



CHAPTER cxix.

An Act for confirming the Agreement between Lord Haldon and the Local Board of Health for the District of Torquay for the sale of the Harbour Undertaking to authorise the creation of Local Board Stock and for other purposes.

A.D. 1886.

[25th June 1886.]

WHEREAS by an Act of the 43rd year of King George the Third intituled "An Act for repairing enlarging and improving the pier and quay within the port or harbour of Torquay in the county of Devon" (herein-after called "the Act of 1803") Sir Lawrence Palk then of Haldon House in the said county Baronet since deceased his heirs and assigns were authorised to repair or enlarge and rebuild the then pier or quay at Torquay or to build new piers or quays within the part therein described of the harbour of Torquay and herein-after called the old harbour on his or their lands there as he or they should think fit and to demand and take for all ships boats and other vessels thenceforth coming into or otherwise using the old harbour or lying at anchor within the same and for all goods wares merchandise and other things landed or shipped within or from the old harbour and for passengers in every such ship or other vessels rates duties and tolls not exceeding those specified in the schedule thereunto annexed.

43 Geo. 3.  
c. lxxxviii.

And whereas by the Torquay Harbour Order 1864 (confirmed by the Pier and Harbour Orders Confirmation Act 1864) the late Sir Lawrence Palk then of Haldon House in the said county Baronet (afterwards Baron Haldon in the peerage of the United Kingdom of Great Britain and Ireland) and other the person or persons from time to time entitled to the lands and works to which the said Order related were constituted the harbour authority for the purposes of the said Order and were authorised to make and maintain additional piers wharves and other works within the limits in that behalf of the said Order and to levy and recover rates tolls and duties with the other powers privileges and authorities and subject to the terms and conditions in the said Order contained.

27 & 28 Vict.  
c. 93.



[Ch. cxix.] *Torquay Harbour and District Act*, [49 & 50 VICT.]  
1886.

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31 & 32 Vict.  
c. 47.

And whereas by the Torquay Harbour Order 1868 (confirmed by the Pier and Harbour Orders Confirmation Act 1868 No. 2) the Torquay Harbour Order 1864 was amended and divers provisions thereof were repealed.

And whereas the old harbour and the lands heretofore of Sir Lawrence Palk deceased within the limits thereof and the works made by him there under the powers conferred on him by the Act of 1803 and also the lands and the piers wharves and other works to which the aforesaid Orders relate and the rates duties and tolls thereby granted and the other lands hereditaments and property comprised or referred to in the agreement of the 6th of February 1885 herein-after mentioned and in the schedule thereto became and were at the date of the said agreement subject as part of the family estates of the Right Honourable Lawrence Hesketh second and present Baron Haldon and herein-after called Lord Haldon to the limitations and powers of an indenture of settlement (herein-after called the settlement of 1868) dated the 28th of September 1868 and made between Sir Lawrence Palk Baronet (afterwards created Baron Haldon and now deceased) of the first part Lord Haldon then Lawrence Hesketh Palk Esquire of the second part and Sir Thomas George Fermor Hesketh Baronet and William Wrey Hartopp of the third part under which limitations and powers Lord Haldon was at the date of the said agreement of the 6th of February 1885 and now is the tenant for life of the said family estates in possession and without impeachment of waste and was and is the person whose request or consent is required for sales of the settled estates by the trustees of the said settlement under the power of sale and exchange therein contained.

And whereas by an agreement under seal dated the 6th of February 1885 and made between Lord Haldon of the one part and the Local Board of Health for the district of Torquay (herein-after called the Board) of the other part Lord Haldon and the Board contracted with each other for the sale to and purchase by the Board for the sum of seventy-five thousand pounds and upon the terms and conditions therein expressed and contained of the undertaking of the harbour of Torquay and all other the lands hereditaments rights and property which are described or enumerated in the schedule to the said agreement (herein-after collectively referred to as the harbour undertaking) but such contract was and is conditional upon the same receiving the approval of the owners and ratepayers of the urban district of Torquay and upon the sanction of Parliament being obtained thereto as mentioned in the said agreement.

And whereas the said agreement of the 6th of February 1885 with the schedule thereto is set forth in the First Schedule to this

Act and the same is herein-after referred to as the scheduled agreement. A.D. 1886.

And whereas the scheduled agreement was entered into by Lord Haldon on behalf of himself and of the then trustees of the said family settlement of 1868.

And whereas by Lord Haldon's Estate Act 1885 in the preamble of which Act the conditional contract entered into by the scheduled agreement is noticed the then trustees of the said settlement of 1868 that is to say the trustees in whom the power of sale and exchange under the settlement of 1868 was vested were discharged from the trusteeship thereof and Sir Thomas George Fermor Hesketh Baronet and the Right Honourable William Henry Earl Poulett were appointed trustees thereof in their place and by the same Act it was enacted (in section 5 thereof) that the powers conferred by the said Act might be exercised by the said Sir Thomas George Fermor Hesketh and Earl Poulett or the survivor of them or the executors or administrators of such survivor or other the trustees or trustee for the time being of the powers of sale and exchange contained in the settlement of 1868 all of which persons are therein-after in the said Act included in the expression "the trustees" and by the same Act (in section 8 thereof) the powers of Lord Haldon under the Settled Land Act 1882 as tenant for life of the said settled estates of selling enfranchising exchanging or partitioning the said settled estates were transferred to or made capable of being exercised by the trustees during the life of the said Lord Haldon but the said Act of 1885 does not affect the powers of sale and exchange in the settlement of 1868 nor the right or power of Lord Haldon to request or consent to sales or exchanges thereunder.

And whereas the said Sir Thomas Hesketh and Earl Poulett as the present trustees of the power of sale and exchange in the settlement of 1868 are willing if the Board be empowered to purchase the harbour undertaking to carry the sale thereof to the Board into effect at the request of Lord Haldon and upon the terms and conditions of the scheduled agreement.

And whereas the acquisition by the Board of the said harbour lands hereditaments rights and property upon the terms and conditions set forth in the scheduled agreement will be of local and public advantage and it is expedient that the scheduled agreement be confirmed.

And whereas it is expedient that the Board be empowered to construct a town hall on a more convenient position and to dispose of the existing building and site and also to repair and improve the harbour undertaking.



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And whereas estimates have been prepared by the Board for the purchase of land and for the execution of the various works covenanted to be executed by the Board under the scheduled agreement and authorised by this Act and such estimates in addition to the aforesaid consideration money of seventy-five thousand pounds are as follows :—

	£
For works mentioned in the Second Schedule hereto	- 3,000
For works mentioned in the Third Schedule hereto	- 2,000
For site and construction of the town hall and offices	- 9,000
For the furnishing of the same	- 1,000

And whereas the harbour undertaking and the several works included in these estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875.

And whereas it is expedient that the Board be authorised to borrow the sum of ninety-five thousand pounds for the purpose of completing the purchase of the harbour undertaking in pursuance of the scheduled agreement and carrying out the aforesaid works.

And whereas the Board under their former name of the Local Board of Health for the district of Tormoham and their predecessors the Tormoham Improvement Commissioners have in the exercise of their statutory powers from time to time borrowed various sums of money and on the 25th day of March 1886 the Board owed on account of these moneys the several sums mentioned in the Sixth Schedule to this Act annexed and amounting in the whole to the sum of two hundred and eighteen thousand nine hundred and forty-four pounds three shillings and fourpence.

And whereas these sums are now respectively secured in different modes with different priorities at different rates of interest and subject to different conditions as to time of repayment and otherwise.

And whereas it is expedient that the Board be empowered to consolidate and convert their existing loans and to exercise their statutory borrowing powers for the time being by the creation and issue of local board stock.

And whereas it is expedient that further powers be conferred upon the Board relative to public health and local government as herein-after provided.

And whereas an absolute majority of the whole number of the Board at a meeting held on the 20th day of February 1885 after ten clear days notice by public advertisement of such meeting and of the purposes thereof in the "Torquay Times" being a local newspaper published and circulating in the district (such notice being

in addition to the ordinary notices required for summoning such meetings) resolved that the expenses in relation to promoting the Bill for this Act should be charged upon the funds and rates under the control of the Board. A.D. 1886.

And whereas this resolution was published twice in the "Torquay Directory" being also a local newspaper published and circulating in the district and has received the approval of the Local Government Board.

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the Board at a further special meeting held in pursuance of a similar notice on the 5th day of February 1886 being not less than fourteen days after the deposit of the Bill in Parliament.

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

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

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

#### PART I.—PRELIMINARY.

1. This Act may be cited as the Torquay Harbour and District Act 1886. Short title.

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

Part I. Preliminary.

Part II. Sale and Vesting of Harbour Undertaking.

Part III. Town Hall.

Part IV. Public Health and Local Government.

Part V. Financial.

Part VI. Stock.

Part VII. Miscellaneous.

Division of Act into parts.

3. In this Act unless there be something in the subject or context repugnant to such construction the several words and expressions following have the following respective meanings that is to say— Interpretation of terms.

"The district" means the urban sanitary district of Torquay;

"The Board" means the local board of health for the district;



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- “Superior courts” or “court of competent jurisdiction” or any like expression in this Act shall be read as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute;
- “Harbour undertaking” means the harbour lands hereditaments rights and property transferred under the provisions of this Act and the scheduled agreement;
- “Harbour” means such part of the harbour undertaking as is shown on the plan No. 1 referred to in the said agreement;
- “Street” means street as interpreted by the Public Health Act 1875;
- “Statutory declaration” means declaration under the Statutory Declarations Act 1835;
- “Board surveyor” means the surveyor for the time being of the Board or his duly appointed agent or substitute;
- “Daily penalty” means a penalty to accrue for each day any offence shall continue after conviction thereof;
- “Person” includes corporation;
- “The Public Health Acts” means the Public Health Act 1875 and any statutory modification or amendment thereof for the time being in force.

Limits of Act.

4. This Act except where otherwise expressly provided shall apply exclusively to the district.

Execution of Act.

5. This Act shall be executed by the Board with the powers duties and indemnities conferred and imposed by and according to the provisions of the Public Health Acts and those Acts shall in relation to the Board and the several objects and purposes of this Act be read and construed as if the purposes and provisions of this Act were purposes and provisions of those Acts so far as the same shall be applicable thereto and except so far as any provisions of those Acts are expressly varied or otherwise provided for by this Act.

Board may appoint harbour committee.

6. For the more conveniently carrying this Act and the several powers thereof into execution it shall be lawful for the Board and they are hereby empowered to appoint out of their own body from time to time a committee to be called “the harbour committee” of such number of persons as the Board shall think fit to manage transact and carry into effect all or any of the matters and purposes which the Board are hereby directed or authorised expressly or by reference to do execute or to perform in respect to the harbour undertaking and to fix the quorum of such committee which

committee shall have such discretion and so many of the powers and authorities by this Act given to or reposed in the Board as the Board shall think proper to delegate to such committee Provided that the harbour committee shall in no case be authorised to borrow any money to make any rate or to enter into any contract and shall be subject to any regulations and restrictions which may be imposed by the Board.

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PART II.—THE SALE AND VESTING OF THE HARBOUR UNDERTAKING.

7. The Board are hereby authorised to purchase the harbour undertaking comprised in the scheduled agreement upon the terms of the said agreement which are hereby made binding upon the Board and shall be evidenced by a deed of conveyance duly stamped with ad valorem duty in respect of the consideration for the sale and purchase within three months after the passing of this Act the Board shall produce such deed to the Commissioners of Inland Revenue duly stamped as aforesaid and if not so produced the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of the deed shall be recoverable from the Board with full costs of suit and all costs and charges attending the same.

Scheduled agreement confirmed.

8. From and after the execution by the necessary conveying or assuring parties of the conveyance or assurance by which the aforesaid sale shall be carried into effect and subject to the due payment of the purchase money all the rights powers authorities and privileges in respect of the harbour given to the said Sir Lawrence Palk his heirs and assigns by the Act of 1803 which are still subsisting or capable of taking effect shall be by virtue of this Act transferred to and vested in the Board and the said Order of 1864 save sections 11 12 and 13 and the said Order of 1868 shall be read and have effect as if the Board were therein named as the harbour authority and as if in clause 3 of the Order of 1864 sections 14 and 15 of the Harbours Docks and Piers Clauses Act 1847 were not excluded from incorporation.

Application of Act of 1803 and Orders of 1864 and 1868 to Board.

9. The Board may in execution of the scheduled agreement lay out construct and improve such streets in or abutting upon the lands acquired under the said agreement as they may deem fit and may charge the expenses of those not immediately connected with the harbour to the general district fund or general district rates or to any other fund or source of revenue under the control of the Board except that arising from the harbour or shipping.

Power to make new streets.



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Application  
of revenue of  
the harbour  
undertaking.

**10.** Subject to the provisions of this Act the Board shall apply all tolls rates charges and sums of money received by and in respect of the harbour except borrowed money and other receipts on capital account as follows that is to say :

- (1.) In payment of their costs charges and expenses of and incidental to the collection and recovery of the said tolls rates charges or other moneys and of the borrowing of money under this Act ;
- (2.) In payment of the expenses of conducting managing maintaining improving and otherwise carrying on the harbour and the streets immediately connected therewith in pursuance of the scheduled agreement ;
- (3.) In payment of interest upon moneys not exceeding eighty-five thousand pounds borrowed by them under the provisions of this Act ;
- (4.) In providing the instalments and appropriations and setting apart the sinking fund required by this Act or otherwise making provision for the repayment of moneys borrowed under this Act :

And any balance remaining after the purposes aforesaid are effected shall be applied to the harbour and not otherwise.

Separate  
accounts.

**11.** The Board shall keep separate accounts of expenditure on capital and revenue account under this Act and in such accounts shall distinguish between the receipts and expenditure relating to the harbour and the obtaining of this Act and the receipts and expenditure arising from or incurred by reason of the other purposes of this Act and the provisions of the Public Health Act 1875 relating to the audit of accounts shall apply to and be observed with respect to all the accounts kept under the provisions of this Act.

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### PART III.—TOWN HALL.

Power to  
erect new  
town hall.

**12.** The Board may purchase by agreement lands to an extent not exceeding one acre for the purpose of erecting thereon a new town hall with requisite offices and conveniences and may construct and furnish the said town hall at an expense not exceeding ten thousand pounds and may sell and dispose of the existing town hall and site the purchase money received therefor being applied toward the extinguishment of any loans raised by the Board under the powers of this or any previous enactment.



