CHAPTER cxxxix.

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An Act to vest in the Plymouth Corporation the undertaking of the Company of Proprietors for embanking part of the Lairy near Plymouth to empower the Corporation to make new street works and tramway to extend the boundary of the borough and for other purposes. [25th July 1898.]

WHEREAS by the Act 42 George III. cap. 32 (1802) a company was incorporated under the name of the Company of Proprietors for embanking part of the Lairy near Plymouth (in this Act referred to as "the Embankment Company") and empowered to make such mounds banks and fences as they should judge necessary and proper for the purpose of embanking fencing and protecting certain low-lying lands from the tides and inundations of the sea and by the Acts 43 George III. cap. 15 (1803) and 5 George IV. cap. 26 (1824) the Embankment Company were empowered to make and maintain certain roads therein described and afterwards known as the embankment roads and they were empowered to demand and take the tolls therein mentioned:

And whereas the Embankment Company have agreed to sell and transfer the embankment roads and all other their undertaking to the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the Corporation") upon and subject to the terms and conditions mentioned in this Act and it is expedient that the said roads and undertaking should be vested in the Corporation and the Embankment Company wound up as by this Act provided:

And whereas it is expedient that the Corporation should be empowered to make and maintain the street works in this Act mentioned:

And whereas the Corporation have purchased and have also constructed tramways within the borough and it is expedient that they should be empowered to construct and maintain the additional tramway in this Act described and that further provisions should

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be made as in this Act mentioned in respect to the motive power to be used on the tramways and to the working by the Corporation of their tramways:

And whereas it is expedient that the Corporation should be empowered to make and maintain the wharf works in this Act described:

And whereas it is expedient that the municipal boundary of the borough should be extended as by this Act provided:

And whereas it is expedient that further and better provision should be made in regard to the cattle market of the Corporation the purchase and acquisition of lands for recreation purposes and in regard to other matters of local government and improvement as in this Act mentioned:

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

And whereas estimates have been prepared by the Corporation for the purchase of land and the execution of the various works by this Act authorised and for the other purposes herein-after mentioned and such estimates are as follows:—

	£
For and in connexion with the purchase of the undertaking of the Embankment Company - -	24,000
For the purchase of land for and the construction of the street works by this Act authorised - - -	42,000
For the construction of the tramway by this Act authorised and for lands buildings and plant and other tramway purposes - - - - -	4,000
For the purchase of land for and the construction of wharf works - - - - - -	70,000
For and in connexion with the new cattle market -	15,000
For the purchase of land for and the laying out of the recreation grounds by this Act authorised and the erection of necessary buildings fences and works in connexion therewith - - - - -	30,000

And whereas the several works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875 and it is expedient that further powers as in this Act contained should be conferred upon the Corporation for the borrowing of money for the purposes of this Act:

And whereas an absolute majority of the whole number of the council at a meeting held on the seventeenth day of January one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Western Daily Mercury a local newspaper published and

circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate:

And whereas such resolution was published twice in the said Western Daily Mercury and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the fourteenth day of February one thousand eight hundred and ninety-eight being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Devon and 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.—Preliminary.

Short title.

1. This Act may be cited as the Plymouth Corporation Act 1898.

Incorporation of Acts.

2. The following 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 and form part of this Act namely:—

The Lands Clauses Acts:

Parts II. and III. of the Tramways Act 1870 and section 19 (Local authority may lease or take tolls).

Interpretation.

3. In this Act words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings unless there is something

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in the subject or context repugnant to such construction And in this Act unless the context otherwise requires—

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

"The existing borough" means the borough of Plymouth as existing immediately before the passing of this Act;

"The added area" means the area added to the existing borough by this Act and coloured pink on the maps to be deposited as herein-after provided;

"The borough" means the existing borough or the borough as extended by this Act as the case may require;

"The council" means the council of the borough;

"The town clerk" means the town clerk of the borough;

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

"The Embankment Company" means the Company of Proprietors for embanking part of the Lairy near Plymouth;

"The Commissioners" means the Cattewater Commissioners;

"The Embankment Acts" means the recited local Acts 42 Geo. III. cap. 32 43 Geo. III. cap. 15 and 5 Geo. IV. cap. 26;

"Mechanical power" includes steam electric and every other motive power not being animal power;

"Engine" includes motor.

Execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the council.

PART II.—Lands.

Power to acquire lands.

5. Subject to the provisions and for the purposes of this Act the Corporation 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 Provided that the Corporation shall not enter upon or take by compulsion any of the lands shown on the deposited plans in the parish of Plymstock or any of the lands in the borough numbered 1 to 167 on the deposited plans.

Correction of errors &c. in deposited plans and book of reference.

6. If there be any omission mis-statement or wrong description of any lands or of any owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation 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 of Devon for the correction thereof and if it appears 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 mis-statement or wrong description and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by the clerk of the peace and town clerk 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 Corporation to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

7. The powers of the Corporation for the compulsory purchase of lands under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to appropriate lands for purposes of Act.

9. The Corporation may appropriate and use for any of the purposes of this Act any lands within the borough for the time being vested in them as a municipal or sanitary authority which are not wanted for the purpose for which such lands were originally acquired but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

Restriction on taking houses of labouring class.

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

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing

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others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Owners may be required to sell parts only of certain lands and buildings.

11. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation 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 Corporation 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:—

(1) The owner of and persons interested in any of the properties referred to in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) 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 Corporation 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 Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property 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 Corporation have compulsory powers of purchase) can be so severed:

(4) If the tribunal determine that the portion of the scheduled property 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 Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

(5) If the tribunal determine that the portion of the scheduled property 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 arbitration or inquiry shall be borne and paid by the owner:

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reascnably and properly incurred by him in consequence of such notice:

(7) If the tribunal determine that the portion of the scheduled property 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 Corporation in case they 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 their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained 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.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Proceeds of sale of surplus lands.

12. So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as they consider necessary apply moneys received by them on re-sale or by way of

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fine or premium on the grant or renewal of leases in the purchase of lands so remaining to be acquired but as to moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board Provided that the amount to be applied in the purchase of land under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act Provided further that the borrowing powers by this Act authorised shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Power to retain sell &c. lands.

13. Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands within the borough or any interest therein acquired by them prior to or under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands 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.

PART III.—Embankment Roads.

Sale of Embankment Company's undertaking.

14. The Embankment Company shall sell to the Corporation and the Corporation shall purchase the undertaking of the Embankment Company for such consideration and upon such terms and conditions as in this Act appears comprising the following (that is to say):—

(1) The purchase money shall be the sum of twenty-two thousand five hundred pounds:

(2) The sale shall include the roads known as the embankment roads with the toll and other houses and all rights of tollage and the rights of the Embankment Company in a piece of land about four acres in extent now being used as a tip and enclosed by the London and South Western Railway bank and all rights of the Embankment Company over two tracts of mud or unreclaimed land described in the Embankment Company's first-mentioned Act except the lines of the Great Western

Railway Company and the London and South Western Railway Company and all other the property and effects of the Embankment Company subject to all existing tenancies and to all existing rights of the public in respect of the premises and to all rights of drainage protection from the sea and other easements (if any) to which the premises are subject but the sale shall not include any cash balances in the hands or under the control of the Embankment Company or any securities for moneys invested in their name or on their behalf: A.D. 1898.

(3) The purchase shall take effect as on and from the expiration of six months from the passing of this Act and on that day the Corporation shall on payment of the purchase money be let into possession and into the receipt of the rents and profits of the undertaking:

(4) The Corporation shall pay the purchase-money to the Embankment Company on the said day as on and from which the purchase is to take effect and if from any cause the purchase money shall not be paid on that day the Corporation shall pay to the Embankment Company interest at the rate of four pounds per centum per annum from that day to the day of payment:

(5) The Embankment Company shall pay and discharge all debts outgoings and liabilities of every kind affecting the undertaking or the Embankment Company up to the day on which the purchase is to take effect and up to that day they shall be entitled to all tolls and profits and from such last-mentioned day the Corporation shall bear and pay all debts outgoings and liabilities of every kind affecting the undertaking or the Embankment Company and shall be entitled to all tolls and profits and where necessary to give effect to this section such tolls and profits and outgoings shall be apportioned between the Embankment Company and the Corporation.

Receipt for purchase-money.

15. The receipt in writing of three members of the committee for the management of the concerns of the Embankment Company (in this part of this Act referred to as "the committee of management") for any money paid to the Embankment Company by the Corporation shall effectually discharge the Corporation from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Corporation are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be

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opened in the matter of this Act and a receipt shall be given to the Corporation by the cashier of the said bank for the money which shall have the same effect as the receipt of such three members of the said committee of management.

Transfer.

