

**CHAPTER lxxviii.**

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of Plymouth in regard to their water gas electricity and tramway and light railway undertakings to empower them to construct street improvements and to purchase the bridges known as the "Stonehouse Bridge" and the "Stonehouse Mill Bridge" to constitute the Corporation the port sanitary authority for the port of Plymouth to provide for the transfer to the Corporation of the Devon and Cornwall Sanatorium at Didworthy to make further provision in regard to the health local government and improvement of the borough and for other purposes.

A.D. 1923.

[31st July 1923.]

WHEREAS the borough of Plymouth in the county of Devon (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the Corporation"):

And whereas the Corporation are the owners of waterworks and a water undertaking and are supplying water to the inhabitants of the borough and of certain places in the neighbourhood thereof:

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demands of the inhabitants of the area within which the Corporation are supplying water

A.D. 1923. and it is expedient that the Corporation should be
— empowered to construct and maintain an enlargement
of their Burrator Reservoir and the other works in
connection therewith which are referred to in this Act :

And whereas it is expedient to increase the rates
and charges which the Corporation may demand and
take in respect of the supply by them of water for
domestic purposes and to make further provision in
regard to the water undertaking of the Corporation :

And whereas under the provisions of the Plymouth
Corporation Act 1915 the Corporation are supplying
gas within the parish of Devonport in the borough and
are also supplying electricity throughout the borough
and it is expedient that the further provisions with
regard to the gas and electricity undertakings of the
Corporation which are set forth in this Act should be
enacted :

And whereas the Corporation are the owners of
a system of tramways and light railways within the
borough and are also empowered to provide and work
omnibuses therein and it is expedient to empower the
Corporation to construct further tramways and to make
further provision with regard to their tramway and
light railway and omnibus undertakings :

And whereas it is expedient to empower the Cor-
poration to construct the street improvements in this
Act referred to :

And whereas by the Acts 7 Geo. III. c. lxxiii. and 11
Geo IV. c. lxxviii. powers were conferred upon the persons
named in those Acts respectively for and in relation
to the construction and maintenance of the bridges
which are known respectively as the "Stonehouse
Bridge" and the "Stonehouse Mill Bridge" and those
bridges together with the rights and powers in regard
thereto are at the present time vested in and exerciseable
by the General Tolls Company Limited :

And whereas by an agreement dated the twenty-
fourth day of May nineteen hundred and twenty-two
and made between the said company and the Corporation
it was agreed that the said bridges should be transferred
to the Corporation and it is expedient to make provision
for effecting such transfer and for confirming the said
agreement with such modifications as are mentioned in
this Act :

And whereas it is expedient to make other provision as in this Act contained with regard to the said bridges and also with regard to the Lairy Bridge and embankments which are at present vested in the Corporation and in particular to enable and require the Corporation to abolish the tolls payable in respect of such bridges and embankments in manner provided by this Act :

And whereas by an indenture dated the first day of February eighteen hundred and ninety-nine certain lands were conveyed to the mayor aldermen and burgesses of the borough of Devonport by the Right Honourable John Lord St. Levan and the Honourable John Townshend St. Aubyn for the purposes of a recreation ground :

And whereas the Corporation have provided another site for the purposes of a recreation ground and the approval of the Right Honourable John Townshend Lord St. Levan of such site in substitution for the lands referred to in the said indenture has been given and it is expedient to make provision for carrying into effect such substitution :

And whereas it is expedient to empower the Corporation to acquire further lands in the borough for pleasure or recreation grounds and the enlargement of the Morice Town School and other purposes and it is also expedient to authorise them to erect concert halls and other buildings and to provide and arrange for the provision of entertainments therein and to enact further provisions with regard to the parks and recreation grounds of the Corporation and the foreshore of the borough :

And whereas it is expedient to confer powers upon the Corporation with reference to the provision of Turkish seawater freshwater and other baths in the borough :

And whereas it is expedient to make further and better provision with regard to the health local government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as is provided in this Act :

And whereas in pursuance of certain orders of the Local Government Board dated the twenty-third day of February nineteen hundred and the fourth day of

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Corporation Act, 1923.

A.D. 1923: November nineteen hundred and two the sanitary authority for the port of Plymouth consists of members appointed respectively by the Corporation and by the rural district councils of Plympton St. Mary and St. Germans :

And whereas it is expedient to repeal or revoke the said orders and any other existing provisions or enactments relating to the existing port sanitary authority and to constitute the Corporation the sanitary authority for the port of Plymouth and also to make provision for the defrayment by the Corporation of all the expenses incurred by them as such authority :

And whereas it is expedient that provision be made as in this Act contained with regard to the control and regulation of premises in the borough used for the reception of women for the purposes of childbirth :

And whereas by an agreement set forth in the Sixth Schedule to this Act which agreement is dated the thirteenth day of December nineteen hundred and twenty-two and made between the parties therein named of the one part and the Corporation of the other part provision is made for the transfer to the Corporation of the mansion house known as "Didworthy" and divers hereditaments situate in the parish of South Brent in the county of Devon which mansion house and hereditaments are used and enjoyed as and for a sanatorium for consumptives and it is expedient to make provision as in this Act contained with regard to such transfer :

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

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

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

	£
For the purchase of land for and for and in connection with the construction of the works authorised by Part II. (Water) of this Act - - - -	135,000
For new mains extensions of mains and other waterworks purposes -	30,000

For the construction of the tramways authorised by this Act - - - -	£ 35,800	A.D. 1923 —
For the provision and erection of posts standards brackets and other apparatus works and conveniences for the purposes of the said tramways - -	3,700	
For the construction of the street works authorised by Part VI. (Street works) of this Act - - - - -	190,000	

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Plymouth Corporation Act 1923. Short title;

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

Part I.—Preliminary;

Part II.—Water;

Part III.—Gas;

Division of
Act into
Parts.

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- Part IV.—Electricity;
- Part V.—Tramways light railways and omnibuses;
- Part VI.—Street works;
- Part VII.—Bridges and embankment undertaking;
- Part VIII.—Recreation grounds foreshore &c.;
- Part IX.—Public baths;
- Part X.—Streets buildings sewers and drains;
- Part XI.—Infectious disease and sanitary provisions;
- Part XII.—Port sanitary authority;
- Part XIII.—Maternity homes;
- Part XIV.—Police provisions;
- Part XV.—Lands;
- Part XVI.—Financial provisions;
- Part XVII.—Miscellaneous provisions.

Incorporation of Acts.

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

(a) The Lands Clauses Acts with the following exception and modification:—

(i) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section:

(b) The Waterworks Clauses Act 1847 except—

(i) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

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

(iii) section 83 (with respect to the yearly receipt and expenditure of the undertakers):

(c) The Waterworks Clauses Act 1863:

(d) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the works authorised by Part II. (Water) of this Act and “the centre of the railway” means the centre of such works respectively; and

(e) Section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) Part II. and Part III. of the Tramways Act 1870 Provided that the words in section 19 of that Act “but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages” shall not apply to the Corporation.

(2) Nothing in this Act shall authorise any interference with electric lines and works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1922 to which the provisions of section 15 (Power to undertakers to alter position of pipes and wires) of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1907 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpreta-
tion.

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

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

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- “ The borough ” means the borough of Plymouth ;
“ The council ” means the council of the borough ;
“ The town clerk ” “ the surveyor ” and “ the medical officer ” mean respectively the town clerk the surveyor and the medical officer of health of the borough and respectively include any person duly authorised to discharge temporarily or permanently the duties of those offices ;
“ The borough fund ” “ the borough rate ” “ the district fund ” and “ the general district rate ” mean respectively the borough fund the borough rate the district fund and the general district rate of the borough ;
“ The Corporation tramways ” means the tramways and light railways for the time being belonging to or authorised to be constructed by the Corporation ;
“ The tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;
“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878 ;
“ Infectious disease ” means any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough ;
“ Sunday school ” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not ;
“ Daily fine ” means a fine for each day on which an offence is continued by a person after conviction ;
“ Hackney carriage ” has the same meaning as in the Town Police Clauses Act 1847 and does not include an omnibus as defined in the Town Police Clauses Act 1889 ;
“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any

mortgage bond debenture debenture stock stock
or other security authorised by or under any
Act of Parliament passed or to be passed of
any county council or municipal corporation
or other local authority as defined by section 34
(Definitions) of the Local Loans Act 1875 but
does not include annuities rentcharges or se-
curities transferable by delivery or any securities
of the Corporation;

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“Revenues of the Corporation” includes the re-
venues of the Corporation from time to time
arising from any land undertakings or other
property for the time being of the Corporation
and the rates or contributions leviable by or
on the order or precept of the Corporation;

“The Act of 1915” means the Plymouth Corporation
Act 1915.

PART II.

WATER.

5.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works in the county of Devon hereinafter described (that is to say):—

Power to
make water-
works.

Work No. 1 An enlargement of the Burrator Reservoir (authorised by the Plymouth Corporation Water Act 1893) to be situate in the parishes of Sheepstor Walkhampton and Meavy and to be formed by means of a raising and enlargement of the existing embankment or retaining wall across the River Meavy in the parishes of Meavy and Sheepstor (known as the Burrator Dam) and a raising and enlargement of the existing embankment or retaining wall in the parish of Sheepstor (known as the Sheepstor Dam):

Work No. 2 A raising of the road from Sheepstor across the Burrator Dam and of the southern and northern roads forming continuations of that road from that dam to the main road leading from

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Plymouth to Princetown to be situate in the parishes of Meavy and Sheepstor:

Work No. 3 A temporary bridge across the Burrator Reservoir and approaches to such bridge to be situate in the parishes of Meavy and Sheepstor:

Work No. 4 A temporary diversion of the northern and southern roads from the Burrator Dam to the main road leading from Plymouth to Princetown to be situate in the parish of Meavy:

Work No. 5 A diversion of the road from Sheepstor to the Burrator Dam to be situate in the parish of Sheepstor:

Work No. 6 A diversion of the road from Sheepstor to Norsworthy Bridge to be situate in the parish of Sheepstor:

Work No. 7 An improvement and a further diversion of the road from Sheepstor to Norsworthy Bridge to be situate in the parishes of Sheepstor and Walkhampton:

Work No. 8 A new road commencing by a junction with the existing road leading from Norsworthy Bridge to the main road from Plymouth to Princetown and terminating at the above-mentioned northern road from the Burrator Dam to the main road from Plymouth to Princetown to be situate in the parishes of Walkhampton and Meavy.

(2) The Corporation may in connection with the waterworks authorised by this Act exercise all or any of the powers conferred upon them by section 6 (Power to maintain and provide waterworks and supply water) of the Act of 1915 as if such works formed part of the water undertaking referred to in that section and formed part of the existing works of the Corporation referred to therein.

Limits of deviation.

6.—(1) In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent.

(2) Provided that the Corporation shall not construct either of the embankments or retaining walls mentioned in the description of Work No. 1 authorised by the section of this Act of which the marginal note is "Power to make waterworks" of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or retaining wall and three feet in addition.

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7.—(1) The Corporation shall erect fit up and maintain or provide—

Accommodation for workmen employed on construction of works.

(a) such huts or buildings for the accommodation of the workmen employed in and about the construction of the works authorised by this Part of this Act;

(b) such hospital accommodation for the treatment of cases of sickness or accident among such workmen including accommodation for dealing with infectious diseases;

as shall be reasonably necessary having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works and shall provide and maintain proper and sufficient sanitary accommodation in connection with every such building and hospital.

(2) The Corporation shall pay all reasonable costs and expenses incurred in respect of the medical and surgical treatment of any workman employed on the construction of the said works who is treated in any hospital accommodation provided by them except in so far as such costs and expenses are payable under the provisions of the National Health Insurance Acts 1911 to 1921 or otherwise.

(3) The medical officer of health of the Devon County Council (in this section referred to as "the county council") and the medical officer of health and sanitary inspector of the rural district council of Tavistock shall be entitled at any time to enter into and inspect and examine any such accommodation afforded under this section in order to ascertain whether overcrowding exists therein and whether proper and sufficient sanitary arrangements are provided.

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(4) The Corporation shall give every such officer all facilities and information which he requires for the purpose of the performance of his duties including the right to enter upon the said works and any person obstructing such officer in the performance of his duty under this section shall be liable to a fine not exceeding forty shillings.

(5) If at any time it appears to the county council that the Corporation have failed to afford or maintain accommodation in accordance with subsection (1) of this section the Corporation shall afford and maintain such accommodation as the county council may require Provided that if within fourteen days after the receipt of notice of any requirement of the county council under this subsection the Corporation give notice to the county council that they dispute the reasonableness of any such requirement the difference shall be determined by the Minister of Health on the application of either of the parties to the difference and the Minister of Health may make such requirements (if any) in variation of the requirements of the county council as he may think fit.

(6) If the Corporation fail to afford and maintain accommodation in accordance with the provisions of this section they shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds and such fines may be recovered by the county council.

(7) Any expenses incurred by the county council in carrying out the provisions of this section shall be repaid to the county council by the Corporation and shall be recoverable as a debt due from the Corporation to the county council.

(8) The Corporation shall pay to the Minister of Health any expenses incurred by him under this section including a sum not exceeding five guineas a day for the services of any inspector in connection with any local inquiry or investigation which he may consider necessary in the exercise of his powers under subsection (5) of this section and the expenses of any witnesses summoned by the inspector.

Period for
completion
of works.

8. If the works authorised by this Part of this Act and delineated on the deposited plans are not completed

within five years from the passing of this Act then on the expiration of that period the powers granted by this Act for the making thereof respectively or otherwise in relation thereto shall cease except as to such of them or so much thereof respectively as shall then be completed. Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of their works and plant as and when occasion may require.

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9.—(1) So soon as two justices acting for and residing in the county of Devon shall certify that Work No. 3 and Work No. 4 authorised by the section of this Act of which the marginal note is “Power to make waterworks” have respectively been completed to their satisfaction and are opened for public use the Corporation may (during the construction of Works Nos. 1 and 2 authorised by the said section) stop up and discontinue as public highways so much of the existing roads in the parishes of Sheepstor and Meavy leading from Sheepstor to the main road from Plymouth to Princetown as lies between the termination of Work No. 3 on the east and (a) the commencement of Work No. 3 and (b) the commencement of Work No. 4 on the west.

Stopping up
of roads and
footpaths.

(2) So soon as two such justices as aforesaid shall certify that the said Work No. 2 is completed to their satisfaction and opened for public use the Corporation may discontinue and remove the said Work No. 3 and may cease to maintain the said Work No. 4.

(3) So soon as two such justices as aforesaid shall certify that Works Nos. 5 6 and 7 authorised by the said section have respectively been completed to their satisfaction and are opened for public use the Corporation may stop up and discontinue as public highways so much respectively of—

- (a) the existing road in the parish of Sheepstor to the main road from Plymouth to Princetown;
- (b) the existing road in the parishes of Sheepstor and Walkhampton leading from Sheepstor to Norsworthy Bridge;

as lies between—

- (a) the commencement and termination of Work No. 5;
- (b) (i) the commencement and termination of Work No. 6; and

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(ii) the point on Work No. 7 at which the proposed diversion of the existing road commences and the termination of that work.

(4) The Corporation may also stop up and discontinue as public highways any roads or footpaths situate upon any part of the lands which will be submerged by the construction of Work No. 1.

(5) Before applying to the justices for their certificate with regard to any of the said works the Corporation shall give to the road authority of the district in which the existing highways are situate seven days' notice in writing of their intention to apply for the same.

(6) As from the date of any such certificate all rights of way over or along the existing highways between the commencement and termination of any work so certified to have been completed shall be extinguished and the Corporation may subject to the provisions of the Waterworks Clauses Act 1847 with respect to mines appropriate and use for the purposes of the water undertaking of the Corporation the sites of the portions of highways stopped up as far as the same are bounded on both sides by lands of the Corporation.

(7) Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(8) Works Nos. 3 and 4 authorised by this Act shall be maintained in repair by and at the cost of the Corporation until the completion of Works Nos. 1 and 2 Works Nos. 2 5 6 and 7 shall be so maintained for twelve months after the completion thereof respectively and from and after the expiration of the said period of twelve months such last-mentioned works respectively shall be maintained in repair by and at the expense of the authority or person by whom or at whose expense the roads in substitution for which the same are made were repairable respectively.

Power to
take waters;

10. Subject to the provisions of section 9 (Seventy-five gallons of water per minute to be discharged into Meavy) of the Plymouth Corporation Act 1887 and of the following sections of the Plymouth Corporation

Water Act 1893 (so far as those sections are set out in the Second Schedule to the Act of 1915) namely:— A.D. 1923.

Section 10 (For the protection of Sir Massey Lopes Baronet);

Section 11 (Compensation for damage caused by bursting or giving way of reservoir);

Section 25 (Compensation water);

Section 27 (Reservation as to fishing rights);

the Corporation may for the purposes of their waterworks collect impound take use get and appropriate such of the waters of the River Meavy and its tributaries as can or may be intercepted and impounded by the Burrator Reservoir as enlarged by Work No. 1 authorised by the section of this Act of which the marginal note is "Power to make waterworks" and all springs and streams which arise or flow in or through the site of the said reservoir as so enlarged and all waters found in or under any of the lands acquired by them under this Act in the parishes of Meavy Sheepstor and Walkhampton.

11.—(1) Any duly authorised officer of the board of conservators of the Tamar and Plym Fishery District shall at all reasonable times have the right of access to the gauge and works mentioned in section 9 of the Plymouth Corporation Act 1887 for the purpose of ascertaining the state of repair and efficiency thereof and the quantity of water from time to time passing over or through the same and shall also at all reasonable times have the right of inspecting the records of such gauge.

For protection of board of conservators of Tamar and Plym Fishery District.

(2) Section 9 (d) of the Plymouth Corporation Act 1887 shall be read and have effect as if the following words were added at the end thereof:—

“and shall also for every day on which such failure shall occur pay the sum of twenty pounds to the board of conservators of the Tamar and Plym Fishery District who may sue for and recover the same.”

12. If any person shall wilfully damage interfere with alter destroy or render unserviceable or falsify the gauge works or records mentioned in the last preceding section of this Act he shall for every such offence be liable to a fine not exceeding five pounds without

Penalty for damaging gauge works or records.

A.D. 1923. — prejudice to any other liability or cause of action which may arise out of or by reason of such act.

Works to form part of water undertaking.

13. Subject to the provisions of this Act the water-works to be constructed by the Corporation under the authority of this Act shall for all purposes be deemed part of the water undertaking of the Corporation.

Water rates for domestic purposes.

14.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house occupied as a separate tenement or dwelling in any street within the water limits (which expression has the meaning assigned to it by section 18 (Water limits) of the Act of 1915) in which any main or service pipe of the Corporation from time to time is laid or of any person who under this Act is entitled to demand a supply of water for domestic purposes furnish to the owner occupier or other person by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained at the cost of the person having the supply a supply of water sufficient for his domestic purposes at rates not exceeding (except as provided by this Act) the rates per annum hereinafter specified (that is to say) :—

(a) In the borough six pounds five shillings per centum on the yearly value of the dwelling-house or part of a dwelling-house but the Corporation shall not be required to supply any such dwelling-house or part of a dwelling-house with water for a less sum than one shilling and sixpence per quarter of a year;

(b) In any part of the water limits which is beyond the borough the rate per centum on the yearly value of the dwelling-house or part of a dwelling-house which would be charged by the Corporation in the borough in respect of a dwelling-house or part of a dwelling-house of the same yearly value and in addition a sum not exceeding twenty per centum of such rate but the Corporation shall not be required to supply any such dwelling-house or part of a dwelling-house with water for a less sum than two shillings per quarter of a year :

Provided that where the yearly value of the dwelling-house or part of a dwelling-house exceeds three hundred

pounds the Corporation shall allow a rebate to be deducted from the total amount payable to them under paragraph (a) or paragraph (b) (as the case may be) of this subsection such rebate to be equal to twenty-five per centum of the amount so payable in respect of the portion of such yearly value which is in excess of three hundred pounds. A.D. 1923.

(2) The yearly value of any premises for the purposes of this Part of this Act shall be the gross estimated rental thereof ascertained by the valuation list in force at the commencement of the quarter for which the rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the yearly value of a part only of any hereditament entered in the valuation list such yearly value shall be a fairly apportioned part of the gross estimated rental of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be determined by a court of summary jurisdiction.

