



## CHAPTER xcvi.

An Act to empower the corporation of Bristol to construct works and to enlarge certain cemeteries in the city of Bristol to confer further powers upon the corporation and for other purposes. [31st July 1914.] A.D. 1914.

**W**HEREAS the city and county of Bristol (in this Act called "the city") is a municipal borough subject to the Acts relating to municipal corporations and under the government of the lord mayor aldermen and burgesses (in this Act called "the Corporation"):

And whereas the Corporation acting by the council are the urban sanitary authority for the district of the said borough:

And whereas the Corporation are the owners of a dock undertaking in the city which comprises certain docks known as the City Docks and it is expedient that they should be empowered to construct in the floating harbour forming part of the said docks the works for the accommodation of vessels of deep draught authorised by this Act:

And whereas it is expedient that the Corporation should be authorised to construct the new street and street widening by this Act authorised:

And whereas the Corporation are the burial board for the city and are the owners of (amongst other burial grounds) certain burial grounds situate in the city and known respectively as the Avonview Cemetery and the Greenbank Cemetery:

And whereas the said burial grounds have become insufficient for the needs of the city and it is expedient that the

A.D. 1914. Corporation should be empowered to enlarge them by adding thereto certain adjoining lands in respect of which the Corporation have an option of purchase:

And whereas it is expedient that such further powers with respect to the control and regulation of common lodging-houses in the city as are contained in this Act should be conferred on the Corporation:

And whereas it is expedient that the Corporation should be empowered to raise money for defraying the cost of the acquisition laying out fencing levelling and adapting of the lands by this Act authorised to be added to the said Avonview and Greenbank Cemeteries respectively and also for the erection and equipment of storage and other warehouses granary accommodation cold stores and other buildings and erections and the provision and erection therein or in connection therewith of machinery appliances and other works and conveniences:

And whereas it is expedient that the Corporation should be empowered to raise moneys for other purposes of this Act and also for the general purposes of their dock undertaking:

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:—

For the wharf or quay authorised by this Act and for the purchase of lands therefor	-	£45,000
For the new street and street widening authorised by this Act and for the purchase of lands therefor	- - - - -	£1,610
For the acquisition of the said lands to be added to the Avonview and Greenbank Cemeteries respectively and the laying out fencing levelling and adapting of the said lands	-	£10,570
For the erection and equipment of storage and other warehouses granary accommodation cold stores and other buildings and erections and the provision and erection therein or in connection therewith of machinery appliances works and conveniences	- - - - -	£290,500

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years : A.D. 1914.

And whereas it is expedient that such further powers should be conferred upon the Corporation and such further provisions should be made as are in this Act contained :

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

And whereas the Corporation have caused to be deposited with the respective clerks of the peace for the counties of Gloucester and Somerset plans and sections describing the lines and levels of the works by this Act authorised and plans showing the lands which may be taken or used for the purposes thereof and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands and such plans sections and book of reference are respectively referred to in this Act as the deposited plans sections and book of reference :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

## PART I.

### INTRODUCTORY.

1. This Act may be cited as the Bristol Corporation (Various Powers) Act 1914. Short title.

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

Part I.—Introductory.

Part II.—Works.

Part III.—Lands.

Part IV.—Cemetery extensions.

Division of  
Act into  
Parts.

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Part V.—Miscellaneous.

Part VI.—Finance.

Incorporation of Acts.

3. The following Acts and parts of Acts are (except where varied by or inconsistent with the provisions of this Act) hereby incorporated with and form part of this Act (that is to say):—

The Lands Clauses Acts (except sections 127 and 133 of the Lands Clauses Consolidation Act 1845);

Sections 28 99 and 100 of the Harbours Docks and Piers Clauses Act 1847 and the provisions of that Act with respect to the construction of works for the accommodation of the officers of customs and to the construction of warehouses wharfs and other conveniences and to the quays and to access to the special Act; and

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

Interpretation.

