



CHAPTER cix.

An Act to enable the Mayor Aldermen and Burgesses of the City of Bristol to construct Culverts and other Works for the relief of the Floods in the River Frome and in the Malago Brook and for other purposes. A.D. 1890.

[25th July 1890.]

WHEREAS the mayor aldermen and burgesses of the city of Bristol (in this Act called "the Corporation") are conservators of the port and harbour of Bristol extending from Hanham Mills on the River Avon to the mouth of the said river at Kingroad and thence down the River Severn and the Bristol Channel from Kingroad westward to the islands called the Stipe or Steep Holmes and the Flat Holmes and are also conservators of the rivers and creeks within the said port:

And whereas the River Frome flows for some distance through the city and county of Bristol (in this Act called "the city") and discharges itself into the floating harbour (formed in the city by the conversion into docks of parts of the Rivers Avon and Frome) and is for a part of its course within the city arched over:

And whereas the Corporation by virtue of certain ancient charters are or claim to be owners of the River Frome and of the soil of the bed and course thereof within the limits of the city as it existed prior to the extension of the limits thereof by the Municipal Corporations Act 1835:

And whereas the Malago Brook also flows for some distance through the city:

And whereas the said River Frome and the said Malago Brook are in times of heavy rains liable to overflow their banks to the injury of property and of the health of the inhabitants adjacent thereto respectively:

And whereas it is expedient that the Corporation be authorised to construct the culverts and other works herein-after described for the prevention of floods in the city and for the conveyance of flood waters into the River Avon and the floating harbour:

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And whereas it is expedient that further powers be conferred on the Corporation for keeping clear the beds and channels of the said River Frome and the said Malago Brook and the watercourses streams and drains connected therewith :

And whereas an estimate has been prepared by the Corporation for the purchase of land for and the execution of the works by this Act authorised and such estimate amounts to two hundred and fifty thousand pounds :

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

And whereas it is expedient that the Corporation be authorised to borrow further moneys for the purposes of this Act :

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

And whereas an absolute majority of the whole number of the council of the city at a meeting held on the first day of October one thousand eight hundred and eighty-nine after ten clear days notice by public advertisement of the meeting and of the purposes thereof in the "Western Daily Press" a newspaper published or circulating in the city (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 whereas such resolution was published twice in the "Western Daily Press" 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 said council at a further special meeting held in pursuance of a similar notice on the twenty-eighth day of January one thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

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

And whereas plans and sections describing the lines situations and levels of the intended works and books of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the respective clerks of the peace for the counties of Gloucester and Somerset and for the city and are in this Act respectively referred to as the deposited plans sections and books of reference :

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):— A.D. 1890.

1. This Act may be cited as the Bristol Floods Prevention Act 1890. Short title.

2. The following enactments (that is to say):—

The Lands Clauses Acts; and

The provisions of the Commissioners Clauses Act 1847 relating to mortgages (except section 84); so far as they are respectively applicable for the purposes of and not varied by this Act are incorporated with and form part of this Act:

Incorporation of general Acts.

3. In this Act unless the context otherwise requires—

Terms to which meanings are assigned by the said enactments have herein the same meanings;

“The council” “the town clerk” “the borough fund” “the borough rate” mean respectively the council the town clerk the borough fund and the borough rate of the city;

“Daily penalty” means a penalty for each day any offence shall continue after conviction therefor:

In the Commissioners Clauses Act 1847 for the purposes of this Act—

“The commissioners” means the Corporation;

“The clerk to the commissioners” means the town clerk.

Interpretation.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council and according to the Municipal Corporations Acts the Public Health Acts and other Acts respectively for the time being in force and affecting the Corporation as a municipal body and a sanitary authority.

Execution of Act.

5. The Corporation may deepen and improve the beds and channels of the River Frome from the weir near the Colston School Baths in the parish of Stapleton in the county of Gloucester to its junction with the floating harbour in the city and of the Malago Brook within the city and the tributaries and backwaters thereof respectively and the watercourses streams and drains connected therewith respectively and may remove alter or curtail weirs dams walls arches sluices banks shoals pipes and any other matters or things which may interfere with the free flow of the water of the said river brook tributaries backwaters watercourses streams and drains making compensation to all persons injuriously affected by the exercise of the powers of this section.

Power to Corporation to improve the beds and channels of the River Frome and Malago Brook.

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Penalty for
throwing
rubbish &c.
into river
&c.

6. Every person who throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into the River Frome between the said weir and the said junction with the floating harbour or into the Malago Brook within the city or within the city into any watercourses streams or drains connected therewith respectively shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the discharge into the said river brook watercourse stream or drain as the case may be of any such solid matter from any drain waterway doorway or window belonging exclusively to any premises shall be evidence that the occupier of those premises has committed an offence against the provisions of this section.

Power to
construct
works.

7. Subject to the provisions of this Act the Corporation may in the lines or situations and according to the levels shown on the deposited plans and sections construct and maintain the works shown on the deposited plans among which are comprised the following principal works (that is to say):—

In the parish of Bedminster in the county of Somerset:—

- (A) A culvert commencing in and out of the Malago Brook at a point on the north-west side of Saint John's Lane where the said brook passes under the said lane and terminating at a point in the new cut of the River Avon opposite Camden Road:
- (B) A culvert commencing in and out of the Malago Brook at the archway over that brook near Hereford Street and terminating at a point in the said brook at the south-eastern end of Paul Street:
- (C) A culvert commencing in and out of the Malago Brook at a point at or near the north-east corner of the Bedminster Smelting Works and terminating by a junction with the eastern branch of the said brook at a point in the said brook near the houses numbered 44 and 46 in Philip Street:
- (D) A culvert commencing in and out of the Malago Brook at the archway over that brook at the north-western corner of the timber yard in the occupation of Messieurs J. and E. Organ and terminating at a point in the new cut of the River Avon opposite Union Road:

In the parish of Saint Philip and Saint Jacob Without in the county of Gloucester:—

- (E) A cut or channel commencing in and out of the River Frome at a point about fifty yards south-west of the bridge carrying the road from Stapleton Road to the

gasworks and terminating in the River Frome at a point about fifty yards north-east of the bridge carrying the South Wales Union Railway over the said river : A.D. 1890.