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

(4) On the application of the Corporation or of a local authority having jurisdiction within the water limits the Minister of Health may if satisfied that the circumstances have materially changed make an order varying either by way of increase or decrease the rates and prices for the supply of water authorised by this section and may by any such order decrease or abolish the additional twenty per centum authorised by this section to be charged in any part of the water limits which is beyond the borough either in regard to the whole or any portion of such part of the water limits.

(5) Section 21 (Water rates for domestic purposes) of the Act of 1915 and the Plymouth Water (Temporary Increase of Charges) Order 1920 are hereby repealed but without prejudice to anything done or to any rights accrued thereunder.

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Amendment
of section
213 of Act
of 1915.

15.—(1) Notwithstanding anything contained in subsection (1) of section 213 (Application of revenues of several undertakings) of the Act of 1915 :—

- (a) The amount which the Corporation may contribute in any one financial year under the provisions of that section to the reserve fund formed for the purposes of their water undertaking shall not exceed a sum of money equivalent to one-half per centum upon the total capital expenditure by the Corporation upon such undertaking as at the termination of the immediately preceding financial year; and
- (b) The maximum reserve fund for the purposes of the said water undertaking shall not exceed a sum equivalent to one-tenth of the aggregate capital expenditure for the time being by the Corporation upon such undertaking.

(2) (a) Subsection (4) of section 213 (Application of revenues of several undertakings) of the Act of 1915 is hereby repealed and the following subsection shall be substituted therefor (namely) :—

(b) The balance remaining in any year of the revenue of the water undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) shall be carried forward to the revenue account of the next succeeding year and shall be applicable to the reduction of the price of water supplied within the water limits.

Amendment
of section
215 of Act
of 1915.

16.—(1) Section 215 (Deficiencies in respect of several undertakings) of the Act of 1915 shall cease to apply to the water undertaking of the Corporation.

(2) Any deficiency in the revenue of the said water undertaking in any year shall be made good in the first instance out of the reserve fund (if any) formed in connection with such undertaking and if there be no such reserve fund or if such reserve fund shall be insufficient for the purpose then out of the district fund and in such last-mentioned case any deficiency may (if the Corporation think fit) be dealt with as a debt due from and may be repaid to the district fund out of the revenue of the said undertaking for the next succeeding year.

PART III.

A.D. 1923.

GAS.

17.—(1) Notwithstanding anything contained in the Act of 1915 or any other Act or Order for the time being relating to the gas undertaking of the Corporation the price to be charged by the Corporation for a supply of gas may vary according to the purposes for which the gas is supplied as may be agreed upon between the Corporation and the person taking such supply.

Power to vary price according to purpose for which gas supplied.

(2) Provided that the Corporation shall not under the powers of this section give any preferential price as between any consumers who shall take a corresponding supply of gas for the same purpose in similar circumstances.

18. Notwithstanding anything contained in the Acts relating to the Corporation they shall not be obliged to give from any main a supply of gas for any purpose other than lighting or domestic use in any case where the capacity of such main is insufficient for such purpose or if and so long as any such supply would in the opinion of the Corporation interfere with the sufficiency of the gas required to be supplied by means of such main for lighting or domestic purposes.

Amending obligations as to supply of gas.

19. In any case in which in consequence of any default on the part of the occupier of any premises the Corporation shall have lawfully cut off the supply of gas to such premises and the occupier so in default shall desire to resume such supply he shall pay to the Corporation the reasonable expenses of re-connecting the supply and the Corporation shall not be under any obligation to supply gas to such occupier until he shall have paid such expenses.

Occupier to pay expenses of re-connecting discontinued supply.

20. Notwithstanding anything contained in the Gasworks Clauses Act 1871 or any other Act a person shall not be entitled to demand or continue to receive from the Corporation for the purposes of a stand-by only a supply of gas for any premises for which he has at the same time a supply of gas from an installation other than that of the Corporation or a supply of electricity unless he shall have agreed to pay to the Corporation

Supply of gas where consumer has separate supply.

A.D. 1923. — such minimum annual sum as will give to them a reasonable return on the capital expenditure and will cover charges incurred by them in order to meet the possible maximum demand for the premises for which the stand-by supply is demanded or received and the sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

PART IV.

ELECTRICITY.

Provisions
as to supply
of electricity
by agree-
ment.

21. If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement :

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

Power to
construct
electrical
sub-stations
under
streets.

22. The Corporation may subject to the provisions of the Act of 1915 and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use sub-stations transforming stations and other works in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient :

Provided that no sub-stations transforming stations or other works shall be constructed within six feet of the wall of any naval establishment except with the consent of the Admiralty.

Power to
recover
charge for
re-connect-
ing.

23. Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of

any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting off or disconnecting. A.D. 1923.
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PART V.

TRAMWAYS LIGHT RAILWAYS AND OMNIBUSES.

24. Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections with all proper rails plates junctions turn-outs crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith. Power to make tramways.

The tramways hereinbefore referred to and authorised by this Act will be situate within the borough and are:—

Tramway No. 1 (Double line 7 furlongs 1 chain or thereabouts in length) to be situate in Wolseley Road commencing by a junction with the existing tramway of the Corporation at a point 2·27 chains or thereabouts south-east of the south-western corner of Erith Avenue and terminating by a junction with the existing tramway of the Corporation at a point 11 chains or thereabouts north-west of the southern corner of the Britannia Inn;

Tramway No. 1A (Double line 1·66 chains or thereabouts in length) commencing in Saltash Road by a junction with the existing tramway of the Corporation at a point 0·50 chain or thereabouts south-west of the south-east corner of the police station and terminating in Wolseley Road by a junction with Tramway No. 1 above described at a point 1·70 chains or thereabouts from the commencement of that tramway;

Tramway No. 2 (Double line 3 furlongs 4 chains or thereabouts in length) commencing in Trafalgar Road by a junction with the existing tramway of the Corporation at a point 0·25 chain or thereabouts north-west of Paradise Road passing into and along King's Road to and terminating in

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Devonport Hill by a junction with the existing tramway of the Corporation at a point 0·20 chain east of the junction of King's Road and Devonport Hill.

For protec-
tion of
Southern
Railway
Company.

25. In relation to the exercise of the powers of this Part of this Act the following provisions for the protection of the Southern Railway Company (in this section referred to as "the company") shall unless otherwise agreed between the Corporation and the company apply and have effect (that is to say):—

- (1) In this section the word "apparatus" includes posts brackets electric wires conductors apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramway and includes also any subways tunnels tubes openings excavations channels and pipes for the purposes of such apparatus :
- (2) All works in connection with the construction of Tramway No. 1 and Tramway No. 2 (in this section referred to as "the said tramway") by this Act authorised where the same will be made upon or under any bridge or other work connected therewith belonging to or maintained by or at the cost of the company shall be executed so as to interfere as little as possible with the structure of any such bridge and according to plans sections and particulars to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation to be determined by a referee to be appointed as hereinafter provided All such works shall be executed according to the plans sections and particulars so approved or determined and under the superintendence (if given) and to the reasonable satisfaction of the company and the Corporation shall so maintain and use the said tramway as not injuriously to affect any such bridge or other work In the event of any injury being occasioned to such bridge or other work by the construction maintenance user or removal of the said tramway works or apparatus

the company may make good the injury and may recover from the Corporation the reasonable expense of so doing : A.D. 1923.
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- (3) The Corporation shall on demand pay to the company the reasonable expense of watching the works of the company during the execution repair or removal by the Corporation under this Act of any work or apparatus affecting any bridge or other work belonging to the company for the purpose of preventing interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise :
- (4) The Corporation shall not in any manner in the execution maintenance user or removal of any works under this Part of this Act obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the company or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the intended works or apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :
- (6) If the company hereafter require to widen strengthen reconstruct alter or repair any such bridge or other work of the company upon or under which the said tramway is laid or to lift or support such bridge the Corporation shall afford to the company all reasonable and proper facilities for the purpose and if it be necessary for such purpose that the working or user of any

A.D. 1923.

part of the said tramway upon or under such bridge be wholly or in part stopped or delayed or that such part of the said tramway be wholly or in part taken up or removed and if the company accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or removal then the working or user of such part of the said tramway shall be stopped or delayed or such part of the said tramway shall be taken up or removed to the extent to which it may be necessary so to do by and at the reasonable expense of the Corporation but no such working or user shall be stopped or delayed for a longer period or to a greater extent than may be necessary for effecting such purpose as aforesaid :

- (7) If having regard to the proposed position of any of the works of the Corporation by this Part of this Act authorised when considered in relation to the position of the works of the company at any point where the said tramway will be constructed over or under the railway or other works of the company it becomes necessary that the electric telegraphic telephonic or signal wires or apparatus of the company shall be cabled or otherwise altered or return wires added the company may after giving twenty-one days' notice to the Corporation execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation :
- (8) The Corporation shall not in working Tramway No. 2 authorised by this Part of this Act unreasonably obstruct or interfere with the free ingress or egress of persons vehicles or goods to or from the Devonport Station of the company :
- (9) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be determined by a single referee to be appointed by agreement or failing agreement by the Minister of Transport

on the application of either party after notice in writing to the other and (subject as aforesaid) the provisions of the Arbitration Act 1889 shall apply to any such reference and determination. A.D. 1923.

26. The tramways authorised by this Part of this Act shall be completed within seven years from the passing of this Act and on the expiration of that period the powers granted by this Act 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. Period for completion of tramways.

27. No tramway authorised by this Act shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by an officer appointed by the Minister of Transport. Inspection by Minister of Transport.

28. The tramways and works authorised by this Part of this Act shall form part of the tramway undertaking of the Corporation and the provisions of Part V. (Tramways) of the Act of 1915 shall so far as applicable and with any necessary modifications apply to such tramways and works. Tramways to form part of tramway undertaking.

29. Where the Minister of Transport causes an inquiry to be held under the provisions of section 100 (Revision of fares rates and charges) of the Act of 1915 with regard to the Corporation tramways all expenses incurred by the Minister in relation to such inquiry shall be paid as the Minister may by order direct either by the Corporation or by any of the parties on whose representation the inquiry is held or partly by the Corporation and partly by any of such parties and the Minister may certify the amount of the expenses so incurred and any sum so certified and directed by the Minister to be paid shall be a debt due to the Crown. As to inquiries by Minister of Transport.

30. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of their tramway undertaking. Accounts to be furnished to Minister of Transport.

31.—(1) The Corporation may provide maintain work and use (but shall not manufacture) trailer carriages and coupled carriages on the Corporation tramways under Power to use trailer and coupled carriages.

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such conditions with respect to the safety of the public as the Minister of Transport may from time to time approve.

(2) The trailer carriages and coupled carriages used by the Corporation under the provisions of this section shall be fitted with such brakes and safety appliances as the Minister of Transport may approve and no trailer carriage or coupled carriage shall be used by the Corporation unless the design thereof has been approved by the Minister of Transport.

Except so far as the Minister of Transport may otherwise allow the number of carriages which may be used or run attached together shall not in any case exceed two.

Power to reduce foot-path for constructing passing-places.

32.—(1) The Corporation may for the purpose of constructing additional passing-places increase the roadway of any street in which any of the Corporation tramways are laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway by reducing the width of the footpath on each or either side of such street. Provided that no footpath shall be so reduced as to be less than six feet wide.

(2) The provisions of this section shall not apply to any street belonging to a railway company.

Removal of obstructions.

33. If any obstruction to the traffic on any of the Corporation tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction.

Power to require intending passengers to wait in lines or queues.

34.—(1) For the better regulation of persons desiring to travel in the tramcars of the Corporation tramways or in the omnibuses of the Corporation the Corporation may make byelaws requiring persons waiting to enter tramcars or omnibuses at any stopping-place or terminus to wait in lines or queues and to enter the tramcars or omnibuses in the order in which they stood in such line

or queue and in the event of the Corporation making any such byelaws they may erect and maintain barriers and posts at any stopping-place or terminus and for that purpose may with the consent of the road authority use part of the highway. A.D. 1923.

(2) Provided that notwithstanding anything contained in this section the Corporation shall not erect any barriers or posts at any stopping-place or terminus or require persons waiting to enter tramcars or omnibuses at any such stopping-place or terminus to wait in any line or queue so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company.

35.—(1) Notwithstanding anything contained in the Act of 1915 or this or any other Act to the contrary the Corporation may on any occasion run and reserve tramcars on any of the Corporation tramways and omnibuses on any route on which the Corporation are for the time being authorised to run omnibuses for any special purpose which the Corporation may consider necessary or desirable. Provided that such special tramcars and omnibuses shall be distinguished from others in such manner as may be directed by the Corporation and that during the running of such special carriages or omnibuses the Corporation shall maintain a reasonably sufficient ordinary service of carriages or omnibuses as the case may be. Power to reserve carriages or omnibuses for special purposes.

(2) The Corporation may make byelaws for prohibiting the use of any such carriages or omnibuses by any persons other than those for whose conveyance the same are reserved.

(3) The restrictions contained in the Act of 1915 or this or any other Act of the Corporation as to fares for passengers shall not extend to any special tramcars run upon the Corporation tramways or special omnibuses or to any special service of such tramcars or omnibuses on extraordinary occasions as aforesaid and in respect thereof the Corporation may demand and take such tolls fares rates or charges as they shall think fit.

(4) Section 97 (Restrictions not to apply to special carriages) of the Act of 1915 is hereby repealed.

A.D. 1923.

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As to byelaws under this Part of this Act.

36. Any byelaws made by the Corporation under the provisions contained in this Part of this Act shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

PART VI.

STREET WORKS.

Power to make street improvements.

37. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections relating thereto make and maintain the street works in the borough hereinafter mentioned with all proper and necessary junctions connections approaches sewers drains works and conveniences in connection therewith (that is to say):—

Street Work No. 1 A widening and improvement of Tavistock Road (Plymouth) on the easterly side thereof:

Street Work No. 2 A widening and improvement of Union Street on the southerly side thereof:

Street Work No. 3 A widening and improvement of Ebrington Street on the southerly side thereof:

Street Work No. 4 A widening and improvement of Beaumont Road on the northerly side thereof:

Street Work No. 5 A widening and improvement of Hyde Park Road on the southerly side thereof:

Street Work No. 6 A widening and improvement of Hyde Park Road on the northerly side thereof:

Street Work No. 7 A widening and improvement of Hyde Park Road on the easterly side thereof:

Street Work No. 8 A widening and improvement of Hyde Park Road on the westerly side thereof:

Street Work No. 9 A widening and improvement of Old Laira Road on the northerly side thereof:

Street Work No. 10 A widening and improvement of York Street on the westerly side thereof:

Street Work No. 11 An improvement of Princess Square:

Street Work No. 12 A widening and improvement of Courtenay Street on the westerly side thereof: A.D. 1923.

Street Work No. 13 A widening and improvement of Egg Buckland Road on the southerly side thereof:

Street Work No. 14 A widening and improvement of Old Laira Road on the southerly side thereof and of Embankment Road on the northerly side thereof:

Street Work No. 15 A widening and improvement of Egg Buckland Road on the northerly side thereof:

Street Work No. 16 A further widening and improvement of Egg Buckland Road on the southerly side thereof:

Street Work No. 17 A widening and improvement of Cobourg Street on the northerly side thereof:

Street Work No. 18 A widening and improvement of Cobourg Street on the southerly side thereof:

Street Work No. 19 A widening and improvement of Bedford Street (Plymouth) on the southerly side thereof and of Basket Street on the northerly side thereof:

Street Work No. 20 A widening and improvement of Tavistock Road (Devonport) on the southerly side thereof:

Street Work No. 21 A widening and improvement of Tavistock Road (Devonport) on the northerly side thereof:

Street Work No. 22 A widening and improvement of Ham Lane on the westerly side thereof:

Street Work No. 23 A widening and improvement of Ham Lane on the westerly side thereof and of Lyndhurst Road on the northerly side thereof:

Street Work No. 24 A widening and improvement of Alma Road on the north-easterly side thereof:

Street Work No. 25 A widening and improvement of Bedford Street (Devonport) on the easterly side thereof:

Street Work No. 26 A widening and improvement of Bedford Street (Devonport) on the westerly side thereof:

A.D. 1923.
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Street Work No. 27 A widening and improvement of Wolseley Road on the south-westerly side thereof :

Street Work No. 28 A widening and improvement of Frankfort Street on the southerly side thereof :

Street Work No. 29 A widening and improvement of Commercial Road on the easterly side thereof :

Street Work No. 30 A widening and improvement of Bladderley Lane on the northerly side thereof :

Street Work No. 31 A widening and improvement of Bladderley Lane on the southerly side thereof :

Street Work No. 32 A widening and improvement of Tavistock Road (Plymouth) on the westerly side thereof :

Street Work No. 33 A widening and improvement of Tavistock Road (Plymouth) on the easterly side thereof.

Application of money payable in respect of St. Martin's Church Pennycross.

38. Any money payable by the Corporation in respect of the purchase under the powers of this Act of St. Martin's Church Pennycross or of the property held therewith or of any part of such church or property shall be paid to the Official Trustees of Charitable Funds and be held and applied upon the trusts of and according to a scheme to be established by an order of the Charity Commissioners in accordance with their ordinary jurisdiction under the Charitable Trusts Acts 1853 to 1914 without the necessity of any application being made for the purpose.

Deviation for street works.

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

Subsidiary works.

40.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the street improvements authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected

or interfered with by or be contiguous to the said street improvements and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such street improvements and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe or electricity or telephone wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section. A.D. 1923.

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

41. Within the limits shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and also the drains and the pipes or wires for the purpose of conveying water electricity or gas to any house or other place and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 (Compensation in case of damage by local authority) of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act. Power to alter steps pipes areas &c.

PART VII.

BRIDGES AND EMBANKMENT UNDERTAKING.

42. In this Part of this Act :—

The expression “ the Stonehouse Bridge ” “ the Mill Bridge ” “ the bridges ” and “ the scheduled property ” have the meanings assigned to them respectively by the agreement set forth in the First Schedule to this Act;

Definitions
in this Part
of Act.

A.D. 1923.
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The expression “the Act of 1766” means the Act 7 Geo. III. c. lxxiii. intituled “An Act for building a bridge cross Stonehouse Creek from Stonehouse to Plymouth Dock in the county of Devon”;

The expression “the Act of 1830” means the Act 11 Geo. IV. c. lxxviii. intituled “An Act for erecting and maintaining a bridge over Stonehouse Mill Pool at or near Stonehouse Mills in the county of Devon”;

The expressions “the Lairy Bridge” and “the Embankment Acts” have the meanings respectively assigned to them by section 4 (Interpretation) of the Act of 1915;

The expression “the Lairy Embankment” means the embankments constructed under the Embankment Acts and the roads therein described and known as the “embankment roads” all of which the Corporation are authorised to repair and maintain by section 148 (Maintenance of roads and appropriation of lands) of the Act of 1915 and includes any lands for the time being appropriated by the Corporation under the provisions of that section for the purposes of such embankments and roads.

Scheduled
agreement
with Gene-
ral Tolls
Company
confirmed.

43.—(1) The agreement made the twenty-fourth day of May nineteen hundred and twenty-two between the General Tolls Company Limited (hereinafter called “the company”) of the one part and the Corporation of the other part and set forth in the First Schedule to this Act (in so far as the same is not inconsistent with or rendered unnecessary by the provisions of this section) is hereby confirmed and made binding on the parties thereto and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the said parties in writing under their respective common seals.

(2) In lieu of paying to the company the whole of the price of one hundred thousand pounds which is mentioned in paragraph 1 of the said agreement and in part satisfaction of such price the Corporation shall (for and on behalf of the company) pay to the trustees or trustee for the debenture holders of the company the sum

of fifty-two thousand five hundred pounds with interest at the rate of five pounds ten shillings per centum per annum from the date up to which such interest was last paid by the company to the date of such payment to the trustees or trustee by the Corporation and as from the date of such payment and of the payment of the balance of the purchase money to the Company the scheduled property shall vest in the Corporation subject to the terms of the said agreement as so confirmed and made binding upon the parties thereto.

(3) The receipt in writing of the trustees or trustee for the debenture holders of the company for any sum or sums of money so paid to them or him by the Corporation shall effectually discharge the Corporation (both as against the debenture holders and as against the company) and the company (as against the debenture holders) for the sum which in any such receipt shall be acknowledged to have been received and from being bound to see to the application of such money and from being answerable or accountable for the loss misapplication or non-application thereof.

