CHAPTER xcvi.

An Act to repeal an Act for regulating Hackney Coaches and other Carriages, Boats, and Wherries within the several parishes of Saint Andrew and Charles, in the borough of Plymouth, the parish of East Stonehouse and the parish of Stoke Damerel, in the borough of Devonport, and for amending two several Acts for repairing certain Roads leading from the borough of Plymouth aforesaid to Stonehouse Bridge and Plymouth Dock, all in the county of Devon, and to make better provisions in lieu thereof; and for other purposes. [12th July 1877.]

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WHEREAS by an Act passed in the sixth and seventh years of the reign of Her present Majesty, chapter sixty-one (herein-after called the recited Act), the aldermen and councillors of the boroughs of Plymouth and Devonport, and other persons therein named, were appointed Commissioners for the purposes of such Act, and were empowered to regulate hackney coaches and other carriages, boats, and wherries, as therein provided: 6 & 7 Vict. c. lxi.

And whereas the said Commissioners have exercised the powers conferred by the said Act:

And whereas the population of the boroughs and districts within the jurisdiction of such Commissioners has increased and is still increasing, and it is expedient that the recited Act should be repealed and Commissioners appointed under this Act, and that further powers as herein-after provided should be conferred on them:

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

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Plymouth, Devonport, and Stonehouse Carriages and Boats Act, 1877."

Repeal of 6 & 7 Vict. c. lxi.

2. From and after the passing of this Act and subject to the provisions hereof the recited Act shall be and the same is hereby repealed, but such repeal shall not affect anything duly done or suffered under such last-mentioned Act, or any proceedings pending thereunder, nor shall such repeal revive any of the Acts by such last-mentioned Act repealed.

Certain provisions of general Acts herein named incorporated.

3. The provisions of the Commissioners Clauses Act, 1847, except clauses 6, 7, 8, 16 to 43 both inclusive, 46, 48, 53, 54, 56 to 59 both inclusive, 61, 65, 69, 70, 75 to 88 both inclusive, 96 to 98 both inclusive, 102, 104, and 106, and the following provisions of the Towns Police Clauses Act, 1847—

(1.) With respect to the construction of the Act, and any Act incorporated therewith;

(2.) With respect to hackney carriages, except clauses 37, 38, 39, 41, 51 to 53 both inclusive, 56, 66, and 68;

and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for and of penalties, and to the determination of any other matter referred to justices, except clauses 143 and 144, and clauses 157 to 161, both inclusive,

so far as the provisions of those Acts respectively are applicable for the purposes and not inconsistent with the provisions of this Act, are hereby incorporated with this Act.

Same meaning to words in this Act as in incorporated Acts.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or rendered applicable hereto shall have the same respective meanings, unless the same be varied by this Act, or unless there be something in the subject or context repugnant to such construction.

Interpretation of terms.

5. In this Act and for the purposes of this Act in any Act incorporated herewith or rendered applicable hereto—

The word "boatman" shall mean any person who is engaged in the management or has charge of any licensed boat or wherry;

The word "licensed porter" shall mean any person licensed as a porter by the urban sanitary authorities of Plymouth or Devonport;

The word "hackney carriage" shall mean any carriage for the conveyance of passengers which plies for hire within the limits of this Act, and in which the passengers or any of them are not charged to pay separate and distinct or at the rate of separate and distinct fares for their respective places or seats therein;

The expression "members of the council" shall include the mayor, aldermen, and councillors for the time being of the respective boroughs of Plymouth and Devonport, as the case may be;

The word "justice" shall mean any justice of the peace for the county of Devon or either of the boroughs of Plymouth and Devonport;

The words "general or quarter sessions" shall mean the general or quarter sessions of the peace for the county of Devon, borough of Plymouth, or borough of Devonport, as the case may be;

The term "court of competent jurisdiction" shall in this Act and in any enactment incorporated therewith have effect as if the debt or demand with respect to which it is used was a common simple contract debt, and not a debt or demand created by statute; and the term "superior courts" shall be taken to include courts of competent jurisdiction within the meaning of this Act.