- (F) A widening and deepening of the River Frome under and on both sides of the bridge carrying the South Wales Union Railway over the River Frome and an additional cut or channel under the said bridge for the waters of the said river :
- (G) The removal of the weir of the millstream at Baptist Mills and the widening and deepening the said millstream from the said weir to its junction with the River Frome :
- (H) The removal of the bridges or arches carrying Lower Ashley Road over the said millstream and the erection of a new bridge to carry Lower Ashley Road over the said millstream :
- (I) A widening and deepening of the River Frome under and on both sides of the bridge carrying Wade Street over that river from a point about fifty yards south-west of the bridge carrying Peel Street over that river to the commencement of the archway over the said river about two hundred and thirty yards south-west of the said bridge carrying Wade Street over that river :

In the parishes of Stapleton Horfield and Westbury-upon-Trym and Clifton and the district of the united parishes of Saint James and Saint Paul in the county of Gloucester :—

- (J) A culvert commencing in the parish of Stapleton in and out of the River Frome at a point about one hundred and eighty yards west of the bridge carrying Stapleton Road over the said river and terminating in the River Avon in the parish of Westbury-upon-Trym at a point in the bed of the River Avon opposite the northern end of the disused quarries known as the Black Rock Quarries :

In the parish of Stapleton in the county of Gloucester :—

- (K) The removal of the weir in the River Frome near the Colston School Baths and the construction in substitution therefor of a new weir across the said river at the commencement of the last-mentioned culvert :
- (L) A cut or channel commencing in and out of the River Frome at a point about seven hundred and twenty yards east of Stapleton Bridge measured along the said river and terminating in the said river at a point about four hundred and seventy yards east of the said bridge :

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- (M) The widening and deepening of the River Frome on both sides thereof between Stapleton Bridge and the boundary of the city and county of Bristol:
- (N) The removal of the bridge carrying Stapleton Road over the River Frome and the construction of a new bridge and the raising the level of the existing approaches over the said river in substitution therefor commencing at a point about seventy-five yards south of the centre of the existing bridge and terminating at a point about eighty yards north of the centre of that bridge:
- (O) An alteration of the level of Wee Lane commencing at the junction of the said lane with Stapleton Road and terminating at a point about fifty yards from the said junction:
- (P) An alteration of the level of Wee Lane at or about a point two hundred and thirty yards from Stapleton Road for a distance of about thirty yards on each side of the centre line of the proposed culvert (J):
- (Q) A shaft and sluices in the Boiling Well Stream about forty-four yards east of the South Wales Union Railway for diverting the flood waters of that stream into the last-mentioned culvert:

In the parish of Horfield in the county of Gloucester:—

- (R) A shaft and sluices in the Horfield Brook about forty yards east of Gloucester Road for diverting the flood waters of that brook into the last-mentioned culvert:
- (S) A shaft and sluices about ten yards to the eastward of Cutlers Mills Brook for diverting the flood waters of the said brook into the last-mentioned culvert:

And the Corporation may enter upon take and use such of the lands shown on the deposited plans as may be requisite for the purpose and may divert into the said works by this Act authorised and thence into the River Avon the waters of the River Frome and of the Malago Brook:

Provided that notwithstanding anything shown on the deposited plans or described in the deposited books of reference the Corporation shall not under the powers of this Act enter upon take or use more than the following quantity of the following lands reputed to be commonable and for the following purpose (that is to say):—

Three roods and thirty perches of Durdham Down in the said parish of Westbury-upon-Trym and two acres of Clifton Down in the said parish of Clifton both for the construction and maintenance of the culvert (J):

Provided also that the powers hereby given shall not relieve the Corporation from the obligation under the Clifton and Durdham Downs (Bristol) Act 1861 to keep the said downs open and unenclosed as a place of public resort and recreation except so far as the said obligation may from time to time be temporarily suspended for the necessary construction repair cleansing and maintenance of the said culvert. A.D. 1890.

8. In the construction of the several works authorised by this Act the Corporation may (save as in this Act is otherwise expressly provided) deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation indicated thereon and they may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards or three feet downwards: Limits of lateral and vertical deviation.

Provided that in constructing the works below high-water mark authorised by this Act no deviation shall be made from the lines and levels shown upon the deposited plans without the consent of the Board of Trade in writing.

9. Subject to the provisions of this Act and within the limits defined on the deposited plans the Corporation in connexion with the said works by this Act authorised and for the purposes thereof may make all such arches walls embankments piling cuts drains sluices penstocks tunnels headings shafts cofferdams hatches and other works as may be necessary or expedient in conjunction with the said works for the conveyance of flood water from the River Frome and the Malago Brook to or to communicate with the River Avon or the floating harbour and may raise lower or alter any vault arch cellar or area under or adjoining any lands buildings roadway or footway Provided always that the Corporation shall make to the owners and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them or any of them. Power to make subsidiary works.

10. Notwithstanding anything in this Act contained the following provisions shall have effect for the protection of Henry Harman Slade his successors and assigns in this section collectively referred to as "the owner":— For the protection of Henry Harman Slade his successors and assigns.

- (1) The Corporation shall construct such works as shall prevent the flow of water into the channel of the River Frome at the site of the existing Baptist Mills Weir (which said weir they are by this Act empowered to remove) or as near to the north of such site as may be consistent with the widening of the mill-stream as herein-after provided;

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- (2) The Corporation shall by means of widening and deepening the millstream described upon the deposited plans as "Work a" cause the entire flow of the River Frome to be through the channel of the said millstream down to a point immediately below the bridge carrying the Mina Road over the said millstream and shall prevent any back flow of water in a north-easterly direction into the bed of the said River Frome above a point situate therein 100 yards or thereabouts (measured along the bed of the River Frome) below the bridge carrying Mina Road across the said river;
- (3) The Corporation shall in carrying into effect the powers of this Act with respect to the widening and deepening of the said millstream construct and maintain such works and make all such provisions as may be necessary to preserve and protect the banks of the owner's property from the wash of the stream;
- (4) The owner shall in consideration of the foregoing provisions for his protection give to the Corporation without payment therefor so much of the land abutting upon the north side of the said millstream within the limits of deviation shown upon the deposited plans as may be reasonably necessary to enable the Corporation (for the purposes of this Act only) to carry into effect the widening and deepening of the said millstream between the points herein-before referred to and shall at all times permit the Corporation and their servants and workmen to have such right of access along the right bank of work (a) as shall be necessary for enabling them to remove any obstruction in the bed thereof and to maintain the said works;
- (5) Provided that there shall be excepted and reserved to the owner all timber upon the said land with liberty to fell and carry away the same.

For the protection of
Messrs.
Cogan.