**13.** The Board shall not under the powers of this Act without the consent of the Local Government Board purchase or acquire in any city borough or other urban sanitary district or in any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

A.D. 1886.  
Restriction  
on taking  
houses of  
labouring  
classes.

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PART IV.—PUBLIC HEALTH AND LOCAL GOVERNMENT.

**14.** "Infectious disease" means and includes small-pox cholera typhus typhoid scarlet relapsing continued and puerperal fever scarlatina and diphtheria and such other disease as the Board under the provisions and for the purposes of this Act may from time to time declare to be infectious.

Infectious  
diseases.

**15.** In order to secure that due notice be given to the Board of any inmate of any building used for human habitation who is suffering from any infectious disease the following provisions shall take effect (that is to say):

Notice to be  
given of  
persons  
suffering  
from  
infectious  
diseases.

- (1.) If any such inmate be suffering from any infectious disease the occupier or the person having the charge management or control of such building (or if such occupier or person be prevented by reason of such disease then the person in charge of such inmate) shall so soon as he shall become aware of the existence in any such inmate of any such disease forthwith give notice thereof to the medical officer of health at his office;
- (2.) If such inmate be not a member of the family of such occupier or person the head of the family (resident in such building) to which such inmate belongs or if there be no such head or if such head be prevented by illness then such inmate (unless prevented by reason of such disease or of youth) shall on becoming aware of the existence in such inmate or in his own person as the case may be of such disease forthwith give notice thereof to such occupier or person;

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- (3.) The Board shall provide and supply gratuitously to every legally qualified medical practitioner resident or practising in the district who shall apply for the same forms for the certificate or declaration to be made by such medical practitioner of the particulars herein-after mentioned in relation to such cases according to the form set forth in the Fourth Schedule to this Act ;
- (4.) Every medical practitioner attending on or called in to visit such inmate shall on becoming aware that such inmate is suffering from any infectious disease forthwith fill up sign and deliver or send to the medical officer of health at his office a certificate or declaration stating according to the form so prescribed the name of such inmate the situation of such building the name of such occupier or person and the nature of the infectious disease from which in the opinion of such medical practitioner such inmate is suffering ;
- (5.) The Board shall pay to every legally qualified medical practitioner who shall in pursuance of this section duly make and give any such certificate or declaration a fee of two shillings and sixpence for each such certificate or declaration in respect of cases occurring in his private practice and a fee of one shilling for each such certificate or declaration in respect of cases occurring in his practice as a medical officer to any public body or institution ;
- (6.) And any person who shall wilfully offend against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Other diseases may be declared to be within the foregoing provisions.

**16.** The Board may from time to time by resolution on the report of the medical officer of health and approved by the Local Government Board order that any infectious disease other than those specially mentioned in this Act shall be deemed to be an infectious disease within and subject to the provisions of this Act :

- (1.) Any such order of the Board may be permanent or temporary only and if temporary the period during which it is to continue in force shall be specified therein and the Board shall give public notice of the order by publishing the same by advertisement in two of the local newspapers circulating in the district and after such public notice has been given the provisions of this Act shall so long as the order continues in force apply to the disease specified therein in like manner in all respects as if the disease were an infectious disease specifically mentioned in this Act ;



(2.) The production of the newspapers containing a copy of the resolution shall be conclusive evidence that public notice of the order has been so given; A.D. 1886.

(3.) The Board shall immediately after any such order shall have been made send a copy thereof to each legally qualified medical practitioner residing in the district but the omission to send any such copy shall not affect the validity of such order.

17. Whenever it shall be certified to the Board by the medical officer of health or other legally qualified medical practitioner that the outbreak or spread of infectious disease is in the opinion of such medical officer of health or medical practitioner attributable to the milk supplied by any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop the Board may require such cowkeeper purveyor of milk or occupier to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within the district and such cowkeeper purveyor of milk or occupier shall furnish such list accordingly and the Board shall pay to him for every such list after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed two shillings and every person who shall wilfully or knowingly offend against this enactment shall for each such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every day during which the offence is continued.

Cowkeepers and others to furnish lists of customers in certain cases.

18. In case the medical officer of health of the district shall have reasonable cause to believe that any person in the district is suffering from disease attributable to milk supplied from any farmhouse dairy cowshed milkshop or place situate beyond the district boundary or that the consumption of milk from such farmhouse dairy cowshed milkshop or place is likely to cause disease to any person residing in the district such medical officer shall have power to inspect such farmhouse dairy cowshed milkshop or place and if on such inspection he shall be of opinion that disease is caused or is likely to arise from consumption of the milk supplied therefrom he shall report thereon to the Board who may thereupon give notice to the occupier of such farmhouse dairy cowshed milkshop or place not to supply any milk therefrom within the district until such notice has been withdrawn by the Board and the Board shall forthwith give notice of the facts to the sanitary authority of the district and also to the local authority of the district acting in execution of the Contagious Diseases (Animals) Act 1878 in which such farmhouse dairy cowshed milkshop or place is situate in order that

Medical officer may inspect dairies, &c., beyond district in certain cases.



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such further measures may be adopted in relation thereto as may be considered proper and as may be within the provinces of such authorities respectively Any person refusing to permit the medical officer of the district to inspect any such farmhouse dairy cowshed milkshop or place or after any such notice by the Board has been given supplying any milk therefrom within the district or selling it for consumption therein until such notice has been withdrawn shall be deemed guilty of an offence against this Act and shall on summary conviction be liable to a penalty not exceeding forty shillings for such offence and to a further penalty of forty shillings during every day such offence shall continue Provided always that this enactment shall not apply to any cowkeeper or milk dealer residing in any place which may now or hereafter be within the area of the jurisdiction of any municipal corporation acting under the powers of the Municipal Corporations Act 1882 Provided also that proceedings for the recovery of any penalty under this enactment shall be taken before the justices of the peace having jurisdiction in the place where the said farmhouse dairy cowshed milkshop or place is situate.

Further powers in relation to disinfection of premises.

**19.** Where the Board are of opinion on the certificate of their medical officer of health or of any other legally qualified medical practitioner that the cleansing and disinfecting of any house or part thereof and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Board than by the owner or occupier of such house or part thereof the Board without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost cleanse and disinfect such house or part thereof and articles and may for that purpose remove any such articles and shall make compensation to such owners or occupiers for all property or articles destroyed or injured by the exercise of the provisions of this section And any person who shall obstruct any duly authorised officer of the Board in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which the obstruction continues.

Penalty on persons ceasing to occupy houses without previous

**20.** Every person who shall cease to occupy any house room or part of a house in which any person has within six weeks previously been suffering from any infectious disease without having such house room or part of a house and all articles therein liable to retain infection disinfected to the satisfaction of a legally qualified medical



practitioner as testified by a certificate signed by him or without first giving to the owner of such house room or part of a house notice of the previous existence of such disease and every person ceasing to occupy any house room or part of a house and who on being questioned by the owner thereof or by any person negotiating for the hire of such house room or part of a house as to the fact of there having within six weeks previously been therein any person suffering from any infectious disease knowingly makes a false answer to such question shall be liable to a penalty not exceeding ten pounds.

A.D. 1886.  
disinfection  
or giving  
notice to  
owner or  
making false  
answers.

**21.** No person shall without the sanction in writing of the registered medical officer the medical officer of health or of a legally qualified medical practitioner retain unburied elsewhere than in a mortuary for more than forty-eight hours the dead body of any person who has died of any infectious disease and any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

Prohibiting  
the retention  
of dead  
bodies in  
certain cases.

**22.** If any person shall die from any infectious disease in any hospital or place of temporary accommodation provided by the Board and the medical officer of health certifies that in his opinion it is desirable in order to prevent risk of communicating any infectious disease or spreading infection that the dead body shall not be removed from such hospital or place except for the purpose of being forthwith buried it shall not be lawful for any person or persons to remove such dead body from such hospital or place except for the last mentioned purpose and when the dead body is taken out of such hospital or place for that purpose it shall be forthwith carried or taken directly to some cemetery or place of burial and shall be forthwith there buried and any person wilfully offending against this section shall be liable to a penalty not exceeding fifty pounds.

Bodies of  
persons  
dying in  
hospital &c.  
of infectious  
diseases to be  
removed only  
for burial.

**23.** Where the dead body of any person who has died of any infectious disease remains unburied elsewhere than in a mortuary for more than forty-eight hours after death without the sanction of the medical officer of health or of a legally qualified medical practitioner or is retained in a room in which persons live or sleep or where the dead body of any person is retained in any house or building so as to endanger the health of the inmates of such house or building or of any adjoining or neighbouring house or building and there shall be a certificate thereof signed by a legally qualified medical practitioner any justice may order the body to be removed at the cost of

Justices may  
in certain  
cases order  
dead bodies  
to be buried.



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the Board to any mortuary provided by the Board and direct the same to be buried within a time to be limited in the order or may in the case of the body of a person who has died of any infectious disease or in any case in which he shall consider immediate burial necessary direct such body to be so buried without requiring the same to be removed to a mortuary and unless the friends or relatives of the deceased undertake to bury and do bury the body within the time limited by such order it shall be the duty of the relieving officer to bury such body at the expense of the poor rate but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial Any person obstructing the execution of an order made by a justice under this section shall be liable to a penalty not exceeding five pounds.

Corpses not  
to be carried  
in public  
conveyances.

**24.** Any person who hires or uses a public conveyance other than a hearse for the conveyance of the corpse of a person who has died from any infectious disease without previously notifying to the owner or driver of such public conveyance that the person whose corpse is or is intended to be so conveyed has died from infectious disease and any owner or driver of a public conveyance other than a hearse which has been used for conveying the corpse of a person who has died from infectious disease who shall not immediately afterwards provide for the disinfection of such conveyance shall be liable to a penalty not exceeding five pounds.

Temporary  
shelter &c.

**25.** The Board shall from time to time provide temporary shelter or house accommodation for the members of any family in which any infectious disease has appeared and who have been compelled to leave their dwellings for the purpose of enabling such dwellings to be disinfected and they may also provide or contract with any person or persons to provide nurses for attendance upon persons suffering from any infectious disease within the district or upon children who may have been compelled to leave their dwellings as aforesaid and shall be enabled to charge a reasonable sum for the service of any nurse provided by them.

*New Buildings, Streets, &c.*

Definition of  
new build-  
ings.

**26.** From and after the passing of this Act—

The erection of any building ;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the framework of the ground floor storey thereof ;



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The conversion into a dwelling-house of any building not originally constructed for human habitation ;

The reconversion into a dwelling-house of any building which has been discontinued as and appropriated for any purpose other than that of a dwelling-house ;

The conversion into two or more dwelling-houses of any building constructed originally as one dwelling-house ;

The conversion into one dwelling-house of two or more buildings constructed originally as separate dwelling-houses ;

The making of any addition to an existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only ; and

The roofing or covering over of an open space between walls or buildings ;

shall for all the purposes of this part of this Act and of any byelaw made thereunder be deemed to be the erection of a "new building."

There shall be exempted from so much of the provisions of this Act as relates to buildings and structures—

(a.) Every building structure or work vested in or in the occupation of Her Majesty Her heirs and successors either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

(b.) Every building (not being a dwelling-house) structure or work in the possession of and used or intended to be used for the purpose of any railway company under the provisions of any Act of Parliament.

**27.** Every existing building and every new building used or intended to be used as a place of public amusement or entertainment or for the meeting of one hundred or a larger number of persons for any purposes whatsoever shall be provided with ample and convenient means of ingress and egress and with adequate means of ventilation respectively to the satisfaction of the Board Every owner and occupier or person having the control of any such building as aforesaid who knowingly permits the same to be used as in this section mentioned without such means of ingress and egress and ventilation having been provided as by this section required shall be liable to a penalty not exceeding five pounds for every such offence and to a daily penalty not exceeding forty shillings.

Means of ingress and egress and ventilation in public buildings.

**28.** From and after the passing of this Act section 74 of the Tormoham Improvement Act 1835 shall be repealed and where

Board may define future line of streets.



A.D. 1886. any street in the district is in the opinion of the Board narrow or inconvenient or without any sufficiently regular line of frontage the Board may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of any such street. The line which in any case the Board propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the clerk to the Board and deposited with the Board surveyor and such plan shall be at all reasonable times thereafter open for inspection of the public without charge and one month at least before the Board formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested. No new building as defined by this Act nor any excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such a line. The Board may purchase the land lying between any such line as aforesaid and the centre of the street and the same when purchased shall vest in the Board as part of the street. Whenever in any of the above cases the Board shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in the erection of any new building for any loss or damage they may sustain in consequence of the same being set back and the Board shall also make to the owner of any adjoining land or building and all other persons interested therein full compensation in respect thereof for all loss damage or injury (if any) sustained by them by reason of the Board requiring the said line to be observed and kept. All compensation under this section shall in case of difference be settled by arbitration in the manner provided by the Public Health Act 1875. If after any such line is so defined and prescribed as aforesaid any person wilfully or negligently acts contrary to this enactment he shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding the sum of forty shillings.

Prevention  
and removal  
of projec-  
tions over  
streets.

**29.** From and after the passing of this Act no crane or apparatus for hoisting goods sign sign-post sign-iron flag-post flag advertisement board or show-board shall be placed or made in such a manner as to project over any part of any footway or carriageway (not being a footway or carriageway belonging to any railway canal or navigation company and being an approach to any railway railway station or wharf or being within the boundary of the premises of such railway canal or navigation company) in any street within the district without the express consent of the Board unless such projection is of the same general construction and character and placed in the same position as and in substitution for some projection existing at the passing of this Act and every person so placing or making any such



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projection as aforesaid contrary to the provisions of this section shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings and the Board may require any person so making or placing any such projection to forthwith remove the same or may themselves remove the same and recover the expenses of such removal from such person in a summary manner and where any such projection has been so placed or made as aforesaid whether before or after the passing of this Act a court of summary jurisdiction upon complaint made if they are of opinion that such projection is or is likely to become dangerous to the public safety may notwithstanding any such consent as aforesaid make an order directing and authorising the removal of such projection by such person and upon such terms as they may think fit.