Existing Commissioners to transfer any balance in their treasurer's hands to the Commissioners.

6. A meeting of the Commissioners acting in execution of the recited Act shall be held at the Guildhall in the said borough of Plymouth within twenty-eight days after this Act has received the Royal Assent, between the hours of ten of the clock in the forenoon and two of the clock in the afternoon, when a full statement and account of all moneys received and paid by the said Commissioners shall be laid before the said meeting, and if upon the same being duly audited and examined by the said Commissioners there shall remain any balance in the hands of their treasurer, it shall be lawful for the said Commissioners to make an order upon the said treasurer to pay over such balance to the account of the Commissioners appointed by this Act, who, by themselves or their officers, shall thereupon give a receipt or discharge for the same, as well as for all books, papers, and documents that shall be delivered into their custody.

Books under former Act to be evidence.

7. All books kept containing the accounts and proceedings of the Commissioners acting in the execution of the recited Act, and all entries therein, shall be admitted in evidence in all courts of law and by all justices and others.

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Officers and servants under former Act to remain in office under this Act.

8. All officers and servants of the Commissioners under the recited Act shall continue to hold their several offices and employments on the same terms and subject to the same conditions as to their duties, remuneration, and otherwise as they would have held if this Act had not been passed, and all byelaws made under the recited Act and not inconsistent with any of the provisions of this Act shall be deemed to be byelaws under this Act, and all the provisions of this Act shall apply to such officers and servants in substitution for the provisions of the recited Act, but so as not to affect any right acquired or liability incurred under the recited Act before the passing of this Act and existing at the time of the passing of this Act: Provided always, that the Commissioners shall have the same powers in respect of the officers and servants of the Commission appointed under the recited Act as if they had been appointed under this Act.

Officers under former Act to account under this Act.

9. All persons who are or have been employed or who shall have received any money, or who may owe or be subject to the payment of any money, or who shall have in their custody or possession any money, books, accounts, receipts, papers, writings, or other matters or things at the time of the expiration or repeal of the recited Act, shall be liable to account for, pay, and deliver over the same and every part thereof to the Commissioners, or to any person whom they may appoint, in the same manner as if they had been employed or had received such money, or were subject to the payment of such money, or had such things in their custody or possession by virtue of this Act.

Appointment of Commissioners.

10. Twelve of the members of the council of the borough of Plymouth for the time being, twelve of the members of the council of the borough of Devonport for the time being, six members of the urban sanitary authority of East Stonehouse for the time being, and Peter Adams, Edward Solomon Anstey, John Bayly, John Beer, Charles Bearblock, Stephen Henry Briggs, Thomas Bunker, Albert Bennee, Frederick Edmund Bowden, Joseph Brown, Ralph Cole, William Bennett Cuming, Hector Munro Crocker, William Henry Ching, James Edward Clarke, George Curson, Robert Courtis, John Cross, William Davey, George Edey, Thomas Every, Thomas Ellard, John Facey, Francis Fox, John Friend, Henry Feather, Robert Martin Furze, William Edward Faull, John James Fedrick, Mark Stephen Grigg, John Edgcumbe Gill, Thomas Husband Gill, Edward Oram Gard, John Coupland Graves, Fortescue Arnott Graham, Albert Frederick Gamlen, William Holberton, Richard Hicks, William Henry Hawker, Thomas Hatch, Frederick Herron,