11. For the protection of William Bampfield Cogan Thomas Albert Bampfield Cogan and Stanley John Bampfield Cogan and their successors in title herein-after referred to as and collectively and individually included in the expression "Messieurs Cogan" the following provisions shall have effect (that is to say):—

Notwithstanding anything in this Act contained the Corporation shall not without the consent of Messieurs Cogan purchase the lands and buildings numbered 43 on the deposited plans for the parish of Saint Philip and Jacob except so much of the said lands and buildings adjoining the River Frome as the Corporation may require for the purpose of widening the said river to a width not exceeding thirty-six feet from the face of the

wall on the opposite side of the said river and Messieurs Cogan shall sell and convey to the Corporation the portion only of the said lands and buildings which shall be so required reserving such rights of drawing water from and discharging water into the said river through the portion so sold and conveyed as they may at present have without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portion required by them and making compensation for any damage sustained by Messieurs Cogan.

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12. The Corporation shall not construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and re-flows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of (such approval being signified as last aforesaid) and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly with costs.

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

13. In executing the works by this Act authorised the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the site of any such work and also any pipe tube wire or apparatus laid down or used for telegraphing or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment:

Power to alter pipes &c.

Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or telegraphic apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers

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For the protection of the Great Western Railway Company.

Not to enter on lands of Great Western Company until plans of proposed works affecting that company approved.

14. For the protection of the Great Western Railway Company (in this section called "the Great Western Company") the following provisions shall have effect (that is to say):—

(1) Before the Corporation begin the construction of any works under or over or affecting the railways of the Great Western Company they shall deliver to the Great Western Company plans and drawings of such intended works (including temporary works) and shall not proceed with the construction thereof until the said plans and drawings shall have been approved in writing by an engineer appointed for that purpose by the Great Western Company or in the event of his failure for fourteen days after the delivery of the plans and drawings to approve the same until the same shall have been approved by an engineer to be appointed on the application of the Corporation by the Board of Trade and all the intended works shall be executed by the Corporation at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the Great Western Company or in case of difference to the reasonable satisfaction of an engineer to be appointed by the Board of Trade.

As to execution of works on land of Great Western Railway Company.

(2) In constructing the culverts (A) (B) and (J) the widening and deepening of the River Frome and the shaft and sluices (Q) or either of them by this Act authorised through over or adjoining the land and property of the Great Western Company the Corporation shall not deviate from the centre line respectively shown on the deposited plans where these culverts widening and deepening respectively cross the railway of the Great Western Company or from the place where the said shaft and sluices are shown on the said plans without the previous consent in writing of that company under their common seal and the said culvert (A) where the same is intended to cross the railway of the Great Western Company shall be carried under that railway and works and shall be not less than eight feet in height and ten feet in width and the culvert (J) where the same is intended to cross the railway of the Great Western Company shall be carried under that railway and works and shall be not less than twenty feet in width and fourteen feet in height and such crossings respectively of the railway and lands shall be effected in such a manner as not to injure the stability of the railway and works

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of the Great Western Company in any way whatever and the widening and deepening of the River Frome shall be effected in such manner as not to injure or weaken the foundations of the bridge carrying the railway of the Great Western Company over the said river and so as not to injure the stability of the railway and works of the Great Western Company or of the said bridge in any way whatever.

- (3) The Corporation shall bear and on demand pay to the Great Western Company the reasonable expense of the employment by them during the making or executing of the said culverts widening and deepening shaft and sluices or any of them over and adjacent to the Great Western Railway Company's railways or any of them of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching their railways and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise.
- (4) Notwithstanding anything in this Act contained the Corporation shall from time to time be responsible for and make good to the Great Western Company all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or by reason of the failure of any of the intended works or of any act default or omission of the Corporation or of any persons in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the Great Western Company from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.
- (5) The Corporation shall at their sole expense at all times maintain the culverts and other works above described under or near to the railway of the Great Western Company in substantial repair and good order and condition to the reasonable satisfaction in all respects of the engineer of the Great Western Company and if and whenever the Corporation fail so to do the Great Western Company may make and do in and upon as well the land of the Corporation as their own lands all such works and things as the Great Western Company shall think requisite in that behalf for ensuring such repairs and the sum from time to time certified by their engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid

Corporation to pay to the Great Western Company expenses of watchmen during construction of works.

Damages sustained by Great Western Company to be repaid.

Maintenance of works affecting the railways of the Great Western Company.

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to them by the Corporation and in default of full repayment the amount due may be recovered with full costs by the Great Western Company from the Corporation in any court of competent jurisdiction.

Not to interfere with traffic on Great Western Railway.

(6) In constructing or executing the culverts and other works above described the Corporation shall not in any way obstruct interfere with or impede the traffic passing along the railways of the Great Western Company or any of them and if by reason of any works or proceedings of the Corporation the traffic upon the railways of the Great Western Company or any of them shall be in any way obstructed interfered with or impeded the Corporation shall pay to the Great Western Company the sum of fifty pounds per hour during which such obstruction or interference or impediment shall continue.

No land of the Great Western Company to be taken except for certain works.

(7) The Corporation shall not take or acquire any land of the Great Western Company or any right in or over the same and nothing in this Act contained shall authorise or enable the Corporation to take or enter upon or use either temporarily or permanently any of the lands of the Great Western Company or to alter vary or interfere with the railways of that company or any of them or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the culverts above described without the consent in writing in every instance for that purpose first had and obtained of the Great Western Company under their common seal and with respect to any lands of the Great Western Company which the Corporation are by this Act from time to time authorised to use for the purpose of such culverts or otherwise the Corporation shall not purchase or take any greater or other estates or interests in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Corporation might purchase and take the same and the provisions of this Act shall be construed and applied accordingly and the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment.

Corporation to pay for easement.

(8) The Corporation shall pay to the Great Western Company by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to purchase of lands otherwise than by agreement.

(9) If any difference arise between the Great Western Company and the Corporation touching any of the foregoing matters such difference shall be determined unless otherwise agreed on by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party and the costs of such arbitration shall be borne as the arbitrator shall direct.

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Arbitration.

15. For the protection of the Midland Railway Company (hereinafter called "the Midland Company") the following provisions shall take effect (that is to say) :—

For protection of the Midland Railway Company.

