



CHAPTER lix.

An Act to confer further powers on the Corporation of Plymouth in regard to the construction of additional waterworks and for other purposes. A.D. 1893.
[9th June 1893.]

WHEREAS under the powers of an Act passed in the twenty-seventh year of the reign of Queen Elizabeth intituled "An Act for preservation of the haven of Plymouth" and of another Act passed in the fifth year of the reign of King George the Fourth chapter forty-nine the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the Corporation") have dug and enlarged a ditch or trench known as the Plymouth Leat between the River Meavy and the borough of Plymouth and have made divers waterworks for supplying water from the Leat to the borough and places near thereto and also to certain establishments belonging to Her Majesty :

And whereas by the Plymouth Corporation Water and Markets Act 1867 (in this Act referred to as "the Act of 1867") the limits within which the Corporation may supply water are defined and other powers are conferred on the Corporation in regard to their water undertaking :

And whereas by the Plymouth Corporation Act 1887 (in this Act referred to as "the Act of 1887") after reciting that the supply of water from the waterworks of the Corporation was inadequate to meet the existing and growing demands of the inhabitants of the districts within their water limits and to meet the requirements of the Navy and ships resorting to the harbour of Plymouth the Corporation were empowered to make and maintain in the lines and situations shown on the plans deposited in respect of the Bill for that Act a reservoir to be formed by the construction of an embankment across the valley of the River Meavy :

And whereas it appears from careful surveys borings and excavations of the site of the proposed embankment that no proper foundation can be obtained within the authorised limits of deviation

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except at very great cost and that a better site can be obtained lower down the River Meavy it is therefore expedient that the Corporation should be authorised to make and maintain the reservoir by this Act authorised in lieu of that authorised by the Act of 1887 :

And whereas it is expedient that the unexhausted borrowing powers conferred by the Act of 1887 should be cancelled and that the Corporation should be empowered to borrow the moneys mentioned in this Act :

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

And whereas estimates have been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimates amount to the sum of one hundred and fifty thousand pounds and the several works included in such estimates 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 members of the council at a meeting held on the nineteenth day of October one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Western Daily Mercury* a local newspaper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and borough rate of the borough :

And whereas such resolution was published twice in the said *Western Daily Mercury* 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 members of the council at a further special meeting held in pursuance of a similar notice on the eighth day of February one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill for this Act in the Houses of Parliament :

And whereas the owners and ratepayers of the borough by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act :

And whereas plans and sections describing the lines situations and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of lands required or

which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Devon and are in this Act respectively referred to as the deposited plans sections and book of reference :

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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) :—

1. This Act may be cited as the Plymouth Corporation Water Act 1893. Short title.

2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act namely :— Provisions of certain general Acts incorporated.

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 (except the provisions thereof 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 so much of section 70 of that Act as relates to the payment of rates by quarterly payments) and for the purpose of incorporation with this Act section 44 of the Waterworks Clauses Act 1847 shall be read and have effect as if the words "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner" were omitted from such section ;

The Waterworks Clauses Act 1863 ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof but such provisions shall apply only to the reservoir by this Act authorised to be constructed.

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

"The undertakers" or "the company" means the Corporation ;

"The railway" means the reservoir by this Act authorised to be constructed ;

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“Centre of the railway” means with respect to the reservoir by this Act authorised to be constructed the boundaries of such reservoir:

And in this Act—

“The Corporation” means the mayor aldermen and burgesses of the borough of Plymouth;

“The borough” means the municipal borough of Plymouth;

“The council” means the council of the borough:

And the expression “superior courts” or “court of competent jurisdiction” or any other like expression in this Act or the Acts wholly or partially incorporated herewith shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt and not a debt or demand created by statute.

Act to be
executed by
the Corpora-
tion.

4. This Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority and in accordance with the Municipal Corporations Act 1882 and the recited Acts as amended by this Act.

Power to
make water-
works.

5. In lieu of the reservoir and works described or referred to in section 6 of the Act of 1887 the Corporation may subject to the provisions of this Act make and maintain in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the works following (that is to say):—

- (1.) A reservoir (to be called the Burrator Reservoir) situate in the parishes of Sheepstor Walkhampton and Meavy in the county of Devon to be formed by means of an embankment or retaining wall across the River Meavy and an embankment or retaining wall in the fields numbered 238, 254, 255, and 257 on the 1-2500th Ordnance map of the parish of Sheepstor;
- (2.) A conduit consisting of one or more lines of pipes (to be called Conduit No. 1) commencing in the Burrator Reservoir and terminating in the Roborough Reservoir of the Corporation;
- (3.) A conduit consisting of one or more lines of pipes (to be called Conduit No. 2) commencing in the parish of Bickleigh by a junction with Conduit No. 1 and terminating in the same parish by a junction with an existing conduit or line of pipes in the public road leading from Plymouth to Tavistock;
- (4.) A road diversion commencing and terminating in the existing road from Sheepstor to the main road leading from Plymouth to Princetown;

(5.) A road diversion commencing and terminating in the existing road leading from Sheepstor to Norsworthy : A.D. 1893.

