CHAPTER lxxxii.

An Act to empower the county council of the administrative county of Cornwall to extend and improve Torpoint Ferry and to construct a new bridge and street works at Penryn to vest the Bodmin County Asylum Estate in the said Council and make provision for the constitution of the asylum committee to make further provision with regard to highways the protection of rivers and streams and public health and for other purposes. A.D. 1929. [10th May 1929.]

WHEREAS the county council of the administrative county of Cornwall (in this Act called "the Council") under and in pursuance of the provisions of the Ferries (Acquisition by Local Authorities) Act 1919 purchased the ferry across the portion of the river Tamar called Hamoaze between the urban district of Torpoint in the county of Cornwall and the city of Plymouth which was authorised by the Act 30 Geo. III c. lxi and now maintains and works the said ferry:

And whereas it is expedient in consequence of the increase of traffic carried by the said ferry that the said ferry should be extended and improved and that the further powers contained in this Act with regard to the working of the said ferry should be conferred upon the Council and that the Council should be authorised to purchase the lands and to construct the street work in

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the urban district of Torpoint in the said county shown on the deposited plans :

And whereas in consequence of the increase of traffic over the existing Penryn bridge it is expedient that the Council should be empowered to demolish the existing bridge and to construct the bridge and street improvements in the borough of Penryn and in the parish of Budock Rural in the rural district of East Kerrier in the said county authorised by this Act :

And whereas it is expedient to declare that the agreement dated the eighteenth day of October eighteen hundred and fifteen and made between the committees of justices of the peace for the county of Cornwall and subscribers severally appointed to treat for uniting for the purposes of an Act (for the better care and maintenance of pauper and criminal lunatics) passed in 48 Geo. III is no longer subsisting and capable of taking effect and that the provisions set forth in this Act with regard to the property referred to in this Act as "the asylum" should be enacted and the existing asylum committee dissolved and provision made as in this Act contained with regard to the constitution of the asylum committee :

And whereas it is expedient to make further and better provision with regard to highways the protection of rivers and streams and health and to enlarge the powers of the Council and of the local authorities in the county of Cornwall in respect of those matters as provided by this Act :

And whereas it is expedient to empower the Council to form an insurance fund against fire third party claims and other risks and to make other financial provision as set forth in this Act :

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 :

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For and in connection with the purchase of lands - - - - - - - -	66,450

	£
For and in connection with the construction of the street widenings and bridge authorised by this Act - -	42,000
For and in connection with the construction of buildings and other purposes of the ferry undertaking - - -	56,900

And whereas the several works included in such estimates are permanent works and it is expedient that the Council should be empowered to borrow money as provided by this Act:

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Act 1872 so far as the same are applicable have been observed by the Council:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Cornwall and Devon which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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:—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the County of Cornwall Act 1929.

Division of Act into Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.
Part II.—Lands.
Part III.—Torpoint Ferry.

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Part IV.—Works.
Part V.—Lunacy.
Part VI.—Roads.
Part VII.—Rivers and streams.
Part VIII.—Ice-cream.
Part IX.—Insurance fund.
Part X.—Finance.
Part XI.—Miscellaneous.

Incorporation of Acts.

3. The Lands Clauses 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 with the following exception and modification (namely) :—

(*a*) Section 127 of the Lands Clauses Consolidation Act 1845 is not incorporated with this Act;

(*b*) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

Interpretation.

4. In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say) :—

"The county" means the administrative county of Cornwall;

"The Council" means the county council of the county;

"The clerk" means the clerk of the Council;

"The corporation" means the mayor aldermen and citizens of the city of Plymouth;

"The Minister" means the Minister of Health;

"The ferry undertaking" means the Torpoint ferry undertaking as extended by this Act including the lands adjoining and near to the part of the river Tamar from which the ferry transferred to the Council under the powers of the Ferries (Acquisition by Local Authorities) Act 1919 is worked and the works erections appliances and rights used and exercised in

connection therewith and the powers rights authorities and privileges by this Act conferred upon the Council in connection therewith and all improvements thereto and extensions thereof effected by the Council under the powers of this Act;

"Street" and "road" include any street road footpath and other highway;

"The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

"The tribunal" means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

"Telegraphic line" has the same meaning as in the Telegraph Act 1878;

"District council" and "county district" have the same meanings as in the Local Government Act 1894;

"Daily penalty" means a penalty for every day on which an offence is continued by a person after conviction;

"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;

"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

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

PART II.

LANDS.

Power to acquire lands.

5.—(1) Subject to the provisions of this Act the Council may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference for the purposes of the works authorised by this Act including the improvement and development of frontages or of the lands abutting on or adjacent to any street or for other the purposes of this Act.

(2) Subject to the provisions of this Act the Council may also enter on and take in connection with the ferry undertaking the following lands shown on the deposited plans and described in the deposited book of reference :—

(*a*) In the urban district of Torpoint in the county—

(i) All those plots pieces or parcels of land or ground situate in or near Ferry Street in the urban district of Torpoint in the county and comprising a part of Ferry Street aforesaid an old clay pit now or formerly used as a stand for hackney carriages a coal store workshop and yard in the occupation of the Torpoint Coal and Gas Company Limited and the foreshore beach and fundus of Hamoaze adjacent thereto all which premises contain in the whole 3 roods and 36 perches or thereabouts and are bounded on or towards the north by property of the Council and the waters of Hamoaze for a distance of 150 feet or thereabouts

measured from the south-western corner of the said property of the Council on or towards the east by the waters of Hamoaze for a distance of 180 feet or thereabouts on or towards the south-west partly by the approach road to the property of the Torpoint Coal and Gas Company Limited for a distance of 42 feet or thereabouts and partly by other property in the occupation of the said Torpoint Coal and Gas Company Limited for a distance of 137 feet or thereabouts on or towards the south by beach and foreshore and waters of Hamoaze for a distance of 140 feet or thereabouts measured from the easternmost corner of the quay wall bounding the property occupied by the Torpoint Coal and Gas Company Limited aforesaid towards the centre of Hamoaze and on or towards the west by Ferry Street aforesaid for a distance of 205 feet or thereabouts measured on a curved line and on or towards the north-east by the property of the Council for a distance of 110 feet;

(ii) All that piece or parcel of beach foreshore or fundus of Hamoaze situate near the premises hereinbefore described and numbered (i) and lying between the existing boundary of the property of the Council and used as a ferry beach containing in the whole 18 perches or thereabouts bounded on the west by the said ferry beach of the Council and on all other sides by the waters of Hamoaze;

(iii) All that plot piece or parcel of land foreshore beach and fundus of Hamoaze situate near the premises hereinbefore described and numbered (i) containing in the whole 1 rood and 8 perches or thereabouts bounded on or towards the north-east by property occupied by the Torpoint Coal and Gas Company Limited on or towards the north by the premises hereinbefore described and numbered (i) on or towards the north-west partly by the said property

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occupied by the Torpoint Coal and Gas Company Limited and partly by properties occupied by William Henry Watson Frederick Benjamin Lakey Phillippa Smith William Wevill Richard Woodman Thomas James Harris Bert Prideaux and Lilian Durston respectively on or towards the south-east partly by the said property of the Torpoint Coal and Gas Company Limited and partly by beach and foreshore of which the Antony Estate Company is the reputed owner and on the south-west by land beach and foreshore of which the said Antony Estate Company is the reputed owner;

(*b*) In the city of Plymouth—

(iv) All that piece or parcel of land or ground being the westernmost end of Ferry Road containing in the whole 24 perches and 3 square yards or thereabouts and having a length of 164 feet or thereabouts and a width of 40 feet or thereabouts which said piece or parcel of land lies to the north of and whose eastern and western boundaries are in lines co-terminous with the eastern and western boundaries of the property hereinafter described and numbered (v);