James Mould Hingston, James Hingston, Harman John Howland, Henry Holman, Alexander Hubbard, George Hubbard, Samuel Hutchings, George Jackson, William Francis Jones, William Joll, George Frederick Laity, Charles Leigh, John William Matthews, William Foster Moore, John May, John Thomas Rickard Martin, Thomas Miller, William Martin, William Mogg, Samuel Phillips Moon, Charles Norrington, Richard Oram, Samuel Oram, John Edward Oliver, Thomas Pillar, James Andrew Page, William Peek, William Pool, James Puckford, Captain Royal Navy, George Phillips, Peter Perlee Parker, Samuel Pearse, Thomas Pitts, John William Walters Ryder, Thomas William Ryder, Frederick Row, Francis Charles Rickard, William Radmore, John Rolston, Doctor of Medicine, William Radford, John Hawking Row, George William Soltau, William Joseph Square, Andrew Irving Stuttaford, Benjamin Sparrow, John Shepheard, John Seldon, Peter Symons, Edward Sanders, Thomas Jones Stevens, William Symons, William Henry Symons, John Turner, Augustus Frederick Tracey, Captain Royal Navy, John Thuell, William Tozer, James Trehane, John Fincher Trist, Major, Thomas Baron Tyeth, Charles Cobley Whiteford, Joseph Wills, John Joseph White, James Cornish Wills, William Trickett Wheeler, Captain Royal Navy, and Thomas Edward Williams, shall be and they are hereby appointed Commissioners for carrying this Act into execution, and as such shall be and they are hereby made a body corporate by the name of the "Plymouth, Devonport, and Stonehouse Carriage and Boat Com-"missioners," with perpetual succession and a common seal, and with power to sue and be sued in such name.

No bankrupt or insolvent or person who has compounded with his creditors to be a Commissioner.

11. No bankrupt or person who submits his affairs to liquidation by arrangement, or compounds with his creditors, or who shall reside beyond a distance of fifteen miles from Saint George's Hall, East Stonehouse, shall be capable of being or continuing a Commissioner.

Nomination of councillors, &c.

12. The members of the respective councils shall be elected Commissioners by their respective councils at the first meetings of such councils to be held after the passing of this Act, and the members of the urban sanitary authority aforesaid shall be elected Commissioners at the first meeting of such authority held after the same date, and the Commissioners elected by such councils and urban sanitary authority respectively shall continue to be Commissioners until the ninth day of November next ensuing, and on the said ninth day of November the said councils and urban sanitary authority respectively shall proceed to elect the same number of

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members of their several bodies as Commissioners in the place of those so going out of office, and so annually on every ninth day of November, except when that day falls on Sunday, when such election shall take place on the following Monday.

Mode of supplying vacancies.

13. If any member so elected as aforesaid die or resign, or be disqualified, or cease to be a Commissioner, the council or authority by whom he was elected shall at their next meeting, after notice thereof (which notice shall be given to them by the clerk to the Commissioners within seven days after proof has been given to him that such person has ceased to be a Commissioner), elect another member to be a Commissioner in lieu of such last-mentioned Commissioner, and every person so elected shall hold office until the time at which the person in room of whom he was chosen would regularly have gone out of office, and he shall then go out of office, but be capable of immediate re-election if then qualified.

No Commissioner to be elected in place of a nominated Commissioner.

14. No person shall after the passing of this Act be appointed a Commissioner in the place of any person in this Act appointed by name as a Commissioner.

Provision in case of Commissioner failing to qualify within a limited time.

15. Every person named a Commissioner in this Act who shall not have duly qualified by making the declaration required by the Commissioners Clauses Act, 1847, incorporated with this Act, within three months after the passing of this Act shall be considered as having resigned his office.

First and other meetings.