**30.** No new building intended for human habitation shall be allowed by the owner thereof to be occupied or be occupied by any such owner until the house drainage has been made and completed nor until such new building has been certified by the medical officer of health and Board surveyor after examination to be in their opinion in every respect fit for human habitation.

New buildings not to be occupied till house drainage completed &c.

**31.** The Board may from time to time make byelaws for all or any of the following purposes:—

Byelaws as to sewers &c.

(1.) For providing for the construction of a proper sewer in such position and of such dimensions as may be approved of by the Board in every new street by the person or persons laying out or constructing such street;

(2.) For regulating the mode in which the communications between any new street and any existing streets are to be effected and providing for the laying down of proper kerbs and the construction of proper crossings to the approval of the Board at the expense of the person or persons laying out or constructing such new street;

(3.) For prescribing the materials to be employed in the construction of new streets and the manner in which such materials are to be employed and the time and manner at and in which sewers manholes flushing shafts and ventilating chambers street gullies drains and similar works are to be constructed and the kerbing and channelling is to be effected and gas mains and water mains and other pipes or wires which may be lawfully placed in such new streets are to be laid down in such streets and generally for regulating the mode of construction of such streets;

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- (4.) For regulating the level at which the ground floor of any new building intended for human habitation is to be with reference to the adjoining ground;
- (5.) For regulating the height of rooms intended for human habitation in any new building;
- (6.) For prescribing the forms of notices to be given by any person proposing to construct a drain to communicate with a Board sewer and by any other persons who under this Act or under any byelaws made by the Board under this Act or the Public Health Act 1875 may be required to give any notice to the Board and the time when and any other conditions under which such notices are to be given and the sections (if any) which are to accompany such notices;
- (7.) Nothing in such byelaws shall extend to any telegraph or other property belonging to Her Majesty's Postmaster General.

*Police Regulations.*

Street  
musicians to  
depart when  
required to  
do so.

**32.** Any householder personally or by his servant or by any constable may require any street musician or singer to depart from the neighbourhood of the house of such householder and every person who shall sound or play upon any musical instrument or sing in any street near or within hearing of such house after being so required to depart shall be liable to a penalty not exceeding forty shillings.

Control of  
coal dealers.

**33.** Every person delivering coal not exceeding in quantity two hundredweight to any one purchaser shall carry with the vehicle employed by him in such delivery proper and sufficient weights and scales or some efficient instrument whereby the purchaser may have his coals weighed and the coals shall on the request of the purchaser be weighed accordingly by the person delivering the same Any person delivering coal as aforesaid and not provided with weights and scales or any instrument for weighing or not weighing the coal when requested by the purchaser so to do or failing to give just weight or using his weights and scales or instrument for weighing in other than a proper state to weigh accurately shall be liable to a penalty for every such offence not exceeding forty shillings.

Penalty on  
persons  
obstructing  
footway.

**34.** If three or more persons shall be assembled together in any street at any time of the day or night for the purpose of assaulting insulting or annoying foot passengers and if any of such persons shall not comply with the direction or request of any constable to move away so as to leave the footway clear and unobstructed or shall assault insult or annoy any foot passenger he shall be liable to a penalty not exceeding forty shillings.



**35.** If any person affixes or causes to be affixed to any house building wall board lamp post tree post gate public seat fence or convenience or delivers or exhibits to any inhabitant or passenger in or near to any street any bill or printed or written paper (whether enclosed in a sealed or other envelope or not) of an obscene or indecent nature or referring to any disease of a loathsome or secret kind or to any cure for any such disease he shall for every such offence be liable to a penalty not exceeding forty shillings or in the discretion of the justice before whom he is convicted to imprisonment for any term not exceeding one month with or without hard labour.

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Prohibition  
of dangerous  
or obscene  
bills &c.

**36.** The byelaws for the time being in force for regulating the use of velocipedes and made by the justices of the peace or other county authority for the time being of the county of Devon shall extend and apply mutatis mutandis for regulating the use of velocipedes in the district the justices of the peace for and the police constables of the district being respectively substituted for the justices of the peace for and the police constables of the said county.

County  
byelaws  
regulating  
the use of  
velocipedes  
extended to  
district.

**37.** The Board may from time to time make byelaws for all or any of the following purposes namely:—

Street  
traffic.

For regulating the route to be observed by all carts carriages horses and cattle and for preventing obstruction of the streets;

For prohibiting at certain times within the district any burning of garden or other refuse or rubbish;

For regulating street bands and musicians and prohibiting the sale or use in any street in the district of any squirts or other similar articles likely in the opinion of the Board to be used for the annoyance of the public;

For prohibiting on certain days or at certain times any circus procession or any procession of animals;

For regulating the speed of carts and carriages;

For regulating the size construction and use of advertising vans and other vehicles of like description and for regulating and if thought fit prohibiting the passage through the streets of such vans and vehicles as the Board deem objectionable or as do not conform to the byelaws in force for the time being:

And any person guilty of any breach of such byelaws shall be liable to a penalty not exceeding forty shillings Provided that in any byelaw to be made under this section the free access of traffic from or to any railway station or post office premises shall not be obstructed or interfered with.

A.D. 1886.  
Processions  
on Sundays.

**38.** No processions shall take place on a Sunday in any street or public place in the district accompanied by any instrumental music fireworks discharge of cannon or firearms or other disturbing noise Provided that the foregoing prohibition shall not apply to any of Her Majesty's naval military or volunteer forces.

As to hang-  
ing goods  
outside shop  
doors or  
windows.

**39.** Every person who places hangs up or otherwise exposes for sale any furniture clothing goods produce wares merchandise matter or thing whatsoever outside any shop door or window in any street so that the same stands or rests upon or hangs over any public street or footway within eight feet of the surface thereof outside such shop door or window shall be liable to a penalty not exceeding forty shillings for each offence.

Restriction  
on use of  
ladders in  
streets.

**40.** No ladder shall be placed on the footway or roadway of any street within the district to facilitate the washing of any house front or window except between the hours of four and nine in the forenoon nor shall any house front or window be washed in such a way that water falls upon the pavement except within such hours and all persons acting in contravention of this provision shall be liable to a penalty not exceeding forty shillings for each offence.

Shelter for  
cabmen &c.  
may be pro-  
vided.

**41.** The Board may place or authorise to be placed in any streets of the district they may think suitable erections such as band stands and seats and buildings for the use convenience and shelter of any persons and may make byelaws for the management and use of such places and the conduct of the persons resorting thereto and may attach a penalty of not exceeding five shillings for any breach of such byelaws Every such erection shall be subject to removal at any time by the Board.

Public  
drinking  
fountains.

**42.** The Board may from time to time when and as they think it expedient put up and continue and from time to time remove or discontinue drinking fountains and cattle troughs with proper conveniences for the gratuitous supply of water for drinking and for watering of cattle and horses at such fountains or troughs respectively and may furnish or discontinue such gratuitous supply (but for such drinking and watering only) in such public places as the Board may think fit but not against any private dwelling-house warehouse counting-house shop or other building except with the consent of the owner and occupier thereof and every person who wilfully uses any water so gratuitously supplied elsewhere or otherwise than as herein-before mentioned shall forfeit to the Board for every such offence a sum not exceeding forty shillings.

Board may  
set up

**43.** The Board may from time to time place and maintain in any street raised paving or places of refuge posts pillars rails bars chains



or other fences either permanent or temporary for the protection of passengers and traffic along the street or for making the crossing thereof less dangerous to passengers or for protecting passengers on any of the footways from injury danger or annoyance and from time to time alter and remove any such raised paving place of refuge post pillar rail bar chain or fence. A.D. 1886.  
refuges &c.  
in streets.

44. Every person who drives or causes to be driven along any street within the district any waggon carriage or other vehicle having flanged wheels or wheels with any projection calculated to unduly injure the surface of the street shall be deemed guilty of an offence against this Act and be liable to a penalty not exceeding forty shillings for each offence. Penalty for  
using  
waggons &c.  
with flanged  
wheels &c.

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PART V.—FINANCIAL.

45. The Board may from time to time (in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public or local Act) borrow at interest on mortgage of the following securities and for the following purposes being purposes to which capital is properly applicable and not otherwise the following sums (that is to say):— Power to  
borrow.

On the security of the revenue of the harbour district fund and general district rates :

For the purchase of the harbour undertaking the sum of seventy-five thousand pounds.

For works mentioned in the Second Schedule hereto the sum of three thousand pounds.

For works mentioned in the Third Schedule hereto the sum of two thousand pounds.

For paying the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as herein-after defined and of and in relation to carrying into effect the purchase of the harbour undertaking any sum or sums not exceeding five thousand pounds.

On the security of the district fund and general district rates :

For the site and construction of the town hall and offices the sum of nine thousand pounds.

For the furnishing of the same one thousand pounds.

For any other purposes of this Act such sums as may be necessary and as shall from time to time be sanctioned by the Local Government Board.

A.D. 1886. — And in calculating the sum which the Board may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Board as to borrowing and re-borrowing shall not be restricted by any of the provisions as to borrowing contained in the Public Health Acts.

Provisions as to mortgages.

**46.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):

Section 236 (form of mortgage);

Section 237 (register of mortgages);

Section 238 (transfer of mortgages); and

Section 239 (receiver may be appointed in certain cases).

As to repayment of borrowed moneys.

**47.** If in the opinion of the Board it is desirable that all such moneys already borrowed and now owing by them as are shown in Part I. of the Sixth Schedule hereto should be repaid in a uniform period they may at any time within one year from the passing of this Act and subject to the rights of the holders of the securities for the said moneys pass a resolution that the same shall be repaid within twenty-eight years from the passing of this Act and thereupon and subject to such rights as aforesaid all provisions subsisting at the passing of this Act prescribing the time at which or the mode in which moneys borrowed and then owing shall be repaid shall be as regards the said moneys shown in Part I. of the said Sixth Schedule hereby annulled and repealed and such moneys shall be repaid within twenty-eight years from the passing of this Act.

The Board shall repay all moneys borrowed by them under the powers of this Act within the respective periods herein-after mentioned from the date when the same shall be respectively borrowed:

Moneys borrowed for the costs charges and expenses of and in relation to this Act within ten years.

Moneys borrowed for the purchase of the harbour undertaking within fifty years.

Moneys borrowed for the works mentioned in the Second and Third Schedules hereto within twenty-five years.

Moneys borrowed for purchase of site of new town hall and offices and construction of the same within thirty years.

Moneys borrowed for furnishing the new town hall and offices within seven years.

Moneys borrowed for any other purposes of this Act under the sanction of the Local Government Board within the period fixed by that Board.



The repayment of all moneys to which the provisions of this section apply shall be effected by equal yearly or half yearly instalments of principal or of principal and interest;

Or by means of sinking funds;

Or partly by such instalments and partly by sinking funds:

And the sinking funds shall be provided as follows:

The Board in every year after the respective dates in that behalf by this section prescribed shall appropriate and set apart out of the funds and rates and other receipts on the security of which such moneys shall have been borrowed such equal sums as will with the accumulations thereof by way of compound interest be sufficient to pay off within the period by this Act prescribed the whole or as the case may be the portion of the principal moneys borrowed on such security which is to be repaid by sinking funds:

The first payment to the said sinking fund or payment of the said instalments as the case may be shall be made as follows:—

For repayment of moneys mentioned in Schedule VI. Part I. within one year from the twenty-fifth day of March one thousand eight hundred and eighty-six:

For repayment of moneys to be borrowed under this Act within one year from the twenty-fifth day of March next after the date of borrowing:

Provided as follows (that is to say):—

(a.) The amount which should be standing to the credit of every sinking fund at the date of the aforesaid resolution shall be made up out of the district fund and general district rate and the revenue of the waterworks as the case may be and shall be transferred to the corresponding sinking fund to be accumulated under this Act for the like purpose.

(b.) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in statutory securities as herein-after defined.

(c.) The Board may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to



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the interest produced by the sinking fund or part thereof so applied. Provided also that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Board may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto.

Notwithstanding anything in this section contained all existing provisions for the repayment of borrowed moneys either by instalments or appropriations or by means of a sinking fund shall remain in force until the date of the aforesaid resolution as if this Act had not been passed.

Board may retain in hand a portion of annual sums set apart for repayment of principal moneys by instalments.

Annual return to Local Government Board with respect to sinking fund.

**48.** In order that the Board may more conveniently appropriate to the payment of such of their debts as are not repayable by sinking funds the sums annually set apart as required for that purpose the Board may from time to time retain those sums in the hands of their bankers to the amount at any one time not exceeding two thousand pounds in the whole.

**49.** The clerk to the Board shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid or any sinking fund is required to be applied under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purposes of such sinking fund or applied as a sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk to the Board shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Board have failed to pay any such instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any



interest thereof to any other purposes that those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Board as part of the sinking fund and any such order may be enforced by Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice and the provisions of this section shall apply mutatis mutandis to annual repayments.

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**50.** The Board shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Board shall from time to time be a sufficient discharge to the Board in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Board have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Board shall not be bound to see to the application of the money for which such receipt shall have been given or be answerable or accountable for any loss misapplication or non-application of any such money.

Board not to regard trusts.

**51.** All moneys raised under the provisions of this Act shall be applied only to the purposes for which they are respectively authorised to be raised and to which capital is properly applicable and for no other purposes.

Application of moneys borrowed.

**52.** The Board may if they think fit borrow any moneys which they are by this Act authorised to borrow under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another Any moneys borrowed by the Board in manner by this section authorised shall be a charge upon and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under this Act and such funds and rates shall in each case be deemed to be the local rate as defined by the Local Loans Act 1875 Every such loan shall be discharged within the time prescribed in that behalf by this Act from the date of the original borrowing.

Power to borrow under Local Loans Act 1875.

**53.** If the Board shall hereafter pay off any money borrowed or to be borrowed by them or any borrowed moneys for the repayment

Power to re-borrow.

A.D. 1886. — whereof the Board are liable otherwise than by means of a sinking fund or by appropriations instalments or annual repayments or out of the proceeds of the sale of land or other property or of fines or premiums on leases they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the time prescribed for the repayment of moneys in lieu of which such re-borrowing has been made and that the moneys originally borrowed and any amounts from time to time re-borrowed under the foregoing provisions for the repayment of such moneys shall be deemed to form the same loan and the obligations of the Board with respect to the sinking fund to be set aside in respect of such moneys shall not be in any way affected by reason of such re-borrowing.

