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Stratton and Bude Improvement [Ch. cclviii.]
Act, 1901.



CHAPTER cclviii.

An Act to authorise the Urban District Council of Stratton and Bude to purchase the undertaking of the Bude Harbour and Canal Company and to construct water-works and supply water within their district and adjoining parishes and to make further and better provision for the local government of the district and for other purposes. [17th August 1901.] A.D. 1901.

WHEREAS the district of Stratton and Bude in the county of Cornwall is an urban district within the meaning of the Local Government Act 1894 and is under the control and management of the Stratton and Bude Urban District Council (in this Act referred to as "the Council"):

And whereas the said urban district was under and by virtue of the County of Cornwall (Stratton and Bude Urban District) Confirmation Order 1900 formed out of certain parts of the parishes of Stratton and Poughill formerly within the rural district of Stratton which parts included a portion of the contributory place of Stratton:

And whereas by an order of the Local Government Board dated the ninth day of February one thousand eight hundred and ninety-eight the rural district council of Stratton were ordered to perform their duty in the matter of the provision of a supply of water for the said contributory place:

And whereas in pursuance of an order of the High Court dated the twentieth day of April one thousand eight hundred and ninety-nine obtained at the instance of the Local Government Board a writ of Mandamus was issued on the twenty-seventh day of March one thousand nine hundred commanding the said rural district council to obey the said order of the Local Government Board

[Price 4s. 3d.]

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A.D. 1901. by providing the said contributory place with a proper supply of water :

And whereas by the said County of Cornwall (Stratton and Bude Urban District) Confirmation Order 1900 it was ordered that any liability attaching to the said rural district council under the said order of the Local Government Board to perform their duty in the matter of providing the said contributory place with a supply of water and any duty imposed upon the said rural district council by any writ of Mandamus issued in pursuance of the said order of the High Court should so far as regarded the portion of the said contributory place included in the said urban district attach to the Council :

And whereas the Council are desirous of discharging their said liability and duty and providing for the said portion of the said contributory place as well as for other places in and near their district an adequate supply of water :

And whereas by an Act passed in the fifty-ninth year of the reign of King George III. intituled "An Act for improving the "harbour of Bude in the county of Cornwall and for making and "maintaining a navigable canal from the said harbour of Bude "to or near the village of Thornbury in the county of Devon and "divers branches therefrom all in the said counties of Cornwall "and Devon" the Bude Harbour and Canal Company (hereinafter referred to as "the company") was incorporated and authorised to improve the harbour of Bude and to make and maintain the canal and collateral branches thereby authorised and to have use and exercise the powers in reference thereto in the said Act mentioned :

And whereas the company constructed the said works for the improvement of the said harbour and made the said canal and collateral branches or part thereof and in connection therewith in pursuance of the authority of the said Act constructed a reservoir by means of an embankment and have from time to time diverted into the said reservoir such surplus water of the River Tamar as flows over a weir adjoining the said reservoir :

And whereas by the Bude Harbour and Canal (Further Powers) Act 1891 the company were authorised to close certain portions of the said canal and its collateral branches and by virtue of the said Act of 1891 the said portions were closed and all rights of way or user and other rights in reference thereto became extinguished in the manner and subject to the conditions in the said Act of 1891 provided :

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And whereas by the said Act of 1891 the company were further authorised to discontinue the use as and for navigations or navigable ways of certain other parts of the said canal and its collateral branches and the works and conveniences connected therewith and to maintain and appropriate the same and also the said reservoir for the purposes of the supply of water as in the said Act of 1891 provided and for the same purposes to appropriate the waters which under the powers of the said Act of the fifty-ninth year of the reign of King George III. they were authorised to take :

And whereas by the said Act of 1891 the company were further authorised to enter into contracts for the supply of water to certain local authorities companies and persons and in connection with such supply the agreements set out in the schedules to the said Act of 1891 were confirmed (that is to say) an agreement made the seventh day of April one thousand eight hundred and ninety-one between the company of the one part and the guardians of the Stratton Union in the county of Cornwall of the other part and an agreement made the sixteenth day of April one thousand eight hundred and ninety-one between the company of the one part and Edward Mucklow of the other part :

And whereas the traffic on the said canal has greatly diminished and the receipts therefrom are so reduced as to be insufficient to provide for the proper maintenance of the said canal as a navigation and it is expedient that the said canal and reservoir and the works connected therewith or part thereof should be utilised for purposes of water supply under the control of the Council and that the Council should be authorised to acquire the whole undertaking of the company in the manner and upon the terms in this Act set forth and to exercise in connection therewith the powers in this Act provided :

And whereas by the agreement set forth in the Second Schedule to this Act the said agreement of the seventh day of April one thousand eight hundred and ninety-one is rescinded and certain provisions are made for the construction of works the supply of water to the Council and the purchase by the Council of the undertaking of the company and it is expedient that the said agreement set forth in the said schedule to this Act should be confirmed and made binding upon the parties thereto :

And whereas in order to meet the existing and growing demands of the inhabitants of the district it is expedient that the Council be empowered to construct the additional water and other works

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A.D. 1901. by this Act authorised and to fix the rates and charges for the supply of water :

And whereas it is expedient that the maritime boundary of the district should be defined and that the Council should be appointed the harbour authority and be invested with further powers of control over the seashore and the harbour :

And whereas the Infectious Disease (Prevention) Act 1890 is in force within the district :

And whereas it is expedient that further and better provision should be made for the prevention of the spread of infectious disease and for the improvement of the health and local government of the district and that the powers of the Council in relation thereto should be enlarged and extended :

And whereas it is expedient that the Council should be authorised to borrow money and that the other provisions of this Act should be made :

And whereas estimates have been prepared by the Council for the purchase of the land for and for the execution of the waterworks by this Act authorised and also for the improvement of the harbour undertaking and such estimates amount to the sums following (that is to say) :—

Waterworks	-	-	-	-	£16,700
Improvement of harbour	-	-	-	-	£1,500

And whereas the several works included in such estimates respectively are permanent works within the meaning of section 234 of the Public Health Act 1875 :

And whereas an absolute majority of the whole number of the Council at a meeting held on the thirty-first day of October one thousand nine hundred after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Cornish and Devon Post* a local newspaper circulating in the district such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses in relation to promoting the Bill for this Act should be charged upon the district fund and general district rate :

And whereas such resolution was published twice in the said *Cornish and Devon Post* a newspaper 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 Council at a further special meeting held in pursuance of a similar notice on the twenty-fifth day of January one thousand nine

hundred and one being not less than fourteen days after the deposit of the Bill in Parliament: A.D. 1901.

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

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required for the purposes of this Act were duly deposited with the clerks of the peace for the counties of Devon and Cornwall which plans sections and book of reference are in this Act respectively 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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited for all purposes as the Stratton and Bude Improvement Act 1901. Short title.

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

Act divided
into Parts.

- Part I.—Preliminary.
- Part II.—Transfer of Bude Undertaking.
- Part III.—Water.
- Part IV.—Harbour and Seashore.
- Part V.—Infectious Disease.
- Part VI.—Tuberculosis and Milk.
- Part VII.—Finance.
- Part VIII.—Miscellaneous.

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

Incorporation
of Acts.

The Lands Clauses Acts except section. 127 of the Lands Clauses Consolidation Act 1845;

A.D. 1901. The Waterworks Clauses Act 1847 except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except section 83 of that Act with respect to accounts and except also the words in section 44 "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner";

The Waterworks Clauses Act 1863;

The Harbours Docks and Piers Clauses Act 1847:

And the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof shall apply to the reservoir by this Act authorised and the works immediately connected therewith.

Interpretation.

4. In this Act the several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned have in this Act the same respective meanings unless there is something in the subject or context repugnant to such construction. Provided that for the purposes of this Act in the Acts wholly or partially incorporated with this Act—

The expressions "the promoters of the undertaking" and "the undertakers" mean the Council:

And in this Act unless the subject or context otherwise require—

"The district" means the urban district of Stratton and Bude in the county of Cornwall;

"The Council" means the urban district council of the district;

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

"The Act of 1819" means the Act passed in the fifty-ninth year of the reign of King George III. intituled "An Act for improving the harbour of Bude in the county of Cornwall and for making and maintaining a navigable canal from the said harbour of Bude to or near the village of Thornbury in the county of Devon and divers branches therefrom all in the said counties of Cornwall and Devon";

"The Act of 1891" means the Bude Harbour and Canal (Further Powers) Act 1891;

"The company" means the Bude Canal and Harbour Company incorporated by the Act of 1819;

- "The transfer" means the transfer of the undertaking of the company to the Council under the provisions of this Act; A.D. 1901.
- "The seashore" means and includes the seashore foreshore and all the beach and sands within the maritime boundary of the district as defined by this Act;
- "The harbour" means the port and harbour of Bude referred to in the Act of 1819 together with all docks creeks and navigable channels connected therewith;
- "The clerk" "the surveyor" "the medical officer" and "the inspector of nuisances" mean respectively the clerk and the surveyor to the Council and the medical officer of health and inspector of nuisances of the district and include respectively any persons duly authorised to act temporarily in any of those respective capacities;
- "Infectious disease" means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the district;
- "Dairyman" means and includes any cowkeeper purveyor of milk or occupier of a dairy milk store or milk shop;
- "Dairy" means and includes any farm farmhouse cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;
- "Daily penalty" means a penalty for each day on which any offence is continued after conviction therefor;
- "Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security (not being annuities rentcharges or securities transferable by delivery) authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 other than securities of the Council:

For the purposes of this Act in the provisions of the Railways Clauses Consolidation Act 1845 by this Act applied—

- "The railway" means the reservoir by this Act authorised; and
- "The centre of the railway" means with respect to the reservoir by this Act authorised the boundaries of such reservoir.

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PART II.

TRANSFER OF BUDE UNDERTAKING.

Purchase of Company's undertaking and confirmation of agreement.

5. The company shall sell to the Council and the Council shall purchase the undertaking of the company (including in that expression all rights and privileges and all real and personal property of the company except debts rents charges and sums of money in hand or due or owing to the company at the date of the transfer) for the sum of eight thousand pounds and upon the terms and conditions contained in the agreement set forth in the Second Schedule to this Act which agreement is hereby confirmed and made binding on the parties thereto.

Receipt for purchase-money.

6. The receipt in writing of two members of the committee of management of the company for any money paid to the company by the Council shall effectually discharge the Council from the sum which in such receipt shall be acknowledged to have been received and from being bound to see to the application thereof and from being answerable or accountable for the loss misapplication or non-application thereof Provided that if from any cause the Council are unable to obtain such receipt they may pay the money into the Bank of England in the name of the Paymaster-General for and on behalf of the Supreme Court to an account to be opened in the matter of this Act and a receipt shall be given to the Council by the cashier of the said Bank for the money which shall have the same effect as the receipt of such two members of the committee of management.

Transfer.

7.—(1) The purchase shall be completed and the undertaking of the company shall by virtue of this Act be transferred to and vested in the Council on the date of payment of the purchase-money in accordance with the provisions of the agreement set forth in the Second Schedule to this Act which date is in this Act referred to as the date of the transfer.

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

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

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Pending actions.

9. All agreements contracts conveyances deeds and other instruments affecting the company and in force at the date of the transfer shall be as binding and of as full force and effect against or in favour of the Council and may be enforced as fully and effectually as if instead of the company the Council had been a party thereto.

Contracts of Company to be binding on Council.

10. All debts rents charges and sums of money which at the date of the transfer are due or owing to or from the company shall be paid and discharged settled and satisfied or received by the company.

Company's debts to be paid and received.

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

Books to remain evidence.

12. The committee of management shall as soon as possible after the payment of the purchase-money prepare a scheme or schemes for the distribution thereof and in case of the withdrawal or rejection or partial rejection of any such scheme they may prepare other or modified schemes in lieu thereof and the following provisions shall have effect.

As to distributing the purchase-money.

