche water or ryver wth some chardge wilbe brought into the saide towne of Plymowth withowt any greate preiudice or damage to anye owner or owners of any lande throughe whiche the same shalbe conveied By reason (the moste parte) in effecte all the same lande is either barren and heathie or ells hillye & drye grounds whiche wilbe bettered and amended by the water that shalbe brought throughe the same By bryngeng of whiche water moste of the incomodities and daungers and divers others shall not onlie be remedied but also some parte of the chanell of the saide haven scowred & clensed by the same ryver to the p^r^petuall contynewunce of the same haven a matter moaste beneficiall to the realme And wheare also the inhabitaunts of the same towne are incorporated by Kinge Henry the Sixte by the name of the maio^r^ and coialtie of Plymowth whiche is confirmed by Yo^r^ Matie and dyvers yor noble progenito^rs^ kings of this realme Maye it therefore please Yo^r^ Moste Excellent Matie of yor moaste noble and aboundant grace and accustomed favoure that yt maye be inacted by this present pliament that yt shalbe lawfull to & for the saide mayo^r^ and coialtie and to theire

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successo^rs at all tymes after the feaste of Easter nowe next comynge to digge and myne a diche or trenche conteynenge in bredthe betwene sixe or seaven foote over in all places throughe and over all the lands and grounds lyeng betweene the saide towne of Plymmowth and anye parte of the saide ryver of Mewe als Mevye and to digge myne breake bancke and cast vpp all and all maner of rockes stones gravell sande and all other letts in anye places or groundes for the convenyent or necessarie conveyenge of, the same river to the saide towne and further from tyme to tyme to doe repacon and make weares bancks and all other things necessarie whereby the saide river may be brought & contynewe vnto the saide towne withowte lett denyall vexacon or trooble of the lord or lords owner or owners of the same grounde or of any other pson or psons by suyte in the lawe or otherwise vpon payne of xx^li for everie tyme that they or anye of them do attempte the contrarie thereof the one halfe thereof to be to o^r saide soveraigne ladie and thother halfe to the saide maio^r and coialtie & theire successo^rs to be recovered by action of debte bill pleynt or informacon wherein the ptie defendant shall not wage his lawe nor in the saide action actions or suytes anye essoyne licence or protection shalbe allowed The saide mayo^r and coialtie gyving and payenge to the lorde or lords owner or owners of the soyle where suche things shalbe made or done in recompence and satisfaction of & for the lande or grounde so to be digged or myned for the full & absolute purchase of the same to them and theire successo^rs so moche money as by the twoe iustices of the assise of the countie of Devon for the tyme being shalbe adiudged ordeyned & determyned And also gyveng and payenge to the tennts fermo^rs and occupiers of suche lande or grounde for suche hurts or losses as they or any of them shall have or susteyne by the same as moche as shalbe assessed adiudged and determyned by the saide twoe iustices of assises The same recompence and satisfaction aswell concernynge the lord or lords of the lande as the tenants fermo^rs and occupiers of the same to be paied by the saide maio^r & coialtie of the saide boroughe for the tyme beinge or theire successo^rs within the space of sixe weekes next after the ratinge assessing and determynenge of the same vnlesse the saide maio^r & coialty & theire successo^rs can otherwise compounde and agree wth the lords tennts fermo^rs & occupiers of suche lande and grounde or withe anye of them And in case yt happen the maio^r and coialtie of the saide boroughe to make defaulte of payment of the sayde recompence & satisfaccon & resiste to paye the same as is before reherced That then the lorde lords owner owners tenants fermo^rs and occupiers of suche lande or grounde that is agrieved therew^th and to whome the recompence & satisfaccon ought to be paied shall and maye lawfullie comence affyrme & take his or theire action of debte by the course of the comon lawe against the maio^r and comynaltie of the saide boroughe for the tyme beinge and theire successo^rs for recoverie of

the same in anye courte of this realme at the will and pleasure of the ptie grieved and the like proces therevpon to be hadd as in accon of debte at the comon lawe grounded upon contracte or specialtie hathe vsed to ben hadd in whiche no wager of lawe essoyne or protection shalbe allowed Prouyded allwaies and yt is further inacted by this present pliament and by the authoritie of the same that the saide water shall not be conveyed throughe the house garden or orcharde of anye pson or psons or throughe anye parte thereof wthowt composicon to be firste hadd with the owners and occupiers of the saide howses gardens & orchardes Prouided allwaies that this acte nor any thing herein conteyned shall extende to gyve libertie as aforsaid to bring the saide water or anye parte thereof owte of his auncient course to or for any intente or purpose menconed in this Acte vnlesse everie suche pson and psons as are owners of anye mylle or mylles scytuate & standinge vpon or nere the saide ryver of Mewe als Mevye shalbe firste compounded withall as aforesaide yf the sayede milles shall by the bringenge of the saide water or anye parte thereof vnto the saide towne of Plymowth be impayred or hyndered.

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4 George IV. c. X.—An Act for erecting a Bridge over the Water of Lary from Pomphlet Point to or near to Great Prince Rock in the County of Devon.

Power when necessary to erect a temporary bridge.

3. And be it further enacted that in case at any time or times after the said bridge shall have been completed the passage over the same may be rendered dangerous by means of unforeseen accidents or damage then and as often as it shall so happen it shall be lawful for the said John Earl of Morley or the owner or owners proprietor or proprietors for the time being of the said bridge during such time or times as shall be necessary for repairing or rebuilding the said bridge to erect and build a temporary bridge at such place or places near the site of the said bridge as he or they shall think proper and to receive for passage over the said water of Lary such tolls or pontage as are herein-after authorised to be taken for passing over the said intended bridge.

Masters of vessels liable for damage.

22. And be it further enacted that in case any damage or mischief shall be done to the bridge or any of the works which shall be constructed in pursuance of this Act by any ship lighter barge boat or other vessel through the mismanagement or negligence of any person having the command of any such ship lighter barge boat or other vessel or any of the mariners or persons employed therein then and in every such case every master owner or other person having the command of such ship lighter barge boat or other vessel shall be and is hereby made answerable and accountable to the said John Earl of Morley or the owner or owners proprietor or proprietors of the

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said bridge for the amount or value of any such damage or mischief and the same provided it shall not exceed the sum of twenty pounds if not forthwith paid and satisfied shall and may be recovered in such manner as the penalties and forfeitures hereby imposed are * * * * * * directed to be recovered.

Masters to recover from their servants any sums paid for their defaults.

23. And be it further enacted that in case the master or owner or owners of any such ship lighter barge boat or other vessel shall be compelled to pay any penalty or to make satisfaction for any damages by reason of any neglect or default done or committed by his her or their servants or mariners or any of them such servants or mariners and each and every of them shall be liable to repay such penalty or damages (with the costs thereof) to such owner or owners and in case of non-payment upon demand thereof and oath made by such owner or owners of the payment made by him her or them of such penalty satisfaction or damages and that the same and the costs thereof have not been repaid to him her or them by such servants or mariners or any of them although demanded (such oath to be made before any one or more justice or justices of the peace of the county or place where such penalty or satisfaction shall have been recovered) the amount thereof provided the same shall not exceed the sum of twenty pounds shall be recovered in the manner as any penalty is * * * directed to be recovered.

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5 George IV. c. XXII.—An Act for better paving lighting cleansing watching and improving the Town and Borough of Plymouth in the County of Devon and for Regulating the Police thereof and for removing and preventing Nuisances and Annoyances therein.

Rails or chains on the quays to be placed by the proprietors.

80. And be it further enacted that in order to prevent accidents which may happen from the want of proper posts and rails or chains being placed upon the quays near the harbour called Sutton Pool in the said town and borough the several owners and proprietors of the several quays adjoining to the said harbour shall from time to time and at all times cause proper posts and rails or chains to be placed and fixed upon the said quays next the said harbour and shall from time to time keep such posts and rails or chains in proper repair or in default thereof the said Commissioners are hereby authorised and required with all convenient speed to order the said quays to be properly railed and the posts and rails or chains thereof repaired as the case shall happen to be and the expense attending the same shall be paid by the respective owners or occupiers of such quays to the said Commissioners or their treasurer or clerk or to such other person as they shall for that purpose appoint and in default of such payment the same may be recovered from the said respective owners or occupiers of the said quays by action of debt in any of His Majesty's courts of record with full costs of suit.

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5 George IV. c. XLIX.—An Act for enabling the Commissioners for Victualling His Majesty's Navy to purchase certain premises for completing a Victualling Establishment at Cremill Point near Plymouth in the County of Devon and for supplying the said establishment with Water.

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Corporation of Plymouth and Commissioners for Victualling the Navy to make a dam at the Weir Head and to cleanse and deepen the leat and repair the bed banks and works thereof.

2. And be it further enacted that it shall and may be lawful for the said Mayor and Commonalty of the town of Plymouth and for the said Commissioners for Victualling His Majesty's Navy at the expense of the said Mayor and Commonalty and of the said Commissioners in the proportions herein-after mentioned to make construct and establish a dam at a certain place on the said trench or leat known as the Weir Head and also such other dams weirs sluices reservoirs and other works as they may think necessary for affording the said supplies of water and also to enlarge widen open deepen cleanse and scour the said trench or leat and the bed thereof and to raise cut and repair the banks thereof and to repair all dams weirs and other works now belonging thereto or used or provided for supplying the said town and borough of Plymouth with water in such a manner as to them respectively shall seem fit and necessary for obtaining and securing a full and constant supply of fresh water as well to the said victualling establishment at Cremill Point and Naval Hospital and any other establishments belonging to His Majesty as herein-after mentioned as to the said town and borough of Plymouth and the said Mayor and Commonalty and the said Commissioners for victualling His Majesty's Navy their deputies agents servants and workmen respectively are hereby authorised and empowered to enter upon the lands and grounds of any person or persons bodies politic corporate or collegiate or of any tenant or tenants lessee or lessees of the said Mayor and Commonalty near to or adjoining the said leat for the purpose of making constructing and establishing the said intended dam at the Weir Head and all such other dams aqueducts bridges weirs sluices reservoirs works matters and conveniences as they shall think necessary and proper as well for the providing and securing the said supplies of water for the purposes aforesaid as also for viewing preserving improving cleansing scouring repairing and maintaining the said trench or leat and the banks and works thereof respectively and also to bore dig cut remove take and carry away any earth clay stone soil rubbish trees roots of trees beds of gravel or sand or any other matters or things which may hinder or obstruct the flow of water in through or from the said trench or leat according to the intent and purpose of this Act the said Mayor and Commonalty and the said Commissioners their deputies agents servants and workmen doing as little damage as may be in the execution of the several matters aforesaid and in case of any new cuts weirs sluices dams aqueducts or other works being erected made or established on any lands or grounds adjoining to the said trench or leat or in case of the said trench or leat being enlarged and widened to more than the said breadth of seven feet in the said recited Act mentioned then and in such cases

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(but not otherwise) making * * satisfaction * * * * * * * * to the owners proprietors and occupiers of and all persons interested in the lands and grounds which shall be taken used occupied or prejudiced for all damages to be by them sustained in or by the execution of the powers of this Act Provided always that nothing herein contained shall authorise the said Commissioners to make any alteration in the bed or banks of the said trench or leat without the licence concurrence and approbation of the said Mayor and Commonalty nor to authorise the said Commissioners and the said Mayor and Commonalty or either of them to take or use for the purposes of this Act any lands or grounds adjoining to the said trench or leat in its course from the Weir Head through the several parishes and places aforesaid to the said intended reservoir in No Place Lane to a greater distance than one hundred yards from either side thereof without the consent of the owners of such lands or grounds.

Corporation of Plymouth to supply daily 400 tuns of water for which they are to receive a rent of 250*l.* per annum.

3. And be it further enacted that when the said reservoir in No Place Lane and other works herein-before mentioned or such of them as shall be sufficient for the purpose shall be completed the said Commissioners for Victualling His Majesty's Navy shall give notice thereof to the said Mayor and Commonalty and shall require them to furnish the same with water and from thenceforth the said Mayor and Commonalty shall and they are hereby required to convey from the said stream or leat by a sluice or such other ways and means as they may judge proper a supply equal to four hundred tuns daily of pure wholesome fresh water into the said reservoir of the said Commissioners to be from thence conveyed and apportioned and distributed among the different departments of the said victualling establishment at Cremill Point and the Naval Hospital aforesaid in such manner as the said Commissioners shall think fit the said quantity of water to be supplied in constant currents to the full diameter of the bore of the pipe or pipes when the said pipes lie in an horizontal position (inevitable accidents by breaking of the pipes inclemency of weather or during the necessary repair of the pipes respectively only excepted) in consideration whereof the said Mayor and Commonalty and their successors shall be entitled to and shall have and receive a net annual rent or sum of two hundred and fifty pounds free and clear of any deduction (except as herein-after mentioned) payable quarterly by victualling bills called ready money bills to be drawn upon the treasurer of His Majesty's Navy for the time being the said rent to commence on the first usual quarter day after the passing of this Act.

If required Corporation are to furnish a further supply of 80 tuns of water daily for which they

4. And be it further enacted that if the said Commissioners for Victualling His Majesty's Navy for the time being shall at any time hereafter require a further supply of water for the use of the said victualling establishment at Cremill Point or for the use of His Majesty's said Naval Hospital at East Stonehouse or of any other buildings stores or establishments belonging to His Majesty or held or occupied for the public service

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then and in that case upon notice or signification thereof in writing being given by the said Commissioners or any three of them to the said Mayor and Commonalty the said Mayor and Commonalty or their successors shall and they are hereby required as soon after the receipt of such notice as may be to convey from the said trench or leat by a sluice or such other ways and means as they may judge proper a further supply equal to eighty tuns daily of pure wholesome fresh water into the said reservoir of the said Commissioners or unto such other place as the said Commissioners for the time being shall for that purpose nominate and appoint and it shall thereupon be lawful for the said Commissioners for the time being at the costs and charges of His Majesty His heirs and successors to make construct lay down and establish and afterwards repair support and maintain such additional reservoir or reservoirs and such additional pipes and other works and do all such further matters and things as may be necessary and expedient for conveying the said additional supply of water from the said trench or leat to the place or places to be supplied therewith all such additional works to be done made laid down constructed and established and repaired supported and maintained under the same powers authorities and provisions and in the same manner as are and is herein-before given provided and directed with regard to the making and constructing the said reservoir and other works by the said Commissioners for conveying water to the said victualling establishment at Cremill Point and the Naval Hospital aforesaid and in consideration of such further supply of water the said Mayor and Commonalty shall be entitled to and shall have and receive a further net annual rent or sum of fifty pounds free and clear of any deduction (except as herein-after mentioned) payable quarterly and by bills in the same manner as the said rent of two hundred and fifty pounds is directed to be paid the said further rent of fifty pounds to become payable on the quarter day next ensuing the day on which it shall be certified by the Commissioners for the time being for victualling His Majesty's Navy that such additional supply of water has commenced.

are to receive a further rent of 50*l.* per annum.

If a further supply of water should be wanted from the River Mew the Corporation may obtain it without making any compensation unless they alter the course of the river or enlarge or widen the leat.

8. And be it further enacted that if at any time hereafter a further supply of water shall for the purposes of the said recited Act or this Act be required from the said River Mew otherwise Meavy it shall and may be lawful for the said Mayor and Commonalty to take and obtain the same and for that purpose to make such new reservoirs dams weirs flood gates sluices and other works as they shall deem necessary for conveying such further and additional quantities of water as may be required from the said River Mew or Meavy into the said trench or leat Provided that in case the said Mayor and Commonalty in effecting the same shall alter the course and current of the said river or enlarge or widen the said trench or leat to more than the said breadth of seven feet in the said recited Act mentioned or in case the said Mayor and Commonalty in effecting the same shall do any damage or injury to the lands or grounds of any person or persons the said Mayor

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and Commonalty shall make compensation or satisfaction to such person or persons for such damage or injury.

* * * * * *

Power to remove the present landing place of Cremill Ferry and to form a new one.

24. And whereas it is expedient for the use of the said victualling establishment and the purposes of this Act that power should be given to the said Commissioners for Victualling His Majesty's Navy to remove the present landing place of the ancient ferry of Cremill situate at the north-western extremity of the said peninsula and to form another landing place in lieu thereof and also to stop up the road leading from the town of Stonehouse aforesaid across the said peninsula to the said present landing place and to set out a new road in lieu thereof be it therefore further enacted that it shall and may be lawful for the said Commissioners for Victualling His Majesty's Navy and they are hereby authorised and empowered at the expense of His Majesty His heirs and successors to form and construct at some convenient spot within Stonehouse Pool as they shall judge most convenient a good and sufficient hard or landing place in every respect fit and proper for embarking and disembarking His Majesty's subjects together with their horses and carriages and all goods wares and merchandises whatsoever and for all other purposes connected with and incident to a public ferry and necessary for a place of landing and embarking and when such new hard or landing place and the road thereto to be made as herein-after mentioned shall be completed the said Commissioners for Victualling His Majesty's Navy shall cause notice to be given thereof in the London Gazette and also in any two or more newspapers usually circulating in the counties of Devon and Cornwall in which notice a day shall be named and appointed for opening such new hard or landing place to the use of the public and which said notice shall also contain a direction and appointment that from and after a day to be named therein the present landing place of the ferry of Cremill at the north-western extremity of the said peninsula of Cremill as aforesaid is not to be any longer open to or used by the public and from and after the day to be named in such notice for opening the said new hard or landing place the course and direction of the said ancient ferry of Cremill shall be from and to such new hard or landing place instead of from and to the present landing place at the north-western extremity of the said peninsula and it shall and may be lawful for all and every persons and person to embark from or land at such new hard or landing place and to embark or land thereat any horses carriages goods or merchandises and to use the same for the same purposes and in the same manner in all respects as they now can or are entitled to use the present landing place at the western extremity of the said peninsula of Cremill and after the day to be also named in the said notice it shall not be lawful for any person or persons using the said ferry of Cremill or any other person or persons whomsoever without the consent and permission of the said Commissioners for Victualling His Majesty's Navy to land at

or embark from the said present landing place or to land at embark from or place there any horses carriages goods wares or merchandises or in any manner to use the same but the said present landing place shall be vested in the principal officers and Commissioners of His Majesty's Navy as other lands and tenements under this Act are vested in them from the said day to be named in the said notice freed and discharged from all rights and claims of landing at or embarking therefrom and from all other rights and claims whatsoever as well with relation to Cremill Ferry aforesaid as otherwise Nevertheless it shall be lawful for the person or persons having any estate right title franchise or interest in or to the said present landing place and road and to the ancient ferry of Cremill or to the tolls emoluments or advantages derived from the said present landing place road or ferry to have and to hold the same estate right and interest and to receive take exercise and enjoy the same tolls franchises emoluments and advantages in upon over and out of the said new landing place and new road so to be constructed and made by the said Commissioners as aforesaid as an equivalent for and in lieu of the said present landing place and road and the rights tolls franchises emoluments and advantages thereto belonging or appertaining as fully to all intents and purposes as the same are now held and enjoyed in respect of the said present ferry road and landing place.

For preserving the water clean and wholesome.

27. And in order to preserve the water clean and wholesome be it further enacted that if any person shall bathe in the said trench or leat or any reservoir aqueduct water way feeder or pond made maintained or supported by the said Mayor and Commonalty of Plymouth or by the said Commissioners for Victualling His Majesty's Navy under the powers of this or the said recited Act or shall wash any dog or other animal therein or throw or cast any dog or cat or any filth dirt or other noisome or offensive thing or wash or cleanse any cloth or any wool or leather or the skins of sheep lambs or other animals or any noisome or offensive thing in the said trench or leat or in any such reservoir aqueduct water way feeder or pond or cause or suffer the water of any sink sewer or drain to run or be conveyed into the said trench or leat or into any such reservoir aqueduct water way feeder or pond or cause any other annoyance to be done to the water contained in the said trench or leat or in any such reservoir aqueduct water way feeder or pond whereby or by means whereof the said water or any part thereof shall or may be soiled fouled or corrupted then and in each and every such case every such person so offending shall forfeit and pay for every such offence any sum not exceeding five pounds for the first offence and ten pounds for the second or any subsequent offence.

Penalty.

Act not to prejudice rights of lords of manors to mines &c

36. Provided always and be it further enacted that nothing herein contained shall extend to prejudice or affect the right of any lord or lords lady or ladies of any manor or manors or of any owner or owners of any lands or grounds in upon or through which the said trench or

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leat now passes or in upon or through the said water works reservoirs aqueducts trenches watercourses or feeders shall be constructed or made to the mines and minerals lying and being within or under the said lands or grounds but all such mines and minerals are hereby reserved to such lord or lords lady or ladies of such manor or manors or to such owner or owners of such lands or grounds respectively subject to the conditions and restrictions herein contained to work get take and carry away to his her or their own use such mines and minerals he she and they not thereby injuring prejudicing or obstructing the channel course or free use of the said water.

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5 George IV. c. CXIII.—An Act for altering and amending an Act of the last Session of Parliament for erecting a Bridge over the Water of Lary in the County of Devon.

Directing what height the arches shall be.

2. And be it further enacted that from and after the passing of this Act it shall be lawful to and for the said John Earl of Morley lord of the said honour and manor of Plympton or the lord of the said honour and manor for the time being so to erect and make the said bridge that the centre arch or aperture thereof shall in the middle thereof be of the height of twenty-five feet above the surface of the water at mid-tide in ordinary spring tides and that the other arches and apertures shall be of a proportionate height gradually diminishing to the two extremities.