4.—(1) The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that for the purposes of the incorporated provisions of the Railways Clauses Consolidation Act 1845 the works by this Act authorised shall be deemed to be the railway and the proposed frontage line of the wharf or quay by this Act authorised and the centre line of the new street and of the street widening by this Act authorised as respectively marked on the deposited plans shall be deemed to be the centre of the railway.

(2) The following expressions used in the Harbours Docks and Piers Clauses Act 1847 shall have the following respective meanings (that is to say):—

The expressions “packet boat” and “post office packet” mean respectively a vessel employed by or under the Post Office or the Admiralty for the conveyance under contract of postal packets as defined by the Post Office Act 1908 and the expression “post office bag of letters” means a mail bag as defined by the same Act:

Provided that nothing in the Harbours Docks and Piers Clauses Act 1847 or in this Act shall extend to exempt from

rates or duties any such vessel as aforesaid if she also conveys passengers live stock or goods for hire. A.D. 1914.

(3) In this Act the following words and expressions have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

- “The city” means the city and county of Bristol;
- “The Corporation” means the lord mayor aldermen and burgesses of the city;
- “The council” means the council of the city;
- “The town clerk” means the town clerk of the city;
- “The street works” means the new street and the street widening by this Act authorised;
- “District fund” and “general district rate” mean respectively the district fund and the general district rate of the city;
- “Borough fund” and “borough rate” mean respectively the borough fund and the borough rate of the city;
- “Dock undertaking” means and includes the undertaking carried on by the corporation upon or in connection with the docks for the time being of the Corporation and the real and personal property railways piers works and appliances acquired appropriated or provided by them for the purposes thereof;
- “Dock revenue” includes all dues rents and moneys (other than borrowed moneys) payable to the Corporation in any way on account of the dock undertaking.

## PART II.

### WORKS.

5. Subject to the provisions of this Act in the lines or situation and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections the Corporation may make and maintain the works in the city and parish of Bristol hereinafter described (that is to say):—

Power to  
execute  
works.

- (1) A wharf or quay on the southern bank of the floating harbour commencing at a point 55 feet or thereabouts north-westward of the north-eastern corner of the underfall yard and terminating at a point in the

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floating harbour immediately opposite the boundary between Gefle Wharf and Chatham Wharf :

- (2) A new street commencing by a junction with Blackwarth Road on the eastern side thereof opposite or nearly opposite the eastern end of the street or road known as Pile Marsh and terminating by a junction with Beaufort Road at the western end thereof :
- (3) A widening of Beaufort Road on the southern side thereof between the western end of that road and a point in the said road immediately opposite the eastern side of the southern end of Hedgwick Street.

Subsidiary  
works in  
connection  
with wharf  
or quay.

6. Subject to the provisions of this Act the Corporation for the purposes of or in connection with the wharf or quay by this Act authorised and the construction maintenance repair and user thereof and of approaches thereto may construct and place and maintain permanently or temporarily and use all such entrances cuts channels dams slips trenches sluices embankments walls piers jetties landing places dolphins mooring places staithes groynes quays wharves caissons coffer dams piles staging pontoons buoys and other works structures and things in the bed banks and waterway of the said floating harbour and may dredge excavate and interfere with the bed and banks of the said harbour to such extent and may erect provide maintain repair renew and use on or in connection with the said wharf or quay all such warehouses sheds buildings cranes engines lifts drops tips machinery and other works conveniences appliances and equipment as they may consider necessary.

Power to  
stop up  
ways tem-  
porarily.

7. Subject to the provisions of this Act the Corporation for the purposes and during the making of the works by this Act authorised or any of them may in or upon the lands shown in connection therewith upon the deposited plans stop up or cause to be stopped up temporarily all or any part of any carriageway or footway which they shall think necessary to be stopped up and may put or cause to be put up sufficient palisades hoardings bars posts and other erections and may construct temporary works for keeping any such carriageway and footway open for traffic and may make from time to time such orders for regulating the traffic as to them shall seem proper and may remove and alter any drinking troughs lamp-posts and other erections upon the said lands.

The Corporation shall provide reasonable access for all persons *bonâ fide* going to or returning from any house in any street of which the carriageway or footway is stopped up under the powers of this section. A.D. 1914.