The committee of management shall send a copy of the scheme to all the proprietors of the company together with a notice summoning a meeting of the proprietors to consider the scheme at a place and time to be named in the notice being not sooner than seven days nor later than fourteen days after circulation of the scheme.

The scheme shall be submitted to the said meeting and if approved by a majority in number of the proprietors present at such meeting in person or by proxy the same shall be binding upon all parties but if one fourth in number of the proprietors present thereat shall object thereto and shall insist on such objection the scheme and

A.D. 1901. such objection thereto shall be referred to the arbitrament of one of His Majesty's counsel to be agreed upon between the committee of management and the dissenting proprietors or failing agreement by one of His Majesty's counsel to be appointed by the Attorney-General on the application of either of the parties who shall have power to settle the scheme and the scheme as so settled shall be binding on all parties.

Winding up
and disso-
lution of
Company.

13. So soon as conveniently may be after the transfer the affairs of the company shall be wound up and for that purpose the members of the committee of management of the company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the getting in and distributing of the moneys of the company and for winding up the affairs of the company and when and so soon as such moneys have been distributed and their affairs have been wound up the company shall be by virtue of this Act dissolved and the costs and expenses of and in connection with the winding up of the company and the distribution of the said moneys shall be paid by the company.

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

Payment
into court.

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

Maintenance
of under-
taking by
company till
transfer.

15. Until the transfer the undertaking of the company shall be maintained and carried on by the company as heretofore in the ordinary course of business but the company shall not without the previous consent of the Council under the hand of the clerk make or enter into any contract agreement or obligation except such as

shall be in the ordinary course of the maintenance of the works and the proper conduct of the said undertaking. A.D. 1901.

16. After the transfer the Council may maintain continue extend and carry on the undertaking of the company and shall for all purposes be deemed to be the authority having control of the harbour docks canal and other works comprised in the said undertaking and all byelaws rules and regulations made or observed by the company in connection with the said undertaking shall continue in force for a period of one year after the transfer until the same are altered or repealed by the Council. Maintenance of undertaking of company after transfer.

17. The Acts of 1819 and 1891 shall as from the transfer be repealed except so far as may be necessary to give effect to the provisions of this Act and except the sections thereof set forth in the First Schedule to this Act which sections shall apply and have effect as if the Council were therein referred to instead of the company (therein described as "the company of proprietors") and instead of any committee of the company and as if a meeting of the Council were therein referred to instead of any general or special assembly of the company. Repeal of Acts of 1819 and 1891 with certain savings.

18. Notwithstanding anything in this Act the following provisions for the protection of Edward Mucklow of Whitstone Head in the parish of Whitstone in the county of Cornwall and his sequels in estate (all of whom are in this section included in the expression "the said E. Mucklow") shall apply unless otherwise agreed in writing by the said E. Mucklow and the Council:— For protection of Edward Mucklow.

In the event of the purchase of the canal company's undertaking by the Council the agreement dated the sixteenth April 1891 made between the canal company and the said E. Mucklow shall be binding on the Council and the Council shall after the date of such purchase be liable to supply water in bulk to the said E. Mucklow in accordance with such agreement but subject to the following additional or altered terms:—

(A) The quantity of water mentioned in clause 2 of such agreement shall be such quantity per day as may be required by the said E. Mucklow not exceeding one hundred and fifty thousand gallons per day:

The said E. Mucklow shall from time to time specify in any notice the quantity of water per day which he requires to be delivered to him and if such quantity shall exceed twelve thousand gallons per day he shall not be entitled for a period of fifteen years from the date of such notice to give a subsequent notice requesting the Council to

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deliver him a less quantity of water than is specified in such first-mentioned notice but may increase the same from time to time by subsequent notices but not so as to exceed the maximum quantity of one hundred and fifty thousand gallons a day but this restriction shall not apply if the Council shall themselves use the water flowing through Hobbacott Down Cut either directly or indirectly for a turbine electrical power or other commercial purpose :

- (B) The price to be paid for water to be taken by the said E. Mucklow shall be for the first twenty million gallons per annum threepence per one thousand gallons for the next thirty million gallons per annum twopence per one thousand gallons and for any surplus per annum one penny per one thousand gallons :
- (C) The minimum rent of ten pounds mentioned in clause 6 of the said agreement shall commence and be payable to the Council as from the date of completion of the purchase of the company's undertaking by the Council :
- (D) In order to ascertain the annual quantity of water supplied to the said E. Mucklow the Council will at their own expense erect and maintain in good working order at or near the point of abstraction of water from the company's canal a proper and serviceable gauge or meter which shall at all reasonable times be open to the inspection and examination of the said E. Mucklow or his authorised officers or servants and the Council will make weekly returns to the said E. Mucklow of the readings of such gauge or meter :
- (E) If at any time any such gauge or meter shall be out of repair or in an unfit condition for the purpose for which it was intended the Council shall forthwith put the same in fit repair and condition and if they fail to do so within one month after notice in writing given to them in that behalf by the said E. Mucklow then he may cause the said gauge or meter to be put in fit repair and condition and may recover the reasonable cost of so doing from the Council :
- (F) In the event of any dispute at any time arising between the Council and the said E. Mucklow as to the sufficiency or accuracy of the said gauge or meter as to its state of repair or condition such dispute shall be settled and determined by arbitration by an engineer to be appointed

by the parties or in default of agreement to be appointed by the registrar of the Launceston County Court for the time being on the application of either of the parties:

- (g) The moneys due from the said E. Mucklow to the company on account of the water supplied shall be paid on the first day of January in each year and the amount thereof shall be fixed and determined by the amount of water registered as passing through the said gauge or meter during the twelve calendar months preceding such date and if the amount of such water for any year shall be less than three fourths of the total amount of water required by any then existing notice for such year then the said E. Mucklow shall pay a rental for such year as if the consumption for such year had been equal to three fourths of the amount so required but this last-mentioned provision shall not apply so long as the amount required shall be less than twelve thousand gallons per day or if the Council shall themselves use the water flowing through Hobbacott Down Cut either directly or indirectly for any of the purposes mentioned in sub-clause (A) of this section:
- (H) In the event of the supply of water being taken at the top of Hobbacott Down Plane the Council will grant to the said E. Mucklow such a suitable and sufficient quantity of any land belonging to them as after the requirements of the Council for the purpose of electricity or other works shall be available at such point to enable the said E. Mucklow to construct the necessary intake works and filtering beds at a price to be agreed or in case of disagreement to be settled by arbitration:
- (I) The Council will also grant to the said E. Mucklow during the continuance of the agreement a full right of cart and foot way over the roadway at present belonging to the canal company leading from the highway which is between Holsworthy and Stratton into the said Hobbacott Down Plane across certain fields so as to enable the said E. Mucklow to fully reach the works and point of abstraction of and for the said E. Mucklow Provided that the said E. Mucklow shall pay to the Council a rent of five shillings per annum for such right of way commencing from the date of such grant and the said E. Mucklow shall compensate the Council for any damage or wear and tear of roads occasioned by the exercise of such right.

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PART III.

WATER.

Water limits.

19. The limits of this Act for the supply of water (in this Act referred to as "the water limits") shall be the district and the parishes of Poughill Stratton Marhamchurch and Poundstock.

Power to local authority to supply water in case council fails to supply.

20. If at any time after the expiration of five years from the commencement of this Act the Council are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the water limits the local authority of such district may provide a supply in such part of their district as is not so supplied in accordance with the provisions of the Public Health Act 1875 or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in such part of such district as if the Council were not authorised by this Act to supply water therein. If any difference shall arise between the Council and any such local authority company body or person as to the sufficiency of the supply of water in any part of such district such difference shall be settled on the application of either party by the Local Government Board or an engineer to be by them appointed.

Power to maintain canal and waterworks and to take and supply water.

21. The Council may maintain renew extend enlarge and repair the canal reservoirs mains pipes and other waterworks for the time being belonging to them by virtue of this Act or otherwise and may use and employ the same for the purpose of taking intercepting and impounding any water that can be thereby taken intercepted or impounded and may take intercept or impound any water which might have been taken intercepted or impounded by the Company if this Act had not been passed and any springs streams and waters that will or may be intercepted by the works by this Act authorised or that may be found in on or under any of the lands for the time being belonging to the Council and may appropriate and use any water so taken intercepted or impounded for the purposes of their water undertaking by this Act authorised and may sell and supply water in accordance with the provisions of this Act:

Provided that nothing in this Act or in the Acts of 1819 or 1891 shall be construed as authorising the Council to do any act save and except as provided by section XXVII. of the Act of 1819 by which the quantity of water flowing or that may hereafter flow down the River Tamar shall be in any way diminished.

Power to make water-works &c.

22. Subject to the provisions of this Act the Council may make and maintain in the lines and situations and according to the

levels shown on the deposited plans and sections and in or upon or under the lands delineated on the said plans and described in the deposited book of reference the waterworks shown on those plans together with all necessary drains, pipes, sluice-valves, air-valves, wash-outs, junctions, apparatus, and other works and conveniences in connection with or incidental to such waterworks and may enter upon take and use such of the lands delineated on the said plans and described in the said book of reference as may be required for that purpose.

The principal waterworks hereinbefore referred to are the following:—

Work No. 1 An aqueduct conduit or line of pipes in the parish of Pancrasweek in the county of Devon commencing on the bank of the Bude and Holsworthy Canal and terminating in a junction with Work No. 2 hereinafter described:

Work No. 2 Filter beds with other works incidental thereto in the said parish of Pancrasweek near Venn farmhouse and on the north-westerly side thereof:

Work No. 3 An aqueduct conduit or line of pipes in the said parish of Pancrasweek commencing in a junction with Work No. 2 hereinbefore described and terminating in a watercourse on the Vealand incline on the said canal:

Work No. 4 An approach road in the said parish of Pancrasweek on the eastern side of property No. 13 on the Ordnance map (scale $\frac{1}{2500}$ first edition 1884) commencing at a point $2\frac{1}{2}$ chains or thereabouts in a westerly direction from the said farmhouse and terminating at a point 7 chains or thereabouts in a north-westerly direction from the said farmhouse:

Work No. 5 An aqueduct conduit or line of pipes in the said parish of Pancrasweek and in the parish of Launcells in the county of Cornwall commencing in a junction with Work No. 3 hereinbefore described and terminating in a junction with Work No. 6 hereinafter described:

Work No. 6 A service reservoir in the said parish of Launcells in the southern corner of property No. 1008 on the said map:

Work No. 7 An aqueduct conduit or line of pipes in the said parish of Launcells commencing in a junction with Work No. 6 hereinbefore described and Work No. 8 hereinafter described and terminating in a ditch or watercourse at a point 18 chains or thereabouts in a northerly direction from the northernmost building at Cross Lanes:

A.D. 1901. Work No. 8 An aqueduct conduit or line of pipes in the parishes of Launcells Stratton and Stratton and Bude all in the county of Cornwall commencing in a junction with Work No. 6 and Work No. 7 hereinbefore described and terminating at a point on the public road $5\frac{1}{2}$ chains or thereabouts in an easterly direction from the easternmost cottage at Diddies :

Work No. 9 A conduit culvert or line of pipes in the said parish of Pancrasweek commencing in field No. 528 on the $\frac{1}{2500}$ Ordnance map 1885 edition passing under the said canal and terminating in field No. 529 on the said map :

Work No. 10 A conduit culvert or line of pipes in the said parish of Pancrasweek commencing by the side of the main road running from Kilkhampton to Virworthy passing the said canal under Virworthy Mill Leat and terminating in a water-course or ditch at the side of the said road at a point $1\frac{1}{2}$ chains or thereabouts east of the centre of the bridge crossing the River Tamar.

Power to make subsidiary water-works.