(v) All that piece or parcel of land or ground situate in Ferry Road aforesaid bounded on the north by Ferry Road aforesaid to which it has a frontage of 164 feet or thereabouts on the east by property of His Majesty's Secretary of State for War and known as the Gunwharf for a distance of 124 feet or thereabouts on the south by other property of the said Secretary of State for a distance of 174 feet or thereabouts and on the west partly by the beach and foreshore hereinafter mentioned to which it has a frontage of 110 feet or thereabouts and partly by other property of the said Secretary of State for a distance of 4 feet or thereabouts all which said piece or parcel of land contains in the whole 1 rood 32 perches and 20 square yards or thereabouts

and is now in the occupation of the said Secretary of State;

(vi) All that piece or parcel of beach and foreshore lying between low-water mark of ordinary spring tides and the pieces or parcels of land hereinbefore described and numbered (iv) and (v) respectively containing in the whole 1 rood 23 perches and 2 square yards or thereabouts bounded on the north by property of the Council on the east by the properties hereinbefore described and numbered (iv) and (v) for a distance of 150 feet or thereabouts on the south by other property of the said Secretary of State and on the west by the waters of Hamoaze together with the boathouse occupied by the Royal Naval Engineering College Devonport the bathing shelter occupied by the corporation and other erections thereon:

Provided that in case of difference between the foregoing descriptions of the said lands and those lands as shown on the said plans the latter shall prevail:

Provided also that the Council shall at its own expense and to the satisfaction of the Admiralty before entering upon and taking the Admiralty boathouse situate on the said piece or parcel of beach and foreshore (1) re-provide a boathouse on land vested in the Secretary of State for War by adding to and altering the existing Royal Engineers' Boat House on the Gunwharf at Devonport and (2) divert the submarine cable water and drain pipes and other property of the Admiralty in under or upon the said piece or parcel of beach and foreshore.

Period for compulsory purchase of lands.

6. The powers of the Council for the compulsory purchase of lands under this Act shall cease after the expiration of three years from the thirty-first day of October nineteen hundred and twenty-nine.

Correction of errors in plans and book of reference.

7. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which the lands are

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situate for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for such county and a duplicate thereof shall also be deposited with the town clerk of the city or borough or the clerk to the district council of the district in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk or clerk to the district council respectively with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

For protection of Falmouth Waterworks Company.

8.—(1) The acquisition by the Council of the whole or any part of or any right or interest in the properties numbered on the deposited plans 83 and 97 in the parish of Budock Rural in the rural district of East Kerrier shall not confer on the Council—

(i) any water rights connected with or attaching to those properties; or

(ii) any right or power (whether statutory or common law or otherwise) to prevent or restrict in any manner the taking user diversion or appropriation by the Falmouth Waterworks Company (hereinafter referred to as "the company") of all or any of the waters of the College River or its tributaries or any other waters which the company are by the Falmouth Water Acts 1862 to 1928 authorised to take use divert or appropriate; or

(iii) any of the rights powers or privileges conferred by section 51 of the Falmouth Waterworks Act 1862 on the owners or occupiers of the four mills in that section mentioned or the right to enforce against the company any of the provisions of that section;

and notwithstanding any such acquisition by the Council as aforesaid the company shall be entitled to take use

divert and appropriate all or any such waters as aforesaid in the same manner for the same purposes and to the same extent as they could have taken used diverted or appropriated those waters if they had continued to be the owners of the said properties numbered 83 and 97.

(2) The Council shall not execute or do any work or thing which would interfere with the free flow down the College River or any of its tributaries of water lawfully discharged by the company into that river or any of its tributaries.

Power to enter upon property for survey and valuation.

9. The Council and its surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk may at all reasonable times upon giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Provisions as to new buildings and interests.

10. In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the sixteenth day of November nineteen hundred and twenty-eight if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act.

Benefits to be set off against compensation.

11. In estimating the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the widening or improve-

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ment of any existing street or arising through such adjoining lands becoming lands fronting on any such existing street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Purchase of additional lands by agreement.

12. The Council in addition to any other lands acquired by it in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Council in pursuance of this section shall not at any time exceed ten acres in respect of the purposes of Part III of this Act nor five acres in respect of the purposes of Part IV of this Act Provided that the Council shall not create or permit the creation or continuance of any nuisance on any such lands.

Persons under disability may grant easements &c.

13. 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 Council 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.

Application of road materials excavated in construction of work.

14. Any paving metalling or material excavated by the Council in the construction of any works authorised by this Act from any road shall absolutely vest in and belong to the Council and may be dealt with removed and disposed of by it in such manner as it may think fit.

Owners may be required to sell parts only of certain premises.

15.—(1) Whereas in the construction of the works authorised by this Act or the execution of the purposes for which lands may be acquired compulsorily under the powers of this Act or otherwise in the exercise by the Council of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Council and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material

detriment thereto Therefore the following provisions shall have effect :— A.D. 1929.

(*a*) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Council or each or any of such owners or persons are hereafter in this section included in the term " the owner " and the said properties are hereafter in this section referred to as " the scheduled properties ";

(*b*) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

(*c*) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council has compulsory powers of purchase) can be so severed;

(*d*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council

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being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by it including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;

(*e*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;

(*f*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Council may withdraw its notice to treat and thereupon it shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

(*g*) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case it shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this

section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

Power to reinstate owners of property.

16. The Council may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the works authorised by this Act with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the Council may pay or receive money for equality of exchange.

Purchase of lands for exchange.

17. The powers of the Council of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any lands which it may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by the Council for any of the purposes of this Act.

Retention sale and disposal of land.

18.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Council may retain hold and use for such time as it 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 it may think fit and either in consideration of the execution of works or of the payment of a gross sum or of annual rent or of any payment in any other form any lands or any interest therein acquired by it under this 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.

(2) The Council shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any such lands or interests therein except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to

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inquire whether the direction of the said Minister is necessary or has been obtained.

(3) Nothing in this section contained shall release the Council or any person purchasing or acquiring any lands from it under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Application of capital moneys on disposal of lands.

19. So long as any lands remain to be acquired by the Council under the authority of this Act the Council may so far as it considers necessary apply any capital moneys received by it on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Council shall apply the same in or towards the extinguishment of any loan raised by it under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister :

Provided that—

(*a*) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase;

(*b*) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

As to private rights of

20. All private rights of way over lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished

Provided that the Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement. A.D. 1929. way over lands taken compulsorily.

21. Notwithstanding anything contained in this Act or shown on the deposited plans the Council shall not unless otherwise agreed in writing between it and the Antony Estate Company or their successors in title (in this section called "the owners") acquire or take any part of the lands belonging to the owners and situate on the south side of Ferry Street except so much of such lands as may be required for the actual widening of the said street and except the lands numbered on the deposited plans 61 62 63 65 and so much of 64 as lies to the north of an imaginary line drawn in an easterly direction from the extreme easterly point of the lands shown on the deposited plans as "Torpoint Gasworks." For protection of Antony Estate Company.

PART III.

TORPOINT FERRY.

22.—(1) It is hereby declared that the Council is the owner of the lands adjoining and near to the part of the river Tamar from which the ferry transferred to the Council under the powers of the Ferries (Acquisition by Local Authorities) Act 1919 is worked and of the works erections appliances and rights used and exercised in connection therewith which lands are shown on the plan signed in triplicate by the Right Honourable the Viscount Chelmsford the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy 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 clerk at his office and the powers of the Council to establish keep and maintain the said ferry are hereby extended so as to enable the Council to provide maintain improve extend regulate and work the said ferry either directly or indirectly from and to such places in the urban district of Torpoint in the county to and from such places in the part of the city of Plymouth abutting upon the part of the river Tamar Extension of powers in relation to Torpoint Ferry.