(4) As from the passing of this Act and subject to the provisions thereof:—

(a) The Corporation may and shall repair and maintain the bridges and the roads thereover and may from time to time alter and improve the same and may maintain alter improve and renew the toll-houses toll-gates and buildings in connection therewith and may construct and maintain all works and conveniences which may be necessary and proper for the working and user of the bridges and the accommodation and convenience of passengers animals and vehicles using the same and do all other matters and things necessary and convenient for those purposes or any of them;

(b) The County Bridges Act 1803 (43 Geo. III. c. 59) shall (notwithstanding anything contained in the Act of 1766 and the Act of 1830) apply to the bridges and the Corporation in relation thereto as if the bridges were bridges to which that Act applied;

A.D. 1923.
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(c) The Corporation may demand and take tolls not exceeding the respective tolls set out in the Third Schedule to this Act;

(d) The provisions of the Act of 1766 and of the Act of 1830 which are set out in the Second Schedule to this Act shall with any necessary modifications extend and apply to the Corporation. The said provisions of the first named Act shall be read and have effect as if the Corporation were named therein instead of George Lord Edgcumbe and Sir John Saint Aubin their respective heirs and assigns and the said provisions of the second named Act shall be read and have effect as if the parish of Devonport were referred to therein instead of the parish of Stoke Damerell. The provisions of the said Acts other than those set out in the said schedule are hereby repealed.

Contracts to be binding on Corporation.

44. Subject to the provisions of the agreement set out in the First Schedule to this Act all agreements contracts deeds and other instruments affecting the company and in force at the date of transfer shall after that date 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 company the Corporation had been a party thereto.

Books &c. to remain evidence.

45. All books and documents which would have been evidence in respect of any matter for or against the company if the agreement set out in the First Schedule to this Act had not been carried into effect shall after the date of transfer be admitted in evidence in respect of the same and the like matter for or against the Corporation.

Composition of tolls.

46.—(1) The Corporation may enter into and carry into effect agreements with any persons or bodies providing for the charging of such annual or other sums to any person or persons or any class or classes of persons by way of compounding for the tolls which they are authorised to demand and take in respect of the bridges.

(2) All compounding under this section shall be made on the same terms for all persons in like circumstances.

47. No person who shall have paid any toll which the Corporation are authorised to demand and take under the provisions of this Act in respect of the passing of himself or of any animal or vehicle over the Stonehouse Bridge or the Mill Bridge shall be subject to the payment of any further toll in respect of the same bridge on the return or coming back of himself or of the same animal or vehicle (such vehicle if drawn by an animal being drawn by the same animal) at any time during the same day such day to be computed from twelve midnight to twelve midnight. Provided that any person claiming the benefit of the provisions of this section shall produce to the toll-keeper or other person appointed by the Corporation for the purpose of collecting tolls on such bridge the ticket issued to him and denoting such first mentioned payment which ticket such collector or other person shall issue at the time of payment of the said toll.

A.D. 1923.

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As to
exemption
from toll on
return.

48. A list of the tolls from time to time authorised to be taken shall be published by the same being painted upon a board in distinct letters or by the same being printed in legible characters on paper affixed to such board and such board shall be exhibited at the toll gates of the bridges where such tolls shall be payable.

List of tolls
to be exhi-
bited near
each end of
bridges.

49. No tolls shall be demanded or taken by the Corporation in respect of the bridges or either of them during any time at which the list of tolls hereinbefore directed to be exhibited in respect of that bridge shall not be so exhibited and if any person wilfully pull down deface or destroy any such board or list of tolls he shall be liable to a fine not exceeding five pounds for every such offence.

Tolls to be
taken only
whilst board
exhibited.

50. The Corporation may require the toll to be paid before any person animal vehicle or other thing in respect of which the same is payable shall be entitled to pass over the bridges or either of them.

Tolls to be
paid before
passing over
bridges.

51. The tolls shall be paid to such persons and at such places upon or near the bridges and in such manner as the Corporation shall appoint and the Corporation may recover any unpaid tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

Taking and
recovery of
tolls.

A.D. 1923.

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Power to
vary tolls.

52. The Corporation may from time to time lessen or reduce all or any of the tolls authorised to be taken in respect of the bridges for such time as they shall think proper and they may again raise any tolls so reduced or lessened or any part thereof so that the same do not exceed the tolls authorised by this Act and the tolls so lessened or reduced or raised again may be collected and recovered in the same manner as the tolls authorised by this Act may be collected and recovered.

Penalties on
persons
practising
frauds.

53. If any person shall knowingly and wilfully and with intent to defraud refuse or neglect to pay any toll when the same shall be demanded from him by virtue of this Act he shall for every such offence be liable to a fine not exceeding forty shillings.

Toll-keeper
may weigh
carriages
&c.

54. The toll-keepers or any other persons appointed by the Corporation for the purpose shall or may require every driver or conductor of any locomotive light locomotive or motor car which shall pass or be about to pass **over** either of the bridges to be weighed free of charge **at** such weighing machine as may be provided by the Corporation for the purpose and if any such driver or conductor or the owner of such locomotive light locomotive or motor car **shall** refuse to allow the same to be weighed or shall **resist** any toll-keeper or other person appointed by the Corporation as aforesaid in weighing the same every such owner driver or conductor shall be liable to a fine not exceeding five pounds.

Penalties
on toll col-
lectors.

55. Every toll collector who shall commit any of the following offences shall forfeit a sum not exceeding ten pounds for each such offence (that is to say):—

If he refuse or fail to tell his Christian name and surname to any person demanding the same who shall have paid or tendered the toll demanded of him or if he give a false name to any such person :
If he with intent to defraud demand or take a greater or less toll from any person than he shall be authorised to do by virtue of this Act and of the orders of the Corporation made in pursuance thereof or shall take no toll.

Byelaws.

56. The Corporation may subject to the provisions of this Act make alter and repeal byelaws with reference to the bridges the Lairy Bridge and the Lairy Embankment or any of them (jointly and severally referred to

in this section as "the said bridges and embankment") A.D. 1923.
for all or any of the purposes following (that is to say):—

- (a) For regulating controlling and limiting the use of the said bridges and embankment:
- (b) For preventing the commission of nuisances in or upon the said bridges and embankment or the approaches thereto respectively:
- (c) For preserving the said bridges and embankment and works forming part thereof respectively and preventing injuries and damage to the same:
- (d) For regulating the duties and conduct of all persons whether officers and servants of the Corporation or not who shall be employed in and about the said bridges and embankment:
- (e) For regulating the passage and conveyance of passengers animals vehicles or goods across the said bridges respectively and providing for the issue of tickets as receipt for tolls paid to a toll collector and the giving of the same up on request to any toll collector and against the transfer of season or other tickets issued and using the same again:
- (f) For preventing persons with horses or carriages or other vehicles or otherwise negligently or wilfully obstructing the approaches to the said bridges and embankment or doing anything to hinder or interfere with the proper working of the same:
- (g) For the preservation of order among the passengers and persons using the said bridges and embankment.

And the Corporation may by the byelaws so to be made by them impose such reasonable penalties as they think fit not exceeding five pounds for each breach of such byelaws Provided that no such byelaws except such as relate solely to the officers or servants of the Corporation and do not impose penalties for the breach thereof shall come into operation until the same shall have been confirmed by the Minister of Transport.

57. The Lairy Bridge and the Lairy Embankment undertaking referred to in Part VIII. (Lairy Bridge and Embankment) of the Act of 1915 and the scheduled

Bridges and embankment undertaking.

A.D. 1923. — property shall form one undertaking to be called “the bridges and embankment undertaking” and the Corporation shall keep separate accounts in respect thereof.

As to application of revenue and deficiency of receipts.

58.—(1) The Corporation shall apply all money received by them on account of the revenue of the bridges and embankment undertaking (including any money standing to the credit of the Lairy Embankment undertaking at the date of this Act on revenue account) in the manner and in the order following (namely):—

Firstly—In payment of the working and establishment expenses and cost of maintenance of the undertaking:

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

Thirdly—In providing the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking:

Fourthly—In providing a reserve fund for the purposes of the undertaking by setting aside the balance remaining in any year of the revenue of the undertaking or any part of that balance and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest.

(2) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or for payment of the cost of renewing any part of the works forming part thereof or otherwise for the benefit of the undertaking or for the redemption of the moneys borrowed by the Corporation for the purposes of that undertaking.

(3) Any deficiency in the revenue of the bridges and embankment undertaking which is not made good out of the reserve fund shall be made good and any expenses incurred by the Corporation for the purposes of the undertaking (other than expenses defrayed out of the

revenue or reserve fund thereof or out of borrowed money) shall be defrayed out of the district fund and the next general district rate shall be increased so far as may be necessary to raise the money to recoup the district fund the amounts so made good or defrayed out of that fund.

A.D. 1923.

(4) Section 149 (Application of tolls) of the Act of 1915 is hereby repealed but without prejudice to anything done or suffered to be done thereunder.

59.—(1) Within a period of ten years from the passing of this Act the tolls payable in respect of the Stonehouse Bridge the Mill Bridge and the embankment roads shall cease to be so payable. Provided that the Corporation may at any time during the said period of ten years by resolution of the council declare that the Stonehouse Bridge the Mill Bridge and the embankment roads or either of those bridges or any of those roads shall be open to the public free of toll or free of any particular class or classes of the tolls applicable thereto and specified in such resolution (whether for foot passengers vehicles or any class or classes of traffic) without being free of any other class or classes of such tolls not so specified and as from the date in that behalf named in such resolution any bridge or bridges road or roads specified therein shall be open to the public without payment of toll or without payment of the class or classes of toll specified in such resolution and thereupon the provisions of the Public Health Acts relating to streets which are highways repairable by the inhabitants at large shall so far as applicable apply to the roadways over any such bridge or bridges road or roads so specified.

Corporation
to declare
bridges and
roads free
of toll.

(2) Section 150 (Corporation may declare embankment roads free of toll) of the Act of 1915 is hereby repealed.

PART VIII.

RECREATION GROUNDS FORESHORE &C.

60.—(1) In this section the expression “the signed plan” means the plan signed in triplicate by the Right Honourable the Earl of Donoughmore the Chairman of the Committee of the House of Lords to which the Bill for this Act was referred one copy of which plan so signed has been deposited in the Office of the Clerk of

As to North
Down re-
creation
ground.

A.D. 1923.

—

the Parliaments House of Lords the second in the Private Bill Office House of Commons and the third with the town clerk at his office.

(2) The land coloured red upon the signed plan shall be substituted as a recreation ground for the lands (containing twenty-two thousand two hundred and sixty-eight square yards or thereabouts and situate at North Down in the parish of Devonport) which are delineated on the plan endorsed on an indenture dated the first day of February eighteen hundred and ninety-nine and made between the Right Honourable John Lord St. Levan and the Honourable John Townshend St. Aubyn of the one part and the mayor aldermen and burgesses of the borough of Devonport of the other part upon which plan such last-mentioned lands are bordered with a green colour.

(3) The provisions of the said indenture shall apply to the said lands coloured red as if those lands were referred to therein instead of the lands bordered with a green colour on the said plan and the provisions of the said indenture shall cease to apply to the said last-mentioned lands.

Power to
lay out &c.
recreation
ground.

61.—(1) The Corporation may when the same shall have been acquired by them lay out drain plant embellish and maintain the following lands within the borough or any part or parts thereof as a pleasure or recreation ground for the benefit of the inhabitants of the borough.

The lands referred to in this section are shown upon the deposited plans and are :—

Lands bounded on the east partly by property belonging or reputed to belong to the Plymouth Co-operative Society and partly by Peverell Park Road Barn Park Road Lydford Park Road land belonging or reputed to belong to the Plymouth Devonport and Stonehouse Cemetery Company and Cemetery Road on the south partly by Cemetery Road and partly by Holdsworth Street Lane East the lane at the northern ends of Holdsworth Street and Wake Street and the lane at the northern end of Lower Knollys Terrace on the west partly by Alma Road partly by the southerly and easterly boundaries of the road to the south of Burgoyne Villas the easterly and northerly boundaries of the lane to the east and north of

property known as Burgoyne Villas and Upper Knollys Terrace and partly by Tavistock Road and the southerly easterly and northerly boundaries of property known as Elm Cottage.

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(2) Provided that the Corporation may reserve such part or parts of the said lands where the same adjoin any street or streets as they may think fit for the purposes of building and may sell or lease any such part or parts so reserved to any person for those purposes.

(3) The provisions of the Public Health Acts 1875 to 1907 relating to parks and recreation grounds shall apply to the pleasure or recreation ground provided under this section.

62. Subject to the provisions of this Act and subject as regards any land leased to the Corporation to the terms of such lease the Corporation may—

Power to provide concert halls grounds for games bathing pools &c.

(a) In any promenade park or pleasure ground and on the foreshore and other lands in the borough of which for the time being they may be the owners or lessees erect and construct and hold furnish equip maintain insure and carry on concert halls pavilions conservatories winter gardens bandstands assembly rooms rooms for all social purposes and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms billiard rooms shelters ante-rooms refreshment rooms kitchens cloak rooms lavatories gardens outbuildings conveniences and appurtenances and for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation;

(b) In any such park or recreation ground or lands as aforesaid (other than the foreshore) lay out and maintain lawns grounds and courses for games and provide the necessary apparatus for the use of the same and do all such acts and employ such persons as may be required for those purposes;

(c) Upon any part of the foreshore or lands as aforesaid construct and maintain bathing pools bathing bungalows shelters and conveniences and provide all necessary and convenient apparatus in connection therewith.

A.D. 1923.

Provision of
entertain-
ments.

63. Subject to the provisions of this Act the Corporation may—

- (1) Provide or arrange for the provision or carrying on of suitable concerts entertainments athletic meetings exhibitions and amusements and for the sale of programmes and refreshments in any buildings belonging to them or in any park or recreation ground for the time being vested in them or under their control or upon any land (including the foreshore) for the time being belonging or leased to them and the Corporation may let any such building belonging to them or any part of such park or recreation ground or land as aforesaid or any building or part thereof erected in any such park or recreation ground or on any such land for the purposes of such concerts entertainments athletic meetings exhibitions or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit Provided that—

(a) the power to let land and buildings conferred upon the Corporation by this subsection shall not extend or apply to the recreation grounds known as Thorn Park Mutley Park Drakes Place St. George's Hall Rocky Hill Cumberland Gardens Mount Wise Mount Pleasant and St. Budeaux Green;

(b) any letting under this section of any building for the purpose of an entertainment other than for a period of less than one month shall be by tender and the Corporation shall secure the best rent reasonably obtainable;

- (2) In any park or recreation ground vested in them or upon any such land (including the foreshore) as aforesaid enclose an area for the purpose of any such concert or other entertainment as aforesaid.

Power to
make bye
laws.

64. The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of the provisions of this Part of this Act and also for regulating the use of any bowling greens

lawn tennis courts and croquet lawns provided by them under the provisions of this Part of this Act.

A.D. 1923.

65.—(1) The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any concert halls pavilions conservatories winter gardens bandstands assembly rooms social rooms entertainment rooms reading rooms billiard rooms and other buildings belonging to them or for the use of any buildings or enclosures in any park recreation ground promenade or land used for the purposes mentioned in this Part of this Act or for the use of any bowling greens lawn tennis courts croquet lawns bathing pools bathing bungalows shelters and apparatus provided in connection therewith respectively and they may also make such charge for the use of chairs and conveniences as they may deem fit.

Power to charge for admission.

(2) The provisions of this section shall not extend or apply to the recreation grounds known as Thorn Park Mutley Park Drakes Place St. George's Hall Rocky Hill Cumberland Gardens Mount Wise Mount Pleasant and St. Budeaux Green.

66. The Corporation may purchase take on lease or acquire land for the purpose of athletic meetings cricket football and other games and may from time to time let to any club company body or persons any portion of any park or place of public resort or recreation set apart by them under the provisions of the Public Health Acts Amendment Act 1907 or the whole or any portion of any land purchased taken on lease or acquired by them under the powers of this section and may upon such lands or upon the portions of parks or places of public resort or recreation so set apart erect construct and maintain all proper and convenient houses pavilions dressing rooms and other buildings works and conveniences :

Power to let recreation grounds &c. to cricket clubs &c.

Provided that nothing in this section shall empower the Corporation so to let at any one and the same time more than forty per centum of the total area of the parks or places of public resort or recreation for the time being belonging to them or under their control.

67. The Corporation may out of the receipts from concert halls and other buildings and from entertainments provide programmes of any concert entertainment athletic meeting exhibition or performance which may from time

Pro-grammes.

A.D. 1923. to time be provided by the Corporation or with their
— sanction in any such place or building as aforesaid and
may sell the same or they may authorise any person or
persons to provide and sell such programmes.

Power to
advertise
entertain-
ments and
attractions.

68. The Corporation may out of the receipts from concert rooms and other buildings and from entertainments in any year pay or contribute towards the cost of providing and maintaining at public places in the borough and on passenger boats plying between the borough and other places and in newspapers published in the borough or in the counties of Devon and Cornwall advertisements of the performances and entertainments provided at their concert halls pavilions conservatories winter gardens bandstands and other buildings.

As to appli-
cation of
certain
sections of
Public
Health Acts
Amendment
Act 1907.

69.—(1) The provisions of sections 82 and 83 of the Public Health Acts Amendment Act 1907 shall apply throughout the borough as if an order had been made under that Act by the Secretary of State declaring those provisions to be in force in the borough.

(2) Provided that in its application to the borough—

(a) The said section 82 shall be read and have effect as if the words “gardens belonging to the Corporation esplanades promenades and approaches to such gardens esplanades and promenades” were therein inserted after the word “seashore” wherever that word occurs;

(b) The said section 83 shall be read and have effect as if the words “or gardens belonging to the Corporation or the approaches to such esplanades promenades or gardens” were therein inserted after the words “esplanades or promenades.”

Removal of
sand &c.
from sea-
shore.

70. Subject to the provisions of this Act any person other than a grantee from the Crown who at any time digs carries away or removes any sand marl gravel shingle rock or other material from any seashore or beach (above or below high-water mark) belonging or leased to the Corporation or from any sea defence work or embankment esplanade footway or carriageway upon which such sand marl gravel shingle rock or other material has been thrown by the sea within or fronting on the borough without having first obtained the permission in writing of the Corporation or who having obtained such permission digs

carries away or removes any sand marl gravel shingle rock or other material from any part of such seashore or from any sea defence work or embankment esplanade footway or carriageway as aforesaid or in any quantity or manner other than the part quantity or manner permitted shall for every such offence be liable to a penalty not exceeding twenty pounds. A.D. 1923.

71. The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. Power to appoint officers.

72.—(1) Any moneys received by the Corporation in connection with the execution of the purposes of this Part of this Act shall be carried to the credit of the district fund. As to receipts and expenses.

(2) Any expenses incurred by the Corporation in the execution of this Part of this Act shall be paid out of the district fund and general district rate :

Provided that the net amount of any payments or contributions made by the Corporation under the provisions of the sections of this Act of which the respective marginal notes are "Provision of entertainments" "Programmes" and "Power to advertise entertainments and attractions" after deducting any moneys received by them thereunder shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the borough assessable in that year to the general district rate.

PART IX.

PUBLIC BATHS.

73.—(1) Subject to the provisions of this Act the Corporation may upon land acquired or appropriated by the Corporation for the purpose erect construct provide maintain furnish and equip sea water fresh water medicated Turkish and other baths and may lay down and provide such sea water intake pipes apparatus and Corporation may provide baths &c.

A.D. 1923. fittings as may be incidental to or necessary for such purposes and may make such reasonable charges for admission to such baths as they may think fit.

(2) The Corporation may for the purpose of erecting constructing providing and maintaining any such baths as aforesaid purchase or take upon lease or otherwise acquire land by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any such lands.

(3) For the purpose of laying down and repairing pipes for supplying sea water to any baths belonging to them the Corporation may break up streets repairable by them and alter the position of any culverts pipes and wires under any such street :

Provided that the Corporation shall not alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(4) The Corporation may let on lease to any company or person for such term and on such conditions as they may think fit any baths constructed by them as aforesaid or the powers and rights with regard to the provision maintenance and carrying on of baths contained in this section.

Use of swimming baths in winter.

74. The Corporation may from the first day of October to the first day of May close and cover over any swimming bath belonging to them and utilise or from time to time let the same for meetings or entertainments of any description or for any other purposes.

Baths and Washhouses Acts not to apply.

75. The provisions of the Baths and Washhouses Acts 1846 to 1899 or any Act amending the same shall not apply to this Part of this Act or to the exercise by the Corporation of the powers conferred upon them thereby.

PART X.

STREETS BUILDINGS SEWERS AND DRAINS.