23. Subject to the provisions of this Act the Council in addition to the waterworks by the section of this Act whereof the marginal note is "Power to make waterworks &c." authorised may from time to time upon any lands acquired or to be acquired by them for waterworks purposes make and maintain all proper and necessary embankments bridges roads ways wells tanks basins gauges filters filter-beds dams sluices hatchboxes chambers bye-washes waste-weirs outfalls discharge pipes shafts adits tunnels catchwaters aqueducts culverts cuts channels conduits mains pipes stand-pipes junctions valves drains telegraphs telephones engines apparatus roadways approaches buildings houses works and conveniences connected with the waterworks hereinbefore referred to or any of them or incidental thereto or necessary or convenient for conducting inspecting cleansing repairing or managing the same :

Provided that any telegraphs or telephones constructed under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Lateral and vertical deviation.

24. The Council in constructing the works by this Act authorised may make deviations from the lines of such works but not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries or fences of such road shall be deemed to be such

A.D. 1901.

limits and they may also deviate from the levels delineated on the deposited sections to any extent not exceeding in the case of the reservoir three feet upwards and five feet downwards and in the case of other works five feet upwards and five feet downwards Provided that the Council shall not in the exercise of the powers of deviation hereby given make any embankment or retaining wall of the reservoir of a greater height above the general surface of the ground than that shown on the deposited sections and three feet in addition Provided also that no part of any line of pipes shall be constructed or laid so as to be above the general surface of the ground except so far as is shown on the deposited sections or except for the purpose of crossing over a stream.

25. The Council may if they think fit discontinue and stop up all or any portion of the towing-path adjoining the canal comprised in the undertaking of the company except the portion thereof between Helebridge and the harbour and thereafter the rights of way (if any) over such towing-path or portion thereof so discontinued and stopped up shall be extinguished and the whole property in the soil thereof shall vest absolutely and exclusively in the Council.

Power to stop up towing-path.

26. The powers of the Council for the compulsory purchase of lands for any of the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

27. The Council may in lieu of acquiring any lands for the purpose of laying any conduits or pipes underground under the authority of this Act acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that except as to land forming part of a street nothing herein contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this

Council may acquire easements only in certain lands.

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A.D. 1901. proviso Provided also that as regards any lands taken or used by the Council for the purpose of laying any conduit or pipe underground the Council shall not (unless they purchase such lands and not merely easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the work have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Council.

Power to acquire additional lands.

28. The Council may for the purposes of their water undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to lands which they are already authorised to hold or which they may take under the powers of this Act any lands not exceeding in the whole twenty acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking.

Persons under disability may grant easements &c.

29. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or 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 hold lands for protection of waterworks.

30. The Council may hold any lands acquired by them under the powers of this Act which they may deem necessary for the purpose of protecting their waterworks against nuisances encroachments or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Act or the Lands Clauses Acts respectively but the Council shall not create or permit a nuisance on any such lands and shall not erect any buildings thereon other than offices and dwellings

for persons in their employ and such buildings and works as may be incident to or connected with their water undertaking. A.D. 1901.

31. The Council may in and upon any lands which they may hold for the purpose described in the last preceding section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Council are empowered to take from being polluted fouled contaminated or discoloured and the Council may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road within or adjoining such lands subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes. Power to drain such lands.

32. The Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any reservoirs and other waterworks of the Council with reference to the execution by the Council or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters which the Council are authorised to divert collect and appropriate flowing to upon or from such lands directly or derivatively into such reservoirs or waterworks. Power to agree as to drainage of lands.

33. For the prevention of the pollution of any waters over which the company have powers of user or of any watercourse through which any water may for the time being flow into any such waters the company may with the consent of the county council of Cornwall and of the district council in whose district such pollution occurs or of one of such councils if the other refuse such consent and decline to do the work themselves enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Act with respect to any such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the company with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exercisable by such county council or district council as the case may be under any enactment for the prevention of the pollution of any such water or watercourse or for the prevention or abatement of such nuisance and the provisions of Provisions as to fouling of water.

A.D. 1901. such enactment shall for the purpose aforesaid extend and apply mutatis mutandis to the company Provided that if the county council and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of one month after being requested by the company by notice in writing under the hand of their secretary either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the company the company may appeal to the Local Government Board who may give them such consent and thereupon the company may proceed to enforce the provisions of the said Acts.

The Local Government Board upon receipt of such appeal from the company may direct any inquiries into the matter thereof to be held by their inspectors which they may deem necessary before giving such consent as aforesaid and their inspectors shall for the purposes of such inquiry have all such powers as they have for the purposes of inquiries directed by the Local Government Board under the Public Health Act 1875.

Any expenses incurred by the Local Government Board in relation to any inquiry under this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector shall be paid by and recoverable from the company or the county council or the district council or partly from one and partly from the others or either of them as the Local Government Board may determine.

Power to sell lands.

34. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands so far as such provisions are in each case applicable the Council may from time to time sell lease or otherwise dispose of any lands acquired by them under this Act and not for the time being required for the purposes of their water undertaking or any other purposes for which the same may have been acquired or used or may be available.

Reservation of water rights on sale.

35. The Council on selling any lands acquired for or in connection with their water undertaking and not required for that purpose may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

36. The Council shall apply all moneys from time to time received by them in respect of any sales exchanges or disposition of lands acquired by them under this Act or by way of fine or premium on any lease of any such lands in or towards paying off moneys borrowed and for the time being owing under this Act or if there shall be no moneys owing under this Act such proceeds shall be applied in or towards paying off any other moneys for the time being owing by the Council and such proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Application
of moneys
from sale of
lands.

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

Restriction
on taking
houses of
labouring
class.

(2) If the Council acquire or appropriate any house or houses under the powers by this Act granted in contravention of the provisions of this section they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

(3) For the purpose of this section—

The expression "house" means any house or part of a house occupied as a separate dwelling; and

The expression "labouring class" means mechanics artizans 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.

38. If the works shown on the deposited plans are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing such works or otherwise in relation thereto shall

Period for
completion
of works.

A.D. 1901. cease except as to so much thereof as is then completed but nothing in this section shall restrict the Council from renewing extending enlarging altering reconstructing or removing any of their tanks gauges drains sluices catchpits conduits culverts valves washouts byewashes engines pumps machinery apparatus filter beds mains pipes or other works or plant at any time as occasion may require.

Rates for domestic supply.

39. Subject to the provisions of this Act the Council shall at the request of the owner or occupier of any dwelling-house or part of a dwelling-house within the water limits entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for such domestic purposes at a rate not exceeding the following rates (that is to say):—

- (1) Where the rateable value of the premises supplied does not exceed five pounds the rate of twopence per week;
- (2) Where the rateable value of the premises supplied does exceed five pounds the rate of ten per centum per annum upon such rateable value.

The rateable value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the quarter for which the water rate accrues or if there is no such list in force by the last rate made for the relief of the poor. Provided that where the water rate is chargeable on the rateable value of a part only of any hereditament entered in the valuation list such rateable value shall be a fairly apportioned part of the rateable value of the whole tenement ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction. A supply of water for domestic purposes shall not include a supply for a swimming bath.

Rates for water-closets and baths.

40. In addition to the foregoing charges the Council may charge in respect of every watercloset beyond the first (for which no additional charge shall be made) on any premises within the water limits a sum not exceeding ten shillings per annum and for every fixed bath capable of containing not more than fifty gallons a sum not exceeding twelve shillings per annum and for every fixed bath capable of containing more than fifty gallons such sum as the Council may think fit such additional sum to be paid and recoverable in all respects with and as the water rate.

Council not to be compelled to supply cer-

41. The Council shall not be compelled to supply with water any watercloset or any bath or the apparatus or pipes connected therewith respectively unless the same be so constructed and used

A.D. 1901.

as to prevent the contamination of the water of the Council nor any bath which shall be capable of containing when filled for use more than fifty gallons of water. Provided that the foregoing provisions shall not entitle the Council to cut off or discontinue the domestic supply of the house in which such watercloset or bath is situate.

tain water:
closets or
baths.

42. The Council may allow discounts or rebates to consumers of water in consideration of prompt payment of water rates or of large consumption by way of meter upon such scale and subject to such conditions and regulations as may be agreed upon by the Council or the clerk on their behalf and such consumer. Provided that any such discount or rebate shall in no case exceed fifteen per centum and shall be allowed equally to all consumers in like circumstances and notice of the provisions of this section shall be contained in every demand note for water rate or rent.

Rebates on
water rates.

43. Where the rateable value of a house supplied with water does not exceed ten pounds or a house so supplied is let to monthly or weekly tenants or tenants holding for any other period less than a quarter of a year the owner instead of the occupier shall if the Council so determine pay the rate for the supply but the rate may be recovered in the first instance from the occupier and may be deducted by him from the rent from time to time due from him to the owner. Provided that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to a notice to pay the rate being given to him or left at his dwelling-house.

Water rate
payable by
owner for
small houses.

44. The Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Provided that the Council shall not charge at a higher rate than two shillings a thousand gallons for water so supplied.

Supply to
houses partly
used for
trade &c.

45.—(1) The Council may make byelaws for the purpose of preventing the waste undue consumption or misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of the pipes meters cocks ferrules valves soil pans urinals waterclosets baths tanks cisterns and other apparatus fittings means contrivances receptacles or appliances whatsoever to be used and forbid any arrangements and the use of the several things before mentioned or any or either of them which

Byelaws for
preventing
waste &c. of
water.

A.D. 1901. may allow or tend to waste or undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Council may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any pipe meter cock ferrule valve soilpan urinal watercloset bath tank cistern or other apparatus fitting means contrivance receptacle or appliance belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be repaid to the Council by the person on whose credit the water is supplied and may be recovered by them as water rates are recoverable.

Council's officer may enter buildings to inspect fittings.

46. Any person duly authorised for the purpose by the Council and exhibiting his authority if required to do so may between the hours of nine in the forenoon and four in the afternoon enter any building or place supplied with water by the Council and inspect the meters pipes valves ferrules cocks cisterns soilpans baths waterclosets taps fittings and other apparatus and receptacles for conveying delivering and receiving water and the mode of arrangement thereof and see whether they are in good repair and if such person at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence be liable to a penalty not exceeding five pounds.

Power to Council to supply fittings.

47. The Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Council to let for hire any water fittings to any person supplied by them with water.

Power to supply materials.

48. The Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes meters cocks ferrules valves soilpans urinals waterclosets baths tanks cisterns or other apparatus fittings means contrivances receptacles or appliances as are required or permitted by their regulations and may provide

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all materials and do all work necessary or proper in that behalf and the reasonable charges of the Council in providing such materials and executing such work shall be paid by the person requiring the same. A.D. 1901.

49. The Council may supply water for other than domestic purposes on such terms and conditions as the Council think fit and may by agreement with any consumer supply water by measure at a price not exceeding two shillings per thousand gallons either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes within the district. Supply of water for other than domestic purposes and by measure.

50. Before any person connects or disconnects any meter by means of which any of the water of the Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Council of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of some officer of or person authorised by the Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Council of connecting or disconnecting meters.

51. Where water is supplied by measure the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Council. Provided that if the Council and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by a court of summary jurisdiction who may also order by which of the parties any costs of the proceedings before them shall be paid and the decision of such court shall be final and binding on all parties. Register of meter to be *primâ facie* evidence.

52. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Council or fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity Injuring meters.

A.D. 1901. of water supplied or fraudulently abstracts consumes or uses water of the Council shall (without prejudice to any other right or remedy for the protection of the Council or the punishment of the offender) for every such offence forfeit and pay to the Council a sum not exceeding five pounds and the Council may in addition thereto recover the amount of any damage by them sustained and in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Council or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Council the Council may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Council by the person so offending and may be recovered by them as water rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Entry on premises to cut off pipes after notice given.

53. In all cases in which any premises which shall have been supplied with water by the Council shall have become unoccupied for a space of seven days the Council their agents and workmen after giving seven days' previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Council after inquiry by affixing the same for seven days on some conspicuous part of such premises may enter into any such premises between the hours of nine of the clock in the forenoon and four of the clock in the afternoon for the purpose of cutting off any pipes by which the water of the Council shall be conveyed to such premises and may remove any pipe meter fittings or apparatus the property of the Council repairing and making good all damage that may be done by reason of such removal.