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known as Hamoaze as to the Council may seem suitable and convenient and the provisions of the Act 30 Geo. III c. lxi shall extend and apply to the powers conferred on the Council by this section :

Provided that no tolls shall be payable in respect of any goods or merchandise conveyed from or to any point outside the ancient civil parishes of Stoke Damarel and Antony St. Jacob otherwise than by the said ferry :

Provided also that all rights to travel free of toll by the said ferry granted by the Council to any person or persons by a deed of variation dated the tenth day of July nineteen hundred and twenty-three and made between Sir Reginald Pole Carew John Gawen Pole Carew the Antony Estate Company and the Council shall attach and be deemed to extend and apply to the said ferry between any of the said places described in this subsection.

(2) The Council may purchase provide maintain and use for the purpose of working the said ferry as extended by this Act a further floating bridge or floating bridges and craft of such other types as the Council may think fit and subject to the provisions of this Act piers pontoons and other works together with all proper appliances and conveniences and may lay down and maintain chains cables and other apparatus across and in the bed of the said part of the river Tamar.

(3) The Council may sell or lease in whole or in part the ferry undertaking but before entering into any contract for the sale or lease of the whole of the ferry undertaking to any person the Council shall obtain the sanction of the Minister of Transport to the undertaking being sold or leased and shall offer the ferry undertaking to the mayor alderman and citizens of the city of Plymouth and to the urban district council of Torpoint severally on similar terms to those offered to such person In the event of both of such authorities desiring severally to accept such offer the ferry undertaking shall be sold or leased to the higher bidder of the two.

(4) The schedule of tolls approved by the Minister of Transport under the provisions of the Ferries (Acquisition by Local Authorities) Act 1919 shall apply to the ferry undertaking.

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Taking and recovery of tolls.

23. The tolls chargeable in respect of the said ferry shall be paid to such persons and at such places upon or near to the ferry beaches or upon the floating bridges vessels or boats and in such manner and under such regulations as the Council shall appoint.

Penalty on non-payment of tolls.

24. If any person knowingly and wilfully and with intent to defraud refuse or neglect to pay the tolls or charges which shall have been demanded from him he shall for every such offence be liable on summary conviction to a penalty not exceeding forty shillings.

Power to charge for accommodation in connection with ferry.

25. In connection with the ferry undertaking the Council may make such reasonable charges as it thinks fit for the use of sheds and other buildings works and conveniences provided by it for the storage and accommodation of small parcels bicycles and other things and for the use of the ferry landing-places by persons landing thereat from boats other than the ferry boats of the Council and the amount of such charges shall be recoverable summarily as a civil debt.

Power to enter into composition for payment of tolls.

26. The Council may enter into a composition with any person with respect to the payment of any tolls or charges under this Act but so that no preference be in any case given to any person.

Season tickets.

27. The schedule of tolls determined by the Council with the approval of the Minister of Transport may provide for the issue of season tickets.

Byelaws as to ferry.

28. The Council may subject to the provisions of this Act make alter repeal vary amend and enforce byelaws with respect to the ferry undertaking for all or any of the purposes following (that is to say) :—

(*a*) For regulating controlling and limiting the use of the vessels boats and buildings used for the purposes of the ferry undertaking;

(*b*) For preventing the commission of nuisances in or upon the ferry undertaking or the vessels or boats used for the purposes thereof;

(*c*) For preserving the vessels boats buildings and conveniences used for the purposes of the ferry undertaking and preventing injuries and damage to the same;

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(*d*) For regulating the duties and conduct of all persons and the officers and servants of the Council who shall be employed in and about the ferry undertaking and in and about the vessels or boats used for the purposes thereof;

(*e*) For regulating the conveyance of passengers passengers' luggage parcels persons animals vehicles goods articles or merchandise in or upon any vessels or boats used for the purposes of the ferry undertaking and the embarkation and disembarkation of the same respectively and for prohibiting the embarkation of any luggage parcels articles goods animals vehicles and merchandise in any of such vessels or boats which may in the opinion of the Council be injurious to or prejudicially affect the use of such vessels and boats or the traffic to be carried therein;

(*f*) For regulating and controlling or preventing if thought fit the fastening or mooring of vessels or boats of every description to any of the landing places moorings or works of the Council and the embarkation and disembarkation of persons at such landing places from vessels or boats other than the ferry boats of the Council;

(*g*) For preventing persons navigating vessels or boats from negligently or wilfully obstructing the working of the ferry undertaking and the vessels or boats used for the purposes thereof and for preventing persons with boats horses carriages or otherwise negligently or wilfully obstructing the approaches to the ferry and ferry buildings.

General provisions as to byelaws.

29. The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to byelaws authorised to be made by the Council under the powers of this Part of this Act Provided that the confirming authority in respect of such byelaws shall be the Minister of Transport:

Provided also that in the case of any byelaws which the said Minister in consultation with the Board

of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the said Board were substituted for the said Minister and the allowance and confirmation of any such byelaws by the said Minister or the Board of Trade respectively shall be sufficient evidence of compliance with the provisions of this section. A.D. 1929.

As to tickets for ferry passengers.

30. The Council may in exchange for the payment of any toll hand to the passenger a ticket and any person to whom a ticket is so handed may be required on demand to deliver up such ticket to the toll collector or other person appointed by the Council to collect the same at such place or places as the Council may from time to time determine and any person wilfully refusing to deliver up any such ticket to such toll collector or other person at the place determined by the Council shall be liable on summary conviction for each offence to a penalty not exceeding ten shillings.

Stopping up of parts of highways.

31.—(1) The Council may stop up so much of Ferry Road Devonport in the city of Plymouth as is included within the lands numbered (iv) in the section of this Act the marginal note of which is "Power to acquire lands" and so much of Ferry Street in the urban district of Torpoint as is included in the lands numbered (i) in the said section:

Provided that the said parts of roads shall not be stopped up unless and until the Council is owner in possession of the land on both sides of the said parts of roads to be stopped up.

(2) Upon the stopping up of the said parts of roads under the powers of this section all rights of way over the said parts of roads shall be by virtue of this Act extinguished and the surface of the said parts of the said roads shall vest in the Council.

New road at Devonport.

32. The following provisions shall unless otherwise agreed in writing from time to time between the Council and the corporation apply and have effect:—

(1) Before the stopping up of so much of Ferry Road Devonport in the city of Plymouth as is included within the lands numbered (iv) in the

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section of this Act the marginal note of which is "Power to acquire lands" the Council shall provide a strip of land not less than twenty-four feet in width in a position to be approved by the corporation such approval not to be unreasonably withheld over and across the Council's land beach and foreshore lying between Ferry Road and Pottery Road Devonport and shall construct to the reasonable satisfaction of the corporation on such strip of land a private road for the use of the public:

(2) The Council at all times and from time to time as it thinks expedient shall be at liberty to provide in substitution for the strip of land referred to in subsection (1) of this section another strip of land not less than twenty-four feet in width in another position to be approved by the corporation such approval not to be unreasonably withheld on the said land beach and foreshore and shall construct on the substituted strip of land a private road for the use of the public and thereupon the Council shall be at liberty to resume possession of the land then formerly used as a private road:

(3) The said private road whether original or substituted shall be repaired and maintained by the corporation in proper order and condition.

For protection of Postmaster-General.

33. Notwithstanding the stopping up of parts of Ferry Road and Ferry Street under the section of this Act the marginal note of which is "Stopping up of parts of highways" the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the said parts of the road and street respectively any telegraphic line of the Postmaster-General in upon under along over or across the same and the Council shall pay to the Postmaster-General the expense incurred by him of and incidental to the removal of such telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other position as shall be satisfactory to the Postmaster-General.

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34. Nothing in this Act contained authorises the Council—

For protection of War Department and Territorial Army County Association.