Power to Corporation to grant licences for bridges over streets.

76.—(1) The Corporation may grant to the owner or with the consent of the owner to the lessee or occupier of any premises abutting upon any street repairable by the inhabitants at large or any public highway a

licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street or highway for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit Provided that—

(a) No fine rent or other sum of money (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence :

(b) Any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the rights of the owners of the property adjoining and up to the line of the street or highway :

(c) It shall be a condition of every such licence that the licensee shall at the request of the Corporation and at his own expense remove or alter such bridge in such manner as the Corporation require in the event of their considering such removal or alteration necessary or desirable in connection with the carrying out of improvements to such highway at any time and the decision of the Corporation that such removal or alteration is necessary or desirable shall be final and conclusive :

(d) In the event of the construction of any such bridge involving the alteration of a telegraphic line of the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1922 be deemed part of the street or road which it crosses:

(2) If any person shall construct a bridge over any such street or highway without such licence or shall construct or use the same otherwise than in accordance with the terms and conditions of the licence or shall fail to remove or alter the same when required so to do

A.D. 1923. — under the provisions of this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

Prevention and removal of projections over streets. **77.** Sections 69 and 70 of the Towns Improvement Clauses Act 1847 (incorporated with the Public Health Acts) shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Forecourts to be fenced off from streets. **78.**—(1) Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street.

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

Laying out of streets by Corporation. **79.** The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or rearrange the parts of any street laid out as carriageway or footway respectively :

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street.

Adjustment of boundaries. **80.**—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any

A.D. 1923.

new streets to be constructed are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision to be so made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estates or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister of Health and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

(3) Any lands or moneys received by any person in or in respect of an adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable

A.D. 1923. — the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister of Health and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Approval and conditions of formation of streets.

81.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out, a new street (including in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Widening of roads when only one side is built upon.

82.—(1) When a road footpath or way within the borough is about to become a new street within the meaning of the Public Health Acts but the land on only

A.D. 1923.

one side of such street has been or is in course of being built on the Corporation may in any case in which they would be empowered to require the owner of the land built on or in course of being built on to widen such road footpath or way to a width prescribed by the byelaws in force in the borough require such owner to widen such road footpath or way so as to give a width not less than one-half of such prescribed width from the old centre line of such road footpath or way to the boundary thereof adjoining such land.

(2) If and when the land on the opposite side of such road footpath or way shall be in course of being built on the owner of such land shall complete the widening of such road footpath or way so as to comply in all respects with the byelaws of the Corporation :

Provided that he shall not under this subsection be required to pull down any building erected before the passing of this Act.

83. The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or cinder in upon or under the streets of the borough of such dimensions and in such positions as the Corporation may from time to time determine.

Street
orderly bins.

84.—(1) The owners or occupiers of all lands abutting upon any public street and the owners or occupiers of all lands abutting upon any private street communicating with any public street shall so fence off channel or embank their lands as to prevent soil sand clay cinders refuse or other like substances from such lands from falling upon or being washed or carried into any public street or sewer or gully in such quantities as will obstruct the highway or choke up such sewer or gully Any person offending against this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

For pre-
venting soil
from being
washed into
streets.

(2) For the purposes of this section " public street " means so much of a street repairable by the inhabitants at large as is sewered and " private street " means a street not so repairable.

(3) Provided that such owner or occupier shall not be responsible for any soil sand clay cinders or other

A.D. 1923. — substances from land other than his own although such soil sand clay cinders refuse or other substances may have passed over the land of such owner or occupier.

(4) Provided further that this section shall not apply to any land of a bonâ fide agricultural character or to any woodland.

For preventing water flowing on foot-paths.

85. Where premises abutting upon any street are so situate that surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within fourteen days after service of a notice by the Corporation for that purpose execute such works as may be reasonably practicable to prevent the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

As to erection of buildings at street corners.

86.—(1) The Corporation may from time to time by order prescribe and define what shall thereafter be the line of frontage to be observed at or within a distance of fifteen yards from the corner of any street. The line which in any case the Corporation propose so to prescribe and define shall be definitely marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to the owners of the premises affected. No new building erection excavation or obstruction shall be made or re-made nearer to the centre of the street or streets at such corner than such line except with the consent of the Corporation which consent may be given for such period and upon and subject to such terms and conditions as they may deem expedient.

(2) The Corporation may and if required by the owner shall purchase the land lying between any such line as aforesaid and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase money shall in case of difference be settled by arbitration under the Acquisition of Land (Assessment of Compensation) Act 1919.

A.D. 1923.

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

(4) If after any such line shall be so defined and prescribed as aforesaid any person shall act contrary to this enactment he shall be liable to a fine not exceeding five pounds and to a daily fine of the like amount.

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

87.—(1) Before placing or erecting any hoarding or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding or fence proposed to be so placed or erected.

As to
erection of
hoardings
&c. at
street
corners.

(2) If the placing or erection of such hoarding or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

A.D. 1923.

(3) Any person who places or erects any hoarding or fence in contravention of the provisions of this section shall be liable to a fine not exceeding five pounds and the Corporation may remove the hoarding or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4)—(a) Any person deeming himself aggrieved by any prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such prohibition or refusal of approval appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Meaning of
"corner of
any street."

88. For the purposes of the sections of this Act of which the marginal notes are respectively "As to erection of buildings at street corners" and "As to erection of hoardings &c. at street corners" the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Direction
signs.

89.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he gives written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

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

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure

remove or alter any such sign shall be liable to a fine not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

A.D. 1923.

90. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission in respect of the alteration of such plans and sections as can be required in relation to the erection of a new building.

Byelaws as to alterations to old buildings.

91.—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of buildings to greater height than adjoining buildings.

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

92.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

Food storage accommodation to be provided.

(2)—(a) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a fine not exceeding five pounds and a daily fine not exceeding twenty shillings.

A.D. 1923.

(b) Any owner aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within fourteen days after the service of such notice provided he gives seven days' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

(c) If in any case the owner alleges that the occupier of any dwelling-house in respect of which any work is required to be executed under the provisions of this subsection ought to bear or contribute to the expenses of the execution of such work he may apply to a court of summary jurisdiction and such court shall have power to make such order as the court may think fit.

Area of habitable rooms.

93. Section 23 (Extension of 38 & 39 Vict. c. 55. s. 157) of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Byelaws as to admission of light to buildings.

94. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for securing the adequate lighting of buildings.

As to erection of retaining walls.

95.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

Restriction on erection of temporary stands &c.

96.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen

days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such regulations as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon. A.D. 1923.

(2) Any person acting in contravention of this section or offending against any such regulation shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

97.—(1) If the medical officer is of opinion that any building proposed to be erected in the borough would if erected— Prevention
of obstruc-
tive build-
ings.

(a) stop ventilation or otherwise make or conduce to make other buildings in its proximity to be in a condition unfit for human habitation or dangerous or injurious to health; or

(b) prevent proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

he may make a representation to the Corporation to that effect stating that in his opinion it is inexpedient that the proposed buildings should be erected.

(2) The Corporation on receiving any such representation shall cause a report to be made to them respecting the circumstances of the case and the cost of acquiring the land upon which such building is proposed to be erected and on receiving such report shall take into consideration the representation and report and if they decide to proceed shall cause a copy of both the representation and report to be given to the owner of the said land with notice of the time and place appointed by the Corporation for the consideration thereof and such owner shall be at liberty to attend and state his objections and after hearing such objections the Corporation shall make an order either allowing the objection or directing that such building shall not be erected and such order shall be subject to appeal in like manner as an order of demolition of the local authority under the provisions of Part II. of the Housing of the Working Classes Act 1890.

A.D. 1923.

(3) Where an order of the Corporation prohibiting the erection of a building is made under this section and either no appeal is made against the order or an appeal is made and either fails or is abandoned the Corporation may and if required so to do by notice in writing from the said owner served within seven days from the last date upon which such owner might have so appealed or from the hearing of such appeal (as the case may be) shall purchase the land on which the building was proposed to be erected in like manner as if they had been authorised by a special Act to purchase the same and for the purpose of such purchase the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement shall be deemed to be incorporated in this section and such lands may be purchased at any time within one year after the date of the order or if it was appealed against after the date of the confirmation.

(4) The owner of the land may within one month after notice to purchase the same is served upon him declare that he desires to retain the said land and in such case the owner shall retain the said land.

(5) The amount of any compensation to be paid on the purchase of any land under this section shall in case of difference be settled by arbitration in manner provided by section 41 of the Housing of the Working Classes Act 1890.

Removal of
dilapidated
and
neglected
buildings.

98.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option to take down or repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit. A.D. 1923.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

99.—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of the surveyor to be dangerous to such inmates or persons the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same. As to dangerous buildings.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any

A.D. 1923. of the powers vested in the Corporation with respect
— to dangerous structures in the borough.

Means of
escape from
buildings in
case of fire.

100.—(1) Every building erected after the passing of this Act and exceeding two storeys in height used or intended to be used as flats or as a tavern hotel restaurant hospital boarding-house common lodging-house or school or as a shop in which building sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop shall be provided on each of the storeys above the second storey (hereinafter referred to as an “upper storey”) with such means of escape in the case of fire for the persons dwelling sleeping or employed in each upper storey or resorting thereto as may be reasonably required under the circumstances of the case and no such building shall be allowed by the owner thereof to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) After the first day of January nineteen hundred and twenty-four the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as a shop in which sleeping accommodation is or is intended to be provided for the use of persons in or about such shop if in their opinion such building is not provided with proper and sufficient means of escape from each upper storey in case of fire for the persons dwelling or sleeping in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the means of escape so required.

Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he gives twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and award costs.

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

(3) If the owner alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court and thereupon the county court after hearing the occupier may make such order as appears to the court just and equitable under all the circumstances of the case.

(4) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section.

(5) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(6) This section shall not apply to premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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

101. The Corporation may make byelaws with respect to—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (iii) the situation construction and height of walls or fences upon or across such open spaces.

102. In exercising any powers of entry and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor

Byelaws as to erection of dwelling-houses under continuous roof.

Power to require use of ladders &c.

A.D. 1923.

or his assistants in the use of such ladders scàffolding and plant as aforesaid shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding forty shillings.

Power to
require
specially
enlarged
sewer in
new street.

103. If in any street not repairable by the inhabitants at large the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street or the lands draining thereto the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation.

Streams not
to be
covered
over ob-
structed or
diverted
except in
accordance
with plans.

104.—(1) It shall not be lawful to culvert cover over stop up obstruct or divert any stream or water-course within the borough except in accordance with plans and sections to be submitted to and approved by the Corporation such approval not to be unreasonably withheld or delayed and any person acting in contravention of this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings :

Provided that—

- (a) no requirement of the Corporation in relation to such plans and sections shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted;
- (b) if with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed under this section such difference shall be referred to

arbitration and the provisions of the Arbitration Act 1889 shall apply thereto. A.D. 1923.

105.—(1) If a water-closet drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger could not have been avoided by the exercise of reasonable care be liable to a fine not exceeding twenty pounds. Improper construction or repair of water-closets &c.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workmen whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any fine and the said other person may be summarily convicted of the offence.

106. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding thirty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine. Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners if they think fit. As to repair of private drains.

107. The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street not repairable by the inhabitants at large wherein a sewer has been laid lay down take up alter re-lay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers Power to lay drains in private streets.

A.D. 1923. — such compensation to be ascertained by and recovered before a court of summary jurisdiction.

Saving for
railway
companies.

108. Nothing in this Part of this Act shall apply to any building (not used as a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company and used for the purposes (other than for a dwelling-house) of the undertaking of such company with the authority of Parliament.

PART XI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Power to
close
Sunday
schools to
prevent
spread of
disease &c.

109.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the borough require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a fine not exceeding twenty shillings.

Restriction
on attend-
ance of
children at
Sunday
schools
and places
of assembly
when infec-
tious di-
sease pre-
vails.

110.—(1) No person being the parent or guardian having the care or charge of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having

procured from the medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

A.D. 1923.

—

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

111. For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes in addition to the diseases included in the definition contained in the section of this Act of which the marginal note is "Interpretation" measles german measles whooping cough chicken pox and influenza.

Extended meaning of "infectious disease" for certain purposes.

112. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in any occupation connected with food intended for the use of man or knowingly carries on any trade or business connected with food intended for the use of man in such a manner as to be likely to spread the infectious disease he shall be liable to a fine not exceeding forty shillings.

Prohibition on infected person carrying on business.

113. If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly Any person who offends against this enactment shall for every such offence be liable to a fine not exceeding five pounds.

Persons to furnish names of laundrymen to whom clothes &c. from infected houses sent.

114.—(1) The occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from a dangerous infectious disease shall on the application of the medical officer or the deputy or assistant medical officer at any time during the illness of such person or

Penalty on withholding information from medical officer.

A.D. 1923. — within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer or the deputy or assistant medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a fine not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

For preventing contact with body of person dying of infectious disease.

115. Any person who being in charge of the body of any person who has died from any infectious disease shall permit or allow any other person unnecessarily to come into contact with such body shall be liable to a fine not exceeding five pounds.

Removal of body of person dying of infectious disease.

116. When any person suffering from infectious disease shall die of such disease in the borough the medical officer may give notice to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure removal of such body without having obtained such certificate shall be liable to a fine not exceeding two pounds.

Medical inspection of inmates of common lodging-houses &c. when infectious disease prevails.

117. Whenever the medical officer shall report in writing to the Corporation or to a committee of the council that there is a prevalence of dangerous infectious disease in the borough or in any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the borough by persons resorting to common lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous

infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the borough for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say):—

A.D. 1923.

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or such committee as aforesaid may exist or has recently existed in any common lodging-house in the borough medically examine any person found in any common lodging-house in the borough with a view to ascertaining whether such person is suffering or has recently suffered from such disease. Any person obstructing the medical officer in making the examination aforesaid shall be liable to a fine not exceeding forty shillings for each offence:
- (2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a registered common lodging-house in the borough and to the Minister of Health:
- (3) Unless approved by the Minister of Health any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Minister of Health:
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

118.—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent

Removal
of persons
suffering
from
pulmonary
tuberculosis
to hospital.

A.D. 1923. — the spread of infection cannot be taken or by reason of such precautions not being taken serious risk of infection is caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough and for the retention and maintenance of such persons therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of retention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering and remove to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such constable or officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a fine not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made. — A.D. 1923.

119.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van or similar structure used for human habitation) or any part thereof would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or such part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within the time to be fixed in the notice. If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer : Disinfection in case of tuberculosis.

Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(b) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in

A.D. 1923. writing under the hand of the town clerk and who shall produce this authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(c) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a fine not exceeding forty shillings and if the offence is a continuing one to a daily fine not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirements shall be liable to a fine not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the owners free of charge.

(3) If any person sustains any damage by reason of the exercise by the Corporation of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Corporation and the amount of the compensation shall be recoverable in and in any case of dispute may be settled by a court of summary jurisdiction.

Public
notice to
be given of
provisions
of this Part
of Act.

120.—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the borough and by a notice affixed outside the municipal offices and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section as to advertisements in newspapers have been complied with.

PART XII.

A.D. 1923.

PORT SANITARY AUTHORITY.

121. This Part of this Act shall come into operation on the ninth day of November nineteen hundred and twenty-three.

Commence-
ment of
this Part of
Act.

122.—(1) The following orders made by the Local Government Board shall be revoked as from the date upon which this Part of this Act comes into operation provided that the said orders (so far as the same are in operation at the date of this Act) shall continue to be in force and the existing port sanitary authority shall continue to act as port sanitary authority for the port of Plymouth under the provisions thereof until the day of the first meeting of the Corporation as port sanitary authority of that port under the provisions of this Act.

Revocation
and repeal.

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

(a) The order relating to the port of Plymouth made by the Local Government Board and dated the twenty-third day of February nineteen hundred;

(b) The order relating to the port of Plymouth made by the Local Government Board and dated the fourth day of November nineteen hundred and two.

(3) Article XIV. of the Borough of Plymouth Order 1914 is hereby repealed.

123.—(1) The Corporation shall be permanently constituted the port sanitary authority for the port of Plymouth and shall hold their first meeting as such port sanitary authority during the month of November nineteen hundred and twenty-three.

Corporation
to be port
sanitary
authority.

(2) All property and rights of the existing port sanitary authority shall by virtue of this Act be transferred to and vested in the Corporation subject to any debts and liabilities affecting the same and the existing port sanitary authority shall be dissolved except so far as it may be necessary for that authority to continue to exist for the purpose of complying with the next succeeding subsection of this section.

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(3) The existing port sanitary authority shall make up their accounts to the date upon which this Part of this Act comes into operation.

(4) The Corporation shall keep separate accounts of their revenue and expenditure as port sanitary authority.

Contracts
&c. to be
binding.

124.—(1) All agreements contracts conveyances deeds and other instruments affecting the existing port sanitary authority and in force at the date upon which this Part of this Act comes into operation shall as from such date be as binding and of as full force and effect against or in favour of the Corporation (as the case may be) and may be enforced as fully and effectually as if instead of the existing port sanitary authority the Corporation had been a party thereto or bound thereby or entitled to the benefit thereof.

(2) All sums of money which at the date upon which this Part of this Act comes into operation are due or owing to the existing port sanitary authority may be collected and recovered by the Corporation.

Pending
actions.

125. If at the date upon which this Part of this Act comes into operation any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing by or against or in favour of the existing port sanitary authority the same shall not abate or be discontinued or be in any wise prejudicially affected by reason of the passing of this Act or anything therein contained but the same may be continued prosecuted or enforced by or against or in favour of the Corporation as and when it might have been continued prosecuted or enforced by against or in favour of the existing port sanitary authority if this Part of this Act had not been passed but not further or otherwise.

Books &c.
to remain
evidence.

126. All books and documents which if this Part of this Act had not been passed would have been evidence in respect of any matter for or against the existing port sanitary authority shall be admitted in evidence in respect of the same or like matter for or against the Corporation.

127. The jurisdiction of the port sanitary authority shall extend to the whole of the port of Plymouth together with the waters of the port of Plymouth and all docks basins harbours creeks rivers channels roads bays and streams within the port of Plymouth and the place or places which may from time to time be appointed as the Customs boarding station or stations for the port of Plymouth and the place or places for the time being appointed for the mooring or anchoring of ships for the port of Plymouth under any regulations for the prevention of the spread of diseases issued under the authority of the statutes in that behalf and for the purposes of any such regulations as aforesaid shall also extend to any ship which in pursuance thereof or of any directions given thereunder is moored or anchored at the place appointed thereunder as aforesaid or which is on its way thither.

A.D. 1923.

—
Limits of
jurisdiction.

128. All byelaws and regulations made by the existing port sanitary authority and all lists of tolls rates duties dues or charges made by that authority shall continue to apply and be in force in all respects as if such byelaws regulations and lists had been made by the Corporation until or except in so far as they may from time to time be altered or repealed by the Corporation.

Continua-
tion of ex-
isting
byelaws &c.

129. For the purposes of this Part of this Act the following sections of the Public Health Act 1875 the Public Health (Officers) Act 1884 the Public Health (Ships &c.) Act 1885 the Public Health (Members and Officers) Act 1885 the Public Health Acts Amendment Act 1890 and the Public Health (Officers) Act 1921 shall apply and the Corporation as port sanitary authority shall have exercise perform and be subject to all the powers rights duties capacities liabilities and obligations of an urban sanitary authority under the same sections so far as those sections are applicable to the waters within a port sanitary authority or to ships (which expression in this article includes vessels and boats coming or being within the said jurisdiction) or to persons upon any such ship or brought by any such ship within the said jurisdiction or to goods or things upon any such ship or to goods or things landed from any such ship and being within the said jurisdiction which in the opinion of the Corporation as port sanitary

Application
of certain
enactments.

A.D. 1923; authority or their medical officer of health require to
— be disinfected or destroyed namely :—

Of the Public Health Act 1875 :—

Sections 91 to 111 relating to nuisances ;

Sections 121 to 133 relating to infectious diseases
and hospitals ;

Sections 134 to 140 relating to the prevention
of epidemic diseases ;

Sections 141 and 142 relating to mortuaries ;

Sections 173 and 174 relating to contracts ;

Sections 175 to 177 relating to purchase of lands ;

Sections 179 to 181 relating to arbitration ;

Sections 182 to 186 and section 188 relating to
byelaws ;

Section 189 (except as regards the offices of
surveyor and collector) sections 191 to 197 and
sections 198 200 203 205 and 206 (excepting so
much of section 206 as requires the publication
in a local newspaper of the annual report)
relating to officers and conduct of business of
local authorities ;

Sections 236 to 239 relating to mortgages ;

Section 244 relating to borrowing powers ;

Section 251 and sections 253 to 263 and 265 to
268 and section 269 (as amended by the
Summary Jurisdiction Act 1884) relating to
legal proceedings ;

Sections 299 to 302 relating to defaulting local
authorities ;

Sections 305 to 309 relating to miscellaneous
provisions ;

So much of section 317 as relates to the forms in
Schedule IV. of the Public Health Act 1875
and the appropriate forms in that schedule ;

Sections 327 to 329 being saving clauses.