8. In making any of the works by this Act authorised the Corporation may subject to the provisions of this Act deviate to any extent from the line or situation thereof within the limits of deviation defined on the deposited plans and the Corporation may subject to the provisions of this Act deviate to any extent not exceeding six feet from the levels thereof as defined on the deposited sections. Deviation from line and levels.

9. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans the Corporation in connection with and for the purposes of this Act and as part of the works to be executed under the powers of this Act may execute or do any of the following works or things viz.:— Power to alter streets and execute works for protection of buildings.

They may—

- (A) Make junctions and communications with any existing streets intersected or interfered with by or contiguous to the works by this Act authorised or any of them and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with any of such works;
- (B) Execute any works for the protection of any adjoining land or buildings;
- (C) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (D) Raise lower alter and interfere with any drain or sewer providing a proper substitute before interrupting the flow of sewage in any such drain or sewer.

10. The Corporation may for any purpose in connection with the works by this Act authorised upon the lands acquired by them under the powers of this Act and also in any street within the limits of deviation defined on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house Alteration of position of water gas and other pipes.

A.D. 1914. or building and also any main pipe or apparatus laid down or used by any company or person for carrying a supply of water or water for hydraulic power or gas and also any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and any pipe tube wire or apparatus laid down or placed for supplying electricity and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit to any company or person and making reasonable compensation to any company or person for any damage caused by any such alteration :

Provided that the Corporation shall not raise sink or otherwise alter the position of any pipe tube wire or apparatus laid down or placed for telegraphic or other purposes and belonging to the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Carriageway  
footway  
sewers and  
other works.

11. Subject to the provisions of this Act the Corporation may cause such parts of the street works to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the powers of this Act and within the limits of deviation defined on the deposited plans construct erect and provide such vaults cellars sewers arches drains and other works and conveniences as they may think proper for the purposes of the street works.

Sewers or  
drains to be  
arched over  
or filled up.

12. The Corporation may cause to be removed arched over or filled up all such sewers or drains or parts thereof which shall be in or near the streets to be interfered with for the purposes of the works by this Act authorised as shall appear necessary for executing the purposes of this Act so as that no public sewer or drain (unless the same become unnecessary by reason of the purchase of the property entitled to the use thereof) shall be in any wise disturbed injured or prejudiced without another sewer or drain being made in lieu thereof equally serviceable and convenient Provided always that before removing or filling up any sewer or drain or part thereof as aforesaid the Corporation shall (where necessary) cause to be made and built other good and sufficient sewers and drains in substitution for the sewers or drains which shall be filled up and when made and completed the said sewers and

drains shall be under the same jurisdiction care management and direction as the existing sewers or drains. A.D. 1914.

**13.** The Corporation within the limits of deviation defined on the deposited plans may for the purposes of and in connection with the works by this Act authorised raise sink or otherwise alter or cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and water-courses pipes or spouts belonging to any house or building and may remove all other obstructions so as the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Corporation shall pay to any person who suffers damage by any such alteration reasonable compensation to such amount as may be agreed between the Corporation and such person or as failing agreement may be determined by arbitration under the Arbitration Act 1889.

Power to alter steps areas pipes &c.

**14.** 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 one hundred feet of the said works 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 or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

Underpinning of houses near works.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or 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 manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the principal office of the Corporation :
- (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

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or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference appointed at the instance of either party by the Board of Trade and the Arbitration Act 1889 shall apply to the reference:

- (4) The arbitrator 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 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:
- (6) 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 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:
- (7) 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 section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts: A.D. 1914.

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

15. The wharf or quay by this Act authorised shall for all purposes including the levying and recovery of rates and charges form part of the dock undertaking of the Corporation. Wharf or quay to form part of dock undertaking.

16. When and as each of the street works or any part thereof is completed a certificate thereof shall be issued under the seal of the Corporation and any copy of such certificate certified under the hand of the town clerk shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and from the date of such certificate so much of the street works to which it relates as shall have been laid out for carriageway or footway shall form part of the street and may be used by the public accordingly. Street works to form public street.