(1) to take enter upon use or interfere with any land soil or water or any right in respect thereof for the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in of or by the Territorial Army Association of the county of Cornwall or in of or by any other person body or corporation acting for or on behalf of the Secretary of State or the Territorial Army Association of the county of Cornwall without the consent of the Secretary of State (on behalf of the War Department or the Territorial Army Association of the county of Cornwall) signified in writing under his hand which consent the Secretary of State is authorised to give subject to such special or other conditions as he shall see fit to impose on the Council; or

(2) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State or the Territorial Army Association of the county of Cornwall without such consent as aforesaid.

This section shall take effect notwithstanding that any such land as in this section mentioned may be delineated in the deposited plans described in the deposited book of reference or mentioned in any schedule in this Act.

PART IV.

WORKS.

Power to construct works.

35. Subject to the provisions of this Act the Council may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described together with all necessary or proper works and conveniences connected therewith or incident or ancillary thereto.

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The works hereinbefore referred to and authorised by this Act will be situate in the county and are—

Work No. 1 A widening of Tamar Street and Ferry Street in the urban district of Torpoint on both sides;

Work No. 2 A widening and improvement of Commercial Road in the borough of Penryn on both sides;

Work No. 3 A fixed bridge across the waterway flowing from Penryn Dock to Penryn Harbour commencing in the borough of Penryn and terminating in the parish of Budock Rural in the rural district of East Kerrier;

Work No. 4 A widening and improvement of the main road from Penryn to Falmouth in the parish of Budock Rural and rural district of East Kerrier on both sides.

Limits of deviation.

36. In constructing the works authorised by this Act the Council may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and the Council may deviate vertically from the levels of the said works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards:

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to make subsidiary works.

37.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things (namely):—

(*a*) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works authorised by this Part of this Act or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works or otherwise;

(*b*) Raise lower or alter any window step pipe spout vault arch cellar or area under or adjoining any roadway or footway and remove all other obstructions but so that the same may be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

(*c*) Construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;

(*d*) Stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Act;

(*e*) Execute any works for the protection of any adjoining land or buildings;

(*f*) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and

(*g*) Raise lower alter divert stop up or otherwise interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

and shall make compensation for any damage done by the Council in the execution of the powers of this section.

(2) Provided that the Council shall not raise lower alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Temporary stoppage of streets.

38.—(1) The Council during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street road or bridge and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bonâ fide going to or returning from any house in the street or road from passing along and using the same.

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(2) The Council shall provide reasonable access for foot passengers bonâ fide going to or returning from any such house.

As to claims in respect of extraordinary traffic.

39. The Council shall not be liable in respect of any claim with regard to extraordinary traffic arising out of the execution by the Council of the works authorised by this Part of this Act.

Underpinning of houses near works.

40. And whereas in order to avoid in the execution and maintenance of works authorised by this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same Therefore the Council at its own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen. the same and the following provisions shall have effect (that is to say) :—

(1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :

(2) Each such notice if given by the Council shall be served in manner prescribed by this Act and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Council :

(3) If any owner lessee or occupier of any such house or building or the Council (as the case may require) shall within seven days after the giving of such notice give a counter-notice in writing that he or it as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as " the referee ") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :

(4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred

to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by the Council or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Council may and shall proceed forthwith so to underpin or strengthen the said house or building :

(5) The Council shall be liable to compensate the owner lessee and occupier of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :

(6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Council such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Council then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Council shall make compensation to the owner lessee and occupier of such house or building for such injury provided the claim for compensation in respect thereof be made by such owner within twelve months and by such lessee or occupier within six months from the discovery thereof :

(7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Council from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :

(8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

No mains or pipes to be laid on bridge

41.—(1) Notwithstanding anything in any Act to the contrary it shall not except as by this section expressly provided be lawful for any person to enter upon break up or interfere with the bridge (Work No. 3)

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except with consent of Council.

authorised by this Act or the carriageway and footways over the same for the purpose of executing any work whatsoever therein thereon or thereunder except with the consent of the Council in writing and in accordance with such terms and conditions either as to the payment of any rent or other valuable consideration or otherwise as the Council may reasonably determine:

Provided that the consent of the Council to the breaking up of and interference with the bridge (Work No. 3) authorised by this Act for the purposes of laying down electric lines therein shall not be withheld unreasonably and that any question which may arise as to whether such consent is so withheld or as to whether the terms and conditions subject to which any such consent is given are unreasonable shall be determined by the Minister of Transport:

Provided also that the owners of any mains pipes electric lines or other works lawfully placed in the existing Penryn Bridge shall be entitled to place maintain and renew similar mains pipes lines or works in the bridge (Work No. 3) authorised by this Act upon and subject to such terms and conditions as may be agreed between them and the Council and the Council shall give to such owners reasonable facilities for placing such mains pipes lines and works in the last-mentioned bridge before the existing Penryn Bridge is demolished by the Council.

(2) Nothing contained in this section shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926.

Works below high-water mark not to be constructed without consent of Board of Trade.

42. The Council or any other body or person shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Council or any other body or person shall not at any

time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Lights on works during construction.

43.—(1) The Council shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Council fail to comply in any respect with the provisions of this section it shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof it so fail.

Permanent lights on works.

44.—(1) After the completion of the works by this Act authorised the Council shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night 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 of Deptford Strond shall from time to time direct.

(2) If the Council fail to comply in any respect with the provisions of this section it shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof it so fail.

Survey of works by Board of Trade.

45. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Council under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of

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ordinary spring tides or of the site upon which it is proposed to construct any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement of work abandoned or decayed.

46.—(1) Where any work constructed by the Council under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Council at its own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require it to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Council it has failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

For further protection of Postmaster-General.

47. The Council shall in constructing the bridge (Work No. 3) authorised by this Act provide for the accommodation of telegraphic lines of the Postmaster-General a space one foot deep by one foot two inches wide under one of the footways of the said bridge The accommodation shall be provided in accordance with plans sections

and particulars to be previously submitted to and reasonably approved by the Postmaster-General Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Council his disapproval thereof or made any requirement with respect thereto he shall be deemed to have approved the same.

Closing and demolition of existing Penryn Bridge.

48.—(1) The existing Penryn Bridge may be closed and the Council shall be authorised to demolish the said bridge and to remove the same without being liable for any damages or compensation in respect of such removal.

(2) Upon the closing of the existing Penryn Bridge the Act 7 & 8 Geo. IV c. xviii shall be repealed.

(3) Provided that nothing in this section shall deprive the Ecclesiastical Commissioners for England of any right to claim compensation for injurious affection in respect of the closing of the existing Penryn Bridge.

(4) The demolition of the existing Penryn Bridge shall be carried out in such manner as the Board of Trade reasonably approve and the Council shall remove entirely from the waterway flowing from Penryn Dock to Penryn Harbour and from the foreshore and bed thereof all temporary works erected or placed in the said waterway or on over or under the foreshore and bed thereof in connection with such demolition and shall also take up and remove from the said waterway and from the foreshore and bed thereof the piers and foundations of the existing Penryn Bridge.

As to Legal Quay at Penryn.

49. Notwithstanding any works or improvements authorised by this Act the Legal Quay at Penryn on which the present Custom House stands and the use thereof shall remain subject to all the same rules regulations and restrictions to which legal or lawful quays are or may be by law subject in addition to any special rules regulations and restrictions for the protection of the Customs to which the said quay may at present be subject.

For protection of Ecclesias-

50. Notwithstanding anything contained in this Act the following provisions shall unless otherwise agreed in writing between the Council and the Ecclesiastical

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tical Commissioners.

Commissioners for England (in this section called "the commissioners") apply and have effect (that is to say):—

(1) The bridge (Work No. 3) authorised by this Act shall be constructed of a width of not less than thirty feet between the parapets:

(2) The Council shall resell to the commissioners any lands acquired by the Council from the commissioners for the purposes of Works Nos. 3 and 4 authorised by this Act and not required for those purposes at such price as failing agreement shall be ascertained in accordance with the provisions of section 130 of the Lands Clauses Consolidation Act 1845:

(3) The Council shall not construct the widening and improvement of the main road from Penryn to Falmouth (Work No. 4) authorised by this Act nor any subsidiary work in connection therewith so as to deprive the commissioners of access to the said main road from any part of any lands belonging to them abutting upon the said main road whether such lands shall not have been purchased by the Council or after having been purchased by the Council shall have been resold to the commissioners under the provisions of this section.