Of the Public Health (Officers) Act 1884 :—

Section 2.

Of the Public Health (Ships &c.) Act 1885 :—

Section 2.

Of the Public Health (Members and Officers) Act
1885 :—

Section 2.

Of the Public Health Acts Amendment Act 1890 :— A.D. 1923.

Section 48.

Such of the provisions of the Public Health (Officers) Act 1921 (except section 7) as do not apply to a port sanitary authority.

130.—(1) William Napier Smith the clerk to the existing port sanitary authority shall retire from office on the ninth day of November nineteen hundred and twenty-three and on such retirement the Corporation shall pay to him the sum of one hundred pounds as full compensation for any loss suffered by him in consequence of such retirement or in consequence of abolition or loss of office or loss of fees salary or emoluments in respect of such office. Compensation to officers.

(2) The Corporation shall pay compensation (a) to any officer clerk or servant (except the said William Napier Smith) who was in the regular employment of the existing port sanitary authority and is not taken over by the Corporation in the same or some similar office or employment and on the terms and conditions in at or on which he was employed by the existing port sanitary authority immediately prior to the date upon which this Part of this Act shall come into operation (b) to any such officer clerk or servant (except as aforesaid) who having been regularly employed as aforesaid by the existing port sanitary authority for a period of twenty years before the said date refuses to accept any office or employment offered by the Corporation and (c) to any officer clerk or servant (except as aforesaid) who was regularly employed as aforesaid and by virtue of this Part of this Act or anything done in pursuance or in consequence thereof suffers direct pecuniary loss by abolition of office or failure of re-appointment or by diminution or loss of fees salary or emoluments Any such compensation shall in default of agreement between the Corporation and the officer clerk or servant claiming the same be settled by a single arbitrator in accordance with the provisions of the Local Government Act 1888 with respect to compensation to existing officers.

131.—(1) Any expenses incurred or to be incurred by the Corporation as port sanitary authority by virtue of the authority conferred upon them by this Act shall be borne by the Corporation out of the district fund and general district rate. Expenses of Corporation as port sanitary authority.

A.D. 1923.

(2) Notwithstanding anything contained in section 24 (2) (c) of the Local Government Act 1888 neither the Cornwall County Council nor the Devon County Council shall be required to pay to the Corporation any portion of the salary of any medical officer of health or sanitary inspector appointed by the Corporation as port sanitary authority.

(3) In its application to the accounts of the Corporation as port sanitary authority section 217 (Audit of accounts) of the Act of 1915 shall have effect as if subsection (3) were omitted therefrom and the following subsection were inserted therein (namely):—

“The stamp duty charged on the Corporation shall be calculated in accordance with the provisions of section 61 of the Finance Act 1921.”

PART XIII.

MATERNITY HOMES.

Registration
of maternity
homes.

132.—(1) On and after the first day of January nineteen hundred and twenty-four (which date is in this Part of this Act referred to as “the prescribed date”) it shall not be lawful for any person to carry on a maternity home unless the name of such person and the premises used or represented as being or intended to be used for the purpose of such home are registered with the Corporation.

(2) Any person requiring registration in respect of any such home shall make application in writing to the Corporation and shall in such application state—

- (a) his full name;
- (b) his age nationality and technical qualifications (if any);
- (c) his private address or in the case of an application by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the persons directly or indirectly responsible for the management of such company society association or body;

- (d) the name under which and the address at which such home is carried on or proposed to be carried on; and
- (e) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be registered or the number of patients to be accommodated at any one time and the equipment in such premises;

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—

and when making such application shall pay to the Corporation such fee as they may fix not exceeding five shillings.

(3) Every person carrying on any such home at the date of the passing of this Act and requiring registration in respect thereof shall make application for such registration within one month after the date or (if more than one) the latest date of publication of the advertisements with regard to this Part of this Act referred to in the section of this Act whereof the marginal note is "Notice of provisions to be given."

(4) Subject as in this section provided the Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section (and not later in the case of an application under subsection (3) of this section than the prescribed date) register the name of the applicant and the premises specified in his application.

(5) The Corporation by order to be served on the person carrying on or proposing to carry on any such home may refuse to register the name of such person or the premises used or represented as being or intended to be used for the purposes of such home or may cancel the registration of such person or premises on the ground that—

- (a) such person is under the age of twenty-one years; or
- (b) such person is unsuitable to carry on such home; or
- (c) the premises or their equipment are unsuitable for the purposes of a maternity home; or
- (d) the premises are used or intended to be used for the accommodation at any one time of an excessive number of patients; or

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(e) the premises or any other premises used for any purpose in connection with such first-mentioned premises or with any business or occupation carried on therein are being used for any immoral purpose.

(6) Before making any such order the Corporation shall give to the person proposed to be served therewith not less than seven days' previous notice in writing stating their intention to make the order and the grounds on which the order is proposed to be made and on written application made to them by such person within seven days after the giving of such notice they shall afford to such person an opportunity of being heard against the order.

(7) Any such order cancelling any registration shall take effect at the time specified in the order not being less than fourteen days after the service thereof but in the event of an appeal against any such order the order shall not come into operation unless and until it has been confirmed on appeal or the appeal has been abandoned.

(8) Any person aggrieved by any such order may appeal to a court of summary jurisdiction provided that such appeal is made within fourteen days after the order has been served upon him.

The court after considering any representations made on behalf of the Corporation may if it thinks fit confirm such order or direct the Corporation to withdraw such order and as soon as reasonably practicable the Corporation shall give effect to such direction.

Byelaws as to homes.

133.—(1) The Corporation may make byelaws prescribing the records to be kept with respect to the patients received and the business carried on at a maternity home and requiring the notification to the Corporation of any death occurring thereat.

(2) Every person carrying on a maternity home shall keep exhibited in a suitable place (to be approved by the Corporation) in such home a copy of the byelaws in force under this Part of this Act.

Powers as to entry and inspection.

134. Any officer duly authorised by the Corporation in that behalf may subject to such regulations (if any) as may be made by the Corporation at all reasonable

times enter and inspect any premises which are used or which such officer has reasonable cause to believe are used for the purposes of a maternity home and the entries in any records required to be kept in connection therewith.

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135. Subject to the provisions of this Part of this Act—

Fines for offences in respect of maternity homes.

(1) Every person who carries on a maternity home in contravention of the provisions of this Part of this Act shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or in addition to inflicting a fine impose any period of imprisonment not exceeding three months:

(2) Every person who—

(a) refuses to permit any officer of the Corporation to enter or inspect any premises which such officer is authorised under the provisions of this Part of this Act to enter and inspect or the records to be kept pursuant to any byelaw made under the said provisions or obstructs any such officer in the execution of his duty under such provisions or under the provisions of any such byelaw as aforesaid; or

(b) carries on a maternity home in contravention of the provisions of any such byelaw; or

(c) issues publishes or displays or causes to be issued published or displayed any advertisement relating to a maternity home which is not registered in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice in writing from the Corporation or the publication of notice in the London Gazette that the registration of such home has been refused or cancelled under the provisions of this Part of this Act;

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shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds :

- (3) The court may in addition to imposing a penalty under this section order the cancellation of the registration :

Provided that a person who has appealed to a court of summary jurisdiction in accordance with the provisions of this Part of this Act against an order made by the Corporation thereunder cancelling registration shall not until such order has been confirmed on appeal or has been abandoned be liable to any proceedings under this section for the offence of carrying on a maternity home in contravention of the provisions of this Part of this Act or of any byelaw made thereunder.

Directors of companies to be personally liable for fines.

136. Where any company registered under the Companies Acts 1862 to 1907 or under the Companies Acts 1908 to 1917 or any Act amending the same commits any offence for which a fine is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and each such director or manager shall be liable on conviction to the like fine as if he were the person committing the offence unless he proves to the satisfaction of the court—

- (1) that the act which constituted the offence took place without his knowledge consent or connivance; and
(2) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

Saving for homes carried on by medical practitioners.

137.—(1) Subject as hereinafter provided the provisions of this Part of this Act shall not apply in the case of a maternity home carried on by a duly registered medical practitioner with respect to which there has been lodged with the Corporation a certificate in a form to be approved by them and signed by two duly registered medical practitioners practising or residing in the borough not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such home to the effect that

the premises used or represented as being or intended to be used for such home and the equipment provided at such premises are in all respects suitable for the purpose and that the medical practitioner carrying on or proposing to carry on such home is a suitable person to carry on the same.

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(2) Provided that any such certificate shall not be valid—

- (a) with respect to any person or premises other than the person or premises specified therein; or
- (b) for a period extending beyond the thirty-first day of January next following the date of the certificate.

138.—(1) Notwithstanding anything contained in this Part of this Act the foregoing provisions thereof shall not apply in the case of—

Saving for certain premises.

- (a) any hospital infirmary institution or other establishment maintained or controlled by any government department or local authority or any other authority or body constituted by Parliament or incorporated by royal charter; or
- (b) any hospital for the time being recognised by any committee or body administering either of the publicly subscribed funds known respectively as the Hospital Sunday Fund and the Hospital Saturday Fund as a hospital to which grants from either of such funds may be made; or
- (c) any institution or home for the training of persons desirous of becoming midwives which is for the time being approved by the Central Midwives Board constituted under the Midwives Acts 1902 and 1918; or
- (d) any maternity home in which only relatives of the person carrying on such home are received for the purposes of childbirth.

(2) For the purposes of this section the expression “relatives” means sisters daughters granddaughters nieces aunts or mothers by consanguinity or affinity and in the case of persons of illegitimate birth persons who would be so related if legitimate.

139.—(1) The Corporation shall give public notice of the effect of the provisions of this Part of this Act by advertisement in two or more daily newspapers

Notice of provisions of Part XIII. of Act to be given.

A.D. 1923. circulating in the borough and otherwise in such manner as they think sufficient.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

PART XIV.

POLICE PROVISIONS.

Inspection
and certifi-
cation of
taximeters.

140.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly and the expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and such certificate shall be dated with the date upon which such taximeter was last tested and inspected.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a fine not exceeding forty shillings.

As to
hackney
carriages.

141. The provisions of the Town Police Clauses Act 1847 and this Part of this Act and the byelaws of the Corporation for the time being in force with respect to hackney carriages shall be as fully applicable in all respects to hackney carriages standing or plying for hire at any railway station or railway premises within the borough as if such railway station or railway premises were a stand for hackney carriages or a street :

Provided always that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers

or conductors of such vehicle Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage in any railway station or railway premises or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard. A.D. 1923.
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142. Where any police constable in uniform is stationed at any crossing in any street of the borough for the direction of traffic thereat any person driving or propelling any vehicle who shall at such crossing wilfully neglect or refuse to make such vehicle stop proceed or keep to a particular line of traffic when directed so to do by such police constable in the execution of his duty shall be liable to a fine not exceeding five pounds. As to control of traffic by police.

PART XV.

LANDS.

143. Subject to the provisions of this Act the Corporation may (in so far as they are not already possessed of the same) enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the following purposes :— Power to take lands.

- (1) For the construction of the works authorised by Part II. (Water) of this Act and for other the purposes of the said Part II.;
- (2) For the construction of the street works authorised by Part VI. (Street works) of this Act and for the provision of space for the erection of buildings adjoining or near to such works and for other the purposes of the said Part VI.;
- (3) For the purposes of a pleasure and recreation ground; and
- (4) For the enlargement of the playground of the Morice Town School.

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

A.D. 1923.

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Limiting
quantity of
common
land to be
taken or
used.

145. The quantity of land which may be taken or used by the Corporation from the common or commonable land known as Yennadon Down in the parish of Meavy under the powers conferred upon them by this Act shall not exceed twenty-three acres but notwithstanding anything contained in this Act or shown upon the deposited plans the Corporation shall not for the purposes of the works authorised by this Act acquire permanently any common or commonable land and the surface of any such common or commonable land used temporarily by the Corporation for the purposes of the said works shall be restored to its original condition as soon as practicable after the completion thereof.

Extinction
of private
rights of
way.

146.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

Compensa-
tion in case
of recently
acquired
interest.

147. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and twenty-two if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Correction
of errors in
deposited
plans and
book of
reference.

148. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the 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 appear to the justices that

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

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149.—(1) Whereas in the construction of the works authorised by this Act 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:—

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

(a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Fourth Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the 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

A.D. 1923;
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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 :

- (c) 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 tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the 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 :
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :

(f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not 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 reasonably and properly incurred by him in consequence of such notice: A.D. 1923.

(g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the 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.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 (Parties not to be required to sell part of a house &c.) of the Lands Clauses Consolidation Act 1845.

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

150.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any land which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties and with the consent of the Minister of Health may borrow money for

Further powers for acquisition of land.

A.D. 1923. — the purchase or acquisition of such land or for the payment of any capital sum payable under a lease thereof.

(2) The Corporation may enter into contracts for the purposes of this section and may pay any sum payable under the contract and for that purpose may borrow money temporarily from their bankers for a period not exceeding twelve months :

Provided that no moneys (other than those so temporarily borrowed as aforesaid) shall be borrowed by the Corporation for the purposes of this section except with the consent of the Minister of Health and that any contract so entered into in respect of which the Corporation propose to borrow money with such consent as aforesaid shall be provisional until the consent of the said Minister shall have been given to the borrowing of money in respect thereof and shall only become binding if and when such consent shall have been given.

(3) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the borough fund and borough rate :

Provided that nothing in this subsection shall authorise the Corporation—

- (a) to create or permit any nuisance on any lands so appropriated ;
- (b) to appropriate such lands to any purposes other than purposes for which and subject to the conditions under which they are for the time being authorised to acquire and use lands.

(4) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of

other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either— A.D. 1923.

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health; or
- (b) in such other manner as may be approved by the Minister of Health.

151.—(1) 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 any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act (other than lands acquired under the last preceding section thereof) in the purchase of lands so remaining to be acquired but as to capital 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 or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister of Health. Proceeds of sale of surplus lands.

(2) Provided that—

- (a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by or under this Act for the purpose of such purchase;
- (b) the borrowing powers conferred by or under this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

152. Nothing in this Act contained or shown upon the deposited plans or described in the deposited book of reference shall authorise the Corporation— For protection of War Office and others.

- (1) to take enter upon use or interfere with any land soil or water or any right in respect thereof for

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the time being vested in or in the occupation of or exercised or exerciseable by His Majesty's Principal Secretary of State for the War Department (hereinafter called "the Secretary of State") or in or by the President of the Air Council or in or by the Territorial Force Association of the county of Devon or in of or by any other person body or corporation acting for or on behalf of the Secretary of State or the President of the Air Council or the Territorial Force Association of the county of Devon without the consent of the Secretary of State (on behalf of the War Department or the said Territorial Force Association) or without the consent of the President of the Air Council (as the case may be) signified in writing under the hand (as the case may be) of the Secretary of State or the President of the Air Council which consent the Secretary of State or the President of the Air Council respectively are or either of them is authorised to give subject to such special or other conditions as they or he shall see fit to impose on the Corporation; or

- (2) to take away lessen prejudice or alter any rights privileges or powers vested in or exercised or exerciseable by the Secretary of State or the President of the Air Council or the Territorial Force Association of the county of Devon (including any rights privileges or powers for the defence of the realm whether under any statute or regulation or otherwise) without such consent as aforesaid.

PART XVI.

FINANCIAL PROVISIONS.

Power to borrow.

153.—(1) The Corporation may independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment thereof and the payment of interest thereon they may mortgage or charge the respective revenues funds and rates mentioned in the third column of the said table and they shall pay

off all moneys so borrowed within the respective periods A.D. 1923. mentioned in the fourth column thereof (namely) :—

1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(a) For the purchase of land for and for and in connection with the construction of the works authorised by Part II. (Water) of this Act.	£ 135,000	The revenue of the water undertaking of the Corporation and the district fund and general district rate.	Sixty years from the date or dates of borrowing.
(b) For new mains extensions of mains and other water-works purposes.	30,000	The revenue of the water undertaking of the Corporation and the district fund and general district rate.	Thirty years from the date or dates of borrowing.
(c) For the construction of the tramways authorised by this Act.	35,800	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Twenty years from the date or dates of borrowing.
(d) For the provision and erection of posts standards brackets and other apparatus works and conveniences for the purposes of the said tramways.	3,700	The revenue of the tramway undertaking of the Corporation and the borough fund and borough rate.	Twenty years from the date or dates of borrowing.
(e) For the purchase of lands for the purposes of Part VI. (Street works) of this Act and for recreation ground and other purposes.	The sum requisite.	The district fund and general district rate.	Sixty years from the date or dates of borrowing.

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1	2	3	4
Purpose.	Amount.	Charge.	Period for Repayment.
(f) For the construction of the street works authorised by the said Part VI.	£ 190,000	The district fund and general district rate.	Forty years from the date or dates of borrowing.
(g) For carrying into effect the agreement set out in the First Schedule to this Act.	100,000	The district fund and general district rate.	Sixty years from the date or dates of borrowing.
(h) For the purchase of lands for school extension and other purposes.	500	The borough fund and borough rate.	Sixty years from the date or dates of borrowing.
(i) For carrying into effect the agreement set out in the Sixth Schedule to this Act.	3,300	The district fund and general district rate.	Sixty years from the date or dates of borrowing.
(j) For paying the costs charges and expenses of this Act.	The sum requisite.	The borough fund and borough rate.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Electricity Commissioners borrow such further money as may be necessary for any of the purposes of Part IV. (Electricity) of this Act and may with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part V. (Tramways light railways and omnibuses) of this Act and may with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of Parts IV. and V.

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

(c) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed. A.D. 1923.

(3) The provisions of this section prescribing the revenues funds or rates which may be mortgaged or charged shall not limit the powers conferred upon the Corporation by section 198 (Power to use one form of mortgage for all purposes) of the Act of 1915.

154.—(1) The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing. Mode of payment off of money borrowed.

(2) Provided that notwithstanding anything contained in this Act it shall not be obligatory upon the Corporation to pay the first instalment or to make the first payment to the sinking fund for the repayment of money borrowed for the purposes marked (a) mentioned in the section of this Act whereof the marginal note is "Power to borrow" until the completion of the works authorised by Part II. (Water) of this Act or the first day of April nineteen hundred and twenty-eight whichever shall first occur.

155. Notwithstanding anything to the contrary contained in the regulations made or to be made in pursuance of section 52 (Issue of stock) of the Public Health Acts Amendment Act 1890 by the Local Government Board or the Minister of Health and applying to the creation issue transfer and redemption of and other dealings with any stock which the Corporation have created or may create under the said Act the Corporation may where any moneys standing on a separate account in the stock redemption fund which are required by the said regulations to be invested and accumulated produce in any year a sum in excess of that which such moneys would have produced at the rate of interest on which the payments to the redemption fund are calculated if they As to stock redemption fund.

A.D. 1923. think fit apply such moneys or any part or parts thereof
— to either or both of the following purposes (that is to say) :—

- (a) In reduction of such contributions out of the revenues of the Corporation as are payable into the dividends fund in respect of dividends on the portion of the stock in relation to which the separate account on which such moneys and the increment thereof are standing is kept :
- (b) In reduction of the contributions out of the revenues of the Corporation payable into the redemption fund for the redemption or purchase and extinction of that portion of the stock.

Receipt in
case of
persons not
sui juris.

156. If any moneys are payable to a mortgagee or stockholder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Corporation.

Overseers
may require
returns.

157.—(1) The overseers of the poor of the parish of Devonport the overseers of the poor of the township of East Stonehouse and the guardians of the poor of the parish of Plymouth may require the owner or occupier or reputed owner or occupier of any hereditament in such parishes or township (other than land used as arable meadow or pasture ground only or as woodlands) to send to them a return in writing in the form set forth in the Fifth Schedule to this Act and containing the particulars therein mentioned or referred to :

Provided that (except for purposes connected with the preparation of and preliminary to a general revaluation for rating) the powers conferred by this section shall only be exercised—

- (a) upon any change in the occupation or ownership of any hereditament ; or
- (b) upon any change in the nature or use of any hereditament whether by way of addition to or adaptation of premises or otherwise such as may affect the value of the hereditament ; or
- (c) in the case of any hereditament in respect of which the overseers are of opinion that special circumstances exist which make it desirable that a return should be rendered in accordance with the provisions of this section.

