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CHAPTER ccxiii.

An Act to authorise the Urban District Council of Ilfracombe in the county of Devon to construct additional waterworks for the supply of their district and the parishes of Berry-narbor Combe Martin and Morthoe and to make further and better provision for the improvement health local government and finance of the district and for other purposes.

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[6th August 1900.]

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

And whereas the Council have in accordance with the provisions of the Public Health Act 1875 established waterworks and are now supplying the district with water but such supply is inadequate to meet the existing and growing demands of the inhabitants of the district and it is expedient that the Council be empowered to construct the additional water and other works by this Act authorised and to alter the existing rates and charges for the supply of water :

And whereas the Council have adopted the Infectious Diseases (Notificator) Act 1889 the Infectious Diseases (Prevention) Act 1890 Parts I. II. and III. of the Public Health Acts Amendment Act 1890 and the Private Street Works Act 1892 :

And whereas by the statute of James I. chap. 18 it is enacted that "all persons resiant and dwelling in the counties of Devon and Cornwall may fetch and take sea sand at all places under the full sea mark for the bettering of their land and for the increase of corn and tillage at their wills and pleasures" and in consequence of this enactment considerable quantities of sea sand shingle gravel stones and like matters are yearly removed from the seashore of the district and disposed of for profit and used exclusively for other

A.D. 1900. — purposes than those contemplated by the recited statute and without any benefit to the district :

And whereas the beach sands and foreshore of the district form the natural bar and protection against the inroads and encroachments of the sea and it is expedient that the digging and removal of sand shingle gravel stones and the like matter therefrom should be restricted :

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

And whereas it is expedient that further and better provision be made with reference to buildings streets and sanitary matters and for the improvement health and local government of the district and that the powers of the Council in relation thereto should be enlarged and extended :

And whereas estimates have been prepared by the Council for the purchase of the land for and for the execution of the water-works by this Act authorised and such estimates amount to the sum of forty-four thousand pounds :

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 fifth day of October one thousand eight hundred and ninety-nine after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Ilfracombe Chronicle* and *North Devon News* 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 *Ilfracombe Chronicle* and *North Devon News* a newspaper circulating in the district of the urban district council 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 urban district council at a further special meeting held in pursuance of a similar notice on the nineteenth day of January one thousand nine hundred being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the district by resolution in 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 clerk of the peace for the county of Devon which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

May it therefore please your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and 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 *Ilfracombe Short title.*
Improvement Act 1900.

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

Act divided into parts.

- Part I.—Preliminary.
- Part II.—Water.
- Part III.—Pleasure grounds.
- Part IV.—Seashore.
- Part V.—Infectious disease.
- Part VI.—Milk.
- Part VII.—Buildings and streets and sanitary matters.
- Part VIII.—Police.
- Part IX.—Hackney carriages.
- Part X.—Finance.
- Part XI.—Legal proceedings.
- Part XII.—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 general enactments.

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

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

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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"; and

The Waterworks Clauses Act 1863 :

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 district" means the urban district of Ilfracombe in the county of Devon as defined and extended by this Act ;

"The Council" means the urban district council ; and

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

"The seashore" means and includes the seashore foreshore and all the beach and sands within the district ;

"The Vagrancy Acts" means the Vagrancy Act 1824 and any Act for the time being in force amending the same ;

"The clerk" "the surveyor" "the medical officer of health" "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 "the office" in relation to any of the said officers means the office of that officer at the town hall or at such other place in the district as the Council may from time to time appoint ;

"Infectious disease" means any infectious disease to which the Infectious Diseases (Notification) Act 1889 applies for the time being within the district ;

"Dairyman" means 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 ;

"Skysign" means any word letter model sign device or representation in the nature of an advertisement announcement or direction supported on or attached to any post pole standard framework or other support wholly or in part upon over or above any house building or structure which or any part of which skysign shall be visible against

the sky from some point in any street or public way and includes all and every part of any such post pole standard framework or other support The expression "skysign" shall also include any balloon parachute or similar device employed wholly or in part for the purposes of any advertisement or announcement on over or above any house building structure or erection of any kind or on or over any street or public way but shall not be deemed to include—

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Any flagstaff pole vane or weathercock unless adapted or used wholly or in part for the purposes of any advertisement or announcement;

Any sign on any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or the cornice or blocking course of any wall or to the ridge of a roof Provided that such board frame or other contrivance be of one continuous face and not openwork and do not extend in height more than three feet above any part of the wall or parapet or ridge to against or on which it is fixed or supported;

Any such word letter model sign device or representation as aforesaid which relates exclusively to the business of a railway company and which is placed or may be placed wholly upon or over any railway station yard platform or station approach belonging to a railway company and which is also so placed that it could not fall into any street or public place;

"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 district 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.—WATER.

Water limits.

5. The limits of this Act for the supply of water shall be the district of the Council and the parishes of Berrynarbor Combe Martin and Morthoe in the rural district of Barnstaple.

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

6. 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 and constant supply of water in accordance with the provisions of this Act in any part of the district of any local authority within the limits of supply the local authority of such district may provide a supply in the whole or any part of their district within the limits of supply 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 any part of such district not sufficiently supplied by the Council as if in any case 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.

Pressure.

7. The water to be supplied by the Council need not be constantly laid on under pressure greater than can be supplied by gravitation from the existing reservoir or covered storage tank of the Council situate at Slade within the urban district of Ilfracombe and known as the upper reservoir.

Power to make water-works &c.

8. 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 over 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 washouts junctions apparatus and other works and conveniences in connexion 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 herein-before referred to are the following:—

Work No. 1.—An intake in Weirs Combe Brook in the parish of Challacombe in the county of Devon to be formed by a dam about 5 yards in length across the said brook at a point 83 yards

or thereabouts measured in a south-easterly direction from the north-west corner of the enclosure numbered 188 in the said parish of Challacombe on the $\frac{1}{2500}$ ordnance map dated as surveyed in 1888 and an aqueduct consisting of one or more conduits or lines of pipes with chambers and overflows situate wholly in the parish of Challacombe commencing at the said intake and terminating by a junction with the aqueduct Work No. 9 at its commencement at Bickfont Hill as herein-after described :

Work No. 2.—An intake situate wholly in the parish of Challacombe in enclosure numbered 232 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe dated as surveyed in 1888 to be formed by a dam 4 yards in length across a brook flowing into Weirs Combe at a point 60 yards or thereabouts measured in a north-easterly direction from the west corner of the above-named enclosure and an aqueduct consisting of one or more conduits or lines of pipes situate wholly in the parish of Challacombe commencing at the said intake and terminating by a junction with Work No. 1 at a point described as Hammerland Pen on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe :

Work No. 3.—An intake situate wholly in parish of Challacombe in enclosures numbered 312 on the $\frac{1}{2500}$ ordnance map to be formed by a dam 8 yards in length across the brook known as Old Close Brook at a point 72 yards or thereabouts measured in an easterly direction along the said stream from the south-eastern corner of the enclosure numbered 353 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe and an aqueduct consisting of one or more conduits or lines of pipes situate wholly in the parish of Challacombe commencing at the said intake and terminating by a junction with Work No. 1 at a point 27 yards or thereabouts measured along the River Bray in a southerly direction from the footbridge crossing the river by the post office at Challacombe :

Work No. 4.—An intake situate wholly in the parish of Challacombe in an enclosure numbered 575 on the $\frac{1}{2500}$ ordnance map formed by a dam 15 yards in length across the brook known as the River Bray at a point 193 yards or thereabouts measured along the River Bray in a northerly direction from the intersection of Old Close Lane with the before-mentioned River Bray and an aqueduct consisting of one or more conduits or lines of pipes with chambers and overflows situate wholly in the parish of Challacombe commencing at the same intake herein-before described and

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terminating by a junction with Work No. 9 at Bickfont Hill at a point 95 yards or thereabouts measured in a westerly direction from the centre of the bridge over the River Bray at Challacombe at the foot of the said hill :

Work No. 5.—An intake situate wholly in the parish of Challacombe on a piece of waste land numbered 575 on the $\frac{1}{2500}$ ordnance map of the said parish of Challacombe dated as surveyed in 1888 formed by a dam 3 yards in length across a brook which runs into the River Bray and flows in a south-westerly direction along the side of Old Close Lane at a point 60 yards or thereabouts measured in a north-easterly direction from the intersection of such brook with the River Bray and an aqueduct consisting of one or more conduits or lines of pipes situate wholly in the parish of Challacombe commencing at the said intake herein-before described and terminating by a junction with Work No. 4 at a point 17 yards or thereabouts measured in a northerly direction from the point where such work is crossed by Old Close Lane :

Work No. 6.—An intake situate wholly in the parish of Challacombe in the enclosure numbered 499 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe dated as surveyed in 1888 formed by a dam 5 yards in length across a brook known as the Yarbury Stream at a point 12 yards or thereabouts measured in an easterly direction from the south-west corner of the said enclosure numbered 499 and an aqueduct consisting of one or more conduits or lines of pipes situate wholly in the parish of Challacombe commencing at the said intake herein-before described and terminating by a junction with Work No. 4 at a point 57 yards or thereabouts measured in a south-westerly direction from the north-eastern corner of the enclosure numbered 512 and 513 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe and 75 yards or thereabouts measured in a southerly direction from the northern corner of the said enclosure :

Work No. 7.—An intake situate wholly in the parish of Challacombe in the enclosure numbered 687 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe dated as surveyed in 1888 formed by a dam 5 yards in length across the brook flowing down Withecombe Bottom at a point 22 yards or thereabouts measured in a south-westerly direction from the northern corner of the above enclosure and an aqueduct consisting of one or more conduits or lines of pipes with chambers and overflows situate wholly in the parish of Challacombe commencing at the said intake herein-before

described and terminating by a junction with Work No. 9 at a point 57 yards or thereabouts measured in a westerly direction from the north-eastern corner of the enclosure numbered 637 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe dated as surveyed in 1888 : A.D. 1900.

Work No. 8.—An intake situate wholly in the parish of Challacombe in the enclosures numbered 665 and 666 on the $\frac{1}{2500}$ ordnance map of the parish of Challacombe dated as surveyed in 1888 formed by a dam 7 yards in length across a brook which flows in a southerly direction towards Brockenburrow Lane South at a point 85 yards or thereabouts measured in a north-westerly direction from the eastern corner of the enclosure numbered 665 and an aqueduct consisting of one or more conduits or lines of pipes commencing at the intended dam herein-before described and terminating in the parish of Bratton Fleming by a junction with Work No. 9 at a point 52 yards or thereabouts measured in a southerly direction from the north-easterly corner of the enclosure numbered 1259 on the $\frac{1}{2500}$ ordnance map of the parish of Bratton Fleming dated as surveyed in 1888 :

Work No. 9.—An aqueduct consisting of one or more conduits or lines of pipes with washouts at all streams crossed commencing at Bickfont Hill in the parish of Challacombe at a point 95 yards or thereabouts measured in a westerly direction from the centre of the bridge over the River Bray at Challacombe at the foot of the said hill and passing through the parishes of Challacombe Bratton Fleming Kentisbury Eastdown Berrynarbor Bittadon and Westdown all in the rural district of Barnstaple and the parish and urban district of Ilfracombe all in the county of Devon and terminating in the said parish and urban district of Ilfracombe in the existing reservoir of the Council known as the upper reservoir :

Work No. 10.—A filter bed or filter beds and a high level service reservoir to be situate wholly in the parish and urban district of Ilfracombe in the enclosure numbered 40 on the $\frac{1}{2500}$ ordnance map of the said parish dated as surveyed in 1888 :

Provided always that the internal diameter of the pipe in Work No. 1 to its junction with Work No. 3 and of the pipes in Works Nos. 2 to 8 inclusive shall not exceed 9 inches.

9. 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

Power to make subsidiary waterworks.

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necessary embankments bridges roads ways wells tanks basins gauges filters filter-beds dams sluices hatchboxes chambers byewashes 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 herein-before 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.

Power to
take waters.

10. Subject to the provisions of this Act the Council may take intercept collect impound use divert and appropriate for the purposes of their water undertaking all waters from or to be met with upon or under the lands shown on the deposited plans and acquired by the Council under the powers of this Act or which can or may be intercepted or abstracted by means of the waterworks by this Act authorised or any of them or by means of the existing waterworks of the Council or any of them and particularly the following waters and streams (that is to say) :—

(1) The waters of the River Bray and all the tributary streams and springs of the said river at and above the points where the several dams herein-before described cross the said river or its tributary streams and springs The tributary streams so authorised to be taken include the following streams and brooks with their respective tributaries (that is to say) Weirs Combe Brook Old Close Brook Yarbury Brook brook flowing down Withecombe Bottom and the brook flowing in a southerly direction towards Brockenburrow Lane South flowing into the said River Bray All which rivers streams and springs so authorised to be taken are situate within the said parish of Challacombe and all which said rivers streams and springs now flow down the said River Bray into the River Mole thence into the River Taw and thence into Barnstaple Bay ; and

(2) The waters of the West Wilder Brook and all tributary streams and springs of the said brook at and above the existing reservoirs of the Council known as the upper and lower reservoirs respectively and situate at Slade in the urban district of Ilfracombe The tributary streams so authorised to be taken include the following streams and brooks with their respective tributaries (that is to say) The streams flowing down Beacon

Bridge and Folly Bottoms and the West Wilder Stream all which streams and springs so authorised to be taken now flow down the said West Wilder Brook into the Wilder Stream and thence into the Bristol Channel.