16.—(1) On payment by the Corporation of the amount of purchase-money to the Embankment Company or on payment of the amount into the Bank of England under the provisions of this Act the Embankment Company's undertaking with their rights powers and privileges shall by virtue of this Act become and shall thenceforth be transferred to and vested in the Corporation subject to the provisions of this Act and such transfer and vesting is in this Act referred to as "the transfer."

(2) The production of a Queen's Printers' copy of this Act duly stamped together with a receipt for the purchase-money purporting to be signed by three members of the committee of management or by the cashier of the Bank of England shall (unless it be proved that such purchase-money has not been paid) be conclusive evidence in all courts and proceedings of the transfer to and vesting in the Corporation of the Embankment Company's undertaking.

Pending actions.

17. If at the date of the transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the Embankment Company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced against or in favour of the Corporation as and when it might have been continued prosecuted and enforced against or in favour of the Embankment Company if this Act had not been passed but not further or otherwise.

Contracts of Company to be binding on Corporation.

18. Except as by this Act provided all agreements contracts conveyances deeds and other instruments affecting the Embankment Company and in force at the time of the transfer shall after the passing of this Act be as binding and of as full force and effect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the Embankment Company the Corporation had been a party thereto.

Application of purchase-money.

19. The committee of management shall hold the purchase-money paid to them by the Corporation under this Act upon the trusts and for the purposes following (that is to say):—

As to five hundred pounds part thereof to pay to the officers of the Embankment Company such sum or sums as they may think fit by way of compensation for loss of office and to pay and apply the remainder of the said sum of five hundred

pounds in or towards the costs of and relating to the agreement for the purchase of the undertaking of the Embankment Company and the completion of the purchase and to the winding up of the Embankment Company;

As to the sum of twenty-two thousand pounds (the remaining part of the purchase-money) to pay and discharge all debts and liabilities of the Embankment Company which by this Act are payable by them and as to the residue to pay apply and distribute the same amongst the shareholders in the Embankment Company in proportion to the amount paid up by each shareholder in the share capital of the Embankment Company:

And for the purpose of such distribution the several persons whose names shall appear in the books of the Embankment Company at the date of the transfer to be the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the committee of management be considered to be shareholders of the Embankment Company and the receipt in writing of such persons or of their executors or administrators or of the committee or guardian of the estate of any of such persons who shall be an idiot lunatic or minor shall be an effectual discharge to the Embankment Company and the committee of management for the money therein expressed to be received and shall exonerate them from any obligation affecting the share stock or interest in respect whereof that money is paid.

Payment into Court by directors.

20. Where the committee of management are for six months after the transfer unable after diligent inquiry to ascertain the person to whom any part of the purchase-money of the undertaking is payable or where any part thereof is payable to a person by or on behalf of whom an effectual receipt cannot be given or on account of any other reasonable cause the directors may pay the same into the Supreme Court or if not exceeding five hundred pounds into the County Court of Devon holden at Plymouth under any Act for the time being in force for the relief of trustees and every such payment into Court shall conclusively discharge the Embankment Company and committee of management from all further liability with respect to the money so paid.

Winding-up and dissolution of Company.

21. So soon as conveniently may be after the transfer the affairs of the Embankment Company shall be wound up and for that purpose the committee of management then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the distribution of the purchase-money and for winding up the affairs of the company and when and so soon as such moneys have been distributed and their affairs have been wound up the Embankment Company shall

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be by virtue of this Act dissolved and notwithstanding the transfer the Embankment Company shall be entitled to retain in their possession until the dissolution all share registers transfer books books of account minute books letter books and other documents but the Corporation and their officers shall have access to the same whenever required by the Corporation and on the dissolution the same shall be handed over to the Corporation.

If the number of the committee of management be reduced by death resignation or otherwise below three before the completion of such winding-up the continuing members thereof shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused.

Books &c. to remain evidence.

22. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the Embankment Company shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Maintenance of undertaking by Company till transfer.

23. Until the transfer the undertaking of the Embankment Company shall be maintained and carried on by the Embankment Company as heretofore but the company shall not without the previous consent in writing of the Corporation under the hand of the town clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the maintenance of the works and the proper conduct of the undertaking Provided that if from any cause the transfer does not take effect on the said day on which the purchase is to take effect then from that day until the transfer the undertaking shall be maintained and carried on by the Embankment Company for the benefit and at the expense and risk in all respects of the Corporation.

Repeal of Embankment Acts with certain savings.

24. The Embankment Acts shall as from the transfer be repealed except so far as may be necessary to give effect to the provisions of this Act and except the sections and parts of sections set forth in the Third Schedule to this Act which sections and parts of sections shall apply so far as the same are consistent with the provisions of this Act and have effect as if the Corporation were therein referred to instead of the Embankment Company and the council instead of the committee of management and the borough surveyor instead of the surveyor of the roads.

Maintenance of roads and appropriation of lands.

25. After the transfer the Corporation shall repair and maintain the embankments constructed under the Embankment Acts and the embankment roads and may alter widen and improve the embankment roads and make new approaches thereto and junctions and connexions therewith and the Corporation may appropriate any of

the lands acquired by them from the Embankment Company for any of those purposes and any such lands not so required may be used for any municipal sanitary or other public purpose as the Corporation may think fit and the Corporation may sell and dispose of any such lands not required for any of those purposes.

Power to stop any person refusing to pay toll.

26. If any person subject to the tolls made payable under this part of this Act in respect of the embankment roads shall after demand made thereof by any collector appointed to receive the same neglect or refuse to pay the same or any part thereof it shall be lawful for such collector by himself or taking such assistance as he shall think necessary to stop and prevent the passage of the person so neglecting or refusing or of the horse beast or cattle for or in respect of which such tolls ought to be paid until full payment thereof.

Penalty for evading tolls.

27. If any person subject to the tolls made payable under this part of this Act in respect of the embankment roads shall (*a*) fraudulently or forcibly pass over the embankment roads or through any toll-gate without having paid the said tolls or shall assault interrupt or obstruct any person employed in the collection of the said tolls or (*b*) take off or cause to be taken off any horse or other beast from any carriage at or near to any toll-house and afterwards put or add the same after having passed such toll-house or gate as aforesaid with intent to evade and thereby shall evade or endeavour to evade the payment of the said tolls or shall forge counterfeit or alter or receive from or deliver to any other person or persons any note or ticket with intent to evade or to enable or assist any other person or persons to evade the payment of any part of the said tolls every person so offending shall be liable to a penalty not exceeding forty shillings.

For settling disputes concerning tolls.

28. In case of any bonâ fide dispute as to the amount of toll due such amount may be ascertained by a court of summary jurisdiction for the borough which court shall have power to determine the amount of the toll due and other matters in dispute between the parties and may also award such costs to be paid by either party to the other as to such court shall seem just and reasonable.

Toll collectors to put up their names &c.

29. Every toll collector on the embankment roads shall place on some conspicuous part of the front of each of the several toll-houses at which they shall be respectively stationed and so that the same shall appear to public view their Christian and surnames painted in black on a board with a white ground each of such letters of such name or names to be at least two inches in length and of a breadth in proportion and such board shall be and remain at such toll-house during the whole of the time that the person whose name shall be expressed thereon shall be on duty thereat and if any collector of

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the said tolls shall not place such board and keep the same there during the time he shall be such collector as aforesaid or shall wilfully and with intent to defraud demand and take a greater or less toll from any person than he shall be authorised to do by virtue of the powers of the unrepealed parts of the Embankment Acts or shall with the like intent demand and take a toll from any person who shall be exempt from the payment thereof and who shall claim such exemption or shall refuse to permit or suffer any person to read or shall in any wise hinder any person from reading the inscriptions on such board or shall refuse to tell his Christian and surname to any person who shall demand the same on being paid the said tolls or any of them or shall in answer to such demand give a false name or names or shall refuse or omit to give to the persons paying the toll a ticket denoting the payment of the tolls and naming and specifying the toll gate at which such ticket has been delivered and the toll-gate or toll-gates (if any) freed by any such payment or upon the legal toll being paid or tendered shall unnecessarily detain or wilfully obstruct hinder or prevent any passenger from passing through any turnpike or toll-gate then and in every such case every such toll collector shall forfeit and pay any sum not exceeding five pounds for every such offence.

Application of tolls.

30. All tolls and rates received by the Corporation under this part of this Act shall be applied in or towards the repair and maintenance of the embankments and embankment roads and subject thereto shall be applied towards the payment of the interest on and discharge of the moneys borrowed for purposes of the undertaking and the surplus if any shall be carried to the credit of the district fund.

Corporation may declare embankment roads free of tolls.

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

Not to embank mud lands except with consent of Admiralty.

32. The Corporation shall not embank any of the mud or unreclaimed lands which under the provisions of this part of this Act shall be transferred to and vested in the Corporation except with the consent of the Admiralty.

Compensation in respect of powers under s. 27 of 42 Geo. III. cap. 32.