Saving  
priority of  
existing  
charges.

**54.** All existing charges on the funds or rates of the Board shall during their continuance have priority over any mortgages debentures or securities on the same funds or rates granted by the Board under the powers of this Act.

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PART VI.—STOCK.

Interpreta-  
tion.

**55.** (1.) In this part of this Act :—

“Rate” includes the general district rate rates rents and charges for supply of water or the hire of meters or fittings connected therewith and the rates tolls and charges and other receipts of and arising from the harbour undertaking ;

“Schedule” means the Fifth Schedule to the Act.

(2.) Any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or of creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under this Act or under any Act of Parliament public or local passed or to be passed or under any provisional order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed is for the purposes of this part of this Act a statutory borrowing power.

(3.) 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 corporation stock annuity rentcharge rent or other security



authorised by or under any Act of Parliament passed or to be passed of any municipal corporation in Great Britain or of any other local authority (other than the Board) within section 34 of the Local Loans Act 1875 is for the purposes of this part of this Act a statutory security. A.D. 1886.

(4.) The provisions of this part of this Act referring to interest apply to and include instalments of an annuity and half yearly or other payments of or in respect of a rentcharge rent or other statutory security.

*Creation and Charge of Local Board Stock.*

**56.** (1.) Where the Board have for the time being any statutory borrowing power then subject and according to the provisions of this part of this Act the Board may from time to time by resolution exercise the power by the creation of redeemable stock to be from time to time issued for such amount within the limit of the power at such price to bear such half yearly or other dividends as the Board by the resolution direct Provided that all stock at any time and from time to time so created shall be created on and subject to such terms and conditions as that the same shall form one and the same class of stock. Creation of  
Local Board  
stock.

(2.) All stock at any time and from time to time so created shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of creation of any portion of stock or in the date of issue of any portion of stock or on any other ground whatsoever and shall also rank equally with all other securities of the Board at any time after the passing of this Act granted by the Board in pursuance of any statutory borrowing power.

(3.) The resolution for the first creation of stock shall provide that such stock shall be redeemable by the Board at par that is to say at the rate of one hundred pounds sterling for every nominal amount of one hundred pounds stock issued at such time and in such manner as the Board by that resolution declare.

(4.) Each resolution for creation of stock shall specify that the stock thereby created is redeemable.

(5.) Stock so created shall be designated by the Board as Torquay Local Board redeemable stock.

**57.** Each statutory borrowing power of the Board shall be construed to authorise the Board to create and issue Local Board stock from time to time to such nominal amounts as will according to the price of issue produce the actual amount of money for the Borrowing  
power to be  
exercisable  
for actual  
sum raise-  
able.

A.D. 1886. time being lawfully raiseable by the Board under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Board as consideration on payment off or redemption by the Board of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Board.

Charge of  
Local Board  
stock.

**58.** (1.) All Local Board stock for the time being issued and the dividends thereon shall be and the same are by virtue of this Act charged indifferently on the whole revenues of the Board from time to time arising from the property for the time being of the Board and on the district fund and general district rate and on the revenues of the waterworks and on all other funds and rates established and leviable by the Board for public purposes or as a harbour authority or as owners of the harbour undertaking under the powers of this Act.

(2.) The dividends for the time being payable on all Local Board stock shall rank equally with the interest on all other securities of the Board at any time after the passing of this Act created or granted in pursuance of any statutory borrowing power and the same dividends and interest shall subject to all charges existing at that date be the first charge on the rates aforesaid and on the revenues of the funds aforesaid (all which revenues and rates are comprised in the term the Board revenues when hereafter used in this part of this Act).

*Loans Fund.*

Establish-  
ment of con-  
solidated  
loans fund.

**59.** For payment of dividends on all Local Board stock and for redemption and extinction or purchase and extinction of all Local Board stock there shall be established and formed a fund called the Torquay Harbour and District Consolidated Loans Fund (in this part of the Act referred to as the loans fund).

Contribu-  
tions to loans  
fund for  
dividends.

**60.** (1.) In each year the Local Board shall pay into the loans fund a sum or sums equal to the aggregate amount of all dividends payable in that year on the several portions of Local Board stock issued in exercise of the respective statutory borrowing powers of the Board and remaining outstanding.

(2.) They shall provide the sum or sums aforesaid by contributions from the several Board revenues (if any) specially made liable to provide the same by or under any Act of Parliament or by any resolution of the Board having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Board



revenues out of which interest would have been payable on money borrowed by the Board under that power if that money had been raised and been secured otherwise than by Local Board stock and in default thereof or subject thereto they shall provide the same out of the district fund and general district rate or out of the revenues of the waterworks or of the harbour undertaking as the Board having regard to the provisions of this part of this Act and to the objects for which the statutory borrowing power was exercised may consider equitable.

A.D. 1886.

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be the sums ascertained to be required in that behalf by apportionment of that aggregate amount of dividends among those several Board revenues according to the amount of stock the dividends whereon are properly payable thereout respectively.

**61.** (1.) In each year the Board shall pay into the loans fund a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of Local Board stock issued in exercise of the respective statutory borrowing powers of the Board and remaining outstanding.

Contributions to loans fund for extinction of stock.

(2.) They shall provide the sum or sums last aforesaid by contributions from the several Board revenues if any specially made liable to provide the same by or under any Act of Parliament or by any resolution of the Board having reference to those respective statutory borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several Board revenues out of which any yearly or other sums would have been payable towards a sinking fund for discharge or towards payment off by instalments appropriations annual repayments or otherwise of money borrowed by the Board under that power if that money had been raised and remained secured otherwise than by Local Board stock and in default thereof or subject thereto they shall provide the same out of the district fund and general district rate or out of the revenues of the waterworks or of the harbour undertaking as the Board having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may consider equitable.

(3.) The amounts of those several contributions (subject to any payment in reduction thereof authorised by this part of this Act) shall be such amounts as with accumulations at the rate of three pounds ten shillings per cent. per annum shall be from time to time calculated to be sufficient to purchase at its nominal amount the



A.D. 1886. proportion of stock towards the purchase and extinction whereof those contributions are payable within the periods following viz. :

(a.) In the case of the balances of loans shown in Part I. of the said Sixth Schedule if the resolution provided for in section 47 of this Act is passed within twenty-eight years from the passing of this Act ;

(b.) In the case of existing loans not affected by the said resolution and in the case of loans to be raised under any statutory borrowing power within such period as the Act or provisional order or departmental order or sanction authorising the raising of each such loan prescribes for the payment off thereof.

(4.) The Board shall from time to time by investment on statutory securities of the sums paid into the loans fund in respect of those several contributions or of proper parts thereof and by like investment of the interest and annual proceeds arising from those securities make and maintain such accumulations as are in this section referred to.

(5.) But if the extinction of any portion of Local Board stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund required by this part of this Act to be applied to the making and maintenance of those accumulations then a sum or sums equal to the dividends on the stock so extinguished shall thenceforth in every year during the residue of the period expressly or by implication limited for the continuance of any loans be paid into the loans fund out of the Board revenues chargeable with payment of the dividends on that portion of stock.

Raising of contributions to loans fund.

**62.** (1.) The Board shall from time to time in order to raise the amounts of the several contributions of the two kinds aforesaid out of the several Board revenues do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory borrowing powers in exercise whereof the several portions of the Local Board stock are issued.

(2.) If by reason of any limit of a rate or for any other reason there is a deficiency on any Board revenue in respect of any required contribution the Board shall advance the amount of the deficiency out of the district fund and general district rate as the Board having regard to the provisions of this part of this Act and the objects for which the statutory borrowing power was exercised may deem equitable.



(3.) The amount so advanced shall be a debt due from the Board revenue on which the deficiency existed to the fund or rate out of which the advance is made and interest shall be payable thereon at the rate of three and a half per centum per annum until repayment and the same debt and interest shall as soon as in the judgment of the Board reasonably may be raised and paid out of the Board revenue on which the deficiency existed.

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**63.** (1.) The Board shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of the lands or other property of the Board on the revenue whereof any Local Board stock is charged.

Payment of  
sale money  
rents &c. to  
loans fund.

(2.) The Board shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund the rents and profits of any lands and other property of the Board acquired by them for the purpose of any undertaking or object for or in respect of which any statutory borrowing power is exercised by them by the issue of Local Board stock and not otherwise wholly or in part appropriated or made applicable by law or by valid contract.

(3.) The Board before making any payment into the loans fund under this section may deduct from the money or the rents and profits to which this section applies any costs and expenses properly incurred by the Board in or about any sale lease or other disposition or the collection and receipt of any rents and profits.

**64.** The Board shall from time to time apply the loans fund first in paying the dividends on all Local Board stock and next in redeeming Local Board redeemable stock according to the terms of issue and purchasing for extinction Local Board redeemable stock.

Application  
of loans fund.

**65.** All Local Board stock redeemed by the Board or purchased by the Board for extinction shall be forthwith cancelled by the Board and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Act extinguished.

Extinction  
of stock re-  
deemed or  
purchased.

**66.** (1.) As parts of the general account of the loans fund the Board shall keep separate accounts relative to—

Account of  
loans fund.

(A.) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock; and

(B.) Each statutory borrowing power so exercised.



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- (2.) Those separate accounts should distinguish and show—
- (c.) The portions of Local Board stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to the undertaking or purpose; and
- (d.) The amounts of those several portions of Local Board stock redeemed or purchased by means of the loans fund and cancelled and extinguished.
- (3.) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—
- (e.) All money being capital or in the nature of capital arising from any sale lease or other disposition of lands or other property of the Board paid into the loans fund and in the judgment of the Board properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and
- (f.) All money from time to time received as interest and annual proceeds of the last-mentioned moneys and securities; and
- (g.) All money from time to time received as rents and profits of any land and other property of the Board so as aforesaid acquired and not otherwise appropriated or made applicable; and
- (h.) All money and securities transferred to the loans fund as having formed part of a sinking fund and all money from time to time received as interest and annual proceeds of the last mentioned money and securities or of securities wherein the same interest and annual proceeds are from time to time invested by way of accumulation; and
- (j.) All money paid into the loans fund as contributions from the Board revenues in respect of dividends on the several portions of Local Board stock chargeable to that undertaking or purpose; and
- (k.) All money paid into the loans fund as contributions from the Board revenues in respect of redemption and extinction or purchase and extinction of those several portions of Local Board stock.

Application  
of income in  
reduction of  
contribu-  
tions.

**67.** (1.) Where any money is standing on a separate account in the loans fund being money paid into the loans fund as rents and profits of the land and other property of the Board or being money paid into the loans fund as interest on cash balances received by the Board or being other money paid into the loans fund but not being capital or in the nature of capital and not being required by this part



of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Board may deal with the same as in this section provided.

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(2.) Where any money is standing on a separate account in the loans fund being money required by this part of this Act to be applied to the making and maintenance of such accumulations as are prescribed by this part of this Act the Board after providing for the making and maintenance of those accumulations may if they think fit from time to time invest that money or any part thereof in statutory securities and deal with the interest and annual proceeds of those securities as in this section provided.

(3.) The Board may if they think fit from time to time apply the money described in paragraph 1 of this section and the last mentioned interest and annual proceeds to either of the purposes following or to both of those purposes in such proportions as the Board from time to time may consider equitable and expedient (that is to say) :—

(A.) In reduction of such contributions out of the Board revenues as are payable into the loans fund in respect of dividends on the portions of the Local Board stock comprised in the separate account on which the money or interest and annual proceeds is or are standing ;

(B.) In reduction of such contributions out of the Board revenues as are payable into the loans fund for redemption and extinction or purchase and extinction of those portions of stock.

**68.** For the purposes of any contribution or account under this part of this Act the Board if they think fit having regard to all the circumstances of the case and subject to the terms on which any loan of the Board was contracted or any Local Board stock was issued may from time to time determine and declare on which of the Board revenues any loan of the Board or any portion of Local Board stock is or shall be deemed to be primarily or collaterally charged or determine and declare that any loan of the Board or any portion of Local Board stock shall be apportioned as regards the charge thereof between or among any of the Board revenues and every such determination and declaration shall be effectual to all intents.

Determina-  
tion as to  
charge of  
stock.

*Existing Securities.*

**69.** (1.) Where any mortgage bond debenture debenture stock annuity rentcharge or other security granted or created before or after the passing of this Act by the Board under any statutory

Payment off  
or substitu-  
tion for  
existing  
securities.



A.D. 1886. borrowing power is outstanding or payable and the Board have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by the Board or they may with the consent of the holder thereof issue Local Board stock in substitution for the security.

(2.) The Board may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Local Board stock or partly in one and partly in the other.

(3.) The Board may create and issue Local Board stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4.) In every such case of payment off redemption or substitution the Board shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund applicable to the discharge of the security.

(5.) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(6.) Money received by the holder of any security as authorised by this section and Local Board stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.



*Effect on Borrowing Powers.*

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70. On the issue of any portion of Local Board stock the statutory borrowing powers in exercise whereof that stock is issued shall be effected as follows (namely)—

Extinction  
or suspension  
of power.

(A.) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any mortgage bond debenture debenture stock annuity rentcharge rent or other security granted or created by the Board under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but

(B.) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Board for the residue of that term or any part thereof and so from time to time.

*Application of Money raised.*

71. Money raised by Local Board stock shall be applied for purposes for which money raiseable under the statutory borrowing power in exercise whereof the stock is issued ought by law to be applied and not otherwise.

General  
application of  
money from  
Local Board  
stock.

72. (1.) The Board may from time to time invest temporarily on statutory securities (other than stock certificates to bearer) money raised by Local Board stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the loans fund.

Temporary  
investment  
of money  
raised by  
stock.

(2.) The Board may if they think fit from time to time apply the interest and annual proceeds aforesaid or any part thereof in reduction of such contributions out of the Board revenues as are payable into the loans fund in respect of dividends on the respective portions of Local Board stock by the issue whereof that money is raised.

*Registration and Certificate.*

73. (1.) The Board may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this part of this Act as they think expedient appoint and keep appointed an officer of the Board or other person or bank or a

Appoint-  
ment of  
registrar.