(2) Any person who wilfully refuses or neglects to make a return lawfully required under this Act within fourteen days after the service of the order shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding two pounds and any person who wilfully makes or causes to be made a false return shall be liable to a fine not exceeding ten pounds. A.D. 1923.
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(3) The overseers or guardians (as the case may be) of any such parish or township shall whenever required by the assessment committee of the poor law union in which such parish or township is included produce from time to time to such committee the returns or any of them obtained by such overseers or guardians under the provisions of this section.

(4) Nothing in this section shall require any railway company to include in any return which they may be required to send to the overseers or guardians of any such parish or township particulars with respect to their running lines sidings or stations.

158. In addition and without prejudice to their existing powers the overseers of any parish comprised in the borough may amend the poor rate of that parish by inserting therein the name of any person who ought to have been rated: Amendment
of poor
rate.

Provided that—

(1) Any person who may feel himself aggrieved by any such amendment shall have the same right of appeal therefrom as he would have had if the matter of amendment had appeared on the rate originally made and with respect to him an amended rate shall be considered to have been made at the time when he first received notice of the amendment;

(2) An amended rate shall not be payable by any person whose name is thereby newly inserted until seven days after such notice has been given to him.

PART XVII.

MISCELLANEOUS PROVISIONS.

159. Notwithstanding anything contained in the Second Schedule of the Municipal Corporations Act 1882 the summons to members of the council may be delivered Service of
summons on
members of
council.

A.D. 1923. at the usual place of abode of every member of the council by post by prepaid letter at the ordinary rate of postage.

Scheduled agreement as to Devon and Cornwall (Didworthy) Sanatorium confirmed.

160.—(1) The agreement made the thirteenth day of December one thousand nine hundred and twenty-two between John Charles Williams the Right Honourable Hugh fourth Earl Fortescue the Right Honourable Piers Alexander Hamilton fifth Earl of Mount Edgcumbe the Right Honourable Francis Bingham first Baron Mildmay of Flete and John Cosmo Stuart Rashleigh of the one part and the Corporation of the other part and set forth in the Sixth Schedule to this Act (in so far as the same is not inconsistent with or rendered unnecessary by the provisions of this section) is hereby confirmed and made binding on the parties thereto and effect may and shall be given thereto accordingly subject to the following modifications (namely) :—

(a) Paragraph 2 of the said agreement shall be read and have effect as if there were added at the end thereof the words “ and the Corporation “ shall have and may exercise all the powers in “ relation to the said hereditaments mentioned “ in the principal indenture and now vested in “ the Trustees.”

(b) Paragraph 3 shall be read and have effect as if the following proviso were added at the end thereof :—

“ Provided that subject to the provisions of the next succeeding paragraph hereof the Corporation may use any of the said twenty-one beds for the treatment of patients from other areas during any period in which those beds are not required for patients from the said administrative areas.”

and to such further modifications (if any) as may be agreed between the said parties in writing.

(2) As from the passing of this Act the property or hereditaments described in the First Schedule to the agreement referred to in subsection (1) of this section shall be vested in the Corporation in fee simple and the stock investments and other assets referred to in paragraph 14 of the said agreement shall be vested in the Corporation

in trust respectively for the general purposes of the indenture which is referred to in the said agreement as "the principal indenture" and subject to the terms of the said agreement in so far as the same is confirmed and made binding upon the parties thereto by subsection (1) of this section.

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(3) As from the passing of this Act the parties of the first part to the agreement referred to in subsection (1) of this section shall be dissolved as a body of trustees and shall be discharged from their trust but this provision is without prejudice to anything done or suffered to be done by those parties or any of them prior to the passing of this Act.

161. The Corporation may lay out and maintain the following lands in the borough as an extension of the playground of the Morice Town School in the borough.

Enlarge-
ment of
Morice
School
playground.

The lands referred to in this section are shown upon the deposited plans and are:—

Lands known as 129 Albert Road Devonport bounded on the north by Albert Road on the east by school premises on the south by Albert Road Lane South and on the west by property known as 130 Albert Road.

162. The following provisions of the Act of 1915 so far as the same are applicable shall with any necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):—

Application
of provisions
of Act of
1915.

Section 185 (Persons under disability may grant easements &c.);

Section 186 (Retention sale and disposal of land);

Section 191 (Section 234 of Public Health Act 1875 not to apply);

Section 192 (Mode of raising money);

Section 193 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 196 (Appointment of receiver);

Section 197 (Application of money borrowed);

Section 206 (Protection of lender from necessity of inquiry);

Section 216 (Expenses of execution of Act);

Section 235 (Temporary stoppage of streets);

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- Section 241 (Inquiries by Local Government Board);
 Section 242 (Orders &c. of Board of Trade);
 Section 243 (Application of Arbitration Act 1889);
 Section 245 (Confirmation of byelaws);
 Section 249 (Application of section 265 of Public Health Act 1875);
 Section 250 (Apportionment of expenses in case of joint owners);
 Section 251 (Determination of compensation);
 Section 252 (Damages and charges to be settled by justices);
 Section 253 (Recovery of fines and expenses);
 Section 254 (Recovery of demands in county court);
 Section 255 (Informations by whom to be laid);
 Section 257 (Saving for indictment &c.);
 Section 258 (Powers of Act cumulative);
 Section 261 (For protection of Admiralty and other Government Departments)—except subsection (2) thereof;
 Section 262 (Saving rights of Duchy of Cornwall); and
 Section 263 (Crown rights):

Provided that—

- (a) The provisions of the said section 235 shall only apply in relation to the exercise of the powers conferred upon the Corporation by Part VI. (Street works) and Part VII. (Bridges and embankment undertaking) of this Act;
- (b) In its application to the provisions of this Act the said section 241 shall be read and have effect as if the words “five guineas” were substituted therein for the words “three guineas”; and
- (c) The provisions referred to in the said section 245 shall not apply to byelaws made under the provisions of Part V. (Tramways light railways and omnibuses) of this Act or under the section of this Act of which the marginal note is “Byelaws.”

163. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part X. (Streets buildings sewers and drains) and Part XI. (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

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Power to
enter
premises.

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

Penalty on
occupier
refusing
execution
of Act.

165. Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a fine and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to
breach of
conditions
of consent
of Corpora-
tion.

166. Where the payment of more than one sum by any person is due under this Act any summons or warrant issued for the purposes of this Act in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Summons
or warrant
may contain
several
sums.

A.D. 1923.

—
As to
appeal.

167. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part X. (Streets buildings sewers and drains) Part XI. (Infectious disease and sanitary provisions) Part XIII. (Maternity homes) or Part XIV. (Police provisions) of this Act or by any conviction or order made by a court of summary jurisdiction under the said provisions may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Costs of Act.

168. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

AGREEMENT BETWEEN THE GENERAL TOLLS COMPANY
LIMITED AND THE CORPORATION.

AN AGREEMENT made the twenty-fourth day of May 1922 between the GENERAL TOLLS COMPANY LIMITED having its registered office at Bedford Street in the borough of Plymouth (hereinafter called "the Vendor Company") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF PLYMOUTH ACTING BY THE COUNCIL (hereinafter called "the Corporation") of the other part.

WHEREAS the Vendor Company are the owners in fee simple subject as hereinafter mentioned of two bridges known respectively as Stonehouse Bridge and Stonehouse Mill Bridge and the approaches thereto and other property situate in the borough of Plymouth aforesaid more particularly described respectively in the first and second parts of the First Schedule hereto :

And whereas it is intended that in this agreement the words and expressions in this recital specified shall have the meaning hereby assigned to them unless and except in so far as the context or some other circumstances shall render such meaning inadmissible that is to say "Stonehouse Bridge" shall mean the bridge described in the first part of the First Schedule hereto "Mill Bridge" shall mean the bridge described in the second part of the First Schedule hereto "the bridges" shall mean and include both Stonehouse Bridge and Mill Bridge and "the scheduled property" shall mean and include all and every the bridges and property described in the first and second parts of the First Schedule hereto :

And whereas under or by virtue of the Acts of Parliament (mentioned or referred to in the said First Schedule hereto) which authorised the erection of the bridges respectively the Vendor Company as owners of the bridges are empowered to levy and charge the tolls duties and other payments as set forth in the Second Schedule hereto in respect of traffic passing over the bridges respectively and under or by virtue of certain Acts of Parliament (also mentioned in the said First Schedule hereto) which amongst other things authorised the passage of tramcars

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worked by electrical power over Stonehouse Bridge the Vendor Company are empowered to levy and charge tolls in respect of the passage of such tramcars over Stonehouse Bridge :

And whereas under or by virtue of four several agreements (hereinafter referred to as "the tramways agreements") dated respectively the third day of October eighteen hundred and ninety the thirtieth day of July eighteen hundred and ninety-one the twelfth day of May eighteen hundred and ninety-nine and the twenty-sixth day of July nineteen hundred and one and each made between the Vendor Company of the one part and the Plymouth Stonehouse and Devonport Tramways Company (hereinafter called "the tramways company") of the other part the Vendor Company granted to the tramways company permission (amongst other things) to lay down a double line of tramways over Stonehouse Bridge the tramways company undertaking to pave and keep in repair the whole of the roadway on Stonehouse Bridge and to supply electric arc lamps for lighting the same and (except in certain events) to light Stonehouse Bridge free of charge to the Vendor Company and the tramways company also agreed to pay to the Vendor Company the sum of seventy-five pounds per annum during the continuance of the said agreement :

And whereas under or by virtue of an indenture dated the first day of August nineteen hundred and fourteen and made between the Vendor Company of the one part and John Williams the younger of the other part the tolls customs and dues of the bridges are now let to the said John Williams but there is excepted out of such letting all rents tolls wayleave rents commutation and other moneys payable under any agreement or Act of Parliament or Provisional Order by any company corporation or person in respect of any tramway advertisements hoardings wires telephones telegraphs and other easements and there is also excepted out of the said letting a right for the tramways company or the owner of the tramways over Stonehouse Bridge the Lidstone Billing Company the corporation of Devonport the Post Office authorities and all other authorities and all persons legally entitled so to do their agents servants and workmen to execute and do all such works and things in connection with the erection repairing fixing laying or removing or relaying any tramway or tramways wires telephones telegraphs hoardings advertisements or other things over or on the bridges as might be deemed necessary by such authorities companies or persons :

And whereas notice has been given by the said John Williams to the Vendor Company under which the said letting will determine at six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two :

And whereas the sole and exclusive right to build and erect hoardings tablets or other erections of a similar description on either side of the bridges so far as the Vendor Company's rights may extend and the sole and exclusive right of advertising on such erections as aforesaid or of letting spaces thereon for the purpose of the exhibition of advertisements or otherwise is now let to the Lidstone Billing Company Limited on a yearly tenancy upon the terms of an expired lease dated the twenty-third day of December nineteen hundred and ten and made between the Vendor Company of the one part and the said Lidstone Billing Company Limited of the other part at the present yearly rent of fifty pounds plus one pound ten shillings per annum as and by way of commutation money in lieu of tolls the said Lidstone Billing Company Limited their servants and agents being entitled under the said lease at all times to pass and repass over and upon the bridges free of toll for the purpose of posting bills or advertisements or altering or removing such erections as aforesaid or the advertisements thereon : A.D. 1923.

And whereas under or by virtue of an indenture dated the thirtieth day of January nineteen hundred and thirteen and made between the Vendor Company of the one part and Edmund Maxwell Stuart and James Howard Adolphus Annesley of the other part the scheduled property now stands charged with the payment to the said Edmund Maxwell Stuart and James Howard Adolphus Annesley as trustees for the debenture holders of the Vendor Company of the sum of fifty-two thousand and five hundred pounds and interest thereon :

And whereas the Vendor Company have agreed to sell the scheduled property to the Corporation upon the terms hereinafter contained.

Now it is hereby agreed as follows :—

1. Subject to the Corporation obtaining the statutory powers as provided in clause 11 hereof the Vendor Company will sell and the Corporation will purchase at the price of one hundred thousand pounds and on the terms and conditions hereinafter contained

The scheduled property

as the same shall exist at six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two Together with the benefit of the covenants on the part of William Henry Earl of Mount Edgcumbe John Baron St. Levan and John Townshend St. Aubyn respectively contained in the indenture of conveyance dated the eighteenth day of March eighteen hundred and ninety (hereinafter referred to) as varied by an indenture dated the twelfth day of August nineteen hundred and seven and made between the said William Henry Earl of

A.D. 1923. Mount Edgcumbe of the first part the Vendor Company of the second part and the Corporation and the mayor aldermen and burgesses of the borough of Devonport and the urban district council of East Stonehouse of the third part such covenants being for the protection of the Vendor Company as owners of the scheduled property.

2. The scheduled property is sold subject to and with the benefit of the following namely :—

- (1) All agreements and tenancies now in force or which may be in force at the date of the actual completion of the purchase and particularly the following namely :—
 - (a) The tramways agreements
 - (b) The Lidstone Billing Company's tenancy
 - (c) An agreement dated the seventeenth day of December nineteen hundred and two

and made between the Vendor Company of the one part and the National Telephone Company Limited of the other part as to a wayleave for telephone cables and wires over Stonehouse Bridge the rights of the National Telephone Company Limited under which agreement are now vested in the Post Office authorities :

- (2) All Acts of Parliament for the time being in force affecting the scheduled property or any part or parts thereof :
- (3) All rights of third parties arising by custom statute or otherwise and all liabilities in relation to the maintenance of the bridges or otherwise and in particular to a joint and several covenant on the part of the Vendor Company and Charles Joseph Stonor (since deceased) and Edmund Charles Joseph Stonor their or his successors and assigns with the said William Henry Earl of Mount Edgcumbe John Baron St. Levan and John Townshend St. Aubyn contained in the said indenture of conveyance of the eighteenth day of March eighteen hundred and ninety that the said covenanting parties or one of them their or his successors and assigns would at all times keep the bridges toll houses toll gates and premises in proper order and condition as required by the several Acts of Parliament referred to in the schedule to such indenture and in the First Schedule hereto and would at all times conform to the terms and conditions of the said Acts respectively and would at all times indemnify the said William Henry Earl of Mount Edgcumbe John Baron St. Levan and John Townshend St. Aubyn and every of them respectively and their and every of their estates against all liability and claims for

damages and compensation under the said several Acts of Parliament or any liability to repair and maintain the bridges or either of them And the Corporation shall in the conveyance to the Corporation of the scheduled property enter into a similar covenant with the Vendor Company and with the said Edmund Charles Joseph Stonor and shall indemnify the Vendor Company and the said Edmund Charles Joseph Stonor and the estate of the said Charles Joseph Stonor deceased from and against all future liability under the said joint and several covenant :

- (4) All chief or quit rents mill rights rights of way water drainage and other easements (if any) charged or subsisting on the scheduled property and in particular a right of way for all purposes for the said William Henry Earl of Mount Edgumbe his heirs and assigns and his and their tenants and servants over the southern end of Mill Bridge to property now or formerly of the said William Henry Earl of Mount Edgumbe and to the Mill Pool or Dead Lake.

3. Within twenty-one days after notice shall have been given or shall be deemed to have been given to the Vendor Company as provided by clause 12 hereof the Vendor Company will deliver to the town clerk of the said borough an abstract of the Vendor Company's title to the scheduled property which shall commence with an indenture of conveyance on sale dated the eighteenth day of March eighteen hundred and ninety and made between the Right Honourable William Henry Earl of Mount Edgumbe of the first part the Most Noble William Henry Walter Douglas Scott Duke of Buccleuch and Queensberry and the Honourable Algernon Malcolm Arthur Percy of the second part the Right Honourable John Baron St. Levan and the Honourable John Townshend St. Aubyn of the third part Rowland Jones Bateman and Fleming Richard Dansey Aubrey Gough of the fourth part Charles Joseph Stonor and Edmund Charles Joseph Stonor of the fifth part and the Vendor Company of the sixth part The Corporation shall not be entitled to call for any earlier title nor to make any requisition or objection whatsoever with reference thereto however the same may come to the knowledge of the Corporation but the Corporation shall be entitled to inspection of copies of the Acts of Parliament authorising the erection of the bridges respectively and such copies shall be handed over to the Corporation on completion of the purchase.

4. Requisitions and objections (if any) in respect of the title abstract or description of the scheduled property or otherwise arising out of this contract and not precluded by the terms hereof shall be delivered in writing to the Vendor Company's

A.D. 1923. — solicitors within twenty-one days from the delivery of the abstract and any further objection or requisition arising upon any reply to a former requisition shall be so delivered within seven days from the delivery of such reply and every requisition or objection not so delivered shall be deemed to be waived and subject only to requisitions and objections so delivered the title shall be considered accepted time being of the essence of the contract For the purpose of any objection or requisition the abstract shall be considered complete if it supplies the information suggesting the same although otherwise defective.

5. In making such requisitions and objections the Corporation shall be bound by the following stipulations :—

- (a) The Corporation shall admit the identity of the scheduled property with that comprised in the documents offered by the Vendor Company as the title thereto upon the evidence (if any) afforded by a comparison of the descriptions contained herein and in such documents respectively ;
- (b) The scheduled property is believed and shall be taken to be herein correctly described no error omission or misdescription of the scheduled property or of the terms of any agreement affecting the same shall invalidate this contract nor be the subject of compensation by either party.

6. Should any objection or requisition whatsoever be insisted on which the Vendor Company shall be unable or unwilling to satisfy or comply with the Vendor Company may (notwithstanding any attempt to remove or satisfy the same or any negotiation or litigation in respect thereof) by notice in writing to the Corporation or to the town clerk of the said borough rescind the contract and thereupon the Corporation shall return to the Vendor Company the abstract of title and all papers belonging to the Vendor Company in the possession of the Corporation in connection with the sale and the Corporation shall have no claim against the Vendor Company for interest costs or compensation either under this contract or otherwise howsoever If the Corporation within seven days after receiving notice to rescind shall withdraw the objection or requisition the notice to rescind shall be withdrawn also.

7. The completion of the purchase and payment of the purchase money shall take place at the office at Teignmouth of Messrs. Tozer and Dell the Vendor Company's solicitors upon the expiration of ten weeks from the day upon which the Royal Assent shall be given to the Act of Parliament hereinafter mentioned.

8. On payment of the said sum of one hundred thousand pounds in accordance with clause 7 hereof the Vendor Company will execute a proper assurance to the Corporation of the scheduled property such assurance to be prepared by and at the expense of

the Corporation and a draft thereof to be left at the office of the Vendor Company's solicitors for approval not less than twenty-one days and the engrossment left at the same office for execution by the Vendor Company and all other necessary parties not less than ten days before the date fixed for completion. The Vendor Company will at the Vendor Company's expense procure the concurrence in the said assurance to the Corporation of all necessary parties including the trustees of the hereinbefore recited trust deed of the thirtieth day of January nineteen hundred and thirteen.

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—

9.—(a) The Corporation shall as from six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two and until this contract shall become void (except as to clauses 13 15 and 16) under the provisions of clause 11 hereof be entitled to and the Corporation will from such day and hour enter upon the collection management receipt and enjoyment of all tolls customs duties wayleaves and other payments whatsoever which the Vendor Company may be entitled empowered or authorised to demand levy receive or take in respect of traffic passing over the bridges or of the user for any purpose whatsoever of the bridges or of the approaches thereto or of easements granted in respect thereof or otherwise whether under any statutory power or under any agreement or contract and for the purpose of this clause any periodical payments to which the Vendor Company may be entitled in respect of wayleaves easements or otherwise shall if necessary be apportioned and allowed as between the parties.

(b) The Corporation shall also as from the said day and hour be entitled to enter into occupation of the toll houses adjoining the bridges respectively and all other appurtenances thereto belonging and occupied therewith.

(c) The Corporation shall as from the said day and hour and so long as this contract shall remain in force bear pay and discharge all charges expenses rates taxes assessments and outgoings of every description arising or payable in respect of the bridges or the said tolls customs duties wayleaves and other payments or the management or collection thereof respectively such charges expenses rates taxes assessments and outgoings being if necessary apportioned and allowed as between the parties. Provided that the Vendor Company hereby indemnify the Corporation from and against all liabilities incurred or accrued in respect of the scheduled property up to six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two.