Together with all necessary or proper embankments dams bywashes culverts tunnels channels cuts shafts bridges communications roads approaches drains outfalls overflows sluices gauges screen chambers filter-beds engines pumps conduits catch waters weirs tanks pipes junctions valves telegraphs telephones and other means of electric communication houses buildings and conveniences connected with or auxiliary to the said works or any of them or necessary or proper for inspecting maintaining repairing cleaning using and managing the same :

Provided that any telegraphs telephones and other means of electric communication constructed under the powers of this Act shall not be used for the purpose of transmitting telegrams in contravention of the exclusive privilege conferred upon the Postmaster General by the Telegraph Act 1869.

6. For the protection of the Great Western Railway Company (herein-after referred to as " the Great Western Company ") the following provisions shall apply :—

For the protection of the Great Western Railway Company.

(A.) In laying down altering improving enlarging extending maintaining or renewing or in executing or effecting the repairs or renewals of any mains pipes culverts or other works in the exercise of the powers contained in this Act upon across over under or adjoining or in any way affecting the railways lands and property now or hereafter belonging to or used or occupied by the Great Western Company or the bridges approaches viaducts stations or other works over the railways of the Great Western Company the same shall be done under the superintendence and to the reasonable satisfaction of the principal engineer of the Great Western Company and only according to such plans and in such manner as shall be submitted to and as shall be previously reasonably approved by him in writing ;

(B.) All such works shall be done by and at the expense of the Corporation except as in this section otherwise provided who shall also restore and make good to the reasonable satisfaction of the said engineer the roads over or under any bridge of the railway of the Great Western Company or over the approaches to any such bridge so far as the same may be disturbed or interfered with by or owing to any operations of the Corporation ;

(C.) All such works and operations and all matters incidental thereto shall be constructed executed and done so as to cause

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as little injury as may be to such railways bridges approaches viaducts stations works lands or property and so as to cause no interruption to the passage or conduct of traffic over such railways or at to or from any station thereon ;

- (D.) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any such mains culverts pipes or works in under or near to any railway bridge embankment cutting approach viaduct station land works or property of the Great Western Company the Corporation shall make compensation to the Great Western Company in respect thereof the amount of such compensation unless agreed upon to be determined by arbitration in the manner herein-after provided ;
- (E.) The Corporation shall acquire only such an easement across over or under any of the railways works or property of the Great Western Company as may be necessary for constructing inspecting maintaining cleansing and repairing any of the works of the Corporation and shall pay to the Great Western Company for any such easement to be acquired by them such sum either annual or otherwise as may be agreed upon or failing agreement as shall be settled in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and the easement so to be taken shall be deemed to be lands so far as regards the proceedings for the acquisition thereof ;
- (F.) If the Great Western Company at any time or times hereafter require of which they shall be the sole judges to construct any additional or other works upon their lands or railways or to alter or repair their railways bridges viaducts or works upon across over or under which any of the works of the Corporation may have been constructed or laid the Great Western Company may on giving to the Corporation fourteen days' notice in writing under the hand of their secretary or general manager for the time being (and in case of emergency of which their engineer shall be the sole judge without notice) divert support or carry the said works of the Corporation across over or under their lands railways bridges or works at any other point or otherwise deal with the same in as convenient a manner as circumstances will admit and doing as little damage as may be without being liable to pay compensation in respect of such diversion supporting carrying or dealing with such works and the Corporation shall at their own expense shore up or support their mains pipes sewers culverts or other works which may be

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interfered with during the alteration or repair of any bridges of the Great Western Company and failing their doing so the Great Western Company may do so at the expense of the Corporation but nothing in this sub-section shall entitle the Great Western Company to stop or interfere with the flow of water through any of the mains or works of the Corporation ;

- (g.) Except as in this section otherwise provided any dispute or difference which may arise between the Great Western Company and the Corporation with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer or other fit person to be appointed by the Board of Trade on the application of the Great Western Company and the Corporation or either of them and the costs of such arbitration shall be in the discretion of such arbitrator.