33. The Corporation shall make compensation to the owners and occupiers of any lands which may be injuriously affected by the exercise of the powers conferred upon the Corporation under section 27 of the Act 42 Geo. III. cap. 32 and the amount of such compensation shall be settled and determined in accordance with the provisions of the Lands Clauses Acts.

PART IV.—Street Works.

Power to make street works.

34. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works herein-after mentioned together with all necessary and proper works embankments retaining walls bridges junctions connexions sewers drains and conveniences in connexion with the street works or any of them:

The works above referred to and authorised by this Act are—

Street Work No. 1.—A new street in continuation in an easterly direction of Beaumont Road:

Street Work No. 2.—A new street commencing in Alexandra Road and proceeding in a northerly direction over the Great Western Railway and terminating in a new street called Ashford Road:

Street Work No. 3.—A widening of Gooseberry Lane on the northern side:

Street Work No. 4.—A new street commencing on the south-westerly side of Laira Bridge Road and terminating on the north-easterly side of Street Work No. 7:

Street Work No. 5.—A new street being in part a widening of Elliot Road commencing in that road and terminating by a junction with Street Work No. 4:

Street Work No. 6.—A new street commencing by a junction with Street Work No. 5 and terminating by a junction with Street Work No. 5:

Street Work No. 7.—A new street in continuation in a south-easterly direction of Oakfield Terrace.

Deviation.

35. In the construction of the street works authorised by this Act the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or downwards and they may deviate laterally within the limits of deviation shown on the deposited plans.

Period for completion of street works.

36. If the street works authorised by this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Corporation for executing those works or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed.

Power to make subsidiary works.

37. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Corporation in connexion with the street works authorised by this Act and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or be

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contiguous to the street works or any of them and may make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the street works or any of them or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer or channel within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer and making compensation for any damage done by them in the execution of the powers of this section.

For protection of Joseph Edward Moore of Dyffryn near Neath in the county of Glamorgan.

38. For the protection of Joseph Edward Moore his heirs and assigns or other the owner or owners for the time being of the Little Saltram Building Estate situate in the borough now belonging to him (all of whom are included under the expression "the owner" when used in this section) and for the protection of the tenants of the said estate the following provisions shall apply :—

(1) In constructing Street Work No. 1 authorised by the section in this Act of which the marginal note is "Power to make street works" or in carrying out the provisions of the section of which the marginal note is "Recreation grounds" the Corporation shall not stop up or interfere with any watercourse sewer or drain through the said estate until other sufficient watercourse sewer or drain shall have been made therefor :

(2) Any difference between the owner and the Corporation as to anything to be done or not to be done under this section shall be determined by an engineer to be appointed unless otherwise agreed by the President of the Institution of Civil Engineers and his decision shall be final and binding on both parties and the costs of the reference shall be borne as he shall direct :

(3) Nothing in this section shall prejudice abridge or defeat the rights of the owner or his tenants to compensation in respect of any lands acquired by the Corporation from him or them or of any damage or injury arising to him or them for or in consequence of the works of the Corporation.

PART V.—Tramway.

Power to make tramway.

39. Subject to the provisions of this Act the Corporation may make form lay down use and maintain the tramway herein-after described in the lines and according to the levels and in all respects in accordance with the deposited plans and sections with all proper rails plates sleepers channels passages junctions turntables turn-outs crossings and passing places stables carriage-houses sheds buildings engines works and conveniences connected therewith respectively :

The tramway herein-before referred to and authorised by this Act is as follows:—

A tramway (3 furlongs 5·66 chains in length whereof 0 48 chain is single line and 3 furlongs 5·18 chains is double line) situate in the borough commencing in the new street (Street Work No. 5) at its junction with Street Work No. 6 by a junction with Tramway No. 3 authorised by the Order relating to Plymouth confirmed by the Tramway Orders Confirmation (No. 1) Act 1896 proceeding thence in a north-easterly and south-easterly direction along Street Work No. 5 thence in a south-westerly direction along Street Work No. 4 and terminating at the termination of that work.

Period for completion of tramway.

40. The tramway authorised by this Act shall be completed within three years from the completion of the Street Works Nos. 4 and 5 by this Act authorised and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Incorporation of provisions of Order of 1893.

41. The following provisions of the Plymouth Corporation Tramways Order 1893 (confirmed by the Tramways Orders Confirmation Act 1893) (that is to say):—

Section 5 (Lands by agreement);
Section 10 (Gauge of tramways);
Section 11 (Provisions as to construction of tramways);
Section 12 (Mode of formation of tramways);
Section 13 (Penalty for not maintaining rails and roads in good condition);
Section 14 (Additional passing places may be made where necessary);
Section 15 (Temporary tramways may be made where necessary);
Section 17 (Tramways not to be opened until certified by Board of Trade);
Section 21 (Applying provisions of Acts of 1882 and 1892 as to traffic tolls &c.);
Section 22 (Provisions as to arbitration);
Section 23 (Form and delivery of notices);
Section 25 (Audit of accounts);
Section 27 (Saving for general Acts);

shall subject to the provisions of this Act and so far as the same are applicable in that behalf extend and apply mutatis mutandis to and in relation to the tramway by this Act authorised as if such provisions were re-enacted in this Act.

Railway trucks not to be used on tramway.

42. Carriages or trucks adapted for use upon railways shall not be used on the tramway by this Act authorised.

Tramway to form part of tramway undertaking.

43. Subject to the provisions of this Act the tramway by this Act authorised shall form part of the tramway undertaking of the Corporation.

Provisions as to motive power.

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

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

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

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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

(A) That the Corporation or any company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of mechanical power as authorised under this Act is a danger to the passengers or to the public;

may by order either direct the Corporation company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Construction of electric works.

45. For the purposes of working any of the tramways for the time being belonging to the Corporation by electricity they may erect construct maintain and use dynamos and other electrical apparatus steam-engines works and buildings and may construct

erect lay down make and maintain on above or below the surface of any street posts electric conductors wires apparatus subways tunnels cables tubes conduits and openings and may with the consent of the owners and occupiers affix to any house or building and maintain posts electric conductors wires and apparatus.

The Corporation may upon the lands described in the Second Schedule to this Act (but not elsewhere) construct a station for generating electric power and may thereon provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity or the working of tramways thereby.

Restrictions on use of electric power.

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

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

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

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

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

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

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

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

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

For protection of Postmaster-General.

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

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein If any question arises as to whether the Corporation have constructed their elcctric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such

alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

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

(B) Any difference which arises between the Postmaster-General and the Corporation and their agents with respect to any requirements so made shall be determined by arbitration :

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

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

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

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(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:

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

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

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

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

Conveyance of mails.

48. Notwithstanding any provision in any Act or Provisional Order relating to any existing tramways of the Corporation the Conveyance of Mails Act 1893 shall extend and apply to any such tramway as if the same had been authorised by an Act of Parliament passed after the first day of January 1893 and to the Corporation as the body or person owning or working any such tramway.

Byelaws.

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

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

For regulating the emission of smoke or steam from engines used on the tramways;

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

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

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

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Amendment of Tramways Act 1870 as to byelaws by local authority.

50. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of Board of Trade.

51. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Power to Corporation to work tramways.

52.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may (subject to any leases for the time being in force) place or run carriages on and may work and may demand and take tolls and charges in respect of any tramways within the borough for the time being belonging to the Corporation and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power.

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

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(3) Section 14 (Power for Corporation to work tramways in certain events) of the Plymouth Tramways Act 1892 is hereby repealed.

Fares on Sundays or public holidays not to be raised.

53. It shall not be lawful for the Corporation or any person working or using the tramways to take or demand on Sunday or any bank holiday or other public holiday any higher tolls or charges than those levied by them on ordinary working days.

PART VI.—Wharf.

Wharf wall and embankment.