Persons removing sand within eighty yards of the bridge subject to a penalty.

3. And be it further enacted that if any person or persons shall after the said bridge shall be erected take away sand from any part of the soil or bed of the said water of Lary within eighty yards of the said intended bridge every such person or persons being thereof convicted before any justice or justices of the peace for the said county of Devon shall forfeit and pay for every such offence any sum not exceeding five pounds at the discretion of the justice or justices before whom he or she shall be convicted.

Saving the rights of owners of certain quays adjoining the said bridge.

5. Provided always and be it further enacted that nothing in the said recited Act or in this present Act shall extend or be construed to extend to alter abridge diminish or take away such full and free use and occupation of the quays adjoining the said bridge at its abutment on the Prince Rock side as shall not interfere with the security of the said bridge and freedom of access thereto.

Plymouth Corporation Water and Markets Act 1867.

Saving ancient rights to water.

68. Whereas the owners of the under-mentioned residences that is to say Warlegh in the parish of Tamerton-Foliott Manadon in the tithing of Weston-Peverell and Ham in the same tithing have for

considerable periods of time received supplies of water from the leat to those residences respectively and they claim to be entitled to have those supplies continued to them after the passing of this Act Therefore this Act shall not take away lessen or prejudice any rights of those owners respectively to have those supplies continued to them respectively under this Act.

Plymouth Devonport and District Tramways Act 1882.

For protection of railway companies.

6. In constructing and maintaining any tramway by this Act authorised where it crosses any bridge carrying any road over any railway belonging to the Great Western Railway Company or the Cornwall Railway Company or where it passes under any railway bridge belonging to those companies or either of them the Company shall be subject to the following conditions:—

(1) Every such tramway shall be constructed and maintained along the centre of the roadway:

(2) The Company shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct and maintain such tramway over such bridge and the approaches thereto or under such bridge as the case may be as not to affect the same or the user of the road injuriously:

(3) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or removal of any such tramway the Great Western Railway Company or the Cornwall Railway Company as the case may be may at the expense of the Company restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the said Great Western Railway Company or the Cornwall Railway Company as the case may be against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act 1870 and the said Great Western Railway Company or the Cornwall Railway Company may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt may be recovered:

(4) Whenever and so often as the said Great Western Railway Company or the said Cornwall Railway Company shall require to widen lengthen strengthen reconstruct alter or repair any

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such bridge or approaches or to widen or alter their railways where a tramway passes under any railway bridge or to lift or support any such bridge or approaches owing to any subsidence thereof and they shall find it necessary for effecting any of such purposes that the working and user of such tramway over such bridge or approaches or under such bridge shall be wholly or partly stopped or delayed or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the promoters three clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer if such engineer should give such superintendence but only for so long a time as the said Great Western Railway Company or the Cornwall Railway Company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto And in case the principal engineer of the Great Western Railway Company or of the Cornwall Railway Company as the case may be shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power or being or being intended to be of an unusual weight such strengthening shall be effected in all things at the expense of the Company who shall also pay to the Great Western Railway Company or to the Cornwall Railway Company as the case may be all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of any such tramway or any of the works connected therewith the amounts of such expenditure shall be recoverable as aforesaid by the said Great Western Railway Company or the Cornwall Railway Company as the case may be from the Company with full costs and charges by all and the same means as any simple contract debt is recoverable:

(5) Whenever any tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches and no turn-outs or passing-places shall be constructed thereon:

(6) All works which may be necessary in constructing and maintaining any of the tramways as aforesaid over or under any bridge works or property of the Great Western Railway Company or of the Cornwall Railway Company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the said Great Western Railway Company or of the Cornwall Railway Company or in case of difference of an engineer to be appointed by the Board of Trade on the application either by the Great Western Railway Company the Cornwall Railway Company or the Company:

(7) No engine carriage or wagon using the tramway shall stop or stand on the space between the Great Western Railway Company's passenger station at Plymouth and the entrance to the Duke of Cornwall Hotel for a longer time than is absolutely necessary for passengers getting into or out of the said carriages under a penalty of not exceeding forty shillings for each offence and an additional sum of forty shillings for every hour during which the offence continues nor shall the Company have a turn-out or crossing-place in the said space.

Saving rights of railway companies.

7. Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the said Great Western Railway Company or of the Cornwall Railway Company otherwise than is hereby expressly provided.

Plymouth and Devonport (Extension) Tramways Act 1886.

For protection of railway companies.

10. In constructing and maintaining any tramway by this Act authorised where it crosses any bridge carrying any road over any railway belonging to the Great Western Railway Company or the Cornwall Railway Company or the London and South Western Railway Company or where it passes under any railway bridge belonging to those companies or any of them the Company shall be subject to the following conditions:—

(1) Every such tramway shall be constructed and maintained along the centre of the roadway:

(2) The Company shall not in any way alter or interfere with the structure of any such bridge or of the approaches thereto and they shall so construct and maintain such tramway over such bridge and the approaches thereto or under such bridge as the case may be as not to affect the same or the user of the road injuriously:

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(3) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or removal of any such tramway the Great Western Railway Company or the Cornwall Railway Company or the London and South Western Railway Company as the case may be may at the expense of the Company restore such bridge and approaches or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the Company shall indemnify the said Great Western Railway Company or the Cornwall Railway Company or the London and South Western Railway Company as the case may be against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Company are liable to maintain and repair under the 28th section of the Tramways Act 1870 and the said Great Western Railway Company or the Cornwall Railway Company or the London and South Western Railway Company may recover from the Company all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt may be recovered:

(4) Whenever and so often as the said Great Western Railway Company or the said Cornwall Railway Company or the London and South Western Railway Company shall require to widen lengthen strengthen reconstruct alter or repair any such bridge or approaches or to widen or alter their railways where a tramway passes under or over any railway bridge or to lift or support any such bridge or approaches owing to any subsidence thereof and they shall find it necessary for effecting any of such purposes that the working and user of such tramway over such bridge or approaches or under such bridge shall be wholly or partly stopped or delayed or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in cases of emergency give to the promoters three clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such tramway shall be stopped or delayed or the tramway shall be diverted or taken up or removed accordingly at the expense of the Company and under the superintendence of their engineer if such engineer should give such superintendence but only for so long a time as the said Great Western Railway Company or the Cornwall Railway Company or the London and South Western Railway Company may find to be absolutely necessary for effecting such

purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto And in case the principal engineer of the Great Western Railway Company or of the Cornwall Railway Company or the London and South Western Railway Company as the case may be shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any such tramway being or being intended to be moved by steam or any mechanical power or being or being intended to be of an unusual weight such strengthening shall be effected in all things at the expense of the Company who shall also pay to the Great Western Railway Company or to the Cornwall Railway Company or the London and South Western Railway Company as the case may be all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening reconstruction alterations repairs lifting or supporting by reason of the existence of any such tramway or any of the works connected therewith the amounts of such expenditure shall be recoverable as aforesaid by the said Great Western Railway Company or the Cornwall Railway Company or the London and South Western Railway Company as the case may be from the Company with full costs and charges by all and the same means as any simple contract debt is recoverable and in order to permit at any future time any alterations having for their object the widening of the span or openings of any railway bridge over which the said tramways are laid the Company shall so locate and lay the tramways upon such bridge or bridges as in the opinion of the respective railway companies owning the said bridge and railways shall cause the smallest amount of inconvenience and expense to the said railway companies by any such intended or projected widening:

(5) Whenever any tramway on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches and no turn-outs or passing-places shall be constructed thereon:

(6) All works which may be necessary in constructing and maintaining any of the tramways as aforesaid over or under any bridge works or property of the Great Western Railway Company or of the Cornwall Railway Company or the London and South Western Railway Company shall be constructed and maintained in all things at the expense of the Company

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and to the reasonable satisfaction of the principal engineer of the said Great Western Railway Company or of the Cornwall Railway Company or the London and South Western Railway Company or in case of difference of an engineer to be appointed by the Board of Trade on the application either of the Great Western Railway Company the Cornwall Railway Company or the London and South Western Railway Company or the Company:

(7) No engine carriage or wagon using the tramway shall stop or stand on the space between the Great Western Railway Company's passenger station at Plymouth and the entrance to the Duke of Cornwall Hotel for a longer time than is absolutely necessary for passengers getting in or out of the said carriages under a penalty of not exceeding forty shillings for each offence and an additional sum of forty shillings for every hour during which the offence continues nor shall the Company have a turn-out or crossing-place in the said space.

Saving rights of railway companies.

11. Nothing contained in this Act shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the said Great Western Railway Company or of the Cornwall Railway Company or the London and South Western Railway Company otherwise than is hereby expressly provided.

Plymouth Corporation Act 1887.

Seventy-five gallons of water per minute to be discharged into Meavy.

9.—(*a*) On and from the completion of the reservoir by this Act authorised the Corporation shall discharge into the River Meavy (otherwise Mewe) at least seventy-five gallons of water per minute of every day.

(*b*) The Corporation shall construct and for ever thereafter maintain in good working order and condition within a distance of one hundred yards from the foot of the embankment of the reservoir by this Act authorised a suitable measuring gauge over or through which the water required by this section to be discharged into the river shall flow or pass and such other works as shall be necessary to carry into effect the provisions of this section.

(*c*) The gauge and works shall be respectively open to the inspection and examination of Sir Massey Lopes Bart. and other the owners lessees and occupiers for the time being of the several mills and works using of right the waters of the River Meavy between the reservoir and the water of the Laira.

(*d*) If the Corporation shall wilfully or after written notice negligently fail to send down the prescribed quantity of water in

manner by this section provided the Corporation shall for every day on which such failure shall occur forfeit and pay by way of liquidated damages a sum not exceeding five pounds to the owner lessee or occupier of any mills and works situate within the limits herein-before mentioned who has actually suffered damage or loss by reason of such failure and who shall sue for the same.

(*e*) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water and water rights which under the provisions of this Act the Corporation are authorised to acquire collect impound take use get or appropriate.

PLYMOUTH CORPORATION WATER ACT 1893.

For the protection of the Buckland Abbey Estate.

9. For the protection of Sir Francis George Augustus Fuller-Eliott-Drake the present owner of the Buckland Abbey Estate (in this section called "the estate") or other the owners thereof for the time being (who are herein-after referred to as "the owner") the following provisions shall have full force and effect except in so far as they may be varied by agreement between the Corporation and the owner:—

(1) Where the work described in this Act as Conduit No. 1 will pass through the estate the Corporation shall not be entitled to purchase or acquire any estate or interest in the said lands other than an easement or right of laying cleansing inspecting maintaining and repairing a closed pipe or pipes underground within the limits of deviation shown on the deposited plans:

(2) The Corporation may purchase and the owner shall sell an easement or right of laying cleansing inspecting maintaining and repairing such pipe or pipes accordingly and such easement or right shall be deemed to be land for the purposes of the Lands Clauses Acts:

(3) The Corporation shall provide and maintain in connexion with the said conduit at some point to be agreed upon between the Corporation and the owner a proper and sufficient and accessible drinking place for cattle and the Corporation shall keep the same continuously supplied with water without making any charge:

(4) Except as herein-before provided all works in and upon the estate shall be completed to the reasonable satisfaction of the owner within the period of one year from the time of commencement thereof but the Corporation may at any time lay an additional line or lines of pipes within the estate Provided that such pipes shall be laid within one year from the commencement of the work and as near as practicable alongside

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the conduit and provided also that (except in cases of emergency) seven days at least before commencing any works on the estate the Corporation shall serve upon the owner or his agent notice in writing of their intention so to do:

(5) Any telegraph or telephone wires or other means of communication laid by the Corporation through the estate shall be placed underground by the side of and as near as practicable to the conduit:

(6) The Corporation shall construct and maintain and keep all their works constructed and maintained by them under the authority of this Act in upon or near the estate so far as practicable watertight and shall indemnify the owner his lessees and tenants from any loss or damage caused by the leakage of the reservoir conduit or works by this Act authorised:

(7) All watercourses springs or wells now used by the owner or his lessees or tenants or either of them interfered with by the construction of the conduit shall be preserved from injury to the reasonable satisfaction of the owner and no water in any such watercourses springs or wells shall be taken away diminished or prejudicially affected:

(8) In the construction and maintenance of their works the Corporation shall first carefully remove from the surface all vegetable soil on the line or site of the works and on the completion of the works or of any repair or other maintenance they shall spread such soil over the surface of the ground in manner herein-after provided:

(9) The Corporation shall be at liberty to make use of any surplus material excavated in the construction or maintenance of the conduit and no such surplus material shall be deposited on the estate of the owner except with his permission and in such place or places as he may from time to time direct:

(10) The Corporation shall make good the drainage and sewerage on the estate where interfered with by the conduit or other works of the Corporation or at the option of the owner shall permit him to employ his own workmen for that purpose the Corporation paying the reasonable cost thereof The Corporation shall also provide for the present or future drainage or sewerage of the estate suitable culverts across the conduit:

(11) All fences gates watercourses roads conveniences and other matters and things belonging to the owner which may be interfered with by the Corporation during construction or maintenance of the works by this Act authorised shall

forthwith after such interference be made good by the Corporation:

(12) The Corporation shall provide and from time to time maintain and keep in every fence over the conduit a gate or stile for the use of the owner his lessees and occupiers and the Corporation and their officers respectively:

(13) It shall be lawful for the owner to form lay out and make along over or under the conduit any roads drains or pipes which shall not interfere with or injure the conduit and works by this Act authorised or the maintenance thereof:

(14) The rights of the owner his lessees and occupiers of passing over and using the land over or under the conduit for all purposes (except such as would injure the conduit or interfere with its maintenance) shall not be interfered with:

(15) The provisions of this section shall (except in regard to matters provided for by this section) be in addition to and not in derogation of any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner:

(16) The Corporation shall prevent all trespass over any part of the estate by their servants or persons employed by them or their contractors (except such parts as are being used for any works to be executed under this Act) and shall in addition to any other compensation payable by them under or by virtue of this Act or under or by virtue of any agreement that may have been entered into between the owner and the Corporation or their respective agents before the passing of this Act in respect of the estate make full compensation to the owner and his tenants for all damages and loss occasioned to them or any of them respectively by any acts of the Corporation their officers or contractors or any workmen employed by them or any of them whether during construction or maintenance and shall at all times keep the owner indemnified against all and every claim for damage or loss occasioned to or sustained by such owner or his tenants by or by reason of the construction or maintenance of the conduit or other works:

(17) The Corporation shall to the reasonable satisfaction of the owner or his agent reinstate and make good and maintain from subsidence all drains and fences and shall also reconstruct and maintain to the reasonable satisfaction of the owner all roads and footpaths which may be crossed injured or interfered with under the powers of this Act and the Corporation shall also fence off such other portion or portions of land along the line of the conduit and works which may

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be necessary to prevent danger or damage or which the owner may require during the construction of the works and will make and maintain such roads and communications across or over the conduit and works with such gates and fastenings as may be required by the owner The Corporation shall not use any barbed wire in connexion with the erection of fences or otherwise:

(18) The Corporation shall not erect nor permit the erection of any houses huts or offices for their workmen or those of their contractors on any part of the said estate without having first obtained the written permission of the owner and then only upon such site or sites as may be directed by him or his agent:

(19) The said conduit shall be so constructed and laid that there shall be over every part thereof not less than two feet and six inches of cover including as much soil as there is at present and if by reason thereof the existing surface of the land be raised the portion so raised shall be carried over the conduit by a gentle slope on either side thereof and the said slope shall be properly turfed over and protected until the said turf is well and thoroughly established:

(20) The Corporation and the owner may agree in writing for any variation of the works or provisions prescribed for the protection of the owner:

(21) Any difference which may from time to time arise between the owner and the Corporation with respect to any question under this section shall be settled by arbitration.

For the protection of Sir Massey Lopes Baronet.

10.—(1) The following provisions shall apply and have effect for the protection of the estate known as the Maristow Estate in the parishes of Sheepstor Meavy Bickleigh Buckland Monachorum and Tamerton Foliott in the county of Devon of which estate Sir Massey Lopes Baronet is or claims to be tenant for life and for the protection of the said Sir Massey Lopes Baronet and of Sir John Henry Kennaway Baronet John Carpenter Garnier and General Sir William Pollexfen Radcliffe the present trustees of the said estate or other the owner or owners trustees or trustee for the time being of the said estate or any part thereof who are in this section mentioned by and included in the expression "owner."

(2) Where the work described in this Act as Conduit No. 1 will pass through the said estate the Corporation shall not be entitled to purchase or acquire any estate in the said lands other than an easement or right of laying cleansing inspecting repairing and maintaining a closed pipe or pipes underground within the limits of deviation shown on the deposited plans and the Corporation may purchase and

the owner shall sell an easement or right of laying cleansing inspecting repairing and maintaining such pipe or pipes accordingly and such easement or right shall be deemed to be land for the purposes of the Lands Clauses Acts The Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands and (subject to the provisions relating to mines and minerals of the Waterworks Clauses Act 1847) mining under such lands and for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

(3) So much of Conduit No. 1 as shall be laid in the estate of the owner shall be completed within twelve months from the time when the work of laying it shall be commenced in that estate but the Corporation may at any time lay down an additional line or lines of pipes to form part of the conduit by this Act authorised Provided that such additional pipe or pipes shall be laid in the said estate within one year from the commencement of such work in the said estate and as near as practicable alongside the conduit and provided also that (except for absolute necessary immediate repair and for examination) one month at least before commencing any works on the estate the Corporation shall serve upon the owner or his agent notice in writing of their intention so to do.

(4) The Corporation shall not in any way interfere with the stream known as Burrator Brook or cause any water at any time to be abstracted from such brook or to be diverted into or allowed to flow into the said reservoir or taken in any other manner.

(5) Before entering on the estate the Corporation shall except in cases of urgency give to the owner not less than seven days' notice in writing of their intention so to do.

(6) The Corporation shall construct and maintain and keep all their works constructed and maintained by them under the authority of this Act in upon or near the estate so far as practicable watertight and shall indemnify the owner his lessees and tenants from any loss or damage caused by the leakage of the reservoir conduit or works by this Act authorised.

(7) The Corporation shall make good the drainage and sewerage on the estate where interfered with by the reservoir conduit or other works of the Corporation or at the option of the owner shall permit him to employ his own workmen for that purpose the Corporation paying the reasonable cost thereof The Corporation shall also provide for the drainage or sewerage of the estate suitable channels or culverts around the reservoirs or across the conduit.

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(8) The Corporation shall prevent all trespass over any part of any lands of the owner by their servants or persons employed by them (except such parts as are being used for any works to be executed under this Act) and shall in addition to any other compensation payable by them under or by virtue of this Act in respect of the said estate make full compensation to the owner and his tenants for all damages and loss occasioned to them or any of them respectively by any acts of the Corporation their officers or contractors or any workmen employed by them or any of them whether during construction or maintenance and shall at all times keep the owner indemnified against all and every claim for damage or loss occasioned to or sustained by such owner or his tenants by or by reason of the construction or maintenance of the reservoir conduit or other works.

(9) The Corporation shall to the reasonable satisfaction of the owner or his agent reinstate and make good and maintain from subsidence all drains and fences and shall also reconstruct and maintain to the reasonable satisfaction of the owner such parts of all roads and footpaths which may be crossed injured or interfered with under the powers of this Act and the Corporation shall also fence off such other portion or portions of land along the line of the conduit and works which the owner may require during the construction of the works and will provide and from time to time maintain and keep in every fence over the conduit a gate for the use of the owner his lessees and occupiers and the Corporation and their officers respectively and will also make and maintain such roads and communications across or over the conduit and works with such gates and fastenings as may be required by the owner The Corporation shall not use any barbed wire in connexion with the erection of fences or otherwise.

* * * * * *

(11) Any telegraph or telephone wires or other means of communication laid by the Corporation through the estate shall be placed underground by the side of and as near as practicable to the conduit.

(12) All watercourses springs or wells used by the owner or his lessees or tenants or any of them respectively interfered with by the construction of the conduit shall be preserved from injury to the reasonable satisfaction of the owner and no water in any such watercourse spring or well shall be taken away diminished or prejudicially affected.

(13) All fences gates roads conveniences and other matters and things belonging to the owner which may be interfered with by the Corporation during the construction or maintenance of the works by this Act authorised shall as soon as may be after such interference be made good by the Corporation.

(14) Before the construction of the reservoir the Corporation shall provide and maintain in each field belonging to the owner a drinking

trough for cattle and provide a supply of water for such trough according to the conveyance of the fourteenth day of September one thousand eight hundred and eighty-nine.

(15) The Corporation shall as soon as may be after payment of compensation for purchase thereof effectually fence off and keep fenced off all lands purchased from the owner for reservoir purposes from the other lands belonging to him.

* * * * * *

(17) The Corporation and the owner may agree in writing for any variation of the works or provisions prescribed for the protection of the owner.

(18) The Corporation shall lay down and maintain the conduits or lines of pipes described and authorised by this Act so far as the same may pass through the estate of the owner as nearly as practicable in the line shown as the centre line on the deposited plans.

(19) It shall be lawful for the owner to form lay out and make across the conduit any roads drains or pipes but any such roads drains or pipes shall not interfere with or injure the reservoir conduit and works by this Act authorised or the access to or maintenance thereof Provided nevertheless that no such roads drains or pipes shall be so laid out or made without the approval of the Corporation but such approval shall not be unreasonably withheld.