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11. 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 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 lateral 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 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.

Lateral and vertical deviation.

12. 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.

13. 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.

Power to acquire additional lands.

14. 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 over or affecting any such lands and the provisions of the said Acts with

Power to take easements &c. by agreement.

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Power to hold lands for protection of waterworks.

15. 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.

Power to sell &c. lands.

16. 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 and dispose of any lands acquired by them under this Act and not for the time being required for the purposes of their water undertaking.

Reservation of water rights &c. on sale.

17. The Council on selling any lands acquired for or in connexion 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.

Application of moneys from sale &c. of lands.

18. 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.

For protection of the London and

19. In constructing and maintaining the works authorised by this Act where they will cross under the London and South Western

Railway the Council shall be subject to the following conditions
viz. :—

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South
Western
Railway
Company.

- (1) All works crossing or otherwise interfering with the London and South Western Railway shall be executed at the expense of the Council under the superintendence and to the reasonable satisfaction of the engineer-in-chief of the London and South Western Railway Company (herein-after called "the company") and according to plans and specifications to be previously submitted to such engineer and approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof:
- (2) The proposed line of pipes Work No. 9 shall be passed under the London and South Western Railway by means of a tunnel of such form and description and to be constructed in such manner as shall be reasonably required by the said engineer:
- (3) The works shall be constructed and maintained so that the traffic upon the London and South Western Railway shall not be in anywise impeded or interfered with and such construction and maintenance shall be effected under the superintendence and to the reasonable satisfaction of the engineer of the company and in all things at the expense of the Council:
- (4) If by reason of the construction or maintenance of the works or any of them or the failure of any of the works or the maintenance thereof the London and South Western Railway or the works connected therewith shall be injured the Council shall compensate the company for all costs to which the company may be put in consequence thereof:
- (5) The Council shall bear and on demand pay to the company the expense of the employment by the company during the execution of any work affecting any railway siding or other work of the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and signalling the same with reference to and during the execution of any such work of the Council and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Council or their contractors or any person in the employ of the Council or of their contractors with reference thereto or otherwise:
- (6) The Council shall also indemnify the company in respect of any damage or compensation which may be recovered against them by reason of any interruption of the traffic on their

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railway or by reason of any accident on the said railway which interruption or accident shall have been occasioned by the acts or defaults of the Council or any of their contractors or their respective servants or workmen :

(7) The Council shall not acquire any estate or interest in the lands and property of the company other than an easement or right of constructing or maintaining thereon the works by this Act authorised :

(8) The amount to be paid for the acquisition of such easement shall be settled in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :

(9) Any dispute or difference which may arise between the company and the Council with respect to the provisions of this section or in any way arising thereout or as to any works affecting the London and South Western Railway shall be settled by arbitration by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of the company and the Council or either of them and the Arbitration Act 1889 shall apply to such arbitration.

20.—(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.

(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 "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who

may be residing with them The expression "house" means any tenement separately occupied by any person or persons. A.D. 1900.

21. 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 work or otherwise in relation thereto shall 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 and from time to time as occasion may require. Period for completion of works.

22.—(1) Within one month after the Council are supplying water from the works authorised by this part of this Act the Council shall pay into the London and Westminster Bank Lothbury to the credit of the permanent Secretary of the Board of Trade and the Chairman of the Board of Conservators of the Taw and Torridge Fishery District herein-after called the trustees the sum of one hundred pounds. For protection of Taw and Torridge Conservators.

(2) The said sum of one hundred pounds or so much thereof as shall not for the time being be expended as herein-after provided may if the trustees in their discretion think fit be left on deposit in the said bank or in the Bank of England (or be invested by the trustees in Government securities).

(3) The said sum of one hundred pounds (and any interest thereon) shall be expended by the trustees at such times and in such manner as the Board of Trade in their discretion shall think fit for the advantage of the fisheries of the Taw and Torridge fishery district.

23. 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) :— Rates for domestic supply.

(1) Where the rateable value of the premises supplied does not exceed five pounds then not exceeding the rate of twopence per week ;

(2) Where the rateable value of the premises supplied does exceed five pounds then not exceeding the rate of ten per centum per annum upon such rateable value.

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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 hereditaments 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 two justices. A supply of water for domestic purposes shall not include a supply for a swimming bath.

Rates for
water-closets
and baths.

24. In addition to the foregoing charges the Council may in case there shall be more than two water-closets or there shall be more than one bath (of a capacity not exceeding fifty gallons) in any dwelling-house or part of a dwelling-house charge in respect of every water-closet therein beyond two (for which no additional charge shall be made) any sum not exceeding five shillings per annum which the Council may fix and in respect of every bath (not being a swimming bath) therein beyond the first (for which no additional charge shall be made) any sum not exceeding ten shillings per annum which the Council may fix such additional sums to be paid quarterly in advance and to be recoverable in all respects with and as the water rate.

Water rate
payable by
owner for
small houses.

25. 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 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.

Supply to
houses
partly used
for trade &c.

26. 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 where water is supplied by measure to any such building the price to be charged shall not exceed one shilling per thousand gallons.

27. For preventing waste misuse undue consumption or contamination of the water of the Council the following provisions shall have effect (that is to say) :—

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Byelaws for preventing waste &c. of water.

(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 connexion disconnexion alteration and repair of the pipes meters cocks ferrules valves soil-pans urinals water-closets 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 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 and the provisions with respect to byelaws contained in sections 182 to 186 (except so much thereof as relates exclusively to byelaws made by a rural sanitary authority) of the Public Health Act 1875 shall apply to all byelaws so made :

(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 soil-pan urinal water-closet 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.

28. 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 soil-pans urinals water-closets baths tanks cisterns or other apparatus fittings means contrivances receptacles or appliances as are required or permitted by their byelaws and may provide 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.

Power to Council supply fittings.

A.D. 1900.

Detection of waste.

29. Subject to the provisions of this Act the Council may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Council and stopcocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets roads lanes footpaths thoroughfares tramways and gas or water pipes.

Supply of water for other than domestic purposes by measure.

30. The Council may supply water for swimming baths trade manufacturing and other purposes not being domestic purposes on such terms and conditions as the Council think fit and may by agreement with any consumer supply water by measure 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 due to the Council. 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.

Power to charge for meters and water fittings.

31. The Council may charge for the hire and use of meters for ascertaining the quantity of water consumed or supplied and of water fittings such rents or sums of money as from time to time may be agreed upon between the hirer and the Council and the rent of meters let for hire shall be recoverable in the same manner as water rates due to the Council.

Notice to Council of connecting or disconnecting meters.

32. 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.

Register of meter to be primâ facie evidence.