7. For the protection of the Devonport Water Company the following provisions shall have effect:—

Provisions for the protection of the Devonport Water Company.

The Corporation shall not nor shall anything in this Act contained prevent or in any way interfere with the use by the said company of the watercourse described in the deposited book of reference (No. 9 in the parish of Walkhampton) as "overflow from Devonport Leat" and it shall be lawful for the said company to continue to use the said watercourse as they have heretofore lawfully used the same without any interruption or interference on the part of the Corporation.

8. The following provisions for the protection and benefit of the Midland Roborough Highway Board (in this section called "the board") shall have effect (that is to say):—

For the protection of the Midland Roborough Highway Board.

- (1.) Before in any way stopping up or interfering with that part of the existing road from Sheepstor to the main road leading from Plymouth to Princetown which is shown on the deposited plans as intended to be diverted the Corporation shall make and complete the road diversion described in section 5 sub-section 4 ;
- (2.) Before in any way stopping up or interfering with that portion of the existing road leading from Sheepstor to Norsworthy which is shown on the deposited plans as intended to be diverted the Corporation shall make and complete the road diversion described in section 5 sub-section 5 ;
- (3.) Each of the said road diversions shall be formed and made up with proper materials and channels and fences and gates and drainage arrangements to the reasonable satisfaction of the board ;

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- (4.) The Corporation shall pay to the board the sum of five hundred pounds as herein-after mentioned and the board shall apply the said sum in or towards the construction of a new road to commence at the embankment across the River Meavy and connect the diverted road to be made under section 5 sub-section 4 of this Act with the road between Meavy and Dousland ;
- (5.) The said sum of five hundred pounds shall be paid by the Corporation to the board towards the cost of the works on the certificates of the board's surveyor that works to the value in each certificate mentioned have been executed and the board shall proceed with all reasonable despatch in the construction of the new road to be made by them as aforesaid but shall not be under obligation to connect it with the embankment across the River Meavy by this Act authorised until the said embankment and the road diversion to be made by the Corporation are so far complete that the said new road to be made by the board can be connected with the road diversion to be made by the Corporation.

For the protection of the Buckland Abbey Estate.

9. For the protection of Sir Francis George Augustus Fuller-Elliott-Drake the present owner of the Buckland Abbey Estate (in this section called "the estate") or other the owners thereof for the time being (who are herein-after referred to as "the owner") the following provisions shall have full force and effect except in so far as they may be varied by agreement between the Corporation and the owner:—

- (1.) Where the work described in this Act as Conduit No. 1 will pass through the estate the Corporation shall not be entitled to purchase or acquire any estate or interest in the said lands other than an easement or right of laying cleansing inspecting maintaining and repairing a closed pipe or pipes underground within the limits of deviation shown on the deposited plans ;
- (2.) The Corporation may purchase and the owner shall sell an easement or right of laying cleansing inspecting maintaining and repairing such pipe or pipes accordingly and such easement or right shall be deemed to be land for the purposes of the Lands Clauses Acts ;
- (3.) The Corporation shall provide and maintain in connexion with the said conduit at some point to be agreed upon between the Corporation and the owner a proper and sufficient and accessible drinking place for cattle and the Corporation shall keep the same continuously supplied with water without making any charge ;
- (4.) Except as herein-before provided all works in and upon the estate shall be completed to the reasonable satisfaction of

the owner within the period of one year from the time of commencement thereof but the Corporation may at any time lay an additional line or lines of pipes within the estate Provided that such pipes shall be laid within one year from the commencement of the work and as near as practicable alongside the conduit and provided also that (except in cases of emergency) seven days at least before commencing any works on the estate the Corporation shall serve upon the owner or his agent notice in writing of their intention so to do ;