(20) The said conduit shall be so constructed and laid that there shall be over every part thereof not less than two feet and six inches of cover including as much soil as there is at present and if by reason thereof the existing surface of the land be raised the portion so raised shall be carried over the conduit by a gentle slope on either side thereof and the said slopes shall be properly turfed over and protected until the said turf is well and thoroughly established All surplus excavation arising from the construction or maintenance of the works shall be the property of the Corporation but no such surplus excavation shall be deposited on the estate of the owner except with his permission and in such place or places as he may from time to time direct.

(21) The provisions of these subsections shall except in regard to the matters provided for by them be in addition to and not in derogation of any other provisions of this Act or any Act incorporated herewith which may enure for the benefit or protection of the owner.

(22) The Corporation shall from the Conduit No. 1 provide and at all times maintain the necessary apparatus and flow of water for the full supply of Bickleigh Village and other places which they are now under obligation with the owner to supply and in case the Corporation shall interfere with any rights to which the owner may be by law entitled to water cattle from the leat of the Corporation they shall also provide and maintain in connexion with the said conduit at three

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places to be agreed upon between the Corporation and the owner a proper and efficient and accessible drinking place for cattle in substitution therefor and the Corporation shall keep the same continuously supplied with water without making any charge.

(23) Notwithstanding anything in this Act contained the Corporation shall at all times hereafter either from the leat or from a line or lines of pipes provide to all places in or near to the lands of the owner water for such purposes and to the same extent as the owner is by law entitled to have and they shall also provide and supply with water in the unenclosed lands of the owner such drinking places for animals in substitution for any rights to which the owner may be by law entitled at such places as may be agreed on or failing agreement settled by arbitration and in the event of any default under this subsection the owner and his tenants and commoners shall be entitled to compensation.

(24) In case the Corporation shall discontinue the flow of water to which the owner may be by law entitled in the open channel of the leat they shall provide in each close or field of the owner through which the leat passes (except those in which tanks are already provided) tanks similar to those now in use in the owner's lands at Roborough and they shall at all times maintain all such tanks and shall by means of pipes or otherwise keep all such tanks properly supplied with water for animals and they shall also provide and supply with water at intervals of not more than two hundred yards similar tanks in all places where the leat passes through commons or unenclosed lands of the owner.

(25) In the construction and maintenance of the conduit where it passes through the estate of the owner the Corporation shall first carefully remove from the surface all earth on the line or site of the works and on the completion of the conduit or of any repair or other maintenance they shall so spread such soil over the surface of the ground as to restore the surface as nearly as may be to its former state.

(26) In addition to and subject to the provision of this Act relating to the rights of fishing in the reservoir the owner shall have the sole and exclusive right of sporting over any lands acquired by the Corporation from the owner under this Act abutting upon the lands coloured red on the plan referred to in the said provision.

Compensation for damage caused by bursting or giving way of reservoir.

11. The Corporation shall from time to time make full compensation to all persons for all damage and injury losses and expenses whatsoever which may from time to time be incurred or suffered by reason or in consequence of the bursting or giving way of the reservoir and conduits by this Act authorised and such compensation shall be paid and satisfied out of any rates revenues or funds for the time being belonging to the Corporation.

Maintenance of substituted roads.

24. When any road diversion by this Act authorised has been constructed by the Corporation in substitution for a portion of the

existing public highway the road diversion shall be maintained in repair by and at the cost of the Corporation for twelve months after its completion of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of the said period of twelve months such road diversion shall be maintained in repair by and at the expense of the authority or person by whom or at whose expense the former public highway was repairable.

Compensation water.

25.—(1) Section 9 of the Act of 1887 ("Seventy-five gallons of water per minute to be discharged into Meavy") shall extend and apply in regard to the Burrator Reservoir and to the water by this Act authorised to be taken except that the quantity of water thereby required to be discharged into the River Meavy shall be increased by three hundred and twenty-five gallons per minute and the gauge referred to in the said section shall be constructed within one hundred yards of the embankment or retaining wall of the Burrator Reservoir across the River Meavy.

(2) Subsections (*c*) and (*d*) of section 9 of the Act of 1887 shall extend and apply to the Right Honourable the Earl of Morley and his successors in estate and to all riparian owners interested in the compensation water and nothing in that section shall prejudice or affect any agreement with the said Earl in regard to compensation.

Reservation as to fishing rights.

27.—(1) The right and power of fishing fowling and sporting in and over the Burrator Reservoir (except as herein-after provided) are as regards so much of that reservoir as is shown and coloured red on the plan signed by Sir Richard Temple Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred exclusively reserved to Sir Massey Lopes Baronet and as regards so much of the reservoir as is coloured yellow on the said plan exclusively reserved to John Bayly and for those purposes they may respectively place and use a boat on the reservoir.

(2) Any rights of fishing fowling and sporting to which any other owners of lands acquired by the Corporation for the purposes of the reservoir are entitled shall be the subject of compensation to be paid by the Corporation in accordance with the provisions of the Lands Clauses Acts.

(3) No right conferred by this section shall be assigned demised or otherwise disposed of or parted with wholly or partially to any person or persons but the rights by this section conferred upon Sir Massey Lopes shall remain annexed to the Maristow and Burrator mansion houses in the county of Devon and shall be exercised only by the owner or owners for the time being of those mansions his or their family visitors personal friends and servants and as regards the rights by this section conferred upon John Bayly shall remain

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annexed to Narrator Farm in the parish of Sheepstor in the county of Devon and shall be exercised only by the owner or owners for the time being of that farm his or their family visitors personal friends and servants.

(4) Provided nevertheless that the rights by this section reserved shall not be exercised so as to injure the embankment or other works of the reservoir or to foul or otherwise injuriously affect the water of the reservoir and shall not in any way interfere with the right of the Corporation at all times to draw off the water from the reservoir and do all such acts and things as they may deem necessary for cleansing repairing and maintaining the reservoir and the works connected therewith or for preventing the water therein from being fouled or otherwise injuriously affected or for preventing the accumulation of fish to such an extent as they may consider would affect the quality of the water.

(5) Provided further that the members of the council and their officers shall throughout the day in every year on which the annual survey of the leat by the Corporation shall take place have the right of fishing and taking fish in the said reservoir and also in so much of the said River Meavy as is situate on the land to be acquired by the Corporation.

Local Government Board's Provisional Order Confirmation (Housing of Working Classes) Act 1893—Plymouth Order.

3. * * * * *

(5) The local authority shall not without Our sanction sell or let any of the lands within the area comprised in the scheme for any purpose other than the erection of suitable dwellings for the accommodation of persons of the working class.

(6) * * * * *

(c) All lands on which any dwellings shall have been erected or provided in pursuance of this scheme shall for a period of twenty-five years from the passing of the Act of Parliament confirming this Order be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this provision.

Tramways Orders Confirmation Act 1893—Plymouth Corporation Tramways Order 1893.

Carriages not to be permitted to pass each other in certain places.

7. The carriages used on the tramways shall not pass or be permitted to pass each other in the portion of Old Town Street situate between Ebrington Street and East Street in Beaumont Road or in Tavistock Road except at places where the roadway shall not be less

than twenty-two feet in width and except at the commencement and termination of Tramway No. 6 and for a distance of 1·5 chains from such commencement and termination respectively.

For the protection of the London and South Western Railway Company.

8. For the protection of the London and South Western Railway Company (in this section referred to as "the South Western Company") the following provisions shall apply and have effect viz.:—

(*a*) The Promoters shall not in working Tramway No. 5 obstruct or interfere with the free ingress or egress of passengers carriages or goods at either of the entrances to or exits from the Friary Station of the South Western Company in Beaumont Street and carriages used on the said tramway shall not be permitted to stand or pull up opposite to or within thirty feet of either side of either of such entrances or exits:

(*b*) The Promoters shall not commence or construct any portion of Tramway No. 5 between the points marked and measured on the deposited plan 4 furlongs 3½ chains and 5 furlongs and ½ a chain respectively until plans drawings and specifications (herein-after referred to as "the said plans") describing the manner of and materials to be used in the construction of the works intended to be executed in connexion with the laying of the said portion of Tramway No. 5 shall have been delivered to the South Western Company and have been examined and approved in writing by the railway engineer and such works shall not interfere with or damage the structure of the bridge of the South Western Company carrying Tothill Road over the railway:

(*c*) In the event of the railway engineer failing to approve the said plans for one calendar month after the delivery thereof the same shall be referred for settlement to an engineer to be agreed upon between the Promoters and the South Western Company or failing agreement by an engineer to be appointed by the President for the time being of the Institute of Civil Engineers and the expenses of such reference shall be paid and the works shall be executed and subsequently maintained by the Promoters at their sole expense and under the superintendence and to the satisfaction of the railway engineer:

(*d*) If and whenever the Promoters do not maintain the said works in accordance with the said plans the South Western Company may in case such failure continues at the expiration of one month's notice in writing to the Promoters to execute the requisite repairs and maintenance (or in case of emergency without notice) make do and execute any works which

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they from time to time think requisite in that behalf and the sums from time to time certified by the railway engineer to be the amount of the expenditure in that behalf shall be repaid to them by the Promoters and in default of full payment the amount of such expenditure may be recovered with full costs by the South Western Company from the Promoters in any court of competent jurisdiction:

(*e*) The South Western Company may if they think fit employ an inspector or watchman to inspect and watch the said works during their execution and the wages of such inspector or watchman shall be borne by the Promoters and shall be paid by them to the South Western Company and the Promoters shall indemnify the South Western Company against and compensate them for any injury which may from time to time happen to the property or works of the South Western Company or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the said Tramway No. 5 but the appointment by the South Western Company of such inspector shall not relieve the Promoters from any liability in connexion with the construction of the works:

(*f*) From and after the commencement of the said works any additional expense of the maintenance of the structure of Tothill Road bridge occasioned thereby shall be borne and paid by the Promoters:

(*g*) The South Western Company shall be at liberty to divert or stop the tramway in Tothill Road temporarily if required for the purpose of executing repairs alterations or extension or widening of the bridge carrying that road over the railway and the Promoters shall indemnify the South Western Company against any and all claims in respect thereof:

(*h*) Any difference which may arise between the South Western Company and the Promoters touching any of the matters referred to in this section and not otherwise provided for shall be decided by a single arbitrator to be appointed on the application of either party by the President for the time being of the Institute of Civil Engineers and the cost of such arbitration and of the parties thereto shall be in the discretion of the arbitrator:

(*i*) Except as is by this Order otherwise provided this Order or anything therein contained shall not take away lessen or prejudicially affect any of the estates rights interests powers or privileges of the South Western Company.

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For the protection of the Saltash Three Towns and District Steamboat Company Limited.

9. For the protection of the Saltash Three Towns and District Steamboat Company Limited herein-after called the steamboat company the following provisions shall have effect:—

(*a*) The Promoters shall indemnify and make good to the steamboat company all the costs and expenses that the steamboat company may at any time incur or be put to by reason of any defect or insufficiency of strength in the two archways or tunnels which extend under the Grand Parade occasioned by the construction of the tramways over the said archways or tunnels:

(*b*) The Promoters shall make full compensation to the steamboat company for any damage to or subsidence of the said archways or tunnels which may be caused by the Promoters in the exercise of any of the powers conferred upon them by this Order whether such damage or subsidence shall happen during the construction of the tramways or works or at any time thereafter.

Local Government Board's Provisional Order Confirmation (No. 15) Act 1896—Plymouth (Extension) Order 1896.

Differential rating of added areas.

24.—(1) The general district rate to be levied in the added part of Compton Gifford the added part of Egg Buckland the added part of Laira Green and the added part of Pennycross shall not in any one year during a period of five years from the commencement of this Order exceed such an amount in the pound as when added to the poor rate borough and watch rates for the same year will make up a total rate of four shillings and threepence in the pound and in any one year during the ten years next following the expiration of the said period of five years will make up the total rate of four shillings and sixpence in the pound and in any one year during the ten years next following the last-mentioned period of ten years will make up the total rate of six shillings in the pound but in no case during the periods aforesaid shall the rate payable for the time being in the added areas exceed that payable for the time being in the existing borough.

(2) The general district rate to be levied upon so much of the dock undertaking of the Great Western Railway Company situate in the Millbay area as consists of warehouses houses offices and buildings shall not in any one year exceed such an amount in the pound as when added to the poor rate borough and watch rates for the same year will make up a total rate of three shillings and sixpence in the pound and the general district rate to be levied upon the remainder of the said dock undertaking shall not exceed one-fourth part of such an amount

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in the pound as when added to the poor rate borough and watch rates for the same year as aforesaid would make up such total rate of three shillings and sixpence in the pound.

PLYMOUTH CORPORATION ACT 1897.

Confirmation of scheduled agreement.

4. The scheduled agreement as set forth in the schedule hereto is hereby confirmed and made binding on the parties thereto and the same shall be carried into effect subject and according to the provisions of this Act:

Provided that nothing in this section or in the scheduled agreement shall take away prejudice or affect any right or title of the Queen's most Excellent Majesty to the foreshore and fundus under and adjacent to the Lary Bridge.

Differential rating of added area.

24. The general district rate to be levied in the added part of the borough shall not in any one year during a period of four years from the commencement of this Part of this Act exceed such an amount in the pound as when added to the poor rate borough and watch rates for the same year will make up a total rate of four shillings and threepence in the pound and in any one year during the ten years next following the expiration of the said period of four years will make up the total rate of four shillings and sixpence in the pound and in any one year during the ten years next following the last-mentioned period of ten years will make up the total rate of six shillings in the pound but in no case during the periods aforesaid shall the rate payable for the time being in the added areas exceed that payable for the time being in the existing borough.

THE SCHEDULE.

MEMORANDUM OF AGREEMENT made this eighth day of December one thousand eight hundred and ninety-six between the Right Honourable Albert Edmund Earl of Morley (herein-after called the vendor) of the one part and the Mayor Aldermen and Burgesses of the borough of Plymouth (herein-after called the Corporation) of the other part whereby it is agreed as follows:—

* * * * *

11. The vendor so far as he has power so to do agrees that if the Corporation shall during the life of the vendor or within twenty-one years afterwards enlarge or widen the said bridge on the south side thereof to any extent not exceeding seventy feet and shall require for the approaches to the bridge as so widened or enlarged any land now belonging to the vendor or of which he is tenant for life as aforesaid and situate within seventy feet of any part of the present approaches

to the said bridge on the south side of such approaches then the vendor or other proper parties will sell the land so required to the Corporation at a fair price to be determined in default of agreement under the arbitration clause herein-after contained.

* * * * *

14. Any dispute or difference as to the meaning or effect of this agreement or as to any right or obligation of any person hereunder shall be determined by the award of two arbitrators or their umpire such arbitrators and umpire to be appointed and the arbitration to proceed in such manner in all respects as may be provided by the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force.

* * * * *

In witness whereof the vendor has hereunto set his hand and seal and the Corporation have hereunto caused their common seal to be affixed the day and year first before written.

MORLEY.

Given under the corporate common seal in the presence of—

Charles H. Radford
Mayor.

J. H. Ellis
Town Clerk.

Corporate common seal.

Plymouth Corporation Act 1898.

Power to stop any person refusing to pay toll.

26. If any person subject to the tolls made payable under this Part of this Act in respect of the embankment roads shall after demand made thereof by any collector appointed to receive the same neglect or refuse to pay the same or any part thereof it shall be lawful for such collector by himself or taking such assistance as he shall think necessary to stop and prevent the passage of the person so neglecting or refusing or of the horse beast or cattle for or in respect of which such tolls ought to be paid until full payment thereof.

Penalty for evading tolls.

27. If any person subject to the tolls made payable under this Part of this Act in respect of the embankment roads shall (*a*) fraudulently or forcibly pass over the embankment roads or through any toll-gate without having paid the said tolls or shall assault interrupt or obstruct any person employed in the collection of the said tolls or (*b*) take off or cause to be taken off any horse or other

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beast from any carriage at or near to any toll-house and afterwards put or add the same after having passed such toll-house or gate as aforesaid with intent to evade and thereby shall evade or endeavour to evade the payment of the said tolls or shall forge counterfeit or alter or receive from or deliver to any other person or persons any note or ticket with intent to evade or to enable or assist any other person or persons to evade the payment of any part of the said tolls every person so offending shall be liable to a penalty not exceeding forty shillings.

For settling disputes concerning tolls.

28. In case of any bonâ fide dispute as to the amount of toll due such amount may be ascertained by a court of summary jurisdiction for the borough which court shall have power to determine the amount of the toll due and other matters in dispute between the parties and may also award such costs to be paid by either party to the other as to such court shall seem just and reasonable.

Toll collectors to put up their names &c.

29. Every toll collector on the embankment roads shall place on some conspicuous part of the front of each of the several toll-houses at which they shall be respectively stationed and so that the same shall appear to public view their Christian and surnames painted in black on a board with a white ground each of such letters of such name or names to be at least two inches in length and of a breadth in proportion and such board shall be and remain at such toll-house during the whole of the time that the person whose name shall be expressed thereon shall be on duty thereat and if any collector of the said tolls shall not place such board and keep the same there during the time he shall be such collector as aforesaid or shall wilfully and with intent to defraud demand and take a greater or less toll from any person than he shall be authorised to do by virtue of the powers of the unrepealed parts of the Embankment Acts or shall with the like intent demand and take a toll from any person who shall be exempt from the payment thereof and who shall claim such exemption or shall refuse to permit or suffer any person to read or shall in any wise hinder any person from reading the inscriptions on such board or shall refuse to tell his Christian and surname to any person who shall demand the same on being paid the said tolls or any of them or shall in answer to such demand give a false name or names or shall refuse or omit to give to the persons paying the toll a ticket denoting the payment of the tolls and naming and specifying the toll-gate at which such ticket has been delivered and the toll-gate or toll-gates (if any) freed by any such payment or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through any turnpike or toll-gate then and in every such case every such toll collector shall forfeit and pay any sum not exceeding five pounds for every such offence.

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Incorporation of sections from Plymouth Corporation Act 1897.

63. The following sections of the Plymouth Corporation Act 1897 namely:—

* * * * *

Section 24 (Differential rating of added area)

* * * * *

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Part of this Act extend and apply to and in relation to the area added to the borough under this Act.

For protection of Great Western Railway Company.

84. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company have effect (that is to say):—

(1) In the event of the Corporation acquiring under the provisions of this Act the lands shown on the deposited plans adjoining the Great Western Company's main line of railway and the Laira Loop Railway the Corporation shall at any time thereafter on receiving three months' notice in writing under the hand of the secretary of the Great Western Company convey to that company so much of the lands which adjoin the said railways respectively as may be required by the Great Western Company for the purpose of widening the said railways or for station purposes and the price to be paid by the company for such lands shall be such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement:

(2) The Corporation shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that company or execute any works whatever under over or affecting the same until the Corporation shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Corporation by the Board of Trade and all the intended works shall be executed by the Corporation at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer of the Great Western Company or in case of difference of an engineer to be appointed by the Board of Trade:

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(3) In constructing Street Work No. 2 by this Act authorised where the same is intended to cross the railway and lands of the Great Western Company the same shall be carried over that railway and works by means of a bridge of two spans and a headway of not less than 14 feet 6 inches and the pier of the said bridge shall be constructed in such position and of such dimensions as may be approved by the principal engineer of the Great Western Company or in the event of his failure to approve of such position and dimensions within 14 days in such position and of such dimensions as may be approved by an engineer to be appointed by the Board of Trade and the said Street Work No. 2 and the Street Work No. 5 by this Act authorised and the widening of the bridge carrying Elliot Road Plymouth over the railway of the Great Western Company in connexion therewith shall be effected in such a manner as not to injure the railway and works of the Great Western Company in any way whatever and should it be necessary in constructing the said Street Works Nos. 2 and 5 and the works connected therewith or in consequence of the construction thereof for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railway or some of them at or near to the said crossings the Corporation shall bear and on demand pay to the Great Western Company the expense of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor:

(4) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the Street Works Nos. 2 and 5 and the works connected therewith by this Act authorised over and adjacent to the Great Western Company's railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise:

(5) Notwithstanding anything in this Act contained the Corporation shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and

expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Corporation or of any persons in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission:

(6) The Corporation shall at their sole expense at all times maintain the bridges and other works by which the said Street Works Nos. 2 and 5 above described and by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer of the Great Western Company and if and whenever the Corporation fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency the Great Western Company may make and do in and upon as well the land of the Corporation as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair and the sum from time to time certified by their said engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Corporation:

(7) Except for the purpose of the crossings of Street Works Nos. 2 and 5 respectively the Corporation shall not take or acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Corporation to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to interfere with the railway of that company further or otherwise than is necessary for the construction and maintenance of the Street Works Nos. 2 and 5 by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Corporation are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such crossings or otherwise the Corporation shall not purchase or take any greater or other estate or interest

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in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Corporation might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment.

(8) The Corporation shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act (except the right and easement in regard to Street Work No. 5) such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement:

(9) If any dispute (not otherwise provided for in this section) shall arise between the Great Western Company and the Corporation respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

The Third Schedule to the Plymouth Corporation Act 1898.

SECTIONS AND PARTS OF SECTIONS OF THE EMBANKMENT ACTS SAVED FROM REPEAL.

42 George III. Cap. XXXII.

Powers for making the embankment.

27. And be it further enacted that it shall and may be lawful to and for the said company of proprietors and they are hereby authorised and empowered by themselves and their agents officers and workmen to make form erect and set up such mounds banks and fences as they shall judge necessary and proper for the purpose of embanking fencing and protecting the said lands and grounds from the tides and inundations of the sea and from time to time to repair alter enlarge and extend the same.