33. 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.

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34. 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 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 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 *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been knowingly or wilfully caused by the consumer using such pipe meter instrument or fittings.

Injuring
meters &c.

35. 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.

Entry on
premises to
cut off pipes
after notice
given.

36. 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.

A.D. 1900.

Notice of
discon-
tinuance.

37. 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 in a prepaid letter to the office of the Council.

Public
drinking
fountains.

38. 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.

Contracts
for supply-
ing water
in bulk.

39. The Council may enter into and carry into effect agreements with any local authority company or persons for the supply of water beyond the limits of this Act 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 such supply 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 with the supply of water for domestic purposes within the limits of this Act.

Provision
for sale of
waterworks
outside
district.

40. 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

A.D. 1900.

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.

41. The provisions of this Act with regard to water shall to the exclusion of the provisions of the Public Health Acts relating to water apply to the existing waterworks and water undertaking of the Council which shall for all purposes be deemed to form part of the water undertaking of the Council under this Act and the provisions of sections 102 to 104 107 to 113 and 115 to 117 of this Act shall apply to the loans mentioned in the schedule to this Act (herein-after referred to as "the scheduled loans") as if those loans had been borrowed under this Act and not under the Public Health Act 1875.

Act to extend to existing undertaking.

42. The Council may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in any rural district in connexion with the works authorised by this Act and any expenses incurred by the Council under such undertaking may be defrayed out of any revenue or funds of the Council.

Power to Council to pay any loss sustained by Postmaster-General.

PART III.—PLEASURE GROUNDS.

43. The Council may erect maintain furnish and equip and may remove pavilions conservatories refreshment assembly or reading rooms museums baths and other buildings and conveniences in the pleasure grounds or in any other park or garden belonging to or held by them which may be required or convenient for such ground park or garden or the public resorting thereto and may charge for admission thereto:

Council may erect reading refreshment rooms &c.

Provided that the Council shall not charge for admission to such reading rooms on more than twelve days in any one year nor on more than four consecutive days on any one occasion.

44. The Council may let any refreshment rooms with their appurtenances belonging to them or under their control to any such person for such term not exceeding three years at any one time at such rent payable at such times under such covenants and on

Power to Council to let refreshment rooms &c.

A.D. 1900.

such conditions and with under and subject to such rights powers privileges and authorities relating thereto respectively as the Council may think fit.

Council may let assembly rooms.

45. The Council may let any reading rooms or assembly rooms in the pleasure ground belonging to them for the purpose of particular meetings or entertainments.

Application of moneys received for admission.

46. The moneys (if any) received from the admission of any persons to the recreation grounds or any reading room assembly room or enclosure therein or from the letting of any refreshment rooms or other buildings shall be carried to the district fund.

Power to provide apparatus for games.

47. The Council may provide apparatus for games and recreation for the use of the public frequenting the public parks gardens and pleasure grounds and may charge for the use thereof and they may lease or grant for any term not exceeding three years the right of providing and charging for such apparatus upon such terms and conditions as they think proper and the Council may make regulations with respect to the use and payment for the use of such apparatus.

Power to contribute towards band.

48. The Council may pay or contribute towards the payment of a public band of music for the district provided that the amount of such payments or contributions do not in any year exceed a sum equal to a rate of one penny in the pound on the assessable value of the district for the purposes of the general district rate. The Council may in any pleasure ground or other public place enclose an area within which such band shall play and make regulations as to the time and place for the playing of the band the payments to be made for admission within the said enclosure and for securing good and orderly conduct during the playing of the band.

Pleasure grounds to be deemed streets.

49. The public parks gardens and pleasure grounds within the district shall be deemed streets for the purposes of sections 24 25 and 29 of the Town Police Clauses Act 1847 and also for the purposes of so much of section 28 of that Act as relates to the following offences :—

Every person who slaughters or dresses any cattle or any part thereof except in the case of cattle overdriven which may have met with accident and which for the public safety or other reasonable cause ought to be slaughtered on the spot ;

Every common prostitute or night walker loitering and importuning passengers for the purposes of prostitution ;

Every person who wilfully and indecently exposes his person ;

Every person who publicly offers for sale or distribution or exhibits to public view any profane indecent or obscene book paper print drawing painting or representation or sings any profane or obscene song or ballad or uses any profane or obscene language ;

Every person who wantonly discharges any firearm or discharges any missile or makes any bonfire ;

Every person who throws or lays any dirt litter or ashes or night soil or any carrion fish offal or rubbish on any street.

50. The Council may set apart any portion of any park garden or pleasure ground for the time being belonging to or held by them for cricket football archery tennis and other games and for the drill of volunteers yeomanry or cadets or of any military or police force or for the purposes of the delivery of speeches or the holding of meetings of public or local interest but so that the same shall be open to the public when not in use for such games or drill or other purposes and the Council may make byelaws for regulating the use of the portions of the park garden or pleasure ground so set apart.

Power to set apart portions of pleasure grounds for games.

51. The Council may when the pleasure grounds or any part thereof are used or set apart for any special purpose as in the last preceding section mentioned or for any of the purposes mentioned in the Public Health Acts Amendment Act 1890 close the same or such part thereof against the public for not exceeding eighteen days in any one year nor six consecutive days on any one occasion and may during such respective periods demand and take or permit to be demanded and taken such reasonable sums as the Council decide for the exclusive occupation of the said pleasure ground or any such portion thereof or for the admission of persons vehicles goods and things into the said pleasure ground or portion thereof so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sum demanded.

Power to close pleasure grounds.

52. The Council may place or authorise any person or persons to place seats shelters or chairs in any street park recreation ground or pleasure ground or other public place for the use of the public and may if they think fit charge or allow such person or persons to charge a reasonable sum for the use of chairs and may make byelaws for regulating the use of seats shelters and chairs and for preventing injury or damage thereto.

Power to provide and let chairs &c.

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PART IV.—SEASHORE.

Maritime
boundary of
district.

53.—(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 Commons 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 Her Majesty's Ordnance Survey at Southampton and to the Inland Revenue Department.

(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 *primâ facie* evidence of the contents of this map.

Byelaws as
to seashore.

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

(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 shows exhibitions performances swings roundabouts or other erections vans photographic carts or other vehicles whether drawn or propelled by animals or persons and the playing of any games on the seashore and generally regulate the user of the seashore for such purposes as shall be prescribed by such byelaws ;

(2) Regulate the selling and hawking of any article commodity or thing on the seashore ;

(3) Regulate the user of the seashore for riding and driving ;

(4) Provide for the preservation of order and good conduct among persons frequenting the seashore :

But no such byelaw shall apply to any seashore belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods and not for the

time being leased to the Council without the consent in writing of the Commissioners of Woods first had and obtained for that purpose which consent such Commissioners are hereby authorised to give.