(d) The Vendor Company will at the expense of the Corporation grant unto the Corporation all such licences and authorities as may be requisite in order that the Corporation may obtain the full benefit of this clause of the contract but nothing in this sub-clause contained shall be deemed to confer on the Corporation the right to vary the terms of or to determine any existing agreement or contract in respect of wayleaves or otherwise in relation

A.D. 1923. — to the scheduled property or any part thereof or the right to grant further wayleaves rights or easements or facilities other than those existing on the said twenty-fourth day of June nineteen hundred and twenty-two without the concurrence of the Vendor Company.

(e) As from six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two and until this contract shall become void (except as to clauses 13 15 and 16) under the provisions of clause 11 hereof the Corporation shall be under and the Corporation hereby agree to observe and perform the obligations restrictions and stipulations specified in the Third Schedule hereto.

10. In consideration of the agreements on the part of the Vendor Company contained in clause 9 hereof the Corporation will as from six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two and until this contract shall become void (except as to clauses 13 15 and 16) under the provisions of clause 11 hereof or the purchase shall be completed pay to the Vendor Company interest at the rate of six per centum per annum on the said purchase money of one hundred thousand pounds without deduction save and except for income property or corporation tax by equal monthly payments on the twenty-fourth day of each calendar month the first of such payments to become due on the twenty-fourth day of July nineteen hundred and twenty-two.

11. The Corporation shall forthwith at the expense in all respects of the Corporation take all requisite steps with a view of obtaining and shall use their best endeavours to obtain at the earliest possible date and not later than the twenty-fourth day of December nineteen hundred and twenty-four the necessary Act of Parliament sanctioning the purchase contemplated by this contract and the borrowing of the necessary moneys. Provided that in case the Corporation fail before the twenty-fourth day of December nineteen hundred and twenty-four to obtain statutory powers for the said purchase this contract shall become absolutely void except as to the stipulations contained in clauses 13 15 and 16 hereof and the Corporation shall within twenty-one days from such failure restore to the Vendor Company the collection management receipt and enjoyment of the tolls customs duties wayleaves and other payments referred to in sub-clause (a) of clause 9 hereof and the possession of the said toll houses and appurtenances and shall surrender unto the Vendor Company all such licences and authorities as may have been granted by the Vendor Company to the Corporation under sub-clause (d) of clause 9 hereof.

12. The Corporation shall within seven days of obtaining the statutory powers referred to in clause 11 hereof give notice in writing thereof to the Vendor Company but if the Corporation

(having obtained such statutory powers) shall neglect or fail to give such notice within the time aforesaid such notice shall for the purposes of this contract be deemed to have been given on the seventh day following the date of the Royal Assent to the Bill or on such day as information of such Royal Assent having been obtained shall come to the knowledge of the Vendor Company or their solicitors whichever shall be the later date.

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13. If this contract is avoided under the provisions of clauses 11 or 17 hereof the following stipulations shall take effect and come into force but not otherwise namely :—

- (a) The Corporation shall pay to the Vendor Company the sum of one hundred guineas for costs and expenses incurred by the Vendor Company in or in connection with the negotiations for and preparation and completion of this contract or otherwise in relation thereto ;
- (b) The Corporation shall forthwith after this contract has been avoided or put an end to under the provisions of clauses 11 and 17 hereof deliver to the Vendor Company an account of all tolls customs duties wayleaves and other payments whatsoever received by the Corporation between six o'clock in the morning of the twenty-fourth day of June nineteen hundred and twenty-two and the day and time when the Corporation shall have handed back or restored to the Vendor Company the collection management and receipt of the said tolls customs duties wayleaves and other payments From the total amount shown by such account the Corporation shall be entitled to deduct the actual cost of collection and maintenance and repair of the bridges and toll houses and of all rates taxes and assessments and outgoings which would otherwise be charged upon or payable by the Vendors or their lessee in respect of such possession or occupation Provided and it is hereby agreed that the Corporation shall so far as possible engage and employ the same staff and at the same remuneration as that employed and paid by the present lessee viz. three males and six females other than the lessee himself :

Provided further that if any of the present staff fail to accept employment under the Corporation upon these terms and conditions the Corporation shall replace such staff only upon such identical terms and conditions so far as the same may be practicable but should any increase of staff be necessary in consequence of increased traffic or otherwise such increased staff shall not be employed without the consent of the Vendor Company :

Provided further that the Corporation shall be entitled in addition to the before mentioned costs to deduct from the total amount received a further sum

[Ch. lxxviii.] *Plymouth* [13 & 14 GEO. 5.]
Corporation Act, 1923.

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after the rate of three hundred pounds per annum in respect of general supervision and management of the undertaking :

Provided further that in case the Corporation run a circular service on their tramways over Stonehouse Bridge the expression " car journey " in section 13 (12) of the Devonport Corporation Act 1900 shall for the purposes of this clause be deemed to include the passage if made during the same day calculated from midnight to midnight of any tramcar twice over Stonehouse Bridge Provided that the last foregoing proviso shall be without prejudice to the statutory rights of the Vendor Company in case this agreement is avoided under clauses 11 or 17 ;

- (c) If the balance of the account to be rendered under sub-clause (b) shall exceed the amount of interest then already paid by the Corporation to the Vendor Company under the provisions of clause 10 hereof the Corporation shall (unless the Corporation shall in the meantime have received notice from the Vendor Company in accordance with sub-clause (d) hereof disputing the accuracy of such account) within twenty-one days after the delivery to the Vendor Company of such account pay to the Vendor Company such sum as shall represent the difference between the balance of such account and the amount of interest already paid by the Corporation to the Vendor Company under the provisions of clause 10 hereof whilst if the balance shown by such account should be less than the amount of interest already paid to the Vendor Company under the provisions of clause 10 hereof the Vendor Company shall within such twenty-one days as aforesaid (unless the Vendor Company shall in the meantime have given notice to the Corporation in accordance with sub-clause (d) hereof) repay to the Corporation the amount by which such interest shall exceed the balance of such account as aforesaid it being the intention of the parties that if this contract is avoided under the provisions of clause 11 hereof the Vendor Company shall in lieu of the interest payable under clause 10 hereof be entitled to the actual amount of the tolls customs duties way-leaves and other payments collected and received by the Corporation less the expenses mentioned in sub-clause (b) above ;
- (d) If the Vendor Company shall not be satisfied as to the accuracy of the account furnished by the Corporation under the provisions of sub-clause (b) and shall give notice thereof to the Corporation within fourteen days after the receipt from the Corporation of such account then and in such case and in default of an agreement

being arrived at between the Corporation and the Vendor Company the actual amount due from or to the Corporation under the provisions of the foregoing sub-clauses (b) and (c) shall be ascertained by arbitration as provided by clause 15 hereof hereinafter contained.

A.D. 1923.
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14. The Corporation shall immediately after obtaining the statutory powers referred to in clause 11 be at liberty to carry out structural and other repairs to the bridges and premises at a cost not exceeding nine hundred and twenty-five pounds and the actual cost of such works as certified by the borough engineer not exceeding the sum aforesaid shall be deducted by the Corporation from the said purchase money.

15. All differences whatsoever which may at any time hereafter arise between the parties hereto touching this contract or any clause or thing herein contained or the construction hereof or as to any matter in any way connected with or arising out of this contract or the operation thereof or the rights duties or liabilities of either party in connection with the premises shall be referred to a single arbitrator in case the parties can agree upon one otherwise to two arbitrators one to be appointed by the Vendor Company and one by the Corporation in accordance with and subject to the provisions of the Arbitration Act 1889 or any then subsisting statutory modification thereof.

16. Any notice or account required to be served or delivered hereunder shall be sufficiently served or delivered on or to the Vendor Company if addressed to the Vendor Company and left at or sent by post to the registered office for the time being of the Vendor Company and a notice shall be sufficiently served on the Corporation if addressed to the town clerk of the Corporation and left at or sent by post to the town clerk's office for the time being and a notice or account sent by post shall be deemed to be given or delivered at the time when it should in due course of post be delivered at the address to which it is sent.

17. This contract is subject to the approval of Parliament and to such alterations as may be made by Parliament therein and shall be scheduled to a Bill to be promoted by the Corporation but in the event of either House of Parliament making any material alteration in this contract it shall be competent to either party on giving notice to the other of them before the Bill is read the third time in the second House to withdraw from this contract and in that case or in the event of the intended Bill failing to become law this contract shall be void and of no effect save as to clauses 13 15 and 16 hereof.

In witness whereof the parties hereto have hereunto caused their respective common seals to be affixed the day and year first before written.

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The FIRST SCHEDULE hereinbefore referred to.

FIRST PART.

First all that bridge or carriageway called "Stonehouse Bridge" many years since built over or across Stonehouse Creek and leading from Stonehouse to Devonport formerly called Plymouth Dock in the county of Devon and the land or ground over or upon which the said bridge or any of the piers arches foundations or abutments thereof or works connected therewith are now standing and all toll gates toll houses and other conveniences roads and approaches to the same which said bridge called Stonehouse Bridge was erected under the authority of an Act of Parliament passed in the seventh year of the reign of George III. intituled "An Act for building a bridge cross Stonehouse Creek from Stonehouse to Plymouth Dock in the county of Devon" together with all and every the tolls frontage dues duties and other payments by the same Act or otherwise authorised directed or permitted to be received or taken for or in respect or on account of every or any passage whatsoever over upon or across the said bridge or any part thereof or otherwise howsoever in relation thereto and together with all such rights of ferrying over or across the said creek called Stonehouse Creek as may now be vested in the Vendor Company under the said Act or otherwise and together with all and every the tolls duties wayleaves and other payments payable to or authorised directed or permitted to be received or taken by the Vendor Company by virtue of the Plymouth Stonehouse and Devonport Tramways Act 1900 the Devonport Corporation Act 1900 the Tramways Orders Confirmation (No. 1) Act 1904—Plymouth Corporation Tramways Order 1904 or under any and every other Act of Parliament And all other benefits and advantages to be hereafter received or derived from the said bridge and premises The said bridge and premises are delineated and described on the plan No. 1 annexed hereto and thereon coloured pink.

SECOND PART.

All that bridge or carriageway called "Stonehouse Mill Bridge" many years since erected and built over or across Stonehouse Mill Pool at or near Stonehouse in the county of Devon and leading from or near a place called Stonehouse Mills in the parish of East Stonehouse in the same county to the opposite side of the said Mill Pool in the parish of Stoke Damerell in the same county and the land or ground over or upon which the said bridge or any of the piers arches foundations or abutments thereof or other works connected therewith are now standing and all toll gates toll houses and other conveniences roads avenues and approaches to the same which said bridge called Stonehouse Mill

Bridge was erected under the authority of an Act of Parliament passed in the eleventh year of the reign of George IV. intituled "An Act for erecting and maintaining a bridge over Stonehouse Mill Pool at or near Stonehouse Mills in the county of Devon" together with all and every the tolls frontage dues duties and other payments by the same Act or otherwise authorised directed or permitted to be received or taken for or in respect or on account of every or any passage whatsoever over upon or across the said bridge or any part thereof or howsoever in relation thereto and all tolls and sums of money which may hereafter become payable by virtue of the last mentioned Act for the passage of any horses beasts and carriages in or over the ferry which by the same Act the owner or owners for the time being of the said bridge was or were authorised or directed to provide during all such time as the same bridge shall be impassable and unsafe as in the same Act mentioned and all other benefits and advantages to be hereafter received or derived from the said bridge and premises.

A.D. 1923.

The said bridge and premises are delineated and described on the plan No. 2 annexed hereto and thereon coloured pink.

The SECOND SCHEDULE hereinbefore referred to.

TOLLS AUTHORISED IN RESPECT OF STONEHOUSE BRIDGE.

For every chaise chair or calash drawn by one horse the sum of twopence.

For every cart dray car sledge or other carriage drawn by one horse mule or ass the sum of twopence.

For every coach chariot berlin chaise chair or calash drawn by two horses the sum of threepence.

For every coach chariot berlin chaise chair or calash drawn by more than two horses the sum of sixpence.

For every waggon wain dray car cart sledge or other carriage drawn by two horses or oxen the sum of threepence.

For every waggon wain dray car cart sledge or other carriage drawn by three or four horses or oxen the sum of fourpence.

For every waggon wain dray car cart sledge or other carriage drawn by more than four horses or oxen the sum of sixpence.

For every horse mule or ass laden or unladen and not drawing the sum of one penny.

For every foot passenger whatsoever one halfpenny.

For every drove of oxen or neat cattle the sum of tenpence per score and after that rate for any greater or lesser number.

For every drove of calves hogs sheep or lambs the sum of fivepence per score and after that rate for any greater or lesser number.

A.D. 1923. TOLLS AUTHORISED IN RESPECT OF STONEHOUSE MILL BRIDGE.

For three or more horses or other beasts drawing any coach chariot landau berlin chaise chaise-marine car calash chair caravan hearse or other such carriage the sum of sixpence.

For two horses or other beasts drawing any coach chariot landau berlin chaise chaise-marine car calash chair caravan hearse or other such carriage the sum of threepence.

For one horse or other beast drawing any coach chariot landau berlin chaise chaise-marine car calash chair caravan hearse or other such carriage the sum of twopence.

For five or more horses or other beasts drawing any wain waggon dray cart sledge or other such carriage the sum of sixpence.

For four or three horses or other beasts drawing any wain waggon dray cart sledge or other such carriage the sum of fourpence.

For two horses or other beasts drawing any wain waggon dray cart sledge or other such carriage the sum of threepence.

For one horse or other beast drawing any wain waggon dray cart sledge or other such carriage the sum of twopence.

The THIRD SCHEDULE hereinbefore referred to.

OBLIGATIONS RESTRICTIONS AND STIPULATIONS TO BE PERFORMED AND OBSERVED BY THE CORPORATION AS FROM SIX O'CLOCK IN THE MORNING OF THE TWENTY-FOURTH DAY OF JUNE ONE THOUSAND NINE HUNDRED AND TWENTY-TWO.

(1) To keep the bridges and the approaches thereto properly cleansed swept and watered.

(2) To keep and maintain the bridges and toll houses in as good repair and condition as the same are at the date hereof and so deliver up the same to the Vendor Company in the event of this contract becoming void but so that no structural repairs shall be carried out without the previous consent in writing of the Vendor Company save as mentioned in clause 14 of the foregoing agreement.

(3) Not (without the previous consent in writing of the Vendor Company) to make any alteration in the amount of tolls customs duties wayleaves or other payments which the Vendor Company may from time to time be entitled empowered or authorised to demand levy receive or take and not without such consent as aforesaid to grant any exemptions whatsoever but to secure and enforce payment of all such tolls customs duties wayleaves or other payments as aforesaid.

(4) Not without the previous consent in writing of the Vendor Company to make or permit to be made any alterations in or to the bridges or either of them or of the approaches thereto

or of the toll houses or gates or of any part of the premises held and enjoyed therewith. A.D. 1923.

(5) Whenever thereunto required by the Vendor Company in writing forthwith to discharge from the service of the Corporation in the collection of the said tolls all and every person and persons against whom any complaint of incivility or other misconduct shall be made and established and to cease to employ such person and persons thenceforth either altogether or during such period as the Vendor Company shall in such writing require and no further proof of such misconduct shall be necessary or required by the Corporation than the receipt of such requisition from the Vendor Company.

(6) Not to fix or place or allow to be fixed or placed upon any part of the bridges or the approaches thereto or any part of the premises held therewith any bill notice placard board or advertisement of any description (other than such as may be fixed or placed by the Lidstone Billing Company Limited under their existing agreement) without the written consent of the Vendor Company first obtained.

(7) To observe and perform all and every the enactments and provisions of all Acts of Parliament for the time being in force in reference to the exemption from toll of any officers soldiers or recruits passing by route and otherwise as far as the same shall extend and be applicable to the bridges and to the said tolls and to exempt from toll all the officers and seamen of His Majesty's Royal Navy mentioned in the schedule of arrangements as to the exemption of officers and seamen of the Royal Navy from toll (a copy of which schedule of arrangements has been inspected by the Corporation) and who shall comply with the conditions for exemption set forth in such schedule of arrangements.

(8) Not to underlet or assign or in any way dispose of or part with the actual possession and occupation of the said toll houses or of the collection and management of the said tolls customs duties wayleaves and other payments or any part thereof.

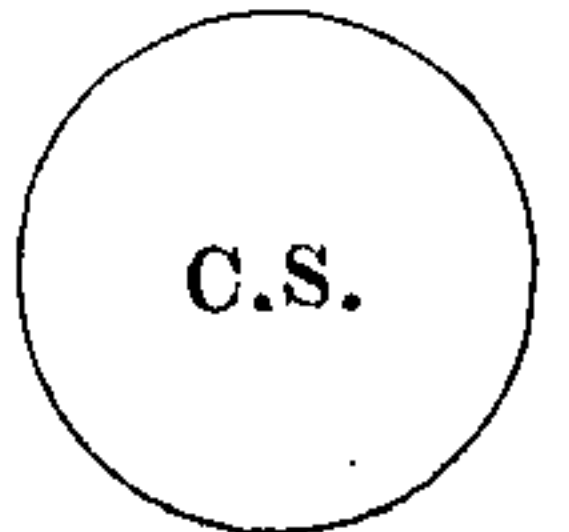
(9) The Vendor Company shall be entitled at their own expense at any time during the continuance of this agreement to set up at either or both ends of or at any place on the bridges (either by way of substitution or addition or alteration) any sort of toll gates or bars with liberty to attach to the same any index or check and to lock and keep the keys thereof and to enter upon the said premises and to superintend and examine such index and check Provided that any matter or thing so set up as aforesaid shall not interfere or interrupt the free passage of vehicles and passengers over such bridges.

(10) The Vendor Company and all persons authorised by the Vendor Company shall be entitled once in every three calendar

A.D. 1923.

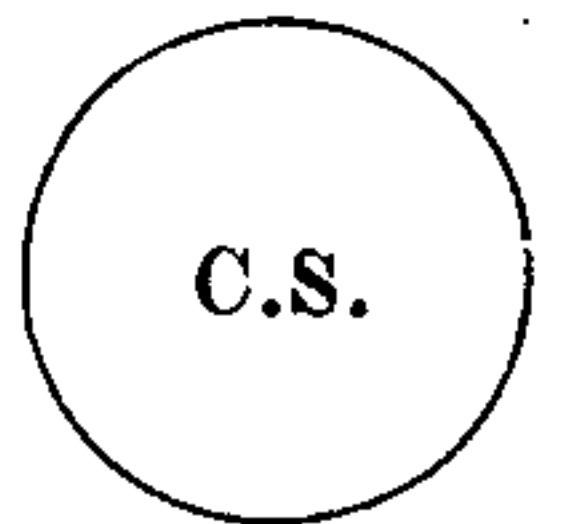
months (commencing from the said twenty-fourth day of June One thousand nine hundred and twenty-two) during the continuance of this agreement on giving to the Corporation ten days' previous notice in writing of such intention to inspect the accounts kept by the Corporation of all receipts and expenditure in relation to the bridges and the said tolls customs duties wayleaves and the like and to take extracts from such accounts.

The common seal of the General Tolls Company Limited was hereunto affixed in the presence of



E. C. J. STONOR
CHARLES J. ROSKELL } Directors.
F. C. STONOR Secretary,

The corporate common seal was hereunto affixed in the presence of



J. F. WINNICOTT Mayor.
R. J. FITTALL Town Clerk.

THE SECOND SCHEDULE.

PROVISIONS OF THE ACT OF 1766 AND OF THE ACT OF 1830 WHICH ARE SAVED FROM REPEAL.

THE ACT OF 1766.

Masters of barges answerable for the damages done by their men.

XVI. And for preventing trespasses and mischiefs that may be done and committed by any evil-minded or disorderly persons rowing navigating or managing of any boats barges lighters or other vessels in or upon the said creek and to the end that the masters and owners of such boats barges lighters or other vessels may be more careful therein be it further enacted that every master or masters owner and owners of any boat or other vessel shall be and is hereby made answerable and responsible for any wilful damage or mischief that shall be done by his or their boat or vessel or by any of the boatmen or watermen or crew of or in such boat or vessel to the said bridge or any part thereof or to any of the works which shall be erected by virtue of this Act and the

said master or masters owner or owners of every such boat or vessel shall and may be by the said George Lord Edgcumbe and Sir John Saint Aubin their heirs or assigns sued for every trespass or damage which shall be done in any court of record whatsoever. A.D. 1923.

