



CHAPTER ccxi.

An Act to empower the Corporation of Bristol to execute works to make further provision for the improvement health local government and finance of the city of Bristol and for other purposes. A.D. 1905.

[11th August 1905.]

WHEREAS 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 it is expedient that the Corporation should be empowered to execute within the city the works hereinafter described:

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

And whereas by virtue of the Bristol Corporation Act 1897 the urban districts of Saint George and Stapleton and part of the parish of Brislington in the rural district of Keynsham were added to the city as then existing:

And whereas prior to the commencement of the said last-mentioned Act the local authorities for the said respective areas had made sewers in parts thereof and claims for compensation for damage sustained by the making of such sewers have since

[Price 2s. 6d.]

A

1

A.D. 1905. — the commencement of the said Act been made against the Corporation by various persons :

And whereas it is expedient that the period within which claims for such damage may be made against the Corporation should be limited as in this Act provided :

And whereas by an agreement dated the twenty-seventh day of May one thousand eight hundred and ninety-seven and made between the Corporation of the one part and the Great Western Railway Company (hereinafter called "the company") of the other part scheduled to and confirmed by the Great Western Railway (Bristol Lines) Act 1897 it was (inter alia) agreed that the Corporation should construct a new road shown on the plan referred to in the said agreement upon certain lands respectively coloured yellow and green on the said plan and that the Corporation or the company should seek in the next session of Parliament power to acquire (inter alia) the said lands coloured green to be vested in the Corporation for the purpose of completing the said new road and that the Corporation should bear the proportion specified in the said agreement of the expense of acquiring the said last-mentioned lands and certain other lands referred to in the said agreement :

And whereas under powers conferred upon them by the Great Western Railway (General Powers) Act 1898 the company have acquired the said lands coloured green on the said plan :

And whereas it is expedient that the Corporation should be empowered to raise money for paying the proportion payable by them under the said agreement of the cost of acquiring lands for the purposes of the said agreement and for defraying the cost of the construction of the said new road :

And whereas the Corporation were by the Bristol Order 1901 scheduled to and confirmed by the Local Government Board's Provisional Orders Confirmation (No. 9) Act 1901 (hereinafter referred to as "the Order of 1901") authorised to widen and improve Fishponds Road in the city and to acquire lands for that purpose :

And whereas the Corporation have under the powers of the Order of 1901 acquired certain lands and are proceeding to execute the works authorised by the said Order but the whole of the lands so acquired by them will not be required for the purposes of the said works :

And whereas it is expedient that the Corporation should be empowered to appropriate and hold a portion of the said lands not required for the said widening and improvement for the purposes of and to erect and maintain thereon a police station and to raise money for defraying the cost of acquiring the lands for and of erecting the said police station:

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 works authorised by this Act and for the	£
purchase of lands therefor	30,000

For the acquisition of lands in pursuance and for the purposes of the said agreement of the twenty-seventh day of May one thousand eight hundred and ninety-seven and for the construction of the new road referred to in the said agreement	19,000
--	--------

For the erection of a police station under the powers of this Act and the acquisition of lands for that purpose	6,800
---	-------

And whereas one of the wards of the city is called or known as "the Westbury Ward" and the commissioner appointed under the Bristol Corporation Act 1904 has directed that the new ward of the city created in consequence of the extension of the city effected by that Act shall be called or known as "the Westbury-on-Trym Ward" and it is expedient that to prevent confusion the name of the said Westbury Ward should be altered as by this Act provided:

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

A.D. 1905. — and levels of the works by this Act authorised and plans showing the lands which may be taken 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 an absolute majority of the whole number of the council at a meeting held on the thirteenth day of December one thousand nine hundred and four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Bristol Times and Mirror a local newspaper published and 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 borough rate of the city :

And whereas such resolution was published twice in the said newspaper 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 council at a further special meeting held in pursuance of a similar notice on the fourteenth day of March one thousand nine hundred and five being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed :

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.

Short title.

