

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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" Grounds lyeng betwene the Towne of *Plymmowth* and anye Parte " of the Ryver of *Mewe* alias *Mevye*, and to digge, myne, breake, " bancke, and cast vpp all and all Maner of Rockes, Stones, Gravell, " Sande, and all other Letts in anye Places or Groundes for the con- " venyent or necessarie conveyenge of the same River to the saide " Towne, and further from Tyme to Tyme to do reparacion, and " make Weares, Bancks, and all other Things necessarie, whereby the " saide River may be brought and contynewe vnto the saide Towne " withowte lett, denyall, vexacion, or trooble of the Lord or Lords, " Owner or Owners, of the same Grounde, or of any other Person or " Persons:" And whereas a Ditch or Trench was accordingly dug or mined by the Corporation, which is known as " the *Plymouth* Leat," and in this Act is called " the Leat," and which commences at a Part of the River called the Weir Head, and thence passes through the several Parishes or Tithings of *Sheepstor*, *Walkhampton*, *Meavy*, *Buckland-Monachorum*, *Bickleigh*, *Tamerton-Foliott*, *Saint Budeaux*, *Egg-Buckland*, *Penny-Cross* otherwise *Weston-Peverell*, *Stoke-Damerel*, and *Compton-Gifford*, all in the County of *Devon*, to the Parishes of *Saint Andrew* and *Charles* in the Borough of *Plymouth*: And whereas the Corporation from Time to Time made divers Waterworks for the supplying of Water from the Leat to *Plymouth*, and Mills to be worked by Water of the Leat: And whereas from and after the Time of the Completion of the Leat the Corporation by means of the Leat and their Waterworks supplied Water to *Plymouth* and worked their Mills: And whereas the Corporation also supplied Water from the Leat to Places near thereto but not within *Plymouth*: And whereas by the Act of the Fifth Year of *George* the Fourth,

5 G. 4. c. 49. Chapter Forty-nine, intituled *An Act for enabling the Commissioners for victualling His Majesty's Navy to purchase certain Premises for completing a Victualling Establishment at* Cremill Point *near* Plymouth *in the County of* Devon, *and for supplying the said Establishment with Water*, Provision was made for the affording by the Corporation of a Supply of Water from the Leat to Her Majesty's Victualling Establishment at *Cremill Point* near *Plymouth*, and the Royal Naval Hospital at *East Stonehouse*, and other Establishments belonging to Her Majesty, and in order thereto the Corporation were authorized where requisite to widen, enlarge, and improve the Leat, and to make new Reservoirs, Dams, and other Works, and to take and use Lands adjoining or near to the Leat, making Satisfaction for all Damage or Injury thereby done to any Lands, and the diverting, drawing, or letting off of any Water from the Leat for any Purpose whatsoever without the Licence of the Corporation was prohibited under a Penalty, and other Provisions were made for the Protection of the Corporation with respect to their Waterworks and the supplying of Water by them: And whereas the Corporation have made additional Waterworks for the Purposes of the secondly-recited Act: And

whereas

whereas under the Authority of the recited Acts, and by means of the Leat and the Waterworks connected therewith, the Corporation supply Water to *Plymouth*, and to Vessels resorting to the Port of *Plymouth*, and for Her Majesty's Service: And whereas during a Part of every Year the Corporation take by means of the Leat all the Water which flows down the River: And whereas under the secondly-recited Act the Corporation receive a yearly Sum for the Supply of Water for Her Majesty's Service, and they have from a very remote Period received and they now receive yearly Rents or Sums of Money for the Supply of Water to *Plymouth*, and to divers Places in the Neighbourhood of the Leat, and they have for many Years received and they now receive for the Supply of Water by them a considerable yearly Income which they have applied and now apply for Corporate Purposes: And whereas the Town of *Plymouth* has extended beyond the Boundaries of the Borough of *Plymouth*, and the Population of *Plymouth*, and of Places within the Limits of Water Supply by the Corporation as defined by this Act, and the Amount of Shipping resorting to the Port of *Plymouth*, have greatly increased and are still increasing, and Her Majesty's Establishments near to *Plymouth* have been increased and are increasing: And whereas in order to enable the Corporation to afford a better Supply of Water than they now can do the Corporation are desirous, and it is expedient that they be authorized, to improve and extend their Waterworks: And whereas the Corporation are willing and it is expedient that the Limits within which they may supply Water be defined: And whereas the Corporation are willing and it is expedient that the Compensation to be made by them for Lands hereafter taken or injuriously affected under the recited Acts be regulated by the Provisions of "The Lands Clauses Consolidation Act, 1845:" And whereas the Corporation are willing and it is expedient that the Supply of Water by them and Matters relating thereto be regulated by the Provisions of the "Waterworks Clauses Acts, 1847 and 1863:" And whereas the Corporation are desirous and it is expedient that Provision be made with respect to Contracts and Arrangements between the Corporation and the Authorities and Companies in that Behalf in this Act named with respect to Supplies of Water by the Corporation: And whereas the Corporation are willing and it is expedient that the Provision by this Act made be made with respect to the Charges by the Corporation for the Supply of Water by them, and the Application of their Corporate Funds to Purposes of this Act: And whereas the Markets and Fairs in *Plymouth* and the Tolls in respect thereof belong to the Corporation: And whereas the Corporation are desirous and it is expedient that some of the Provisions of "The Markets and Fairs Clauses Act, 1847," be made applicable to the Markets and Fairs of the Corporation: And whereas it is expedient that other Provision with respect to the Corporation be made: And whereas the Objects of this

Act

Act cannot be attained 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,)

Short Title.