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55. The Council may make byelaws—

Byelaws as to bathing.

- (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.

56. Every part of the seashore shall for the purposes of the Vagrancy Acts be deemed to be a public place and shall be deemed to be a street for the purposes set forth in the section of this Act the marginal note whereof is "Pleasure grounds to be deemed streets."

Seashore to be deemed public place and street for certain purposes.

57. 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 for the purpose of protecting persons whilst bathing.

Byelaws for the protection of bathers.

58.—(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.

Power to license pleasure boats &c.

(2) Any such license 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

A.D. 1900. — suspend revoke or endorse the licence shall be plainly set forth in the licence itself.

(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel not so licensed.

(4) No person shall act as 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 boatmen or person assisting in the charge or navigation of such boat or vessel.

(6) No person shall carry or permit to be carried in any pleasure boat or pleasure vessel a greater number of passengers for hire than shall be specified in the licence applying to such boat or vessel and every owner of any such boat or vessel shall before permitting the same to be used for carrying passengers for hire paint or cause to be painted on a conspicuous part of the said boat or vessel the number of persons which it is licensed to carry. No person shall carry any passenger for hire in any boat plying for hire between Ilfracombe and any other place or places in the Bristol Channel whether licensed by or under the regulations of the Board of Trade or under this Act while such boat shall be in tow of any other boat or vessel.

(7) Every person who shall act in contravention of the provisions of this section shall for each offence be liable on summary conviction to a penalty not exceeding two pounds.

(8) 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.

(9) Offences against the provisions of this section and penalties imposed or recoverable thereunder may be prosecuted and recovered summarily.

59. The statute 7 James I. chapter 18 so far as applying to the seashore of the district is hereby repealed and from and after the passing of this Act no person unless entitled so to do under a grant of the seashore or some part or parts thereof from the Crown or Duchy of Cornwall or a person entitled to the benefit of such grant to a predecessor in title shall at any time dig carry away or remove any sand gravel shingle rock soil or other material from the seashore as defined by this Act and any person entitled under any grant as aforesaid shall not at any time dig carry away or remove any sand gravel shingle rock soil or other material from the seashore as defined by this Act except for use by himself or his lessees or tenants for purposes of building or of agriculture upon the lands in the district of such person in the occupation of himself or of his lessees or tenants and any person acting in contravention of the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds Provided that nothing herein contained shall extend to prohibit the Ilfracombe Harbour authorities from removing sand gravel shingle rock soil or other material from Ilfracombe Harbour for the purpose of clearing cleansing and deepening the same nor to prohibit the removal of seaweed from any part of the seashore by any person or persons now entitled to remove the same.

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Restriction
on removal
of sand &c.

60. Nothing in this part of this Act contained shall be deemed or taken to prejudice diminish alter or affect the rights privileges powers or authorities if any in or over or under the seashore foreshore or any part thereof vested in or exerciseable by Charles Bernard Mervyn Drake-Cutcliffe as lord of the manors of Warcombe and Lyncombe or any persons claiming through or under him.

For pro-
tection of
Charles
Bernard
Mervyn
Drake-
Cutcliffe.

PART V.—INFECTIOUS DISEASE.

61. Whenever it shall be certified to the Council by the medical officer of health that the outbreak or spread of infectious disease is in the opinion of such medical officer of health 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

Dairymen to
furnish lists
of customers
in certain
cases.

A.D. 1900.

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.

Persons engaged in washing or mangling clothes to furnish lists of owners of clothes in certain cases.

62. Whenever it shall be certified to the Council by the medical officer of health 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 owners of clothes 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 for each such offence to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to provide nurses.

63. 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.

Dairymen to notify infectious disease existing amongst their servants.

64. All dairymen supplying milk within the district from premises whether within or beyond the district shall notify to the Council all cases of infectious disease among persons engaged on or in connexion with their dairies and in default shall be liable to a penalty not exceeding forty shillings.

Infected person not to carry on business &c.

65. No person suffering from an infectious disease or who is 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 he does so he shall be liable to a penalty not exceeding forty shillings.

Explaining section 124 of Public Health Act 1875.

66. The words "without proper lodging or accommodation" in section 124 of the Public Health Act 1875 shall be construed to include any person without proper lodging or accommodation having regard to the danger of infection to other persons in the same house and that section shall extend and apply to all persons suffering from any dangerous infectious disease and being in or upon any

house or premises where such person cannot be effectually isolated so as to prevent the spread of the disease. A.D. 1900.

67. 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 the Council shall make compensation to him for any loss occasioned by such stoppage. Compensation to dairymen.

68. 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 shall make compensation to her for any loss she may sustain by reason of such stoppage. Power to compensate nurses &c.

69. 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. A copy of the newspaper containing the advertisement shall be 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. Public notice to be given of this part of Act.

PART VI.—MILK.

70.—(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 for selling milk of 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. Penalty on failing to isolate diseased cows.

(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 : Obligation to notify cases of tuberculosis.

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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 :

(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 : A.D. 1900.

(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 county district in which it is situate :

Power to suspend milk supply.

(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.

(6) 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 part of Act.

(7) 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.

(8) All expenses incurred by the Council in carrying into execution the provisions of this section shall be chargeable upon the district fund and 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

As to expenses.

A.D. 1900. — 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.

Execution of this part of Act by committee. (9) 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.

Dairyman may appeal. (10)—(A) The 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.

PART VII.—BUILDINGS AND STREETS AND SANITARY MATTERS.

Definition of new buildings.

71. From and after the passing of this Act—

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled or burnt down or otherwise demolished to or within twelve feet of the surface of the adjoining ground ;

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

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

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;

A.D. 1900.

The re-conversion into a dwelling-house of any building which has been used or appropriated for any purpose other than a dwelling-house ;

The making of any addition to any existing building by raising any part thereof or making any projection therefrom but so far as such addition only and (in matters relating to the structure of walls foundations roofs and chimneys for securing stability and the prevention of fires and for purposes of health) so far as regards the part of the existing building upon which such addition is placed ; and

The roofing or covering of an open space between walls fences or buildings

shall for all the purposes of this Act and the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building.

72. The approval by the Council of any plan or section of any street or building shall be null and void if the execution of the works specified in such plan or section shall not be commenced within the following periods (that is to say) :—

Approval of plan to be void after certain interval.

As to plans approved after the passing of this Act within two years from the date of such approval ; and

As to plans approved before the passing of this Act within two years from the passing of this Act :

And at the expiration of these respective periods fresh notice deposits and approval shall unless the Council otherwise determine be requisite.

The Council shall give notice of the provisions of this section to every person intending to lay out any street or to erect a new building the plans for which shall have been approved before the passing of this Act but the laying out of which street or the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

73. The Council may retain any drawings plans sections specifications and written particulars descriptions or details deposited with the Council in pursuance of any enactment for the time being in force in the district or of any byelaw made thereunder.