54. Subject to the provisions of this Act the Corporation may within the limits of deviation shown on the deposited plans construct and maintain the following work (that is to say):—

A wharf wall and embankment being part of Work B shown upon the deposited plans commencing at a point 300 yards measured in a south-west direction from the termination of Work B and terminating at the termination of that work;

in the line shown on a plan signed by Sir Henry Fletcher Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and strictly in accordance with that line unless otherwise agreed on between the Commissioners the Earl of Morley (or other the owner for the time being of Messrs. Martin's wharf at Prince Rock) and the Corporation and on the level shown on the deposited section in respect of the said part of Work B:

Provided that the line of the said wharf wall and embankment shall not in any case be constructed seawards of the line marked "limit of deviation for face of wharf" shown on the plan signed by C. A. Brereton on behalf of the Corporation and by William Matthews on behalf of his Grace the Duke of Bedford:

The said wharf wall and embankment shall be deemed to be a portion of the quay wall referred to in an agreement bearing date the fifth day of May one thousand eight hundred and eighty-four and made between the Lord Graves (the predecessor in title of the Corporation) of the first part William Ekersley of the second part and the Commissioners of the third part and by the said agreement authorised to be constructed and except as in this Act otherwise expressly provided nothing in this Act shall be construed to abridge alter or affect any of the stipulations and provisions of the said agreement:

Provided that the wharf wall and embankment by this Act authorised shall be so laid out that the face thereof at the point of commencement shall not be situate within or landwards of the line of frontage delineated on the said plan signed by Sir Henry Fletcher Baronet:

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Provided that the Corporation shall not carry on or permit to be carried on upon the said wharf wall and embankment the business of wharfingers or warehousemen :

Should the Corporation at any time acquire any portion of the fundus of the Cattewater in front of the land or premises of Burnard and Alger Limited they undertake and agree not in any way to limit or interfere with the full use and enjoyment of the quays and wharves belonging to the said Burnard and Alger Limited and further undertake and agree not to prevent Burnard and Alger Limited or their successors from extending their quays or wharves in front of the land now owned by Burnard and Alger Limited on the authorised line.

Limits of lateral and vertical deviation.

55. In the construction of the work authorised by this part of this Act the Corporation may subject to the provisions of this Act deviate laterally from the lines thereof within the limits of deviation shown on the deposited plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding ten feet upwards or downwards.

Restricting limits of deviation.

56. No deviation of the work authorised by this part of this Act within the limits of deviation of which any public navigable tidal channel is included shall be made from the lines thereof as marked on the deposited plans even within the limits of deviation shown on such plans without the previous consent of the Admiralty or otherwise than in such manner as is expressly authorised by the Admiralty.

Period for completion of wharf wall &c.

57. If the work authorised by this part of this Act is not completed within seven years from the passing of the Act then on the expiration of that period the powers by this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Lights on works during construction.

58. The Corporation shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Admiralty from time to time require or approve.

If the Corporation fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

Corporation to exhibit lights after completion.

59. The Corporation shall at the outer extremity of their works when completed below high-water mark exhibit and keep burning

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from sunset to sunrise such lights (if any) as the Corporation of the Trinity House of Deptford Strond shall direct.

If the Corporation fail to comply with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

PART VII.—EXTENSION OF BOROUGH.

Commencement of this part of this Act.

60. This part of this Act shall except so far as is otherwise provided came into operation on the first day of April one thousand eight hundred and ninety-nine (which date is herein-after referred to as "the commencement of this part of this Act") Provided that for the purposes of the parish burgess lists and burgess roll and other lists to be made under the Municipal Corporations Act 1882 and the Acts amending the same of the lists of county electors and the county registers to be made for the county in pursuance of the County Electors Act 1888 or any Act amending that Act of the lists and registers of parochial electors and any other lists or registers to be made in pursuance of the Local Government Act 1894 and of all proceedings preliminary or relating to any election of the mayor aldermen and councillors to be held on the ordinary day of election in the year one thousand eight hundred and ninety-eight this Act shall come into operation on its passing.

Extension of borough and Compton ward.

61.—(1) The boundaries of the existing borough are hereby extended so as to comprise and the borough shall accordingly comprise the existing borough and the area (being part of the parish of Western Peverell otherwise Pennycross) coloured pink on the maps to be deposited as herein-after in this part of this Act mentioned.

(2) The added area shall be annexed to and form part of the Compton ward of the borough and the persons who immediately prior to the commencement of this part of this Act are town councillors representing that ward shall continue to represent it as if they had been originally elected to represent the ward Provided that nothing in this Act shall take away or affect the power to alter the number or boundaries of the wards of the borough under the provisions of the Municipal Corporations Act 1882 or any Act amending that Act.

Deposit of maps.

62. A map of the borough as extended by this Act signed in duplicate by Sir Henry Fletcher Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred shall within two weeks of the passing of this Act be deposited in the Private Bill Office of the House of Commons and with the town clerk at his office and copies of the said map certified

by the town clerk to be true shall be sent within one month after the passing of this Act to the Local Government Board to the Board of Agriculture to the clerk of the county council of Devon the Inland Revenue Department and to the Director-General of Her Majesty's Ordnance Survey at Southampton.

Incorporation of sections from Plymouth Corporation Act 1897.

63. The following sections of the Plymouth Corporation Act 1897 namely:—

Section 13 (Copies of map to be evidence);
Section 14 (Powers and duties of justices &c. extended);
Section 15 (Acts and Orders extended);
Section 16 (Byelaws &c.);
Section 17 (Town clerk and other officers continued);
Section 18 (Borough auditors);
Section 19 (Corporation property &c.);
Section 20 (Property &c. of district councils);
Section 23 (Adjustment of financial relations between the county and borough);
Section 24 (Differential rating of added area);
Section 26 (Parish councils);
Section 28 (Saving for existing lists of parliamentary voters &c.);
Section 29 (Settlement of paupers);
Section 30 (Irremovability of paupers);
Section 31 (Saving for contribution orders and precepts);

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this part of this Act extend and apply to and in relation to the area added to the borough under this Act Provided that in regard to section 23 "the twenty-ninth day of September one thousand eight hundred and ninety-nine" shall be substituted for "the thirty-first day of March one thousand eight hundred and ninety-eight" and section 26 shall be read and have effect as if the parish council of Weston Peverell otherwise Pennycross were substituted for the parish council of Plymstock.

Alteration of school districts.

64. For the purposes of the Elementary Education Acts 1870 to 1893—

(A) The members of the existing Plymouth School Board who shall be in office at the commencement of this part of this Act shall be deemed to have been elected and shall be the school board for the borough:

(B) Any byelaws in force in the existing borough at the commencement of this part of this Act shall thenceforth apply to the borough until revoked or altered:

(C) The Plympton St. Mary School Attendance Committee shall cease to exercise any powers or duties within any part of the added area.

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Electoral divisions and county councillors.

65.—(1) The Compton electoral division of the county of Devon as diminished by the extension of the borough by this part of this Act shall continue to be an electoral division of the county until altered under section 54 of the Local Government Act 1888 and the person who immediately prior to the commencement of this part of this Act is the county councillor representing that division shall continue to represent the division as if he had been originally elected to represent the division so diminished.

(2) No county alderman or county councillor in office immediately before the commencement of this part of this Act shall be deemed to lose his qualification by reason of the transfer of any part of the county of Devon to the borough by this part of this Act.

Alteration of parishes.

66. The added area shall be amalgamated with the parish of Plymouth and form part of the Compton ward of that parish and shall be subject to the jurisdiction of the guardians of the poor of the town of Plymouth and the unrepealed provisions of any local Act and of any Provisional Order duly confirmed by Parliament affecting those guardians as the same respectively are in force at the commencement of this part of this Act shall extend and apply to the added area.

Contribution to debt of guardians of Plympton St. Mary Union.

67. The Corporation shall within six months from the passing of this Act pay to the guardians of the Plympton St. Mary Union the sum of seventy-five pounds as a contribution to the debt of the said guardians.

Valuation lists.

68. Until new valuation lists are made the portion of the valuation lists of the parish of Weston Peverell or Pennycross which relate to hereditaments in the area added to the parish of Plymouth shall be deemed to form part of the valuation list of the parish of Plymouth.

Arrears of rates.

69. All arrears of rates due at the commencement of this part of this Act in the added area shall be collected and recovered by the overseers of the existing parish of Weston Peverell or Pennycross as if this Act had not been passed and all such arrears of rates in the added area made for the purposes of the Public Health Act 1875 or the Highways Acts shall when collected and recovered be applied towards the discharge of any precept of the Plympton St. Mary Rural District Council which at that date shall be in force and not satisfied.

For protection of Devonport Water Company.

70.—(1) The Corporation shall within twelve months from the passing of this Act or within such extended period as shall be agreed upon between the Corporation and the Devonport Water Company (in this section called "the company") pay to the company

the value of that portion of the undertaking of the company which is situate within the added area such value in default of agreement to be determined by arbitration in the manner provided by the Lands Clauses Acts.

(2) On payment by the Corporation to the company of the sum so agreed or determined by arbitration the power and obligation of the Company to supply water within the added area shall cease and all the mains pipes and apparatus of the company which at that time shall be situate within the added area shall vest in the Corporation.

PART VIII.—Cattle Market.

Appropriation of land for market purposes and removal of cattle market.

71. The Corporation may appropriate the following lands for market purposes and may transfer to such lands their existing cattle market The lands are—

A piece of land in the borough containing three acres or thereabouts lying on the north-west side of the Cattedown branch of the London and South Western Railway and bounded on the south-west by Street Work No. 7 on the north-west by Street Work No. 4 and on the north-east by vacant land belonging or reputed to belong to the Corporation.

Market buildings appliances &c.