A.D. 1886. banker as registrar for all or any of the purposes of this part of this Act (in this part of this Act referred to as the registrar).

(2.) The Board in relation to the provisions of this part of this Act and the registrar shall respectively be deemed a banker within the Bankers Books Evidence Act 1879.

Local Board  
stock  
register.

**74.** (1.) The Board or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of Local Board stock and the amounts held by them (in this part of this Act referred to as the Local Board stock register).

(2.) The Local Board stock register shall be *primâ facie* evidence of any matter entered therein in accordance with this part of this Act and of the title of the persons entered therein as holders of stock.

Certificates  
of proprietor-  
ship of stock.

**75.** (1.) On demand of a holder of Local Board stock the Board may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of Local Board stock to which he is entitled (in this part of this Act referred to as a stock certificate).

(2.) A stock certificate shall be *primâ facie* evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Board shall not prevent the holder of stock from disposing of and transferring the same.

(3.) If a stock certificate is worn out or damaged the Board on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4.) If a stock certificate is lost or destroyed the Board on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the certificate lost or destroyed.

(5.) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the Local Board stock register.

*Transfer.*

Power for  
stockholder  
to transfer  
by deed.

**76.** (1.) Subject to the provisions of this part of this Act every Local Board stockholder may transfer all or any part of his stock by deed.

(2.) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(3.) The deed of transfer when duly executed shall be delivered to and kept by the Board or the registrar and the Board or the



registrar shall enter a memorial thereof in a book to be called the register of transfers of Local Board stock and shall indorse on the deed of transfer a notice of that entry. A.D. 1886.

(4.) The Board or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Board of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by the direction of the Board or by the registrar shall be equivalent to a new stock certificate.

(5.) Until the deed of transfer has been so delivered to the Board or the registrar the Board or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

**77.** (1.) The Board or the registrar before allowing any transfer of stock may if the circumstances of the case appear to them or to him to make it expedient require evidence of the title of any person claiming a right to make the transfer. Evidence on transfer.

(2.) The evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Board or the registrar with the approval of the Board may require.

**78.** (1.) The Board or the registrar with the approval of the Board may as regards any portion of Local Board stock close the Local Board stock transfer books or the register of transfers of Local Board stock (as the case may be) on any day in the month next before that in which dividends on that portion of Local Board stock are payable but so that the books are not at any time kept closed for more than fifteen days. Closing of transfer books.

(2.) The persons who on the day of such closing are inscribed as Local Board stockholders shall as between them and their transferees of Local Board stock be entitled to the dividend next payable thereon.

*Transmission.*

**79.** (1.) The interest in Local Board stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof. Transmission on death.

(2.) The Board or the registrar shall not be required to allow any executors or administrators to transfer any stock until the probate of the will of or the letters of administration to the deceased has or have been left with the Board or the registrar for registration and may require all the executors who have proved the will to join in the transfer.

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Transmis-  
sion on  
marriage &c.

**80.** (1.) If the interest in any Local Board stock has become transmitted in consequence of the bankruptcy of a stockholder or the marriage of a female stockholder or by any lawful means other than a transfer by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Board or the registrar may require.

(2.) The declaration shall state the manner in which and the party to whom the stock has been transmitted and shall be left with the Board or the registrar.

(3.) If the transmission is in consequence of the marriage of a female stockholder the declaration shall if the Board or the registrar so require set forth a copy of the register of the marriage or other particulars of the celebration thereof and declare the identity of the wife with the holder of the stock.

(4.) The name of the person entitled under the transmission shall be entered in the Local Board stock register.

(5.) Until the transmission has been so authenticated the Board or the registrar shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6.) In this section the expression "transmission" includes any case of apparent transmission in consequence of the change of name of the holder of the stock although the actual ownership of the stock may remain unaltered.

#### *Dividends.*

Payment of  
dividends.

**81.** The Board may pay by the registrar the dividends on Local Board stock.

Dividends to  
executors,  
&c.

**82.** The Board or the registrar shall not be required to allow any executors or administrators to receive any dividend on Local Board stock held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Board or the registrar for registration.

Evidence of  
title.

**83.** The Board or the registrar before allowing the receipt of any dividend on any Local Board stock may if the circumstances of the case appear to them or him to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of competent persons or of such other nature as the Board or the registrar may require.

Dividends to  
joint holders.

**84.** (1.) When more persons than one are registered as joint holders of any Local Board stock any one of them may give an effectual receipt for any dividend thereon unless notice to the



contrary has been given to the Board or the registrar by any other of them. A.D. 1886.

(2.) Where Local Board stock is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand and seal of the person not under disability attested by two or more credible witnesses but the Board or the registrar before acting on the letter of attorney may if they or he think fit require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

**85.** (1.) Where a Local Board stockholder desires to have his dividends sent to him by post he may make a request for that purpose to the Board or the registrar in writing signed by him in a form approved by the Board and shall give to the Board or the registrar an address in the United Kingdom or in the Channel Islands or the Isle of Man to which the letters containing the warrants are from time to time to be sent. Dividend warrants by post.

(2.) The posting by the Board or the registrar of a letter containing a dividend warrant addressed to a stockholder at his request at the address so given by him shall as respects the liability of the Board and of the registrar be equivalent to the delivery of the warrant to the stockholder himself.

(3.) Every warrant so sent by post shall be deemed a cheque and the Board and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

*Stock Certificates with Coupons to Bearer.*

**86.** (1.) On demand of a Local Board stockholder the Board or the registrar may issue to the stockholder a Local Board stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that in case of redeemable stock no such certificate or coupons shall give a title to dividends beyond the time limited for redemption. Provisions respecting stock certificates with coupons to bearer.

(2.) A Local Board stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3.) Notwithstanding anything in this Act a trustee shall not apply for purchase take or hold a Local Board stock certificate to bearer unless he is in express words authorised to do so by the



A.D. 1886. — instrument creating his trust and any contravention of this provision by a trustee shall be deemed a breach of trust but this provision shall not impose on the Board or the registrar an obligation to inquire or to take notice whether a person applying for or holding a stock certificate to bearer is or is not a trustee or subject the Board or the registrar to any liability in case of their or his with or without notice issuing to a trustee a stock certificate to bearer or invalidate any stock certificate to bearer issued.

(4.) Where a Local Board stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable by deed under and according to the provisions of this part of this Act.

(5.) The holder of a Local Board stock certificate to bearer may on delivery up to the Board or the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the Local Board stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable by deed and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(6.) The coupons issued with a Local Board stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Board approve.

(7.) At the end of that period fresh coupons may be issued for such further period as the Board approve and so for successive periods during the continuance in force of the stock certificate but the Board or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons. Provided that for the purpose of the Acts relating to stamp duties any coupons issued in respect of any stock certificate shall be deemed to have been attached to and issued with such security.

(8.) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Board and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(9) If a Local Board stock certificate to bearer or coupon is worn out or damaged the Board or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(10.) If a Local Board stock certificate to bearer or coupon is lost or destroyed the Board or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Board



against the claims of all persons deriving title under the certificate or coupon lost or destroyed. A.D. 1886.

(11.) Local Board stock specified in a stock certificate to bearer shall be charged on the same securities and be subject to the same powers of redemption if any and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Local Board stock register as transferable by deed.

*General.*

**87.** (1.) Local Board stock is personal property.

(2.) Local Board stock is not liable to foreign attachment by the custom of London or otherwise.

(3.) No notice of any trust express implied or constructive in respect of any Local Board stock or of any Local Board stock certificate to bearer or coupon shall be entered in the Local Board stock register or in any other book kept by the Board or the registrar or be receivable by the Board or the registrar or affect the Board through the registrar or otherwise.

Nature of  
Local Board  
stock.

Notice of  
trusts.

**88.** (1.) If at any time the Board for two months after demand in writing fail to pay any dividend due on any Local Board stock the person entitled thereto may apply to Her Majesty's High Court of Justice in the Chancery Division for a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

Receiver.

(2.) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Board or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for the purposes of this part of this Act.

(3.) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

**89.** (1.) Trustees or other persons for the time being authorised to invest money in the mortgages debentures or debenture stock of any railway or other company shall unless the contrary is provided by the instrument authorising the investment have the same power

Holding of  
Local Board  
stock by  
trustees.

A.D. 1886. of investing that money in Local Board stock (other than stock for the time being represented by a stock certificate to bearer) as they have of investing it in the mortgages debentures or debenture stock aforesaid.

(2.) Provided that where two or more persons are successively interested in trust money no investment thereof shall be made in Local Board stock at a price exceeding the redemption value of the stock.

Protection of  
holders of  
Local Board  
stock.

**90.** A person taking or holding Local Board stock shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the Board or otherwise in accordance with this part of this Act or whether or not the Board or any meeting thereof was properly constituted or convened or whether or not the proceedings at any meeting of the Board were legal or regular or to see to the application of any money raised by Local Board stock or be answerable for any loss or misapplication thereof.

Annual  
return to  
Local  
Government  
Board.

**91.** (1.) Once in every year at a time appointed by the Local Government Board the Board shall send to that Board an abstract of the accounts of the Board relating to Local Board stock and the loans fund in a form prescribed by that Board and verified by a statutory declaration of the clerk if required by that Board.

(2.) In case of wilful default therein by the Board the Board shall on each occasion be liable to a fine not exceeding two hundred pounds and in case of wilful default therein by the clerk the clerk shall on each occasion be liable to a fine not exceeding twenty pounds and every fine under this section shall be recoverable summarily on the prosecution of the Local Government Board and not otherwise.

(3.) If by any such abstract or otherwise it appears to that Board that the Board have failed to comply with any requisition of this part of this Act in relation to any payment application or investment or otherwise in relation to Local Board stock or the loans fund that Board may notwithstanding any proceeding for the recovery of any fine or any other proceeding taken by that Board by order require the Board to make good the default within a time therein limited.

Unclaimed  
dividends.

**92.** (1.) If at any time any dividend on any Local Board stock is unclaimed at the time for payment thereof the same shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.



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(2.) Where any dividend remains unclaimed for five years from the time for payment thereof the Board shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in their books by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3.) At the end of every successive period of five years from the day when the first dividend becomes payable on Local Board stock first issued after the passing of this Act the Board shall publish an advertisement in a newspaper circulating in the district stating what if any dividends on Local Board stock other than those falling due at the then last half yearly or other day of payment are then unclaimed and the names and addresses appearing in the Local Board stock register of the holders of the stock on which the dividends are unclaimed.

(4.) At the end of every successive period of ten years from the day when the first dividend becomes payable on Local Board stock first issued after the passing of this Act the Board unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Board shall pay the same into the loans fund and may deal therewith as they are by this part of this Act empowered to deal with money paid into the loans fund as interest on cash balances received by them without prejudice nevertheless to the rights of any person to those dividends.

**93.** Nothing in this part of this Act shall affect any power of the Board to raise otherwise than by Local Board stock any money which they do not think fit to raise by Local Board stock but whenever from time to time after the passing of this Act the Board raise money otherwise than by Local Board stock they shall cause to be given to each lender of money so raised notice in writing signed by the clerk or other authorised officer of the Board of the equality of charge which Local Board stock has by virtue of this part of this Act.

Saving for power to borrow otherwise.

**94.** Notwithstanding anything in this part of this Act the Board may revoke at any time in whole or in part any resolution for creation of Local Board stock theretofore passed by the Board if and as far as the same has not been acted on by the issue of stock thereunder.

Saving for power of revocation.

**95.** Except as in this part of this Act expressly provided nothing in this part of this Act shall relieve the Board from any obligation imposed on them in relation to any statutory borrowing

Saving for other obligations.

A.D. 1886. power by any Act of Parliament under or by which that power for the time being exists or is regulated.

Saving for power to sell lands &c.

**96.** (1.) Nothing in this part of this Act shall affect any power or duty of the Board to sell mortgage lease or otherwise dispose of any land or property of the Board or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of Local Board stock or affect any claim of any person under such first-mentioned charge.

(2.) That land or property shall in the hands of the purchaser or other person taking the same under the sale mortgage lease or other disposition be by virtue of this Act absolutely freed from the charge of Local Board stock and he shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or misapplication thereof.

Saving for existing securities.

**97.** Nothing in or done under this part of this Act shall affect any security or charge created or granted or payable by the Board before and subsisting at the date of the first issue of any Local Board stock and the Board shall whenever required by the holder of any security or charge aforesaid apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security if this part of this Act had not been enacted.

Forgery.

**98.** (1.) Local Board stock shall be deemed capital stock of a body corporate within the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty (chapter ninety-eight) "to consolidate and amend the statute law of England and Ireland relating to indictable offences by forgery."

(2.) A Local Board stock certificate to bearer and coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

Orders of Local Government Board.

**99.** Any order of the Local Government Board under this part of this Act may contain such directions as the Board think necessary or proper for giving effect thereto and shall be enforceable by writ of Mandamus to be obtained by the Board out of Her Majesty's High Court of Justice and may be from time to time cancelled or varied by the Board as the circumstances of the case may require but the Board shall not make any such order without first hearing the Board if desirous of being heard which hearing may be in the form of a public inquiry with or without a published report or in such other form as the Board having regard to the circumstances



think just and expedient and sections 294 and 296 of the Public Health Act 1875 shall apply to hearings inquiries and other proceedings to which this section relates. A.D. 1886.

**100.** The forms given in the Fifth Schedule to this Act may if the Board think fit be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes. Forms.

**101.** (1.) Fees not exceeding those specified in the said Fifth Schedule may be taken by or on behalf of the Board in the cases therein mentioned. Fees.

(2.) The proceeds of fees shall be paid by the Board into the loans fund and shall be applied in reduction of contributions out of the Board revenues payable into the loans fund in respect of dividends on such portions of Local Board stock as the Board having regard to the cases in which the fees are paid determine.

**102.** (1.) The expenses incurred by the Board in or about the creation and issue of any portion of Local Board stock and any other expenses being in their judgment properly chargeable to capital shall be deemed money raiseable under the statutory borrowing power in exercise whereof that portion of stock is issued. Expenses.

(2.) Expenses of book-keeping and management and other current expenses from time to time incurred by the Board in the execution of this part of this Act shall be defrayed as the ordinary expenses of the Board are or may be defrayed.

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PART VII.—MISCELLANEOUS.