- (5.) Any telegraph or telephone wires or other means of communication laid by the Corporation through the estate shall be placed underground by the side of and as near as practicable to the conduit ;
- (6.) The Corporation shall construct and maintain and keep all their works constructed and maintained by them under the authority of this Act in upon or near the estate so far as practicable watertight and shall indemnify the owner his lessees and tenants from any loss or damage caused by the leakage of the reservoir conduit or works by this Act authorised ;
- (7.) All watercourses springs or wells now used by the owner or his lessees or tenants or either of them interfered with by the construction of the conduit shall be preserved from injury to the reasonable satisfaction of the owner and no water in any such watercourses springs or wells shall be taken away diminished or prejudicially affected ;
- (8.) In the construction and maintenance of their works the Corporation shall first carefully remove from the surface all vegetable soil on the line or site of the works and on the completion of the works or of any repair or other maintenance they shall spread such soil over the surface of the ground in manner herein-after provided ;
- (9.) The Corporation shall be at liberty to make use of any surplus material excavated in the construction or maintenance of the conduit and no such surplus material shall be deposited on the estate of the owner except with his permission and in such place or places as he may from time to time direct ;
- (10.) The Corporation shall make good the drainage and sewerage on the estate where interfered with by the conduit or other works of the Corporation or at the option of the owner shall permit him to employ his own workmen for that purpose the Corporation paying the reasonable cost thereof The Corporation shall also provide for the present or future drainage or sewerage of the estate suitable culverts across the conduit ;

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- (11.) All fences gates watercourses roads conveniences and other matters and things belonging to the owner which may be interfered with by the Corporation during construction or maintenance of the works by this Act authorised shall forthwith after such interference be made good by the Corporation;
- (12.) The Corporation shall provide and from time to time maintain and keep in every fence over the conduit a gate or stile for the use of the owner his lessees and occupiers and the Corporation and their officers respectively;
- (13.) It shall be lawful for the owner to form lay out and make along over or under the conduit any roads drains or pipes which shall not interfere with or injure the conduit and works by this Act authorised or the maintenance thereof;
- (14.) The rights of the owner his lessees and occupiers of passing over and using the land over or under the conduit for all purposes (except such as would injure the conduit or interfere with its maintenance) shall not be interfered with;
- (15.) The provisions of this section shall (except in regard to matters provided for by this section) be in addition to and not in derogation of any other provisions of this Act or any Act incorporated therewith which may enure for the protection or benefit of the owner;
- (16.) The Corporation shall prevent all trespass over any part of the estate by their servants or persons employed by them or their contractors (except such parts as are being used for any works to be executed under this Act) and shall in addition to any other compensation payable by them under or by virtue of this Act or under or by virtue of any agreement that may have been entered into between the owner and the Corporation or their respective agents before the passing of this Act in respect of the estate make full compensation to the owner and his tenants for all damages and loss occasioned to them or any of them respectively by any acts of the Corporation their officers or contractors or any workmen employed by them or any of them whether during construction or maintenance and shall at all times keep the owner indemnified against all and every claim for damage or loss occasioned to or sustained by such owner or his tenants by or by reason of the construction or maintenance of the conduit or other works;
- (17.) The Corporation shall to the reasonable satisfaction of the owner or his agent reinstate and make good and maintain from subsidence all drains and fences and shall also reconstruct and maintain to the reasonable satisfaction of the owner all roads and footpaths which may be crossed injured or interfered with

under the powers of this Act and the Corporation shall also fence off such other portion or portions of land along the line of the conduit and works which may be necessary to prevent danger or damage or which the owner may require during the construction of the works and will make and maintain such roads and communications across or over the conduit and works with such gates and fastenings as may be required by the owner. The Corporation shall not use any barbed wire in connexion with the erection of fences or otherwise ;

(18.) The Corporation shall not erect nor permit the erection of any houses huts or offices for their workmen or those of their contractors on any part of the said estate without having first obtained the written permission of the owner and then only upon such site or sites as may be directed by him or his agent ;

(19.) The said conduit shall be so constructed and laid that there shall be over every part thereof not less than two feet and six inches of cover including as much soil as there is at present and if by reason thereof the existing surface of the land be raised the portion so raised shall be carried over the conduit by a gentle slope on either side thereof and the said slope shall be properly turfed over and protected until the said turf is well and thoroughly established ;

(20.) The Corporation and the owner may agree in writing for any variation of the works or provisions prescribed for the protection of the owner ;

(21.) Any difference which may from time to time arise between the owner and the Corporation with respect to any question under this section shall be settled by arbitration.

10.—(1.) The following provisions shall apply and have effect for the protection of the estate known as the Maristow Estate in the parishes of Sheepstor Meavy Bickleigh Buckland Monachorum and Tamerton Folliott in the county of Devon of which estate Sir Massey Lopes Baronet is or claims to be tenant for life and for the protection of the said Sir Massey Lopes Baronet and of Sir John Henry Kennaway Baronet John Carpenter Garnier and General Sir William Pollexfen Radcliffe the present trustees of the said estate or other the owner or owners trustees or trustee for the time being of the said estate or any part thereof who are in this section mentioned by and included in the expression "owner."

For the protection of Sir Massey Lopes Baronet.