1. This Act may for all Purposes be cited as "*Plymouth* Corporation Water and Markets Act, 1867."

8 & 9 Vict. c. 18., 10 & 11 Vict. cc. 14. & 17., 23 & 24 Vict. c. 106., and 26 & 27 Vict. c. 93. incorporated.

2. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Markets and Fairs Clauses Act, 1847," and "The Waterworks Clauses Act, 1847 and 1863," are (except where expressly excepted or varied by this Act) incorporated with and are Part of this Act: Provided that nothing in this Act shall confer on the Corporation any Power to take, use, or enter upon any Lands otherwise than by Agreement, or shall take away, lessen, or prejudicially affect any Power, Authority, or Right to take, use, or enter upon any Lands otherwise than by Agreement, which if this Act were not passed the Corporation would have or be entitled to: Provided also, that the Provisions of "The Waterworks Clauses Act, 1847," with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their own Benefit, and Section Eighty-three of that Act with respect to Accounts, and so much of Section Seventy of that Act as relates to the Payment of Rates by quarterly Payments, and the Sections following of "The Markets and Fairs Clauses Act, 1847," (that is to say,)

Section 6. As to taking Lands compulsorily;
Section 7. As to Correction of Errors;
Section 8. As to Copies of Corrections;
Section 9. So far only as it applies to Slaughter-houses;
Sections 17 to 20 (both inclusive). With respect to Slaughter-houses;
Section 50. As to annual Account,

are not incorporated in this Act: Provided also, that the Sections following of "The Markets and Fairs Clauses Act, 1847," are the only Sections of that Act which apply to the present Markets of the Corporation and the Market Places for holding those Markets; (that is to say,)

Section 15. As to unwholesome Provisions:
Section 16. As to assaulting the Superintendent of the Market:
Section 37. As to taking excessive Tolls;
Section 38. As to Recovery of Tolls:
Section 39. As to Disputes concerning Tolls:
Section 40. As to assaulting the Toll Collector:
Section 41. As to a List of Tolls:

Sections 42 to 49 (both inclusive). With respect to the Byelaws to be made by the Undertakers:
Section 51. With respect to the Tender of Amends:
Sections 52 to 57 (both inclusive). With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices.

Same Meanings to Words in incorporated Acts as in this Act.

3. The several Words and Expressions to which by the Acts incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context; and the Expression "Superior Courts" or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act incorporated therewith, shall for the Purposes of this Act be read and have Effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; and the Expressions following have the Meanings following; (that is to say,)

(A.) "The Corporation" means the Mayor, Aldermen, and Burgesses of the Borough of *Plymouth*:

(B.) "The Leat" means the *Plymouth* Leat, to which the Corporation are entitled under the first-recited Act:

(C.) "The Municipal Corporation Acts" means and includes the Act for the Regulation of Municipal Corporations in *England* and *Wales*, and all other Statutes, whether general or local, and Laws from Time to Time in force and affecting the Corporation in their Capacity of the Municipal Corporation of the Borough, and applicable for Purposes of this Act:

(D.) "The Waterworks" means and includes the Leat and other the Waterworks and Works connected therewith by this Act authorized to be maintained and made and maintained respectively:

(E.) "Markets" includes the Fairs held by the Corporation in *Plymouth* at the Feast of *Saint Matthew* and the Feast of the Conversion of *Saint Paul*:

(F.) "The Water Limits" means the Limits of this Act with respect to Waterworks and Supply of Water:

(G.) "The Market Limits" means the Limits of this Act with respect to Markets.

Water Limits.

4. The Limits of this Act with respect to the Waterworks and the Supply of Water by the Corporation comprise the Borough and Town of *Plymouth*, and the several Parishes or Places following; (that is to say,) *Sheepstor*, *Walkhampton*, *Meavy*, *Buckland-Monachorum*, *Bickleigh*, *Tamerton-Foliott*, *Saint Budeaux*, *Egg-Buckland*, *Penny-Cross* otherwise *Weston-Peverell*, *Compton-Gifford*, *Laira*, *Millbay*,

Saint Andrew Plymouth, and *Charles Plymouth*, and (subject to the Provisions of this Act) *Stoke-Damerel*, and *East Stonehouse*, all in the County of *Devon*.

Market Limits.

5. The Limits of this Act with respect to Markets are the Limits from Time to Time of the Borough of *Plymouth*.

Execution of Act by Corporation.

6. This Act shall be carried into execution by the Corporation in their Capacity of a Municipal Corporation, and in accordance with the Municipal Corporation Acts.

Powers of Corporation under recited and other Acts continued.