Retention of plans &c. deposited with Council.

A.D. 1900.

Power to vary position or direction of new streets.

74. The Council may by order vary or alter the position direction or level of any intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto. The Council shall make compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

No building until line of street defined.

75. No person shall in any new street commence to erect any new building or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to the satisfaction of the Council to indicate the approved line and level thereof. Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Penalties on occupiers refusing execution of Act.

76.—(1) In case the occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Council under this Act or under any byelaw made under the powers of this Act then after notice of the provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Council to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of this refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

(2) If the occupier of any premises when requested by or on behalf of the Council to state the name of the owner of the premises occupied by him shall refuse or wilfully omit to disclose or wilfully misstate the same he shall (unless he shall show a cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding two pounds.

Crossing for horses or vehicles over footpath.

77. Every person desirous of forming a communication for horses or vehicles across any footway so as to afford access to any premises from a street repairable by the inhabitants at large shall prior to commencing the work give notice in writing of such desire to the Council and shall if so required by them submit to them for their reasonable approval a plan of the proposed communication showing where it will cut the footway and what provision (if any) is made for kerbing for gullies and for a paved crossing and the dimensions and gradients of necessary works and shall execute the

works at his own expense under the supervision and to the reasonable satisfaction of the surveyor and in case a plan shall have been approved then in accordance with the plan so approved and not otherwise and if any person drives or permits or causes to be driven any horse or vehicle across any footway unless and until such communication has been so made he shall for each such offence be liable to a penalty not exceeding forty shillings in addition to the amount of damage (if any) thereby done to the footway.

78. Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with the free passage or comfort of passengers the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage.

Trees or shrubs overhanging streets and footpaths.

79. Whenever the surveyor or the medical officer or inspector of nuisances has reasonable grounds for believing that the drains connected with any building are defective so as to cause risk to health he may after twenty-four hours' notice and with the consent (except in the case of houses let in separate dwellings) of the owner or occupier of such building or in the event of objection by any such owner or occupier after obtaining the order of a court of summary jurisdiction apply the smoke or coloured water or similar test as he may consider efficient to such drains for the purpose of discovering any defects therein Any owner or occupier who refuses notwithstanding any such order to allow such test to be made or to give all reasonable facilities for making such test shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings :

Owner &c. to permit application of test to drains.

If the drains be found defective the owner of the premises shall be bound (subject to the terms of any lease or other contract) on receiving notice from the Council to that effect specifying generally the nature of the defect to carry out all necessary operations for remedying the same within a reasonable time to be named in such notice and if he makes default in so doing the Council may enter and execute the work and recover the expenses thereof from the owner or other person liable under the lease or contract in a summary manner as a civil debt or where the owner is the person liable as private improvement expenses are recoverable under the Public Health Acts :

A.D. 1900. — Provided that nothing in this section shall authorise the use of a test by means of water under pressure.

Provision for filling up cesspools &c.

80. If it shall appear to the Council by the report of the medical officer of health surveyor or inspector of nuisances that any cesspool or other receptacle used or formerly used as a receptacle for excreta or other obnoxious matter or for the whole or any part of the drainage of a house or any ashpit or any well or disused well belonging to any such house or part of a house is prejudicial to health or otherwise objectionable for sanitary reasons and that it is desirable that the same should be filled up or removed or so altered as to remove any such objection as aforesaid the Council may if they think fit by notice in writing require the owner or occupier of such house or part of a house within a reasonable time to be specified in the notice to cause such cesspool receptacle ashpit or well to be filled up or removed and any drain communicating therewith to be effectually disconnected destroyed and taken away or to cause such cesspool receptacle ashpit or well to be so altered as to remove any such objection as aforesaid.

Where it appears that any such cesspool receptacle ashpit or well is used in common by the occupiers of two or more houses or parts of houses the notice for the filling up or removal of any such cesspool receptacle ashpit or well may be served on any one or more of the owners or occupiers of such houses and it shall not be necessary to serve such notice on all such owners or occupiers.

If default is made in complying with the requisitions of a notice under this section the Council may themselves carry out the requisitions and may recover the expenses incurred by them in so doing from the owners or occupiers in default in a summary manner as a civil debt or where the owners are the persons liable as private improvement expenses are recoverable under the Public Health Acts.

Extension of section 41 of Public Health Act 1875.

81. The powers conferred by section 41 of the Public Health Act 1875 upon the Council to empower the surveyor and inspector of nuisances to enter premises for the purposes therein mentioned shall extend to authorise the Council if on the report of either of such officers it shall appear that they have reason to suspect that any drain water-closet earth-closet privy ashpit or cesspool is in a condition in which it is a nuisance or injurious to health or likely to become so to empower the surveyor or inspector of nuisances after twenty-four hours' notice to the occupier of such premises or in case of emergency without notice to enter such premises and to act in accordance with the provisions of the said section as if such written application had been made as therein mentioned.

82. The powers of the Council under section 39 of the Public Health Act 1875 shall extend to authorise them to provide and maintain closet accommodation urinals and lavatories in or under any street for the use of the public and to employ and pay attendants and to make reasonable charges for the use of any closet accommodation or of any lavatory so provided and the Council may make byelaws for the management of such closet accommodation urinals and lavatories and as to the conduct of persons frequenting the same.

A.D. 1900.
—
Council may provide lavatories &c.

83. Where any inn public-house beer-house eating-house or other place of public entertainment built before or after the passing of this Act has no urinal belonging or attached thereto in a convenient and suitable position the Council may by notice in writing require the owner of such inn public-house beer-house eating-house or other place of public entertainment to provide and maintain on the premises in a position to be specified in the order a urinal or urinals which shall be supplied with water to the satisfaction of the Council and the Council may order the owner of any buildings or lands to remove any urinal belonging or attached thereto which appears to them to be a nuisance or offensive to public decency Any person who fails within a reasonable time to comply with any of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Urinals to be attached to refreshment houses &c.

84. Any cistern used for the supply of water for domestic purposes which is so placed constructed or kept as to render the water therein liable to contamination causing or likely to cause risk to health shall be deemed to be a nuisance within the meaning of the Public Health Act 1875.

Cisterns liable to contamination a nuisance.

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

Prevention and removal of projections over streets.

86. Without prejudice to any existing right of Her Majesty there shall be exempted from so much of the provisions of this Act as relates to buildings and structures every building structure or work vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public purposes also any building structure or work vested in or in the occupation of any department

Exemption of Government and railway property from building regulations.

A.D. 1900. of Her Majesty's Government for public purposes or for the public service. There shall also be exempted from the said provisions every building (not being a dwelling-house) belonging to any railway company and used by such company as a part of or in connexion with their railway.