**103.** The Board may make byelaws for the prevention of nuisance by smoke and noise caused by steam vessels or the machinery and appliances used in connexion therewith plying in or in any way using the harbour or the quays works and conveniences connected therewith and also for the prevention of fish ballast refuse or other like matter being thrown or suffered to fall into the harbour and may enforce the said byelaws by penalties not exceeding five pounds for each offence. Power to Board to prevent nuisance from smoke.

**104.** The Board may from time to time make byelaws and regulations for the orderly use and enjoyment by the public of the quays piers and wharves acquired by the Board under the powers of this Act and may enforce the said byelaws by penalties not exceeding forty shillings for each offence and may also demand and take such reasonable sums for the letting of sites thereon for booths shows and Power to make bye-laws for public use of quays.



A.D. 1886. other constructions and purposes of a temporary nature as the Board think fit and carry these sums to the separate account of the harbour.

Power to make byelaws as to fishing in reservoirs.

**105.** The Board may from time to time make byelaws enforceable by penalties not exceeding those in the last preceding section mentioned for the use of the reservoirs of their water undertaking by persons desirous to fish and may also demand and take such reasonable sums therefor as the Board think fit. All sums so received shall at the discretion of the Board be carried to the separate account of the water undertaking or to a separate fund for the improvement of the fishing by stocking the reservoirs or providing better accommodation for the persons resorting thither to fish or otherwise.

Byelaws for prevention of danger from telegraph wires &c.

**106.** (1.) The Board may from time to time make alter and repeal byelaws for prevention of danger or obstruction to the public from posts wires tubes or any other appliances or apparatus stretched or placed over above along or across any street (whether before or after the passing of this Act) for the purpose of any telegraph telephone railway signalling or other purpose.

(2.) By such byelaws provision may be made for the inspection and examination by the Board of any such posts wires tubes or other appliances or apparatus and for the prohibition of any such posts wires tubes or other appliances or apparatus being or continuing to be stretched or placed as aforesaid in such manner as to be dangerous or cause obstruction to the public and for the grant of licenses by the Board on such terms and conditions for prevention of danger or obstruction to the public as may be prescribed by such byelaws.

(3.) Offenders against such byelaws shall be liable to such reasonable penalties as may be thereby prescribed not exceeding five pounds for each offence and a daily penalty not exceeding forty shillings and in addition to awarding any penalty the court of summary jurisdiction may order the removal of any post wire tube or other appliance which shall be adjudged to be stretched or placed as aforesaid in contravention of any byelaw made by the Board under this section.

(4.) Byelaws made under this and the 103rd and 104th sections and any alteration or repeal of any such byelaw shall not take effect unless and until they have been submitted to and confirmed by the Board of Trade which Board is hereby empowered to allow or disallow or to modify or amend the same as it may think proper and such reasonable notice of the intended submission of any such byelaw or of any alteration or repeal thereof for confirmation shall be given by



the Board by advertisement in one or more local newspapers circulating in the district and by circular letter to any company or person owning or leasing any post wire tube or other appliance or apparatus to which such byelaw shall apply and such company or person shall be entitled to appear before the Board of Trade and object to the confirmation alteration or repeal of any byelaw and all costs incurred by any parties in reference to the application or objection to the confirmation alteration or repeal of any such byelaw shall be in the discretion of the Board of Trade.

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(5.) The Board of Trade may exempt from the operation of any such byelaw for such period as they think proper not exceeding five years from the confirmation thereof any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid before such confirmation (herein-after referred to as "an existing work") and the Board of Trade may exempt from any alteration or repeal of any such byelaw for such period as they think proper not exceeding five years from the confirmation of such alteration or repeal any post wire tube or other appliance or apparatus which shall have been stretched or placed as aforesaid prior to such alteration or repeal in accordance with the byelaw proposed to be altered or repealed as originally framed.

(6.) Nothing in such byelaws shall extend to any posts wires tubes or other property of Her Majesty's Postmaster-General.

(7.) Nothing in such byelaws shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

**107.** If during the said period of five years any existing work is in the opinion of the Board surveyor in such a state or position that immediate danger to any person is to be apprehended he may give information to any justice of the peace who may thereupon summon the owner or lessee thereof or other person interested therein forthwith to appear before a court of summary jurisdiction and the court may make an order requiring such owner lessee or other person or all or any of them to remove the source of danger or authorising the Board surveyor to do so at the expense of such owner lessee or other person or of all or any of them or such other order as may appear to the court under all the circumstances of the case to be necessary and proper.

As to existing telegraph wires &c.

**108.** It shall not be lawful for any person to fix or place any rope line cord post wire tube or other similar apparatus (other than posts wires tubes or other apparatus for telegraphic telephonic or railway signalling purposes) above ground over across or along any street without the consent of the Board which consent shall be in

Restrictions on placing wires &c. other than telegraph wires &c. over under



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—  
or across or  
along streets.

writing under the hand of the clerk to the Board and may contain such terms and conditions as the Board think fit Any person acting in contravention of the provisions of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings :

Provided that nothing in this section shall extend to any posts wires tubes or other property of Her Majesty's Postmaster-General or to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply.

Telegraphic  
&c. com-  
munications  
between  
town hall  
and offices.

**109.** The Board may from time to time provide and maintain for their town hall Board offices and other establishments including the stations of any volunteer fire brigades and the private residences of the foremen thereof such telegraphic or telephonic communication between such parts of the district as they may deem fit but such telegraphs and telephones shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1878 and in relation to any such telegraphs or telephones the Telegraph Act 1863 shall apply to the Board as if the Board were a company authorised by special Act of Parliament to construct and maintain telegraphs but so that it shall not be requisite for the Board to give any notice respecting the opening for the purposes of telegraphs or telephones of any streets under their own management.

As to exist-  
ing byelaws.

**110.** All byelaws heretofore made by the Board with respect to the matters mentioned in this Act shall be controlled by and be subject to the provisions of this Act and such byelaws so far as the same are inconsistent with the provisions of this Act shall be repealed by and from the passing of this Act and the Board shall instead thereof forthwith make amended byelaws in conformity with this Act Provided always that such repeal shall not affect anything duly done or suffered under any such byelaw before the passing of this Act or any penalty forfeiture or punishment incurred in respect of any offence committed against such byelaw before the passing of this Act or any legal proceeding or remedy in respect thereof.

General  
provisions as  
to byelaws.

**111.** Save as herein-before expressly excepted all byelaws from time to time made by the Board under the powers of this Act shall be made under and according to the provisions with respect to byelaws contained in sections 182 to 186 (both inclusive) of the Public Health Act 1875 except so much thereof as relates to byelaws of a rural sanitary authority Provided that all byelaws may be partly in print and partly in writing (including lithograph).



**112.** Any person offending against any of the preceding provisions contained in this Act shall except as otherwise provided forfeit and pay for every such offence a penalty not exceeding five pounds and in case of a continuing offence a daily penalty not exceeding forty shillings. A.D. 1886.  
Penalties.

**113.** All offences against this Act or against sections 31 70 and 71 of the Tormoham Improvement Act 1835 or any byelaws made under the authority of this Act and all penalties or forfeitures which may be imposed for the breach of any byelaw and the costs and expenses which may be incurred by the Board in the prosecution of any person offending against any such byelaw may respectively be prosecuted and recovered and applied in the manner provided by sections 251 and 254 of the Public Health Act 1875 respectively as if such offences were offences against that Act. Offences  
against bye-  
laws &c.  
how to be  
prosecuted.

**114.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any license certificate consent or approval of or by the Board or of or by any officer or valuer of the Board or by the suspension or revocation of any license by the Board or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal (but in cases where application for relief is authorised to be made to the Board then only after such application) to the next practicable court of quarter sessions under and according to the provisions of section 269 of the Public Health Act 1875 as altered by the Summary Jurisdiction Acts. As to appeal.

**115.** The Board may provide and maintain in such places as they think fit but not on any private land of a railway company forming the approach to any railway station or upon or attached to any work building or erection belonging to or occupied by or for the purposes of a railway company boards or conveniences for reception of advertisements placards and bills to be affixed thereto and may from time to time make regulations respecting the use of any such board or convenience and they may make such charges as they think reasonable for the use of any space on any such board or convenience and if any person uses any such board or convenience without paying the charge payable in respect of the use thereof he shall for every such offence be liable to a penalty not exceeding five pounds without prejudice to any remedy of the Board for the recovery of the charge. Power for  
Board to  
provide  
advertising  
places.

**116.** The Board may from time to time pay or contribute towards the payment of a public band of music for the district to perform in Public bands  
advertising  
&c.

A.D. 1886. — any public park or other place of public resort within the district as the Board may prescribe provided that the amount of such payment or contribution shall be paid out of the district fund and shall not in any one year exceed in amount the rate of one halfpenny in the pound on the rateable value of the district assessable to the general district rate.

Powers of Act to be cumulative.

**117.** All powers given by this Act shall unless otherwise expressly stated be deemed to be in addition to and not in derogation of any other powers conferred upon the Board by Act of Parliament charter law or custom and such other powers may be exercised in the same manner as if this Act had not passed and nothing in this Act shall exempt any person from any penalty to which he would have been liable if this Act had not passed. Provided that no person should be adjudged to pay more than one penalty (other than a daily penalty for continuing offence) for the same offence.

Saving rights of Crown under Crown Lands Act.

**118.** Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 20 21 and 22 of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

Saving rights of the duchy of Cornwall.

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

Saving for general Acts relating to dairies &c.

**120.** Nothing in or done under this Act shall interfere with the operation or effect of the Contagious Diseases (Animals) Act 1878 or of any order license or act of Her Majesty's Privy Council made



granted or done or to be made granted or done thereunder or of any order regulation license or act of a local authority made granted or done or to be made granted or done under any such order of the Privy Council or exempt the dairies milk stores or milk shops to which this Act relates or any of them or any building or thing whatsoever or any body or person from the provisions of any general Act relating to dairies or milk already passed or to be passed in this or any future session of Parliament. A.D. 1886. —

**121.** The costs charges and expenses of and incidental to the purchase of the harbour undertaking and the preparing of applying for and obtaining this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the moneys borrowed under the powers of this Act or out of the district fund or both. Costs of Act.

A.D. 1886.

SCHEDULES referred to in the foregoing Act.

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FIRST SCHEDULE.

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AN AGREEMENT made the sixth day of February 1885 between the Right Honourable Lawrence Hesketh Baron Haldon (herein-after called "Lord Haldon") as tenant for life in possession of the hereditaments and property the subject of this agreement (the same being part of the settled estates of his family) of the one part and the Local Board of Health for the district of Torquay in the county of Devon (herein-after called "the Board") of the other part.

It is agreed as follows :

1. Lord Haldon shall sell and the Board shall purchase the undertaking of the Harbour of Torquay and all other the lands hereditaments rights and property which are described or enumerated in the schedule hereto and the fee simple and inheritance thereof free from incumbrances subject nevertheless to the several restrictions reservations and conditions mentioned in the said schedule for the sum of seventy-five thousand pounds sterling But this agreement for sale and purchase is conditional upon the same receiving the approval of the owners and ratepayers of the urban district of Torquay and upon the sanction of Parliament being obtained thereto in manner herein-after mentioned.

2. The sale is made subject to all subsisting leases or agreements for leases and tenancies of any parts of the several properties mentioned in the schedule hereto It is believed and shall be assumed that all existing leases agreements and tenancies affecting the said premises or any of them are mentioned or referred to in the said schedule and no error or omission in this respect shall annul the sale Lord Haldon is to have the right between the date of this agreement and the completion of the purchase of letting or re-letting at rack-rent from year to year or for any less term or interest any part of the premises which is now vacant or may hereafter become vacant.

3. The Board shall forthwith proceed to take and carry into effect all necessary steps and measures for obtaining the approval of the owners and ratepayers of the urban district of Torquay to this agreement including the calling and holding of all requisite meetings and use their best endeavours to obtain with all reasonable speed all requisite consents and approvals under the Act of the 35th and 36th Victoria chapter 91 or otherwise for enabling and entitling the Board to apply for and promote at the cost of the funds under their control



a Bill in Parliament for authorising the Board to purchase the undertaking lands hereditaments rights and property aforesaid upon the terms of this agreement or upon any modified terms which may hereafter be agreed on between Lord Haldon and the Board and to raise the purchase money and for enabling the said sale and purchase to be carried into effect and (but so that the passing of the said Bill shall not be thereby imperilled and subject to submission of the draft of the said Bill to Lord Haldon as is herein-after provided) for any general purpose the Board shall think fit And if the Board shall succeed in obtaining the requisite approvals and consents they shall with all diligence prepare for and make an application to Parliament for an Act for the purposes aforesaid and will comply with all standing orders of each House of Parliament with respect to such application and all other requirements necessary in that behalf and will use their utmost endeavour to obtain the passing of such an Act during the session of Parliament to be held in the year 1886 The draft of the Bill for such an Act shall be submitted to Lord Haldon in or before the month of October 1885 and the Board will have due regard to any reasonable suggestions or requirements on the part of Lord Haldon as to the form or contents of such draft Bill and any question upon this head including any question as to which of the parties to these presents should bear any extra or additional parliamentary cost arising out of the adoption by the Board of any such suggestion or requirement shall be submitted to and settled by arbitration.

4. Without prejudice to and independently of the foregoing obligation on the part of the Board as to the calling and holding meetings and obtaining consents and approvals (but in explanation of the course of proceedings to be adopted) the Board shall call and hold or cause to be duly called and held within one calendar month after the date hereof such meeting of the Board as is contemplated in sec. 4 of the Act 35 and 36 Vic. c. 91 and shall endeavour at such meeting to obtain the passing of a resolution of an absolute majority of the whole number of the Board to authorise the promotion of such Bill as aforesaid at the expense of the public funds or rates under the control of the Board They shall further duly call and hold or cause to be duly called and held within two calendar months from the date hereof a meeting of the owners and ratepayers of their district such as is contemplated by the same section as varied by subsequent enactment and shall endeavour to obtain at such meeting the approval by the meeting of this agreement and the consent of the owners and ratepayers aforesaid to the promotion of such Bill as aforesaid at the expense of the funds or rates aforesaid.