7. The first-recited Act, and the several Powers and Provisions in favour of the Corporation of the secondly-recited Act, and of any or every other Act, and all Charters and Letters Patent in favour of the Corporation which immediately before the passing of this Act were respectively in force, shall continue to be in full Force, and may be exercised and enjoyed by the Corporation, and their Council, Officers, and Servants accordingly, and the Rights, Powers, Authorities, and Immunities of the Corporation under this Act shall be in addition to the Rights, Powers, Authorities, and Immunities to which they would be entitled if this Act were not passed.

Compensation to Landowners under recited Acts to be ascertained, &c. under Lands Clauses Act.

8. Where the Corporation in the Exercise of any of their Powers under the recited Acts respectively become liable to make Satisfaction for any Lands taken by them, or for any Damage or Injury by them done to any Lands, the Amount of the Compensation to be paid by the Corporation as Satisfaction for the Damage or Injury shall be ascertained, and the Compensation shall be paid, recovered, and applied in accordance with the Provisions in that Behalf of "The Lands Clauses Consolidation Act, 1845."

Power for Corporation by Agreement to purchase and rent Lands, &c.

9. Subject to the Provisions of this Act, the Corporation from Time to Time by Agreement may purchase any Lands, Mills, Houses, Buildings, and Hereditaments requisite or desirable for any of the Purposes of this Act, and may purchase or take on Lease or take Grants of any Easements, Rights, Privileges, Powers, or Authorities (except Easements of Water) requisite or desirable for any of the Purposes of this Act in, to, over, or affecting any Lands, Mills, Houses, Buildings, and Hereditaments.

Power to grant Easements, &c.

10. All Persons having Power under "The Lands Clauses Consolidation Act, 1845," to sell and convey Lands may, if they think fit, grant or demise to the Corporation any Easements, Rights, Privileges, or Powers (except of Water) in or over Lands, and all the Provisions of the last-mentioned Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the Purchase of Lands by

by Agreement and to Rentcharges, shall extend and apply to such Easements, Rights, Privileges, and Powers, and to Rentcharges granted for the same.

Power to maintain and add to existing Waterworks.

11. Subject to the Provisions of this Act, the Corporation may from Time to Time in and upon the Lands vested in them for the Purposes of the Waterworks enlarge, improve, and maintain their now existing Waterworks, and provide and maintain new and additional Works and Conveniences.

Power to lay down Mains, &c. in Streets.

12. Subject to the Provisions of this Act, the Corporation may from Time to Time for the Purposes of the Waterworks make, lay down, and maintain all such Mains, Pipes, Conduits, Sluices, Culverts, Drains, and other Works and Conveniences as they find requisite in, under, or across, and in order thereto may break up, alter, or otherwise interfere with, any Pavements, Tramways, Streams, and Watercourses within the Water Limits.

Supply of Water for Her Majesty's Service under secondly-recited Act.

13. The Corporation by means of the Waterworks shall continue to furnish, in accordance with the Provisions of the secondly-recited Act, a Supply of Water for Her Majesty's Service.

Supply of Water in Plymouth for domestic Purposes and for Shipping.

14. The Corporation by means of the Waterworks, and at the Rates in that Behalf provided by this Act, shall supply the Inhabitants of any Street within the Borough of *Plymouth* in which any Main or Service Pipe of the Corporation from Time to Time is laid with Water for domestic Purposes, and shall duly supply the Shipping resorting to the Port of *Plymouth* with Water for Shipping Purposes.

Supply of Water for domestic Purposes out of Plymouth, and for other Purposes.

15. The Corporation, if and when they think fit and by means of the Waterworks, from Time to Time may supply any Persons within the Water Limits beyond the Borough with Water for domestic Purposes, and any Persons within the Water Limits with Water for any Purposes other than domestic Purposes and Shipping Purposes, for such Remuneration and upon such Terms and Conditions as are agreed on between the Corporation and the Persons desiring the Supply.

Contracts between Corporation and Secretary at War, &c. for Supply of Water.

16. The Corporation from Time to Time, with the Consent of Two Thirds of the Members of their Council present at a Meeting convened for the Purpose, and Her Majesty's Principal Secretary of State for the War Department, and the Admiralty, and the *Sutton* Harbour Improvement Company, and the *Plymouth Great Western* Dock Company, and the Commissioners for putting in execution "The *East Stonehouse* Waterworks Act, 1851," and any other public and local Bodies, from Time to Time, may enter into and carry into effect

effect Contracts for the Supply by the Corporation of Water to or for those Authorities and Bodies respectively, whether in bulk or otherwise, and for what Purposes soever, and the Contracts respectively may be for such Times and for such Remuneration and on such Terms and Conditions whatsoever as the contracting Parties think fit, and the Corporation, by means of the Waterworks, from Time to Time may supply Water accordingly, and the contracting Authorities and Bodies respectively may apply any of the Funds or Revenues belonging to them respectively or at their respective Disposal for the Fulfilment on their Part of the Contracts so entered into by them respectively.

User of Water under Contracts with Secretary at War, &c.

17. The Water from Time to Time supplied by the Corporation under any Contract under this Act with any of those Authorities and Bodies may be used by them respectively without as well as within the Water Limits.

Restrictions as to Supply.