17.—(1) Upon the completion of the new street by this Act authorised all public rights of way and other public rights (if any) in on or over the existing footpath leading from Blackswarth Road to Beaufort Road shall become merged in and transferred to the said new street and the Corporation may stop up such portions (if any) of the said footpath as shall not form part of the site of the said new street as completed and as from the date of such stopping up all public rights of way and other public rights in on or over the said portions shall be extinguished and the site and soil of the said portions shall vest in the Corporation free from all such rights. Provisions as to footpath on site of new street.

(2) As from the completion of the said new street all private rights of way and other rights (if any) in on or over the said existing footpath shall subject to the provisions of this Act be extinguished.

18. The Corporation may sell or dispose of all building and other materials of any houses and buildings acquired by them under the powers of this Act and all lamp-posts paving metalling and materials in under or upon any road street or other place altered by them for the purposes of this Act and any materials Power to sell materials.

A.D. 1914. — obtained in the alteration of or interference with any drain or sewer which are vested in the Corporation under the powers of this Act.

## PART III.

## LANDS.

Power to  
take lands  
for works.

**19.** Subject to the provisions of this Act the Corporation may enter upon take and use all or any of the lands shown on the deposited plans and described in the deposited book of reference as intended to be taken or which they may require for the purposes of this Act.

Power to  
appropriate  
part of float-  
ing harbour  
for purposes  
of wharf or  
quay.

**20.** The Corporation may for or in connection with the construction maintenance and user of the wharf or quay by this Act authorised appropriate and use so much of the waterway bed and bank of the floating harbour as may be necessary or expedient therefor and all rights of passage and other public rights (if any) in on through or over such portions of the said waterway bed and bank as may be so appropriated as afore-said shall subject to the provisions of any enactment applicable to the dock undertaking be extinguished as from the date of such appropriation.

Power to  
appropriate  
lands for pur-  
poses of Act.

**21.** The Corporation may appropriate and use for the purposes of the street works any part of the lands described in the First Part of the Second Schedule to this Act.

Exchange  
of lands for  
dock and  
sanitary  
and im-  
provement  
purposes.

**22.—(1)** The Corporation may appropriate and use for the erection of storage and other warehouses buildings works and conveniences for the purposes of or in connection with the dock undertaking all or such part or parts as they may think fit of the lands in the city now in the occupation of the sanitary and improvement committee of the Corporation and forming part of the property known as the "Clift House Estate."

**(2)** The Corporation may appropriate and use for the purposes of the said sanitary and improvement committee all or such part or parts as they may think fit of the lands at Ashton Fields in the city now in the occupation of the docks committee of the Corporation.

**(3)** The Corporation shall make all such adjustments of and in their accounts relating respectively to the dock under-

taking and to sanitary and improvement purposes as they shall think proper in connection with the exchange of lands authorised by this section. A.D. 1914.

**23.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

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

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the First Schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder

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without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed :

- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall

not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit. A.D. 1914.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

**24.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to certain persons to grant easements &c. by agreement.

**25.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Gloucester or for the county of Somerset as the case may be for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Gloucester or with the clerk of the peace for the Correction of errors in deposited plans &c.

A.D. 1914.      county of Somerset as the case may be and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate respectively shall be kept by such clerk of the peace and town clerk with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Compensation in case of recently altered buildings.

**26.** In settling any question of disputed purchase money or compensation under this Act the court or person settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and thirteen if in the opinion of such court or person the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of arbitration in certain cases.

**27.** The tribunal to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant :

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make

an offer de novo and as to postponing the hearing of the claim and as to the costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case : A.D. 1914.

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

**28.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily or appropriated shall as from the date of such acquisition or appropriation but subject to the provisions of this Act be extinguished. As to private rights of way over lands taken compulsorily.

**29.** The powers of the Corporation for the compulsory purchase or taking of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Limitation of time for purchase of lands.

**30.**—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange. Power to retain or to dispose of lands.

(2) Any capital moneys received by the Corporation on the resale exchange or leasing of lands in pursuance of this section shall be applied in or towards the extinguishment of any loan raised by the Corporation under the powers or for the purposes of this Act or for such other purposes as the Corporation with the consent of the Local Government Board shall determine.