No bank &c. to be raised between Crab Point and the village of Crab Tree except in a straight line.

29. Provided also and be it enacted that nothing herein contained shall extend or be construed to extend so as to enable the said company of proprietors to raise or cause to be raised between the said point called Crab Point otherwise Mount Gold Point otherwise Arnold's Point and the said village of Crab Tree any bank mound or fence or other work further to the south-east than in a straight line from the said point to

a certain public road or highway leading from the said village of Crab Tree across the sands to Blackstone Quay in the parish of Plympton Saint Mary.

Power to collect tolls.

36. And be it further enacted that it shall and may be lawful to and for the said company of proprietors from time to time and at all times hereafter to ask demand take and recover to and for their own proper use and benefit the several and respective tolls or rates herein mentioned for the wharfage of all timber chalk lime manure minerals merchandise and other goods matters and things whatsoever which shall be laid or landed upon any of the wharves or quays belonging to the said company of proprietors (that is to say):—

For all dung chalk marle clay lime sand compost and all other things for the purpose of improving or manuring lands and grounds laid or landed upon any wharf or quay belonging to the said company of proprietors the sum of one penny halfpenny per ton and so in proportion for any greater or less quantity than a ton;

For all timber stone coals bricks slates and tiles corn peas beans potatoes hay and straw and all other things goods commodities and merchandise whatsoever laid or landed upon any wharf or quay belonging to the said company of proprietors the sum of three pence per ton and so in proportion for any greater or less quantity than a ton.

Wharves to be free on payment of the rates.

37. And be it further enacted that it shall and may be lawful to and for all persons whomsoever to lay or land any timber lime sand manure goods wares and other matters and things on any of the wharves or quays (save and except during such time as such wharves or quays shall be altering or repairing) belonging to the said company of proprietors and to employ such wharves and quays for loading and unloading such timber lime sand manure goods wares and other matters and things upon payment of such rates or tolls as shall be demanded by the said company of proprietors not exceeding the respective sums herein mentioned and subject to the rules and regulations which shall be from time to time made by the said company of proprietors by virtue of the powers herein granted.

Further allowance if goods remain above a certain time on the wharves.

38. And be it further enacted that if any timber lime sand manure goods wares or other matters or things shall lie or remain upon any wharf or wharves quay or quays belonging to the said company of proprietors for above the space of twenty-four hours then and in such case it shall and may be lawful to and for the said company of proprietors to demand and take such rates or tolls over and above the rates or tolls herein-before mentioned as shall be agreed on between the said company of proprietors or their agent or agents and the owner or owners of such timber lime sand manure goods wares or other matters or things his her or their servant or servants.

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Regulating the weights.

39. And be it further enacted that fifty cubic feet of round and forty cubic feet of square oak ash elm or beech timber and fifty cubic feet of fir or deal balk poplar birch or other timber or wood shall for the purposes of this Act be respectively deemed rated and estimated as and for one ton weight and one hundred and twelve pounds weight avoirdupois of lime sand manure goods wares and other matters and things whatsoever shall for the purposes of this Act be deemed one hundred pounds weight and two thousand two hundred and forty pounds weight shall for the purposes of this Act be deemed one ton any usage of rating or estimating to the contrary thereof notwithstanding and in all cases where there shall be a fraction of a quarter of a ton such fraction shall be deemed and considered a whole quarter of a ton and in order to ascertain the weight of such timber lime sand manure and other matters and things it shall and may be lawful to and for the said company of proprietors to cause the same to be weighed measured or gauged.

Penalty on obstructing workmen.

40. And be it further enacted that if any person or persons shall wilfully hinder prevent or obstruct any officer or other person acting by or under the authority of the said company of proprietors in the execution of this Act every such person shall for every such offence forfeit and pay any sum not exceeding five pounds to be levied and recovered in such manner as penalties and forfeitures are by this Act directed to be levied and recovered.

Recovery of rates or tolls.

41. And be it further enacted that all such rates or tolls as aforesaid shall be paid to the company of proprietors or to such person or persons as they shall appoint to receive the same and in case of refusal or neglect to pay such rates or tolls or any part thereof on demand to the said company of proprietors or to such person or persons as aforesaid then and in such case it shall and may be lawful to and for the said company of proprietors or the person or persons to whom such rates or tolls ought to have been paid to seize and detain the timber lime sand manure goods wares or other matters or things for or in respect whereof any such rates or tolls ought to be paid or any part thereof until such payment shall be made together with reasonable charges for such seizure and detention and if such timber lime sand manure goods wares or other matters or things shall not be redeemed within five days next after the seizure thereof it shall and may be lawful to and for the said company of proprietors or other person or persons as aforesaid to cause the same to be sold for the purpose of paying and discharging such rates or tolls together with the costs and charges of seizing keeping and felling the same rendering the overplus (if any) on demand to the owner or owners thereof his her or their servant or servants.

Rates may be altered.

42. And be it further enacted that it shall and may be lawful to and for the said company of proprietors from time to time at any special assembly to be convened for that purpose to lower or reduce all or any of the said rates or tolls and again to raise the same to such

sums as they shall think proper not exceeding the sums before mentioned as often as it shall be deemed necessary for the interest of the said undertaking.

Owners accountable for damages done by boatmen.

43. And be it further enacted that the master and owner of every boat barge or other vessel shall and he and they is and are hereby made answerable for any trespass damage spoil or mischief that shall be done by any boat barge or other vessel or by any person or persons navigating the same to any of the banks mounds basons dams trenches aqueducts sluices engines or other works or conveniences to be made by virtue of this Act and the master or owner of every such boat barge or other vessel shall for every such trespass damage spoil or mischief upon conviction of any such person or persons as aforesaid before any justice of the peace for the county of Devon on the oath of any credible witness or witnesses (which oath such justice is hereby empowered to administer) or on the confession of the party or parties offending forfeit and pay to the said company of proprietors such damages satisfaction and compensation as shall be ascertained fixed and determined by such justice (provided that no such damage satisfaction or compensation shall exceed the sum of ten pounds) and shall also over and above forfeit and pay to the informer or informers any sum not exceeding twenty shillings to be settled and ascertained by such justice but in case such damages shall exceed the sum of ten pounds the said master or owner of such boat barge or other vessel may be sued and prosecuted for such damages in any of His Majesty's Courts of Record.

Masters to recover from the boatmen.

44. And be it further enacted that each and every person so navigating such boat barge or other vessel shall repay such damages satisfaction and penalty so ascertained fixed and determined by such justice with the costs and charges of levying and recovering thereof to such master or masters owner or owners and in case of non-payment thereof upon demand and oath made by such master or masters owner or owners of the payment made by him her or them of such damages satisfaction or compensation and penalty and that the same and the costs thereof have or hath not been repaid to him her or them by such person or persons although demanded (such oath to be made before any justice of the peace for the county of Devon which oath such justice is hereby empowered to administer) the amount thereof shall be recovered in like manner as any penalty or forfeiture is hereby directed to be recovered.

Penalty on injuring the works.

45. And be it further enacted that if any person or persons shall cut dig scrape up take or carry away any stones clay sand or other materials from or off any bank mound dam bason or other works to be erected by virtue of this Act or off or from the beach or sea-shore within the distance of fifty yards of any such bank mound dam or other works or shall open or cause to be opened any sluice gate dock

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gate or other gate of or belonging to the said works or any of them or shall let in or out or draw off any water into or from any part or parts of the said works or shall cause or suffer any boat barge or other vessel to strike or run upon any sluice gate dock gate pier or groin or do any other act or thing to the prejudice or injury of any of the works by this Act authorised to be made every such person shall for every such offence forfeit and pay any sum not exceeding five pounds * * *

toll-houses as they shall think proper and shall and may in manner herein directed purchase and take land sufficient for such toll-house or toll-houses with necessary accommodations thereto and from time to time to alter remove or discontinue such turnpike or toll-houses or any of them as the said company of proprietors shall think meet and expedient.

Power to collect tolls.

33. And in consideration of the great charges and expenses that the said company of proprietors must incur by making maintaining and supporting the said road be it further enacted that it shall and may be lawful to and for the said company of proprietors to demand and take or cause to be demanded and taken at the said turnpikes the tolls herein-after mentioned anything contained in an Act made in the thirteenth year of the reign of His present Majesty intituled An Act to explain amend and reduce into one Act of Parliament the general laws now in being for regulating the turnpike roads in that part of Great Britain called England and for other purposes or anything contained in one other Act made in the twenty-fifth year of the reign of His present Majesty intituled An Act to exempt carriages carrying the mail from paying tolls at any turnpike gate in Great Britain save and except such part or parts of the said recited Act made in the thirteenth year of the reign of His present Majesty as grants or grant any exemption or exemptions from any toll or tolls on any turnpike road or roads for or in respect of any waggon wain cart or other carriage having the fellies of the wheels thereof of the dimensions therein mentioned before any horse or other beast or cattle shall be permitted to pass through the same (that is to say):—

For every coach chariot landau berlin phaeton chaise chaise marine car calash chair caravan hearse or litter drawn by six or more horses mares geldings mules or other cattle the sum of one shilling and sixpence;

For every carriage of the same description drawn by four horses or other cattle the sum of one shilling;

For every carriage of the same description drawn by two horses or other cattle the sum of sixpence;

For every chaise car or chair drawn by one horse mare gelding mule or other beast the sum of fourpence;

For every waggon wain cart tumbril or dray drawn by six horses or other beasts the sum of four shillings;

For every carriage of the same description drawn by five horses or other beasts the sum of three shillings;

For every carriage of the same description drawn by four horses or other beasts the sum of two shillings;

For every carriage of the same description drawn by three horses or other beasts the sum of one shilling and sixpence;

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For every carriage of the same description drawn by two horses or other beasts the sum of eightpence;

For every carriage of the same description drawn by one horse or other beast the sum of fourpence;

For every horse mare gelding mule or ass or other beast of burden laden or unladen and not drawing the sum of one penny;

And for every drove of oxen cows or neat cattle the sum of one shilling and threepence per score and so in proportion for any greater or less number;

And for every drove of calves hogs sheep or lambs the sum of fivepence per score and so in proportion for any greater or less number;

And for every foot passenger the sum of one halfpenny.

No gate erected on the road leading from Plymouth to Saltram.

35. Provided always and be it enacted that nothing herein contained shall extend or be construed to extend so as to enable the said company of proprietors to erect or cause to be erected any gate or gates on the present road leading from Plymouth under Tothill to Saltram Point.

Persons to pass and repass once only for the toll paid.

36. Provided always and be it enacted that if any person or persons shall have paid on any day the tolls granted by this Act for or in respect of any horse or horses beast or beasts or cattle at any gate to be erected by virtue of this Act it shall and may be lawful to and for such person or persons to pass through all the gates erected on the said road with such horse or horses beast or beasts or cattle toll-free and also to return and repass through the same once on the same day (such day to be computed from twelve of the clock of one night to twelve of the clock the succeeding night) such person or persons producing a ticket denoting that such toll has been paid on that day which ticket every collector of the tolls on the said road is hereby required to deliver gratis on the payment of such tolls Provided also that nothing herein contained shall extend or be construed to extend so as to enable any person or persons having so paid the tolls to pass and repass more than once on the same day (to be computed as aforesaid) through any gate or gates erected by this Act without paying a fresh or additional toll or tolls for or in respect of such horse or horses beast or beasts or other cattle.

Tolls may be reduced.

41. And be it further enacted that it shall and may be lawful to and for the said company of proprietors at any general or special assembly from time to time to lower or reduce all or any of the tolls granted by this Act and again to raise the same to such sum or sums as they shall think proper not exceeding the respective sums before mentioned as often as it shall be deemed by the said company for the interest of the said undertaking.

Tolls may be farmed.

42. And be it further enacted that it shall and may be lawful to and for the said company of proprietors at any general or special

assembly to let or farm the tolls to be collected by virtue of this Act or any part or parts thereof to any person or persons whomsoever but the same shall not be let for more than three years at any one time.

Farmers of the tolls may appoint persons to collect them.

43. And be it further enacted that during such time as the said tolls or any part or parts thereof shall be leased or in farm to any person or persons whomsoever it shall and may be lawful to and for the lessee or lessees farmer or farmers thereof or such other person or persons as he or they shall by writing or writings under his her or their hand or hands authorise or appoint to demand and take the said tolls so leased or farmed with the like powers for the recovery thereof to all intents and purposes whatsoever as any collector of the said tolls appointed by the said company of proprietors is hereby authorised and empowered to demand take and recover the same and such lessee or lessees farmer or farmers or other person or persons as aforesaid shall be subject to the like pains penalties and forfeitures and shall be liable to the like actions and prosecutions as any collector of the said tolls appointed by the said company of proprietors is subject or liable to.

Company may compound for tolls.

44. And be it further enacted that it shall and may be lawful to and for the said company of proprietors from time to time to compound with any person or persons for any period of time not exceeding one year for or in respect of the tolls to be paid by virtue of this Act for any carriages wains carts horses beasts or other cattle passing on the said road or on any part or parts thereof and all such composition money shall be paid in advance quarterly or otherwise as the said company shall appoint and in default of such payment every such composition shall be null and void to all intents and purposes whatsoever.

Power to get materials to repair the road.

45. And be it further enacted that it shall and may be lawful to and for the surveyor or surveyors of the said road and to and for all such persons as he or they respectively shall appoint to search for cut dig get gather and take away any furze heath beach stones gravel sand or other materials for making or repairing the said road out of or from any common or waste ground river or brook in any parish township hamlet division district or place in which any part of the road hereby directed to be made amended and repaired shall lie or in any neighbouring parish township hamlet division district or place without paying anything for the same the said surveyor or surveyors or other person or persons acting by his or their appointment filling up the pits or quarries levelling the ground or sloping down the banks where such materials shall be taken or railing or fencing off such pits or quarries so that the same may not be dangerous to passengers or cattle and also that such surveyor or surveyors or other persons as aforesaid may by order of the said company of proprietors or of their committee (a copy of such order being given to such surveyor or surveyors attested and signed by the clerk to the said company of proprietors or to their committee) search for cut dig get gather and

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take away any such materials as aforesaid in off from and out of the private lands fields or grounds of any person or persons where the same may be had or found (such lands fields or grounds not being a garden orchard yard park paddock walk or walks or avenue to a house or any piece of ground planted and set apart as a nursery for trees) making or tendering such satisfaction for the damages done thereby to the owners and occupiers of such grounds where and from whence the same shall be cut dug gotten gathered and carried away or over which the same or any other materials for making and repairing the said road shall be carried according to their respective rights and interest in such ground as the said committee shall adjudge reasonable and in case of any difference between the said committee surveyor or surveyors or other persons employed as aforesaid and the said owners or occupiers or any of them concerning such damages it shall and may be lawful to and for any two or more justices of the peace of the county city or place where such materials shall be so cut dug gotten gathered taken and carried away on ten days' notice thereof in writing being given by either party to the other or left at their respective places of abode to hear settle and determine the matters of such payment and damages and the judgment or order of the said justices shall be final and conclusive to all parties.

Notice to be given to the occupiers of lands before materials are taken for the repair of the road.

46. Provided nevertheless and be it enacted that it shall not be lawful for any surveyor or other person or persons acting under the authority of this Act to dig gather get take or carry away any materials for repairing such road out of or from any inclosed lands or grounds until notice in writing signed by the surveyor shall have been given to the occupier of the premises from which such materials are intended to be taken or left for such occupier at his usual place of residence to appear before the committee of the said company of proprietors or two or more justices of the peace acting for the county city or place where such premises shall lie to show cause why such materials shall not be had from such lands or grounds and in case such occupier or his agent shall attend pursuant to such notice but shall not show sufficient cause to the contrary then the said committee or such justices shall and may authorise such surveyor or other person or persons to dig get gather and carry away such materials at such time or times as to the said committee or such justices shall seem proper and if such occupier shall neglect or refuse to appear by himself or his agent the said committee or such justices shall and may make such order therein as they respectively shall think fit as fully and effectually to all intents and purposes as if such occupier or his agent had attended.

5 George IV. Cap. XXVI.

Powers of the former Acts extended to this Act.

5. And be it further enacted that it shall and may be lawful to and for the said company of proprietors and they are hereby fully empowered to make such new line of road as aforesaid and that all

powers and authorities contained in the said two recited Acts of the forty-second and forty-third years of His late Majesty King George the Third for enabling the said company of proprietors to make divert turn shorten vary or alter the course or path of the road thereby authorised to be made and to purchase and take lands and hereditaments for those purposes and for enabling all bodies politic corporate or collegiate corporations aggregate or sole and all and every trustee and trustees and other person or persons under any disability or incapacity to sell and convey any lands tenements or hereditaments over which the same road was to be or shall be made and for regulating the form of the sales conveyances and assurances thereof and for enabling the said company of proprietors or any person appointed by them to recover the possession of toll-houses and for enabling the said company to cause to be erected one or more turnpike or turnpikes toll-gate or toll-gates toll-house or toll-houses and purchase and take lands for that purpose and to alter and remove the same and to demand and take tolls and enforce and recover the same and to search and get materials for making and repairing the said road and to cut drains and ditches for amending and keeping the same in repair and all provisions and penalties therein contained for preventing annoyances to the same road and the damaging or injuring of the same and the footpaths thereof and all other powers authorities regulations exemptions penalties forfeitures clauses and provisions in the said Acts or either of them contained shall so far as the circumstances of the case will admit extend to and are hereby extended to and shall be exercised and enforced with respect to the road hereby authorised to be made in such manner to all intents and purposes as if the same had formed part of the road authorised to be made by the said Act of the forty-third year of the reign of His said late Majesty but subject nevertheless to the alterations additions and amendments in this Act contained.

Foot toll granted by former Act shall be taken.

7. And be it further enacted that the toll authorised to be demanded and taken by virtue of the said recited Act of the forty-third year of the reign of His said late Majesty and this Act at the said turnpikes for every foot passenger shall be demanded and taken before such foot passenger shall be permitted to pass through the same and it shall be lawful for any such foot passenger having paid the said toll on any day to pass through all the said gates and repass once on the same day upon producing a ticket denoting that such toll hath been paid on that day which ticket shall be delivered gratis by every collector of the tolls on the payment thereof in like manner as by the said recited Act is provided with respect to the tolls to be paid for any horse beast or other cattle.

Company to put up a table

11. And be it further enacted that the company of proprietors shall and they are hereby required to put up or cause to be put up

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of the tolls with the names of the gates.

and afterwards to be continued at every toll-house within their respective districts a table painted in distinct and legible black letters on a board with a white ground containing at the top thereof the name of the gate at which the same shall be put up and also a list of all the tolls payable at every such gate distinguishing severally the total amount of tolls payable under this and the said recited Acts and the different sorts of carriages for which they are to be paid and also a list of the several gates (if any) which shall be wholly or partially cleared by the payment of toll at the toll-gate or bar where such table of tolls shall be affixed and the said company of proprietors shall also provide tickets denoting the payment of toll and on such several tickets shall be specified the name of the gate at which the same respectively shall be delivered and also the names of the several gates freed by such payment one of which tickets shall be delivered gratis to the person paying the toll and on the production of such ticket at any gate or gates therein mentioned as being cleared as aforesaid by the payment of the toll at the gate where such ticket was delivered the person producing the same shall pass through the gate or gates therein mentioned without paying any further or additional toll.

Tramways Orders Confirmation (No. 4) Act 1900—Plymouth Corporation Tramways Order 1900.

For protection of the Secretary of State for War.

6.—(1) Where any tramway constructed under this Order shall pass any land or building vested in or under the control of the Secretary of State for the War Department no cross-over passing-place siding junction or other work opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such cross-over passing-place siding junction or other work shall be altered or removed the Corporation or their lessees shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so.

(2) The Corporation or their lessees shall not permit any of their engines or carriages to stop or stand upon such tramway opposite or near to the entrance to any lands or buildings vested in or under the control of the said Secretary of State in such manner as to interfere with access to or from such lands or buildings.

Tramways Orders Confirmation (No. 1) Act 1904—Plymouth Corporation Tramways Order 1904.

For protection of Admiralty.

6.—(1) Nothing in this Order shall affect prejudicially any right power privilege or exemption of the Crown or in particular shall authorise the Promoters to affect or interfere with any right property

or interest of the Admiralty under any of the provisions of the Act of 5 George IV. chapter 49 without the consent in writing of the Admiralty under the hand of the Director of Works of the Navy which consent may be given upon such conditions as he may think fit.

(2) If by reason of the construction or use of any of the works authorised by this Order any injury or damage is caused to any tunnel pipe or other work vested in or constructed maintained or used by the Admiralty under the provisions of the said Act of 5 George IV. chapter 49 or otherwise the same may forthwith be made good by the Admiralty to their satisfaction at the expense in all respects of the Promoters or the Promoters shall if required by the Admiralty make good the same to the like satisfaction and at the like expense.

(3) Before the Admiralty proceed by their servants agents or workmen to open or break up any street lane passage or place along the line of any tramway to which this Order applies for the purpose of effecting any ordinary repairs or of maintaining or improving any of the tunnels pipes or other works aforesaid the Admiralty their servants or agents shall except in the case of emergency give seven days' notice to the Promoters who shall thereupon cause the traffic on the said line of tramway to be discontinued as may be necessary and the expense of taking up and relaying any of the works authorised by or executed or required in pursuance of this Order shall be borne and paid to the Admiralty by the Promoters.

For protection of Great Western and London and South Western Railway Companies.