(2.) Where the work described in this Act as Conduit No. 1 will pass through the said estate the Corporation shall not be entitled to purchase or acquire any estate in the said lands other than an easement or right of laying cleansing inspecting repairing and maintaining a closed pipe or pipes underground within the limits

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of deviation shown on the deposited plans and the Corporation may purchase and the owner shall sell an easement or right of laying cleansing inspecting repairing and maintaining such pipe or pipes accordingly and such easement or right shall be deemed to be land for the purposes of the Lands Clauses Acts The Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands and (subject to the provisions relating to mines and minerals of the Waterworks Clauses Act 1847) mining under such lands and for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

(3.) So much of Conduit No. 1 as shall be laid in the estate of the owner shall be completed within twelve months from the time when the work of laying it shall be commenced in that estate but the Corporation may at any time lay down an additional line or lines of pipes to form part of the conduit by this Act authorised Provided that such additional pipe or pipes shall be laid in the said estate within one year from the commencement of such work in the said estate and as near as practicable alongside the conduit and provided also that (except for absolute necessary immediate repair and for examination) one month at least before commencing any works on the estate the Corporation shall serve upon the owner or his agent notice in writing of their intention so to do.

(4.) The Corporation shall not in any way interfere with the stream known as Burrator Brook or cause any water at any time to be abstracted from such brook or to be diverted into or allowed to flow into the said reservoir or taken in any other manner.

(5.) Before entering on the estate the Corporation shall except in cases of urgency give to the owner not less than seven days' notice in writing of their intention so to do.

(6.) The Corporation shall construct and maintain and keep all their works constructed and maintained by them under the authority of this Act in upon or near the estate so far as practicable water-tight and shall indemnify the owner his lessees and tenants from any loss or damage caused by the leakage of the reservoir conduit or works by this Act authorised.

(7.) The Corporation shall make good the drainage and sewerage on the estate where interfered with by the reservoir conduit or other works of the Corporation or at the option of the owner shall permit him to employ his own workmen for that purpose the Corporation paying the reasonable cost thereof The Corporation shall also provide for the drainage or sewerage of the estate suitable channels or culverts around the reservoirs or across the conduit.

(8.) The Corporation shall prevent all trespass over any part of any lands of the owner by their servants or persons employed by them (except such parts as are being used for any works to be executed under this Act) and shall in addition to any other compensation payable by them under or by virtue of this Act in respect of the said estate make full compensation to the owner and his tenants for all damages and loss occasioned to them or any of them respectively by any acts of the Corporation their officers or contractors or any workmen employed by them or any of them whether during construction or maintenance and shall at all times keep the owner indemnified against all and every claim for damage or loss occasioned to or sustained by such owner or his tenants by or by reason of the construction or maintenance of the reservoir conduit or other works.

(9.) The Corporation shall to the reasonable satisfaction of the owner or his agent reinstate and make good and maintain from subsidence all drains and fences and shall also reconstruct and maintain to the reasonable satisfaction of the owner such parts of all roads and footpaths which may be crossed injured or interfered with under the powers of this Act and the Corporation shall also fence off such other portion or portions of land along the line of the conduit and works which the owner may require during the construction of the works and will provide and from time to time maintain and keep in every fence over the conduit a gate for the use of the owner his lessees and occupiers and the Corporation and their officers respectively and will also make and maintain such roads and communications across or over the conduit and works with such gates and fastenings as may be required by the owner. The Corporation shall not use any barbed wire in connexion with the erection of fences or otherwise.

(10.) The Corporation shall during such period as the works by this Act authorised are in process of construction pay to the joint committee of the justices and county council of the administrative county of Devon the cost of maintaining such an additional number of police as the chief constable for the county may deem necessary for the due preservation of order for protection of property.

(11.) Any telegraph or telephone wires or other means of communication laid by the Corporation through the estate shall be placed underground by the side of and as near as practicable to the conduit.

(12.) All watercourses springs or wells used by the owner or his lessees or tenants or any of them respectively interfered with by the construction of the conduit shall be preserved from injury to the reasonable satisfaction of the owner and no water in any such water-

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(13.) All fences gates roads conveniences and other matters and things belonging to the owner which may be interfered with by the Corporation during the construction or maintenance of the works by this Act authorised shall as soon as may be after such interference be made good by the Corporation.

(14.) Before the construction of the reservoir the Corporation shall provide and maintain in each field belonging to the owner a drinking trough for cattle and provide a supply of water for such trough according to the conveyance of the fourteenth day of September one thousand eight hundred and eighty-nine.