72. The Corporation in connexion with their new market site may execute and do the following things :—

Erect provide maintain use let and regulate the market places market houses wharves warehouses shops offices slaughter-houses abattoirs lairages cattle-pens sheds weighing machines refrigerators appliances for the utilisation and disposal of offal and refuse buildings stables approaches apparatus appliances and things necessary or proper for or incidental to the sale and accommodation (whether for the purposes of sale or not) of cattle horses sheep pigs and other live stock dead meat poultry game and other animals articles and things.

Charges for market accommodation.

73. In addition to the tolls and charges which the Corporation are authorised to demand and take in respect of their existing markets (and which shall apply to the market carried on at the new site) the Corporation may demand and take from persons using or occupying any refrigerators appliances or accommodation in any market of the Corporation such reasonable toll rents and charges as they may from time to time fix.

Slaughtering prohibited except in Corporation

74. After the Corporation shall have provided adequate slaughter-houses and after the expiration of one month from the date of publication by the Corporation in two local newspapers circulating in

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slaughter-houses when provided.

the borough of notice to that effect no person shall slaughter in the way of trade any cattle horse sheep or pig within the borough except in such slaughter-houses If any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding five pounds:

Provided that the Corporation shall make compensation to the owner and occupier of any registered slaughter-house within the borough who shall be injuriously affected by the exercise of the prohibition in this section contained:

Provided also that nothing in this section shall interfere with the operation or effect of the Diseases of Animals Act 1894 or of any order or licence of the Board of Agriculture made or granted thereunder:

Provided also that nothing in this section contained shall apply to or prevent the use of buildings erected or to be erected on the wharf belonging to the Great Western Railway Company known as the Foreign Animals Wharf as slaughter-houses.

PART IX.—Recreation Grounds.

Recreation grounds.

75. So soon as the Corporation shall have acquired the following lands within the borough or any part or parts thereof they may lay out drain plant embellish and maintain the same as pleasure or recreation grounds 'for the benefit of the inhabitants of the borough and the provisions of the Public Health Acts relating to parks and recreation grounds shall apply to the pleasure or recreation grounds provided under this part of this Act The lands referred to in this section are--

(1) Land bounded on the south by a watercourse leading from Lipson Valley to Arnold's Point on the north partly by the main line of the Great Western Railway and partly by land belonging or reputed to belong to Soltau's Trustees on the east by the loop line of the London and South Western Railway leading from Mutley to Friary Station and on the west by premises fronting Lipson Vale:

(2) Land bounded on the south by the Plymstock branch of the London and South Western Railway on the north-east by the south-west boundary wall of the houses at Arnold's Point on the south-east by the Embankment Road and on the north-west by the London and South Western Railway Company's main line:

(3) Land bounded on the south by the main line of the London and South Western Railway on the north by Tothill Lane on the north-east by the roadway leading to the bridge carrying

Tothill Lane over the main line of the London and South Western Railway and on the west by the retaining wall of Egerton Crescent.

Power to erect maintain and let conservatories refreshment rooms &c.

76. The Corporation may erect maintain furnish and equip and may remove conservatories refreshment rooms and other temporary or permanent buildings erections and conveniences in any park or recreation ground for the time being belonging to or under the control of the Corporation as may be required or convenient for the purpose thereof and for the public resorting thereto and may let any refreshment rooms or other buildings with their appurtenances belonging to them or under their control to such person for such term not exceeding three years at any one time at such rent payable at such times and under such covenants and on such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Corporation may think fit.

Chairs and seats for public use.

77. The Corporation may place or authorise any person or persons to place seats or chairs in any street park pleasure or recreation ground or other public place for the use of the public and may if they think fit charge or allow such persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats and chairs and for preventing injury or damage thereto.

PART X.—Financial Provisions.

Power to borrow.

78.—(1) The Corporation may independently of any other borrowing power borrow at interest for the purposes herein-after mentioned any sum or sums of money following:—

(A) For and in connexion with the purchase of the undertaking of the Embankment Company the sum of twenty-four thousand pounds;

(B) For the purchase of land and the construction of the street works by this Act authorised the sum of forty-two thousand pounds;

(C) For the construction of the tramway by this Act authorised and for lands buildings and plant and other tramway purposes the sum of four thousand pounds;

(D) For the purchase of land for and the construction of wharf works the sum of seventy thousand pounds;

(E) For and in connexion with the new cattle market the sum of fifteen thousand pounds;

(F) For the purchase of land for and the laying out of the recreation grounds by this Act authorised and the erection of

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necessary buildings fences and works in connexion therewith the sum of thirty thousand pounds;

(G) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2) And the Corporation may borrow such further moneys for any of the purposes of this Act (other than wharf and tramway purposes) as the Local Government Board may sanction and such further moneys for wharf and tramway purposes as the Board of Trade may sanction.

(3) In order to secure the repayment of the moneys borrowed under this Act and the payment of the interest thereon the Corporation may as regards the purposes (A) (B) and (F) in this section mentioned mortgage or charge the district fund and general district rate and as regards the other purposes mentioned in this section they may mortgage or charge the borough fund and borough rate.

Periods of repayment.

79. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purposes (A) (B) (D) (E) and (F) mentioned in the section of this Act the marginal note whereof is "Power to borrow" within sixty years from the date or dates of the borrowing of the same respectively;

As to moneys borrowed for the purpose (C) mentioned in the said section within thirty years from the date or dates of the borrowing of the same;

As regards moneys borrowed for the purpose (G) mentioned in the said section within ten years from the date of the borrowing of the same;

As to moneys borrowed with the sanction of the Local Government Board or Board of Trade within the periods sanctioned by those Boards respectively.

Incorporation of sections from the Act of 1897.

80. The following sections of the Plymouth Corporation Act 1897 shall extend and apply with the necessary modifications in regard to moneys borrowed under this Act except that the prescribed periods for the payment off of moneys borrowed under the first-mentioned Act shall be those prescribed in this Act:—

Section 34 (Certain regulations of Public Health Act as to borrowing not to apply);

Section 35 (Provisions of Public Health Act as to mortgages to apply);

Section 37 (Mode of payment off of money borrowed);

Section 38 (Sinking fund);

Section 39 (Protection of lender from inquiry);
Section 40 (Corporation not to regard trusts);
Section 41 (Appointment of receiver);
Section 42 (Power to re-borrow);
Section 43 (Annual return to Local Government Board);
Section 45 (Application of money borrowed).

Expenses of execution of Act.

81. Any expenses of the execution by the Corporation of this Act with respect to which no other provision is made may be defrayed by the Corporation out of the borough fund and rate or district fund and general district rate as the Corporation may in their discretion having regard to the object of the expenditure deem just.

Audit of accounts.

82. The accounts of receipts and expenditure of the Corporation under this Act shall be audited examined and published in like manner and with the same consequences as the other accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

PART XI.—Miscellaneous Provisions.

Recovery of penalties &c.

83. Offences against this Act and the unrepealed sections of the Embankment Acts and penalties forfeitures costs and expenses imposed or recoverable under this Act and the unrepealed sections of the Embankment Acts or any byelaw made in pursuance thereof respectively may be prosecuted and recovered in a summary manner.

For protection of Great Western Railway Company.

84. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall unless otherwise agreed between the Corporation and the Great Western Company have effect (that is to say):—

(1) In the event of the Corporation acquiring under the provisions of this Act the lands shown on the deposited plans adjoining the Great Western Company's main line of railway and the Laira Loop Railway the Corporation shall at any time thereafter on receiving three months' notice in writing under the hand of the secretary of the Great Western Company convey to that company so much of the lands which adjoin the said railways respectively as may be required by the Great Western Company for the purpose of widening the said railways or for station purposes and the price to be paid by the company for such lands shall be such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement:

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(2) The Corporation shall not enter upon or interfere with the railway of the Great Western Company or any of the lands or works of that company or execute any works whatever under over or affecting the same until the Corporation shall have delivered to the Great Western Company plans and drawings of such intended works and those plans and drawings shall have been approved in writing by the principal engineer of the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings until the same shall have been approved by an engineer to be appointed on the application of the Corporation by the Board of Trade and all the intended works shall be executed by the Corporation at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer of the Great Western Company or in case of difference of an engineer to be appointed by the Board of Trade:

(3) In constructing Street Work No. 2 by this Act authorised where the same is intended to cross the railway and lands of the Great Western Company the same shall be carried over that railway and works by means of a bridge of two spans and a headway of not less than 14 feet 6 inches and the pier of the said bridge shall be constructed in such position and of such dimensions as may be approved by the principal engineer of the Great Western Company or in the event of his failure to approve of such position and dimensions within 14 days in such position and of such dimensions as may be approved by an engineer to be appointed by the Board of Trade and the said Street Work No. 2 and the Street Work No. 5 by this Act authorised and the widening of the bridge carrying Elliot Road Plymouth over the railway of the Great Western Company in connexion therewith shall be effected in such a manner as not to injure the railway and works of the Great Western Company in any way whatever and should it be necessary in constructing the said Street Works Nos. 2 and 5 and the works connected therewith or in consequence of the construction thereof for the Great Western Company to alter or remove the telegraph posts and wires on or connected with their said railway or some of them at or near to the said crossings the Corporation shall bear and on demand pay to the Great Western Company the expense of and connected with such alteration and removal and of restoring the same to their former or placing them in a different position or of substituting other telegraph posts and wires therefor:

(4) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making of the Street Works Nos. 2 and 5 and the works connected therewith by this Act authorised over and adjacent to the Great Western Company's railway of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railway and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise:

(5) Notwithstanding anything in this Act contained the Corporation shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or admission of the Corporation or of any persons in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission:

(6) The Corporation shall at their sole expense at all times maintain the bridges and other works by which the said Street Works Nos. 2 and 5 above described and by this Act authorised shall be carried over the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer of the Great Western Company and if and whenever the Corporation fail so to do after one month's notice from the Great Western Company for that purpose or in case of urgency the Great Western Company may make and do in and upon as well the land of the Corporation as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repair and the sum from time to time certified by their said engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Corporation:

(7) Except for the purpose of the crossings of Street Works Nos. 2 and 5 respectively the Corporation shall not take or

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acquire any land of the Great Western Company or any right in or over the same and save as aforesaid nothing in this Act contained shall extend to authorise or enable the Corporation to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to interfere with the railway of that company further or otherwise than is necessary for the construction and maintenance of the Street Works Nos. 2 and 5 by this Act authorised without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Corporation are by this Act from time to time authorised to purchase take use enter upon or interfere with for the purpose of such crossings or otherwise the Corporation shall not purchase or take any greater or other estate or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Corporation might purchase and take the same and the provisions of this Act and of the Acts incorporated with this Act shall be construed and apply accordingly and the provisions of the Lands Clauses Acts with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment:

(8) The Corporation shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act (except the right and easement in regard to Street Work No. 5) such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to the purchase of lands otherwise than by agreement:

(9) If any dispute (not otherwise provided for in this section) shall arise between the Great Western Company and the Corporation respecting the matters and provisions aforesaid or any of them such dispute shall be settled by an arbitrator to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the President of the Institution of Civil Engineers.

General provisions as to byelaws.

85.—(1) All byelaws made by the Corporation under this Act or any Act incorporated with this Act and relating to the tramway undertaking of the Corporation shall be confirmed by the Board of Trade and a copy of any such byelaws purporting to be signed by a secretary or an assistant secretary of that Board shall be

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primâ facie evidence of the existence due making and confirmation thereof.

(2) As regards all other byelaws made by the Corporation under this Act the provisions with respect to byelaws contained in sections 182 to 185 of the Public Health Act 1875 (except so much thereof as relates to byelaws of a rural sanitary authority) shall apply.

Inquiries by Local Government Board.

86.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Saving rights of Duchy of Cornwall.

87. Nothing contained in this Act shall extend to authorise the Company to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to Her Majesty in right of the Duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise all or any of the rights powers privileges and authorities by the said Act made exerciseable or otherwise for the time being exerciseable in relation to the said duchy or belonging to the Duke of Cornwall for the time being without the consent of such Duke testified in writing under the seal of the Duchy of Cornwall first had and obtained for that purpose or to take away diminish alter prejudice or affect any property rights profits privileges powers or authorities vested in or enjoyed by Her Majesty in right of the Duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Costs of Act.

88. 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 the House of Commons shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Corporation are authorised to borrow under the powers of this Act.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Buildings and Premises of which Part only may be taken.

	Numbers on deposited Plans.
Borough of Plymouth -	170 171 172 173 174 175 176 177 178 179 180 184 186 187 188 189 190 191 192 197 199 and 200.

THE SECOND SCHEDULE.

Lands for Generating Electric Power.

A piece of land in the parish and borough of Plymouth belonging or reputed to belong to the Corporation on the north-west side of the Cattedown branch of the London and South Western Railway and formerly the site of the Prince Rock Cottages and which land is now being prepared for the electricity work of the Corporation and contains 3820 square yards or thereabouts.

THE THIRD SCHEDULE.

Sections and Parts of Sections of the Embankment Acts saved from repeal.

42 George III. Cap. 32.

Powers for making the embankment.

XXVII. And be it further enacted that it shall and may be lawful to and for the said company of proprietors and they are hereby authorised and empowered by themselves and their agents officers and workmen to make form erect and set up such mounds banks and fences as they shall judge necessary and proper for the purpose of embanking fencing and protecting the said lands and grounds from the tides and inundations of the sea and from time to time to repair alter enlarge and extend the same.

No bank &c. to be raised between Crab Point and the village of Crab Tree except in a straight line.

XXIX. Provided also and be it enacted that nothing herein contained shall extend or be construed to extend so as to enable the said company of proprietors to raise or cause to be raised between the said point called Crab Point otherwise Mount Gold Point otherwise Arnold's Point and the said village of Crab Tree any bank mound or fence or other work further to the south-east than in a straight line from the said point to a certain public road or highway leading from the said village of Crab Tree across the sands to Blackstone Quay in the parish of Plympton Saint Mary.

Power to collect tolls.

XXXVI. And be it further enacted that it shall and may be lawful to and for the said company of proprietors from time to time and at all times hereafter to ask demand take and recover to and for their own proper use and benefit the several and respective tolls or rates herein mentioned for the wharfage of all timber chalk lime manure minerals merchandise and other goods matters and things whatsoever which shall be laid or landed upon any of the wharves or quays belonging to the said company of proprietors (that is to say):—

For all dung chalk marle clay lime sand compost and all other things for the purpose of improving or manuring lands and grounds laid or landed upon any wharf or quay belonging to the said company of proprietors the sum of one penny half penny per ton and so in proportion for any greater or less quantity than a ton;

For all timber stone coals bricks slates and tiles corn peas beans potatoes hay and straw and all other things goods commodities and merchandise whatsoever laid or landed upon any wharf or quay belonging to the said company of proprietors the sum of three pence per ton and so in proportion for any greater or less quantity than a ton.

Wharves to be free on payment of the rates.

XXXVII. And be it further enacted that it shall and may be lawful to and for all persons whomsoever to lay or land any timber lime sand manure goods wares and other matters and things on any of the wharves or quays (save and except during such time as such wharves or quays shall be altering or repairing) belonging to the said company of proprietors and to employ such wharves and quays for loading and unloading such timber lime sand manure goods wares and other matters and things upon payment of such rates or tolls as shall be demanded by the said company of proprietors not exceeding the respective sums herein

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mentioned and subject to the rules and regulations which shall be from time to time made by the said company of proprietors by virtue of the powers herein granted.

Further allowance if goods remain above a certain time on the wharves.

XXXVIII. And be it further enacted that if any timber lime sand manure goods wares or other matters or things shall lie or remain upon any wharf or wharves quay or quays belonging to the said company of proprietors for above the space of twenty-four hours then and in such case it shall and may be lawful to and for the said company of proprietors to demand and take such rates or tolls over and above the rates or tolls herein-before mentioned as shall be agreed on between the said company of proprietors or their agent or agents and the owner or owners of such timber lime sand manure goods wares or other matters or things his her or their servant or servants.

Regulating the weights.

XXXIX. And be it further enacted that fifty cubic feet of round and forty cubic feet of square oak ash elm or beech timber and fifty cubic feet of fir or deal balk poplar birch or other timber or wood shall for the purposes of this Act be respectively deemed rated and estimated as and for one ton weight and one hundred and twelve pounds weight avoirdupois of lime sand manure goods wares and other matters and things whatsoever shall for the purposes of this Act be deemed one hundred pounds weight and two thousand two hundred and forty pounds weight shall for the purposes of this Act be deemed one ton any usage of rating or estimating to the contrary thereof notwithstanding and in all cases where there shall be a fraction of a quarter of a ton such fraction shall be deemed and considered a whole quarter of a ton and in order to ascertain the weight of such timber lime sand manure and other matters and things it shall and may be lawful to and for the said company of proprietors to cause the same to be weighed measured or gauged.

Penalty on obstructing workmen.

XL. And be it further enacted that if any person or persons shall wilfully hinder prevent or obstruct any officer or other person acting by or under the authority of the said company of proprietors in the execution of this Act every such person shall for every such offence forfeit and pay any sum not exceeding five pounds to be levied and recovered in such manner as penalties and forfeitures are by this Act directed to be levied and recovered.

Recovery of rates or tolls.