5. The sale and purchase shall take effect and be completed as from the expiration of three calendar months next after the passing of the said Act and the purchase money of 75,000*l.* shall thereupon become immediately payable to the parties entitled thereto And the vendor and all necessary parties shall execute proper deeds of conveyance to the purchasers and if from any cause other than the wilful neglect or default of the vendor the purchase shall not be so completed and the said purchase money shall not then be paid the same or so much thereof as shall remain unpaid shall carry interest at the rate of 4*l.* per centum per annum from that date until actual payment.

6. The Board shall be entitled to the rents and profits of the purchased premises as from the expiration of three calendar months next after the passing

A.D. 1886. — of the said Act and for this purpose current rents and profits shall be apportioned Nevertheless the Board shall not be entitled to actual possession of the harbour undertaking or any part of the purchased premises which is or shall be in hand until actual payment of the purchase money and Lord Haldon or the person or persons for the time being entitled under the settlement of his family estates shall account to the Board on final completion of the purchase and payment of the purchase moneys for any rents profits dues or tolls received by him or them from the purchased properties between the expiration of the three calendar months next after the passing of the said Act and payment of the purchase money but in so accounting he or they shall only be chargeable with rents profits dues or tolls actually received and he or they shall be allowed as against the rents profits dues or tolls so received the costs and expenses of receiving or collecting the same and the expenses of management including repairs insurance and other outgoings between the passing of the said Act and the payment of the said purchase money.

7. Lord Haldon will within fourteen days from the date on which this contract shall be approved by the owners and ratepayers deliver to the Board an abstract of the title to the purchased properties commencing with an indenture of appointment and release by way of settlement or re-settlement dated the 2nd of June 1841 and made between Sir Lawrence Vaughan Palk (the grandfather of Lord Haldon) of the first part his father the late Lord Haldon then Lawrence Palk Esq. of the second part Joseph Barnes Sanders and William Kennaway of the third part Sir Bouchier Palk Wrey and Lewis William Buck of the fourth part and Sir Walter Palk Carew and Baldwin Fulford the younger of the fifth part Any deed dated twenty years ago or more shall be conclusive evidence not only of facts recited noticed or implied therein but also of the contents and due execution of any deeds or documents recited or referred to therein which are not in the possession of Lord Haldon and the Board shall not call for the production of any such deed or document or any abstract or copy thereof.

8. All objections and requisitions upon the title evidence of title or any other matter arising out of the abstract delivered or appearing upon or suggested in this agreement shall be stated in writing and delivered to Mr. Stuart Eaton Maskell the solicitor for Lord Haldon at the Tormoham Manor Office within twenty-eight days from the delivery of the abstract and in default of and subject only to any requisitions so stated and delivered the title shall be deemed to have been accepted and for this purpose time shall be of the essence of the contract If the Board shall make and insist upon any objection or requisition which Lord Haldon shall be unable or unwilling to remove or comply with Lord Haldon shall be at liberty at any time afterwards notwithstanding intermediate negotiation to rescind the present contract without liability for costs or expenses of investigation of title or any other claims or demands on the part of the Board.

9. The production and inspection of all deeds and documents not in Lord Haldon's possession which the Board shall be entitled to call for and all certificates attested or other copies of or extracts from deeds wills registers or other documents and all declarations as to identity of persons or property or



any other fact required by the Board whether for the verification of the abstract or otherwise shall be procured and made at the expense of the Board. If any deed or document be objected to by the Board as being unstamped or insufficiently stamped the same shall be stamped (if required) at the expense of the Board. A.D. 1886.

10. Henceforward from the date of this agreement Lord Haldon shall not be bound to or execute any repairs of or to any part of the property and premises mentioned in the schedule hereto beyond such ordinary landlord's repairs to the buildings comprised in the 2nd 3rd 4th and 5th paragraphs or clauses in the schedule hereto annexed as may be necessary to keep the same in as good a state of repair and condition as at present (damage by fire and tempest excepted) or such further repairs (if any) to such buildings as he may in any case think proper to execute and this present contract shall not be affected by any loss or injury which may hereafter and before completion of the sale and purchase accrue to any part of the subject matter of the sale by fire storm decay or want of works of repair restoration strengthening or support Lord Haldon will however at his cost keep up and renew such insurance against fire of the said premises or any of them as are now subsisting until the date herein-after fixed for the completion of the sale and purchase and the payment of the purchase money.

11. If the Board shall at any time between the time when such approval and consent of the owners and ratepayers of their district as is referred to in clause 4 has been obtained and the passing of the Act to be applied for, as aforesaid or the determination of this agreement be desirous of doing or executing any works of repair protection strengthening or support of or to the Torquay harbours mentioned in the schedule hereto or any piers jetties walls or works connected therewith they shall be at liberty to do so at their own expense provided plans and written particulars of the works in question shall in each case have been previously submitted to and approved by Mr. J. W. Rowell or other the engineer or surveyor for the time being of Lord Haldon which approval shall not be withheld except on the ground of the proposed works being unnecessary or improper or unnecessarily expensive and any question on these heads shall be referred to and settled by arbitration.

12. In any or either of the following cases viz. :—

- (A.) If such resolution or an absolute majority of the Board as is mentioned in clause 4 be not obtained within one calendar month next after the date of this agreement ;
- (B.) If such approval or consent of the owners and ratepayers of the district as is mentioned in the same clause (clause 4) be not obtained within two calendar months next after the date of this agreement ;
- (C.) If the Bill for the said Act be not duly deposited by the 20th day of December 1885 ;
- (D.) If such confirmatory resolution of the Board as is required in section 4 of the said Act 35 and 36 Vic. c. 91 be not passed by the 15th day of January 1886 ;

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(E.) If the approval required by sec. 4 of the Act 35 and 36 Vic. c. 91 of the Local Government Board or (as the case may be) of a Secretary of State in relation to the premises be not obtained by the 1st March 1886 ;

Lord Haldon may by notice in writing left at the office of the Board and notwithstanding waiver of his right in any previous case absolutely determine this agreement.

13. In any or either of the following cases, viz. :—

(A.) If such resolution of an absolute majority of the Board as is mentioned in clause 4 be not obtained at a meeting when duly convened and held for that purpose ;

(B.) If such approval or consent of the owners and ratepayers of the district as is mentioned in clauses 3 and 4 be not obtained at a meeting when duly convened and held for that purpose ;

(C.) If such confirmatory resolution of the Board as is required in section 4 of the said Act 35 and 36 Vic., c. 91 be not passed at a meeting when duly convened and held for that purpose ;

(D.) If the approval required by sect. 4 of the Act 35 and 36 Vic. c. 91 of the Local Government Board or (as the case may be) of a Secretary of State in relation to the premises be not obtained ;

(E.) If the authority of Parliament which is to be applied for as herein-before mentioned be not obtained by the 1st October 1886 ;

this agreement shall thenceforth be void.

14. In the event of this agreement being determined or becoming void under the operation of the last preceding clauses (12 and 13) Lord Haldon shall within three calendar months thereafter repay to the Board all moneys (if any) properly expended by them upon any works which may have been done or executed by them under the authority of clause 11 of this agreement but without interest in the meantime.

15. If any dispute or difference shall arise between the parties hereto touching any clause or provision in this agreement or touching any matter or thing whatsoever arising out of or incidental to anything contained such dispute or difference shall be referred to two arbitrators one to be chosen by each party hereto or in case of their dispute to an umpire to be chosen by the arbitrators prior to their entering on the consideration of the matter in dispute and the decision of the arbitrators or their umpire as the case may be shall be final and binding on all parties hereto and every such reference shall be deemed an arbitration within and be subject to the provisions of the Common Law Procedure Act 1854 or any then subsisting statutory modification thereof.

In witness whereof the said Lord Haldon has hereunto set his hand and seal and the said Local Board have caused their common seal to be affixed the day and year first before written.

THE SCHEDULE ABOVE REFERRED TO.

(1.) The Torquay harbours with the foreshore bed of the sea and all the undertaking and works authorised by the Torquay Harbour Act of 43 Geo. III. and by the Torquay Harbour Orders 1864 and 1868 and all rates tolls dues



and moneys thereby authorised to be levied and also the sheds cranes moorings buoys rails and any movable plant stores appliances buildings and requirements connected with such harbour as a going concern and not herein-after specially mentioned. A.D. 1886.

NOTE.—The plant apparatus and movable effects are sold subject to the right of Lord Haldon to use the same for the purposes for which they are intended in the meantime and until completion of the sale and without liability on his part to repair or replace any which may be injured worn out destroyed or lost in the meantime but the Board as purchasers will be entitled to any articles of a similar kind which may have been added by Lord Haldon in the meantime and which shall be in existence upon the premises at the time of completion.

(2.) The whole of the buildings stores offices works and conveniences on and adjacent to the new harbour and quay which will include the Manor Office the Lifeboat House the Coastguard House—the Coal Stores Offices and buildings on the new quay and harbour viz. stores occupied by Mr. R. D. Renwick stores in hand stores occupied by Messrs. Whiteway & Ball stores occupied by Messrs. Atkinson Bros. stores occupied by Messrs. Browne stores occupied by Mr. T. Lear stores occupied by Messrs. R. J. Slade the Manor Club the Leander Boat House the Harbour Master's Office various advertising stations urinal on quay and fountain site foot of Beacon Hill the store occupied by Messrs. Browne on Victoria Parade the weighbridge occupied by Messrs. Browne on Victoria Parade the office occupied by Messrs. Browne on Victoria Parade the weighbridge occupied by Mr. H. Manley on Victoria Parade the urinal and advertising stations.

(3.) The whole of the buildings stores and weighbridges on and adjacent to the old harbour and quays viz. the stores occupied by Messrs. Whiteway & Ball the stores occupied by Mr. H. Manley the stores occupied by Mr. G. Oaks.

(4.) The Bath Saloons with the Ladies Bathing Cove including machinery fixtures and plant of every description belonging to the landlord.

(5) The Custom House and 10 Vaughan Parade.

NOTE.—The foregoing properties are shown or included within the limits of Plan No. 1 hereto annexed The Bath Saloons are subject to a lease to Mr. Hall which expires on the 1st November 1886 the Lifeboat House to a lease for 30 years from 25th December 1875 the Custom House to a lease for 7 14 or 21 years commencing the 25th March 1876 and the old and new harbour stores offices club premises and weighbridges to yearly tenancies and to a yearly arrangement with the Torquay Yacht Club.

For the preservation of the views now enjoyed from the houses in Beacon Terrace no existing building upon the new quay or at the Bath Saloons is to be raised above the present height of the buildings there and no new or additional building shall be erected there or upon the adjacent land of a greater height than that of the existing buildings this restriction to be made binding in perpetuity.

(6.) The reversion in fee subject as to part thereof to a lease to Thos. Lethaby Harding for 21 years from 29th of Sept. 1883 and as to other parts to

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1886.

A.D. 1886. certain yearly tenancies of the pieces of land coloured red and blue upon the annexed plan No. 21.

Within twelve months from the day fixed by the foregoing agreement for the completion of the contract and payment of the purchase money the Board shall construct and dedicate to the public a road 30 feet wide (but without footways or sewers) from B to C shown upon the said plan at such levels as shall be agreed upon between the Board and Lord Haldon or as in the event of difference shall be determined by arbitration. They shall also within 25 years from the date of this agreement construct and dedicate to the public a road on so much of the ground between the letters D and E upon the plan as is coloured blue upon the said plan. In consideration that Cavern Road will probably be hereafter extensively used by the Board for the transport of stone obtained by them from the land shown on plan No. 21, the Board will indemnify Lord Haldon and his successors in title against all liability claim and demand to which he or they might otherwise be or become subject under section 150 of the Public Health Act 1875 or otherwise for works of repair or improvement of Cavern Road.

(7.) The fee simple (subject to the lessees terms and rights under subsisting leases) in a strip of land extending from the Bathing Cove to the boundary line of Daddy Hole pleasure ground and comprising the space seaward within the red line shown on the plan No. 2.

This land not to be used for any other purpose than for making a road or promenade along the line thereof and for laying out the same as ornamental or pleasure ground. But the Board shall be at liberty to quarry and get stone therefrom for constructing or repairing works at the harbour or for constructing the road and promenade aforesaid and for no other purpose. The sale of this land not to carry with it the right to any part of the rents payable by the lessees whose leases extend over any part of the aforesaid strip of land.

(8.) The reversion in fee expectant on the subsisting leases in the following properties in Vaughan Parade and Palk Street (the total annual ground rents of which amount to £71 2s. and the remainder of the terms under existing leases average about 45 years) viz. :

No. 2 Vaughan Parade and Palk Street ground behind Vaughan Parade and Palk Street No. 3 Vaughan Parade and Palk Street No. 4 ditto No. 5 ditto No. 6 ditto No. 7 ditto No. 8 ditto No. 9 ditto.

Stables and hereditaments in Palk Street now in occupation of Robert Kitson or his under lessee or tenant Marine Tavern in Palk Street.

(9.) The reversion in fee in the following pleasure grounds and sites at present held by the Board under lease or agreement and shown and distinguished by the colour pink in the several plans hereto annexed numbered 3 to 12 both inclusive.

	No. of Plan.
Piece of land in Castle Terrace - - -	3
Piece of land in Wellswood - - -	4
Manor Gardens - - -	5
Daddy Hole Plain Cliffs and Slopes - -	6
Peaked Tor Pleasure Ground and Bathing Cove - -	7



	No. of Plan.	A.D. 1886.
Torwood Gardens (subject to lessee's right under existing leases) - - - - -	8	
Site of urinal top of Market Street - - - - -	9	
Ditto Pimlico - - - - -	10	
Ditto near Masonic Hall - - - - -	11	
Site of Shelter Lincombe Hill drive and slope and space between the railing and road - - - - -	12	

Daddy Hole Plain Cliff and Slopes and Peaked Tor Pleasure Ground and Bathing Cove are to be subject in perpetuity to a restriction in respect of quarrying similar to that imposed in the case of the strip of land No. 7 in the schedule.

The right is reserved to Lord Haldon and his successors in title of at any time making and using a road 30 feet wide across Daddy Hole Plain as indicated in the plan No. 6 to open up a communication between Rock End and the public road. The right is also reserved of making and using a road on or over any part of the space in Lincombe Hill (plan No. 12) not actually occupied by the shelter there.