A.D. 1914. (3) Any application of capital moneys in pursuance of this section in or towards the extinguishment of any loan shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board.

#### PART IV.

##### CEMETERY EXTENSIONS.

Enlargement  
of Avonview  
and Green-  
bank Ceme-  
teries.

**31.**—(1) Subject to the provisions herein-after contained the Corporation may enlarge—

(A) Their existing Avonview Cemetery by the addition thereto of the lands described in the First Part of the Second Schedule to this Act; and

(B) Their existing Greenbank Cemetery by the addition thereto of the lands described in the Second Part of the said Second Schedule :

And notwithstanding anything contained in any Act of Parliament or Order in Council to the contrary the Corporation shall in respect of the said lands so added have and may exercise and enjoy therein thereon thereover and in respect thereof such and the like powers rights authorities and privileges as they may for the time being have exercise and enjoy in on over and in respect of the existing burial grounds of the Corporation by virtue of the Burial Acts 1852 to 1906.

(2) The provisions of this section shall not apply to any of the said lands with respect to which the Corporation shall not for the time being have exercised their option of purchasing the same.

For pro-  
tection of  
Midland  
Railway  
Company.

**32.** In the event of the Corporation purchasing at any time hereafter the lands described in the Second Part of the Second Schedule to this Act the Corporation shall within three months of such acquisition give notice thereof to the Midland Railway Company and if the Midland Railway Company within one month of the receipt of such notice serve upon the Corporation a notice of their intention to purchase a strip of such lands of a uniform width of thirty-three feet extending along so much of the Midland Railway from Bristol to Kingswood Junction as lies on the south-eastern side of and adjoining such lands then the Corporation shall sell and the Midland Railway Company shall purchase the

said strip (subject to the existing reservation of mines and minerals) at a price which shall bear to the amount representing the price paid by the Corporation for the acquisition of the whole of the said lands and the costs charges and expenses incurred by them in connection with such acquisition the same proportion as the area of the said strip shall bear to the whole area of the said lands The Midland Railway Company shall also pay to the Corporation the costs charges and expenses incurred by them in connection with the conveyance to the said company of the said strip Forthwith after the completion of the purchase the Midland Railway Company shall at their own expense and to the reasonable satisfaction of the surveyor of the Corporation erect and the said company shall at all times thereafter at the like expense and to the like satisfaction maintain along the north-western boundary of the said strip an unclimbable iron fence of not less than five feet six inches in height above the surface of the remainder of the said lands adjacent to the said boundary.

A.D. 1914.

## PART V.

### MISCELLANEOUS.

**33.** The power of the Corporation to make byelaws under section 80 of the Public Health Act 1875 shall be deemed to extend to authorise the Corporation (if they think fit) to make byelaws restricting the use of any common lodging-houses in the city or of any part or parts of any such common lodging-house either to married couples or to male or female persons separately and any byelaws so made shall for the purposes of the said Act be deemed to be byelaws made under and for the purposes thereof.

Byelaws as to common lodging-houses.

**34.** The Corporation shall make full compensation to all parties interested in respect of any private rights of way or other private rights extinguished by virtue of this Act and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Corporation to make compensation for private rights extinguished.

## PART VI.

### FINANCE.

**35.—(1)** The Corporation may from time to time in addition to any moneys they are now authorised to borrow or which they

Power to borrow for purposes of Act.