(1) Notwithstanding anything contained in this Act the Corporation shall not commence to widen deepen and improve any portion of the bed banks shores or channels of the River Frome within one hundred feet of the viaduct carrying the Midland Company's railway over the said river until they shall have given to the Midland Company twenty-one days notice in writing of their intention to commence such works accompanied if and when so required by the Midland Company with plans sections and specifications showing the place or places at which such works are to be executed and the depth width and extent thereof and until the Midland Company shall have signified their approval of the same under the hand of their engineer or (in case of any difference between the Corporation and the Midland Company) until the same shall have been approved by an arbitrator to be appointed as herein-after provided Provided that if for the space of twenty-one days after service of the said plans sections and specifications if required as aforesaid the Midland Company fail to signify their approval or disapproval thereof or to submit any such difference to arbitration they shall be deemed to have approved the same Provided also that this section shall not apply to any works or operations requiring to be made for the purpose of preserving and maintaining the channel of the river as the same may have been widened deepened or altered in accordance with the plans so approved as aforesaid.

(2) The said works shall be executed by the Corporation in accordance with the plans sections and specifications so approved and in all respects to the reasonable satisfaction of the engineer of the Midland Company (who shall have access for the purposes of this section to the works of the Corporation at all reasonable times) and so as not to endanger the stability of the said viaduct or interfere with the convenient user thereof or to impede or interfere with the traffic of the Midland Company.

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- (3) The Corporation shall bear and on demand pay to the Midland Company the reasonable expense of the employment by them of a sufficient number of inspectors and watchmen to be appointed by them for watching their said railway during the execution of the said works and for preventing as far as may be all interference obstruction danger or accident that may arise from any act or default of the Corporation or any contractor employed by them or any person in the employ of them or him but the employment of such inspectors and watchmen shall not in any way relieve the Corporation from their liability under this Act.
- (4) The Corporation shall from time to time be responsible for and make good to the Midland Company all costs losses damages and expenses from time to time occasioned to the Midland Company or to their railway or to the traffic thereon or to any person or persons using the same or otherwise by reason of the execution or failure of the said works or any act or omission of the Corporation or of any contractor or of any person in the employ of them or him and the Corporation shall effectually indemnify and hold harmless the Midland Company from all claims and demands upon or against them by reason of such execution or failure and of any such act or omission.
- (5) If any difference arise between the Midland Company and the Corporation touching any of the foregoing matters such difference shall be determined unless otherwise agreed on by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party and the costs of such arbitration shall be borne as the arbitrator shall direct.

For the protection of the Great Western and Midland Railway Companies.

Not to enter on lands of the two companies until plans of proposed works affecting these companies approved.

16. For the protection of the Great Western Railway Company and the Midland Railway Company (in this section called "the two companies") the following provisions shall have effect (that is to say) :—

- (1) Before the Corporation begin the construction of any works under or over or affecting the Clifton Extension Railway or the Bristol Port and Pier Railway they shall deliver to the two companies plans and drawings of such intended works (including temporary works) and shall not proceed with the construction thereof until the said plans and drawings shall have been approved in writing by an engineer appointed for that purpose by the two companies or in the event of his failure for fourteen days after the delivery of the plans and drawings to approve the same until the same shall have been approved by an engineer to be appointed on the application of the Corporation

by the Board of Trade and all the intended works shall be executed by the Corporation at their sole expense in all things according to such approved plans and drawings and to the reasonable satisfaction of the said engineer for the time being of the two companies or in case of difference to the reasonable satisfaction of an engineer to be appointed by the Board of Trade. A.D. 1890.

(2) In constructing the culvert (j) by this Act authorised through over or adjoining the land and property of the two companies or the Bristol Port and Pier Railway Company the Corporation shall not deviate from the centre line respectively shown on the deposited plans where that culvert crosses the Clifton Extension Railway and the Bristol Port and Pier Railway respectively without the previous consent in writing of the two companies under their respective common seals and the said culvert (j) where the same is intended to cross the Clifton Extension Railway shall be carried under that railway and works and shall be not less than fourteen feet in height and twenty feet in width and the said culvert (j) where the same is intended to cross the Bristol Port and Pier Railway shall be carried under that railway and works and shall be not less than twenty feet in width and fourteen feet in height and such crossings respectively of the said railways and lands shall be effected in such a manner as not to injure the stability of the said railways in any way whatever.

As to execution of works on land of the two companies.

(3) The Corporation shall bear and on demand pay to the two companies the reasonable expense of the employment by them during the making or executing of the said culvert under and adjacent to the Clifton Extension Railway and the Bristol Port and Pier Railway or either of them of a sufficient number of inspectors signalmen or watchmen to be appointed by them for watching the said railways and works and the conduct of the traffic thereon with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident from any of the operations or from the acts or defaults of any person or persons in the employ of the Corporation with reference thereto or otherwise.

Corporation to pay to the two companies expenses of watchmen during construction of works.

(4) Notwithstanding anything in this Act contained the Corporation shall from time to time be responsible for and make good to the two companies all losses costs damages and expenses which may be occasioned to them or any of their works or property or to the traffic on their railway or to any company or persons using the same or otherwise during the execution or

Damages sustained by the two companies to be repaid.

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by reason of the failure of any of the intended works or of any act default or omission of the Corporation or of any persons in their employ or of their contractors or otherwise and the Corporation shall effectually indemnify and hold harmless the two companies from all claims and demands upon or against them by reason of such execution or failure and of any such act default or omission.

Maintenance of works affecting the Clifton Extension and Bristol Port and Pier Railways.

(5) The Corporation shall at their sole expense at all times maintain the culvert above described under or near to the Clifton Extension Railway and the Bristol Port and Pier Railway in substantial repair and good order and condition to the reasonable satisfaction in all respects of the principal engineer of the two companies and if and whenever the Corporation fail so to do the two companies may make and do in and upon as well the land of the Corporation as their own lands all such works and things as the two companies shall think requisite in that behalf for ensuring such repair and the sum from time to time certified by their engineer to be the amount of the expenditure reasonably incurred in that behalf shall be repaid to them by the Corporation and in default of full repayment the amount due may be recovered with full costs by the two companies from the Corporation in any court of competent jurisdiction.

Not to interfere with traffic on Clifton Extension and Bristol Port and Pier Railways.

(6) In constructing or executing the said culvert the Corporation shall not in any way obstruct interfere with or impede the traffic passing along the Clifton Extension Railway and the Bristol Port and Pier Railway or either of them and if by reason of any works or proceedings of the Corporation the traffic upon the said railways or either of them shall be in any way obstructed interfered with or impeded the Corporation shall pay to the two Companies the sum of twenty-five pounds per hour during which such obstruction interference or impediment shall continue.

No land of two companies to be taken except for certain works.