(10.) The following other grounds and hereditaments shown and distinguished or bordered by the colour pink in the plans hereto annexed and numbered 13 to 20 inclusive, viz. :—

Chapel Hill including the site of the old chapel and the whole of the plantation (plan No. 13).

Vane Hill subject as to part thereof to a lease to Ann Johns for 99 years from 24th March 1823 as per plan No. 14 with the right of public footway between Vane Hill and the Park Hill Road as shown by a brown colour upon the said plan.

Triangular piece of ground adjoining "The Torbay Club" as per plan No. 15.

Triangular piece of ground top of Fore Street Ellacombe as per plan No. 16.

Triangular piece of ground Upton Valley as per plan No. 17.

Triangular piece of ground between Higher and Lower Woodfield Roads as per plan No. 18.

Triangular piece of ground between the Sea Road and Meadfoot Beach as coloured red on plan No. 6.

	No. of Plan.
Piece of ground adjoining "Peamore" - - - - -	18
Ditto ditto "Woodland Steps" - - - - -	19
Ditto ditto "The Cleave" - - - - -	20

The Board to preserve the ruined chapel on Chapel Hill and to maintain the same in good order to perpetuity.

A restriction to be imposed on the Board to prevent trees or shrubs from being allowed to grow on the piece of ground between Middle and Lower Woodfield Roads to a height exceeding 6 feet above the level of Middle Woodfield Road and this piece of ground is sold subject to any existing lease of any part thereof.

[Ch. cxix.] *Torquay Harbour and District Act, [49 & 50 VICT.]*  
1886.

A.D. 1886. (11.) All timber and trees on any of the land sold and on any highway within the Tormoham Manor.


All ground and hereditaments comprised in the agreement which are at present laid out or devoted to use as pleasure grounds and also all the grounds and lands comprised in the 10th paragraph or clause of this schedule and the plans No. 13 to 20 both inclusive and on plan No. 6 shall continue in perpetuity to be used as public pleasure grounds and no building shall be erected thereon except in connexion with the user and enjoyment by the public of such grounds and hereditaments as pleasure grounds.

Signed sealed and delivered by the said Lord  
HALDON in the presence of W. A. HILL  
Clerk to S. Eaton Maskell  
Tormoham Manor Office Torquay.

HALDON  L.S.

Sealed with the seal of the Board in the  
presence of

W. H. HALLIDAY  
Chairman.

 Seal of  
the Local  
Board.

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SECOND SCHEDULE.

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HARBOUR IMPROVEMENT WORKS.

	£
Rebuilding inner wall of harbour - -	900
Strengthening outside do. - -	500
Paving piers and forming promenade - -	1600
	<hr/>
	£3000

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THIRD SCHEDULE.

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Repairs to harbour buildings bath saloons and baths refitting and decorating the same - - -	£2000
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THE FOURTH SCHEDULE.

A.D. 1886.

CERTIFICATE OF DISEASE &C.

THE TORQUAY HARBOUR AND DISTRICT ACT 1886.

TO THE LOCAL BOARD OF HEALTH FOR THE DISTRICT OF TORQUAY.

Pursuant to the above-mentioned Act I hereby certify and declare that in my opinion the under-mentioned person is suffering from an infectious disease within the terms of such Act.

Dated the                      day of                      18 .

(Signed)

Name of person suffering from the }  
disease }  
Situation of the building wherein such }  
person is }  
Name of occupier or other person }  
having the charge management or }  
control of the building or room }  
Nature of disease }

NOTE.—This certificate must (under penalty of two pounds in case of neglect) be forthwith sent to the medical officer of health of the district at his office.

THE FIFTH SCHEDULE.

RELATING TO PART VI. OF FOREGOING ACT.

FORMS.

(A.)

RESOLUTIONS ON CREATION OF TORQUAY LOCAL BOARD REDEEMABLE STOCK.

District of Torquay.

[29th September 188 ].

At a meeting of the Local Board of Health for the district of Torquay holden on [Wednesday the 29th day of September 188 ] at [eleven o'clock in the forenoon] in the

Present:

Resolved first—

That under the authority and subject to the provisions of the Torquay Harbour and District Act 1886 the Local Board do hereby in exercise of their

A.D. 1886. several statutory powers create stock to be called Torquay Local Board Redeemable Stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding [five hundred thousand] pounds (£500,000):—

(A.) For raising the following sums (amounting in the aggregate to the sum of \_\_\_\_\_ pounds which has not been raised) that is to say:—

(1.) The sum of \_\_\_\_\_ pounds on account of the money which the Local Board have authority to raise by borrowing under the powers conferred upon them by the [ \_\_\_\_\_ ] Acts for the purchase money for [ \_\_\_\_\_ ] and the cost of reconstruction of portions thereof:

(2.) The sum of \_\_\_\_\_ pounds on account of the money which the Local Board have authority to raise by borrowing under the powers conferred upon them by the [ \_\_\_\_\_ ] Acts for the cost of construction of [ \_\_\_\_\_ ]:

(3.) The sum of \_\_\_\_\_ pounds on account of the money which the Local Board have authority to raise by borrowing under the powers conferred upon them by the [ \_\_\_\_\_ ] Acts for the construction of [ \_\_\_\_\_ ]:

(4.) The sum of \_\_\_\_\_ pounds on account of the money which the Local Board have authority to raise by borrowing under the powers conferred upon them by the [ \_\_\_\_\_ ] Acts for the purposes of [ \_\_\_\_\_ ].

(B.) For raising instead of re-borrowing the sum of \_\_\_\_\_ pounds required by the Local Board for the purpose of paying off when due sums amounting to \_\_\_\_\_ pounds which will fall due before the [1st January 188 \_\_\_\_\_ ] being a portion of their debts now subsisting on the security of outstanding securities granted by the Local Board for raising money for the purposes of the following Acts (that is to say):

and which sums the Local Board are under those Acts authorised to re-borrow.

(C.) For raising the sum of \_\_\_\_\_ pounds for repaying the amount temporarily borrowed by the Local Board from [ \_\_\_\_\_ ] in order to enable the Local Board to meet sums which amount to \_\_\_\_\_ pounds being a portion of their debt secured on outstanding securities granted by the Local Board for raising money for the purposes of the following Acts (that is to say):—

and which sums the Local Board are under those Acts authorised to re-borrow.

(D.) For raising the sum of \_\_\_\_\_ pounds for paying off or redeeming statutory securities granted by the Local Board under the following Acts and now outstanding (that is to say):—





A.D. 1886.

(B.)

TORQUAY LOCAL BOARD (£ PER CENT.) REDEEMABLE STOCK.  
(STOCK CERTIFICATE).

Number

This is to certify that A.B., of [ ] is the proprietor of  
[ ] pounds of Torquay Local Board Redeemable Stock  
subject to the Acts of Parliament relating thereto.

Given under the common seal of the Local Board of Health for district of  
TORQUAY this [ ] day of [ ] 18 [ ]

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(C.)

NOTICE TO HOLDERS OF TORQUAY LOCAL BOARD REDEEMABLE STOCK.  
(£ PER CENT.)

PAYMENT OF DIVIDENDS.

Dividends are due on the [1st January 1st April and 1st July and 1st  
October] unless the [1st] of either of these months falls on a Sunday in which  
case the dividends will be payable on the following day.

Dividends will be paid in one of the following modes:—

I. To the stockholders personally or to their attorneys at the [ ].

N.B.—Stockholders may arrange for the receipt of their dividends free of  
charge at any of the country branches on application to the agent.

II. By transmission of dividend warrants by post at the risk of the stock-  
holder under the following regulations:—

1. Any stockholder residing within the United Kingdom the Channel  
Islands or the Isle of Man who desires to have his dividend warrant  
sent to his address by post must fill up a form of application to be  
obtained at the bank or at any of its branches.
2. In the case of joint accounts the application must be signed by all the  
members of the account directing the warrant to be sent to one of them  
at a given address.
3. Post dividend warrants will be crossed & Co. and will only be payable  
through a banker. They will be drawn to the order of the stockholder  
and must be indorsed.

Stockholders whose warrants are sent by post should give notice to the  
bank if they are not received on the day on which they ought to be delivered  
but need not acknowledge those that arrive in due course.

STOCK CERTIFICATES TO BEARER.

Stock certificates to bearer of the denominations of [£10 or any multiple of £10]  
with coupons for the quarterly dividends attached may be obtained in exchange  
for inscribed stock.

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(D.)

A.D. 1886.

DEED OF TRANSFER.

District of Torquay.

I A.B. of [ ] in consideration of the sum of [ ] pounds paid to me by C.D. of [ ] (herein-after called the said transferee) do hereby transfer to the said transferee the sum of [ ] pounds Torquay Local Board Redeemable Stock standing [or part of the stock standing] in my name in the books of the Local Board of Health for the district of Torquay to hold unto the said transferee his executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the [ ] day of [ ] 18 .

(E.)

DIVIDEND WARRANT.

TORQUAY LOCAL BOARD REDEEMABLE STOCK.

(£ PER CENT.)

To the

Pay to the bearer the sum of \_\_\_\_\_

for one quarter of a year's dividend on the sum of £ \_\_\_\_\_ Torquay Local Board Redeemable Stock (£ \_\_\_\_\_ per Cent.) due 188 . Less property tax at *d.* per £

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I do hereby acknowledge to have received of the Bank of England the above-mentioned sum in full payment for one quarter of a year's dividend due as aforesaid.

Witness my hand this

188 .

Witness





[49 & 50 VICT.] *Torquay Harbour and District Act,* [Ch. cxix.]  
1886.

[On second half-sheet of same form.]

A.D. 1886.

This half-sheet is to be retained by the stockholder. Reference to it will often save unnecessary correspondence.

NOTICE TO HOLDERS OF TORQUAY LOCAL BOARD REDEEMABLE STOCK.  
(£ PER CENT.)

TRANSMISSION OF DIVIDEND WARRANTS BY POST.

Dividends upon the above-named stock may be transmitted through the post to the stockholder in sole accounts and to any one of the stockholders in joint accounts at their risk upon a form of request being duly filled up and forwarded to  
(Forms are obtainable at  
).

N.B.—This arrangement does not apply to stockholders whose addresses are beyond the United Kingdom the Channel Islands and the Isle of Man.

Persons receiving dividends under letter of attorney cannot have the warrants for such dividends sent to them by post.

A separate form must be used for each separate holding of stock.

When forwarding a form of request care should be taken to state the number of overdue dividends if any.

Dividends are payable on [1st January 1st April 1st July and 1st October].

When the [1st] happens on a Sunday the dividends are not payable until the [2nd].

Forms of request may be delivered at the Bank at any date either by hand or through the post but when received between the day on which the balance for a dividend is struck and the day on which the dividend is payable the warrants for such next dividend will be forwarded as soon as possible but the Bank will not guarantee their being posted on the day before the dividend is payable.

For the dividend payable [1st January] the balance is struck on or about the [1st December].

For the dividend payable [1st April] the balance is struck on or about the [1st March].

For the dividend payable [1st July] the balance is struck on or about the [1st June].

For the dividend payable [1st October] the balance is struck on or about the [1st September].

Warrants for overdue dividends will be forwarded as promptly as possible but not necessarily by return of post.

Any change of address of the stockholder in sole accounts or of the nominee in joint accounts should be notified at once to

When any such notification reaches the Bank less than a fortnight before the next dividend is due there may be a delay of a few days in the delivery of the warrant for such next dividend.

[Ch. cxix.] *Torquay Harbour and District Act, [49 & 50 VICT.]*  
1886.

A.D. 1886.

THE SIXTH SCHEDULE.

STATEMENT OF AND RELATING TO LOANS OF THE DISTRICT OF TORQUAY TO THE  
25TH MARCH 1886.

Object of Loan.	Date of Sanction.	Amount Sanctioned.	Period Sanctioned. Years.	Amount Borrowed.	Amount Repaid.	Amount still Owing.	Unexpired period for Repayment. Years.
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PART I.—PROPOSED TO BE CONSOLIDATED.

		£			£ s. d.	£ s. d.	
Street improvements	July 27th 1866	30000	} 50	}			} 30
Drainage	April 30th 1866	910					
Street improvements	July 27th 1866	3000	} 50	}			} 34
Ditto and drainage	Oct. 26th 1868	2700					
Street improvements	Sept. 4th 1869	570	} 30	}			} 13
Drainage	Mar. 29th 1870	2345					
Street improvements	Dec. 2nd 1870	4141	} 50	}			} 34
Main drainage	Sept. 4th 1873	1350					
Street improvements, erection of stables, &c.	Mar. 2nd 1880	6770	} 30	}	57828	8045 0 0	} 18
Purchase of a site for a hospital	Mar. 2nd 1880	275					
Erection of stables	July 26th 1881	3500	} 30	}			} 26
Ditto hospital	Sept. 3rd 1881	3000					
Ditto ditto	Aug. 23rd 1883	350	} 30	}			} 27
Sewerage	Mar. 2nd 1880	5259					
Furnishing hospital	Aug. 23rd 1883	250	7				Not borrowed.
Works of water supply	July 7th 1856	50000	} 50	}	800		} 27
Ditto	Aug. 29th 1860	5000					
Ditto	Aug. 9th 1866	10000	} 50	}	67090	12850 0 0	} 31
Ditto	Sept. 21st 1871	2482					

PART II.—NOT PROPOSED TO BE CONSOLIDATED.

Kerbing and channelling	April 30th 1866	4090	20	4100	2760 0 0	1340 0 0	1
Main drainage	May 13th 1874 Nov. 9th 1877	48650 20000	} 30	}	68650	15020 12 5	} 19
Sewerage (part of above sanction for £5,259).	Mar. 2nd 1880	—					
Works of water supply	April 13th 1874 May 21st 1878	6000 17926	} 30	}	23926	5511 1 2	} 18
Ditto	Dec. 20th 1880	22425					
Ditto	Mar. 18th 1882	8350	30	4350	507 10 0	3842 10 0	7500-25 6000-25 5000-27 3925-28
Ditto	Sept. 11th 1884	14000	30	13050	300 0 0	12750 0 0	26 9000-28 4050-29
Summary, Parts I. & II.	—	£273343	—	£266669	£47724 16 8	£218944 3 4	—

\* Borrowed for 30 years only.

FRED. S. HEX  
Accountant  
Torquay Local Board.