7.—(1) The Promoters shall not in working Tramway No. 4 by this Order authorised obstruct or interfere with the free ingress or egress of persons vehicles or goods to or from the North Road Station of the Great Western and London and South Western Railway Companies or the approaches thereto.

(2) Unless the Board of Trade in the interests of safety otherwise require the following provisions shall notwithstanding anything in this Order have effect:—

(*a*) No vehicle used on the said tramway shall stop between a point measuring one chain west or north-west of the northern approach and a point measuring one chain east or south-east of the southern approach to the said station except the consents of the Great Western and London and South Western Railway Companies be first obtained:

(*b*) No additional crossing or passing place siding junction or turnout shall be made by the Corporation between such points except with the like consents.

For protection of General Tolls Company Limited.

8. For the protection of the General Tolls Company Limited or other the persons for the time being entitled to the tolls payable in respect of Stonehouse Bridge or its approaches (all of whom are

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included under the expression "the tolls company") the following provisions shall have effect (that is to say):—

(1) In the event of any tramcars of the Corporation being worked over Stonehouse Bridge by electrical power the corporation shall pay to the tolls company for the passage of such tramcars over the said bridge the tolls specified in subsection (11) of section 33 of the Plymouth Stonehouse and Devonport Tramways Act 1900 (For protection of General Tolls Company Limited) and all the provisions of the said subsection and of subsections (12) and (13) of the said section shall apply to the Corporation in reference to the passage of their tramcars over the said bridge as if the Corporation had been mentioned in such subsections with respect to such tramcars and nothing in this Act shall affect the rights of the tolls company to levy tolls in respect of the passage of the tramcars of the Corporation over the said bridge which shall be worked otherwise than by electrical power:

(2) The Corporation shall be answerable to the tolls company for all accidents damages and injuries which may be caused to Stonehouse Bridge or its approaches by reason of the tramcars of the Corporation being worked over the said bridge.

Devonport Local Acts and Orders.

Local Government Board's Provisional Orders Confirmation (Housing of Working Classes) Act 1898—Devonport (Housing of Working Classes) Order 1898.

3. * * * * *

(5) The local authority shall not without Our sanction sell or let any of the lands within the limits of the areas comprised in the scheme for any purpose other than the erection of suitable dwellings for the accommodation of persons of the working class.

(6) * * * * *

(*e*) All lands on which any dwellings shall have been erected or provided in pursuance of the scheme shall for a period of twenty-five years from the passing of the Act of Parliament confirming this Order be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this provision.

Local Government Board's Provisional Order Confirmation (No. 10) Act 1898—Devonport (Extension) Order 1898.

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Use of sewers of Corporation for drainage of new parish of St. Budeaux.

29. The rural district council may cause their sewers for the drainage of so much of the new parish of St. Budeaux as can be drained by gravitation into the sewers of the Corporation to communicate with the sewers of the Corporation in such manner and on such terms and subject to such conditions as may be agreed on between the rural district council and the Corporation or in case of dispute may be settled by arbitration Provided that so far as practicable storm surface and subsoil water shall be prevented from flowing from the sewers of the rural district council into the sewers of the Corporation and that the sewage of other districts or places shall not be permitted by the rural district council to pass into their sewers so as to be discharged into the sewers of the Corporation.

Saving rights of Corporation of Saltash as to Ferry or Passage of Saltash.

33. Nothing in this Order contained shall be deemed to take away abridge diminish or otherwise affect or interfere with any of the rights powers privileges or property of the mayor aldermen and burgesses of the borough of Saltash existing at the commencement of this Order with respect to the ferry or Passage of Saltash and the Corporation shall not until they have obtained a Provisional Order or an Act of Parliament enabling them so to do construct or erect or otherwise establish upon the foreshore of the waters of the Tamar within the liberties and franchise of the said Passage of Saltash any pier landing stage or wharf or any works in connexion therewith which may in anywise injuriously affect or interfere with the rights of the Passage of Saltash and the ferry or ferries worked thereunder.

Devonport and District Tramways Act 1898.

For protection of Great Western Railway Company.

36. Notwithstanding anything in this Act contained the following provisions for the protection of the Great Western Railway Company (in this section called "the Great Western Company") shall unless otherwise agreed between the Company and the Great Western Company apply and have effect (that is to say):—

* * * * *

(*b*) No part of Tramways Nos. 8 and 10 where they respectively pass on or over the bridges or the approaches thereto respectively carrying Saltash Road and Tavistock Road over the railway of the Great Western Company shall be used as a turn-out:

(*c*) The Company shall from time to time be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to them or any of

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their works or property or to the traffic on their railways or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Company or of any person in their employ or of the contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

For protection of London and South Western and Plymouth Devonport and South Western Junction Railway Companies.

37. For the protection of the London and South Western Railway Company and the Plymouth Devonport and South Western Junction Railway Company (in this section referred to as "the railway companies") the following provisions shall apply and have effect viz.:—

(*a*) The Company shall not in working Tramways Nos. 5 and 6 obstruct or interfere with the free ingress and egress of passengers carriages or goods at either of the entrances to or exits from the Devonport Station of the railway companies in Paradise Road and carriages used on the said tramways shall not be permitted to pull up opposite to or within ten yards of either side of either of such entrances or exits:

* * * * *

(*d*) If and whenever the Company do not maintain the said works in accordance with the said plans the railway companies or either of them may in case such failure continues at the expiration of fourteen days' notice in writing to the Company to execute the requisite repairs and maintenance (or in case of emergency without notice) make do and execute any works which they from time to time think requisite in that behalf and the sums from time to time reasonably expended in that behalf by the railway companies shall be repaid to them by the Company:

(*e*) The Company shall indemnify the railway companies or either of them as the case may be against all claims and compensate them for any injury which may from time to time happen to the property or works of the railway companies or to either of them as the case may be or to any person or persons using their railway in consequence of or during the construction and maintenance of the said works or the working of the said tramways:

(*f*) From and after the commencement of the said works any additional expense of the maintenance of the structure of the bridges or roads occasioned thereby shall be borne and paid by the Company:

(*g*) The railway companies or either of them as the case may be shall be at liberty to divert or stop any of the tramways temporarily if required for the purpose of executing repairs alterations or extension or widening of any of the bridges carrying roads over the railway and the Company shall have no claim against the railway companies or either of them as the case may be in respect thereof:

(*h*) Any difference which may arise between the railway companies or either of them as the case may be and the Company touching any of the matters referred to in this section and not otherwise provided for shall be decided by a single arbitrator to be appointed on the application of either party by the Board of Trade.

Tramways Orders Confirmation (No. 1) Act 1899—Devonport Corporation Tramway Order 1899.

For the protection of the London and South Western and Plymouth Devonport and South Western Junction Railway Companies.

8. The following provisions shall unless otherwise agreed between the London and South Western Railway Company and the Plymouth Devonport and South Western Junction Railway Company (in this section called "the two companies") and the Promoters apply and have effect with reference to the construction and maintenance of the tramway authorised by this Order (that is to say):—

(*a*) The Promoters or their contractors or agents or any one in their employ respectively shall not in any way alter or interfere with the structure of any railway arch bridge or other work belonging to or maintained by the two companies or either of them as the case may be nor erect any post or affix any bracket or wire upon any such bridge or other work without the consent in writing of the secretary of the London and South Western Railway Company:

(*b*) In the event of the two companies or either of them as the case may be requiring for the purposes of repair renewal or widening of any such bridge as aforesaid to erect scaffolding against or around the abutments or piers or under the superstructure of such bridge they shall be at liberty to do so after having given fourteen days' notice thereof in writing to the Promoters and if necessary the Promoters shall at their own expense during the period required for the execution and completion of such repair renewal or widening divert the line of tramway or wires or make such other arrangements as may be reasonably required by the two companies or either of them as the case may be for the purposes of such repair renewal or widening:

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(*c*) Provided always that the Promoters shall not in the exercise of the powers of this section in any manner affect or interfere with the railways arches bridges works or conveniences or any of them of or belonging to the two companies or either of them without the consent in writing of the secretary of the London and South Western Railway Company or in the event of the Promoters failing to obtain such consent within fourteen days after making due application for the same then the matter shall be referred to arbitration as provided in subsection (*f*):

(*d*) The Promoters shall bear and on demand pay to the two companies all reasonable costs of the superintendence by them of the construction erection or laying of any work post wire or bracket or the repair thereof respectively affecting any bridge railway or other property of the two companies or either of them and all reasonable costs of watching lighting and protection of their railway and other property with reference to and during such construction and repair:

(*e*) Any additional expense incurred by the two companies or either of them in the maintenance of any bridges or other works occasioned by the execution by the Promoters of any works under the powers of this Order shall be borne and paid by the Promoters and the Promoters shall indemnify the two companies or either of them against and compensate them for any injury or loss which they may sustain by reason of or in connexion with the exercise of any of the powers of this Order:

(*f*) Any difference which may arise between the Promoters and the two companies or either of them under this section shall be settled by arbitration in manner provided by the Tramways Act 1870.

Devonport Corporation Act 1900.

For protection of Great Western Railway Company.

9. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company apply and have effect (that is to say):—

* * * * * *

(*b*) No part of the Tramway No. 1 where it passes on or over the bridge or the approaches thereto carrying Albert Road over the railway of the Great Western Company shall be used as a turnout otherwise than for the purposes of a junction with Tramway No. 9 authorised by the Devonport and District Tramways Act 1898:

(*c*) The Corporation shall from time to time be responsible for and make good to the Great Western Company all losses damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Corporation or of any person in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

For protection of London and South Western Railway Company.

10. For the protection of the London and South Western Railway Company (in this section called "the company") the following provisions shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

* * * * *

(*b*) The Corporation shall from time to time be responsible for and make good to the company all losses damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the construction or failure of any of the intended works or of any act default or omission of the Corporation or of any person in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

For protection of General Tolls Company Limited.

13. For the protection of the General Tolls Company Limited or their assigns or other the persons for the time being entitled to the tolls payable in respect of Stonehouse Bridge (in this section called "the tolls company") the following provisions shall unless otherwise agreed between the Corporation and the tolls company apply and have effect (that is to say):—

(1) In this section the expression "the bridge" means Stonehouse Bridge and the approaches thereto and the word "apparatus" includes posts brackets electric conductors wires apparatus cables tubes openings and any other machinery works and appliances to be used for the purpose of working any tramway for the time being of the Corporation by mechanical power and includes also any excavations channels and pipes for the purposes of such apparatus:

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(2) The Corporation shall not alter or interfere with the structure of the bridge (unless such alterations or interference be absolutely necessary for the erection and laying down making placing or maintaining any apparatus or for altering the gauge of the tramways over the bridge or adapting the same for the use of mechanical power) nor do anything which will affect the stability of the bridge:

(3) The Corporation shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the tolls company for their reasonable approval plans sections and specifications showing every proposed work affecting the bridge and the materials to be used If the tolls company do not within fourteen days after such submission signify in writing their disapproval of such plans sections and specifications they shall be deemed to have approved thereof and if within the said period of fourteen days the tolls company signify in writing their disapproval of such plans sections and specifications or make any requirements in relation thereto to which the Corporation are unable to agree such plans sections and specifications shall be settled by arbitration in manner herein-after provided Provided also that this subsection as to the submission of plans sections and specifications shall not apply to the ordinary repairs of that part of the road over any bridge which by the provisions of section 28 of the Tramways Act 1870 has to be kept in repair by the Corporation as promoters of the tramways:

(4) Notwithstanding any alteration of the gauge of the tramways where situate on the bridge the Corporation shall continue liable to maintain and repair such portion of the roadway over the bridge as the Plymouth Stonehouse and Devonport Tramways Company are at the date of the passing of this Act liable to maintain and repair under section 28 of the Tramways Act 1870:

(5) In the event of any injury being caused to the bridge in the exercise of any of the powers conferred upon the Corporation in relation to the tramways thereover the tolls company may at the expense in all things of the Corporation (forthwith in case of emergency and in other cases after giving fourteen clear days' notice in writing of their intention so to do) restore the bridge or the part or parts thereof which may be so injured to as good a state and condition as they were in immediately before such injury was occasioned:

(6) All works constructed by the Corporation upon or over the bridge under the powers conferred by this Part of this Act shall be constructed and maintained by the Corporation in all

things at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the tolls company and in accordance with the plans sections and specifications approved or settled as aforesaid:

(7) All costs charges and expenses reasonably incurred by the tolls company or their officers in relation to the superintendence by the tolls company or their officers or servants of any works executed by the Corporation on or over the bridge under the powers conferred by this Part of this Act or the watching or lighting of the bridge during the execution of any such works shall be paid by the Corporation to the tolls company on demand:

(8) In case it shall become necessary in consequence of the user of mechanical power on any tramway over the bridge to strengthen the fabric of the bridge the tolls company may execute such works as their engineer may reasonably deem necessary and recover the expense from the Corporation and if any question shall arise as to whether any and what works are necessary as aforesaid such question shall be determined by arbitration as herein-after provided:

(9) If it shall become necessary for the effecting such strengthening that the working and use of the portion of the tramway of the Corporation which is situate on the bridge shall be wholly or in part stopped or delayed and the tolls company shall give the Corporation fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the tolls company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay:

(10) All moneys payable to the tolls company by the Corporation under the foregoing provisions of this section shall be recoverable by all and the same means as any simple contract debt of the like amount is recoverable:

(11) Any question by this section referred to arbitration and any difference which may arise between the Corporation and the tolls company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section shall unless otherwise agreed be determined in manner provided by section 33 of the Tramways Act 1870:

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(12) In the event of the Corporation tramways being worked over the bridge by mechanical power the following tolls shall be leviable for the passage of such tramcars over the bridge:—

(i) In this section the expression "car journey" means the passage of a tramcar over the bridge including the return passage if made during the same day calculated from midnight to midnight;

(ii) When the total number of car journeys shall not exceed one thousand in any week the toll so leviable shall be fourpence per car journey;

(iii) When the total number of car journeys exceeds one thousand in any week the toll so leviable shall be fourpence per car journey for the first thousand car journeys and threepence per car journey for each car journey in excess of one thousand.

The tolls shall be payable by the corporation company or person actually working the Corporation tramways over the bridge who shall deliver to the tolls company daily a statement of the car journeys for each day and the payments to be made shall be separately assessed each week which shall be calculated at seven days and a statement of the sums due to the tolls company under this section shall be delivered weekly to the corporation company or person liable to pay the same and such sums shall be payable to the tolls company monthly and may be recovered accordingly.

As to laying electric lines across certain bridges.

32.—(1) In this section the expression "the bridges" means Stonehouse Bridge and the Millbridge and the approaches thereto and the expression "electric line" has the meaning assigned to it by the Electric Lighting Act 1882.

(2) The Corporation may for the purposes of the Devonport Order and the Stonehouse Order attach electric lines to the outside of the parapet walls of the bridges or (in the case of the Stonehouse Bridge) may at their option lay such lines under the pavement along the north side of that bridge and thereafter maintain repair and renew the same The Corporation shall not interfere with the structure of the bridges unless absolutely necessary for the purposes aforesaid and shall make good any injury to the structure of the bridges which may be occasioned by them and shall restore any pavement broken up.

(3) If the Corporation attach such lines to the bridges or lay such lines under the said pavement they shall pay to the General Tolls Company Limited or other the owners for the time being of each of the bridges the sum of two pounds per annum during the time that such lines are so attached or laid.

(4) All works executed in pursuance of this section shall be constructed and maintained in all things at the expense of the Corporation and under the superintendence and to the reasonable satisfaction of the engineer of the General Tolls Company Limited and the reasonable cost of such superintendence shall be paid by the Corporation to the tolls company on demand and any difference which may arise in connexion with the provisions of this section shall be determined by arbitration in manner provided by section 28 of the Electric Lighting Act 1882.

Devonport Corporation (Gas) Act 1901.

Mortgage debt of company to be a charge on undertaking.

6. The mortgage debt of the company and the interest thereon shall after the transfer of the undertaking of the company and until discharged be a first charge on the gas undertaking of the Corporation.

Devonport Corporation (General Powers) Act 1902.

For protection of London and South Western Railway Company in respect of tramways.

9. For protection of the London and South Western Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

* * * * *

(*b*) The company shall be at liberty to divert or stop (but only for so long as may be absolutely necessary for the purposes in this subsection mentioned) the tramway passing over the bridge at Saltash Road if required for the purpose of executing repairs alterations extension or widening of such bridge and the company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such diversion or stoppage Provided always that the company shall keep one line open for traffic at all times during such diversion or stoppage:

(*c*) The Corporation shall from time to time be responsible for and make good to the company or the Plymouth Company all losses damages and expenses (including any additional cost of maintenance) which may be occasioned to the company or the Plymouth Company or any of their works or property or to the traffic on the railway or to any company or persons using the same or otherwise during the execution of or by reason of the construction or failure of any of the intended works or of any act default or omission of the Corporation or of any person in their

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employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the company and the Plymouth Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

Extending provisions for protection of Great Western Railway Company.

10. The provisions contained in section 9 of the Devonport Corporation Act 1900 for the protection of the Great Western Railway Company shall so far as the same may be applicable extend and apply to the provisions contained in this Act in respect of the construction of Tramway No. 1 over the bridge known as Bull Point Bridge and the approaches thereto belonging to the Great Western Railway Company.

For further protection of London and South Western Railway Company.

30. For the protection of the London and South Western Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed apply and have effect (that is to say):—

* * * * *

(*d*) In the event of the company or the Plymouth Company desiring to alter or widen the Plymouth Railway or the works connected therewith over Weston Mill Lake the Corporation shall give the company or the Plymouth Company every reasonable facility (which expression shall not include the transfer use or occupation of land) for the execution of such alteration or widening and shall pay any extra cost which may be occasioned to the company or the Plymouth Company in consequence of the construction on their property of the works or the exercise of the powers by this Act authorised:

(*e*) The Corporation shall from time to time be responsible for and make good to the company or the Plymouth Company all losses damages and expenses (including any additional cost of maintenance) which may be occasioned to the company or the Plymouth Company or any of their works or property or to the traffic on the railway or to any company or persons using the same or otherwise during the execution of or by reason of the construction user or failure of any of the intended works or of any act default or omission of the Corporation or of any person in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the company and the Plymouth Company from all claims and demands upon or against them by reason of such execution user or failure and of nay such act default or omission.

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Mortgage debt of company to be a charge on undertaking.

6. The mortgage and debenture debt of the company and the interest thereon shall after the transfer of the undertaking of the company and until discharged be a first charge on the water undertaking of the Corporation.

Supply of water for War Department purposes.

20.—(1) Where any building land or place is for the time being in the occupation of the War Department or any troops for public purposes or for the public service and is situate within the limits of supply defined in section 6 of the Devonport Waterworks Act 1893 so far as the said section is set forth in the schedule to this Act the Corporation shall if required by the War Department furnish such supply of pure and wholesome water as may be required upon such terms as to payment and otherwise and on such conditions as may be agreed upon or as in default of agreement may be determined as fair and reasonable by the arbitration of a single arbitrator under the Arbitration Act 1889.

(2) On any such arbitration the arbitrator shall proceed on the footing that if any person within the said limits of supply is entitled under similar circumstances to supply from the Corporation corresponding to the supply required by the War Department or troops under this section the War Department or troops shall be entitled to a supply on terms not less favourable.

(3) The Corporation shall not be required or be placed under any obligation to supply water under the provisions of this section for any purpose other than domestic purposes if and whenever such supply would interfere with the supply of water for domestic purposes within the said limits of supply.

(4) No water supplied under the provisions of this section shall be sold or supplied or be permitted to be sold or supplied by the War Department to any person whomsoever.

Supply of water for Admiralty purposes.

21.—(1) Subject to the statutory obligation of the Corporation from time to time and to the extent only of the powers of the Corporation in relation to the supply of the water hereinafter referred to the Corporation shall in addition to the supply provided for by section XX. of the Act 33 Geo. III. chapter 85 provide and sell to the Admiralty at and for the purposes of any Admiralty establishment house residence or building (including in such purposes a supply for any ships or vessels usually supplied from any such establishments) a continuous supply by measure of water of the same quality and at the same pressure as the water for the time being supplied by the Corporation within the district within which the supply is taken Provided always that the Corporation shall not be required to supply under this section (except in case of fire) more water in any one day than ninety thousand gallons and the quantity

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of water so supplied shall be taken to be the aggregate of the quantities indicated by the several meters through which the water shall from time to time be supplied.

(2) All water supplied under this section in each period of three months as hereinafter defined shall be paid for by the Admiralty at the price from time to time charged by the Corporation to ordinary consumers of water by meter less a discount off such price calculated at the rate of fifteen per centum.

(3) All sums which shall become payable to the Corporation by the Admiralty for the supply of water under this section shall be paid within twenty-one days after the amount thereof is ascertained and such amount shall be ascertained on the last day of each period of three months that is to say on the twenty-fifth day of March the twenty-fourth day of June the twenty-ninth day of September and the twenty-fifth day of December in each year and shall be calculated according to the quantity of water actually supplied as shown by the meters through which the same is supplied since the previous periodical reading of the said meters and for the purposes of this section the said meters shall be read for the first time at the end of the day preceding the day on which the Corporation commence to supply water under the provisions of this section and the next subsequent reading of the said meters shall take place on the first recurrence of one of the periodical dates lastly before mentioned.

(4) The Admiralty shall in addition to all sums payable by them for the said water supplied under this section pay as and for the rent of the said meters such sum as may represent fifteen per centum on the cost of such meters and will make such payment by equal quarterly payments within twenty-one days after the end of each period as hereinbefore defined.