(7) The Corporation shall not take or acquire any land of the two companies or of the Bristol Port and Pier Railway Company or any right in or over the same and nothing in this Act contained shall authorise or enable the Corporation to take or enter upon or use either temporarily or permanently any of the lands of the two companies or of the Bristol Port and Pier Railway Company or to alter vary or interfere with the said railways or any of them or with any of the works thereof further or otherwise than is necessary for the construction and maintenance of the culvert above described without the consent in writing in every instance for that purpose first had and obtained of the

two companies under their common seal and with respect to any lands of the two companies or of the Bristol Port and Pier Railway Company which the Corporation are by this Act from time to time authorised to use for the purpose of such culvert or otherwise the Corporation shall not purchase or take any greater or other estates or interest in any such lands than an easement or right of using such lands in perpetuity for the purposes for which but for this enactment the Corporation might purchase and take the same and the provisions of this Act shall be construed and applied accordingly and the provisions of the Lands Clauses Consolidation Act 1845 with respect to lands shall extend and apply to such easement or right of using so far as such provisions are not inconsistent with this enactment. A.D. 1890.

(8) The Corporation shall pay to the two companies by way of purchase or compensation for the rights and easements to be acquired under the provisions of this Act such an amount as may be agreed upon or in the event of difference as may be determined by arbitration under the provisions of the Lands Clauses Acts relating to purchase of lands otherwise than by agreement. Corporation to pay for easement.

(9) If any difference arise between the two companies and the Corporation touching any of the foregoing matters such difference shall be determined unless otherwise agreed on by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party and the costs of such arbitration shall be borne as the arbitrator shall direct. Arbitration.

17. For the protection of Alfred Capper Pass and of Parker Nicholson Evans and Ernest Dering Evans:— For the protection of Alfred Capper Pass and others.

The Corporation shall so construct the mouth or entrance to the culvert (A) by this Act authorised that the invert or bottom thereof shall be at least nine inches higher than the invert or bottom of the culvert or watercourse through which the waters of the Malago Brook are or shall be conveyed down to the Bedminster Smelting Works at the point of the commencement of the said culvert (A);

The Corporation shall so construct the mouth or entrance to the culvert (C) by this Act authorised that the invert or bottom thereof shall be at a level not more than nine feet below a bench-mark cut in the north-west angle of the water tower of the Bedminster Smelting Works the position of which tower is shown upon a plan signed by Francis Fox as engineer for the Corporation and Charles Richardson as engineer for Alfred

A.D. 1890.

Capper Pass and Parker Nicholson Evans and Ernest Dering Evans ;

In the event of the Corporation failing to remove any banks shoals or other matters or things which may interfere with the free flow of the water of the Malago Brook between the mouth or entrance to the said culvert (A) and the Bedminster Smelting Works and East Street Tannery for forty-eight hours after receiving notice in writing from the owners or occupiers for the time being of the said works and tannery or either of them the said owners or occupiers or any of them shall be at liberty to remove such banks shoals and other matters or things ;

The Corporation shall remove the present weir or hatch in the said brook between the said works and the said tannery and reconstruct the same at a point nearer Clark Street marked on the said plan in such a manner as will enable the water of the said brook to be ponded up in dry seasons to a height not exceeding nine feet below the said bench-mark for the use of the said works and tannery and the owner and occupier of the said works shall permit the Corporation free of charge to construct a bridge or gangway supported by the wall of the said works giving access from Clark Street to the weir or hatch so to be constructed as shown on the said plan ;

In the event of the Corporation neglecting for twenty-four hours after receiving notice in writing in that behalf from the owners or occupiers for the time being of the said works and tannery to so regulate the said weir or hatch as to pond up the water of the said brook in dry seasons as aforesaid the said owners or occupiers or any of them shall be at liberty to so regulate the said weir or hatch and the said owners or occupiers or any of them may at any time raise the said hatch so as to allow the free flow of freshes or flood water ;

The owners and occupiers of the said works shall allow the Corporation to enter upon take and use free of charge for the purpose of widening the said brook between Clark Street and the said works and between the said works and the said tannery so much of the said works as is shown on the said plan and thereon coloured green and in consideration thereof the Corporation shall rebuild on the line shown on the said plan so much of the wall of the smithy part of the said works as shall be taken down for the purpose aforesaid and shall arch over the said brook when so widened as aforesaid between Clark Street and the said works from the point marked A to the point marked B on the said plan and allow the owners and occupiers of the said works to use the ground formed by such

arching over as part of the said works and also as a means of access to and from Clark Street; A.D. 1890.

In the event of the Corporation in the execution of any of the works by this Act authorised in any way injuring or rendering less secure the walls between the said brook and the said works and the said tannery respectively where the said brook flows between the said works and the said tannery or the timbers supporting the said walls or any of them the Corporation shall make good the walls so injured or rendered less secure or supported by the timbers so injured or rendered less secure.

18. The Corporation may from time to time stop up any street road or court and prevent all persons from passing along and using the same for any reasonable time during the execution of any work by this Act authorised. Temporary stoppage of streets.

19. The provisions of section 105 of the Bristol Waterworks Act 1862 (pipes of the company not to be moved or injured) shall extend and apply to any interference under the powers of this Act with any main or service water pipe of the Bristol Waterworks Company or removal or alteration of the position or level under the said powers of any such main or service water pipe and to the Corporation and the Bristol Waterworks Company in relation to any such interference removal or alteration. For the protection of the Bristol Waterworks Company.

20. Subject to the provisions of this Act the Corporation in addition to the other lands which they are by this Act authorised to acquire may enter upon take and use compulsorily or by agreement the following lands shown upon the deposited plans and described in the deposited books of reference (that is to say):— Power to acquire additional lands.

- (1) Certain lands in the said parish of Stapleton on the north-west side of Wee Lane;
- (2) Certain lands in the said parish of Stapleton adjoining and on the east side of the South Wales Union Railway;
- (3) The water corn mill known as Ashley Vale Mill together with the dwelling-houses out-buildings lands and appurtenances held therewith situate partly in the said parish of Stapleton and partly in the said district of the united parishes of Saint James and Saint Paul and certain lands adjoining or near the said mill and situate partly in the said parish and partly in the said district;
- (4) Certain lands in the said district of the united parishes of Saint James and Saint Paul on the north-west side of Ashley Hill Road and adjoining Tudor Hall;
- (5) Certain lands in the said district of the united parishes of Saint James and Saint Paul adjoining and on both sides of Belmont Road;