18. Provided that the Corporation shall not supply any Water to any Place beyond the Borough of *Plymouth* to the Detriment of the Supply of Water for domestic Purposes within the Borough of *Plymouth*, or to the Detriment of the Supply for Shipping Purposes, or to the Detriment of Her Majesty's Service, under the secondly-recited Act, and shall not supply any Water by Agreement to the Detriment of any Supply which by this Act they are compellable to afford, and shall not supply within the Parish of *Stoke-Damerel*, or for Use within that Parish, any Water, except to the Company of Proprietors of the *Plymouth* Dock Waterworks, without the previous Consent in Writing of that Company, and shall not, except for Her Majesty's Service, under the secondly-recited Act, supply within the Parish of *East Stonehouse*, or for Use within that Parish, any Water, except to the Commissioners for putting in execution "The *East Stonehouse* Waterworks Act, 1851," without the previous Consent in Writing of those Commissioners.

Supply of Water under Pressure.

19. The Water to be supplied by the Corporation need not be constantly laid on under Pressure until after Five Years from the passing of this Act, and need not be laid on under a Pressure greater than that to be afforded from the Service Reservoir of the Corporation at *Hartley*.

Consumption of Water by Meter.

20. Where the Corporation so require, any Water supplied by them for any Purpose other than domestic Purposes in private Dwelling Houses or Shops shall be consumed by Meter, to be provided by the Corporation at the Expense of the Person having the Supply.

21. No

Meters to be repaired by the Corporation.

21. No Meter, whether provided by the Corporation or the Consumer, shall be altered or repaired except under the Direction or with the Consent of the Corporation, or their Surveyor or other Officer, and the Corporation shall be entitled to keep all Meters provided by the Consumers in repair at the Cost of the Consumer, at such Rate of Remuneration as is agreed on between the Corporation and the Consumer, or in case of Dispute as is fixed by Two Justices.

Water Rates for domestic Purposes.

22. From and after *Midsummer Day* One thousand eight hundred and sixty-eight the Corporation shall, at the Request of the Owner or Occupier of any Dwelling House, or Part of a Dwelling House occupied as a separate Tenement or Dwelling, in any Street within the Borough of *Plymouth* in which any Main or Service Pipe of the Corporation from Time to Time is laid, or of any Person who under this Act is entitled to demand a Supply of Water for domestic Purposes, furnish to the Owner, Occupier, or other Person, by means of Communication Pipes and other necessary and proper Apparatus to be provided, laid down, and maintained at the Cost of the Person having the Supply, a Supply of Water sufficient for his domestic Purposes at a Rate on the yearly Value of the Dwelling House or Part of a Dwelling House not exceeding the Rate following; (that is to say,)

Where the yearly Value does not exceed Five Pounds, at the yearly Rate of Four Shillings:

Where the yearly Value exceeds Five Pounds and does not exceed Ten Pounds, Eight Shillings:

Where the yearly Value exceeds Ten Pounds and does not exceed Fifteen Pounds, Twelve Shillings:

Where the yearly Value exceeds Fifteen Pounds and does not exceed Twenty Pounds, Fourteen Shillings:

Where the yearly Value exceeds Twenty Pounds and does not exceed Twenty-five Pounds, Sixteen Shillings:

Where the yearly Value exceeds Twenty-five Pounds and does not exceed Thirty Pounds, Twenty Shillings:

Where the yearly Value exceeds Thirty Pounds and does not exceed Forty Pounds, Twenty-four Shillings:

When the yearly Value exceeds Forty Pounds and does not exceed Fifty Pounds, Twenty-eight Shillings:

Where the yearly Value exceeds Fifty Pounds and does not exceed Sixty Pounds, Thirty-two Shillings:

Where the yearly Value exceeds Sixty Pounds and does not exceed Eighty Pounds, Thirty-six Shillings:

Where the yearly Value exceeds Eighty Pounds, Forty Shillings.

Ascertainment of yearly Value.

23. The yearly Value shall be the annual Rackrent or gross Value as shown by the Assessment from Time to Time in force of the respective

respective Dwelling Houses to the General District Rate of the Local Board of the District of the Borough of *Plymouth*.

Rates to be paid half-yearly.

24. The Rates for a Supply of Water shall be paid in advance by equal half-yearly Payments at *Christmas Day* and *Midsummer Day*.

Water Supply on Report of Surveyor.

25. Where upon the Report of the Surveyor to the Corporation it appears to the Corporation that within the Borough of *Plymouth* any Dwelling House, or any Part of a Dwelling House occupied as a separate Tenement or Dwelling, is without a proper Supply of Water, and that a proper Supply can be furnished thereto at a Rate not exceeding the Rate by this Act authorized with respect to such Dwelling House or Part of a Dwelling House, the Corporation may give to the Owner or Occupier thereof Notice in Writing requiring him to obtain within Fourteen Days after the Service of the Notice the Supply, and to do whatever is necessary for the Purpose, and if the Notice be not complied with the Corporation may, if they think fit, do whatever is necessary and furnish the Supply accordingly, and may demand and recover the prescribed Rate for the Supply as if the Owner or Occupier had demanded the Supply, and had agreed with the Corporation to pay the Rate for the same, and the Expenses incurred by the Corporation for furnishing the Supply shall be recoverable as Rates are under this Act recoverable.