(5) It shall be lawful for the Corporation at any time or from time to time to suspend the supply of water provided for by this section either wholly or in part if by reason of insufficiency or a certain and imminent insufficiency of water or for any reason arising out of or connected with or consequent on insufficiency or a certain and imminent insufficiency of water they shall not be able or shall show by a certificate of their water manager (to be verified by statutory declaration) and to be delivered at the office of the superintending civil engineer at His Majesty's Dockyard at Devonport that within the next forty-eight hours they will not be able to supply water for domestic purposes within their statutory limits of supply to the full extent of their obligations or if by reason of the freezing or obstruction of water in pipes leats or conduits or the bursting of or other accidents to pipes leats conduits machinery reservoirs or other works of any kind whatsoever or any necessary repairs to or alterations in or additions to such pipes leats conduits machinery reservoirs or works or any of them or the

turning off of water during fire or other emergency the Corporation shall be temporarily prevented from furnishing the water supply provided by this section But such suspension or reduction of such supply shall not exceed proportionately the suspension or reduction for the time being reasonably made of the supply for domestic purposes generally.

(6) The Admiralty and the Corporation may by agreement vary any of the provisions of this section and of sections 20 and 21 of the Act 33 Geo. III. chapter 85.

The Schedule to the Devonport Corporation (Water) Act 1902.

Provisions of Company's Acts saved from Repeal.

33 *Geo. III. Chap. LXXXV.*

* * * * * * And the said company of proprietors shall be and are hereby authorised and empowered by themselves their deputies agents officers workmen and servants to make and complete a cut leat or trench not exceeding ten feet in breadth over in all or any part thereof from a certain moor or common in the parish of Lidford in the said county of Devon called Dartmoor in through and over the said moor called Dartmoor and in through and over certain lands in the several parishes or townships of Lidford aforesaid Walkhampton Meavy Buckland Monachorum Tamerton Foliet Egg Buckland Saint Budeaux alias Budock Saint Pancras alias Penny Cross Stoke Damarel and Stonehouse aforesaid in the said county of Devon to the said towns of Plymouth Dock Stoke Damarel and Stonehouse aforesaid and to supply the said intended cut leat or trench whilst making and at all times for ever after the same shall be made with water from a certain river or stream called Black-a-Brook otherwise Blake-a-Brooke in the said parish of Lidford and a certain other river stream or brook in the said parish of Lidford called the Cowsick and also from a certain other river stream or brook in the said parish of Lidford called the West Dart and also from all such springs which shall be found in digging or making the said intended cut leat or trench And the said company of proprietors are hereby also authorised and empowered to cleanse scour dig open deepen and raise the banks of any of the said rivers streams or brooks which are to come into and supply the said intended cut leat or trench with water and to make such proper passages for water in upon or through the lands or grounds adjoining or near the said rivers streams or brooks for conveying the water from the same into the said cut leat or trench as the said company of proprietors shall think fit and for the purposes aforesaid the said company of proprietors their deputies servants agents and workmen are hereby authorised and empowered to enter into and upon the lands and grounds of any person or persons bodies politick

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corporate or collegiate whatsoever situate lying and being between the said several rivers streams and brooks hereinbefore mentioned and the said towns of Plymouth Dock Stoke Damarel and Stonehouse and to survey and take levels of the same or any part thereof and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended cut leat or trench and any reservoir or reservoirs feeders and aqueducts and all such other works matters and conveniences as they shall think proper and necessary for making effecting preserving improving completing cleansing and maintaining the said intended cut leat or trench and other works and also from time to time to scour cleanse and maintain the said intended cut leat or trench and the works thereof respectively and also to bore dig cut trench sough get remove take carry away and lay earth clay stone soil rubbish trees roots of trees beds of gravel or sand or any other matters or things which may be dug or got in making the said intended cut leat or trench or other works or in making any reservoir or reservoirs feeders or aqueducts or which may hinder prevent or obstruct the making using completing or maintaining of such reservoirs feeders aqueducts or watercourses as aforesaid as shall be necessary and proper to convey water to or from the said intended cut leat or trench according to the intent and purpose of this Act and also to make maintain repair and alter any fences passages bridges or arches over under or through the said intended cut leat or trench or the reservoirs feeders aqueducts or watercourses respectively which shall communicate therewith and also to construct erect and keep in repair any bridges arches aqueducts and other works in upon and cross any rivers highways or brooks which the said company of proprietors shall think convenient and necessary and also to erect and keep in repair any mounds or walls in upon and across any such lands or grounds where the said company of proprietors shall find necessary for the conducting making effecting extending preserving improving and completing the said intended cut leat or trench and other works in pursuance of and according to the true intent and meaning of this Act for the convenient and necessary conveying and bringing a sufficient stream of fresh water from the said several rivers streams and brooks or any or either of them to the said towns and the places adjacent for the use of the said inhabitants respectively and the shipping resorting thereto and for the several other purposes authorised by this Act and also from time to time to make weirs and banks and other reparations and works for the amendment and preservation thereof and also to make any reservoir or reservoirs on any such lands or grounds sufficient for receiving and keeping the same and to make any cuts and to sink and lay any pipes and other devices which they shall think necessary on or underneath such lands and grounds for the purpose of conveying the same and also to place any flood hatches for the purpose of carrying off

the waste water at such places as the said company of proprietors shall find necessary and from time to time to make erect construct repair and maintain all such reservatories cisterns ponds basons main pipes rider pipes stand pipes service pipes branches of lead and other metal cocks chambers cocks cocks in common stop cocks valves fire plugs air plugs fire cocks bores mains ferrils feeders tampins drains pumps sluices and other works in such manner and of such structure as they shall think proper for that purpose and to enter upon dig break up and remove the soil posts kerbs bulk heads bars sewers drains pavements and gravelled ways of any of the roads streets squares market places lanes passages alleys yards courts footways quays closes precincts and publick places and to enter into and make use of any private lands or grounds within the said towns and parts adjacent and to dig and sink trenches and lay pipes and put stop cocks chambers fire cocks fire plugs and branches from such pipes in such places and to widen common passages for the laying and fixing such pipes and also to lay any pipe or pipes across the bridges called Stonehouse Bridge and Stonehouse Mill Bridge both at Stonehouse aforesaid and all such other matters and things in such places and in such manner as they shall judge necessary for distributing and conveying such water to the respective houses offices and other tenements of the said inhabitants of the said towns and the parts adjacent and for supplying the shipping resorting thereto and for the several other purposes hereafter mentioned and from time to time as occasion may require to alter the position of and to repair relay and maintain such pipes stop cocks and plugs and machinery and do all such other acts matters and things as shall from time to time be necessary or proper for completing amending repairing improving and using the works authorised by this Act to be done and provided for the purposes aforesaid according to the intent and true meaning thereof they the said company of proprietors their deputies agents servants and workmen doing as little damage as may be in the execution of the several powers to them hereby granted and making satisfaction * * * * to the owners or proprietors of and all persons interested in the lands tenements and hereditaments respectively which shall be taken or used for all damages to be by them sustained in or by the execution of all or any of the powers of this Act and this Act shall be sufficient to indemnify the said company of proprietors and their deputies servants agents and workmen and all other persons whatsoever for what they or any of them shall do by virtue of the powers hereby granted subject nevertheless to such provisoes and restrictions as are hereafter mentioned.

Houses gardens &c. not to be injured.

2. Provided always that nothing herein contained shall authorise or empower the said company of proprietors or any person or persons acting by or under their authority to take use injure or damage for the purposes of the said cut leat or trench or any other of the purposes

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aforesaid any house bridge or other building which was erected or built on or before the first day of October one thousand seven hundred and ninety-two or any land or ground which on or before the said first day of October one thousand seven hundred and ninety-two was set apart and used as or for a yard park paddock planted walk or avenue to a house without the consent of the owners and occupiers thereof nor any house outhouse courtlege or backside now or hereafter to be built or made within the said towns of Plymouth Dock or Stoke Damarel.

Company entitled to ten feet notwithstanding the trench may be cut of a less width.

3. Provided nevertheless in case it shall happen that the said company of proprietors shall make or dig the said cut leat or trench of any less breadth or width than the said breadth or width of ten feet in all or any part thereof that notwithstanding the same for the scouring amending maintaining and keeping the edges thereof in repair they shall be entitled to and shall have and enjoy the said space and width of ten feet (including the said cut leat or trench) throughout the said several lands and grounds lying between the said towns respectively and the several rivers or streams and brooks hereinbefore mentioned.

As little damage to be done as may be and no mill be injured without consent of the owner.

12. Provided always that in the exercise of any of the powers aforesaid as little damage shall be done to any ground or other property as may be and that the workmen employed in laying or repairing any such pipes shall fill in the trenches and make good the pavements and roads and carry away the rubbish occasioned thereby as soon as conveniently may be and in the meantime guard the places where any ground shall be opened in such manner as to prevent accidents to passengers cattle and carriages and that no mill or mills now standing or being on the said several rivers and brooks hereinbefore mentioned or any of them shall be impaired or injured by diverting too great a quantity of water therefrom without the consent of the owner or owners thereof.

If any streams are intersected by the trench occupiers of the ground to be supplied by a sluice.

13. Provided also that in case the said cut leat or trench shall intersect any streams of water or brooks in any of the lands or grounds through which the same shall pass that then and in such case the said company of proprietors shall by means of a pipe gate sluice or hatch permit as much water to flow from the said cut leat or trench into the said streams or brooks for the use of the occupiers of such lands or grounds as they shall receive and take from the said streams and brooks respectively by reason of the same being so intersected by the said cut leat or trench in case so much water shall be necessary for the use of the occupiers of such lands or grounds and for their cattle depasturing therein otherwise so much water only as shall be absolutely necessary for the purposes aforesaid.

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The company empowered to pass the lines agreeable to the consent of the Board of Ordnance.

16. And whereas the master general and principal officers of His Majesty's ordnance have consented and agreed that the said company of proprietors shall be at liberty to lay pipes or construct an arched tunnel and make a reservoir for the purposes of this Act in and through the lands hereinafter mentioned it is hereby further enacted that it shall and may be lawful to and for the said company of proprietors to lay down pipes or construct an arched tunnel in and through such parts of certain lands heretofore purchased for the use of His Majesty's fortifications at Plymouth Dock aforesaid which lie on the outside of the lines there as the master general or principal officers of the ordnance for the time being shall direct or appoint (such pipes or the crown of the arch of the said tunnels being laid one foot at the least below the present level of such land or ground) and also to place and lay down a * * * pipe of such bore as the said company of proprietors shall find necessary under the corner of a certain bastion called the Granby Bastion and also to lay down such other pipes for conveying the water in one line from the said corner of the said bastion to the head of a certain street called Fore Street as may be necessary for conducting and bringing the said water into the said town of Plymouth Dock for the supply of the inhabitants thereof and for the other purposes authorised by this Act (such last-mentioned pipes in the parts where the same shall traverse the fosse or ditch being laid three feet at the least below the bed of the said fosse) and also that it shall and may be lawful to and for the said company of proprietors to construct and make a suitable reservoir at such convenient place within the said lines as the said master general or principal officers of the ordnance for the time being shall direct or appoint and also from time to time as occasion may require to take up repair relay and maintain such pipes or arched tunnel and reservoir respectively.

In case the commissioners of the Navy think fit the dockyard &c. to be supplied with water.

20. And be it further enacted by the authority aforesaid that if the principal officers and commissioners of His Majesty's Navy for the time being shall at any time hereafter deem it expedient that His Majesty's dockyard at the town of Plymouth Dock * * * and the ships and vessels belonging to His Majesty or employed or to be employed in His Majesty's service should be supplied with water by the said company of proprietors then and in such case upon notice or signification thereof in writing being given by the said principal officers and commissioners or any three or more of them to the said company of proprietors for the time being or any one or more of them they the said company of proprietors or their successors shall and they are hereby required at their own proper costs and charges forthwith and as soon as may be after receipt of such notice to convey from the reservoir or reservoirs intended to be made by them under the authority of this Act by a pipe of six inches diameter in the bore a supply of pure wholesome fresh water unto such place on the outside of the said dockyard as the said principal officers and commissioners for the time

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being shall for that purpose nominate and appoint and that the officers of the different departments of the Admiralty Navy and victualling shall then be at liberty at the proper costs and charges of His Majesty His heirs and successors to construct such reservoir for the reception of the water conveyed in such pipe and also to lay down such communication pipes and to apportion and distribute such water among their different departments in such manner as they shall think fit * * * * the said pipe to be so placed or laid down as to be and constantly continue six inches at the least under the level or surface of the water in the said reservoir or reservoirs and not to have any rider pipes or other pipe or pipes attached to or laid on to it or to be subject from any cause whatsoever to fail in issuing and delivering at the place before mentioned a constant current of the said water to the full diameter of the bore of the said pipe (inevitable accidents by breaking of pipes inclemency of weather or during the necessary repair of such pipes respectively only excepted) and that the said pipe shall be of the best quality and subject to the inspection and approbation of a surveyor to be appointed in that behalf by the said principal officers and commissioners of the Navy and shall also from thenceforth be kept in repair renewed and replaced from time to time as often as need shall require at the like costs and charges of the said company of proprietors or their successors and subject to such inspection and approbation as aforesaid in consideration whereof the said company of proprietors or their successors shall be entitled to and have and receive a net annual rent or sum of five hundred pounds free and clear of any deduction payable quarterly by navy bills called ready money bills to be drawn upon the treasurer of His Majesty's Navy for the time being and to commence on the day on which it shall be certified to the said principal officers and commissioners by the surveyor to be appointed by them as aforesaid that the said pipe has been laid down and completed to the place before-mentioned and that the water shall have been constantly running for the space of seven days to the full diameter of the bore of such pipe.

Repairs of pipes.

21. Provided always and be it further enacted by the authority aforesaid that when and as often as the said pipe hereinbefore required to be laid down by the said company shall from any cause whatsoever want repair or be so far damaged or decayed as to require a new one in its stead and the said company of proprietors or their successors shall not in the opinion of the said principal officers and commissioners of the Navy for the time being cause such repairs or new work to be done with all the despatch that may be and to the approbation of such surveyor as aforesaid or if it shall be made appear to the said principal officers and commissioners that the said pipe has failed to issue and deliver a supply of the said water to the extent hereinbefore stipulated and mentioned it shall and may be lawful to and for the said

principal officers and commissioners from time to time in any of the said cases and as often as the same shall happen to mulct the said company of proprietors and their successors and make such deduction (by way of penalty) out of the said annual rent or sum of five hundred pounds as they shall judge fit and that it shall also be lawful for the said principal officers and commissioners to cause such repairs or new work to be done and to deduct and retain the amount thereof in like manner out of the said annual rent anything herein contained to the contrary thereof in anywise notwithstanding.

A certain agreement entered into between the company and Mr. Hall confirmed.

24. And whereas the said company of proprietors the better to enable them to effect the purposes aforesaid have entered into and executed a certain agreement with Humphry Hall of Manadon in the said county of Devon Esquire for the purposes therein mentioned which it is expedient should be confirmed Be it therefore enacted that certain articles of agreement bearing date the thirtieth day of January one thousand seven hundred and ninety-three and made between the said company of proprietors of the one part and the said Humphry Hall of the other part and every article clause agreement matter and thing therein contained shall be and the same are hereby respectively ratified confirmed and established anything herein contained to the contrary in anywise notwithstanding.

* * * * *

Penalty on persons injuring the works.

30. And be it further enacted that if any person shall wilfully and maliciously and to the prejudice of the said cut leat or trench or the works thereof break throw down damage or destroy any banks or other works to be erected and made by virtue of this Act or destroy damage or injure any engine waterhouse reservoir pipe plug or other matter or thing which shall be made provided or procured for the purposes of this cut or any of the materials used or provided for the same every such person shall be deemed guilty of a misdemeanour.

* * * * *

The rights of His Royal Highness the Prince of Wales within the forest of Dartmoor not to be affected.

35. Provided always and be it further enacted that nothing herein contained shall extend to prejudice or affect the rights or interests of His Royal Highness George Augustus Frederick Prince of Wales with regard to the mines and minerals lying and being within or under the forest of Dartmoor aforesaid or in any other respect whatsoever but all such mines and minerals lying and being within or under the said forest or moor are hereby reserved to His Royal Highness the Prince of Wales his heirs and successors and it shall be lawful for him and them and his and their lessees to work get drain take and carry away to his and their own use such mines and minerals and that it shall and may be lawful for His said Royal Highness the Prince of Wales and for all adventurers under him at all times to have free liberty to use the water in the said cut leat or trench for the purposes of mining so that the said cut leat or trench or the works thereof be not thereby injured or prejudiced.

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Manorial rights respecting mines not to be affected.

36. Provided always and be it further enacted that nothing herein contained shall in any respect extend to prejudice or affect the manorial rights or interests of any person or persons whatsoever with regard to the mines and minerals lying and being within his her or their lands through which the said intended cut leat or trench shall or may pass.

* * * * *

Devonport Waterworks Act 1893.

Power to acquire additional lands.

4. The company may take on lease use and hold and the Right Honourable Sir Massey Lopes Baronet Henry Yarde Buller Lopes and the trustees of the Maristow Estates (hereinafter in this section called "the owners") may and shall grant to the company a lease for nine hundred and ninety-nine years at a rent of seven pounds a year of the following lands shown upon the deposited plans and described in the deposited books of reference (that is to say):—

Certain lands with the cottage and buildings thereon situate at Higher Lowery in the parish of Walkhampton in the county of Devon abutting on or near to the highway adjoining the leat and lands of the company and belonging or reputed to belong to the owners and in the occupation of the company and numbered respectively 1336 1306 and 1335 on the $\frac{1}{2500}$ Ordnance map of that parish.

For the protection of Sir Massey Lopes Baronet and the trustees of the Maristow Estates.

5. For the protection of the Right Honourable Sir Massey Lopes Baronet Henry Yarde Buller Lopes and the trustees of the Maristow Estates and their successors in estate (hereinafter in this section called "the owners") the following provisions shall be observed and have effect (that is to say):—

(1) Within six months from the passing of this Act the company shall provide on the course of their leat places for cattle to drink not exceeding fifteen in number at such points as may be required by the owners Provided that no obligation on the company to supply such places with water shall be implied and no right to such supply shall be or be deemed or construed to be conferred on the owners under the provisions of this section:

(2) The company shall at the request of the owners erect and maintain fencing at any points of their leat where dangerous to cattle and sheep in enclosed lands belonging to the owners and the said owners shall afford all reasonable facilities to the company for the construction within the limits of the lands of the company of such fences as the company may think fit along any portion of the course of their leat:

(3) The company shall hereafter provide and maintain bridges across their leat where it traverses the estate of the owners

at such places not exceeding six as the said owners may require Provided that the company shall not be bound to expend upon the erection of such bridges a larger sum than fifty pounds:

(4) The company shall make and maintain a channel to take the overflow from Lowery Hatch through the lands of the owners towards the River Mewe and the owners shall give the lands and stone necessary for the construction of such channel and afford facilities for the construction thereof Provided that the company shall not be bound to expend on the making of such channel a larger sum than twenty pounds:

* * * * *

Devonport Corporation Act 1907.

For protection of Plymouth and Dartmoor Railway Company.

18. For the protection of the Plymouth and Dartmoor Railway Company (in this section called "the company") the following provisions shall have effect unless otherwise agreed between the company and the Corporation (that is to say):—

(1) In laying down or in effecting the repairs and renewals of the line or lines of pipes No. 1 by this Act authorised under the railway or tramway of the company the same shall be done under the superintendence and to the reasonable satisfaction of the engineer of the company and only according to plans to be previously submitted to and reasonably approved by him and in all things by and at the expense of the Corporation and so as not to cause any injury to such railway or tramway or interruption to the passage or conduct of traffic thereon and if any such injury or interruption shall result from any of the acts or operations of the Corporation or the bursting leakage or failure of the said line or lines of pipes the Corporation shall make compensation in respect thereof to the company Provided always that if the engineer of the company shall for a period of fourteen days after plans have been submitted to him in accordance with the provisions of this section fail to signify his disapproval thereof and his reasons for such disapproval he shall be deemed to have approved of the same:

(2) If any difference shall arise between the company and the Corporation under this section such difference shall unless otherwise agreed be settled by an engineer to be appointed by the Board of Trade on the application of either party.

Postponement of repayment of certain

85. The periods within which repayment shall be made of the loans sanctioned by the Local Government Board mentioned in the first column of the schedule to this Act shall as to the balances still

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borrowed moneys.

outstanding be the extended periods from the dates when such loans were first raised respectively mentioned in the fifth column of the said schedule and the said extended periods shall for all purposes be deemed to be substituted for the periods originally sanctioned for the repayment of the said loans * * * * * * Provided that in regard to any of the said loans which have been raised by the issue of stock under the Stock Regulations 1891 1897 and 1901 the Local Government Board may make an order varying any order or scheme of consolidation made by them under the said regulations so as to give effect to the provisions of this section but nothing herein contained shall affect the powers of the said Board as to the inclusion of the said loans or any of them in a scheme of consolidation under the said regulations.

The Schedule to the Devonport Corporation Act 1907.

Schedule of Loans the Periods for Repayment of which are extended by this Act.