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- (6) Certain lands in the said district of the united parishes of Saint James and Saint Paul being parts of the gardens of the houses respectively numbered 145, 147, 149, 151, 153, 155, 157, 159, 161 North Road ;
- (7) Certain lands in the said parish of Horfield being parts of the gardens of the houses respectively numbered 149, 151, 153, 155, 157, 163, 165, 167, 169, 171, 173, 175, 177, 179, 181, 183 Gloucester Road ;
- (8) Certain lands in the said parish of Horfield adjoining on the east side of and near to the brook which divides that parish from the said parish of Westbury-upon-Trym ;
- (9) Certain lands in the said parish of Westbury-upon-Trym adjoining on the west side of and near to the brook which divides that parish from the said parish of Horfield and extending therefrom in a westerly direction to Redland Green Lane ;
- (10) Certain lands in the said parish of Westbury-upon-Trym adjoining Redland Road Chapel Green Lane Lower Redland Road and Elm Lane ;
- (11) Certain lands being part of the common known as Clifton Down situate in the said parish of Clifton adjoining and on the west side of Stoke Bishop Road and adjoining and on the north side of Upper Belgrave Road ;
- (12) Certain lands being part of the common known as Durdham Down situate partly in the said parish of Westbury-upon-Trym and partly in the said parish of Clifton and bounded on the east by Clifton and Durdham Downs and on the south-west by the Bristol Port and Pier Railway :

Provided that as to the lands numbered (11) and (12) in this section the Corporation shall only acquire an easement thereover for temporary purposes during the construction of the said works and shall forthwith after the completion thereof restore the site of the said lands.

Restrictions
on displacing
persons of
labouring
class.

21.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any city borough or other urban sanitary district or any parish or part of a parish not being within an urban sanitary district ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

- (a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons

as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5) If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom:

Provided that the court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board.

A.D. 1890. — for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

(7) Subject to the provisions of this section the Corporation and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health Act 1875 in the same manner in all respects as if the preparation and carrying into effect of such scheme were one of the purposes of that Act:

Provided that all lands on which any buildings have been erected or provided by the Corporation in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

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

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

Power to grant easements &c. by agreement.

22. 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 of water required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and

apply to such grants and to such easements rights and privileges as aforesaid respectively. A.D. 1890.

23. And whereas in the construction of the improvements and works hereby authorised or otherwise in relation thereto it may happen that portions only of certain of the lands and buildings shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 92 of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands and buildings described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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

24. And whereas in the construction of the culverts and works authorised by this Act it may happen that easements only under the lands and hereditaments shown on the deposited plans may be sufficient for the purposes of the same and that such easements may be acquired without material detriment to such lands and hereditaments Therefore the Corporation may purchase and acquire the easement or right of constructing such culverts and works through or under lands and hereditaments the surface of which is situate forty feet or more above the crown of the arch of the culvert for the purposes of which such easement is acquired and also through or under lands and hereditaments hitherto liable to floods for the prevention of which the said culverts and works are authorised by this Act unless the jury or the arbitrators or their umpire to whom the question of disputed compensation shall be submitted shall determine that such easement or right cannot be acquired by the Corporation without material detriment to the remainder of such lands and hereditaments Provided also that nothing in this section contained nor any dealing with any of the said lands and hereditaments in pursuance thereof shall relieve the Corporation from the liability to compensation under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any lands or hereditaments through or under which the Corporation may in pursuance of the

Owners may be required to grant easements only under certain lands and hereditaments.

A.D. 1890. determination of such jury arbitrators or umpire purchase or acquire an easement or right of constructing such culverts.

Corporation empowered or may be required to underpin or otherwise strengthen houses near culvert.

25. And whereas in order to avoid in the execution and maintenance of any works authorised by this Act injury to the houses and buildings within thirty feet of any of the culverts it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own costs and charges may and if required by the owners and lessees of any such house or building shall subject as herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days notice shall (unless in case of emergency) be given to the owners lessees and occupiers or by the owners and lessees of the house or building so intended or so required to be underpinned or otherwise strengthened;
- (2) Each such notice if given by the Corporation shall be served in the manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners and lessees of the premises to be underpinned or strengthened shall be sent to the office of the town clerk;
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the *Board of Trade*;
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building;
- (5) The cost of the reference shall be in the discretion of the referee;
- (6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment;
- (7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove

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inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Corporation then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof ;

(8) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Corporation from the liability to compensate under the 68th section of the Lands Clauses Consolidation Act 1845 or under any other Act ;

(9) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions contained in the Lands Clauses Acts ;

(10) Nothing in this section shall repeal or affect the application of the 92nd section of the Lands Clauses Consolidation Act 1845.

26. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or books of reference the Corporation may apply to two justices not being members of the council for the correction thereof after giving ten days notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to such justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of the omission mis-statement or erroneous description and such certificate shall be deposited with the respective clerks of the peace for the counties of Gloucester and Somerset and for the city and shall be kept by them with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or books of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Correction of errors omissions &c.

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

Period for compulsory purchase of lands.

28. Notwithstanding anything in this Act contained the Corporation shall not purchase the lands and buildings numbered 38, 38A,

For the protection of Philip Henry

A.D. 1890.

Vaughan
and Lucy
Vaughan.

39, 40, and 42 on the deposited plans for the parish of Westbury-upon-Trym or any of them or any part thereof respectively or in any way interfere with the surface of such lands the owners of and other persons interested in which shall consent to sell and convey to the Corporation such easements only as they may require for the construction of the culvert (j) authorised by this Act as shown on the deposited sections and such easements shall be paid for as provided by the Lands Clauses Acts and if the Corporation shall require to construct a shaft on the land numbered 44 on the deposited plans for the said parish for the purpose of constructing the said culvert the user of the said land by the Corporation for such purpose shall be paid for as provided by the Lands Clauses Acts and such shaft shall during the construction of the works be properly fenced in and on the completion of the said culvert be filled in and the ground restored to the reasonable satisfaction of Philip Henry Vaughan and Lucy Vaughan or other the owner or owners of the said land and the Corporation shall pay the reasonable costs and charges incurred by the said Philip Henry Vaughan and Lucy Vaughan in having this provision carried into effect.

For the pro-
tection of
William
Henry
Greville
Edwards.

29. Notwithstanding anything in this Act contained the Corporation shall not purchase the lands and buildings in the parish of Westbury-on-Trym described in the deposited books of reference as belonging to William Henry Greville Edwards or any of them the owners of and other persons interested in which shall consent to sell and convey to the Corporation such easements only as they may require for the construction of the culvert (j) authorised by this Act and the use and occupation of the surface of any of such lands and buildings which the Corporation may require for the purpose of such construction shall be obtained by and granted to them upon such terms and conditions as may have been or may be agreed on between the Corporation and the said William Henry Greville Edwards.