Interpretation of Section 72 of 10 & 11 Vict. c. 17.

26. For the Purposes of Sections Seventy-two and Seventy-three of "The Waterworks Clauses Act, 1847," incorporated with this Act, Section Seventy-two shall be read and have Effect as if the Sum of Twenty Pounds instead of the Sum of Ten Pounds were expressed therein.

Supply to public Baths and Wash-houses, Hospitals, &c.

27. The Corporation from Time to Time shall afford gratis an ample Supply of Water to all public Baths and Wash-houses within the Borough of *Plymouth* already or hereafter supported in whole or in part by any public Rates, or established otherwise than for private Profit, and to all Hospitals and Infirmaries for the Sick, and to all public Drinking Fountains already or hereafter established within the Borough, and may from Time to Time afford a Supply to any Sailors Home or other benevolent or charitable Institution already or hereafter established within the Borough either gratis or at less than the ordinary Rate: Provided that the Corporation shall not be bound to lay down at their own Expense any Main or Pipe or other Apparatus for the Purpose of enabling them to furnish any such Supply, or to furnish any Supply of Water to any public Drinking

Drinking Fountain which is not constructed, maintained, and used to their reasonable Satisfaction.

One Communication Pipe for every Dwelling House.

28. The Corporation shall not be bound to supply more than One Dwelling House by means of One Communication Pipe.

Stand Pipes to be provided for Courts, &c.

29. The Corporation or the Owner of any Dwelling Houses in any Court or Alley in the Borough of *Plymouth*, in which the Dwelling Houses have no proper Provision for the Storage of Water and the Supply of Water thereto, may provide and maintain a Stand Pipe in the Court or Alley for the Use of all the Persons occupying the Dwelling Houses therein, with proper Fittings and Apparatus, and keep the same in good Repair, and the Supply of Water so provided shall for all the Purposes of this Act be deemed a separate Supply by the Corporation for every Dwelling House, or Part of a Dwelling House occupied as a separate Tenement or Dwelling, the Occupiers whereof use the same, and in all Cases the Expense of providing, fixing, maintaining, and keeping in repair the Stand Pipe and Apparatus shall be borne by the Owner of the Premises, the Tenants whereof have the Right to use the same, or on his Failure the Corporation may do all necessary Repairs and recover the Costs from the Owner: Provided that in case of there being more than One such Owner liable to contribute to the Costs and Expenses, their respective Proportion shall be settled by the Surveyor to the Corporation.

Communication Pipes at Expense of Consumers.

30. The Corporation shall not be bound to provide or lay down any Communication Pipe for any Supply of Water except at the Expense of the Person requiring the Supply.

Power to lay Pipes against Buildings.

31. The Corporation, with the Consent of the Owner or Occupier of any Building, may lay and fix any Pipe or other necessary Apparatus from any Main or Branch Pipe to, in, or through the Building for the Purpose of supplying it with Water, and may supply and fix any Apparatus necessary for securing to the Building a proper and complete Supply of Water, and from Time to Time may repair, replace, alter, or discontinue and remove any such Pipe or Apparatus.

Protection from Impurities and against Waste.

32. The Corporation shall not be compellable to supply with Water any Watercloset or private Bath, or the Pipes or Apparatus connected therewith, unless the same are so constructed and used as to prevent the Waste, Misuse, or undue Consumption of the Water supplied by the Corporation, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Corporation, or into any Pipes connected or communicating therewith, nor

nor any private Bath which is so made as to hold when filled more than Eighty Gallons of Water.

Regulations to be made for preventing Waste, &c.

33. The Corporation may make from Time to Time such Regulations as are necessary or expedient for the Purpose of preventing the Waste, Misuse, or Fouling of Water, and amongst other things may prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, Waterclosets, and other Apparatus whatsoever to be used, and may interdict any Arrangements and the User of any Apparatus which might tend to such Waste, Misuse, or Fouling

Power to cut off Water.

34. If any Person supplied with Water by the Corporation wilfully do or knowingly permit to be done anything in contravention of any of the Provisions of this Act, or of the Regulations made under this Act by the Corporation with respect to Water, or wilfully fail to do anything which under any of those Provisions or Regulations ought to be done by him, the Corporation may turn off the Water supplied by them to the Person so in default and cease to supply him with Water, and also may recover from every Person so in default in any Court of competent Jurisdiction the Amount of any Loss, Damage, or Injury which the Corporation sustain by reason of the wilful Act or Failure.

Power for Corporation to remove Pipes, &c. from unoccupied Premises.

35. Where any Dwelling House, Part of a Dwelling House, Stable, or Office, or other Building or Erection which has been supplied with Water by the Corporation is unoccupied, the Corporation, after giving Twenty-four Hours previous Notice to the Owner by serving the Notice on him, or leaving the same at his usual or last Place of Abode (if any) in *Devon* or *Cornwall*, or if the Owner or his usual or last Place of Abode (if any) in *Devon* or *Cornwall* be not known to the Corporation after due Inquiry, then by affixing the Notice for Three Days on some conspicuous Part of the Premises, may enter into the Premises between the Hours of Nine in the Forenoon and Six in the Afternoon, and remove and carry away any Pipe or Apparatus the Property of the Corporation.