PART V.

LUNACY.

Agreement of 1815.

51. It is hereby declared that the agreement dated the eighteenth day of October eighteen hundred and fifteen and made between the committees of justices of the peace for the county of Cornwall and subscribers severally appointed to treat for uniting for the purpose of an Act (for the better care and maintenance of pauper and criminal lunatics) passed in 48 Geo. III. is no longer subsisting and capable of taking effect.

Asylum properties.

52. It is hereby declared that the lands situate in and near the borough of Bodmin and in the borough of Liskeard in the county known as the Asylum Estate and the buildings erected thereon and the furniture and fittings belonging thereto as now used and occupied for the care and treatment of pauper lunatics and private

patients and the funds and assets of the said estate whether provided from public funds private subscriptions or otherwise (in this Part of this Act collectively referred to as "the asylum") are the property of and are vested solely in the Council.

Asylum committee.

53. The persons who on the thirty-first day of March nineteen hundred and thirty are members of the asylum committee exercising in the county the powers of a visiting committee whether appointed by the Council or otherwise shall vacate their several offices and such committee shall be dissolved.

As to application of Lunacy Act 1890 to visiting committee.

54. The Lunacy Act 1890 and any subsequent Act amending the said Act shall on and from the first day of April nineteen hundred and thirty apply to the Council Provided that—

(1) (i) The visiting committee shall be composed of not more than fifteen persons not more than ten of whom shall be appointed annually by the Council and not more than five of whom shall be the persons who on the first day of January nineteen hundred and twenty-nine sat as members of the asylum committee but were not appointed by the Council;

(ii) Each of such five persons may hold office until he vacates the same by resignation or death;

(iii) As each of the first three of such five persons ceases to hold office the number of members of the visiting committee appointed by the Council shall in the year of the triennial election of county councillors next following be reduced by one;

(iv) After all such five persons have ceased to hold office this proviso shall cease to have effect and the visiting committee shall be appointed as provided by subsection (1) of section 169 of the Lunacy Act 1890:

(2) The asylum shall be deemed to have been provided for pauper and private patients and maintained by the Council under the provisions of the Lunacy Act 1890:

(3) The clerk to the asylum committee the chaplain or chaplains medical superintendent clerk treasurer

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and other officers and servants of the asylum who hold office on the thirty-first day of March nineteen hundred and thirty shall be transferred to and continue in office as officers and servants of the visiting committee and shall hold their offices by the same tenure as at that date:

(4) Private patients shall be received into the asylum upon such terms as to payment and private accommodation as the visiting committee thinks fit.

PART VI.

ROADS.

Roads to which this Part of this Act applies.

55. In this Part of this Act (unless the context otherwise requires) the words "county road" have the same meaning as in the Local Government Act 1929.

Exchanges for road improvements.

56.—(1) The Council may enter into and carry into effect agreements with the owner of and all other persons having any interest in any land abutting on any county road for the acquisition of such land for the purpose of widening opening enlarging or otherwise improving such road either (*a*) in exchange for any part of the road which shall adjoin any land belonging to such owner and which shall in the opinion of the Council not be required for public use or for approach to any property adjoining the same or (*b*) for such other consideration (if any) as may be agreed between the Council and such owner and other persons (if any).

(2) As from the date of any such exchange as aforesaid all public rights over any portion of any such road so given in exchange shall be extinguished.

(3) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such portion of road as if the same had continued to be part of the road and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Council or the owner of or other

person interested in the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act. A.D. 1929.

Council may contribute to certain expenses under town planning schemes.

57. It shall be lawful for the Council to contribute from time to time such sums as it may think fit towards any expenses incurred by any local authority in connection with the prescribing of a building line for or the widening of any county road or part of a county road under or for the purposes of any scheme made by the local authority under the Town Planning Act 1925 or the enactments repealed by that Act and approved by the Council so far as regards such road or part of a road.

Provisions as to petroleum filling stations.

58.—(1) After the commencement of this Act no petroleum filling station shall without the consent of the district council be erected on any land in the county so as to be adjacent to a county road or so that any carriageway forming part of the station communicates directly with such a road but the district council shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic.

(2) Any person aggrieved by the refusal of a district council to give their consent under this section may within fourteen days after the refusal has been communicated to him appeal to a petty sessional court and the provisions of section 8 of the Public Health Act 1925 shall apply with respect to any such appeal as they apply with respect to appeals under that Act.

(3) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable on summary conviction thereof to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

PART VII.

RIVERS AND STREAMS.

Definition for this Part of this Act.

59. In this Part of this Act unless the context otherwise requires—

"River" means any river or stream in the county and any tributary brook channel culvert and watercourse or part thereof respectively flowing into any such river or stream and includes the bed and channel and shores thereof respectively but does not extend to a part of a river which is ordinarily navigated by vessels employed in the carriage of passengers or goods by water.

Power to improve flow &c.

60.—(1) The Council for the purpose of preventing the flooding of or damage to any highway maintainable for the time being by or on behalf of the Council may—

(*a*) Cleanse and scour any river;

(*b*) Reduce or remove any shoals shelves banks or other accumulations in any river;

(*c*) Abate or remove or cause to be abated or removed all impediments obstructions and nuisances whatsoever in any river or on the banks thereof.

(2) The Council for the purpose mentioned in subsection (1) of this section may also by agreement with the owners of land adjoining or in or near to any river restrict widen straighten and improve the river and shorten any bend or remove any angle in the course of the river.

(3) Where any person sustains any damage by reason of the exercise of any of the powers of subsections (1) and (2) of this section full compensation shall be made to such person by the Council and any dispute as to the fact of damage or amount of compensation shall in default of agreement be determined by and compensation (if any) shall be recoverable in a court of summary jurisdiction:

Provided that nothing in this subsection shall impose any liability on the Council to make compensation to any person with whom it has entered into an

agreement under subsection (2) of this section for any damage caused by or resulting from the proper exercise by the Council of its powers under subsection (2) of this section in accordance with the terms of the agreement. A.D. 1929.

Clearing of rivers.

61.—(1) If any part of any river is or becomes in such a state that the proper flow of water along the same is obstructed or impeded so as to cause flooding of or damage to any highway maintainable for the time being by or on behalf of the Council or there is reasonable probability that such flooding or damage may occur the Council may by notice in writing require any person by whose act or default the proper flow of water in that part of the river is so obstructed or impeded to clear or put in proper order that part of the river so as to allow the proper flow of water along the same.

(2) If any person to whom any such notice is lawfully given by the Council neglects to comply with the requirements of the notice within the period (not being less than one month) stated in the notice or (if an appeal is entered against the notice under the next following subsection) within one month from or such other period as may be specified in the order of the court the Council may if it thinks fit carry out the work required by the notice and recover the expense thereof from the person in default.

(3) Any person aggrieved by any requirement of any notice given to him by the Council under this section may appeal to a court of summary jurisdiction Provided that the appeal is made within fourteen days from the receipt by him of such notice and that notice in writing of the appeal is sent to the Council within twenty-four hours after the entry of the appeal.

(4) On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as the court shall deem just and the costs of the appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Power of entry.

62. 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.

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Right to prosecute to be in Council only.

63. It shall not be competent for any person other than the Council its solicitors officers or agents to institute or carry on any proceedings or prosecution under the provisions of this Part of this Act but nothing in this Part of this Act shall be deemed to affect any of the provisions of any Act or Acts for the time being in force relating to solicitors.

