



## CHAPTER xcii.

An Act for making Lifts between Lynmouth and Lynton in the county of Devon and for other purposes.

A.D. 1888.

[5th July 1888.]

**W**HEREAS the present means of communication between Lynmouth and Lynton in the county of Devon are circuitous and inconvenient and the same would be greatly improved by the construction of the lifts hereinafter mentioned which would be of public and local advantage :

And whereas the persons hereinafter named with others are willing at their own expense to construct and maintain the said lifts if authorised by Parliament so to do and are desirous of being incorporated into a company with adequate powers for such purposes and it is expedient that they be incorporated accordingly :

And whereas in order to enable the said lifts to be worked by means of hydraulic power it is expedient that the Company by this Act incorporated be authorised to execute the other works and to exercise the other powers in this Act mentioned :

And whereas plans and sections shewing the lines and levels of the lifts approach road and line of pipes by this Act respectively authorised to be made and the lands to be taken for the purposes thereof and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands respectively have been deposited with the clerk of the peace for the county of Devon and are in this Act referred to as the deposited plans sections and book of reference :

And whereas the objects of this Act 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

[Ch. xcii.] *Lynmouth and Lynton Lift Act, 1888.* [51 & 52 VICT.]

A.D. 1888. Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title. 1. This Act may be cited for all purposes as the Lynmouth and Lynton Lift Act 1888.

Incorporation of Acts. 2. The Lands Clauses Consolidation Acts 1845 1860 and 1869 as amended by the Lands Clauses (Umpire) Act 1883 the Companies Clauses Consolidation Act 1845 Part I. (cancellation and surrender of shares) of the Companies Clauses Act 1863 the Companies Clauses Act 1869 and the clauses and provisions of the Waterworks Clauses Act 1847 relating to the construction of the waterworks and with respect to the breaking up of streets for the purpose of laying pipes are (except where expressly varied or excepted by this Act) incorporated with and form part of this Act.

Interpretation. 3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

The expression “the Company” shall mean the Company incorporated by this Act.

The expressions “the lift” “the works” and “the undertaking” shall respectively mean the lifts the approach road the line of pipes and other works by this Act authorised and the undertaking of the Company The expressions “toll-house” “toll-houses” “toll-gate” or “toll-gates” shall mean any toll-gate toll-house or other place erected or provided by the Company for receiving the tolls payable under this Act and the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or any Act wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt and not a debt or demand created by statute.

Incorporation of the Company. 4. Lewis Robert Stirk Tomalin William Knib Hillyard Bob Jones George Newnes and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of “the Lynmouth and Lynton Lift Company” and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.



5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper landing-places toll-gates toll-houses approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for that purpose The several works hereinbefore referred to and authorised by this Act are wholly in the parish of Lynton in the county of Devon and are as follows :—

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Power to  
make works  
according  
to deposited  
plans and  
sections.

- (a) A lift (No. 1) 9·15 chains in length commencing at or near Lynmouth in the field numbered 1423 on the tithe commutation map for the said parish of Lynton and terminating on the boundary wall between the north walk and the orchard and gardens numbered 1428 on the said map ;
- (b) A lift (No. 2) 1·90 chains in length commencing at the termination of and by a junction with the lift (No. 1) and terminating in the garden or grounds adjoining North Cliff Cottage and numbered 1429 on the said map ;
- (c) An approach road commencing at or near the north side of Lee Lane and terminating at or near the termination hereinbefore described of the lift (No. 2) ;
- (d) A conduit or line of pipes commencing in the River West Lyn on or near the easterly side of the field numbered 227 on the tithe commutation map of the said parish and terminating in the public road leading from Lyn to Lynton at or near the north-westerly corner of the field numbered 223 on the said tithe commutation map ;
- (e) A conduit or line of pipes commencing by a junction with the conduit or line of pipes (d) at the termination thereof as hereinbefore described and terminating at the point hereinbefore described as the termination of the lift (No. 1) ;
- (f) An aqueduct line of pipes or culvert commencing at the point hereinbefore described as the commencement of the lift (No. 1) and terminating on the outside wall of the esplanade at Lynmouth at a point situate fifty yards or thereabouts from the western end of the said esplanade :