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54. The Council may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for the furnishing such supply.

Power to lay pipes in streets not dedicated to public use.

55. The Council shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Council not bound to supply several houses by one pipe.

56. When several houses or parts of houses in the occupation of several persons are supplied by one common service pipe the several owners or occupiers of such houses or parts of houses shall be liable to contribute the amount of any expenses from time to time incurred by the Council in the maintenance and repair of such pipe and the proportions of such expenses to be contributed by them respectively shall be settled by the water engineer of the Council or such other officer of the Council as they may appoint for the purpose in his stead.

Maintenance of common pipe.

57. A notice to the Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post in a prepaid letter to the office of the Council.

Notice of discontinuance.

58. The Council when and as they think it expedient may put up and continue and from time to time remove or discontinue drinking places with proper conveniences for the gratuitous supply of water to the public (but for drinking only) in such public places within the district as the Council think fit but not against any building except with the consent of the owner and occupier thereof,

Public drinking fountains.

59. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water within or beyond the water limits to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon. Provided that if such supply is given beyond the water limits it shall not be given except with the consent of the local authority or of any company or person supplying water under parliamentary authority within the district to be supplied nor if and so long as such supply would interfere

Contracts for supplying water in bulk.

A.D. 1901. with the supply of water for domestic purposes within the water limits.

Sale of plant outside district.

60. If at any time after the passing of this Act any local authority whose district is beyond the district of the Council but as to the whole or any part thereof within their limits for the supply of water shall give not less than six months' notice in writing to the Council of their desire to purchase such portion of the waterworks and plant of the Council as is contained within the district of any such local authority and shall obtain the consent of the Local Government Board to such purchase and shall apply to Parliament or the Local Government Board for power to purchase such portion of the waterworks and plant of the Council (except the mains and pipes or other apparatus which shall be necessary for supplying with water any other part of the limits of the Council for the supply of water) and to supply water within such district then it shall not be lawful for the Council to oppose such application (except as to the details thereof) and if such powers of purchase and supply be granted the Council shall sell and such local authority shall purchase the portion of the waterworks and plant of the Council (except as aforesaid) within the district of such local authority at such price being a sum in gross and upon such terms and conditions as shall be fixed in default of agreement by arbitration under the provisions of the Lands Clauses Acts Any such purchase shall be deemed to be a purpose of the Public Health Act 1875 except so far as the same may be otherwise provided for by Parliament The Council shall apply the proceeds of any sale under this section in the same manner as they are required to apply money received from sales of land under this Act Provided that after the completion of such purchase all obligations on the part of the Council to supply water within the district of the purchasing authority shall cease and determine.

PART IV.

HARBOUR AND SEASHORE.

Maritime boundary of district.

61.—(1) The maritime boundary of the district and of the parish comprised therein is hereby extended to and declared to be the line of low water at the ordinary spring tide coloured red upon the map signed in triplicate by the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred.

(2) The map referred to in this section shall within two weeks after the passing of this Act be deposited in the Parliament Office

House of Lords the Private Bill Office of the House of Commons and with the clerk at the office of the Council and copies of the said map certified by the clerk to be true shall be sent within one month after the passing of this Act to the Local Government Board to the Board of Agriculture and to the Director-General of His Majesty's Ordnance Survey at Southampton and to the Inland Revenue Department.

A.D. 1901.

(3) Copies of or extracts from the said map deposited with the clerk certified by him to be true shall be received in all Courts of Justice and elsewhere as *prima facie* evidence of the contents of this map.

62. After the transfer the Council shall be deemed to be the authority having the general control superintendence direction and government of the harbour and all powers connected with the matters aforesaid conferred by the Harbours Docks and Piers Clauses Act 1847 with this Act incorporated or by any other Act of Parliament shall be and be deemed to be vested in and exercisable by the Council to the exclusion of any other company body or person in or by whom such powers may have been hitherto vested or exercisable and the limits within which such powers may be exercised shall be the harbour or haven of Bude and so much of the sea as lies within a radius of four hundred yards from the mouth of the River Strat and is shown by a line coloured blue on the map referred to in the preceding section.

Council to
be harbour
authority.

63. The council may for the purposes of their harbour undertaking acquire by agreement either in fee simple or for any term or terms of years in addition to any other lands which they may for the time being be authorised to acquire any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder or thereon (not being an easement right or privilege of water in which persons other than the grantors have an interest) but the Council shall not create or permit a nuisance on such lands or erect any buildings thereon for any purpose other than their harbour undertaking.

Power to
acquire lands
for harbour
purposes.

64. The Council may dredge blast scour widen straighten deepen alter and improve the harbour and the docks and river channels connected therewith and appropriate sell or dispose of any rock mud sand or other material dug or excavated in so doing.

Power to
dredge har-
bour and
channels
thereof.

65. The Council may subject to any public or private rights therein take appropriate and use sell or otherwise dispose of or authorise the taking appropriating and using selling or otherwise

Power to
dispose of
sand.

A.D. 1901. disposing of any sand on the foreshore for such purposes to such persons and upon such terms and conditions as they may think fit.

Power to provide and maintain warehouses.

66. The Council may in connection with their harbour undertaking upon any land for the time being vested in them or otherwise available for the purpose construct erect provide maintain and carry on warehouses wharves jetties piers quays mooring chains light-houses buoys yards depôts stores sheds railways tramways roads ways passages cranes machines apparatus appliances conveniences and other buildings works and things and may insure the same and the contents thereof.

Power to lease warehouses.

67. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 the Council may from time to time lease or grant the exclusive use or occupation of any such buildings works or things as are mentioned in the last preceding section to any person for such period (not exceeding seven years) and at such rents and on such terms and conditions as they think fit or may appropriate the same or any of them or any water space in the harbour to and for the use of particular trades persons or vessels.

Power to license pleasure boats.

68.—(1) The Council may grant upon such terms and conditions as they may think fit licences for pleasure boats and pleasure vessels to be let for hire or to be used for carrying passengers for hire and to the boatmen or persons assisting in the charge or navigation of such boats and vessels and may charge a fee of one shilling for every such licence.

(2) Any such licence may be granted for such period as the Council may think fit and may be suspended or revoked or endorsed by the Council whenever they shall deem such suspension or revocation or endorsement to be necessary or desirable in the interests of the public Provided that the existence of the power to suspend revoke or endorse a licence shall be plainly set forth in the licence itself.

(3) No person shall within the harbour or the district let for hire any pleasure boat or pleasure vessel not so licensed or carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel not so licensed.

(4) No person shall within the harbour or the district act as a boatman or assist in the charge or navigation of any pleasure boat or pleasure vessel when let for hire or when carrying passengers for hire who is not licensed by the Council as aforesaid.

(5) A licence under this section shall not be required for any boat or vessel duly licensed by or under any regulations of the

Board of Trade or for any boatman or person assisting in the charge or navigation of such boat or vessel. A.D. 1901.

(6) Every person who shall act in contravention of the provisions of this section shall for each offence be liable to a penalty not exceeding five pounds.

(7) Any person deeming himself aggrieved by the granting withholding suspension revocation or endorsement of any licence under the provisions of this section may appeal to a petty sessional court held for the district after the expiration of two clear days after such grant withholding suspension revocation or endorsement. Provided that the person so aggrieved shall give twenty-four hours' written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as they see fit and to award costs to the successful party such costs to be recoverable in like manner as a penalty under this section.

69.—(1) Subject to the provisions of this Act the Council may take demand recover and receive in respect of vessels boats persons animals fish goods and things and of services rendered described in the Third Schedule to this Act any sums not exceeding the several rates specified in such schedule. Provided that—

- (A) The rates leviable under this section in the case of vessels forced by stress of weather to seek shelter in the harbour and not breaking bulk while making use thereof shall not exceed one halfpenny per ton register of the vessel; and
- (B) The rates leviable under this section shall in the case of unregistered vessels be calculated upon every ton of one half of the gross burden or dead weight capacity of the ship instead of the ton register; and
- (C) Rates under this section shall not be levied in respect of the same vessel more than four times in any one year ending on the thirty-first day of March.

(2) The several rates leviable under this section shall respectively be deemed to be in substitution for the corresponding rates authorised by sections 71 74 and 83 of the Act of 1819 repealed by this Act and the several unrepealed provisions of the said Act previously referring or relating to the said repealed sections thereof shall be deemed to refer or relate to the corresponding matters provided or dealt with in this section.

70. It shall be lawful for the Council to confer exemptions from compound for remit or make rebates from any of the rates authorised by this Part of this Act. Provided that every such Power to compound for rates.

A.D. 1901. composition remission or rebate shall be made on the same terms to all persons in the like circumstances.

Revision of rates.

71.—(1) The rates to be levied by the Council for the time being under this Part of this Act shall be adjusted by the Council within the maximum rates specified in the Third Schedule to this Act in such a manner that so far as possible the income of their harbour undertaking shall not for the time being be more than is sufficient for the purposes of this Act.

(2) If at any time it appears to the Board of Trade from the annual account sent to them that the clear annual income derived from the harbour undertaking on the average of the then three last preceding years after payment of all expenses and outgoings exceeds the amount sufficient for the purposes of this Act that Board may if they think fit reduce the maximum rates to such sums as will be sufficient to provide the amount aforesaid and may at any time raise those maximum rates again so that they do not exceed the sums specified in the Third Schedule to this Act as the maximum rates.

Certain fishing vessels under stress of weather exempt from rates.

72. Fishing vessels belonging to countries with which for the time being treaties exist exempting from dues and port charges those vessels when forced by stress of weather to seek shelter in the ports or on the coast of the United Kingdom shall when forced by stress of weather to make use of the harbour and not breaking bulk while making use thereof be exempt from rates leviable under this Part of this Act.

Lifeboat crew exempt from rates.

73. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to in or from the harbour.

Byelaws as to harbour.

74. The Council may make byelaws to take effect within the harbour for the regulation licensing and control of vessels and boats and the navigation thereof and for the regulation licensing and control of persons embarking disembarking plying for hire frequenting or resorting to or employed in the harbour and for regulating and fixing the fares to be charged by any persons so licensed and for regulating the use of the quays wharves and banks of the harbour and of any warehouses or other buildings of the Council adjacent thereto and of any works and conveniences

connected therewith and for the prevention of nuisances and offences against decency in or near the harbour and may impose and recover a penalty not exceeding forty shillings in any case for the breach or non-observance of any byelaw. A.D. 1901.

75. The Council may make byelaws for the prevention of danger obstruction nuisance or annoyance to persons using the seashore and in particular may by such byelaws— Byelaws as to seashore.

- (1) Regulate the erection or placing on the seashore or on such part or parts thereof as may be prescribed by such byelaws (all of which are in this section included in the words "the seashore") of any booths tents sheds stands and stalls (whether fixed or movable) or vehicles for the sale or exposure of any article or thing or any show exhibition or performance or of any swings roundabouts or other erections or of any vans photographic carts or other vehicles whether drawn or propelled by animals or persons ;
- (2) Regulate the playing of any games on the seashore ;
- (3) Regulate the selling and hawking of any article commodity or thing on the seashore ;
- (4) Regulate the user of the seashore for riding and driving ;
- (5) Generally regulate the user of the seashore for such other purposes as may be prescribed by such byelaws ;
- (6) Provide for the preservation of order and good conduct among persons frequenting the seashore.

76. The Council may make byelaws—

- (1) For appointing and limiting the places on the seashore from which persons of each sex may bathe without using a bathing machine or tent and for prohibiting the use of any other place on the seashore for bathing without using a bathing machine or tent ;
- (2) For the preservation of decency and order at public bathing places on the seashore and for appointing and limiting the places on the seashore from which persons of the male and female sex may bathe together and from which they may bathe separately ;
- (3) For regulating the hours during which bathing may take place from public bathing places on the seashore and for prohibiting the use of such places except during the hours so fixed ; and
- (4) For prescribing the use of decent and sufficient bathing garments.