1	2	3	4	5
Purpose for which Loan sanctioned.	Date of Sanction.	Amount of Loan sanctioned.	Period from date of borrowing originally sanctioned for repayment.	Period for repayment as extended by this Act.
Municipal Corporations Act 1882.		£	Years.	Years.
1. Site for new Guildhall -	29 June 1898 -	9,250	30	60
2. Site for municipal buildings at St. Budeaux.	31 July 1902 -	525	30	60
3. Site for Police Station at St. Budeaux.	31 July 1902 -	1,000	30	60
Technical Instruction Act 1889.				
4. Technical School - -	9 December 1896	14,000	30	40
Public Health Act 1875.				
5. Devonport Park—site -	27 October 1891 -	5,200	50	60
6. Victoria Park—site -	23 November 1891	2,221	45	60
7. Camel's Head Embankment.	12 November 1901	3,011	50	60
8. Store Yard — pottery quay.	12 November 1901	3,728	50	60
Public Health (Interments) Act 1879.				
9. Cemetery—site - -	16 September 1899	12,206	50	60
10. ,, foreshore -	27 August 1900 -	580	50	60
11. ,, surplus lands	19 December 1903	7,680	50 from 1900	60
12. ,, ,, ,,	19 December 1903	6,322	50	60

EAST STONEHOUSE LOCAL ACTS.

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THE EAST STONEHOUSE WATERWORKS ACT 1851.

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Commissioners to lay down pipe and firecock for Royal Naval Hospital.

20. That the Commissioners for the purposes of this Act shall at their own cost and expense and for the protection of the Royal Naval Hospital in case of fire place lay down and for ever maintain and keep in good order and condition and replace whenever and as often as may be necessary an iron pipe of not less than five inches clear bore from and communicating with their main water pipe in Mill Road through such part of the boundary wall of the said Royal Naval Hospital as the Commissioners for executing the office of Lord High Admiral of Great Britain and Ireland shall by writing under the hand of the captain superintendent of the said hospital direct and approve of and also six feet within the said wall and keep the same constantly supplied with water under pressure from the reservoirs hereby authorized to be constructed free of any rate or charge for the same and the said Commissioners for the purposes of this Act shall also at their own cost affix thereto a firecock and keep the same always in repair and replace the same whenever necessary and shall supply a key of such firecock to the captain superintendent or other principal officer for the time being of the said hospital such key to be used by him in case of fire only and for no other purpose whatsoever.

Additional pipes and firecocks may be laid down in the Royal Naval Hospital.

21. That the said captain superintendent or other principal officer for the time being of the said hospital or the said Lord High Admiral or the Commissioners for executing the office of Lord High Admiral may at any time or times whenever he or they shall think fit at the cost and expense of Her Majesty Her heirs and successors lay down within the limits of the said Royal Naval Hospital any other pipe or pipes for the protection of the said hospital from fire and affix thereto a firecock or firecocks and connect such pipe or pipes with the pipe hereby required to be laid down by the Commissioners for the purposes of this Act into the said hospital as aforesaid which additional pipes or firecocks the Commissioners for the purposes of this Act shall not be required to repair or maintain but they shall keep the same constantly supplied with water under pressure as aforesaid while and when the said captain superintendent or other principal officer for the time being of the said hospital shall maintain the said pipes and firecocks in sufficient repair and condition to prevent the waste of the said water and whenever a fire may occur the water with which the said pipe so required to be laid down into the said hospital by the Commissioners for the purposes of this Act and with which the said additional pipes may be charged shall be used by or under the directions of the said captain superintendent and other officers of Her Majesty free of all cost or charge for the purpose of extinguishing or preventing the spread of any such fire but for no other purpose whatsoever.

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Nothing to affect provisions of 9 & 10 Vict. c. 27 as to Plymouth Cemetery Company.

44. Provided always that nothing in this Act contained shall repeal alter prejudice or affect any of the powers or provisions of an Act passed in the ninth year of the reign of Her present Majesty intituled an Act for establishing a general cemetery for the interment of the dead in the neighbourhood of the towns of Plymouth Devonport and Stonehouse in the county of Devon and that it shall not be lawful for the Commissioners to take the cemetery or any lands of or belonging to or vested in the Plymouth Devonport and Stonehouse Cemetery Company or to make or maintain any reservoirs cuts channels drains culverts watercourses or works in such cemetery and lands aforesaid or to enter upon such cemetery and lands or any of the works or conveniences constructed by the said company in connexion with their said cemetery or lands or to lay down any pipes or mains for the supply of water in or through the same without the consent in writing of the said Plymouth Devonport and Stonehouse Cemetery Company first had and obtained except so far as the surveyors of the highways of the said parish of East Stonehouse for the time being are or may be authorised so to do by the powers and provisions of the said Cemetery Act of the ninth year of the reign of Her present Majesty and the powers and provisions of the said Act of the thirty-fifth year of the reign of Her Majesty Queen Elizabeth so far as the said last-mentioned powers and provisions are not inconsistent with the powers and provisions of the said Cemetery Act anything in this Act contained to the contrary notwithstanding.

Works which interfere with South Devon Railway to be approved by engineer of the railway company.

45. That if in the construction of the said works it shall be necessary to cross the line of the South Devon Railway or any branch thereof and then or at any time afterwards in any way interfere with the works thereof a plan and section of the intended works shall be sent to the secretary of the railway company at Plymouth fourteen days at least before such working shall be commenced and such works shall be executed under the direction and superintendence and to the satisfaction of the engineer for the time being to the railway company and according to plans to be approved by him and so that the security of the said railway and the safe and efficient working thereof be not in any way interfered with.

PLYMOUTH STONEHOUSE AND DEVONPORT TRAMWAYS ACTS.

Plymouth Stonehouse and Devonport Tramways Act 1870.

As to works affecting Stonehouse Bridge.

7. Provided always that before the company proceed to lay down any rails upon any portion of the Stonehouse Bridge or the approaches thereto under the control or jurisdiction of the owners for the time being of that bridge they shall comply with the following conditions:—

* * * * *

If at any time the owners of the bridge shall require the removal of the footway and parapet wall at the northern side of the said bridge and that an iron or other railing shall be substituted for the said parapet or that the present toll-house at the south-eastern end of the said bridge shall be removed to such a position as under the altered circumstances of the case the engineer to the bridge may direct all such works (unless otherwise agreed) shall be constructed under the superintendence of the engineer to the bridge at the expense of the Company:

If at any time after such notice and approval shall have been respectively given and obtained any difference shall arise between the company and the engineer for the time being to the said bridge the matter in dispute shall (notwithstanding anything in this Act or in the recited Acts contained) be settled (unless otherwise agreed) by a referee to be appointed by the Board of Trade in the same manner as a referee may be appointed by that Board for the settlement of differences between the Company and any local authority under the provisions of this Act.

Plymouth Stonehouse and Devonport Tramways Act 1900.

For protection of General Tolls Company Limited.

33. The exercise of the powers of this Act on or so far as they in any way affect Stonehouse Bridge or the approaches thereto shall be subject to the following provisions and those provisions shall have effect for the protection of the General Tolls Company Limited or other the persons for the time being entitled to the tolls payable in respect of the said bridge all of whom are included under the expression "the tolls company":—

(1) In this section the expression "the bridge" means Stonehouse Bridge and the approaches thereto and the word "apparatus" includes cables conductors electric mains wires posts plates tubes apparatus openings machinery works and appliances to be used as or for the purposes of a motive power for the carriages running on the tramways and includes also any excavations channels and pipes for the purposes of such apparatus:

(2) The Company shall not alter or interfere with the structure of the bridge unless such alteration or interference be absolutely necessary for the construction laying down placing erecting maintaining renewing or repairing any apparatus or for altering the gauge of the tramways of the Company over the bridge or adapting the same for the use of electrical power nor shall they do anything which will affect the stability of the bridge:

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(3) The Company shall together with the notice required in such cases by section 26 of the Tramways Act 1870 submit to the tolls company for their reasonable approval plans sections and specifications showing every proposed work affecting the bridge and the materials to be used:

If the tolls company do not within fourteen days after such submission signify in writing their disapproval of such plans sections and specifications they shall be deemed to have approved thereof and if within the said period of fourteen days the tolls company signify in writing their disapproval of such plans sections and specifications or make any requirements in relation thereto to which the Company are unable to agree such plans sections and specifications shall be settled by arbitration in manner herein-after provided Provided that this subsection as to the submission of plans sections and specifications shall not apply to the ordinary repairs of that part of the road over any bridge which by the provisions of section 28 of the Tramways Act 1870 has to be kept in repair by the Company as promoters of the tramways:

(4) In the event of any injury being caused to the bridge in the exercise of any of the powers conferred upon the Company by this Act the tolls company may at the expense in all things of the company (forthwith in case of emergency and in other cases after giving fourteen clear days' notice in writing of their intention so to do) restore the bridge or the part or parts thereof which may be so injured to as good a state and condition as they were in before such injury was occasioned:

(5) Notwithstanding any alteration of the gauge of the tramways the Company shall continue liable to maintain and repair such portion of the roadway over the bridge as they are at the date of the passing of this Act liable to maintain and repair under section 28 of the Tramways Act 1870 or under any agreement made between the tolls company and the company and subsisting at the passing of this Act:

(6) All works by this Act authorised in any way affecting the bridge shall be constructed and maintained in all things at the expense of the Company and under the superintendence and to the reasonable satisfaction of the engineer of the tolls company and in accordance with the plans sections and specifications approved or settled as aforesaid:

(7) All costs charges and expenses reasonably incurred by the tolls company or their officers in relation to the superintendence by the tolls company or their officers or servants of any works executed by the Company on or over the bridge under the

powers conferred by this Act or the watching or lighting of the bridge during the execution of any such works shall be paid by the Company to the tolls company on demand:

(8) In case it shall become necessary in consequence of the user of electrical power on the tramway of the Company over the bridge to strengthen the fabric of the bridge the tolls company may after seven days' notice in writing to the Company execute such works as their engineer may reasonably deem necessary and recover the expense reasonably incurred by them in so doing from the Company:

(9) If it shall become necessary for the effecting such strengthening that the working and use of the portion of the tramways of the Company which is situate on the bridge shall be wholly or in part stopped or delayed and the tolls company shall give the Company fourteen clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such strengthening and the tolls company shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay:

(10) The sleepers and other materials forming the substructure of the tramways in or upon the bridge shall (subject to the provisions of this section) be such as shall be reasonably approved of by the tolls company:

(11) In the event of the tramways of the Company being worked over the Stonehouse Bridge by electrical power the following tolls shall be payable by the Company to the tolls company for the passage of tramcars over the said bridge:—

(*a*) In this section the expression "car journey" means a passage of a tramcar over the bridge including the return passage if made during the same day calculated from midnight to midnight;

(*b*) When the total number of car journeys shall not exceed one thousand in any week the toll so leviable shall be fourpence per car journey;

(*c*) When the total number of car journeys exceeds one thousand in any week the toll so leviable shall be fourpence per car journey for the first one thousand car journeys and threepence per car journey for each car journey in excess of one thousand;

(*d*) The Company shall deliver to the tolls company daily a statement of the car journeys for each day and

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Second Schedule.

the payments to be made by the Company shall be separately assessed each week which shall be calculated at seven days and a statement of the sums due from the Company to the tolls company under this subsection shall be delivered weekly to the Company and such sums shall be payable to the tolls company monthly and may be recovered accordingly:

(12) All moneys payable to the tolls company by the Company under the foregoing provisions of this section shall be recoverable by all and the same means as any simple contract debt of like nature is recoverable:

(13) Any question by this section referred to arbitration and any difference which may arise between the Company and the tolls company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the provisions of this section shall unless otherwise agreed be determined in manner provided by section 33 of the Tramways Act 1870.

For protection of Great Western Railway Company.

34. Notwithstanding anything in this Act contained or delineated or described on the deposited plans and sections the following provisions shall unless otherwise agreed between the Company and the Great Western Railway Company (herein-after called "the Great Western Company") apply and have effect:—

* * * * *

(*d*) Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Western Company all damage which may be occasioned to any of their works or property during the execution or by reason of the failure of any of the aforesaid works or of any act default or omission of the Company or of any person in their employ or of their contractors or otherwise and the corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such damage or failure and of any such act default or omission:

(*e*) If any dispute shall arise between the Company and the Great Western Company respecting any of the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers.

THE THIRD SCHEDULE.

Third Schedule.

List of streets not repairable by the local authority railways and tramways which may be broken up by the Corporation in pursuance of the special powers granted by the section of this Act of which the marginal note is "Power to break up streets":—

(*a*) Streets:—

Boon's Place Camber Road Grenville Road Lane Kensington Terrace Lane Nelson Villas Road Penlee Villas Road Queen's Gate Roads on Little Saltram Estate Southern Terrace Lane.

(*b*) Railways:—

The following level crossings:—Of the Great Western Railway at Coxside Sutton Road and Millbay Road of the London and South Western Railway and Baker's Place of the London and South Western Railway at Sutton Road.

(*c*) Tramways:—

The tramways worked by the Plymouth Stonehouse and Devonport Tramways Company the tramways of or worked by the Devonport and District Tramways Company the tramways of the Corporation.

THE FOURTH SCHEDULE.

Fourth Schedule.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

Section 1.

Where the Corporation charge any consumer by the actual amount of energy supplied to him they shall be entitled to charge him at the following rates per quarter For any amount up to twenty units thirteen shillings and fourpence and for each unit over twenty units eightpence.

Section 2.

Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in section 1 of this schedule the amount of energy supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Corporation under the Board of Trade regulations.

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Fifth Schedule.

THE FIFTH SCHEDULE.

Short Description of Tramways.

PART I.—Tramways owned and worked by the Corporation.

1	2	3		
Number.	Short description of route.	Approximate length.		
		M.	F.	CH.
1	Commencing at the junction of Athenæum Place with George Street passing along George Street Lockyer Street through Princess Square along Westwell Street Basket Street Bedford Street Old Town Street through Drake's Circus along Tavistock Road and terminating therein at a point 2 chains or thereabouts north of its junction with Egg Buckland Road.	1	6	7·60
2	Commencing by a junction with Tramway Number 1 in Drake's Circus passing along Ebrington Street Beaumont Road Tothill Road and Embankment Road and terminating therein at its junction with Laira Bridge Road opposite Florence Place.	1	0	3·20
2A	Commencing in Tavistock Road by a junction with Tramway Number 1 at a point 1·20 chains or thereabouts north of Ebrington Street passing into and along Ebrington Street and terminating therein by a junction with Tramway Number 2 at a point 0·60 chain or thereabouts west of Ebrington Ope.	0	0	1·80
3	Commencing in Beaumont Road by a junction with Tramway Number 2 at a point 1·50 chains or thereabouts west of the junction of that road with Tothill Avenue passing along Beaumont Road and terminating therein at a point opposite the eastern boundary wall of the Borough Isolation Hospital.	0	6	1·20
4	Commencing on Mutley Plain by a junction with Tramway Number 1 at a point 1·17 chains or thereabouts north of the centre line of Connaught Avenue passing into and along Hyde Park Road and Peverell Park Road and terminating therein at its junction with Tavistock Road.	0	7	2·84
5	Commencing opposite the entrance of the Theatre Royal by a junction with Tramway Number 1 passing along Millbay Road West Hoe Road Radford Road Grand Parade Road and Hoe Road and terminating therein at a point 3·90 chains or thereabouts east of the centre line of the Promenade Pier.	0	7	1·80
6	Commencing by a junction with Tramway Number 1 at a point 0·80 chain or thereabouts south of the junction of Pound Street and Tavistock Road passing into and along Pound Street Cobourg Street and Saltash Road in the parish of Plymouth and terminating in Pennycomequick at the boundary of the said parish.	0	3	9·80

1	2	3
Number.	Short description of route.	Approximate length.
		M. F. CH.
7	Commencing in Tavistock Road by a double junction with Tramway Number 1 at a point 0·70 chain or thereabouts north and south of the junction of that road with Lower Compton Road passing into and along Lower Compton Road and terminating therein at the entrance to the Compton Tramway Depôt.	0 0 9·50
8	Commencing in the Embankment Road by a double junction with Tramway Number 2 at points 0·70 chain and 1·10 chains or thereabouts west and east respectively of the junction of that road with Elliott Road passing into and along Elliott Road and terminating therein at the entrance to the Prince Rock Tramway Depôt.	0 1 0·20
9	Commencing in Saltash Road in the parish of Plymouth at points 0·93 chain and 1·91 chains or thereabouts respectively north-west and south-east of its junction with Albert Road passing into and along the approach road to North Road Railway Station and terminating therein at a point 0·80 chain or thereabouts south-west of the Station building.	0 0 7·89

PART II.—TRAMWAYS OWNED BY THE CORPORATION AND LEASED TO AND WORKED BY THE DEVONPORT AND DISTRICT TRAMWAYS COMPANY.

1	2	3
		M. F. CH.
1	From the junction with Tramway No. 8 authorised by the Devonport and District Tramways Act 1898 in Saltash Road in the parish of Devonport at a point 0·80 chain or thereabouts west of the intersection of Wolseley Road and Saltash Road aforesaid along Saltash Road aforesaid and terminating at a point opposite to the southern wall of the Royal Albert Bridge Inn.	1 6 6·33
2	From a junction with Tramway No. 8 authorised by the Devonport and District Tramways Act 1898 in Saltash Road aforesaid at a point 0·70 chain or thereabouts south of the intersection of Saltash Road aforesaid and St. Levan Road along St. Levan Road and Wolseley Road and terminating in Tavistock Road at a point 0·60 chain or thereabouts south-west of the intersection of Wolseley Road and Tavistock Road.	1 1 0·12
3	From the junction with Tramway No. 10 authorised by the Devonport and District Tramways Act 1898 in Tavistock Road at a point 0·47 chain or thereabouts south-west of the intersection of Tavistock Road and Wolseley Road along Tavistock Road and terminating at the boundary of the borough near the intersection of Tavistock Road with Tor Grove Lane.	1 0 2·28

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1	2	3
Number.	Short description of route.	Approximate length.
		M. F. CH.
4	From the junction with Tramway No. 9 authorised by the Devonport and District Tramways Act 1898 in Albert Road in the parish of Devonport at a point 0·46 chain or thereabouts west of the intersection of Albert Road aforesaid and Exmouth Road along Albert Road aforesaid and terminating at a junction with Tramway No. 10 authorised by the Devonport and District Tramways Act 1898 in Tavistock Road.	0 1 9·25
5	From a point in Albert Road aforesaid 0·90 chain or thereabouts west of the intersection of Albert Road aforesaid and Tavistock Road along Albert Road aforesaid terminating by a junction with Tramway No. 10 authorised by the Devonport and District Tramways Act 1898.	0 0 1·11
6	From the junction with Tramway No. 8 authorised by the Devonport and District Tramways Act 1898 in Saltash Road aforesaid at a point 0·67 chain or thereabouts north of the intersection of Saltash Road aforesaid and St. Levan Road along St. Levan Road and terminating at a point 0·69 chain or thereabouts east of the intersection of Saltash Road aforesaid and St. Levan Road.	0 0 1·08
7	From a point in Wolseley Road 0·60 chain or thereabouts north-west of the intersection of Tavistock Road and Wolseley Road in an easterly direction along Tavistock Road and terminating at a point 0·54 chain or thereabouts north-east of the intersection of Tavistock Road and Wolseley Road.	0 0 0·92

PART III.—Tramways owned by the Corporation and worked by the Plymouth Stonehouse and Devonport Tramways Company.

1	2	3
		M. F. CH.
1	Commencing in Lockyer Street by a junction with the existing tramways of the Corporation passing along Bank of England Place Union Street Edgcumbe Street Stonehouse Bridge Devonport Hill Cumberland Road Cumberland Street Saint Aubyn Street Fore Street and Chapel Street and terminating at a point near the junction of Cumberland Street with Chapel Street.	1 6 3·55

THE SIXTH SCHEDULE.

Rates and Charges for Animals Goods and Minerals carried on Tramways and for Parcels carried on Tramways or in Omnibuses.

		Per Mile.	
Animals.		*s.*	*d.*
For every horse mule or other beast of draught or burden	per head	0	4
For every ox cow bull or head of cattle - -	,,	0	3
For every calf pig sheep or other small animal -	,,	0	1½
Goods and Minerals.			
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - -	per ton	0	2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs - - - - -	per ton	0	2½
For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - -	per ton	0	3
For cotton wools drugs and manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein - - - -	per ton	0	4
For every carriage of whatever description having two wheels -		0	6
For every carriage of whatever description having four wheels		1	0

		Any Distance.	
Parcels.		*s.*	*d.*
For any parcel not exceeding in weight 7 lbs. - -	each	0	3
For any parcel exceeding 7 lbs. but not exceeding 14 lbs. in weight - - - - - - -	each	0	5
For any parcel exceeding 14 lbs. but not exceeding 28 lbs. in weight - - - - - - -	each	0	7

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Sixth Schedule.

	Any Distance. s.	d.
For any parcel exceeding 28 lbs. but not exceeding 56 lbs. in weight - - - - - - - each	0	9
For any parcel exceeding 56 lbs. in weight but not exceeding 500 lbs. in weight such sum as the person conveying the same may think fit:		

Provided always that articles sent in large aggregate quantities although made in separate parcels such as bags of sugar coffee meal and the like shall not be deemed parcels but that term shall apply only to single parcels in separate packages.

For the Carriage of Single Articles of Great Weight.

	Per Mile. s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the person conveying the same may think fit not exceeding per ton	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

Regulations as to Rates and Charges.