XVII. And whereas it may happen that the said bridge may in times to come receive such damage as aforesaid or by tempest or other unforeseen accident that the passage thereof may for some time become dangerous or impracticable be it further enacted that in all such cases it shall be lawful for the said George Lord Edgcumbe and Sir John Saint Aubin their heirs and assigns from time to time as often as occasion shall require to provide a proper and convenient ferry or ferries across the said creek at such a place or places as they shall judge to be most proper and convenient and as near to the said bridge as conveniently may be and there to take for passage over the said creek by such ferry or ferries such rates and duties as are hereby directed to be paid for passing over the said bridge. Ferry to be provided.

XVIII. And be it further enacted that the said bridge when erected shall be called by the name of Stonehouse Bridge and shall be so named and entitled in all legal proceedings whatsoever and shall not be rated or assessed for or towards the payment of the land tax or any other public or parochial rate or tax whatsoever and that the said bridge shall not be deemed a county bridge so as to subject the county of Devon to the repairing or supporting the same. Bridge not liable to taxes &c.

THE ACT OF 1830.

XXI. And be it further enacted that the said intended bridge or the tolls thereof shall be rateable and rated to the poor's rates and other parochial rates and assessments in equal moieties to the respective parishes of East Stonehouse and Stoke Damerell both in the said county of Devon without any regard to the parish in which any toll house or toll houses upon the said bridge shall be locally situate. Provision as to parochial rates.

LXVII. Provided always and be it further enacted that neither this Act or anything herein contained shall prejudice or in any manner affect or be deemed or construed to prejudice or in any manner affect any rights of His Majesty in respect of His Duchy of Cornwall or otherwise to the shores estuaries and waters of the Tamer nor at any time or times be admitted in any court of law or equity or otherwise considered as evidence upon any occasion to affect in any manner such rights of His Majesty but that such rights shall remain of the same force and effect as if this Act had not been made and passed. Nothing in this Act shall in any manner affect the rights of His Majesty in respect of His Duchy of Cornwall.

A.D. 1923.

THE THIRD SCHEDULE.**TABLE OF TOLLS IN RESPECT OF THE STONEHOUSE BRIDGE
AND THE MILL BRIDGE.**

For every vehicle drawn or fitted to be drawn by one horse or other animal twopence.

For every vehicle drawn or fitted to be drawn by two horses or other animal threepence.

For every vehicle drawn or fitted to be drawn by three or more horses or other animal sixpence.

For every horse mule or ass laden or unladen and not drawing the sum of one penny.

For every drove of oxen or neat cattle the sum of tenpence per score and after that rate for any greater or lesser number and in calculating the amount payable the fraction of a penny shall be deemed to be a penny.

For every drove of calves hogs sheep or lambs the sum of fivepence per score and after that rate for any greater or lesser number and in calculating the amount payable the fraction of a penny shall be deemed to be a penny.

For every locomotive light locomotive or motor car in respect of every two tons or fractional part of two tons that such locomotive light locomotive or motor car shall weigh the sum of fourpence.

For every waggon wain cart carriage or trailer or other vehicle drawn or propelled by any locomotive light locomotive or motor car in respect of every wheel thereof the sum of fourpence.

For every motor cycle tricycle or quadricycle under one ton in weight the sum of two pence.

In respect of Stonehouse Bridge only.

For every foot passenger one halfpenny.

THE FOURTH SCHEDULE.**LIST OF PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.**

Parish.	Numbers on Deposited Plans.
Parish of Meavy -	- 1 2 3 4 5 6 7 8 10 11 17 19 20.
Parish of Sheepstor -	- 1 2 5 11 12 13 14a 15 16 21 26 26a 27 28 31 41 42 43 45 47 50 52 54 55 57.

Parish.	Numbers on Deposited Plans.																A.D. 1923.																																																																																																																																																																																																																																				
Parish of Walkhampton -	3	4	6	9	12	22	29	30	36	37	39	40	41	43	55	55a	56	63	64	67	68.																																																																																																																																																																																																																																
Parish of Plymouth -	1	2	3	4	5	6	7	8	9	10	12	13	14	15	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	132	133	134	135	136	137	138	139	140	141	142	143	148	149	150	151	152	155	156	157	157a	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	184	185	186	187	188	189	190	191	192	193	194	200	201	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	293	306	307	309	310	311	312	316	317	318	319	320	321	322	323	326	327	328	329	330	331	332	333	334	335	336	337	338	339	339a.	
Parish of Devonport -	1	2	3	4	5	6	7	9	10	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	91a	92	93	94	95	96	97	98	99	100	100a	102	102a	103	104	105	106	107	108	109	110	111	112	113	114	115.																																																																																																																																																						

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THE FIFTH SCHEDULE.

RETURN OF RENT OR ANNUAL VALUE AND OF OTHER
PARTICULARS TO BE RENDERED UNDER THE PLY-
MOUTH CORPORATION ACT 1923.

<p>1. Name of the street or road &c. in which the property is situate - Number of the house - - - - (If not numbered state the name by which known.)</p> <p>Whether occupied with or without stables or other premises as part of the same property - - -</p> <p>The quantity of land (if any) and how used - - - - -</p>	
<p>2. Full Christian name and surname of occupier - - - - -</p>	
<p>3. Name and address of owner or immediate lessor - - - - - (If not known state the name and address of the agent or person to whom the rent is paid.)</p>	
<p>4. Whether the property is occupied—</p> <p>(a) Wholly as a private residence - - - - - (a)</p> <p>or (b) Partly as a dwelling-house and partly for trade or business purposes - - - - (b)</p> <p>or (c) Solely for trade or business purposes with no person residing on the premises other than a caretaker - - (c)</p> <p>(Number of rooms set apart for the use of the caretaker (if any) and on which floor.)</p> <p>(d) Nature of the business (if any) - (d)</p>	
<p>5. If the occupation is in respect of part only of a house or premises state the extent and on which floor or floors - - - - -</p>	
<p>6. Amount of rent - - - - - £ per or If ground rent only is paid state its amount - - - - - £ per</p>	

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<p>7. Whether the property is held under lease or agreement for a period of years - - - - - or By the year quarter month or week - - - - -</p>	
<p>8. (a) Date of commencement of term of lease or agreement - - - (b) Term of years for which granted (c) Whether granted for any consideration in money in addition to the rent or upon any condition as to laying out money in building rebuilding or improvements - - - - - (If none insert "None.")</p>	<p>(a) (b) (c) Amount paid for lease £</p>
<p>9. If the occupier is the owner or has purchased the lease the full annual value should be stated <i>i.e.</i> the amount at which the property is worth to be let by the year the owner keeping it in repair - - - - -</p>	<p>} Annual Value £</p>
<p>10. (a) Amount of land tax (if any) - (b) Amount of tithe rentcharge or of any rate or assessment in lieu of tithes paid in the year 19 - (State in each case whether borne by the landlord or tenant.)</p>	<p>(a) £ . . . Borne by the (b) £ . . . Borne by the</p>
<p>11. Whether all usual tenant's rates and taxes are paid and borne by the occupier in addition to the rent - - - - -</p>	
<p>12. Whether the landlord or the tenant undertakes to bear the cost of repairs insurance and other expenses necessary to maintain the property - - - - - (If each undertakes to bear part only of the cost of repairs state the particulars.)</p>	

DECLARATION.

I declare that the foregoing particulars are in every respect fully and truly stated to the best of my judgment and belief.

A.D. 1923.

THE SIXTH SCHEDULE.

AGREEMENT BETWEEN TRUSTEES OF DEVON AND CORN-
WALL SANATORIUM FOR CONSUMPTIVES AND THE
CORPORATION.

AN AGREEMENT made the thirteenth day of December one thousand nine hundred and twenty-two between JOHN CHARLES WILLIAMS of Caerhayes Castle in the county of Cornwall Esquire THE RIGHT HONOURABLE HUGH FOURTH EARL FORTESCUE of Castle Hill in the county of Devon the RIGHT HONOURABLE PIERS ALEXANDER HAMILTON FIFTH EARL OF MOUNT EDGCUMBE of Mount Edgcumbe in the said county of Cornwall THE RIGHT HONOURABLE FRANCIS BINGHAM FIRST BARON MILD MAY of Flete Ivybridge in the said county of Devon one of His Majesty's Privy Councillors and JOHN COSMO STUART RASHLEIGH of Throwleigh Okehampton in the said county of Devon Physician (hereinafter called "the Trustees") of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF PLYMOUTH acting by the council as the sanitary authority for the said borough (hereinafter called "the Corporation") of the other part.

WHEREAS the Trustees are the present trustees of an indenture (hereinafter called "the principal indenture") dated the twelfth day of December one thousand nine hundred and two and made between the Right Honourable William Henry Earl of Mount Edgcumbe (since deceased) the Honourable Mark George Kerr Rolle (since deceased) the said John Charles Williams Robert Hogarth Clay (since deceased) and Charles Albert Hingston (since deceased) of the one part and Thomas Bulteel (since deceased) Frank George Bushnell the said Robert Hogarth Clay (since deceased) William Edward Manderson Corbett Elgar Down Sydney Carlile Davis Lewis Charles Foster Charles King Edgar May Leest Richard Edwin Paige Nathaniel Vickers (since deceased) William Peter Vosper (since deceased) James Yonge Woollcombe Walter Ley Woollcombe (since deceased) John Walling (since deceased) and Harry Cecil Wills of the other part.

And whereas the mansion house known as Didworthy and divers hereditaments situate in the parish of South Brent in the county of Devon are now vested in the Trustees upon the trusts and with and subject to the powers and provisions applicable thereto respectively by virtue of the principal indenture or otherwise :

And whereas under and by virtue of the principal indenture the said mansion house and hereditaments are now used occupied and enjoyed as and for a sanatorium (known as the Devon and Cornwall Sanatorium for Consumptives) for the open air treatment of consumptives under and subject to the rules and regulations of the said sanatorium now in force :

And whereas the Corporation under and by virtue of the powers conferred upon them by the Public Health Acts are empowered to provide manage and maintain a sanatorium or other institution for the treatment of consumptives :

And whereas the Corporation for some time past have by agreement with the committee of management of the said sanatorium sent persons suffering from consumption to the said sanatorium for open air treatment :

And whereas the Corporation are desirous of making further provision for the treatment of consumptives and to obtain the exclusive use of the said sanatorium :

And whereas the Trustees were on the twenty-first day of November one thousand nine hundred and twenty-two by a resolution of the committee of management of the said sanatorium passed in accordance with the regulations thereof then in force authorised to grant to the Corporation for the purposes aforesaid a transfer of such sanatorium upon the terms hereinafter appearing :

And whereas the Trustees are accordingly desirous of being discharged from the said trust and for the purpose of vesting the said freehold hereditaments in the Corporation have agreed to grant convey and assign the same upon the terms hereinafter appearing Now it is hereby mutually agreed as follows :—

1. The Trustees as trustees shall grant and convey unto the Corporation all those said hereditaments described in the First Schedule hereto to the Corporation and their successors in fee simple in trust for the general purposes of the principal indenture.

2. The Corporation and their successors shall hold all the said hereditaments in trust for the general purposes of the principal indenture and to use and permit the same to be used as and for a sanatorium for the open air treatment of consumptives in accordance with the regulations thereof for the time being in force.

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3. The Corporation shall allocate twenty-one beds in the said sanatorium for the treatment of patients from the administrative areas of the counties of Devon and Cornwall.

4. The Corporation shall out of the said number of twenty-one beds allocated as aforesaid and subject to the limitations hereinafter mentioned maintain or cause to be maintained in the said sanatorium three beds for the treatment of patients from such administrative areas who are suffering from consumption and will at their own proper cost charge and expense provide such patients with proper accommodation medical nursing and other attendance medicines and food for such length of time as may be necessary without payment.

5. The Corporation shall not be bound to receive into the sanatorium and provide free treatment for any such patient from such areas unless he or she shall satisfy a selection committee appointed as hereinafter mentioned that he or she is unable to pay for treatment in a private institution and is certified by the resident medical officer of the sanatorium to be in such a state of consumption as to afford reasonable expectation of permanent improvement or cure.

6. The Corporation shall not be bound to keep under free treatment at the said sanatorium on any one day more than three patients from such administrative areas.

7. The selection committee shall consist of five persons who shall be appointed as follows that is to say two by the Lord Lieutenant for the county of Devon and three by the Lord Lieutenant for the county of Cornwall.

8. The members of the selection committee shall be co-opted by the Plymouth Council as members of a special tuberculosis sub-committee of the public health committee of the council for the purpose of assisting in the management and administration of the said sanatorium.

9. That William Barclay Livermore the present medical superintendent of the sanatorium shall be continued in his present office at a salary of five hundred pounds per annum until the first day of January nineteen hundred and twenty-four after which he shall retire from the post of medical superintendent of the sanatorium and be appointed consulting medical officer thereof at a salary of two hundred pounds per annum during his life.

10. That Mary Hilson the present matron of the sanatorium shall be continued in her present office at a salary of one hundred and fifty pounds per annum until the first day of January nineteen hundred and twenty-four after which she shall retire from the post of matron of the sanatorium and be appointed consulting matron at a salary of one hundred pounds per annum during her life.

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11. That Sydney Carlile Davis the present secretary of the sanatorium shall be for a period of twelve years from the date of completion secretary to the said special tuberculosis sub-committee at a salary of not less than two hundred and fifty pounds per annum and thereafter he shall be continued as secretary of such special tuberculosis sub-committee at such salary and upon such terms as may be agreed.

12. The Corporation shall within seven days of obtaining the statutory powers referred to in clause 16 give notice in writing to the solicitor to the Trustees and the said solicitor shall deliver to the town clerk of the said borough an abstract of title to the said property which shall commence with an indenture of conveyance dated the tenth day of September nineteen hundred and two and made between Jenny Adkins of the first part Frank Crisp and Harry Wakelyn of the second part and the said Rt. Hon. William Henry Fourth Earl of Mount Edgcumbe John Charles Williams Robert Hogarth Clay and Charles Albert Hingston of the third part The Corporation shall not be entitled to call for any earlier title or make any requisition or objection to the title of the Trustees.

13. The completion of the transfer shall take place at the office of the said solicitor upon the expiration of ten weeks from the day upon which the Royal Assent shall be given to the Act of Parliament authorising such transfer and all title deeds in the possession of the Trustees shall thereupon be handed over to the Corporation.

14. The Trustees shall on completion transfer to the Corporation all the book debts furniture fittings fixtures stock investments and other assets belonging to the sanatorium and the Corporation shall accept the transfer of such assets and of the hereditaments mentioned in the First Schedule hereto subject to the incumbrance mentioned in the Second Schedule hereto whereon the aggregate principal sum of three thousand pounds is now owing and subject also to all the debts and liabilities of the said sanatorium at the date of such transfer.

15. The costs of the solicitor to the Trustees and committee of management of the institution in negotiating the transfer of the sanatorium in obtaining any necessary consents and completing the transaction shall be one hundred and five pounds and out of pocket expenses to be paid by the Corporation on completion.

16. This agreement is subject to the approval of Parliament and to such alterations as may be made by Parliament therein and shall be scheduled to a Bill to be promoted by the Corporation in the next ensuing session of Parliament but in the event of either House of Parliament making any material alteration in this agreement it shall be competent to either party on giving notice to the other of them before the Bill is read the third time

A.D. 1923. in the second House to withdraw from this agreement and in that case or in the event of the intended Bill failing to become law this agreement shall be void and of no effect.

In witness whereof the parties hereto have hereunto caused their respective common seals to be affixed the day and year first before written.

The FIRST SCHEDULE above referred to.

First all that mansion house with the gardens buildings lands and hereditaments belonging thereto or occupied and held therewith known as Didworthy comprising all that tenement called Hickeyswell situate in the parish of South Brent in the county of Devon with the several closes pieces or parcels of land thereunto belonging containing together eleven acres three roods and thirty perches more or less now occupied mainly as the administrative block of the said sanatorium and also all that tenement part of Didworthy situate in the parish of South Brent aforesaid with the messuage and buildings with the appurtenances thereon and the several closes pieces or parcels of land thereunto belonging containing together fifty acres thirty-four perches more or less for some time past occupied as a sanatorium together with a specific right of stocking Brent Moor with sheep and bullocks to the full extent which can be kept and grazed on the said estates called Hickeyswell and Didworthy and also that field or close of land called Didworthy meadow situate in the said parish of South Brent which said field or close of land was formerly part of an estate called Merryfield and contains by admeasurement four acres two roods and twenty-five perches more or less together with the messuage or tenement blocks of buildings and pavilions erected and built thereon for the purposes of a sanatorium all which said mansion house messuage or dwelling-house buildings lands and hereditaments hereinbefore first described are more particularly delineated in the plan hereunto annexed and therein coloured pink.

Secondly all that piece of land situate in the parish of South Brent in the county of Devon bounded on the north-west by the road from Didworthy Bridge to Yelland on the north-east by a wall or fence the property of the Misses Carew and on the south-west and south-east by other part of the yard of the farm part of Didworthy estate and the outbuildings and garden other part of the Didworthy estate which said piece of land hereinbefore secondly described is delineated in the said plan hereunto annexed and therein coloured orange.

Thirdly all such supply of water from Yelland Farm in the parish of South Brent as the Trustees or the owner or owners for the time being of the said Didworthy estate are entitled to under

an indenture dated the twenty-seventh day of November one thousand eight hundred and ninety-nine and made between Elizabeth Ann Carew and Beatrix Carew of the one part and Thomas Henry Adkins of the other part and the full benefit of such indenture and all the right title and interest of the Trustees in the pipes tanks and other works in such indenture referred to. A.D. 1923.

The SECOND SCHEDULE above referred to.

Two thousand pounds secured by mortgage dated the ninth day of March one thousand nine hundred and four and made between the Trustees of the Devon and Cornwall Sanatorium of the one part and Robert Bayly of Plymouth gentleman of the other part Transferred by indenture of the eighth day of February one thousand nine hundred and nine to Henry John Snell Plymouth aforesaid architect with interest.

One thousand pounds secured by an indenture of further charge dated the fifteenth day of April nineteen hundred and fourteen and made between the Trustees of the Devon and Cornwall Sanatorium of the one part and the said Henry John Snell of the other part with interest.

Signed by the said John Charles Williams in the presence of } J. C. WILLIAMS.

WALTER WILLS
Caerhayes Castle
Gorran Cwl
Butler.

Signed by the said Right Honourable Hugh Earl Fortescue in the presence of } FORTESCUE.

MARY E. BRIDGEMAN
37 Lexham Gardens W.
Widow.

Signed by the said Right Honourable Piers Alexander Hamilton Earl of Mount Edgcumbe in the presence of } MOUNT EDGCUMBE.

JOSEPH INGRAM
Mount Edgcumbe
Plymouth
Butler.

[Ch. lxxviii.]

*Plymouth
Corporation Act, 1923.*

[13 & 14 GEO. 5.]

A.D. 1923.

Signed by the said Right Honourable Francis Bingham Baron Mildmay of Flete in the presence of

MILDMAY OF FLETE.

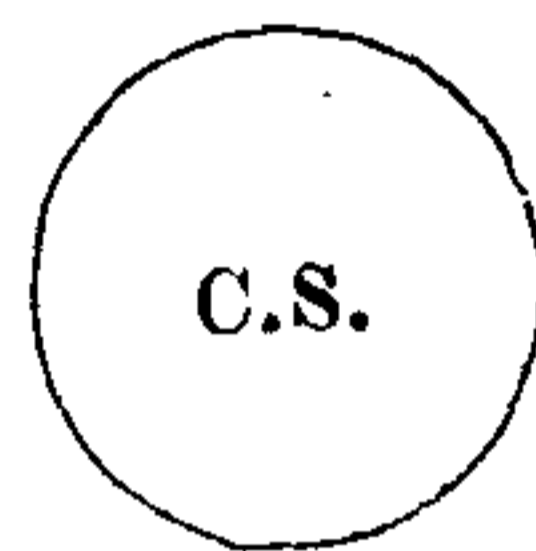
JOSEPH D. BROWN
46 Berkeley Square
London W.
Valet.

Signed by the said John Cosmo Stuart Rashleigh in the presence of

JOHN C. S. RASHLEIGH.

G. E. WILLIAMS
Throwleigh
Okehampton
Parlourmaid Spinster.

The corporate common seal was hereunto affixed in the presence of



SOLOMON STEPHENS Mayor.

R. J. FITTALL Town Clerk.

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FOR

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