Byelaws as to bathing.

A.D. 1901.

Byelaws for protection of bathers.

77. The Council may make byelaws requiring the owner or lessee of any bathing machine to provide or employ boats boatmen and attendants and to provide life-saving apparatus for the purpose of ensuring the safety of bathers and prescribing the qualification of such boatmen and attendants and the Council may employ and pay boatmen and provide or hire boats and life-saving apparatus for the purpose of protecting persons whilst bathing.

Sea water supply.

78.—(1) The Council may on any lands acquired by them for the purposes of this section and on any lands belonging to the Council and appropriated with the consent of the Local Government Board to such purposes and subject to such conditions as that Board may impose and on the bed of the sea erect maintain work and use a pumping station or stations with all necessary engines machinery works buildings and conveniences for pumping water from the sea and may construct lay down and maintain in and along the seashore and streets in the district such mains pipes and works as may be necessary or convenient for the conveyance use or supply of sea water and may use and supply such water accordingly.

(2) The Council may for the purposes of this section break up any streets in the district but they shall not under the powers of this section enter upon any lands not vested in them except with the consent of the owners and other persons interested in such lands.

(3) The terms and conditions upon and subject to which the Council may supply sea water under the powers of this section shall be such as the Council shall prescribe or as shall be agreed upon between the Council and the person desiring to be supplied Provided that such terms and conditions shall be the same to all persons under similar circumstances.

Works below high-water mark not to be commenced without consent of Board of Trade.

79. The Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Council shall not at any time alter or extend the same without obtaining

previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Council and the amount of such costs and charges shall be a debt due from the Council to the Crown and shall be recoverable as a Crown debt or summarily. A.D. 1901.

80. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Council on in over through or across tidal lands or tidal water or of the intended site of any such work the Council shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily. Survey of works by Board of Trade.

81. If a work constructed by the Council on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Council and the amount of such expense shall be a debt due from the Council to the Crown and be recoverable as a Crown debt or summarily. Abatement of work abandoned or decayed.

PART V.

INFECTIOUS DISEASE.

82. Whenever it shall be certified to the Council by the medical officer that it is desirable with a view to prevent the spread of infectious disease that they should be furnished with a list of the customers of any person earning a livelihood or deriving gain by the washing or mangling of clothes the Council may require such person to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of the customers for whom such person washes or mangles or has washed or mangled and of the persons who have been employed by any such person aforesaid during the past six weeks and such person shall furnish such list accordingly and the Council shall pay to him for every such list the sum of sixpence and at the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings. Every person who shall knowingly or wilfully offend against this enactment shall be liable Persons engaged in washing or mangling clothes to furnish lists of customers in certain cases.

A.D. 1901. for each such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to provide nurses.

83. The Council may if they think fit provide or contract with any other person to provide nurses for attendance upon any person suffering from infectious disease within the district and may charge a reasonable sum for the service of any nurse so provided.

Infected person not to carry on business.

84. No person suffering from an infectious disease or living in a house in which there is a case of infectious disease shall milk any animal or pick fruit or engage in any occupation connected with food intended for the use of man or carry on any trade or business in such a manner as to be likely to spread the infectious disease and if any person does so he shall be liable to a penalty not exceeding forty shillings.

Power to compensate nurses.

85. If any washerwoman laundry-woman midwife or nurse shall at the request in writing of the Council stop her employment as such for the purpose of preventing the spread of infectious disease the Council may make compensation to her for any loss she may sustain by reason of such stoppage.

Council may pay expenses of person in hospital.

86. Where a person not being a pauper is received as a patient into any hospital for infectious disease the Council may if they think fit themselves pay the expenses arising out of the reception and maintenance of such person.

Articles of bed and body clothing to be purified.

87. Where on the certificate of the medical officer it appears to the Council that any articles of bed or body clothing in any house or part thereof are in such a filthy dangerous or unwholesome condition that health is affected or endangered thereby or that the cleansing or purifying or destroying of any such articles is requisite to prevent risk of or to check infectious disease the Council may cause any such articles of bed or body clothing in any such house or part thereof to be at their own expense cleansed or purified or they may destroy the same.

The Council shall reasonably compensate the owner for any articles destroyed and for any other damage sustained by him.

Principal of school to furnish list of pupils in certain cases.

88. Whenever any scholar who attends any school within the district shall be suffering from any infectious disease the principal or person in charge of such school or (if such school is divided into separate departments and there is no principal or person in charge of the whole school) the person in charge of the department which such scholar attends shall forthwith send notice thereof to the medical officer and shall furnish to the Council at their request a

list of the pupils attending thereat together with their addresses and in default thereof shall be liable to a penalty not exceeding forty shillings. The Council shall pay to the person furnishing any such list as aforesaid for such list the sum of sixpence and after the rate of sixpence for every twenty-five pupils named therein. A.D. 1901.

89. Whenever it shall be certified to the Council by the medical officer that the outbreak or spread of infectious disease is in the opinion of such medical officer attributable to the milk supplied by any dairyman the Council may require such dairyman 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 dairyman shall furnish such list accordingly and the Council shall pay to him for such list the sum of sixpence and after the rate of sixpence for every twenty-five names contained therein but no such payment shall exceed three shillings. 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 daily penalty not exceeding forty shillings. Dairyman to furnish lists of customers in certain cases.

90. Every dairyman supplying milk within the district from premises whether within or beyond the district shall notify to the medical officer all cases of infectious disease among persons engaged on or in connection with his dairy as soon as he becomes aware or has reason to suspect that such infectious disease exists and any such dairyman who commits any breach of this enactment shall be liable to a penalty not exceeding forty shillings for each offence. Dairyman to notify infectious disease existing amongst their servants.

91. If any dairyman shall at the request in writing of the Council stop his milk supply within the district on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the district the Council may make compensation to him for any loss occasioned by such stoppage and any such compensation may be paid out of the district fund or general district rate. Compensation to dairymen.

92. Public notice of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the district and by a notice to be affixed outside the offices of the Council and by such further means as the Council deem reasonable for carrying notice of this Part of this Act to persons affected or likely to be affected thereby. Copies of the newspapers containing the advertisement shall be Public notice to be given of this Part of Act.

A.D. 1901. — conclusive evidence that public notice of this Part of this Act has been duly given unless the contrary be proved and no objection to such notice shall be made after six months from the date of the advertisement.

PART VI.

TUBERCULOSIS AND MILK.

Penalty for selling milk of diseased cows. **93.**—(1) Every person who knowingly sells or suffers to be sold or used for human consumption within the district the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds.

Penalty on failing to isolate diseased cows. (2) Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the district who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds.

Obligation to notify cases of tuberculosis. (3) Every dairyman who supplies milk within the district and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is.

Any dairyman failing to give such notice as required by this subsection shall be liable to a penalty not exceeding forty shillings.

Power to take samples of milk. (4)—(A) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the district for examination samples of milk produced or sold or intended for sale within the district.

(B) The like powers in all respects may be exercised outside the district by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

Power to inspect cows and take samples of milk. (5)—(A) If milk from a dairy situate within the district is being sold or suffered to be sold or used within the district the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical

officer or such person has reason to suspect that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished. A.D. 1901.

(B) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the district from consumption of the milk supplied from a dairy situate within the district or from any cow kept therein he shall report thereon to the Council and his report shall be accompanied by any report furnished to him by the veterinary surgeon and the Council may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the district until the order has been withdrawn by the Council.

(c) If the medical officer has reason to believe that milk from any dairy situate outside the district from which milk is being sold or suffered to be sold or used within the district is likely to cause tuberculosis in persons residing within the district the powers conferred by this subsection may in all respects be exercised in the case of such dairy provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(D) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this subsection and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this subsection shall be liable to a penalty not exceeding five pounds.

(E) If in their opinion the dairyman fails to show cause why such an order may not be made as aforesaid the Council may make the said order and shall forthwith serve notice of the facts on the county council of any administrative county in which the dairy is situate and on the Local Government Board and if the dairy is situate outside the district on the council of the borough or district in which it is situate.

Power to
suspend milk
supply.

A.D. 1901. (F) The said order shall be forthwith withdrawn on the Council or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the district.

(G) If any person after any such order has been made supplies any milk within the district in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(H) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this subsection.

Dairyman
may appeal.

(6)—(A) A dairyman may appeal against an order of the Council under this section or the refusal of the Council to withdraw any such order either to a petty sessional court having jurisdiction within the district or at his option if the dairy is situate outside the district to the Board of Agriculture who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the district and give notice thereof to the dairyman and the clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court.

(B) The Board of Agriculture may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture in the matter of the appeal.

(C) The court or the Board of Agriculture as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Council.

Compen-
sation.

(7) If an order is made without due cause or if the Council unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Council full compensation for any damage which he has sustained by reason of the making of the order or of the refusal of the Council to withdraw the order.

The court or the Board of Agriculture may determine and state whether an order the subject of appeal has been made without

due cause and whether the Council have unreasonably refused to withdraw the order and whether the dairyman has been in default. A.D. 1901.

Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default where any such fact has not been determined by the court or Board of Agriculture or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

(8) The Council shall cause to be given public notice of the effect of the provisions of this section by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this section shall come into operation at such time not being less than one month after the first publication of such an advertisement as aforesaid as the Council fix. Notice of provisions of this section.

(9) Offences under this section may be prosecuted and penalties may be recovered by the Council before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise. Procedure.

(10) All expenses incurred by the Council in carrying into execution the provisions of this section shall be chargeable upon the district fund and general district rate and the Council may also charge upon the same rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the district. Provided that no such test shall be applied except with the previous consent of the owner of such cow. As to expenses.

(11) This section may be carried into execution by a committee of the Council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the Council. Execution of this section by committee.

PART VII.

FINANCE.

94.—(1) The Council may independently of any other borrowing power borrow at interest any sum or sums of money for Power to borrow.

A.D. 1901. the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say) :—

- (A) For the purchase of the undertaking of the company and defraying the costs and expenses incident to such purchase (including the costs of the company payable under the agreement set forth in the Second Schedule to this Act) and to the transfer of such undertaking to the Council (other than the costs of the Council in promoting this Act) the sum necessary for that purpose;
 - (B) For the purchase of land for and for the construction of the waterworks by this Act authorised the sum of sixteen thousand seven hundred pounds;
 - (C) For the extension and improvement of the waterworks and water undertaking of the Council and for working capital the sum of two thousand pounds;
 - (D) For the extension and improvement of the harbour the sum of one thousand five hundred pounds;
 - (E) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose;
- and with the approval of the Local Government Board such further moneys as the Council may require for any of the purposes of this Act or otherwise in relation to the water or harbour undertakings of the Council.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge for purposes (A) (B) (C) and (E) the revenue of the water undertaking of the Council and the district fund and general district rate and for purpose (D) the revenue of the harbour undertaking of the Council and the district fund and general district rate.

Mode of raising money.

95. The Council may raise all or any moneys which they are authorised to borrow under this Act either by mortgage or by issue of debentures debenture stock or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another Provided that the provisions of this Act with respect to the sinking fund to be provided for the repayment of moneys raised under this Act shall apply to any money raised under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

Certain regulations of Public

96. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234

A.D. 1901.

of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act the moneys which the Council may borrow under this Act shall not be reckoned.

Health Act,
as to borrow-
ing not to
apply.

97. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to mortgages granted under this Act (that is to say) :—

Provisions
of Public
Health Act
as to mort-
gages to
apply.

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages);

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

98. The Council shall pay off all moneys borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed period") following (that is to say) :—

Periods for
payment off
of money
borrowed.

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

As to moneys borrowed for the purposes (C) and (D) in the said section mentioned within forty-five years from the date or dates of the borrowing of the same;

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

As to moneys borrowed with the approval of the Local Government Board within such period as they may think fit to sanction.

99. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest or by means of a sinking fund or partly by such instalments and partly by a sinking fund. Provided that as regards moneys borrowed for purposes (A) (B) (C) and (D) in the said section mentioned it shall not be obligatory to commence such repayments by instalments or to set apart or appropriate any moneys to or for the purposes of a sinking fund until the expiration of two years from the date of borrowing the same.

Mode of
payment off
of money
borrowed.

100. If the Council determine to pay off by means of a sinking fund any moneys borrowed under the authority of this Act the following regulations shall be observed :—

Regulations
as to sinking
fund.

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys

A.D. 1901.

shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at not exceeding three per centum per annum with yearly rests be sufficient to pay off the whole of the principal moneys borrowed on such security under this Act and repayable by a sinking fund within the prescribed period :

The rate of accumulation on which the amounts paid to the sinking fund are based is hereinafter referred to as "the prescribed rate" :

Provided as follows (that is to say) :—

(A) 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 the Council being at liberty from time to time to vary and transpose such investments Provided that if in any year the income arising from the investments of the sinking fund does not equal the prescribed rate any deficiency shall be made good out of the rate and revenue from which the annual payments to such fund are made and that if in any year such income exceeds the prescribed rate any excess may be applied in reduction of the annual payments which would otherwise be required to be made to such fund :

(B) The Council may at any time apply the whole or any part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment whereof the sinking fund was set aside 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 hereinbefore prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the prescribed rate Provided also that whenever and so long as the value of the securities standing to the credit of the sinking fund taken at the market price of the day shall be equal to the amount of the borrowed moneys then outstanding for the repayment of which it was set aside the Council may in lieu of investing the yearly income of such fund apply the same in payment of interest on moneys in respect of which the fund was set aside and may during such periods discontinue the payment to the sinking fund of the yearly sums required to be paid thereto.

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101.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has 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 his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Return
respecting
sinking fund
to Local
Government
Board;

A.D. 1901.

Power to
re-borrow.

102. If the Council pay off any part of any money borrowed by them under the powers of this Act otherwise than by means of instalments or appropriations or annual repayments or a sinking fund or out of the proceeds of the sale exchange or disposition of lands or out of fines or premiums on leases or other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same but all moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

Council not
to regard
trusts.

103. The Council 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 or books of the Council shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register or books and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss mis-application or non-application of any such money.

Protection
of lender
from inquiry.

104. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Saving for
existing
charges.

105. Nothing in this Act shall prejudicially affect any charge on the revenue and rates or the estates and property of the Council subsisting at the passing of this Act and every mortgagee or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the revenue rate and property subject to his charge as if this Act had not passed and all such charges created before the passing of this Act shall during the subsistence thereof have priority

over any mortgage or charge granted under this Act on the same revenue rate and property. A.D. 1901.

106. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed and to which capital is properly applicable. Application of borrowed moneys.

107. The Council shall apply all money from time to time received by them in respect of their water undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):— Application of water revenue.

Firstly In payment of the working and establishment expenses and cost of maintenance of their water undertaking;

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of their water undertaking;

Thirdly In providing the requisite instalments appropriations annual repayments or sinking funds on moneys borrowed by the Council for the purposes of their water undertaking;

Fourthly In providing a reserve fund for their water undertaking if they think fit by setting aside such money as they from time to time think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to two thousand pounds which fund shall be applicable from time to time to answer any deficiency at any time happening in the income of the Council from their water undertaking or to meet any extraordinary claim or demand at any time arising against the council in respect of that undertaking and so that if that fund is at any time reduced it may thereafter be again restored to the sum of two thousand pounds and so from time to time as often as such reduction happens;

And the Council shall carry to the district fund any balance remaining in any year after retaining or setting aside such a sum as may in the opinion of the Council be required for carrying on their water undertaking and paying the current expenses connected therewith and shall also carry to the district fund the annual proceeds of the reserve fund when such fund amounts to two thousand pounds.

108. The Council shall apply all money from time to time received by them in respect of their harbour undertaking except borrowed money and money derived from the sale of surplus lands Application of harbour revenue.

A.D. 1901. or other moneys received on capital account as follows (that is to say) :—

- (1) In paying the expenses properly chargeable to revenue of the maintenance repair management and regulation of the harbour;
- (2) In paying the interest on any moneys borrowed by the Council for harbour purposes;
- (3) In providing the requisite instalments appropriations annual repayments or sinking funds on moneys borrowed by the Council for harbour purposes;
- (4) In repaying to the district fund any deficiency in the revenue or receipts of the harbour undertaking made good thereout;
- (5) The surplus income (if any) may be applied in the further general improvement of the harbour and any works connected therewith.

Annual account to be sent to Board of Trade.

109.—(1) The Council within one month after sending to the clerk of the peace a copy of the annual account of their harbour undertaking in abstract shall send a copy thereof to the Board of Trade and the sixteenth section of the General Pier and Harbour Act 1861 Amendment Act shall apply to such account as if the Council were a company within the meaning of that section.

(2) The said account shall be made up to the end of March in each year.

(3) If the Council refuse or neglect to comply with the provisions of this section they shall for each such refusal or neglect be liable to a penalty not exceeding ten pounds.

As to deficiency in receipts.

110. Any deficiency in the revenue or receipts of the Council on account of their water or harbour undertakings may be made good out of the district fund and the general district rate to be made by the Council next or next but one after such deficiency has been ascertained may be increased so far as may be necessary to recoup to the district fund the amount so made good out of that fund.

Separate accounts to be kept as to water and harbour.

111. The Council shall after the transfer keep the accounts in respect of their water and harbour undertakings respectively separate from all their other accounts distinguishing therein capital from revenue.

Audit of accounts.

112. Section 58 of the Local Government Act 1894 shall apply to the accounts of the Council and their committees and officers under this Act and to the audit of such accounts.

113. All expenses incurred by the Council in carrying into execution the provisions of this Act (except such as are to be paid out of borrowed money or are otherwise provided for) shall be paid out of the district fund and general district rate.

Expenses
of execution
of Act.

PART VIII.

MISCELLANEOUS.

114. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (so far as they relate to byelaws made by an urban sanitary authority) shall apply to all byelaws made by the Council under the powers of this Act. Provided that the Board of Trade shall be the confirming authority for byelaws made under the section of this Act the marginal note whereof is "Byelaws as to harbour" and the Secretary of State shall be the confirming authority for byelaws made under the section of this Act the marginal note whereof is "Byelaws as to seashore". Provided also that no byelaws affecting the harbour or the foreshore below high-water mark shall come into operation until the consent of the Board of Trade thereto has been obtained.

General
provision as
to byelaws.

115. Save as otherwise in this Act specially provided all informations and complaints under or for breach of any of the provisions of this Act or of any byelaw made thereunder may be laid by any officer of the Council duly authorised in that behalf or by the clerk.

Informations
may be laid
by duly
authorised
officer.

116. In the case of any notice or demand under this Act requiring authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication. Notices, orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section two hundred and sixty-seven of that Act authorised to be served. Provided always that in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Authentica-
tion and
service of
notices &c.

117. Any person deeming himself aggrieved by any order, determination or requirement or the withholding of any certificate, licence or consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the

As to appeal.

A.D. 1901. next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Council may in like manner appeal.

Recovery of penalties.

118. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof or under any unrepealed provisions of the Acts set forth in the First Schedule to this Act may notwithstanding anything to the contrary in the said unrepealed provisions be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Penalties to be paid to treasurer.

119. All penalties recovered by the Council or any officer of the Council on their behalf under this Act or any byelaw thereunder shall be paid to the treasurer of the Council and carried by him to the credit of the district fund.

Saving as to indictments.

120. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that no person shall be punished twice for the same offence.

Judges not disqualified.

121. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate or by reason of his being a member of the Council.

Powers of Act to be cumulative.

122. All powers rights and remedies given to the Council by this Act shall be deemed to be in addition to and not in derogation of any other powers rights and remedies to which they or any committee appointed by them may for the time being be entitled and the Council or such committee as the case may be may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Power to Local Government Board to

123.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary for giving effect to any of the provisions of this Act and the inspectors

A.D. 1901.

of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

direct inquiries.

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

124. When any compensation damages expenses costs or charges is or are directed to be paid under this Act or under any unrepealed provisions of the Acts set forth in the First Schedule to this Act and the method for determining the amount thereof is not otherwise provided for under this Act such amount shall notwithstanding anything to the contrary in the said unrepealed provisions in case of dispute be ascertained in manner provided by the Public Health Act 1875.

Compensation how to be determined.

125. Nothing herein contained shall authorise the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving of rights of Crown.

126. Nothing contained in this Act shall extend to authorise the Council to take use enter upon or interfere with any land soil or water or any rights in respect thereof belonging to His Majesty in right of the duchy of Cornwall without the consent in writing of some two or more of such of the regular officers of the said duchy or of such other persons as may be duly authorised under the provisions of the Duchy of Cornwall Management Act 1863 section 39 to exercise 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

Saving rights of duchy of Cornwall.

A.D. 1901. 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 His Majesty in right of the duchy of Cornwall or in or by the Duke of Cornwall for the time being.

Costs of Act. **127.** The costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining and passing of this Act including the costs charges and expenses preliminary to and connected with the obtaining of the resolution of owners and ratepayers aforesaid and including the costs charges and expenses of the company payable under the agreement set forth in the Second Schedule to this Act shall as taxed by the taxing officer of the House of Lords or the House of Commons be paid by the Council out of the district fund and general district rate or out of moneys borrowed for the purpose under this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1901.

FIRST SCHEDULE.

Sections of the Act of 1819 not repealed by this Act.

- XXVI. (Power to improve and construct harbour canal and other works) except so far as the same relates to the original construction of works authorised by that section.
- XXVII. (Company not to divert rivers &c. falling into the Tamar.)
- XXXII. (Power to scour the harbour.)
- XLVI. (Notice of injury to be given to proprietors before complaint to commissioners.)
- LXI. (Drains to be made to convey water from the lands adjoining and watering places for cattle.)
- LXII. (For fencing off towing paths and making bridges &c. If company do not fence off towing paths and make bridges &c. landowners may do it at company's expense.)
- LXIII. (If bridges &c. made by the company are insufficient landowners may make others at their own expense.)
- LXIV. (Ascent to bridges and fences on sides thereof.)
- LXV. (Swivel or draw bridges to be shut after vessels have passed.)
- LXVI. (Works damaged by floods to be repaired by the company.)
- LXVII. (Enabling the company to cleanse the adjoining watercourses at the landowner's expense.)
- LXXIII. (Exemption for vessels in His Majesty's service.)
- LXXV. (To ascertain the tonnage or admeasurement of ships.)
- LXXVI. (Power to measure ships.)
- LXXVII. (Custom-house officers not to discharge vessels before duties paid.)
- LXXVIII. (Ships to be reported on arriving in the harbour.)
- LXXIX. (On neglect to enter goods brought into the dock premises seven days after the vessel importing the same shall have been reported the company may enter the same the next day &c.)
- LXXX. (On neglect to enter such goods for eight days after the vessel shall have been reported the officers of the customs may seize the goods &c.)