16. The Commissioners shall hold their first general meeting at the Guildhall in the borough of Plymouth within twenty-eight days after this Act has received the Royal Assent, between the hours of ten of the clock in the forenoon and two of the clock in the afternoon, and proceed to put this Act into execution; and a general meeting of the Commissioners shall be held alternately at Plymouth and Devonport on the third Thursday in November annually, between the hours aforesaid, unless some other hour shall be appointed by the Commissioners, and it shall be lawful for the Commissioners present at such meeting or any subsequent meeting from time to time to adjourn such meeting, and if at any such meeting there shall not be five Commissioners present within half an hour after the time appointed for such meeting, then it shall be lawful for the Commissioners present, or the major part of them, or any one Commissioner if only one be present, to adjourn such meeting to another day, but no adjournment of any meeting shall extend beyond the term of one calendar month from the day on which such adjournment shall take place, and if the meeting shall

not be adjourned, then it shall be lawful for any two of the Commissioners or the clerk to appoint a meeting to be held at the Guildhall aforesaid, or some other convenient place, and not less than seven days notice shall be given of such intended meeting.

Quorum of Commissioners.

17. All powers of this Act may be exercised by any five or more of the Commissioners present at any meeting holden in pursuance of this Act, and no business shall be transacted at any meeting of the Commissioners unless five or more Commissioners shall be present at such meeting.

Order of business at meeting of Commissioners and committees.

18. At every meeting of the Commissioners or of any committee one of the Commissioners present shall be elected chairman by the majority of the votes of the Commissioners present and voting at such meeting, and all questions considered at any such meeting shall be decided by the votes of a majority present and voting, and if there be an equal division of votes the chairman, in addition to his own vote as a Commissioner or member of the committee, shall have a casting vote: Provided always, that if at any such meeting there shall be an equality of votes in the election of the chairman, then one of the Commissioners having an equal number of votes whose name would stand first if the names of the Commissioners present were alphabetically arranged shall be chairman of such meeting.

Commissioners to appoint treasurer and other officers.

19. The Commissioners shall from time to time appoint a treasurer, clerk, and inspector, and such other officers as they shall think proper, with such salaries and allowances as they think reasonable, and may remove any clerk treasurer, or other officer, and appoint others in their stead.

Officers to account.

20. Every officer appointed or employed by the Commissioners by virtue of this Act shall from time to time, when required by the Commissioners, after the passing of this Act make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the Commissioners; and such account shall state how, and to whom, and for what purpose such moneys have been disposed of, and together with such accounts such officer shall deliver the vouchers and receipts for such payments, and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

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Auditor of accounts.

21. In lieu of the auditor to be appointed under section 92 of the Commissioners Clauses Act, the auditors of the accounts of the Commissioners shall be the auditors of the boroughs of Plymouth and Devonport respectively, and such auditors shall be deemed to be permanent auditors within the meaning of the Commissioners Clauses Act, 1847, and each of such auditors shall audit the said accounts in alternate years, beginning with the auditor for the borough of Plymouth in the year one thousand eight hundred and seventy-seven, and shall be paid such reasonable remuneration, not being less than two guineas for every day in which he is employed on such audit, for his time and trouble in auditing such yearly account as the councils of the respective boroughs from time to time appoint.

AS TO HACKNEY CARRIAGES.

Hackney carriages to be licensed.

22. The Commissioners may from time to time license to ply for hire within a distance not exceeding seven miles from the Guildhalls of the boroughs of Plymouth and Devonport and Saint George's Hall in the township of East Stonehouse respectively, such number of hackney carriages of any kind or description adapted to the carriage of persons as they think fit.

Fees to be paid for license.

23. For every such license there shall be paid to the clerk of the Commissioners or other person appointed by them to receive the same such sum as the Commissioners direct, not exceeding twenty shillings.

What shall be specified in the licenses.

24. In every such license shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage in respect of which such license is granted, or who is concerned either solely or in partnership with any other person in the keeping, employing, or letting to hire of any such carriage, and also the number of such license, which shall correspond with the number to be painted or marked on such carriage, together with such other particulars as the Commissioners think fit.

Driver to carry under an agreement for a discretionary distance the distance to which hirer is entitled for the fare.