For the pro-
tection of
Herbert
Nevil Story
Maskelyne
and the
trustees of
Shadwell's
settlement.

30. Notwithstanding anything in this Act contained the Corporation shall not purchase any of the lands and buildings in the parish of Horfield described in the deposited books of reference as belonging to Herbert Nevil Story Maskelyne, John Mitchell Eugene Taylor Shadwell, Frances Helen Shadwell, Julius Henry Exham Shadwell and George Wadham or any of them (except so much of such lands and buildings adjoining Cutlers Mills Brook as they may reasonably require for the construction and maintenance of the shaft and sluices (s) authorised by this Act on the west side of Elton Road and for access to such shaft and sluices from Elton Road and not being part of the land set apart and appropriated for the purpose

of continuing Elton Road) the owners of and other persons interested in which shall consent to sell and convey to the Corporation such easements as they may require for making and using the culvert (j) authorised by this Act through or underneath such lands and buildings and the use and occupation of the surface of any of such lands and buildings which the Corporation may require for the purpose of constructing the said shaft and sluices and the said culvert shall be obtained by and granted to them upon such terms and conditions as may have been or may be agreed between Herbert Nevil Story Maskelyne, John Mitchell Eugene Taylor Shadwell, Frances Helen Shadwell, Julius Henry Exham Shadwell and George Wadham and the Corporation. A.D. 1890.

31. For the protection of the Bristol United Gas Light Company (in this section called "the gas company") the following provisions shall have effect (that is to say):— For the protection of the Bristol United Gas Light Company.

- (1) Every work which will in any way interfere with or affect any main or pipe of the gas company or any private service pipe of any person supplied with gas by the gas company shall be executed under the superintendence and to the reasonable satisfaction (so far as it may interfere with or affect any such main pipe or private service pipe) of the engineer to the gas company;
- (2) The engineer to the gas company shall if the gas company so think fit have the exclusive direction and management of and may at the reasonable cost in all things of the Corporation execute all such works as may be reasonably necessary for the removing raising sinking or otherwise altering the position of and restoring any mains or pipes of the gas company or of any private service pipe of any person supplied with gas by the gas company which it may be necessary to remove raise sink alter or restore by reason of the execution by the Corporation of any of the powers of this Act and for preventing any interruption to the supply of gas by the gas company;
- (3) All costs charges and expenses reasonably incurred by the gas company or their engineer under the provisions of this Act including the costs charges and expenses of and in relation to the superintendence necessarily required of any works of the Corporation under the provisions of this Act in that behalf shall be paid by the Corporation to the gas company on demand and in case of default may be recovered by the gas company in any court of competent jurisdiction;
- (4) If any difference arise between the Corporation and the gas company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference

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shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President for the time being of the Institution of Civil Engineers.

For the protection of the governors of Colston's Hospital.

32. In constructing the work (κ) authorised by this Act the Corporation shall before removing the weir in the River Frome near the Colston School Bath construct the sluice pipes for emptying the said bath as shown on the deposited plan for the parish of Stapleton of socketed pipes of not less than nine inches in diameter laid in cement and shall properly connect the said sluice pipes with and thoroughly repair one of the hatches used for emptying the said bath and remove and properly wall up the place of the other of such hatches and shall raise the northern wall of the said bath to such a height as will cause it to prevent the flood waters of the said river from flowing into the said bath and shall refix upon the said wall when so raised the railing now on the said wall and shall provide and fix in a suitable place in the said wall a hatch for admitting water from the said river into the said bath.

The Corporation shall make good all damage which may be occasioned to the said bath in the execution of the before-mentioned works.

All works to be executed by the Corporation in pursuance of this section shall be executed so as to interfere with the use of the said bath as little as possible and to the reasonable satisfaction of the surveyor of the governors of Colston's Hospital and the Corporation shall pay the reasonable charges of the said surveyor for supervising the said works.

The Corporation shall at all times keep the said sluice pipes in good working order for emptying the said bath.

For the protection of Henry Ellis Collins.

33. Notwithstanding anything in this Act the Corporation shall not enter upon or take any of the lands occupied with Tudor Hall except as provided by the section of this Act the marginal note whereof is "Owners may be required to grant easements only under " certain lands and hereditaments " nor shall the Corporation open any shaft or raise any spoil bank within one hundred yards of the boundary of such land unless they purchase the whole of the premises known as Tudor Hall and the land occupied therewith.

For the protection of the Society of Merchant Venturers of Bristol.

34. For the protection of the master wardens and commonalty of merchant venturers of the city of Bristol commonly known as the Society of Merchant Venturers and herein-after referred to as "the society" the following provisions shall have effect (that is to say) :—

(1) The Corporation in the exercise of the powers of compulsory purchase of lands by this Act authorised shall not take more

land belonging to the society situate at Stapleton than is necessary for containing or conducting a reservoir or channel of water and for constructing the embankment herein-after referred to and in no event shall the Corporation take more land than ten acres and one rood as shown and coloured brown on the plan deposited in the Parliament Office signed by the Right Honourable Robert Earl of Camperdown Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred;

- (2) The Corporation shall construct upon the land so acquired by them as aforesaid an embankment sufficient to prevent any overflow of water on to the adjoining lands of the society and shall if and when required by the society fence such embankment with an iron fence or stout wooden paling sufficient to prevent access (except as herein-after mentioned) from or to the adjoining land and such fence or paling shall for ever thereafter be maintained by and at the expense of the Corporation subject to any alterations therein that may be agreed between the society and the Corporation;
- (3) So long as any portion of the land of the society shall be used as agricultural land the society and their tenants and servants shall have a right of passage at not less than two separate places for the purpose of watering cattle and of obtaining water from the River Frome or the waters covering the land so acquired by the Corporation;
- (4) The Corporation shall not without the express consent of the society give any facilities for bathing in any water covering land acquired by the Corporation from the society under the provisions of this Act or in the River Frome adjoining such land and shall proceed against any persons so bathing;
- (5) If the Corporation shall in the execution of the works by this Act authorised raise the level of or otherwise interfere with the Stapleton Bridge they shall make such alterations to the public footpath leading from the highway near to the said bridge to the society's land as may be necessary for the convenient user thereof and for giving access to and egress from the said land;
- (6) All the works required to be executed for the protection of the society under the provisions of this Act shall be carried out to the reasonable satisfaction in all respects of the society's surveyor for the time being;
- (7) If any difference arise between the society and the Corporation touching any of the foregoing matters such difference shall be determined unless otherwise agreed on by an engineer to be

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appointed by the President of the Institution of Civil Engineers on the application of either party.