A.D. 1914. — may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest any sum or sums of money for the purposes herein-after mentioned not exceeding the respective amounts following (that is to say) :—

- (A) For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for that purpose :
- (B) For the purchase of lands for and the construction of the wharf or quay by this Act authorised the sum of forty-five thousand pounds :
- (C) For the purchase of lands for and the execution making up sewerage levelling paving metalling flagging and channelling of the street works the sum of one thousand six hundred and ten pounds :
- (D) For the acquisition of the lands by this Act authorised to be added to the Avonview and Greenbank Cemeteries respectively the sum of seven thousand one hundred pounds :
- (E) For the laying out fencing levelling and adapting of the lands by this Act authorised to be added to the Avonview and Greenbank Cemeteries respectively the sum of three thousand four hundred and seventy pounds :
- (F) For the erection of storage and other warehouses granary accommodation cold stores and other buildings and erections the sum of two hundred and twenty-five thousand five hundred pounds :
- (G) For the equipment of storage and other warehouses granary accommodation cold stores and other buildings and erections and the provision and erection therein or in connection therewith of machinery appliances and other works and conveniences the sum of sixty-five thousand pounds :
- (H) For the general purposes of the dock undertaking of the Corporation the sum of one hundred and fifty thousand pounds :

Provided that no part of the said sum of one hundred and fifty thousand pounds shall be borrowed except with the consent of the Board of Trade.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge— A.D. 1914.

as regards purposes (A) (D) and (E) the borough fund and borough rate ;

as regards purposes (B) (F) (G) and (H) the dock revenue and the borough fund and borough rate ; and

as regards purpose (C) the district fund and general district rate.

**36.** In calculating the sums which the Corporation may borrow under the provisions of 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 under this Act shall not be restricted by any of the provisions of the Public Health Acts. Borrowing powers under other Acts not to be limited.

**37.** The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):— Period for payment off of money borrowed.

As to moneys borrowed for the purpose (A) mentioned in the section of this Act of which the marginal note is "Power to borrow for purposes of Act" within five years from the passing of this Act ;

As to moneys borrowed for the purposes (B) (D) and (F) mentioned in the said section within sixty years from the date or respective dates of borrowing ;

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

As to moneys borrowed for the purposes (G) mentioned in the said section within thirty years from the date or respective dates of borrowing ;

As to moneys borrowed for the purposes (H) mentioned in the said section within such period not exceeding sixty years from the date or respective dates of borrowing as the Board of Trade may prescribe :

And such repayment shall be effected—

either by equal yearly or half-yearly instalments of principal or of principal and interest ;

A.D. 1914.

or by means of a sinking fund;

or partly by such instalments and partly by a sinking fund.

Every such instalment shall be paid out of the fund and rate on the security of which the principal moneys in respect of which it is so paid were borrowed. The first payment by instalments or to the sinking fund shall be made within one year from the time of the borrowing of the money in respect of which such payment is made.

Incorporation of certain sections of Bristol Corporation Act 1897 and Bristol Docks and Railways Act 1901.

**38.**—(1) The following sections of the Bristol Corporation Act 1897 (that is to say):—

Section 73 (Power to borrow under Local Loans Act 1875);

Section 74 (Incorporation of sections of Public Health Act 1875);

Section 76 (As to sinking fund);

Section 79 (Annual return with respect to sinking funds &c.);

Section 80 (Application of moneys borrowed);

and the following sections of the Bristol Docks and Railways Act 1901 (that is to say):—

Section 102 (For protection of lenders);

Section 103 (Priority of existing mortgages);

Section 104 (Corporation not to regard trusts);

shall extend and apply mutatis mutandis to and in relation to the borrowing of moneys by the Corporation on mortgage under the powers of this Act and to the repayment and application of moneys so borrowed and otherwise in respect of such mortgages as if those sections had been re-enacted in this Act with reference thereto.

(2) For the purposes of the above-mentioned sections of the Bristol Corporation Act 1897 as applied by this section the periods prescribed for repayment of borrowed moneys by the section of this Act of which the marginal note is "Period for payment off of money borrowed" shall respectively be deemed to be the prescribed period referred to in those sections or some of them.

39.—(1) The Corporation shall have power—

A.D. 1914.

- (A) To borrow for the purpose of paying off any moneys previously borrowed under this Act which are intended to be forthwith repaid; or
- (B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under this Act and which at the time of such repayment it was intended to replace by borrowed moneys.