25. If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree with any person to carry in or by such hackney carriage persons not exceeding in number the number which he is authorised to carry for a distance to be in the discretion of such proprietor or driver, and for a sum agreed upon, such proprietor or driver shall be liable to a penalty not exceeding forty shillings if the distance which he carries such persons be under that to which they were entitled to be carried for the sum so

agreed upon, according to the fare allowed by this Act or any byelaw made in pursuance thereof.

Commissioners may appoint stands and number of carriages at each.

26. The Commissioners at a general meeting specially convened for the purpose may fix the number and situation of the stands for hackney carriages within the Parliamentary limits of the boroughs of Plymouth and Devonport, including the township of East Stonehouse, respectively, and the number of carriages to be at such stands, and from time to time at any general meeting convened in like manner may alter and vary the number and situation of such stands and the number of carriages to be at each such stand, as they shall think fit: Provided always, that the Commissioners shall not, without the consent in writing of any railway company or the owner or owners of any dock, pier, or landing place affected thereby first had and obtained, appoint any stand for hackney carriages at, in, or on any station, station-yard, approach, quay, wharf, pier, works, or other property belonging to or occupied by any such railway company or such owner or owners as aforesaid.

Penalty for refusing to pay the fare.

27. If any person refuse to pay on demand to any proprietor or driver of any hackney carriage the fare allowed by this Act or any byelaw made thereunder, he shall be liable to double the fare, together with costs, to be recovered before one justice, and out of the money so recovered a sum equivalent to the amount of the fare shall be paid to the party aggrieved, and such further sum as compensation for loss of time in attending the said justice touching or concerning such complaint as to the said justice seems reasonable, and the remaining sum so recovered shall be applied in the same manner as any penalty imposed by this Act is directed to be applied.

Power to make byelaws.

28. The Commissioners may from time to time, subject to the restrictions of this Act, make byelaws for all or any of the following purposes; (that is to say,)

1. (*a.*) For regulating the conduct and duties of the drivers of hackney carriages plying within the prescribed distance in their several employments;

(*b.*) And determining whether such drivers shall wear any and what badges, and when and in what manner they shall be worn, and whether any, and if so what sum (not exceeding one shilling) shall be paid for the use of the same, and for securing the return to the Commissioners of such badges where there are no licenses in force relating thereto;

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(*c.*) And for regulating the hours within which they may exercise their calling;

(*d.*) And for determining whether any and what tickets shall be delivered by the driver to the hirer, and whether any and what tickets or tables of rates and fares shall be affixed to such hackney carriages, and if so where, and whether any, and if so what sum (not exceeding one shilling) shall be paid for the use of the same, and for securing the return to the Commissioners of such last-mentioned tickets or tables where there are no licenses in force relating thereto:

2. For regulating the manner in which the name of the proprietor of and the number of each carriage corresponding with the number of its license shall be displayed, and whether any badge shall be affixed to such carriage, and if so where, and whether any, and if so what sum (not exceeding one shilling) shall be paid for the use of the same, and for securing the return to the Commissioners of such badge where there is no license in force relating thereto:

3. (*a.*) For regulating the number of persons to be carried by such hackney carriages;

(*b.*) And the number of horses or other animals to draw the same;

(*c.*) And the placing of check strings to the carriages and the holding of the same by the drivers;

(*d.*) And how such hackney carriages are to be furnished, cleansed, kept in order, and repaired;

(*e.*) And whether any and what lamps shall be used, and when and in what manner;

(*f.*) And for prohibiting the conveyance in any such carriage of any corpse or person affected with any contagious or infectious disease:

4. (*a.*) For regulating the stands of such hackney carriages, and the manner in which such carriages shall be placed on such stands;

(*b.*) For fixing the distances to which the drivers of such carriages may be compelled to take passengers, not exceeding the prescribed distance:

5. (*a.*) For fixing the rates or fares of passengers and luggage as well for time as distance, as also a waiting-time fare to be paid for such hackney carriages within the prescribed distance:

(*b.*) And for securing the due publication of such rates or fares;

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

6. (*a.*) For securing the safe custody and re-delivery of any property accidentally left in hackney carriages;

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

As to Boats and Wherries.