And the Company may from time to time collect divert impound appropriate and use for the purposes only of the said lifts so much of the waters of the West Lyn not exceeding 60,000 gallons in any one day of 24 hours as can be taken by the Company by means of a four inch pipe with a two inch intake at or within six feet of the point shown in that behalf on the deposited plans :



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And they may in connection with the several works in this section mentioned or any of them make erect lay down and maintain all or any of the following among other works namely :—

All such dams bye-washes wells tanks gauges sluices cisterns outfalls culverts drains mains pipes junctions valves engines apparatus works appliances and conveniences as they may think expedient for collecting impounding using and discharging water :

And they may also erect make provide and maintain all such roads approaches rails plates sleepers works inclines machinery and conveniences connected therewith as may be required for the efficient working and maintaining of the lift :

Provided that nothing in this Act contained shall authorise the Company to sell or dispose of the water to be taken as aforesaid Provided also that save as in this Act is expressly provided nothing in this Act shall take away abridge or interfere with the rights of any riparian owner on the West Lyn or any tributary thereof to the use of the waters thereof respectively for all purposes for which he would be entitled to use the same if this Act had not been passed.

Certain provisions of the Tramways Act 1870 incorporated.

6. For the purpose of constructing and maintaining the lift by this Act authorised section 26 sub-sections 1 2 and 3 of the Tramways Act 1870 shall be deemed to be incorporated with this Act and such section and sub-sections shall be read and have effect as if the word "lift" were inserted therein instead of the word "tramway" but no other section or provision of the said Tramways Act shall extend or apply to the lift and works by this Act authorised or to the Company or their undertaking.

Penalty for obstructing works.

7. Every person who wilfully obstructs any person acting under the authority of the Company in setting out the lines of the works authorised by this Act or who pulls up or removes any poles or stakes driven into the ground for the purpose of setting out the lines of the works or defaces or destroys any marks made for that purpose shall for every such offence be liable to a penalty not exceeding five pounds.

Correction of errors in deposited plans and book of reference.

8. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Devon for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same

accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Devon and a duplicate thereof shall also be deposited with the parish clerk of the parish in which the land affected thereby is situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and parish clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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9. The capital of the Company shall be ten thousand pounds divided into one thousand shares of ten pounds each.

10. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of the amount of such share is paid in respect thereof.

Shares not to be issued until one-fifth part paid up.

11. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

12. If any money be payable to any shareholder or proprietor being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Receipts in case of persons not sui juris.

13. The Company may from time to time borrow on mortgage of the undertaking any sum or sums not exceeding in the whole two thousand five hundred pounds but no part thereof shall be borrowed until the whole capital of ten thousand pounds is issued and accepted and one-half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such

Power to borrow.



A.D. 1888. persons or corporations their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proofs aforesaid have been given which certificate shall be sufficient evidence thereof.

For appointment of a receiver.

14. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than two hundred pounds.

Debenture stock.

15. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Application of moneys.

16. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable including the costs of obtaining this Act.

Ordinary meetings.

17. The first ordinary meeting of the Company shall be held within twelve months after the passing of this Act and the subsequent ordinary meetings of the Company shall be held half-yearly in the months of February and August in each year or at such other stated periods as shall be appointed for that purpose by an order of a general meeting.

Votes at meetings.

18. At all general meetings of the Company every shareholder shall have one vote for every share held by him and every holder of stock (not being debenture stock) shall have one vote for every ten pounds of such stock held by him.

Number of directors.

19. The number of directors shall be three but the Company may from time to time increase the number provided that the number be not more than five.



**20.** The qualification of a director shall be the possession in his own right of not less than twenty shares.

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Qualification of directors.

**21.** The quorum of a meeting of directors shall be three.

Quorum of directors.

**22.** George Newnes Bob Jones and one other person to be nominated by them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held in the year next after the passing of this Act At such meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to fill up the number of directors or to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if qualified) eligible for re-election and at the first ordinary meeting to be held in every year thereafter the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

First directors.

Election of directors.

**23.** The powers hereinbefore contained for the compulsory purchase of lands under the powers of this Act shall not be exercised after the expiration of two years from the passing of this Act.

Period for compulsory purchase of lands.

**24.** Persons empowered by the Lands Clauses Consolidation Act 1845 to sell and convey or release lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to take easements &c. by agreement.

**25.** The Company 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

Not to take houses of labouring class without consent of Local Government Board.