Places for Supply of Water to Shipping.

36. The Corporation shall appoint from Time to Time such convenient and proper Places for the Delivery of Water for the Supply of Shipping, and such Persons to have Charge of the Supply, as the Corporation think fit.

Supply of Water for Shipping.

37. Every Master, Commander, or other Person having the Charge of any Ship or other Vessel belonging or resorting to the Port of *Plymouth*, and desirous of being supplied by the Corporation with Water for his Ship or Vessel, shall be supplied by the Corporation therewith on Payment to the Corporation, or their Lessee, Agent, or Servant, of Eighteenpence for every Tun of Water and Twelve-

pence

pence for any fractional Part of every Tun of Water so supplied, and the Payment shall in every Case be made before the Delivery of the Water, and in case of any such Prepayment not being made he shall not be entitled to take the Water, and the Person having Charge of the Supply of Water to Shipping may refuse to let him have any Supply.

Recovery of Payment for such Supply.

38. If any Supply of Water be afforded to any such Master, Commander, or other Person without the Prepayment, the Amount payable by him for the Supply may be recovered in like Manner as Water Rates in arrear may be recovered under this Act.

Penalty on taking Water for Shipping without Prepayment.

39. If any such Master, Commander, or other Person without making the Prepayment forcibly or secretly take or procure to be taken or receive any Water of the Corporation, or aid or assist therein, or if any such Master, Commander, or other Person take or procure to be taken or receive any Water of the Corporation for any Ship or other Vessel from any Place other than a Place appointed by the Corporation for the Supply of Water to Shipping, or aid or assist therein, every Person so offending shall for every such Offence forfeit and pay to the Corporation any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty for drawing off Water from Leat.

40. After the passing of this Act any Owner or Occupier of any Land or Ground adjacent to the Leat, or any other Person, shall not open any Sluice or Flood Gate of or in any other Manner divert, draw, or let off any of the Water from the Leat for any Purpose whatsoever, without or otherwise than in accordance with the previous Licence of the Corporation, and if any such Owner, Occupier, or other Person, without the requisite previous Licence, open any Sluice or Flood Gate of or in any other Manner take, divert, draw, or let off any Water from the Leat, and whether wantonly or mischievously or not, or for irrigating any Land, or for any other Purpose whatsoever, every Person so offending shall for every such Offence forfeit not exceeding Twenty Pounds, and the Amount of all Damage, Injury, or Loss thereby occasioned to the Corporation.

Corporation to maintain under Act their Markets.

41. The Corporation from Time to Time shall maintain and regulate in accordance with the Provisions in that Behalf of this Act their several Markets in *Plymouth*.

Market Days.

42. The Corporation from Time to Time may appoint and alter the Days for holding any of their Markets, provided that a Market shall not be held on *Sunday*, *Christmas Day*, *Good Friday*, or a Day appointed for a Public Fast or Thanksgiving: Provided also, that, unless and until the Corporation otherwise appoint, their present

Markets shall be held on the respective Days on which they are now held.

Public Notice of Market Days to be given.

43. When the Corporation appoint any Day for the holding of a Market, or change the Day for holding a Market, they shall give public Notice thereof by Advertisement in Two or more Newspapers circulating in *Plymouth*, and also by Placards posted at conspicuous Places in *Plymouth*.

Period for Change of Market Days.

44. Provided that if and when the Corporation change any Day for holding any Market, the Change of Day shall not take effect until the Expiration of One Month after the Publication by the Corporation of the prescribed Notice of the Market Day appointed.

Tolls for present Markets.

45. The Corporation may continue to demand and take in respect of their present Markets the Tolls which they now lawfully demand and take in respect of the same.

Leases, &c. in Market.

46. The Corporation from Time to Time may let any of the Places and Conveniences in their Market Places to any Persons on such Terms, pecuniary and otherwise, and Conditions as the Corporation and the Lessees agree on.

Collection of Market Tolls.

47. The Market Tolls from Time to Time may be demanded and taken by the Officers of the Corporation, and by the Lessees of the Corporation and their Officers respectively.

Penalty for Nuisances in Market Places.

48. Every Person who spoils, defaces, or injures any Part of any Market House or Market Place of the Corporation, or of any of the Buildings, Fences, Works, Conveniences, or Approaches thereof, or in any Market House or Market Place of the Corporation causes any Obstruction, Nuisance, or Annoyance, or commits any Damage or Injury, shall for every such Offence forfeit not exceeding Five Pounds, and shall also pay such a Sum as the Justices before whom the Conviction takes place adjudge to be a reasonable Satisfaction for the Damage or Injury done by the Offender.

Monies received by Corporation under Act to be carried to Borough Fund.

49. All Monies from Time to Time received by the Corporation under this Act in respect of Rates or Charges or Tolls, or otherwise in the carrying into execution of this Act, shall be paid to the Treasurer of the Borough, and be carried by him to the Credit of the Borough Fund, and shall be applicable accordingly.

Expenditure to be paid out of Borough Fund.