Boats and wherries to be licensed.

29. The Commissioners may from time to time license to ply for hire at any stations or places within the Parliamentary limits of the boroughs of Plymouth and Devonport, including the township of East Stonehouse, and within the headlands of Penlee on the western side and the Mewstone on the eastern side of the port of Plymouth, and the several rivers flowing into the said port within the boundaries aforesaid, and to the ships or vessels of Her Majesty, and other ships or vessels lying within the boundaries aforesaid, such number of boats and wherries of any kind or description adapted to the carriage of persons as they think fit.

Fees to be paid for license.

30. For every such license there shall be paid to the clerk of the Commissioners or other person appointed by them to receive the same such sum as the Commissioners direct, not exceeding five shillings.

Application of parts of Towns Police Clauses Act and certain clauses of this Act to boats and boatmen.

31. The provisions of the Towns Police Clauses Act, 1847, incorporated with this Act, and the provisions of this Act as to hackney carriages, shall apply, so far as the same are applicable, to all boats and wherries and the proprietors thereof, and boatmen, subject to the provisions of this Act for the purposes hereof, and the word "hackney carriage" in those provisions shall include any such boat or wherry, and the word "driver" shall include boatman, and for the purposes of this Act the plying, standing, or being let out for hire within the boundaries aforesaid shall be deemed to be a standing or plying for hire within the provisions of the Towns Police Clauses Act, 1847.

No boatman to act as porter.

32. No boatman shall act in any respect as a porter, unless at the time of the landing by him of any passengers there shall not be then present at the landing-place any licensed porter, and every

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boatman so offending shall for every such offence forfeit and pay any sum not exceeding forty shillings.

Commissioners may make byelaws for regulating boats and wherries.

33. The Commissioners may from time to time (subject to the provisions of this Act) make byelaws for all or any of the purposes following; (that is to say,)

1. (*a.*) For regulating the conduct and duties of boatmen;
   (*b.*) For determining whether boatmen shall wear any and what badges, and when and in what manner they shall be worn, and whether any, and if so what sum (not exceeding one shilling) shall be paid for the use of the same, and for securing the return to the Commissioners of such badges where there is no license in force relating thereto;
   (*c.*) For regulating the hours within which they shall exercise their calling;
   (*d.*) For determining whether any and what ticket shall be delivered by the boatman to the hirer:
2. For regulating the manner in which the name of the proprietor and the number of each boat or wherry corresponding with the number of its license shall be displayed in and upon such boat or wherry:
3. (*a.*) For regulating and ordering the boats and wherries let to hire;
   (*b.*) For fixing the number of passengers and the quantity of luggage to be carried by such boats or wherries;
   (*c.*) For fixing the manner in which such number is to be shown in or on such boats and wherries;
   (*d.*) For regulating the number of boatmen to be employed in such boats and wherries;
   (*e.*) For regulating and ordering how such boats and wherries are to be furnished, cleansed, kept in order, and repaired:
4. (*a.*) For fixing the station or stations, place or places for all boats or wherries and boatmen to wait and ply for hire;
   (*b.*) And the distances the boatmen so plying shall be obliged to take passengers in and upon the waters aforesaid:
5. (*a.*) For fixing the fares or rates of passengers and luggage as well for time as distance, as also a waiting-time fare to be paid for such boats or wherries;
   (*b.*) For securing the publication of such fares or rates;
   (*c.*) For fixing and determining the places from whence and the manner in which the state of the weather as affecting the fares shall be indicated, and the conditions under

which and the limits within which such boats or wherries shall ply during stormy weather;

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

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

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

Commissioners not to appoint stations for boats to ply for hire at docks or piers without consent of owners.