This Part of Act not to legalise nuisances &c.

64. Nothing in this Part of this Act shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Part of this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter aforesaid.

As to works within limits of dockyard ports of Plymouth or Devonport.

65. Where the works authorised to be carried out by this Part of this Act are within the limits of the dockyard ports of Plymouth or Devonport the following provisions shall apply :—

(i) The Council shall obtain the previous consent in writing of the Admiralty thereto and in carrying out such work shall at the expense of the Council comply with the reasonable directions of the Admiralty;

(ii) All work shall be carried out to the satisfaction of the Admiralty;

(iii) If any damage shall be caused directly or indirectly to any Admiralty submarine cables water and drain pipes or other property whatsoever it shall be made good by and at the expense of the Council to the reasonable satisfaction of the Admiralty;

(iv) The previous consent in writing of the Admiralty shall be necessary to the deposit of dredged material within the limits of the dockyard ports of Plymouth and Devonport.

For protection of railway companies.

66. For the protection of the Great Western Railway Company and the Southern Railway Company (each of which companies are in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and

the Council apply and have effect in regard to the exercise by the Council of the powers of the sections of this Act of which the marginal notes are "Power to improve flow &c." and "Clearing of rivers" (that is to say):— A.D. 1929.

(*a*) The Council shall not carry out any works under the powers of the said sections so as in any way to interfere with the part of any waterway bed or course of any stream or watercourse passing under through or by the side of any work or land of the company until after twenty-eight days' previous notice in writing shall have been given to the principal engineer for the time being of the company;

(*b*) All such works where situate under through or by the side of any work of the company shall be done under the superintendence if given and to the reasonable satisfaction of such engineer;

(*c*) All works done under the powers of the said sections shall be done so as not to cause any injury to any such work of the company and if any injury shall arise to any work of the company in consequence of any such works of the Council the Council shall make full compensation to the company in respect of such injury;

(*d*) Any dispute or difference which may arise between the company and the Council with reference to the provisions of this section or in anywise arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either the company or the Council and the Arbitration Act 1889 shall apply to such arbitration.

Powers of this Part of Act cumulative.

67. All the powers and provisions of this Part of this Act are in addition to and not in derogation of any other powers possessed by the Council under the Rivers Pollution Prevention Acts 1876 and 1893 or any other Act of Parliament and such other powers may be exercised and put in force by the Council as if this Part of this Act had not been passed.

A.D. 1929.

Part VIII.

Ice-Cream.

Registration of vendors of ice-cream and premises used by them.

68.—(1)—

(*a*) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within a county district; and

(*b*) any premises within a county district used or proposed to be used for the manufacture storage or sale of ice-cream or other similar commodity;

shall be registered with the district council in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof Provided that no such person shall be required to be registered in more than one county district.

(2) No person shall within a county district carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises within a county district shall be used for the purposes aforesaid unless they be so registered.

(3) Any person offending against the provisions of this section shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and proceedings for the recovery of any such penalty shall be instituted by the district council of the county district in which such person or premises should have been registered.

(4) This section shall come into force in any county district in the county at the expiration of a period of three months after the passing by the district council of a resolution adopting the provisions of this section.

(5) The district council shall as soon as may be after passing the said resolution cause public notice to be given of the effect of this section and of the date when it will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the district council think sufficient Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

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For regulating manufacture and sale of ice-cream &c.

69.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the county omits on the outbreak of any infectious disease among the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer of the county district in which such business is carried on or in which such premises are situate shall be liable for every such offence to a penalty not exceeding forty shillings.

(2) In the event of any person so employed or resident suffering from any infectious disease the medical officer or the sanitary inspector of the district council of the county district where the building is situate or any other officer who is duly authorised in that behalf by such district council may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the district council shall compensate the owner of the ice-cream or similar commodity or materials so destroyed Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such seizure and while any such person is suffering from infectious disease.

(3) Every vendor of or dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand or from a pail container or similar receptacle used without a cart barrow or other vehicle shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand pail container or receptacle and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4) Such medical officer sanitary inspector and other officer shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the district council

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would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned and any person refusing inspection of the materials or commodities or articles of food in any such premises or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

(5) Proceedings for the recovery of the penalties imposed by this section shall be instituted by the district council of the county district in which the offence was committed or of the county district to the medical officer of which such notification as aforesaid ought to have been made or in which such vendor or dealer as aforesaid shall offer any such commodity as aforesaid for sale as the case may be.

(6) The provisions of this section shall not come into force until the expiration of a period of three months from the date of the passing of this Act and prior to the expiration of that period the Council shall cause public notice to be given of the effect of this section and of the date when it will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think sufficient Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

INSURANCE FUND.

Insurance fund.

70.—(1) The Council may if it thinks fit establish a fund to be called "the insurance fund" with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Council may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

(i) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Council;

(ii) Risk of accident and claims by third parties in respect of any vehicles including vessels and

aircraft whether belonging to or hired by or under the control of the Council and whether drawn or propelled by man or horse or mechanical or other means or power and in any other respect;

(iii) Risk of explosion in respect of boilers;

(iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Council or to third parties;

(v) Risks of injuries to children of a school of or connected with the Council;

(vi) Marine risk;

(vii) Risks of mechanical or other breakdown at or in connection with the ferry undertaking;

(viii) Risks of loss due to infidelity or neglect of officers or servants of the Council;

(ix) Risk of loss or damage caused by aircraft;

(x) Any other risks against which in the absence of such insurance fund the Council might insure.

(2) The establishment of an insurance fund under this section shall not prevent the Council from insuring against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Council shall pay into that fund either—

(*a*) such a sum as shall in its opinion be not less than the aggregate amount of the premiums which would be payable if the Council fully insured with insurers of good repute against the several risks for which the insurance fund is intended to provide; or

(*b*) if the Council partly insures against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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(4) When the insurance fund shall amount to two hundred thousand pounds the Council may if it thinks fit discontinue the yearly payments to the fund but if the fund is at any time reduced below two hundred thousand pounds the Council shall re-commence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of two hundred thousand pounds.

(5) The Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in its accounts under the separate heading or division in respect of the particular undertaking department or service which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Part of this Act) be invested in statutory securities and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of two hundred and fifty thousand pounds or more but when and so long as the fund amounts to the sum of two hundred and fifty thousand pounds the interest and annual proceeds of the securities may be carried to the credit of the county fund.

(7) For the purposes of this section the Council may if it deems it expedient and by arrangement with the managers of any public elementary school or the governing body of any college secondary school institute or hostel not provided by the Council as the local education authority include in the risks insured under subsection (1) of this section any risk of or connected with any such school college institute or hostel.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time

and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings services or departments and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

PART X.

FINANCE.

Power to borrow.

71.—(1) The Council (in addition to any other sums which it is authorised to raise) may borrow or raise money at interest for and in connection with the purposes hereinafter mentioned as follows :—

(*a*) The purchase of lands under the powers of this Act sixty-six thousand four hundred and fifty pounds;

(*b*) The construction of the street widenings (Works Nos. 1 2 and 4) authorised by this Act twenty-seven thousand six hundred pounds;

(*c*) The construction of the bridge (Work No. 3) authorised by this Act fourteen thousand four hundred pounds;

(*d*) The provision of buildings in connection with the ferry undertaking thirteen thousand pounds;

(*e*) The provision of a floating bridge in connection with the ferry undertaking twenty thousand pounds;

(*f*) The provision of gantries and chains in connection with the ferry undertaking three thousand five hundred pounds;

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(*g*) The construction of beach works and retaining walls in connection with the ferry undertaking seventeen thousand nine hundred pounds;

(*h*) Dredging and the removal of moorings in connection with the ferry undertaking two thousand five hundred pounds;

(*i*) The payment of the costs charges and expenses of and incidental to the preparing applying for and obtaining this Act the sums requisite.

(2) The Council may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Act.