Power to re-borrow.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

- (A) by instalments or annual payments; or
- (B) by means of a sinking fund; or
- (C) out of moneys derived from the sale of land; or
- (D) out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

40. The proceeds of the sale of any surplus lands of the Corporation under the powers of this Act shall be distinguished as capital in the accounts of the Corporation and shall be applied in discharge of moneys borrowed by the Corporation and any moneys so discharged shall not be re-borrowed. Provided that such proceeds when used to pay off borrowed moneys shall not be applicable to the payment of instalments or to payments into

Proceeds of sale of surplus lands to be treated as capital.

A.D. 1914. the sinking fund except to such extent and upon such terms as  
— may be approved by the Local Government Board.

Costs of Act. **41.** All the costs charges and expenses incurred by the Corporation preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Corporation out of moneys to be borrowed by the Corporation under this Act or at the option of the Corporation out of the borough fund or borough rate and moneys so paid as last afore-said may be recouped by and charged to the moneys to be borrowed under this Act.

The SCHEDULES referred to in the foregoing Act.      A.D. 1914

## THE FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY  
BE REQUIRED.

Parish.	Work.	Numbers on Deposited Plans.
Bristol - - -	Wharf or quay -	1 2 3 4 5 6 7 8 9 10 and 11.
	New road -	4 5 and 6.
	Street widening -	6.

## THE SECOND SCHEDULE.

### FIRST PART.

#### LANDS FOR ENLARGEMENT OF AVONVIEW CEMETERY.

Certain lands comprising 11 acres 2 roods 6 perches or thereabouts adjoining the western boundary of Avonview Cemetery St. George comprising the enclosures respectively numbered on the  $\frac{1}{2500}$  scale Ordnance map (2nd edition 1904 Gloucestershire Sheet LXXII--14) 1350 and 1352 in the parish of Bristol and part of the enclosure numbered on the said Ordnance map 1351 in the same parish and part of the enclosure (shown on the said Ordnance map) which abuts on the northern side of the public footpath leading from Blackswarth Road to Beaufort Road along the northern side of the said enclosure numbered 1351 which said lands are bounded by an imaginary line commencing at the north-eastern corner of the said enclosure numbered 1351 and running thence in a westerly direction along the northern boundary of the last-mentioned enclosure to a point opposite the western end of Beaufort Road thence in a northerly direction across the western ends of Beaufort Road Speedwell Avenue and Weston Avenue and along the western sides of the westernmost houses and premises in those roads to a point opposite the north-western corner of Weston Avenue thence in a westerly direction to a point on the eastern side of Blackswarth Road aforesaid opposite the north-eastern corner of Lewin Street thence in a southerly direction along the eastern side of Blackswarth Road and the northern eastern and southern boundaries

A.D. 1914. of the houses and premises formerly known as numbers 1 to 16 Priory Cottages but now known as numbers 31 to 61 (odd numbers) Blackswarth Road to the south-western corner of the said enclosure numbered 1350 thence in an easterly direction along the southern boundary of the said enclosure numbered 1350 and in a straight line in continuation thereof crossing the said enclosure numbered 1351 to the southern end of the fence dividing the eastern side of the said enclosure numbered 1351 from the western side of the said enclosure numbered 1352 thence in an easterly and southerly direction along the southernmost boundary of the said enclosure numbered 1352 to the south-eastern corner thereof and thence in a northerly direction along the eastern boundaries of the said enclosures respectively numbered 1352 and 1351 to the point of commencement of the said imaginary line.

Except so much of the said lands as is situate between the boundaries of or forms the site of the new street extending from Blackswarth Road to Beaufort Road and of the widening of Beaufort Road to be constructed by the Corporation under the powers conferred by the foregoing Act.

## SECOND PART.

### LANDS FOR ENLARGEMENT OF GREENBANK CEMETERY.

A piece of land comprising 2 acres 1 rood or thereabouts adjoining the southern side of Greenbank Cemetery and abutting on the north-western side of the Bristol and Birmingham Railway of the Midland Railway Company being the enclosure numbered on the  $2\frac{1}{2}$  scale Ordnance map (2nd edition 1904 Gloucestershire Sheet LXXII—10) 827 in the parish of Bristol.

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Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

FREDERICK ATTERBURY Esq., C.B., the King's Printer of Acts of Parliament.

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