50. All the Monies from Time to Time expended by the Corporation under the Authority and for any of the Purposes of this Act, and all other the Costs, Charges, and Expenses of and incident to

to the carrying into execution of this Act by the Corporation, and not otherwise paid and satisfied, shall be charged upon and be paid and satisfied out of the Corporate Funds of the Corporation.

Recovery of Water Rates.

51. Where any Person fails to pay any Sum due to the Corporation for a Supply of Water, or for the Hire or providing or fixing of Pipes or Apparatus, the Corporation, in addition to their other Remedies, may recover the Sum due in any Court of competent Jurisdiction.

Water Rates, &c. may be recovered by Distress.

52. All Rates and Charges for Water and Market Tolls due to the Corporation, and all Damages, Costs, and Expenses by this Act directed to be paid to the Corporation, may be levied by Distress, and any Justice on Application shall issue his Warrant accordingly, the Party against whom the Warrant is issued having previously been duly summoned.

Costs of Distress.

53. Any Justice who issues any Warrant of Distress under this Act may order that the Costs of the Proceedings for the Recovery of the Money due shall be paid by the Person liable to pay the Money, and the Costs shall be ascertained by the Justice, and shall be included in the Warrant of Distress for the Recovery of the Money.

Recovery of Rates, &c. otherwise than by Distress.

54. Nothing in this Act shall prevent the Corporation from recovering any Rate, Toll, Charge, or other Money payable to them in any Court of competent Jurisdiction, or by any other lawful Means.

Several Names in One Warrant.

55. Any Number of Names and Sums may be included in any Warrant, Summons, Demand, or Notice obtained or given by the Corporation for any of the Purposes of this Act, and may be stated either in the Body of the Warrant or Notice, or in a Schedule thereto.

Evidence of Publication of Notice.

56. A Statutory Declaration by an Officer of the Corporation that any public Notice required by this Act has been given in accordance with this Act shall be *primâ facie* Evidence of the Facts thereby declared.

Authentication of Notices, &c.

57. Any Summons, Demand, Notice, or other such Document under this Act may be in Writing or in Print, or partly in Writing or partly in Print, and if it require Authentication by the Corporation the Signature of the Town Clerk shall be a sufficient Authentication thereof.

58. Any

Service of Notices, &c.

58. Any Summons, Writ, Notice, or other Proceeding at Law or in Equity requiring to be served on the Corporation for the Purposes of this Act may be served by delivering the same personally to the Town Clerk.

Contracts for Water not to disqualify Members of Council.

59. A Contract under this Act for a Supply of Water shall not disqualify a Person for being, continuing, or acting as an Alderman or Councillor of the Borough of *Plymouth*.

Liability to Water Rate, &c. not to disqualify Judge of County Court or Justice.

60. No Judge of any County Court or Justice shall, except as is by this Act expressly provided, be disqualified for acting in the Execution of this Act or any other Act relating to the Corporation by reason of his being liable to any Water Rate or Toll or Charge payable to the Corporation.

Application of Penalties.

61. The Justices before whom any Penalty under this Act not payable by the Corporation is recovered shall award to the Corporation the whole of the Penalty, or such Part thereof as he does not award to the Informer.

Penalties not cumulative.

62. Penalties imposed on the Corporation by several Acts for one and the same Offence shall not be cumulative, and for this Purpose this Act and the Acts in whole or in part incorporated therewith shall be deemed several Acts.

Saving Rights of the Crown.

63. Except as is by this Act expressly enacted, nothing in this Act shall authorize the Corporation to purchase, take, or use any Land or Stream, or any Right in respect thereof, belonging to Her Majesty in right of Her Crown, without the previous Consent in Writing of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or any One of them, (and which Consent they are by this Act authorized to give,) or shall take away, lessen, or prejudicially affect any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors.

Saving the Rights of the Duchy of Cornwall.

64. Nothing contained in this Act, or in any Act or Acts incorporated herewith, or herein mentioned or referred to, shall extend to authorize the Corporation to take, use, enter upon, or interfere with any Land, Soil, or Water, or any Rights in respect thereof, belonging to Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, without the Consent in Writing of some Two or more of such of the regular Officers of the said Duchy, or of such other Persons as may be duly authorized under the Provisions of "The Duchy of *Cornwall* Management Act, 1863," Section Thirty-nine, to exercise all or any of the Rights, Powers, Privileges, and Authorities

Authorities by the said Act made exerciseable, or otherwise for the Time being exerciseable, in relation to the said Duchy, or belonging to the Duke of *Cornwall* for the Time being without the Consent of such Duke testified in Writing, under the Seal of the Duchy of *Cornwall*, first had and obtained for that Purpose, or to take away, diminish, alter, prejudice, or affect any Property, Rights, Profits, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs or Successors, in right of the Duchy of *Cornwall*, or in or by the Duke of *Cornwall* for the Time being.

For Protection of Sir Massey Lopes, Bart., M.P.