(3) Any money borrowed under subsection (1) or subsection (2) of this section shall be charged indifferently on the county fund and any revenues of the Council.

(4) In claculating the amount which the Council may borrow under the Local Government Act 1888 or any other enactment the amounts borrowed under this Act shall not be reckoned but subject as aforesaid any money to be borrowed under this Act shall be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 but the consent of the Minister shall not be required to the borrowing or to the period of repayment of moneys borrowed under this section except as regards money borrowed under subsection (2) of this section.

(5) The Council shall make provision for the repayment of any money borrowed under this section within the following periods (namely):—

(*a*) As regards money borrowed under the said subsection (1) of this section for the purposes (*a*) and (*c*) sixty years from the date or dates of borrowing;

(*b*) As regards money borrowed under the said subsection (1) for the purposes (*d*) and (*g*) forty-five years from the date or dates of borrowing;

(*c*) As regards money borrowed under the said subsection (1) for the purposes (*b*) (*e*) and (*f*) thirty years from the date or dates of borrowing;

(*d*) As regards money borrowed under the said subsection (1) for the purpose (*h*) ten years from the date or dates of borrowing;

(*e*) As regards money borrowed under the said subsection (1) for the purpose (*i*) therein mentioned five years from the date of the passing of this Act;

(*f*) As regards money borrowed with the consent of the Minister such period as may be prescribed by him.

Consolidated loans fund

72.—(1) Notwithstanding anything contained in any Act or Order relating to the Council on and after the thirty-first day of March nineteen hundred and thirty the Council may (if it thinks fit) establish a fund to be called "the consolidated loans fund" to which shall be paid as and when they are received—

(*a*) all moneys borrowed by the Council whether by issue of bonds stock or other security and any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose;

(*c*) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to its several borrowing powers or otherwise provided for the repayment of debt; and

(*d*) a sum or sums equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Council as aforesaid before the date on which the consolidated loans fund is established.

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(2) The moneys of the consolidated loans fund shall be used or applied by the Council—

(*a*) in the redemption of stock or any other securities issued by the Council the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council;

(*b*) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council; and

(*c*) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund including the accumulations arising from the investments thereof shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(3) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

(*a*) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on its current borrowings.

(4) Subject to any priority existing at the passing of this Act all bonds stock of and loans to the Council and

the dividends and interest thereon shall be charged indifferently on the county fund and any revenues of the Council and shall rank equally one with the other without any priority whatsoever. A.D. 1929.

(5) Save as in this section expressly provided all the obligations of the Council to the holders of bonds stock or other securities of the Council shall continue in force.

(6) The powers conferred by this section shall not be put into operation by the Council except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

Sinking fund.

73.—(1) If the Council determines to repay by means of a sinking fund any moneys borrowed by virtue of any statutory borrowing power (except money borrowed by the issue of stock) such sinking 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 hereinafter called a "non-accumulating sinking fund"; or

(*b*) by payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds ten shillings per centum per annum or such other rate as the Minister may from time to time approve 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 hereinafter 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 subject to the provisions of this Act unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

A.D. 1929.

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

(4) The Council 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 sinking fund is formed Provided that in the case of an accumulating sinking fund the Council 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.

(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 Council.

(*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 Council in addition to the payments provided for by this Act.

(7) If it appears to the Council 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 Council to make such increased payments to the sinking

fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct. A.D. 1929.

(8) If the Council desires to accelerate the repayment of any loan it 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 Minister be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister 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 Minister be sufficient to repay the moneys in respect of which the sinking fund is formed within the prescribed period the Council may with the consent of the Minister discontinue the annual payments to such sinking fund until the Minister 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 Council with the consent of the Minister may determine.

(12) All moneys which at the date of this Act are 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.

A.D. 1929.

Application of interest received from investment of moneys in sinking fund.

74. Where sums are set apart as a sinking fund or a redemption fund for the purpose of paying off moneys borrowed by the Council in the exercise of any of its powers under this Act or under any Act or any Order confirmed by or having effect as an Act of Parliament whether passed confirmed or made before or after the passing of this Act the interest received in any year from the investment of the sums so set apart shall instead of being accumulated in accordance with the provisions relating to such sinking fund form part of the revenue for that year of the fund or rate out of which the sums were set apart but the contribution to be made to the sinking fund out of such fund or rate shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at such rate that the accumulations would with the sums set apart be sufficient to pay off the moneys borrowed within the period sanctioned.

Power to use sinking and other funds instead of borrowing.

75. Notwithstanding anything contained in this or any other Act the Council may use for the purpose of any statutory borrowing power exerciseable by it any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingency insurance guarantee superannuation or other similar fund (in this section referred to as "the lending fund") subject to the following conditions :—

(*a*) The moneys so used shall be repaid to the lending fund within the period by the methods and out of the fund rate or revenue within by and out of which a loan raised under the statutory borrowing power would be repayable Provided that the Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if it so resolves repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the fund rate or revenue aforesaid or out of moneys which would have

been applicable to the repayment of a loan if raised under the statutory borrowing power; A.D. 1929.

(*b*) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and such interest shall be paid out of the fund rate or revenue which would be applicable to the payment of interest on a loan raised under the statutory borrowing power;

(*c*) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Application of revenue and payment of expenses of undertakings.

76.—(1) All money received by the Council on account of the revenue of the ferry undertaking and the small holdings estates for the time being of the Council from which revenue is derived shall be carried to and shall form part of the county fund and all payments and expenses made and incurred in respect of any such undertaking or estates shall be paid out of that fund.

(2) The Council may (if it thinks fit) apply money received by it on account of the revenue of the ferry undertaking and the small holdings estates in the construction renewal extension and improvement of the works and conveniences for the purposes of such undertaking or estates respectively or in the provision of funds for working capital for such undertaking or estates.

Deficiencies in revenue of ferry undertaking.

77. The Council may apply money received by it in any year on account of the revenue of the ferry undertaking in the payment of interest calculated at the rate of five per centum per annum with half-yearly rests on deficiencies in the revenue of the ferry undertaking in previous years.

A.D. 1929.

Power to create reserve funds.

78.—(1) The Council may if it chooses provide reserve funds in respect of the ferry undertaking and its small holdings estates for the time being existing by setting aside such amounts as it may from time to time choose from the revenue of such undertaking or of the said estates as the case may be and investing the same in statutory securities until the fund so formed amounts in the case of the ferry undertaking to fifteen per centum of the aggregate capital expenditure for the time being by the Council of such undertaking and in the case of the small holdings estates to five per centum of the aggregate capital expenditure for the time being by the Council upon such estates.

(2) Any such reserve fund which has been formed 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 Council from the ferry undertaking or from the said estates as the case may be or to meet any extraordinary claim or demand at any time arising against the Council in respect of the ferry undertaking or those estates or for payment of the cost of renewing improving or extending any part of the works forming part of the ferry undertaking or of those estates or otherwise for the benefit of such undertaking or those estates 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.

(4) Resort may be had to a reserve fund formed under the foregoing provisions of this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

(5) The income of any reserve fund shall be treated as part of the revenue of the ferry undertaking or of the said estates as the case may be.

Accounts.

79.—(1) The Council shall keep its accounts in respect of the ferry undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all

receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say) :—

(*a*) the working and establishment expenses and cost of maintenance of the undertaking;

(*b*) the interest on moneys borrowed by the Council for the purposes of or connected with the undertaking;

(*c*) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(*d*) all other expenses (if any) of the undertaking properly chargeable to revenue;

(*e*) the amount (if any) paid to any reserve fund which the Council is from time to time authorised to maintain.

(2) Any deficiency in the revenue of the ferry undertaking in any year shall be made good in the first instance out of the reserve fund (if any) formed in connection 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 other moneys of the Council and in such case any deficiency shall be a debt due from and repayable out of any future revenue of the said undertaking.