(15.) The Corporation shall as soon as may be after payment of compensation for purchase thereof effectually fence off and keep fenced off all lands purchased from the owner for reservoir purposes from the other lands belonging to him.

(16.) The contractor shall provide sufficient and suitable huts for the use of the workmen employed in or about the works by this Act authorised.

(17.) The Corporation and the owner may agree in writing for any variation of the works or provisions prescribed for the protection of the owner.

(18.) The Corporation shall lay down and maintain the conduits or lines of pipes described and authorised by this Act so far as the same may pass through the estate of the owner as nearly as practicable in the line shown as the centre line on the deposited plans.

(19.) It shall be lawful for the owner to form lay out and make across the conduit any roads drains or pipes but any such roads drains or pipes shall not interfere with or injure the reservoir conduit and works by this Act authorised or the access to or maintenance thereof Provided nevertheless that no such roads drains or pipes shall be so laid out or made without the approval of the Corporation but such approval shall not be unreasonably withheld.

(20.) The said conduit shall be so constructed and laid that there shall be over every part thereof not less than two feet and six inches of cover including as much soil as there is at present and if by reason thereof the existing surface of the land be raised the portion so raised shall be carried over the conduit by a gentle slope on either side thereof and the said slopes shall be properly turfed over and protected until the said turf is well and thoroughly established. All surplus excavation arising from the construction or maintenance of the works shall be the property of the Corporation but no such surplus excavation shall be deposited on the estate of the owner

except with his permission and in such place or places as he may from time to time direct.

(21.) The provisions of these sub-sections shall except in regard to the matters provided for by them be in addition to and not in derogation of any other provisions of this Act or any Act incorporated herewith which may enure for the benefit or protection of the owner.

(22.) The Corporation shall from the Conduit No. 1 provide and at all times maintain the necessary apparatus and flow of water for the full supply of Bickleigh Village and other places which they are now under obligation with the owner to supply and in case the Corporation shall interfere with any rights to which the owner may be by law entitled to water cattle from the leat of the Corporation they shall also provide and maintain in connexion with the said conduit at three places to be agreed upon between the Corporation and the owner a proper and efficient and accessible drinking place for cattle in substitution therefor and the Corporation shall keep the same continuously supplied with water without making any charge.

(23.) Notwithstanding anything in this Act contained the Corporation shall at all times hereafter either from the leat or from a line or lines of pipes provide to all places in or near to the lands of the owner water for such purposes and to the same extent as the owner is by law entitled to have and they shall also provide and supply with water in the unenclosed lands of the owner such drinking places for animals in substitution for any rights to which the owner may be by law entitled at such places as may be agreed on or failing agreement settled by arbitration and in the event of any default under this sub-section the owner and his tenants and commoners shall be entitled to compensation.

(24.) In case the Corporation shall discontinue the flow of water to which the owner may be by law entitled in the open channel of the leat they shall provide in each close or field of the owner through which the leat passes (except those in which tanks are already provided) tanks similar to those now in use in the owner's lands at Roborough and they shall at all times maintain all such tanks and shall by means of pipes or otherwise keep all such tanks properly supplied with water for animals and they shall also provide and supply with water at intervals of not more than two hundred yards similar tanks in all places where the leat passes through commons or unenclosed lands of the owner.

(25.) In the construction and maintenance of the conduit where it passes through the estate of the owner the Corporation shall first carefully remove from the surface all earth on the line or site of the

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works and on the completion of the conduit or of any repair or other maintenance they shall so spread such soil over the surface of the ground as to restore the surface as nearly as may be to its former state.

(26.) In addition to and subject to the provision of this Act relating to the rights of fishing in the reservoir the owner shall have the sole and exclusive right of sporting over any lands acquired by the Corporation from the owner under this Act abutting upon the lands coloured red on the plan referred to in the said provision.

Compensation for damage caused by bursting or giving way of reservoir.

11. The Corporation shall from time to time make full compensation to all persons for all damage and injury losses and expenses whatsoever which may from time to time be incurred or suffered by reason or in consequence of the bursting or giving way of the reservoir and conduits by this Act authorised and such compensation shall be paid and satisfied out of any rates revenues or funds for the time being belonging to the Corporation.

Power to take lands and waters.

12. Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of this Act and may for the purpose of their waterworks collect impound take use get and appropriate such of the waters of the River Meavy and its tributaries as can or may be intercepted and impounded by the reservoir by this Act authorised and all springs and streams which arise or flow in or through the site of the said reservoir and all waters found in or under any of the lands acquired by them under this Act and the Corporation may stop up or divert all roads and ways within the limits of deviation defined on the deposited plans which are shown or described thereon as intended to be stopped up or diverted and may appropriate for the purposes of this Act the sites of the roads and ways so stopped up or diverted in all cases in which they acquire the lands on both sides of any such road or way.

Power to deviate.

13. Subject to the provisions of this Act in constructing the works by this Act authorised or any of them the Corporation may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and the Corporation may deviate from the levels shown on the deposited sections to any extent not exceeding three feet upwards and seven feet downwards Provided that if it be found necessary or expedient in the construction of the Burrator Reservoir to alter the situation of any embankment or retaining wall thereof the Corporation shall not construct any such embankment or retaining wall of a greater maximum height above the general surface of the ground than three

feet above the maximum height thereof shown on the deposited sections. A.D. 1893.

14. The Corporation may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of making maintaining inspecting cleansing and repairing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such easements and rights as fully as if the same were lands within the meaning of those Acts:

Power to acquire easements only.

Provided always that nothing herein contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso:

Provided also that as regards any lands taken or used by the Corporation for the purpose of making such conduits or lines of pipes the Corporation shall not (unless they give notice to treat for such lands and not merely for easements therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Corporation.

15. The quantity of land which may be taken by the Corporation from Yennadon Down for the purposes of the Burrator Reservoir shall not exceed two and a half acres and in lieu of acquiring any lands in Callisham Down and Roborough Down for the purpose of the conduits by this Act authorised the Corporation shall acquire an easement only for the purpose of making maintaining inspecting cleansing and repairing the same and the section of this Act with the marginal note "Power to acquire easements only" shall apply accordingly.

Limiting quantity of land to be taken from commons.

16. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof respectively or otherwise in relation thereto shall cease

Time for completion of works.

A.D. 1893. — except as to such of them or so much thereof respectively as is then completed.

Period for compulsory purchase of lands.

17. The powers of the Corporation for compulsory purchase of lands under this Act shall not be exercised after the expiration of three years from the passing of this Act.

Power to take additional lands by agreement.

18. The Corporation may from time to time for any of the purposes of their water undertaking purchase by agreement any lands not exceeding twenty acres in addition to the lands which they are authorised to take by compulsion but the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Power to take easements &c. by agreement.

19. 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 Corporation any easement right or privilege (not being an easement right or privilege of water) required for the purposes of this Act in over or affecting any such lands and the provisions of the Lands Clauses Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants easements rights and privileges as aforesaid.

Power to hold lands needful to prevent fouling and to protect waterworks.

20. The Corporation may hold any lands acquired by them under this Act or the Act of 1887 and which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Corporation shall not erect any buildings upon the lands while so held by them except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Reservation of water rights &c. on sale.

21. The Corporation on selling any lands acquired for or in connexion with their waterworks 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.

22. The proceeds of the sale of any superfluous lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation for waterworks purposes but shall not be applied to the payment of instalments or to payments into the sinking fund or loans fund except to such extent and upon such terms as may be approved by the Local Government Board. Any moneys discharged out of the proceeds of any such sale shall not be re-borrowed.

A.D. 1893.
Proceeds of sale of surplus land to be treated as capital.

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

Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

24. When any road diversion by this Act authorised has been constructed by the Corporation in substitution for a portion of the existing public highway the road diversion shall be maintained in repair by and at the cost of the Corporation for twelve months after its completion of which completion a certificate of two justices shall be conclusive evidence (which certificate two justices shall give on such completion being proved to their satisfaction) and from and after the expiration of the said period of twelve months such road diversion shall be maintained in repair by and at the expense of the authority or person by whom or at whose expense the former public highway was repairable.

Maintenance of substituted roads.

25.—(1.) Section 9 of the Act of 1887 ("Seventy-five gallons of water per minute to be discharged into Meavy") shall extend and apply in regard to the Burrator Reservoir and to the water by this Act authorised to be taken except that the quantity of water thereby required to be discharged into the River Meavy shall be increased by three hundred and twenty-five gallons per minute and the gauge referred to in the said section shall be constructed within one

Compensation water.

A.D. 1893. hundred yards of the embankment or retaining wall of the Burrator Reservoir across the River Meavy.

(2.) Sub-sections (c) and (d) of section 9 of the Act of 1887 shall extend and apply to the Right Honourable the Earl of Morley and his successors in estate and to all riparian owners interested in the compensation water and nothing in that section shall prejudice or affect any agreement with the said Earl in regard to compensation.