XLI. And be it further enacted that all such rates or tolls as aforesaid shall be paid to the company of proprietors or to such person or persons as they shall appoint to receive the same and in case of refusal or neglect to pay such rates or tolls or any part thereof on demand to the said company of proprietors or to such person or persons as aforesaid then and in such case it shall and may be lawful to and for the said company of proprietors or the person or persons to whom such rates or tolls ought to have been paid to seize and detain the timber lime sand manure goods wares or other matters or things for or in respect whereof any such rates or tolls ought to be paid or any part thereof until such payment shall be made together with reasonable charges for such seizure and detention and if such timber lime sand manure goods wares or other matters or things shall not be redeemed within five days next after the seizure thereof it shall and may be lawful to and for the said company of proprietors or other person or persons as aforesaid to cause the same to be sold for the purpose of paying and discharging such rates or tolls together with the costs and charges of seizing keeping and selling the same rendering the overplus (if any) on demand to the owner or owners thereof his her or their servant or servants.

Rates may be altered.

XLII. And be it further enacted that it shall and may be lawful to and for the said company of proprietors from time to time at any special assembly to be convened for that purpose to lower or reduce all or any of the said rates or tolls and again to raise the same to such sums as they shall think proper not exceeding the sums before mentioned as often as it shall be deemed necessary for the interest of the said undertaking.

Owners accountable for damages done by boatmen.

XLIII. And be it further enacted that the master and owner of every boat barge or other vessel shall and he and they is and are hereby made answerable for any trespass damage spoil or mischief that shall be done by any boat barge or other vessel or by any person or persons navigating the same to any of the banks mounds basons dams trenches aqueducts sluices engines or other works or conveniences to be made by virtue of this Act and the master or owner of every such boat barge or other vessel shall for every such trespass damage spoil or mischief upon conviction of any such person or persons as aforesaid before any justice of the peace for the county of Devon on the oath of any credible witness or witnesses (which oath such justice is hereby empowered to administer) or on the confession of the party or parties offending forfeit and pay to the said company of proprietors such damages satisfaction and compensation as shall be ascertained fixed and determined by such justice (provided that no such damage satisfaction or compensation shall exceed the sum of ten pounds) and shall also over and above forfeit and pay to the informer or informers any sum not exceeding twenty shillings to be settled and ascertained by such justice but in case such damages shall exceed the sum of ten pounds the said master or owner of such boat barge or other vessel may be sued and prosecuted for such damages in any of His Majesty's Courts of Record.

Masters to recover from the boatmen.

XLIV. And be it further enacted that each and every person so navigating such boat barge or other vessel shall repay such damages satisfaction and penalty so ascertained fixed and determined by such justice with the costs and charges of levying and recovering thereof to such master or masters owner or owners and in case of non-payment thereof upon demand and oath made by such master or masters owner or owners of the payment made by him her or them of such damages satisfaction or compensation and penalty and that the same and the costs thereof have or hath not been repaid to him her or them by such person or persons although demanded (such oath to be made before any justice of the peace for the county of Devon which oath such justice is hereby empowered to administer) the amount thereof shall be recovered in like manner as any penalty or forfeiture is hereby directed to be recovered.

Penalty on injuring the works.

XLV. And be it further enacted that if any person or persons shall cut dig scrape up take or carry away any stones clay sand or other materials from or off any bank mound dam bason or other works to be erected by virtue of this Act or off or from the beach or sea-shore within the distance of fifty yards of any such bank mound dam or other works or shall open or cause to be opened any sluice gate dock gate or other gate of or belonging to the said works or any of them or shall let in or out or draw off any water into or from any part or parts of the said works or shall cause or suffer any boat barge or other vessel to strike or run upon any sluice gate dock gate pier or groin or do any other act or thing to the prejudice or injury of any of the works by this Act authorised to be made every such person shall for every such offence forfeit

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and pay any sum not exceeding five pounds and such penalty or forfeiture shall be levied and recovered in such manner as other penalties or forfeitures are by this Act directed to be levied and recovered.

Satisfaction upon damaging works.

XLVII. And be it further enacted that all and every person and persons who shall do or shall cause any damage or injury whatever to any bank mound dam bason sluice gate dock gate or other gate pier groin engine or other works to be made or erected by virtue of this Act shall over and above all penalties by this Act directed to be inflicted make full satisfaction for every such damage or injury and may be sued and prosecuted for the same in any of His Majesty's Courts of Record.

43 George III. Cap. 15.

Regulations as to obtaining possession of the toll-gates if the same is withheld.

XXXI. And be it further enacted that if any collector of the tolls granted by this Act who shall be discharged from his office by the said company of proprietors or their committee shall refuse to deliver up the possession of the toll-house buildings or appurtenances which he or she enjoyed in right of his or her appointment to such office within two days after being thereunto required by notice in writing signed by any two or more of the said committee given to him or her or left at such toll-house or if the wife or family of any such collector who shall die or any other person or persons who shall be in possession of the premises by any means whatsoever shall refuse to deliver up such house buildings and appurtenances within four days after being thereunto required by notice in writing signed by any two or more of the said committee given to him her or them or left at such toll-house then and in either of the said cases it shall and may be lawful to and for any justice of the peace for the county or place where such toll-house shall stand or be and he is hereby required by warrant under his hand and seal to order any constable or other peace officer with such assistance as shall be necessary to enter such toll-house and premises in the day-time and to remove the several persons who shall be found therein together with their goods and chattels out of such toll-house and other premises and to put any person or persons appointed by the said company of proprietors or their committee for that purpose in possession thereof.

Power to erect toll-houses &c.

XXXII. And be it further enacted that it shall and may be lawful to and for the said company of proprietors to erect or cause to be erected such and so many turnpikes to receive the tolls thereby granted upon or across the said road and on or near the sides thereof or in near upon or across any lanes or ways leading or that may hereafter lead out of the same as they shall think proper and such and so many toll-houses as they shall think proper and shall and may in manner herein directed purchase and take land sufficient for such toll-house or toll-houses with necessary accommodations thereto and from time to time to alter remove or discontinue such turnpike or toll houses or any of them as the said company of proprietors shall think meet and expedient.

Power to collect tolls.

XXXIII. And in consideration of the great charges and expenses that the said company of proprietors must incur by making maintaining and supporting the said road be it further enacted that it shall and may be lawful to and for the said company of proprietors to demand and take or cause to be demanded and taken at the said turnpikes the tolls herein-after mentioned

anything contained in an Act made in the thirteenth year of the reign of His present Majesty intituled An Act to explain amend and reduce into one Act of Parliament the general laws now in being for regulating the turnpike roads in that part of Great Britain called England and for other purposes or anything contained in one other Act made in the twenty-fifth year of the reign of His present Majesty intituled An Act to exempt carriages carrying the mail from paying tolls at any turnpike gate in Great Britain save and except such part or parts of the said recited Act made in the thirteenth year of the reign of His present Majesty as grants or grant any exemption or exemptions from any toll or tolls on any turnpike road or roads for or in respect of any waggon wain cart or other carriage having the fellies of the wheels thereof of the dimensions therein mentioned before any horse or other beast or cattle shall be permitted to pass through the same (that is to say):—

For every coach chariot landau berlin phaeton chaise chaise marine car calash chair caravan hearse or litter drawn by six or more horses mares geldings mules or other cattle the sum of one shilling and six pence;

For every carriage of the same description drawn by four horses or other cattle the sum of one shilling;

For every carriage of the same description drawn by two horses or other cattle the sum of six pence;

For every chaise car or chair drawn by one horse mare gelding mule or other beast the sum of four pence;

For every waggon wain cart tumbril or dray drawn by six horses or other beasts the sum of four shillings;

For every carriage of the same description drawn by five horses or other beasts the sum of three shillings;

For every carriage of the same description drawn by four horses or other beasts the sum of two shillings;

For every carriage of the same description drawn by three horses or other beasts the sum of one shilling and six pence;

For every carriage of the same description drawn by two horses or other beasts the sum of eight pence;

For every carriage of the same description drawn by one horse or other beast the sum of four pence;

For every horse mare gelding mule or ass or other beast of burden laden or unladen and not drawing the sum of one penny;

And for every drove of oxen cows or neat cattle the sum of one shilling and three pence per score and so in proportion for any greater or less number;

And for every drove of calves hogs sheep or lambs the sum of five pence per score and so in proportion for any greater or less number;

And for every foot passenger the sum of one halfpenny.

No gate erected on the road leading from Plymouth to Saltram.

XXXV. Provided always and be it enacted that nothing herein contained shall extend or be construed to extend so as to enable the said company of proprietors to erect or cause to be erected any gate or gates on the present road leading from Plymouth under Tothill to Saltram Point.