PART VIII.—POLICE.

Provision as to hoardings and other structures used for advertising purposes.

87.—(1) Every hoarding or similar structure in or abutting on or adjoining any street shall be securely erected and maintained.

(2) It shall not be lawful after the passing of this Act to erect any hoarding or similar structure to be used either wholly or partly for advertising purposes in or abutting on or adjoining any street without the consent of the Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding as the Council may determine.

(3) The owner or other person using any hoarding wall or similar structure for advertising purposes whether erected before or after the passing of this Act shall at all times hereafter keep and maintain the same in proper and safe repair and condition and in the event of any papers affixed for advertising purposes to such hoarding wall or other structure falling off or becoming detached shall forthwith remove and clear away such papers.

(4) Any person who acts in contravention of any of the provisions of this section or who violates any conditions or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any consent or condition made under this section may be under the hand of the clerk or surveyor.

Regulations as to skysigns.

88. It shall not be lawful to erect or fix to upon or in connexion with any building or erection any skysign and it shall not be lawful to retain any existing skysign so erected or fixed for a longer period than three years after the passing of this Act nor during that period except with the licence of the Council and in the event of such licence being granted then only for such period not exceeding three years from the passing of this Act and under and subject to such terms and conditions as shall be therein prescribed. Provided that in any of the following cases a licence of the Council under this section shall become void (namely):—

(1) If any addition to any skysign be made except for the purpose of making it secure under the direction of the surveyor;

- (2) If any change be made in the skysign or any part thereof ; A.D. 1900.
(3) If the skysign or any part thereof fall either through
accident decay or any other cause ;
(4) If any addition or alteration be made to or in the house
building or erection on over or to which any skysign is placed or
attached if such addition or alteration involves the disturbance
of the skysign or any part thereof :
(5) If the house building or erection over on or to which the sky-
sign is placed or attached become unoccupied or be demolished
or destroyed :

Provided also that if any skysign be erected or retained contrary to the provisions of this Act or after the licence for the erection maintenance or retention thereof for any period shall have expired or become void it shall be lawful for the Council to take proceedings for the taking down and removal of the skysign in the same manner and with the same consequences as to the recovery of expenses and otherwise in all respects as if it were an obstruction within the meaning of section 69 of the Towns Improvement Clauses Act 1847.

Any person acting in contravention of any of the provisions of this section or of the terms and conditions (if any) of any approval licence or consent under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

89. Any unfenced ground adjoining or abutting upon any street or highway shall for the purposes of the Vagrancy Acts be deemed to be a public place, As to unfenced ground.

PART IX.—HACKNEY CARRIAGES.

90. Any person appointed by the Council in writing may examine all public vehicles plying for hire within the district and shall see that the laws and byelaws relating to such public vehicles are duly observed. If any proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings. Powers of inspector of hackney carriages.

91. The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Council with respect to public vehicles shall be as fully applicable in all respects to public vehicles within the district conveying passengers to or from any railway station within the district as if such railway station were a public stand for public vehicles and also to such carriages and the drivers As to public vehicles taken at railway station.

A.D. 1900.

thereof within a distance of five miles from the district if the hiring takes place within the district. Provided that it shall not be obligatory on the drivers of licensed hackney carriages to contract to carry persons for hire beyond the district. Provided also that if the hiring takes place within the district any offence against any such byelaw whether such offence shall have been committed within the district or not may be brought before and determined by any justice or justices of the peace having jurisdiction in the district :

Provided always that the provisions of this section shall not apply to any vehicle belonging to or used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles nor shall the Council have or exercise any authority or control over vehicles whilst on the premises of any railway company except with the consent of the railway company.

Occasional licences may be granted.

92. An occasional licence for a public vehicle may be granted by the Council to be in force for such day or days or other period less than one year as may be specified in the licence.

PART X.—FINANCE.

Power to borrow.

93.—(1) The Council may independently of any other borrowing power borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

- (a) For the purchase of lands and wayleaves for and for the construction of the works by this Act authorised the sum of forty-four thousand pounds ;
- (b) For the extension and improvement of the waterworks undertaking of the Council the sum of six thousand pounds ;
- (c) For the purposes of the section of this Act of which the marginal note is "Improved access to Lee" such sum as may be required ;
- (d) For paying the costs charges and expenses of this Act as herein-after 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 undertaking 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 the revenue of the water undertaking of the Council and the district fund and general district rate of the district.

94. 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 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 section 15 of that Act.

A.D. 1900.
Mode of raising money.

95. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act the several loans mentioned in the schedule to this Act and representing the sums owing by the Council in respect of loans raised by them for the purposes of their existing waterworks as well as any sums which the Council may borrow under this Act shall not be reckoned.

Certain regulations of Public Health Act as to borrowing not to apply.

96. 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):—

- Section 236. Form of mortgage.
- Section 237. Register of mortgages.
- Section 238. Transfer of mortgages.
- Section 239. Receiver may be appointed in certain cases.

Provisions of Public Health Act as to mortgages to apply.

97. 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 periods") following (that is to say):—

Periods for payment off of money borrowed.

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

As to moneys borrowed for the purpose (D) 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.

98. 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

Mode of payment off of money borrowed.

A.D. 1900. — or by means of a sinking fund or partly by such instalments and partly by a sinking fund Provided that 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 one year from the date of borrowing the same.

Regulations
as to sinking
fund.

99. 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:—

The Council in every year shall appropriate and set apart out of the rate and revenue on the security of which such moneys 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 sinking fund within the prescribed period:

The rate of accumulations on which the amounts paid to the sinking fund are based is herein-after 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 of accumulation 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 of accumulation 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 herein-before 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 rate per centum per annum on which the annual payments to the sinking fund are based. 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.

A.D. 1900.

100. The clerk to the Council shall within twenty-one days after the thirty-first day of March in each year during which any sum is required to be set apart for a sinking fund or an instalment is required to be paid either on the scheduled loans or on any moneys borrowed under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration of the clerk if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in a summary manner. If it appears to the Local Government Board by such return or otherwise that the Council have failed to pay any instalment or to set apart the sum required for the sinking fund either on the scheduled loans or on any moneys borrowed under this Act or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court and the provisions of this section shall mutatis mutandis apply to appropriations and annual repayments.

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

A.D. 1900.

Power to
reborrow.

101. If the Council pay off any part of the scheduled loans or 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.

102. 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 from time to time 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 misapplication or non-application of any such money.

Protection
of lender
from
inquiry.

103. 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 or non-application of the money lent or any part thereof.

Saving for
existing
charges.

104. 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.

105. 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.

A.D. 1900.
Application
of borrowed
moneys.

106. 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.

Audit of
account.

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
revenues.