- A.D. 1901.
- LXXXI. (No vessel to be permitted to break bulk until the whole of her cargo be duly entered &c. Vessels to be discharged in rotation.)
- LXXXII. (The commander or senior officer to be on board all the time of unloading.)
- LXXXIV. (Goods brought into the dock and chargeable with duties according to weight or measure to be weighed or gauged immediately after being landed.)
- LXXXV. (Times appointed for the payment of warehouse rent In default of payment company empowered to sell goods for recovery of rates.)
- LXXXVI. (Canal dues Proportion of a quarter of a mile to be taken as a quarter of a mile Recovery of rates.)
- LXXXVIII. (Company empowered to lease the rates.)
- LXXXIX. (Masters of boats to give an account of their lading.)
- XCII. (Regulations as to gunpowder.)
- XCIII. (Combustible matter not to remain on the quays or piers above a certain time.)
- XCIV. (No guns to be fired near the harbour.)
- XCVI. (Ballast to be removed from the quays &c.)
- XCVIII. (Vessels of small tonnage not to pass through locks.)
- XCIX. (Masters to put their names on the outside of boats Weight of the loading of vessels to be marked.)
- C. (Masters of vessels answerable for their crews.)
- CI. (Masters to recover from their servants any sums for their defaults.)
- CII. (Places to be made for boats to turn or lie in or for other boats to pass Vessels obstructing the navigation to be removed and vessels sunk to be weighed up) except the words "shall and" before the words "may in such parts of the said canal."
- CIII. (Penalty on persons overloading and obstructing the said canal or throwing ballast &c. therein Penalty on persons opening locks or doing other damage to the navigation Penalty on destroying the works.)
- CIV. (Penalty for taking away materials got by the company for the use of the works.)
- CV. (Regulation of vessels passing the locks.)
- CVI. (Lockkeepers not to give preference.)
- CVII. (No fees to be taken by the company's officers or by the revenue officers.)
- CVIII. (Not to deprive the revenue officers of their lawful fees on goods exported.)
- CIX. (Canal not to be under the power of commissioners of sewers.)

A.D. 1901.

- CX. (Rights of fishing limited to the company.)
 CXI. (Mode of rating property of the company.)
 CXIII. (Mines reserved to lords of manor and other proprietors.)
 CXIV. (Company's agents to be at liberty to enter lands or mines to view the works &c.)
 CXVII. (Compensation to owners of Ebbingford Manor.)
 CXVIII. (Company to cut that part of the canal through Sir Thomas Acland's land to the depth of the basin at the entrance lock.)
 CXIX. (Not to prevent the owner of Ebbingford Manor making basins &c. on the said manor.)
 CXX. (Owners of the said manor may deepen the canal to the extent of such basins which basins are to be free from the control of the said company.)
 CXXI. (Restricting the quantity of land to be taken for making the entrance lock.)
 CXXII. (Fines and forfeitures.)
 CXXIII. (Persons aggrieved by irregularity in distress to recover only the special damages.)
 CXXIV. (Form of conviction.)
 CXXV. (Persons aggrieved may appeal to the quarter sessions Proceedings not to be qualified for want of form nor removed by certiorari.)
 CXXX. (Saving of manorial rights.)
 CXXXI. (Public Act.)

Sections of the Act of 1891 not repealed by this Act.

4. (Interpretation.)
 5. (Authorising closing of portions of canal.)
 6. (Vesting in duchy of Cornwall of certain lands.)
 8. (Power to sell site &c. of portion of canal closed.)
 9. (Rights of pre-emption to owners of adjoining lands.)
 11. (Company to reinstate bridges.)
 12. (Providing for discontinuance of portions of canal as a navigation.)
 15. (Power to maintain works.)
 16. (Power to take streams.)
 17. (Saving rights of the Admiralty under the recited Act.)
 19. (Confirming scheduled agreement with guardians of Stratton Union.)
 20. (Confirming scheduled agreement with Edward Mucklow.)
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A.D. 1901.

SECOND SCHEDULE.

THIS INDENTURE made the 30th day of November One thousand nine hundred between the BUDE HARBOUR AND CANAL COMPANY (herein-after called "the company") of the first part the STRATTON AND BUDE URBAN DISTRICT COUNCIL (herein-after called "the urban district council") being the urban sanitary authority of the Local Government district comprising the district of Stratton and Bude aforesaid of the second part and the STRATTON RURAL DISTRICT COUNCIL of the third part.

WHEREAS an agreement was made on the seventh day of April one thousand eight hundred and ninety-one between the company of the one part and the guardians of the Stratton Union in the county of Cornwall the rural sanitary authority of the said union of the other part which agreement is set forth in the First Schedule to and was confirmed by the Bude Harbour and Canal (Further Powers) Act 1891 (herein-after called the Act of 1891) And whereas the said agreement has never been enforced or rescinded altered or modified either in whole or in part and it is provided by Article 7 of the said agreement that it shall be lawful for the parties thereto by mutual consent to rescind alter or modify the whole or any part of the said agreement by a deed duly executed under their respective seals And whereas by the Local Government Act 1894 all the powers duties and liabilities of the said guardians of the Stratton Union as the rural sanitary authority of the said union were transferred to the Stratton Rural District Council And whereas by an order of the county council of Cornwall dated the twenty-fourth day of March one thousand eight hundred and ninety-nine and duly confirmed by the Local Government Board by order dated the thirty-first day of March one thousand nine hundred certain portions of the parishes of Stratton and Poughill were constituted an urban district to be known as the Urban District of Stratton and Bude and the rights and liabilities of the Stratton Rural District Council within those districts were transferred to the urban district council And whereas the company have agreed to sell and the urban district council have agreed to buy the whole of the undertaking of the company subject to an Act of Parliament being obtained by the urban district council to empower and enable the Council to act in that behalf And whereas in furtherance of the last-named object and to facilitate a supply of water by the company to the urban district council pending the enactment of an Act of Parliament to enable the Council to purchase the whole of the company's undertaking or on failure to obtain such Act to furnish a permanent supply of water to the Council on the terms and conditions herein-after set forth the company and the urban district council as the successors of the said guardians and the said Stratton Rural District Council have by mutual consent agreed to rescind the said agreement and to execute these presents in

lieu thereof And whereas an agreement was made on the sixteenth day of April one thousand eight hundred and ninety-one between the company of the one part and one Edward Mucklow of the other part which agreement is set forth in the Second Schedule to and confirmed by the Act of 1891 And whereas the said last-mentioned agreement has never been enforced or rescinded altered or modified either in whole or in part Now it is hereby witnessed and agreed by and between the parties hereto as follows (that is to say):—

1. The agreement between the company of the one part and the guardians of the Stratton Union in the county of Cornwall as the rural sanitary authority of the said union set forth in the First Schedule to the Act of 1891 is hereby rescinded.

2. In consideration of the rent and covenants herein-after reserved and contained and on the part of the urban district council to be paid observed and performed the company doth hereby grant and demise unto the urban district council (but subject to the rights (if any) of the said Edward Mucklow under the agreement between him and the company hereinbefore recited) full power and authority to and for the urban district council to take use and enjoy the water coming to the reservoir of the company and to convey the same to any lands tenements or hereditaments within the said urban district of Stratton and Bude or to such other place or places as in the event of the urban district council becoming the owners of the canal and reservoir they may by Act of Parliament be authorised to convey water unto and for that purpose to tap the company's canal at or near Vealand Plane or at such other point or points as may be necessary and to convey the water from such point or points and to lay down construct or make and maintain a main or pipe or mains or pipes in through or under the land of the company at or near Vealand Plane aforesaid or at such other point or points as may be necessary to hold the powers authorities and premises hereby demised unto the urban district council from the twenty-ninth day of September one thousand nine hundred and one for the term of ninety-nine years (always subject to the urban district council exercising within a period of not more than three years their right to purchase the company's undertaking as herein-after agreed and provided) Yielding and paying therefor the yearly rent of two hundred pounds payable half-yearly on the twenty-fifth day of March and the twenty-ninth day of September in each year the first half-yearly payment to be made on the twenty-fifth day of March one thousand nine hundred and two And also yielding and paying therefor by way of additional rent for each year in which the value of the quantity of water taken by the urban district council calculated in accordance with the prices mentioned in clause 7 of these presents shall exceed the sum of two hundred pounds such a sum as with the said sum of two hundred pounds will amount to the value of the water taken for that year calculated as aforesaid such additional yearly rent to be payable on the twenty-ninth day of September in each year.

A.D. 1901. 3. Pending the introduction into and enactment by Parliament of the enabling Bill hereinbefore referred to the urban district council shall be at liberty to at once commence the construction on the property of the company near Vealand Plane aforesaid of works necessary for receiving and conveying water from the company's canal into their district.

4. The construction and maintenance of all such sluices mains pipes filtering-beds and other works and appliances as are necessary for receiving conveying and dealing with the water shall be at the sole expense of the urban district council and the urban district council shall make good any damage which may be thereby done to any property of the company.

5. Upon and after the completion of such works by the urban district council the company unless prevented by frost unusual drought or other unavoidable cause or accident will to the utmost of their power keep the said reservoir of the company sufficiently supplied with water and will so regulate the outflow from the reservoir so as to conserve the water supply for the use of the urban district so as at all times to meet the reasonable demands for water not only for domestic use but also for trade and public purposes of the inhabitants of the said urban district of Stratton and Bude or of such parts thereof as for the time being are connected with the company's reservoir and will maintain the canal in proper repair as a conduit or cut for conducting the water in as good and clear a condition as possible from the reservoir up to Vealand Plane.

6. The company will take all necessary and proper steps to prevent the contamination of water by sewage in their reservoir by enforcing the provisions of the Acts referred to in the Act of 1891.

7. The urban district council will pay in respect of the water taken by them under the provisions of these presents at the following rates:—

For the first twenty million gallons per annum threepence per one thousand gallons;

For the next thirty million gallons per annum twopence per one thousand gallons; and

For any surplus per annum one penny per one thousand gallons:

Provided always that whenever the value of the water taken by the urban district council in any one year calculated in accordance with the prices mentioned in this clause shall not exceed two hundred pounds the urban district council shall pay to the company the rental of two hundred pounds for that year reserved and made payable under clause 2 of these presents and such rent shall be accepted by the company in full discharge for the water taken by the urban district council for that year.

8. In order to ascertain the annual quantity of water supplied from the company's reservoir the urban district council will at their own expense construct and maintain in good working order at or near the point of abstraction of water from the company's canal a suitable gauge or meter which shall at all reasonable times be open to the inspection and examination of the company's duly authorised officers and servants and the urban district

council will make weekly returns to the company of the readings of such measuring gauge or meter. A.D. 1901.

9. Subject to the provisions of clause 2 of these presents the moneys due from the urban district council to the company on account of the water supply shall be paid on the twenty-ninth day of September in each year as aforesaid and the amount thereof shall be fixed and determined on the basis of the consumption of water by the urban district council during the twelve calendar months immediately preceding such date as shown by the measuring gauge or meter to be so constructed and maintained by the urban district council as aforesaid.

10. The urban district council shall in the next session introduce a Bill into Parliament for an Act empowering and requiring the company to sell and the urban district council to purchase (but subject in all respects to the rights (if any) of the said Edward Mucklow under the hereinbefore recited agreement between him and the company) the entire undertaking of the company at the price of eight thousand pounds. Provided that if such Act shall not be obtained within three years from the date hereof the company shall be empowered by writing under their seal to put an end to the purchase clause contained in this agreement. Provided always that the company will not in any way do anything to obstruct defeat or delay the promotion of the said Bill but will on the contrary co-operate with the urban district council in every reasonable way and especially by affording such information and giving such evidence as may be deemed necessary to facilitate its enactment by Parliament. Provided also and it is hereby agreed and declared that the purchase by the urban district council of the company's undertaking under statutory powers is the primary purpose of this agreement.

11. The said purchase money shall be paid within six months of the passing of the said Act and failing such payment within the said period the urban district council shall pay interest to the company upon the said purchase money at the rate of four pounds per centum per annum from the expiration of such period of six months after the passing of the Act until the payment of the purchase money.

12. The said Bill shall provide that upon payment of the said purchase money the undertaking and all the powers rights duties and obligations of the company including the obligations (if any) of the company under the hereinbefore recited agreement between the said Edward Mucklow and the company and also all the property then belonging to the company except money debts or credits then belonging or owing to the company shall be transferred to and vest in the urban district council and that the company shall be dissolved.