For the
further pro-
tection of
Bristol
Waterworks
Company.

35. Whereas the Bristol Waterworks Company are possessed of certain springs of water known as the Boiling Wells Spring in the parish of Stapleton and it is apprehended that the works authorised by this Act may divert wholly or in part the water of such springs Therefore the Corporation shall cause the tunnel and other works in the neighbourhood of such springs to be so constructed as to be water-tight and so as not to divert or diminish the volume of such springs or of the water flowing past the Ashley Vale Mill and in case of failure or dispute as to the complete fulfilment by the Corporation of the requirement of this section the failure or dispute shall be referred to the decision of a hydraulic engineer to be nominated by the President for the time being of the Institution of Civil Engineers who shall award what works or what money compensation or partly one and partly the other shall be made and paid by the Corporation in respect of any defects in the works or in respect of any past present or future loss damage and injury sustained or to be sustained by the Company and such loss damage or injury shall be assessed in manner provided by the Lands Clauses Acts Provided that if the said engineer should be of opinion that the diversion or diminution of the volume of the water of the said springs is material in quantity and cannot be prevented by any reasonable means then the Corporation shall purchase the said springs and the said mill and the property of the Company held therewith at such price as shall be determined by the said engineer The costs of the reference shall be paid as the said engineer shall direct.

Power to
acquire
additional
lands by
agreement.

36. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole ten acres or any easement right or privilege therein thereunder thereover or thereupon which shall be deemed necessary by the Corporation but the Corporation shall not create or permit any nuisance on any such lands and nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Consideration for such acquisition.

37. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Corporation may give or take any money for equality of exchange :

Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any disposition of land

in any case in which the consent of that Board would have been required if this Act had not been passed. A.D. 1890.

38. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition. Power to retain sell &c. lands.

39. So long as any properties remain to be acquired by the Corporation under the authority of this Act the Corporation may so far as they consider necessary apply moneys received by them on resale or by leasing or letting as aforesaid in the purchase of properties so remaining to be acquired but as to moneys so received and not so required the Corporation shall apply the same in extinguishment of any loan raised by them under the powers of this Act and the borrowing powers of the Corporation by this Act authorised shall be reduced to the extent of the amounts applied in the purchase of properties under the provisions of this section. Proceeds of sale of surplus lands.

40. The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of any other Act borrow on interest on the security of the borough fund and borough rate and for the following purposes the following sums (that is to say) :— Power to borrow.

For the purpose of paying the costs of this Act as herein-after defined the sums requisite for that purpose ;

For carrying into effect such of the other purposes of this Act as are properly payable out of capital two hundred and fifty thousand pounds :

And in calculating the sum the Corporation may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Corporation as to borrowing and re-borrowing shall not be restricted by any of the provisions of the Public Health Act 1875.

41. The Corporation shall out of the borough fund and borough rate pay off all moneys borrowed by them under the powers of this Act within the period of sixty years from the respective dates of Repayment of borrowed moneys.

A.D. 1890. — the borrowing thereof either by yearly or half-yearly instalments or by a sinking fund or partly by instalments and partly by a sinking fund. Provided that when the payment shall not be made by equal instalments the instalment or instalments payable in each year together with the interest payable in such year in respect of the principal moneys of which such instalment or instalments form part shall in every year amount to the same sum.

As to sinking fund.

42. In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of a sinking fund the following provisions shall have effect (that is to say):—

The Corporation shall on the first day of November next following the borrowing of any moneys so to be repaid and thenceforward on the same day in every year appropriate and set apart out of the borough fund and borough rate such equal sums as will with the accumulations thereof by way of compound interest at the rate of three pounds per centum per annum be sufficient to pay off the whole of the said borrowed moneys within a period not exceeding sixty years from the respective dates of the borrowing thereof;

The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the resulting income thereof respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock corporation stock or annuity certificates of any municipal corporation (excluding the Corporation) authorised by or under any Act under which such Corporation are authorised to borrow money;

The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper. Provided that in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based. Provided also that whenever and so long as the yearly income arising from the sinking fund would if invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income

apply the same in payment of such interest and may during such periods discontinue the payments to such sinking fund of the yearly sums required to be so paid thereto and the investing of the said yearly income. A.D. 1890.
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43. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under the powers of this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so toties quoties Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan Provided also that the Corporation shall not re-borrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases. Power to re-borrow.

44. Nothing in this Act shall prejudicially affect any charge subsisting at the passing of this Act (by way of mortgage or otherwise) on the corporate estates or on any undertaking or fund of the Corporation or on any tolls rates or revenues receivable or leviable by them and every mortgagee or incumbrancer or person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of the property subject to his charge as if this Act had not been passed and all such charges created before the passing of this Act shall during the subsistence of such charges have priority over any mortgage or charge granted or created under this Act on the same security. Priority of existing mortgages.

45. The mortgagees of the Corporation under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole. For appointment of receiver.

46. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register-book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether Corporation not to regard trusts.

A.D. 1890.

or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Annual re-
turn to Local
Government
Board with
respect to
sinking fund.

47. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Saving
rights of the
Crown under
Crown Lands
Act.

48. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors.

49. Nothing contained in this Act shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

A.D. 1890.
—
Saving rights
of the Crown
in the fore-
shore.

50. All expenses incurred by the Corporation in carrying into execution the powers of this Act (except such of those expenses as are to be paid out of borrowed moneys) shall be paid out of the borough fund and borough rate.

Expenses of
executing
Act.

51. All costs charges and expenses of and incident to the preparing for 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 out of the borough fund or out of moneys to be borrowed by them for the purpose under the powers of this Act.

Costs of
Act.

A.D. 1890.

The SCHEDULE referred to in the foregoing Act.

LANDS and BUILDINGS of which portions only may be required by the Corporation.

Parish.	Number on deposited Plans.
Bedminster - - - -	15, 19, 22.
St. Philip and St. Jacob - - -	2, 4, 5, 6, 7, 9, 9a, 9b, 9c, 10, 11a, 11b, 12a, 12b, 12c, 15, 16, 19, 27, 28, 31, 32, 38, 41, 43, 44c, 44d, 45, 47, 48, 49, 50, 51, 52, 54, 55, 56, 57, 58, 59.
Stapleton - - - -	15, 16, 17, 33, 37, 38, 39, 40, 41, 49, 52, 53, 55.
District of the united parishes of St. James and St. Paul.	42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52.
Horfield - - - -	1, 2, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79.
Westbury-on-Trym - - -	4.

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