34. The Commissioners shall not, without the consent in writing of the owner or owners of any dock, pier, or landing-place affected thereby first had and obtained, appoint any station or stations, place or places, for boats or wherries, or boatmen, to wait and ply for hire at, in, or on any such dock, pier, or landing-place, or the approaches, quays, wharves, piers, stairs, or other works or property used, occupied, or connected with any such dock, pier, or landing-place.

As to Hackney Carriages, and Boats and Wherries.

Provisions for making byelaws.

35. All byelaws made by the Commissioners under and for the purposes of this Act shall be under their common seal, and any such byelaws may be altered or repealed by a subsequent byelaw made pursuant to the provisions of this Act.

(*a.*) Byelaws made by the Commissioners under this Act shall not take effect unless and until they have been submitted to and confirmed by the Local Government Board, which Board is hereby empowered to allow or disallow the same, as it may think proper, nor shall any such byelaws be confirmed,—

Unless notice of intention to apply for confirmation of the same has been given in one or more of the local newspapers circulated within the district to which such byelaws relate one month at least before the making of such application; and

Unless for one month at least before such application a copy of the proposed byelaws has been kept at the office of the Commissioners, and has been open during office hours thereat to the inspection of all classes of persons to which such byelaws relate, without fee or reward.

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(*b.*) The clerk of the Commissioners shall on the application of every such person furnish him with a copy of such byelaws or any part thereof on payment of sixpence for every hundred words contained in such copy.

(*c.*) A byelaw required to be confirmed by the Local Government Board shall not require confirmation, allowance, or approval by any other authority.

Byelaws to be printed, &c.

36. All byelaws made by the Commissioners under this Act, when confirmed, shall be printed and hung up in the office of the Commissioners, and a copy thereof shall be furnished to any person on his paying a sum not exceeding one shilling therefor, and a copy shall also be sent to the clerk of the justices of any district in which the penalties under this Act are recoverable.

Evidence of byelaws.

37. A copy of the byelaws made by the Commissioners under this Act, under the seal of the Commissioners, and signed and certified by their clerk to be a true copy and to have been duly confirmed, shall be evidence, until the contrary is proved, in all legal proceedings of the due making, confirmation, and existence of such byelaws, without further or other proof.

Penalties for enforcing byelaws.

38. The Commissioners may by the byelaws made by them under this Act impose such reasonable penalties as they think fit, not exceeding five pounds for each breach of such byelaws: Provided always, that all such byelaws shall be so framed as to allow the justices before whom any penalty imposed thereby may be sought to be recovered to order the whole or part only of such penalty to be paid or to remit the whole penalty.

Tables of distances and fares to be evidence.

39. All tables of distances and fares made and published by the Commissioners under the powers of this Act shall for all purposes of this Act be deemed and taken to be true tables of the distances and fares to and from all places within the limits of this Act therein mentioned.

Commissioners may transfer licenses on death and marriage by endorsement.

40. In case of the death of any proprietor of a hackney carriage, boat, or wherry during the currency of his license, the Commissioners may by endorsement thereon transfer such license to the personal representatives of the deceased proprietor, or with their consent to his widow or to any child of his of full age, and in the case of the marriage of a female proprietor of any hackney carriage, boat, or wherry during the currency of her license, they may on her request in writing transfer such license by endorsement to her husband, and for the endorsement of every such transfer and the registration thereof there shall be paid to the clerk of the Commissioners a fee of one shilling.

Power to proceed against one only of licensees.

41. Where more than one person is registered as the proprietor or proprietors of any hackney carriage, boat, or wherry, it shall be lawful in any legal or other proceedings to be taken against them to proceed against one only of the parties so registered.

License to be in force for one year, or until the next licensing meeting.

42. Every license granted under this Act shall be in force for one year from the date thereof, or until the next general licensing meeting of the Commissioners, and no longer.

Penalty for wrongful usage of hackney carriage, &c.

43. Any person taking possession of any hackney carriage, boat, or wherry licensed in pursuance of this Act, without the permission of the proprietor, driver, boatman, or other person in charge thereof, shall for every such offence be liable to a penalty not exceeding five pounds.