1. This Act may be cited as the Bristol Corporation Act 1905.

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

A.D. 1905.

Division of
Act into
Parts.

Part I.—Introductory.

Part II.—Improvements.

Part III.—Lands.

Part IV.—Streets Buildings and Sewers.

Part V.—Sanitary Provisions.

Part VI.—Provisions as to Milk Supply and Food.

Part VII.—Library Rate.

Part VIII.—Finance.

Part IX.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845 and except where varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act.

Incorporation
of Acts.

4. 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) :—

Interpreta-
tion.

“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 medical officer” means the medical officer of health of the city and includes any person duly authorised to act temporarily as medical officer of health;

“The treasurer” means the treasurer of the city;

“The improvements” means the reconstruction of bridges and the widening straightening and deepening of the River Frome and other works in connexion therewith by this Act authorised;

“Street” has the meaning assigned to that term by section 4 of the Public Health Act 1875;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 applies for the time being within the city;

A.D. 1905.

"Dairy" means any farm farm-house cowshed milk store milk shop or other place from which milk is supplied or in which milk is kept for purposes of sale;

"Dairyman" means any cowkeeper purveyor of milk or occupier of a dairy;

"Daily penalty" means a penalty for each day on which an offence is continued after conviction thereof;

"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 revenue" includes all dues rents and moneys (other than borrowed moneys) payable to the Corporation in any way on account of 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.

Limits of
Act.

5. The limits within which the powers by this Act granted may be exercised shall (save where otherwise by this Act expressly provided) be the city.

PART II.

IMPROVEMENTS.

Power to
execute
works.

6. 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):—

Work No. 1 The taking down and removal of the bridge carrying Feeder Road over Netham Lock and the construction of a new widened and improved bridge and approaches in lieu thereof commencing in Feeder Road at a point 70 feet or thereabouts measured in a southerly direction from the centre of the existing bridge and terminating in Netham Road at a point 28 feet or thereabouts measured in a northerly direction from the centre of the existing bridge:

Work No. 2 The taking down and removal of the bridge carrying Feeder Road over the passage leading from the Feeder Canal into the dock situate on the premises occupied by John Lysaght Limited and the construction of a new widened and improved bridge and approaches in lieu thereof commencing in Feeder Road at a point 180 feet or thereabouts measured in a westerly direction from the centre of the existing bridge and terminating in the said road at a point 63 feet or thereabouts measured in an easterly direction from the centre of the existing bridge:

Work No. 3 The taking down and removal of the bridge carrying Avon Street over the Feeder Canal and the gas mains adjoining or near to the same and the construction of a new widened and improved bridge and approaches in lieu thereof commencing in Feeder Road at a point 60 feet or thereabouts measured in a southerly direction from the centre of the existing bridge and terminating in Avon Street at a point 50 feet or thereabouts measured in a northerly direction from the centre of the existing bridge and the provision of substituted means for carrying the said gas mains over across or under the said canal:

Work No. 4 The taking down and removal of the bridge carrying Bath Road over the River Avon and the construction of a new widened and improved bridge and approaches in lieu thereof commencing at or near the junction of Temple Gate with Clarence Road and Cattle Market Road at a point 115 feet or thereabouts measured in a north-westerly direction from the centre of the existing bridge and terminating in Bath Road at a point 122 feet or thereabouts measured in a south-easterly direction from the centre of the existing bridge:

Work No. 5 The taking down and removal of the opening bridge carrying Commercial Road over the entrance lock to Bathurst Basin and the construction of a new widened and improved swing or opening bridge and approaches in lieu thereof commencing at or near the junction of Cumberland Road Prince Street and Bathurst Parade at a point 88 feet or thereabouts measured in a north-westerly direction from the centre of the existing bridge and terminating in Commercial Road at a point

A.D. 1905.