(3) So long as the Council itself carries on the ferry undertaking whenever the money received by the Council from the ferry undertaking on account of revenue in any year shall exceed the amount expended or set aside in connection with that undertaking in respect of the several purposes mentioned in subsection (1) of this section then the surplus of such revenue shall be used in and for the purposes of the ferry undertaking and for no other purpose.

(4) The Council shall show in its accounts relating to the ferry undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

A.D. 1929.

(5) In all cases in which the Council keeps separate accounts for separate purposes it shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

(6) The Council shall in each year as soon as may be practicable after its accounts for the preceding financial year have been audited by the district auditor of the Ministry of Health send a copy of the accounts of the ferry undertaking to the Minister of Transport.

As to small holdings.

80.—(1) The Council may if it chooses provide out of any surplus revenue of its small holdings estates such moneys as it thinks fit for the acquisition of land which it is authorised by law to acquire for small holdings purposes.

(2) In this section the expression "surplus revenue" means any surplus which may remain after meeting the expenditure on the various purposes referred to in subsection (1) of the section of this Act of which the marginal note is "Accounts."

Power to borrow by issue of bonds.

81.—(1) In addition to any other form of borrowing the Council may borrow any sums which it has power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Cornwall County bonds" (in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) The provisions set out in the Second Schedule to this Act shall have effect with regard to bonds.

(3) All bonds issued 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 issue of the bonds or on any other ground whatsoever and shall also rank equally with and have the same status as all other securities issued by the Council.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of

bonds as if those bonds were stock or funded debt within the meaning of that section. A.D. 1929.

Closing of registers.

82. The Council may close any transfer books or the registers of transfers of mortgages or other securities of the Council as the case may be for a period not exceeding thirty days next before any day on which an instalment of interest on such mortgages or other securities is payable.

Council not to regard trusts.

83. The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them 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 Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council has had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered on its register.

Receipt in case of persons not sui juris.

84. If any money is payable to a mortgagee stockholder or bondholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Interest on securities held jointly.

85. Where more persons than one are registered as joint holders of any security of the Council any one of them may give an effectual receipt for any interest thereon unless written notice to the contrary has been given to the clerk.

Evidence of transfer or transmission of securities.

86. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any authorised security (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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PART XI.

MISCELLANEOUS.

Committees of Council.

87. The Council may in accordance with the Local Government Act 1888 but with the exceptions mentioned in that Act delegate to a committee of the Council appointed for that purpose any of the powers or duties of the Council under this Act relating to the ferry undertaking with or without any restrictions or conditions as the Council may see fit and in respect of any powers or duties so delegated to any committee references to the Council in this Act shall be deemed to refer to the committee.

Authentication and service of notices &c.

88.—(1) Where any notice byelaw or other document or any demand under this Act or under the Lands Clauses Acts as incorporated with this Act requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication.

(2) Notices and other documents required or authorised to be served or given by the Council under this Act or under the Lands Clauses Acts as incorporated with this Act and demands made by the Council under this Act may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises:

Provided that—

(*a*) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;

(*b*) in the case of a company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description.

Evidence of appointments authority &c.

89. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under this Act or under any general or local Act for the time being in force in the county it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council 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 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.

Consents of Council.

90. Any consent given by the Council under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force within the county shall be given in writing and unless otherwise prescribed shall be given under the hand of the clerk or other duly authorised officer of the Council.

Breach of conditions of consent of Council.

91. Where under this Act or under any general or local Act for the time being in force in the county the Council gives its consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which it is authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Apportionment of expenses

92. Where under the provisions of this Act or any local Act in force in the county the Council shall construct or do any works for the common benefit of premises

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in case of joint owners.

belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall save as in this Act expressly provided be paid by the owners of such premises in such proportions as shall be determined by the surveyor of the Council or in case of dispute by a court of summary jurisdiction.

Damages and charges to be settled by court.

93. Where any damages expenses 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 or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of demands.

94. Proceedings for the recovery of any demand made under the authority of this Act 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.

As to appeals.

95. Any person deeming himself aggrieved by any order judgment determination or requirement under the provisions of Parts III VI VII or VIII of this Act or the withholding of any certificate licence consent or approval of or by the Council or of or by any officer of the Council under the provisions of Parts III VI or VII of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by 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 court of summary jurisdiction the Council may in like manner appeal.

Several sums in one summons.

96. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the county any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Informations by

97. 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 byelaw made thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the county. By whom to be laid.

98. All penalties recovered on the prosecution of the Council or any officer of the Council on its behalf under this Act or under any byelaw thereunder shall be paid to the Council and be carried to the credit of the county fund or to such other fund as the Council shall direct. Penalties to be paid over to Council.

99. 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. Compensation how to be determined.

100. All powers rights and remedies given to the Council 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 it or on any committee appointed by it by Act of Parliament charter law or custom and the Council 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. Powers of Act cumulative.

101. 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 any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

102. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

103.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and the inspectors of the Ministry of Health shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by that Minister under the Public Health Act 1875. Inquiries by Minister of Health.

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(2) The Council shall pay to the Minister any expenses incurred by the Minister 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 Minister not exceeding five guineas a day for the services of such inspector.

Inquiries by Minister of Transport.

104. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board."

Crown rights and powers of Admiralty.

105. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown or in particular any powers of conservancy or jurisdiction enjoyed or exercised by the Admiralty under the provisions of the Dockyard Ports Regulation Act 1865 or any Order in Council thereunder or otherwise.

Saving rights of Duchy of Cornwall.

106. Nothing contained in this Act shall extend to authorise the Council to take use enter upon or interfere with any land soil or water or take away diminish alter prejudice or affect any property rights profits privileges powers or authorities belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or to or by the Duke of Cornwall for the time being without (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by His Majesty in right of the said duchy) 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 (in the case of land soil water property rights profits privileges or authorities belonging to or enjoyed by the Duke of Cornwall for the

time being) the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose. A.D. 1929.

Costs of Act.

107. All 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 Council out of the county fund and county rate or out of moneys to be borrowed under the authority of this Act for that purpose.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

LIST OF PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Number on deposited plans.
Borough of Penryn - -	30 31 32 33 34 35 36 37 38 40 41 42 43 103 104 107 109 115 117 118 124 129 131 132 133 135 136 138 139 140 153 155 158 162 163.
Parish of Budock Rural -	44 70 100.
Urban district of Torpoint	61.

THE SECOND SCHEDULE.

1. Bonds shall be charged on the county fund and any revenues of the Council.

2. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Council may determine.

3.—(*a*) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine.

(*b*) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Council.

(*c*) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the county fund and the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

4. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the County Hall Truro

on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

5.—(1) The clerk shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(*a*) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided.

(*b*) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

6.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to its satisfaction and if it so requires on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

—PER CENT. CORNWALL COUNTY BOND.

This is to certify that
of is the registered holder
of a bond for pounds issued by
the county council of the administrative county of
Cornwall and repayable at par on the day
of at the County Hall Truro.

Signed

Clerk of the County Council.

Date

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7. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

8.—(1) The transfer of a county bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

— PER CENT. CORNWALL COUNTY BOND[S].

I

in consideration of the sum of

paid by (hereinafter called "the transferee") do hereby assign and transfer to the said transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this day of

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of transfers of Cornwall County Bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Council before registering a transfer of a bond may if it thinks fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

9. The Council may close the registers for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Council during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the registers.

10.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Council the Council shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

11.—(1) Unless the holder of a bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Council of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

12. The Council shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Council for registration.

13. The Council before paying any interest on any bonds may if it thinks fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

14. Where more persons than one are registered as joint holders of a bond any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Council by any other of them.

15. No notice of any trust shall be entered in any register or in any other book kept by the Council or be receivable by the Council.

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16.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Council or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes for which he was appointed and shall pay any balance remaining in his hands into the county fund.

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