13. The said Bill shall contain all proper provisions for securing payment to the company of the said sum of eight thousand pounds within six calendar months after the passing of the Act as aforesaid and for rendering the urban district council liable to all the debts liabilities duties and obligations of the company including the obligations of the company if

A.D. 1901. — any under the hereinbefore recited agreement between the said Edward Mucklow and the company as from the date of the passing of the Act and for exonerating and indemnifying the company therefrom and against the same and also all other proper provisions for the protection and dissolution of the company.

14. The said Bill shall provide that the purchase by the urban district council of the undertaking of the company shall be subject to the rights (if any) of the said Edward Mucklow under the hereinbefore recited agreement between him and the company.

15. The draft of the said Bill as proposed to be introduced into Parliament by the urban district council shall be first submitted to the company for approval and the same shall be subject to such alterations and amendments therein and thereto (if any) as the committee of management of the company may be advised are necessary to protect the interests of the company and in case of any difference arising between the company and the urban district council as to any of the provisions of the said draft Bill the same shall be settled on behalf of both parties by one of the conveyancing counsel of the Chancery Division of the High Court at the expense in all respects of the urban district council.

16. Nothing herein contained shall be construed so as to prevent the company until the Bill hereby agreed to be introduced has been passed into law and the eight thousand pounds paid from using for other purposes all the water passing into their reservoir or along their canal which is not required to maintain the supply to the urban district council as hereby agreed to be provided.

17. All the costs charges and expenses of the company of and incidental to the said Bill to be so introduced into Parliament and their approval thereof and of the passing of the same into an Act if the same shall so pass into an Act but not otherwise shall be paid by the urban district council.

18. The urban district council shall use their utmost endeavours to obtain the passing into law of the Bill hereby agreed to be introduced by them into Parliament but in the event of such Bill being rejected these presents except so much thereof as relates to the sale of the undertaking and property of the company to the urban district council shall continue in force until rescinded altered or modified by the parties hereto.

19. If any doubt question or difference shall arise between the parties hereto or any two of them touching these presents or the construction or operation thereof or the rights duties and liabilities of either party hereunder then in every such case the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1889.

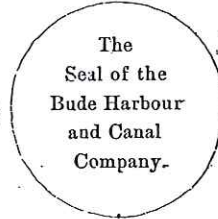
20. This agreement shall form a schedule to the Bill which by clause 10 hereof the urban district council have agreed to introduce and promote in Parliament for the purchase by the said council of the canal and it is further declared that this agreement is made subject to such alterations as Parliament may think fit to make herein but that if the Parliamentary Committee to whom the said Bill is committed shall make any material

alteration in this agreement it shall be competent to any party hereto to withdraw the same. A.D. 1901.

In witness whereof the company the urban district council and the Stratton Rural District Council have hereunto set their respective common seals the day and year first above written.

The common seal of the Bude Harbour and Canal Company was hereunto affixed in pursuance of a resolution of the Committee of Management

R. T. HARRIS } Two members of the Com-
H. F. POLLARD } mittee of Management.
F. POLLARD Clerk.



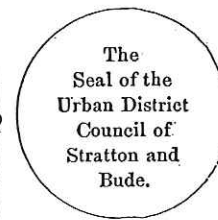
The common seal of the said Rural District Council of Stratton was affixed hereto pursuant to a resolution of the said Council in the presence of

PETER STACEY Chairman.
G. H. GURNEY Clerk of the Council.



The common seal of the said Urban District Council of Stratton and Bude was affixed hereto at a meeting and pursuant to a resolution of the said council in the presence of

JAS. H. TRELEVEN Presiding Chairman.
R. A. FOSTER-MELLIAR Clerk of the Council.



THIRD SCHEDULE.

HARBOUR DUES AND TOLLS.

PART I.—RATES ON VESSELS (EXCLUSIVE OF CARGOES) USING THE HARBOUR.

	£	s.	d.
For every vessel entering the harbour and dock with cargo to discharge and leaving empty or in ballast - per register ton	0	0	4
For every vessel entering the harbour and dock to discharge and leaving with cargo - - - - - per register ton	0	0	6
For every vessel entering the harbour with or without cargo and not using dock - - - - - per register ton	0	0	2
Pleasure yachts entering the harbour and dock per register ton	0	0	2
All boats plying for hire - - - - - per month	0	5	0
or per year	1	0	0

A.D. 1901. PART II.—RATES ON GOODS SHIPPED TRANSHIPPED OR UNSHIPED ON THE QUAY.

	£	s.	d.
Ale beer or porter in cask per fifty-four gallons	-	0	0 6
Ale beer or porter bottled per thirty-five gallons	-	0	0 4
Ale beer or porter bottled per dozen quarts	-	0	0 2
Ale beer or porter bottled per dozen pints	-	0	0 1
Anchors per hundredweight	-	0	0 3
Anchor stock per foot run	-	0	0 3
Ballast per ton	-	0	1 6
Bark per ton	-	0	1 6
Beef or pork per hundredweight	-	0	0 3
Biscuits or bread per hundredweight	-	0	0 3
Blubber per two hundred and fifty-two gallons	-	0	3 0
Bones and bone-dust per ton	-	0	1 0
Bottles per gross	-	0	0 9
Bricks per thousand	-	0	1 0
Butter and lard per hundredweight	-	0	0 2
Bicycles and tricycles each	-	0	0 3
Cables iron or hempen per ton	-	0	3 0
Canvas per forty yards	-	0	0 1
Carriages chaises and other four-wheeled carriages each	-	0	3 6
Gigs carts and other two-wheeled carriages each	-	0	2 0
Hand-carts each	-	0	1 0
Casks (empty) not being returned packages each	-	0	0 3
Cattle—			
Bulls cows and oxen each	-	0	1 0
Calves each	-	0	0 9
Horses each	-	0	1 0
Mules ponies or donkeys each	-	0	1 0
Pigs each	-	0	0 3
Sheep each	-	0	0 3
Chalk per ton	-	0	1 0
Cheese per hundredweight	-	0	0 3
Chimney pots each	-	0	0 2
Clay per ton	-	0	1 0
Cloth haberdashery &c. per hundredweight	-	0	0 3
Coals per ton	-	0	0 4
Copper per ton	-	0	3 0
Cordage per hundredweight	-	0	0 3
Corks per hundredweight	-	0	0 3
Crystal per ton	-	0	5 0
Dogs each	-	0	0 6
Drugs (in casks hampers or boxes) per cubic foot	-	0	0 2
Earthenware (in crates) per cubic foot	-	0	0 1

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Stratton and Bude Improvement
Act, 1901.

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	£	s.	d.	A.D. 1901.
Eggs per hundredweight -	0	0	2	
Fish (not sold by auction) turbot brill halibut soles cod and ling per hundredweight -	0	0	3	
Fish (not sold by auction) herrings (fresh) per thousand -	0	0	3	
Fish (not sold by auction) herrings (salt) per hundredweight -	0	0	3	
Fish (not sold by auction) oysters crabs and lobsters per half- hundredweight -	0	0	3	
Fish (not sold by auction) (dried and salted) per hundredweight -	0	0	3	
Fish (not sold by auction) (fresh) not enumerated per hundred- weight -	0	0	2	
Fish of all kinds (sold by auction) £1 per centum upon the gross amount realised by the sale.				
Flax per ton -	0	2	0	
Flour and meal per four bushels -	0	0	3	
Flour and meal per hundredweight -	0	0	3	
Furniture (household) per five cubic feet -	0	0	4	
Fruit per bushel -	0	0	4	
Fuel (manufactured) per ton -	0	0	6	
Glass per hundredweight -	0	0	3	
Grains and seeds per hundredweight -	0	0	2	
Groceries not enumerated per hundredweight -	0	0	3	
Gunpowder per hundredweight -	0	0	6	
Hams bacon or tongues per hundredweight -	0	0	3	
Hardware per ton -	0	2	6	
Hares and rabbits per dozen -	0	0	4	
Hay per ton -	0	1	6	
Hemp per ton -	0	2	0	
Hides—				
Ox cow or horse (wet or dry) each -	0	0	1	
Ice per ton -	0	1	0	
Iron—				
Bar bolt rod and shots per ton -	0	1	6	
Pig and old per ton -	0	1	0	
Manufactured per ton -	0	2	6	
Pots each -	0	0	1	
Kelp per ton -	0	2	0	
Lead per ton -	0	2	0	
Leather tanned and dressed per hundredweight -	0	0	3	
Lime per twenty-eight bushels -	0	1	4	
Limestone per ton -	0	0	6	
Machinery per ton -	0	2	6	
Manure (not enumerated) per ton -	0	0	4	
Masts and spars ten inches in diameter and upwards each -	0	2	0	
Masts and spars under ten inches in diameter each -	0	1	6	
Meat (fresh) per hundredweight -	0	0	2	
Milk per three gallons -	0	0	0½	

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[1 EDW. 7.]

		£	s.	d.
A.D. 1901.	Musical instruments per cubic foot -	-	0	0 1
	Mussels or other bait for fish per ton -	-	0	1 0
	Nets per five cubic feet -	-	0	0 4
	Oakum per hundredweight -	-	0	0 2
	Oils per ton -	-	0	2 0
	Oil cake per ton -	-	0	1 6
	Oranges and lemons per hundredweight -	-	0	0 3
	Ores per ton -	-	0	1 0
	Paint per hundredweight -	-	0	0 2
	Peat per ton -	-	0	0 6
	Perambulators each -	-	0	0 3
	Pitch and tar per hundredweight -	-	0	0 2
	Potatoes per hundredweight -	-	0	0 2
	Poultry and game per dozen -	-	0	0 4
	Rags and old rope per ton -	-	0	2 0
	Sails per hundredweight -	-	0	0 3
	Salt per ton } -	-	0	1 0
	Sand per ton -	-	0	0 4
	Shrimp baskets each -	-	0	0 2
	Skins—			
	Calf goat sheep lamb or dog per dozen -	-	0	0 6
	Slates per twenty-four cubic feet -	-	0	0 3
	Spirits per fifty-four gallons -	-	0	1 0
	Spirits per gallon -	-	0	0 0 $\frac{1}{2}$
	Steel per ton -	-	0	3 0
	Stones per sixteen cubic feet -	-	0	1 6
	Sugar per hundredweight -	-	0	0 3
	Tallow soap and candles per hundredweight -	-	0	0 3
	Tea per fifty-six pounds -	-	0	1 0
	Tiles per thousand -	-	0	1 0
	Tin and zinc per ton -	-	0	3 0
	Tobacco per hundredweight -	-	0	0 3
	Turnips per ton -	-	0	0 6
	Turpentine and varnish per hundredweight -	-	0	0 2
	Turtle each -	-	0	2 6
	Vegetables (not enumerated) per hundredweight -	-	0	0 1
	Vinegar per fifty-four gallons -	-	0	0 6
	Vitriol per thirty-six gallons -	-	0	0 1
	Water per fifty-four gallons -	-	0	0 3
	Wine per fifty-four gallons -	-	0	1 0
	Wine (bottled) per gallon -	-	0	0 1
	Wood—			
	Per fifty feet -	-	0	1 0
	Firewood and laths and lathwood per two hundred and sixteen cubic feet -	-	0	1 6
	Spars and ores per one hundred and twenty	-	0	2 6

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Wood (<i>continued</i>)—	£	s.	d.
Tree-nails and wedges per thousand - - - - -	0	2	6
Pipe staves and others in proportion per one hundred and twenty - - - - -	0	2	6
Lignum vitæ and fustic logwood mahogany and rosewood per ton - - - - -	0	2	0
Wool per hundredweight - - - - -	0	0	2
Yarn per hundredweight - - - - -	0	0	2

ALL OTHER GOODS NOT PARTICULARLY ENUMERATED ABOVE.

Light goods per cubic foot - - - - -	0	0	1
Heavy goods per ton - - - - -	0	1	0

In charging the rates on goods the gross weight or measurement of all goods to be taken and for any less weights measures and quantities than those above specified a proportion of the respective rate shall be charged.

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