A.D. 1888. — partially by persons belonging to the labouring class as tenants or lodgers For the purposes of this section the expression “labouring class” 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.

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

**26.** And whereas in the construction of the works hereby authorised it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the houses or other buildings described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compelled to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Period for completion of works.

**27.** The works by this Act authorised shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to take tolls.

**28.** The Company may demand and take for persons conveyed on or by the lift any tolls not exceeding sixpence each person and for parcels (not being personal luggage carried in the hand) under fifty-six pounds in weight conveyed on or by the lift any sum not exceeding sixpence each parcel and for heavy parcels goods and merchandise at the rate of three shillings per ton the Company not being compellable to accept any toll or sum of less than one shilling for such heavy parcels goods and merchandise and for animals and vehicles any sum which the Company think fit.



**29.** If at any time after three years from the opening for public traffic of the lift or after three years from the date of any order made in pursuance of this section in respect of the lift it is represented in writing to the Board of Trade by the local authority of the district in which the lift is situate or by the Company that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the lift should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the lift in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section.

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Periodical  
revision of  
tolls.

**30.** The Company may from time to time set up toll-gates at the entrances to the lift or the approaches thereto and remove the toll-gates and set up others in lieu thereof as they think fit and may from time to time provide and maintain such toll-houses and other conveniences near to the toll-gates as they think fit.

Power to  
provide toll-  
gates and  
toll-houses.

**31.** The tolls granted by this Act shall be paid before any person liable to toll is entitled to pass through any toll-gate erected in pursuance of this Act.

Tolls to be  
paid before  
passing.

**32.** If any person subject under this Act to the payment of any toll after demand made thereof by any collector appointed to receive the same fail to pay the toll the collector by himself or taking such assistance as he thinks necessary may stop and prevent the passage of the person so failing and may seize and distrain any parcel in respect of which toll is payable.

Power to  
stop persons  
failing to pay  
tolls and to  
seize and dis-  
train parcels.

**33.** If the tolls and the reasonable charges of such seizure and distress be not paid within three days after the seizure and distress the person so seizing and distraining may sell any parcel so seized and distrained or some part of the same returning the overplus (if any) of the proceeds of such sale after deducting the toll and the reasonable charges of the seizure and distress and sale and what (if any) remains unsold upon demand to the owner thereof.

Power to sell  
after distress.

**34.** If any person fraudulently or forcibly pass on or over the lift or through any toll-gate or place where tolls are taken without having paid the tolls or assault obstruct or interrupt any person

Penalty for  
obstruction.



A.D. 1888. — employed in the collection of the tolls every person so offending shall for every such offence incur a penalty not exceeding forty shillings.

Penalty for evading tolls.

**35.** If any person endeavours to evade the payment of any part of any toll or forges counterfeits or alters or receives from or delivers to any other person any note or ticket with intent to evade the payment of any part of the tolls or if any person cause any such act to be done or aid or abet any person so acting every person so offending shall for every such offence incur a penalty not exceeding forty shillings.

Agreements with undertakers of Lynmouth Pier.

**36.** The Company on the one hand and the undertakers named in the Lynmouth Pier Order 1886 confirmed by the Pier and Harbour Orders Confirmation Act 1886 on the other hand may from time to time enter into carry into effect alter or rescind contracts or agreements with reference to the terms and conditions of the carriage by the lift of goods landed at or to be forwarded from the pier authorised by the said Pier Order.

Carrying of mails by Company.

**37.** (1) The Company if required by the Postmaster General shall perform with respect to any lift owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires provided as follows:—

(a) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.



(b) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with. A.D. 1888.

(c) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(d) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the lift were a railway.

(2) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a Secretary or Assistant Secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

**38.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845. Interest not to be paid on calls paid up.

A.D. 1888. **39.** The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other lift or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.  
Costs of Act. **40.** All costs charges and expenses of and incident to the preparing obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

## THE SCHEDULE

Referred to in the foregoing Act describing lands and buildings whereof portions only are required to be taken by the Company in exercising the powers of this Act :—

County and Parish.	Number on deposited Plan.
County of Devon Parish of Lynton	Approach Road 12. 14.

London : Printed for HER MAJESTY'S STATIONERY OFFICE,  
By EYRE AND SPOTTISWOODE, Printers to the Queen's most Excellent Majesty.

And to be purchased, either directly or through any Bookseller, from  
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or  
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