For articles or animals conveyed on the tramways for a less distance than a mile rates and charges as for one mile may be demanded.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton rates may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to imperial avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

THE SEVENTH SCHEDULE.

Agreement between the Devonport and District Tramways Company and the Corporation.

An Agreement made the tenth day of May one thousand nine hundred and fifteen between The Devonport and District Tramways Company (herein-after called "the Company") of the one part and The Mayor Aldermen and Burgesses of the Borough of Plymouth (herein-after called "the Corporation") of the other part.

Whereas under the powers and provisions contained in the Devonport and District Tramways Act 1898 (herein-after called "the Act of 1898") the Company have constructed and are now working certain tramways within that part of the borough of Plymouth which was formerly the borough of Devonport:

And whereas by virtue of section 43 of the Tramways Act 1870 and section 8 (1) of the Act of 1898 the Corporation will within six calendar months after the twelfth day of August one thousand nine hundred and nineteen be entitled to require the Company to sell to them the tramway undertaking authorised by the Act of 1898 upon the terms mentioned in the said forty-third section:

And whereas under the powers and provisions of the Devonport Light Railway Order 1905 (herein-after called "the Order of 1905") the Company have constructed a certain light railway within the said part of the borough of Plymouth and by virtue of section 48 of the Order of 1905 if and whenever the Corporation require the Company to sell to them the undertaking authorised by the Act of 1898 the Company are required at the same time to sell and the Corporation are required to purchase the railways authorised by that Order upon the terms mentioned in the said forty-eighth section:

And whereas by an indenture of lease dated the twentieth day of May one thousand nine hundred and eight and made between the mayor aldermen and burgesses of the borough of Devonport (herein-after called "the Devonport Corporation") of the one part and the Company of the other part certain tramways therein described situate in the said part of the borough of Plymouth were demised to the Company for the term of twenty-eight years computed from the twelfth day of August one thousand eight hundred and ninety-eight but subject to a proviso that if and whenever the Devonport Corporation acquired the tramways constructed under the Act of 1898 either the Devonport Corporation or the Company might by notice as therein mentioned determine the said term as from the date of such acquisition:

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Seventh Schedule.

And whereas by virtue of the Borough of Plymouth Order 1914 confirmed by the Local Government Board's Provisional Order Confirmation (No. 18) Act 1914 the property rights powers and liabilities of the Devonport Corporation in respect of the tramways demised by the said indenture of lease are now vested in the Corporation:

And whereas the Corporation are promoting a Bill in the present session of Parliament for an Act to repeal and consolidate the local Acts relating to the borough of Plymouth including the several Acts relating to the said tramways and the Company have presented a petition against such Bill:

And whereas the Company have agreed with the Corporation for the sale to the Corporation of the tramway undertaking authorised by the Act of 1898 and the light railway authorised by the Order of 1905 and for the determination of the term of years created by the said indenture of lease upon the terms herein-after contained:

Now it is hereby agreed as follows:—

1. The Company shall sell and the Corporation shall purchase free from incumbrances—

(*a*) the tramway undertaking authorised by the Act of 1898; and
(*b*) the light railway authorised by the Order of 1905;

as the same respectively shall exist on the second day of October one thousand nine hundred and fifteen.

2. The term of years created by the said indenture of lease shall determine on the said second day of October one thousand nine hundred and fifteen but without prejudice to any right or remedy which shall then have accrued to either party under or by virtue of such indenture.

3. The Corporation shall pay to the company the following sums as the consideration of the said sale and the determination of the said term viz.:—

(i) Such a sum as would be payable to the Company if the tramway undertaking authorised by the Act of 1898 were purchased by the Corporation under section 43 of the Tramways Act 1870 on the said second day of October one thousand nine hundred and fifteen;

(ii) The fair market value of the said light railway as a going concern; and

(iii) Such a sum as shall be equal to the aggregate amount the Company might be expected to earn by way of profit (without any deduction for present value thereof) between the second day of October one thousand nine hundred and fifteen and the twelfth day of August one thousand nine hundred and nineteen in respect of the tramway undertaking authorised

by the Act of 1898 and the tramways demised to the Company by the said indenture of lease if the Company had continued to work the same as from the said second day of October one thousand nine hundred and fifteen up to the twelfth day of August one thousand nine hundred and nineteen and the intended Act for which the Corporation are now applying had not been passed:

Provided that in ascertaining the amount of such profits the Company shall be debited with interest at the rate of two and a half per centum per annum upon the sum payable under paragraph (i) of this clause:

And the Corporation shall not put into force any powers granted by the said intended Act directly or indirectly affecting the said tramways and light railway prior to the said second day of October one thousand nine hundred and fifteen.

4. The amount payable to the Company under this agreement shall in default of agreement be determined by Benjamin Hall Blyth as sole arbitrator or failing him by a single arbitrator to be appointed (in default of agreement) by the President for the time being of the Institution of Civil Engineers.

5. The Corporation shall be entitled to possession of the said several tramways and light railway and the same shall be transferred to the Corporation on the second day of October one thousand nine hundred and fifteen whether the amount payable to the Company under this agreement shall then have been ascertained or paid or not and the Corporation shall pay such amount to the Company within one calendar month after the Corporation shall have obtained the necessary sanctions to the borrowing of the money and shall in the meantime pay interest thereon at the rate of five per centum per annum from the said second day of October one thousand nine hundred and fifteen until actual payment thereof.

The Company shall retain all receipts from the said tramways and light railway and shall discharge all outgoings and expenses up to the said second day of October one thousand nine hundred and fifteen as from which date all receipts shall belong to the Corporation and all expenses and outgoings shall be paid by them and for the purposes of this clause the receipts expenses and outgoings shall if necessary be apportioned.

The Corporation shall use their best endeavours to obtain the necessary borrowing powers and to raise the necessary loan at the earliest possible moment.

6. The Company shall withdraw their opposition to the said Bill of the Corporation.

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Seventh Schedule.

7. This agreement shall be scheduled to and confirmed by the said Bill.

8. This agreement is subject to all such alterations as Parliament shall think fit to make therein but if the Committee of either House of Parliament to whom the said Bill shall be referred make any material alteration in this agreement it shall be competent to either party to withdraw from and cancel the same.

In witness whereof the Company and the Corporation have hereunto affixed their respective common seals the day and year first before written.

The common seal of the Devonport and District Tramways Company was hereunto affixed pursuant to a resolution of the Board of Directors in the presence of } L.S.

C. Shirreff Hilton } *Directors.*
C. G. Tegetmeier }

P. N. Gray *Acting Secretary.*

The corporate common seal was hereunto affixed in the presence of } L.S.

T. Baker
Mayor.

J. H. Ellis
Town Clerk.

Eighth Schedule.

THE EIGHTH SCHEDULE.

Rates upon Goods landed on and shipped from the Piers and Landing Stages (other than the Phœnix Wharf Pier).

		s.	d.
Bacon or hams	per cwt.	0	1
Beef mutton or pork	,,	0	1
Beer and cider	for every 54 gallons	0	0½
Bricks and tiles	per thousand	0	6
Bulls oxen cows heifers horses mares and geldings	each	0	6
Calves pigs sheep and lambs	,,	0	1
Clay	per ton	0	1
Coals	,,	0	2
Culm every quarter of a ton (not being stone coal)		0	0½
Deal ends	per hundred	0	3
Deals	,, ,,	0	6
Earthenware	per dozen	0	0¼

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		s.	d.
Earthenware landed or shipped at the Mutton Cove Landing Stage	per cwt.	0	3
,, landed or shipped elsewhere	,,	0	1
Flour	for every 280 lbs.	0	0¼
Hay and wood landed or shipped at the Mutton Cove Landing Stage	per ton	0	2
,, ,, landed or shipped elsewhere	per boat load	0	6
Hoops landed or shipped at the Mutton Cove Landing Stage	per bundle of 50	0	0½
,, landed or shipped elsewhere	per 40 bundles	0	4
Slates	per thousand	0	1
Spirits per six gallons or less quantity		0	1
Staves:—Single pipe	per thousand	1	6
Hogshead	,, ,,	1	0
Barrel	,, ,,	0	9
Stone sand lime and dung	per ton	0	2
Timber	per 40 cubic feet	0	3
Wheat malt and barley	per quarter	0	0½
Wine	for every 108 gallons	0	1
Every quarter of a ton of goods not above enumerated		0	1

Rates on Vessels landing and embarking Passengers or Goods at the Piers and Landing Stages (other than the Phœnix Wharf Pier).

		£	s.	d.
1. For all vessels from or to foreign parts	per register ton	0	0	4
2. For all vessels employed in the coasting trade or to or from Ireland:—				
Exceeding 50 tons	per register ton	0	0	1
Not exceeding 50 tons	per register ton	0	0	0½
3. For all vessels employed in fishing exceeding 20 tons register	per annum	1	1	0
Exceeding 10 tons and not exceeding 20 tons register	per annum	0	10	0
Exceeding 5 tons and not exceeding 10 tons register	per annum	0	5	0
Not exceeding 5 tons register	per annum	Free		
4. For all barges lighters and other similar craft exceeding 20 tons register	per annum	1	0	0
Not exceeding 20 tons register	per annum	0	16	0
5. And in addition for the use of mooring chains for every vessel exceeding 250 tons register	per week	0	5	0
Exceeding 200 tons and not exceeding 250 tons register	per week	0	4	0
Not exceeding 200 tons register	per week	0	3	0

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Eighth Schedule.

RATES FOR CRANES AND WEIGHING MACHINES.

		s.	d.
For all dry goods in quantities not exceeding 10 tons -	per ton	0	8
For all dry goods in quantities exceeding 10 tons -	per ton	0	6
For wines spirits and other liquids not exceeding 2,160 gallons for every 216 gallons - - - - - -		1	0
For wines spirits and other liquids exceeding 2,160 gallons for every 216 gallons - - - - - -		0	8
For any single article:—			
For every quarter of a ton not exceeding one ton per quarter of a ton - - - - - -		0	2
Exceeding one ton and not exceeding two tons -	per ton	1	0
Exceeding two tons and not exceeding two-and-a-half tons	per ton	1	6
Exceeding two-and-a-half tons and not exceeding three tons	per ton	2	0
Exceeding three tons and not exceeding three-and-a-half tons - - - - - - -	per ton	2	6
Exceeding three-and-a-half tons a special agreement must be made with the Corporation.			

Ninth Schedule.

THE NINTH SCHEDULE.

AGREEMENT RELATING TO MUTLEY PARK ESTATE.

AN AGREEMENT made the eighth day of October one thousand nine hundred and twelve between WILLIAM LEWIS of Plymouth in the county of Devon gentleman and JOHN DANIEL GRIMSEY of Plymouth aforesaid market gardener (herein-after called "the Trustees") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF PLYMOUTH aforesaid acting by the council of the said borough (herein-after called "the Corporation") of the other part.

WHEREAS the hereditaments and premises mentioned in the schedule hereto and which are more particularly delineated on the plan thereof attached to this agreement and thereon coloured red and brown form part of the Mutley Park Estate being that portion of the said estate which was intended to be reserved as a pleasure ground and as the site of a new road:

And whereas the said hereditaments are now vested in the Trustees for an estate in fee simple in possession but subject to certain covenants conditions and provisions contained in a certain

deed of covenant and trust dated the twenty-fifth day of July one thousand eight hundred and sixty-four whereby it was provided that the same hereditaments should not at any time be built upon or used for the purposes of a cemetery or burial ground but that the same should be held for the convenient use and benefit of the owners for the time being of the Mutley Park Estate or of any portion thereof subject to the owners for the time being of the said estate contributing according to their respective proportionate shares (according to the relative amount of purchase money originally fixed on the allotments of the said estate) towards the costs attending the maintenance and repairs of the said hereditaments and with the right for three-fourths of the whole number of the owners of the Mutley Park Estate by writing to release alter or modify the covenants conditions and provisions therein referred to or any or either of them either generally or in any exceptional or special case excepting only that the said hereditaments should not be diverted from the purpose of a pleasure ground and road without the consent of all the owners for the time being of the said estate:

And whereas the owners of the Mutley Park Estate lately instructed the Trustees to approach the Corporation with the object and intent that the said hereditaments should be conveyed to and vested in the Corporation subject to the obligation of the Corporation to lay out and fence the same as and for a public road and an ornamental pleasure ground and that the same hereditaments should after such conveyance be retained and held by the Corporation subject to the conditions restrictions and stipulations herein-after mentioned:

And whereas the road coloured green on the plan attached hereto and marked "Mutley Road" is a private road which is vested in the Trustees for the convenient use of the owners of the Mutley Park Estate under the above-mentioned deed of covenant and trust subject to the liability of such owners to contribute towards the cost of repairing the same:

And whereas the Corporation have for many years been in possession of the hereditaments coloured yellow on the plan attached hereto and thereon marked "Leat" being a portion of the site of the now disused Plymouth Leat and they have during the like period been in possession of the other portions of the said disused leat shown on the said plan including that portion which is hatched brown:

Now it is hereby agreed and declared as follows:—

1. The Trustees shall convey and the Corporation shall accept a conveyance of the hereditaments and premises mentioned in the schedule hereto and which are more particularly delineated on the plan thereof attached to this agreement and are thereon coloured red and brown and the inheritance thereof in fee simple subject to the conditions restrictions and stipulations herein-after mentioned.

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Ninth Schedule.

2. The Trustees shall deliver to the clerk of the Corporation an abstract of their title to the said hereditaments commencing with an indenture dated the twenty-ninth day of September one thousand eight hundred and fifty-five and made between Philip Warren Pedlar of the one part and George Jackson of the other part being a conveyance on sale.

3. The Trustees are the present Trustees of the herein-before mentioned indenture of the twenty-fifth day of July one thousand eight hundred and sixty-four and are selling with the consent in writing of all the owners of the Mutley Park Estate The Trustees shall convey as such and no covenants for title shall be required other than the statutory covenant implied by their being expressed to convey as Trustees but the owners shall if required be made parties to the said conveyance for the purpose of giving qualified covenants for title.

4. The conveyance to the Corporation shall contain covenants on the part of the Corporation to perform and observe the several conditions restrictions and stipulations herein-after expressed (that is to say):—

(*a*) From and after the date of the conveyance to the Corporation the hereditaments shall be held by the Corporation for the convenient use and benefit of the public as and for a public road and a public ornamental pleasure ground and for no other use or purpose and the said pleasure ground will be governed and controlled by the byelaws of the Corporation which have been or which may from time to time be made in respect of the regulation of public parks and pleasure grounds in the borough or such of them as the Corporation shall desire to be operative in the said pleasure ground and the Corporation shall be at liberty to erect a bandstand or other structure or building of any kind whatsoever upon the said land usually erected or placed in pleasure grounds or open spaces Provided always that no such structure or building shall be placed upon that portion of the said proposed pleasure ground which lies on the north side of the said proposed new road other than a bandstand:

(*b*) After the conveyance to the Corporation the Corporation will at their sole cost lay out to the satisfaction of their surveyor that portion of the said hereditaments which is shown on the said plan and thereon coloured and hatched brown and marked "proposed new road" as and for a public road and the same when so laid out shall be taken over by the Corporation and thenceforth maintained and repaired as a highway repairable by the inhabitants at large:

(*c*) The said proposed new road shall be of such width as shall be determined by the surveyor of the Corporation but so as not to be less than thirty-three feet or more than forty feet wide:

(*d*) The Corporation shall at the time of laying out the proposed new road cause the same at their sole expense to be fenced to the like satisfaction with a fence three feet in height at least with two entrances only by means of iron gates in such fences and at the points marked respectively "A" and "B" on the said plan or as near thereto as circumstances will permit and with three entrances by means of iron gates of at least three feet six inches wide each at the points in such fence marked respectively "C" "D" and "E" All such fences and gates after erection shall for ever thereafter be kept in repair and painted by and at the sole cost and expense of the Corporation with this exception that the portion of the fence of the proposed new road and on the north side of such road between the points marked "F" and "G" and "H" and the three gates marked respectively "C" "D" and "E" shall after erection by the Corporation become the property of the said William Lewis and such last-mentioned piece of fence and three gates shall after erection be henceforth painted and kept in repair by the said William Lewis or the owners for the time being of the land adjoining such piece of fence on the north side thereof to the entire satisfaction in every respect of the said surveyor:

(*e*) After the conveyance to the Corporation the Corporation shall at their own cost and in a manner to be approved by them lay out the hereditaments intended to be conveyed (other than the site of the proposed new road) as a public ornamental pleasure ground with the necessary boundary walls or fences and the same when so fenced and laid out shall thenceforth for ever be maintained and kept as a public ornamental pleasure ground.

5. The Corporation shall allow such portions of the site of the Plymouth old leat as intersect the hereditaments coloured red and brown on the said plan to become portions of the proposed new road and public ornamental pleasure ground respectively as shown on the said plan but the portion of the site of the said leat coloured yellow on the said plan shall from and after the laying out of the proposed new road become the property of the said William Lewis as the owner of the adjoining land and such last-mentioned portion of the said old leat shall if required at any time hereafter at the request of the said William Lewis and at his sole cost be conveyed to him by

A.D. 1915.

Ninth Schedule.

the Corporation so far as they are empowered so to do without consideration.

6. On the signing of the conveyance to the Corporation contemplated by this agreement the Corporation shall pay to the Trustees the amount paid by them to Messrs. J. W. Wilson and L. J. Sydenham solicitors of Plymouth namely the sum of thirty-four pounds six shillings and twopence in respect of the costs incurred by them on behalf of the Trustees in or about the preparation stamping and execution of several deeds and other documents which became necessary to procure the appointment of the Trustees and the vesting in them of the hereditaments hereby agreed to be conveyed as Trustees for and on behalf of the owners of the Mutley Park Estate And by way of further consideration the Corporation shall also pay to the Trustees all their costs charges and expenses in connexion with these negotiations attending the preparation and execution of this agreement abstracting and deducing title and attending the preparation and execution of the conveyance to be executed by the Trustees in pursuance of this agreement.

7. This agreement shall be binding upon the Corporation only in the event of the Corporation obtaining the necessary borrowing or other powers from the Local Government Board for the purpose of the proposed improvement and works.

In witness whereof the said parties hereto of the first part have hereunto set their hands and seals and the Corporation of the second part have hereunto caused their common seal to be affixed the day and year first before written.

The Schedule herein-before referred to.

The Mutley Park Pleasure Grounds as described in the plan hereto annexed and therein coloured red and brown.

Signed sealed and delivered by the said William Lewis in the presence of } Wm. Lewis. L.S.

C. Geo. Brian
Solicitor
Plymouth.

Signed sealed and delivered by the said John Daniel Grimsey in the presence of } John Daniel Grimsey. L.S.

C. Geo. Brian.

The corporate common seal was hereunto affixed in the presence of

J. W. S. Godding
Mayor.

J. H. Ellis
Town Clerk.

Seal of the Plymouth Corporation.

A.D. 1915.

Ninth Schedule.

THE TENTH SCHEDULE.

Tenth Schedule.

Statement as to Unexhausted Borrowing Powers.

1	2	3	4
Act Order or Sanction under which Borrowing Powers were originally obtained.	Purpose of Borrowing Powers.	Unexhausted Borrowing Powers.	Period for Repayment.
		£ s. d.	Years.
The Tramways Act 1870 and the Plymouth Corporation Act 1898 :—			
Sanction 19th June 1906 -	Tramways - -	927 0 0	30
" " " -	" - -	450 0 0	20
Devonport Corporation (General Powers) Act 1902 :—			
Sanction 26th February 1903	" - -	5,359 11 2	40
Devonport Landing Pier and Breakwater Order 1889.	Landing pier and breakwater at Mutton Cove.	200 0 0	30
Devonport Corporation (Gas) Act 1901 :—			
Sanction 5th February 1913 -	Gasworks - -	6,300 0 0	10
Sanction 5th December 1913	" - -	2,500 0 0	30
Devonport Corporation Act 1900 :—			
Sanction 27th August 1907 -	Electric lighting -	1,200 0 0	10
Plymouth Corporation Act 1893 :—			
Sanction 2nd May 1910 -	Waterworks - -	4,273 8 2	30
Devonport Corporation (Water) Act 1902 :—			
Sanction 29th October 1913 -	" - -	3,500 0 0	30
Devonport Corporation Act 1907 -	" - -	10,350 0 0	40
" " " " -	" - -	3,028 6 11	40

A.D. 1915.

Eleventh Schedule.

THE ELEVENTH SCHEDULE.

FORM OF MORTGAGE.

Borough of Plymouth.

By virtue of the Plymouth Corporation Act 1915 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the borough of Plymouth (herein-after referred to as "the Corporation") in consideration of the sum of pounds (herein-after referred to as "the principal sum") paid to the treasurer of the borough by (herein-after referred to as "the mortgagee") do hereby grant and assign unto the mortgagee (his) executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee (his) executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of per centum per annum from the day of nineteen hundred and until payment of the principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the principal sum shall be repaid at the Guildhall in the said borough [(subject as herein-after provided) on the day of nineteen hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hands of the town clerk and treasurer of the borough for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of nineteen hundred and

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of nineteen hundred and [and the interest to be paid thereon on and from the day of nineteen hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of nineteen hundred and .

FORM OF TRANSFER OF MORTGAGE.

I (the within-named) of in consideration of the sum of pounds paid to me by of (herein-after referred to as "the transferee") do hereby transfer to the transferee (his) executors administrators and assigns (the within written security) (the mortgage number of the revenues of the mayor aldermen and burgesses of the borough of Plymouth bearing date the day of) and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of nineteen hundred and .

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