65. Whereas Sir *Massey Lopes* of *Maristow* in the County of *Devon*, Baronet, is or claims to be the Owner of large Tracts of Land on both Sides of the River *Mewe* or *Meavy* above, at, and below the Weir Head at which the Water of the River is taken into the Leat, and claims to have Rights, Powers, and Privileges in respect of the said River and the Water thereof, which will be lessened, interfered with, and otherwise prejudicially affected by the Powers conferred on the Corporation by this Act, which are disputed by the Corporation: Be it enacted, That the Question as to whether any and what Rights, Powers, and Privileges of Sir *Massey Lopes*, or other the Owner or Owners for the Time being of the said Tracts of Land, or any of them, will be lessened, interfered with, or otherwise prejudicially affected by this Act, shall be referred to an Arbitrator, being a Barrister-at-Law, to be agreed upon by Sir *Massey Lopes*, or such Owner or Owners as aforesaid, and the Corporation, or, in default of Agreement, to be named by One of the Justices of the Court of Common Pleas, and that such Arbitrator shall have Power to determine the same, and may, if he thinks fit, at the Request of either Party, state a Case for the Opinion of the Court of Common Pleas on any Points of Law that may arise, and of which the Decision by the Court of Common Pleas shall be final, and both Parties shall be bound thereby; and if the Arbitrator shall award that by the Powers conferred on the Corporation by this Act any Right, Power, or Privilege belonging to Sir *Massey Lopes*, or such Owner or Owners as aforesaid, in respect of the said River and the Water thereof, has been taken away, lessened, interfered with, or otherwise prejudicially affected, he shall assess the Compensation to be paid by the Corporation to Sir *Massey Lopes*, or such Owner or Owners as aforesaid, for or in respect of any or every such Rights, Powers, or Privileges so taken away, lessened, interfered with, or otherwise prejudicially affected by reason of the Powers conferred on the Corporation by this Act; and all the Provisions of "The Lands Clauses Consolidation Act, 1845," with reference to the Settlement of Claims by Arbitration, except so far as the same are hereby altered or varied, and also the Provisions relating to the Purchase of Land, shall apply respectively to the said Arbitration, and to the

the Payment to be made for such Rights, Powers, or Privileges being taken away, lessened, interfered with, or otherwise prejudicially affected, as if it were the Case of a Purchase under such Act: Provided that the Compensation may, as shall be agreed between Sir *Massey Lopes*, or such Owner or Owners as aforesaid, and the Corporation, be in whole or in part, by way of a Sum in gross, or of an Annuity redeemable or irredeemable.

Saving Rights under secondly-recited Act.

66. Except as is by this Act expressly enacted, nothing in this Act shall take away, lessen, or prejudicially affect any of the Powers, Rights, Privileges, and Authorities granted by the secondly-recited Act to the Commissioners for victualling Her Majesty's Navy.

Corporation not to interfere with Springs or Streams of Plymouth Dock Water Company, or Commissioners for Supply of East Stonehouse with Water.

67. Nothing in this Act shall authorize the Corporation or any other Person to divert, lessen, or interfere with any Spring or Stream of Fresh Water running and flowing from any Place whatsoever into the Towns of *Devonport*, *Stoke-Damerel*, and *Stonehouse*, or any of them, or by or from which those Towns, or any of them, or any of the Parts adjacent, are supplied with Water under the Act of the Thirty-third Year of *George* the Third, intituled *An Act for supplying the Towns of* Plymouth Dock, Stoke-Damerel, Stonehouse, *and the Parts adjacent, in the County of* Devon, *with Water*, or under the Act of the Session of the Fourteenth and Fifteenth Years of Her Majesty, intituled *An Act for supplying with Water the Parish or Township of* East Stonehouse *in the County of* Devon, *and for Amendment of Act*, or to injure or prejudice the Company of Proprietors and Commissioners respectively by those Acts established, or any other Person, in the User, Occupation, or Enjoyment of those Springs or Streams.

Saving ancient Rights to Water.

68. Whereas the Owners of the under-mentioned Residences, that is to say, *Warlegh* in the Parish of *Tamerton-Foliott*, *Manadon* in the Tithing of *Weston-Peverell*, and *Ham* in the same Tithing, have for considerable Periods of Time received Supplies of Water from the Leat to those Residences respectively, and they claim to be entitled to have those Supplies continued to them after the passing of this Act: Therefore this Act shall not take away, lessen, or prejudice any Rights of those Owners respectively to have those Supplies continued to them respectively under this Act.

Act not to restrict borrowing Powers of Corporation.

69. Nothing in this Act shall restrict any of the Powers of the Corporation under the Municipal Corporation Acts or otherwise for borrowing Money.

Saving Rights of Corporation.

70. Except only as is by this Act otherwise expressly provided, nothing in this Act shall take away, lessen, prejudice, alter, or affect any

any of the Jurisdictions, Franchises, Estates, Rights, Interests, Powers, Authorities, Privileges, or Immunities of the Corporation.

Waterworks, &c. not exempt from Provisions of General Acts.

71. Nothing in this Act shall exempt the Waterworks or the Markets from the Provisions of any General Act hereafter passed with respect to Waterworks or Water Supply or Markets, or from any Revision by Parliament of the Rates and Tolls by this Act granted to the Corporation.

Expenses of Act.

72. All the Costs, Charges, and Expenses of and incident to the preparing and applying for and the obtaining and passing of this Act shall be borne and paid by the Corporation out of their Corporate Funds.

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