Repeal of section 8 of Act of 1887.

26. Section 8 of the Act of 1887 ("Reservation as to fishing rights") is hereby repealed.

Reservation as to fishing rights.

27.—(1.) The right and power of fishing fowling and sporting in and over the Burrator Reservoir (except as herein-after provided) are as regards so much of that reservoir as is shown and coloured red on the plan signed by Sir Richard Temple Baronet the Chairman of the Committee of the House of Commons to which the Bill for this Act was referred exclusively reserved to Sir Massey Lopes Baronet and as regards so much of the reservoir as is coloured yellow on the said plan exclusively reserved to John Bayly and for those purposes they may respectively place and use a boat on the reservoir.

(2.) Any rights of fishing fowling and sporting to which any other owners of lands acquired by the Corporation for the purposes of the reservoir are entitled shall be the subject of compensation to be paid by the Corporation in accordance with the provisions of the Lands Clauses Acts.

(3.) No right conferred by this section shall be assigned demised or otherwise disposed of or parted with wholly or partially to any person or persons but the rights by this section conferred upon Sir Massey Lopes shall remain annexed to the Maristow and Burrator Mansion Houses in the county of Devon and shall be exercised only by the owner or owners for the time being of those mansions his or their family visitors personal friends and servants and as regards the rights by this section conferred upon John Bayly shall remain annexed to Narrator Farm in the parish of Sheepstor in the county of Devon and shall be exercised only by the owner or owners for the time being of that farm his or their family visitors personal friends and servants.

(4.) Provided nevertheless that the rights by this section reserved shall not be exercised so as to injure the embankment or other works of the reservoir or to foul or otherwise injuriously affect the water of the reservoir and shall not in any way interfere with the right of the Corporation at all times to draw off the water from the reservoir and do all such acts and things as they may deem necessary for cleansing repairing and maintaining the reservoir and the works

A.D. 1893.

connected therewith or for preventing the water therein from being fouled or otherwise injuriously affected or for preventing the accumulation of fish to such an extent as they may consider would affect the quality of the water.

(5.) Provided further that the members of the council and their officers shall throughout the day in every year on which the annual survey of the leat by the Corporation shall take place have the right of fishing and taking fish in the said reservoir and also in so much of the said River Meavy as is situate on the land to be acquired by the Corporation.

28. The waterworks to be constructed under the authority of this Act shall for all purposes be deemed part of the existing water undertaking of the Corporation.

New works to form part of existing waterworks undertaking.

29. The borrowing powers for waterworks purposes conferred by Part II. of the Act of 1887 are (so far as the same have not been exercised) hereby cancelled.

Cancellation of borrowing powers under Act of 1887.

30. The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money not exceeding in the whole the sum of one hundred and fifty thousand pounds and with the approval of the Local Government Board such further moneys as may be necessary for the execution of the works authorised by this Act or the extension or improvement of their waterworks and for that purpose may mortgage or charge the borough fund and borough rate and the revenue of their water undertaking or either of those securities.

Power to borrow.

31.—(1.) The Corporation 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 payment of the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act within fifteen years from the date of borrowing of the same ;

As to moneys borrowed for waterworks purposes within the limit of one hundred and fifty thousand pounds within sixty years from the date or dates of the borrowing of the same respectively ;

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

(2.) Provided that it shall not be obligatory on the Corporation to commence the repayment of any loan raised for the purposes of this Act (except with respect to moneys borrowed with the approval of the Local Government Board) until after the expiration of seven

A.D. 1893. — years from the thirty-first day of March one thousand eight hundred and ninety-four.

Application
of provisions
of Act of
1887.

32. Sub-sections (2) and (3) of section 17 and sections 18 and 19 and 21 to 27 of the Act of 1887 shall apply in respect of the moneys by this Act authorised to be borrowed as if they were re-enacted in this Act.

Amendment
of Act of
1887.

33. The Corporation shall not after the passing of this Act invest any portion of the loans fund formed for the redemption or extinction of Plymouth Corporation redeemable stock or any sinking fund of the Corporation in any statutory security of the Corporation.

Audit of
water
accounts.

34. The accounts of receipts and expenditure of the Corporation in respect of their water undertaking shall be audited examined and published in like manner and with the same consequences as the accounts of the Corporation are audited examined and published under the Municipal Corporations Act 1882.

Expenses of
Act.

35. All the costs charges and expenses of and incident and preparatory to the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the borough fund and borough rate of the borough but ultimately out of money borrowed for the purposes of this Act.

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