Publication of penalties.

44. The Commissioners shall publish the short particulars of the several offences for which any penalty is imposed by this Act or by any byelaw of the Commissioners affecting other persons than the officers or servants of the Commissioners, and of the amount of every such penalty, and shall cause such particulars to be painted on a board or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed in—

The principal office of the Commissioners;
The Guildhall of the borough of Plymouth;
The Town Hall of the borough of Devonport;
St. George's Hall in the township of East Stonehouse;

and in such other public places within the boroughs of Plymouth and Devonport, including the township of East Stonehouse, as the Commissioners shall deem right and proper, and such particulars shall be renewed when and as often as the same are or any part thereof is obliterated or destroyed, and shall be open to inspection at all reasonable times without fee or reward.

Registers of licenses to be evidence.

45. The registers of licenses kept in pursuance of this Act shall be receivable in evidence of the matters required by this Act to be entered therein, and also that any person named therein as licensed is duly licensed. Every endorsement upon a license and every copy of an entry made in the registers of licenses in pursuance of this Act purporting to be signed by the clerk of the Commissioners and (in case of a copy) to be certified to be a true copy shall be evidence of the matters stated in such endorsement and entry, without proof of the signature or authority of the person signing the same.

License to be produced.

46. Every holder of a license shall, by himself, his agent, or servant, produce such license when demanded by a justice of the peace, and deliver the same to be read and examined by him. Any

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person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds.

Byelaws, rates, and fares to be delivered to each person licensed.

47. When and so soon as the byelaws and tables of rates and fares hereby authorised shall be fixed and settled by the Commissioners and confirmed in manner by this Act provided, the same shall be printed, and the Commissioners shall cause one copy thereof to be delivered in respect of every licensed hackney carriage, boat, or wherry to the proprietor or proprietors thereof, and also a copy to every licensed driver and boatman, at the time when any license shall be first granted, and for each and every such copy shall be paid a sum not exceeding one shilling, and every licensed driver and boatman shall be at all times bound and is hereby required to produce such byelaws and table of rates and fares whenever the same shall be demanded by any person or persons who shall have hired or be about to hire or be a passenger in any such hackney carriage, boat, or wherry, and in default of so doing he shall be liable for each omission so to do to a penalty not exceeding forty shillings.

Appeal to quarter sessions.

48. Where any person deems himself aggrieved by any order, conviction, judgment, or determination of any justice under the authority of this Act, or of the Commissioners under the provisions of this Act, such person may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next court of quarter sessions for the county, division, or place in which the cause of appeal has arisen holden not less than twenty-one days after the making such order, conviction, judgment, or determination:

(2.) The appellant shall within fourteen days after the cause of appeal has arisen give notice to the other party and to the authority or court by whose act he deems himself aggrieved of his intention to appeal and of the ground thereof:

(3.) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace with two sufficient sureties conditioned personally to try such appeal and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by the deposit of money or otherwise as the justice may allow:

(4.) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody:

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(5.) The court of appeal may, if it think fit, adjourn the appeal, and on the hearing thereof may confir m, reverse, or modify the decision of the court or authority from which such appeal has been made, or remit the matter to such court or authority with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; the court of appeal may also make such order as to costs to be paid by either party as the court thinks just:

(6.) The decision of the court of appeal shall be binding on all parties; provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

Application of surplus funds.

49. In the event of any surplus funds accruing to them, the Commissioners may expend out of the same such sums as they may think necessary for the accommodation of hackney coachmen and boatmen, including the purchase of and providing cabmen's and boatmen's rests and places of shelter.

Expenses of Act.

50. The costs, charges, and expenses of preparing, soliciting, obtaining, and passing this Act shall be paid out of the moneys received by the treasurer to the Commissioners acting in the execution of the recited Act and of this Act, in preference to all other payments whatsoever.

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