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

Secondly In payment of the interest on the scheduled loans and on moneys borrowed by the Council under this Act for the purposes of their water undertaking ;

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

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. Any deficiency in the revenues or receipts of the Council on account of their water undertaking shall be made good out of

As to
deficiency
in receipts.

A.D. 1900. — the district fund and the next general district rate to be made by the district council shall 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.

109. The Council shall (after the completion of the purchase) keep the accounts in respect of their water undertaking if and when required separate from all their other accounts distinguishing therein capital from revenue and such accounts shall be subject to the same provisions as to audit as other accounts of the Council.

Expenses of execution of Act.

110. All expenses incurred by the district 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.

PART XI.—LEGAL PROCEEDINGS.

General provision as to byelaws.

111. All the provisions with respect to byelaws contained in sections 182 to 186 of the Public Health Act 1875 (except so much thereof as relates to byelaws made by a rural sanitary authority) shall apply to all byelaws from time to time made by the Council under the powers of this Act. Provided that 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 foreshore below high-water mark shall come into operation until the consent of the Board of Trade has been obtained.

Informations may be laid by duly authorised officer.

112. All informations under or for breach of any of the provisions of this Act may be laid by any officer of the Council duly authorised in that behalf or by the clerk.

Authentication and service of notices.

113. 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 any 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 267 of that Act authorised to be served. Provided always that in the case of any company any such notice order or document shall be delivered or sent by post addressed to the secretary or clerk of the company at their principal office or place of business.

As to appeal.

114. Any person deeming himself aggrieved by any order determination or requirement or the making or withholding of any certificate licence or consent or approval of or by the Council or of

any officer or valuer of the Council or by the conviction or order made by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts. A.D. 1900.

115. Offences against this Act and penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Recovery of penalties.

116. 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 to the Council and carried by him to the credit of the district fund. Penalties to be paid to the treasurer.

117. 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. Saving as to indictments.

118. 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. Judge not to be disqualified by payment of rates.

119. 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 conferred on them or on any committee appointed by them by the Public Health Acts and the Council or such committee as the case may be may exercise such other powers and 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. Powers of Act to be cumulative.

PART XII.—MISCELLANEOUS.

120.—(1) If within three years from the passing of this Act Charles Bernard Mervyn Drake-Cutcliffe and George Blundell Longstaff or their respective sequels in estate (herein-after referred to as "the owners") shall for the purpose of improving the access from the village of Lee to the town of Ilfracombe require the Council to construct a new road or to improve one or other of the Improved access to Lee.

A.D. 1900.

existing roads and shall convey to the Council such of the lands belonging to them respectively as may be required for the purpose and shall deposit in the Devon and Cornwall Bank in the joint names of the owners and the clerk of the Council a sum equal to one-half of the estimated cost of the said new road or improvement of existing road the Council shall forthwith construct such new or improved road.

(2) Such new or improved road shall be constructed in such line and according to such plans sections and specifications as shall be agreed between the Council and the owners or in case of difference as may be determined by the Local Government Board.

(3) The cost of construction of the said new or improved road shall be borne in equal proportions by the Council and the owners and such road shall after the construction and completion thereof in accordance with the provisions of this section become a public highway maintainable by the Council and the cost of construction shall include the cost of acquiring any lands that may be necessary not belonging to the owners.

Byelaws
regulating
hospitals.

121. The Council may make byelaws rules and regulations regulating the admission to and discharge of patients from any hospital temporarily or otherwise provided by them and for the good order and government of any such hospital and in regard to the management of the patients therein and for regulating the conduct of any patients therein and of any officers or servants employed therein and for preventing persons from entering such hospitals or the grounds thereof except with the consent of and subject to such conditions as may be imposed by the Council and the Council may by such byelaws rules and regulations impose such penalties for any breach of any such byelaws rules or regulations not exceeding five pounds for every offence as they may think fit.

Power to
grant
gratuities to
officers and
servants.

122. The Council may if they think fit grant a gratuity of any sum (not exceeding one year's pay) to any of their officers or servants who may be disabled or injured in their service or to the widow or family of any such officer or servant who may die in their service or may at their discretion contribute any sum (not exceeding as aforesaid) to any charity or institution which may have undertaken the maintenance or relief of any such officer or servant Every such gratuity or contribution shall be charged on and paid out of the fund or funds on which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

123. All consents of and permissions by the Council under this Act shall be given in writing and unless otherwise prescribed by the Council shall be given under the hand of the clerk.

A.D. 1900.
—
Consent of Council to be in writing.

124. Whenever the Council under any enactment or byelaw for the time being in force within the district execute re-execute or alter any work act or thing in default of the owner or occupier and in the absence of negligence or misconduct on the part of the Council or of any contractor or person employed by them are required to pay damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering such work act or thing the amount thereof when paid shall be added to and be deemed to be part of the expenses payable by such owner or occupier.

In executing works for owner Council not liable for damage.

125.—(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 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.

Power to Local Government Board to 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.

126. When any compensation damages expenses costs or charges is or are directed to be paid under this Act and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in manner provided by the Public Health Acts.

Compensation how to be determined.

127. Except where otherwise expressed to the contrary any notice to or demand on the Council under this Act may be served on the Council by being delivered to the clerk or by being sent through the post in a prepaid letter addressed to the clerk.

Service of notice on Council.

128. The Council may appoint officers for securing the observance of Parts III. and IV. of this Act and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

Power to appoint officers.

A.D. 1900.

—
Saving
rights of
Crown in
foreshore.

129. Nothing contained in this Act 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 right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act 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 Queen's Majesty.

Costs of Act.

130. 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 shall as taxed by the taxing master 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 SCHEDULE herein-before referred to.

A.D. 1900.

Loan No.	Amount borrowed.	Name of Lender.	Date of Borrowing.	Period authorised for Repayment.	Balance outstanding on the 31st March 1900.
20	£ 2700	Hearts of Oak Benefit Society.	20 August 1881	Years. 50	£ s. d. 2247 19 10
21	1800	Ditto - -	Ditto . -	30	976 18 7
28	500	The Liverpool Victoria Legal Friendly Society.	9 June 1887 -	30	300 - -
33	9000	The Public Works Loan Commissioners.	16 October 1888	30	5700 - -
34	2500	The Ecclesiastical Commissioners for England.	4 December 1888	50	2256 19 3
36	2395	The Liverpool Victoria Legal Friendly Society.	2 September 1890	30	1676 10 -
37	2562	The Prudential Assurance Company Limited.	11 May 1894 -	30	2135 - -
42	200	The Mayor Aldermen and Burgesses of the Borough of Stockton on Tees Durham.	21 February 1896	30	173 6 8
46	452	The Ecclesiastical Commissioners for England.	10 February 1897	30	411 19 4
48	607	Ditto - -	27 May 1899 ..	30	607 - -
				£	16,485 13 8

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