Persons to pass and repass once

XXXVI. Provided always and be it enacted that if any person or persons shall have paid on any day the tolls granted by this Act for or in respect of

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only for the toll paid.

any horse or horses beast or beasts or cattle at any gate to be erected by virtue of this Act it shall and may be lawful to and for such person or persons to pass through all the gates erected on the said road with such horse or horses beast or beasts or cattle toll-free and also to return and repass through the same once on the same day (such day to be computed from twelve of the clock of one night to twelve of the clock the succeeding night) such person or persons producing a ticket denoting that such toll has been paid on that day which ticket every collector of the tolls on the said road is hereby required to deliver gratis on the payment of such tolls Provided also that nothing herein contained shall extend or be construed to extend so as to enable any person or persons having so paid the tolls to pass and repass more than once on the same day (to be computed as aforesaid) through any gate or gates erected by this Act without paying a fresh or additional toll or tolls for or in respect of such horse or horses beast or beasts or other cattle.

Tolls may be reduced.

XLI. And be it further enacted that it shall and may be lawful to and for the said company of proprietors at any general or special assembly from time to time to lower or reduce all or any of the tolls granted by this Act and again to raise the same to such sum or sums as they shall think proper not exceeding the respective sums before mentioned as often as it shall be deemed by the said company for the interest of the said undertaking.

Tolls may be farmed.

XLII. And be it further enacted that it shall and may be lawful to and for the said company of proprietors at any general or special assembly to let or farm the tolls to be collected by virtue of this Act or any part or parts thereof to any person or persons whomsoever but the same shall not be let for more than three years at any one time.

Farmers of the tolls may appoint persons to collect them.

XLIII. And be it further enacted that during such time as the said tolls or any part or parts thereof shall be leased or in farm to any person or persons whomsoever it shall and may be lawful to and for the lessee or lessees farmer or farmers thereof or such other person or persons as he or they shall by writing or writings under his her or their hand or hands authorise or appoint to demand and take the said tolls so leased or farmed with the like powers for the recovery thereof to all intents and purposes whatsoever as any collector of the said tolls appointed by the said company of proprietors is hereby authorised and empowered to demand take and recover the same and such lessee or lessees farmer or farmers or other person or persons as aforesaid shall be subject to the like pains penalties and forfeitures and shall be liable to the like actions and prosecutions as any collector of the said tolls appointed by the said company of proprietors is subject or liable to.

Company may compound for tolls.

XLIV. And be it further enacted that it shall and may be lawful to and for the said company of proprietors from time to time to compound with any person or persons for any period of time not exceeding one year for or in respect of the tolls to be paid by virtue of this Act for any carriages wains carts horses beasts or other cattle passing on the said road or on any part or parts thereof and all such composition money shall be paid in advance quarterly or otherwise as the said company shall appoint and in default of such payment every such composition shall be null and void to all intents and purposes whatsoever.

Power to get materials to repair the road.

XLV. And be it further enacted that it shall and may be lawful to and for the surveyor or surveyors of the said road and to and for all such persons as he or they respectively shall appoint to search for cut dig get gather and take away any furze heath beach stones gravel sand or other materials for making or repairing the said road out of or from any common or waste ground river or brook in any parish township hamlet division district or place in which any part of the road hereby directed to be made amended and repaired shall lie or in any neighbouring parish township hamlet division district or place without paying anything for the same the said surveyor or surveyors or other person or persons acting by his or their appointment filling up the pits or quarries levelling the ground or sloping down the banks where such materials shall be taken or railing or fencing off such pits or quarries so that the same may not be dangerous to passengers or cattle and also that such surveyor or surveyors or other persons as aforesaid may by order of the said company of proprietors or of their committee (a copy of such order being given to such surveyor or surveyors attested and signed by the clerk to the said company of proprietors or to their committee) search for cut dig get gather and take away any such materials as aforesaid in off from and out of the private lands fields or grounds of any person or persons where the same may be had or found (such lands fields or grounds not being a garden orchard yard park paddock walk or walks or avenue to a house or any piece of ground planted and set apart as a nursery for trees) making or tendering such satisfaction for the damages done thereby to the owners and occupiers of such grounds where and from whence the same shall be cut dug gotten gathered and carried away or over which the same or any other materials for making and repairing the said road shall be carried according to their respective rights and interest in such ground as the said committee shall adjudge reasonable and in case of any difference between the said committee surveyor or surveyors or other persons employed as aforesaid and the said owners or occupiers or any of them concerning such damages it shall and may be lawful to and for any two or more justices of the peace of the county city or place where such materials shall be so cut dug gotten gathered taken and carried away on ten days' notice thereof in writing being given by either party to the other or left at their respective places of abode to hear settle and determine the matters of such payment and damages and the judgment or order of the said justices shall be final and conclusive to all parties.

Notice to be given to the occupiers of lands before materials are taken for the repair of the road.

XLVI. Provided nevertheless and be it enacted that it shall not be lawful for any surveyor or other person or persons acting under the authority of this Act to dig gather get take or carry away any materials for repairing such road out of or from any inclosed lands or grounds until notice in writing signed by the surveyor shall have been given to the occupier of the premises from which such materials are intended to be taken or left for such occupier at his usual place of residence to appear before the committee of the said company of proprietors or two or more justices of the peace acting for the county city or place where such premises shall lie to show cause why such materials shall not be had from such lands or grounds and in case such occupier or his agent shall attend pursuant to such notice but shall not show sufficient cause to the contrary then the said committee or such justices shall and may authorise such surveyor or other person or persons to dig get gather and carry away such materials at

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such time or times as to the said committee or such justices shall seem proper and if such occupier shall neglect or refuse to appear by himself or his agent the said committee or such justices shall and may make such order therein as they respectively shall think fit as fully and effectually to all intents and purposes as if such occupier or his agent had attended.

5 George IV. Cap. XXVI.

Powers of the former Acts extended to this Act.

V. And be it further enacted that it shall and may be lawful to and for the said company of proprietors and they are hereby fully empowered to make such new line of road as aforesaid and that all powers and authorities contained in the said two recited Acts of the forty-second and forty-third years of His late Majesty King George the Third for enabling the said company of proprietors to make divert turn shorten vary or alter the course or path of the road thereby authorised to be made and to purchase and take lands and hereditaments for those purposes and for enabling all bodies politic corporate or collegiate corporations aggregate or sole and all and every trustee and trustees and other person or persons under any disability or incapacity to sell and convey any lands tenements or hereditaments over which the same road was to be or shall be made and for regulating the form of the sales conveyances and assurances thereof and for enabling the said company of proprietors or any person appointed by them to recover the possession of toll-houses and for enabling the said company to cause to be erected one or more turnpike or turnpikes toll-gate or toll-gates toll-house or toll-houses and purchase and take lands for that purpose and to alter and remove the same and to demand and take tolls and enforce and recover the same and to search and get materials for making and repairing the said road and to cut drains and ditches for amending and keeping the same in repair and all provisions and penalties therein contained for preventing annoyances to the same road and the damaging or injuring of the same and the footpaths thereof and all other powers authorities regulations exemptions penalties forfeitures clauses and provisions in the said Acts or either of them contained shall so far as the circumstances of the case will admit extend to and are hereby extended to and shall be exercised and enforced with respect to the road hereby authorised to be made in such manner to all intents and purposes as if the same had formed part of the road authorised to be made by the said Act of the forty-third year of the reign of His said late Majesty but subject nevertheless to the alterations additions and amendments in this Act contained.

Foot toll granted by former Act shall be taken.

VII. And be it further enacted that the toll authorised to be demanded and taken by virtue of the said recited Act of the forty-third year of the reign of His said late Majesty and this Act at the said turnpikes for every foot passenger shall be demanded and taken before such foot passenger shall be permitted to pass through the same and it shall be lawful for any such foot passenger having paid the said toll on any day to pass through all the said gates and repass once on the same day upon producing a ticket denoting that such toll hath been paid on that day which ticket shall be delivered gratis by every collector of the tolls on the payment thereof in like manner as by the said recited Act is provided with respect to the tolls to be paid for any horse beast or other cattle.

Company to put up a table of the tolls

XI. And be it further enacted that the company of proprietors shall and they are hereby required to put up or cause to be put up and afterwards to be

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with the names of the gates.

continued at every toll-house within their respective districts a table painted in distinct and legible black letters on a board with a white ground containing at the top thereof the name of the gate at which the same shall be put up and also a list of all the tolls payable at every such gate distinguishing severally the total amount of tolls payable under this and the said recited Acts and the different sorts of carriages for which they are to be paid and also a list of the several gates (if any) which shall be wholly or partially cleared by the payment of toll at the toll-gate or bar where such table of tolls shall be affixed and the said company of proprietors shall also provide tickets denoting the payment of toll and on such several tickets shall be specified the name of the gate at which the same respectively shall be delivered and also the names of the several gates freed by such payment one of which tickets shall be delivered gratis to the person paying the toll and on the production of such ticket at any gate or gates therein mentioned as being cleared as aforesaid by the payment of the toll at the gate where such ticket was delivered the person producing the same shall pass through the gate or gates therein mentioned without paying any further or additional toll.

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