238 feet or thereabouts measured in a south-easterly direction from the centre of the existing bridge :

Work No. 6 A widening straightening and deepening of the bed or channel of a part of the River Frome lying under a street called the Broad Weir commencing at a point 114 feet or thereabouts measured in a south-westerly direction from the south-western corner of Philadelphia Street and terminating at a point 51 feet or thereabouts measured in a southerly direction from the said corner of Philadelphia Street and the taking down and removal of the structure carrying the said Broad Weir over the said river between the said points and the erection of a new and improved structure in lieu thereof.

In constructing Work No. 5 hereinbefore described the Corporation may stop up any street or part of a street which it is unnecessary to retain as a public thoroughfare so far as they are owners in possession of all lands on both sides thereof.

New bridge over Feeder Canal may be constructed as a swing lifting or opening bridge.

7. The Corporation may if they think fit construct the new bridge Work No. 3 hereinbefore described as a swing lifting or opening bridge with a fixed bridge or gangway for the accommodation of foot-passengers.

Power to make subsidiary works.

8. For the purposes of or in connection with the improvements or any of them the Corporation may make and maintain all proper convenient and necessary approaches stairs retaining walls piers abutments embankments girders piling cantilevers bridges arches bascules lifts elevating apparatus counterpoises hydraulic or other machinery apparatus and appliances and other works and conveniences.

Power to stop up ways temporarily.

9. Subject to the provisions of this Act the Corporation for the purposes and during the making of the improvements 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 carriage-way 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 carriage-way 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. A.D. 1905.

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

10. Subject to the provisions of this Act the Corporation may for the purposes of and in connection with the improvements alter the line or level of any of the streets and places described on the deposited plans or sections as intended to be diverted raised or lowered in the manner shown on such plans or sections. Streets may be raised or lowered.

11. In making any of the works for or connected with the improvements the Corporation may subject to the provisions of this Act deviate to any extent from the line 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 two feet from the levels thereof as defined on the deposited sections. Deviation from line and levels.

12. 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 or stop up 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 improvements 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 the improvements ;

(b) Relay and alter the line or level of any tramway in or along any street to be widened raised lowered or altered under the powers of this Act and provide during such relaying and alteration any temporary line or lines of tramway which may be necessary for continuing the traffic on any tramway to be so relaid or altered ;

A.D. 1905.

- (c) Appropriate the site and soil of any street or part of a street stopped up under the powers of this Act ;
- (d) Execute any works for the protection of any adjoining land or buildings ;
- (e) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings ; and
- (f) 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.

The site and soil of any street or part of any street stopped up and appropriated by the Corporation under this Act shall vest in the Corporation and all rights of way or other rights over the same shall thereupon be extinguished and the lamp-posts paving metalling or materials in on or under any street so stopped up and any materials of any drain or sewer so altered shall vest in the Corporation and all substituted drains and sewers shall be under the same jurisdiction care management and direction as the existing drains and sewers for which they may be so substituted :

Provided that the provisions of section 308 of the Public Health Act 1875 (Compensation in case of damage by local authority) shall apply as if the stopping up of any street or part of a street or any of the acts done under the authority of this section were done in the exercise of the powers of that Act.

Alteration of position of water gas and other pipes.

13. The Corporation may for any purpose in connection with the improvements 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 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 A.D. 1905.
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 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:

Provided also that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

14. Subject to the provisions of this Act the Corporation may cause such parts of the improvements to be laid out for carriage-way 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 arches sewers drains and other works and conveniences as they may think proper for the purposes of the improvements. Carriage-way footway sewers and other works.

15. 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 improvements 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. Sewers or drains to be arched over or filled up.

16. The Corporation within the limits of deviation defined on the deposited plans may for the purposes of and in connection with the improvements raise sink or otherwise alter or Power to alter steps areas pipes &c.

A.D. 1905. — cause to be altered the position of any of the steps areas cellars cellar-flaps gratings fencings windows and watercourses 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.

Improve-
ments to
form public
streets.

17. When and as each of the improvements 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 improvement to which it relates as shall have been laid out for carriage-way or footway shall form part of the street and may be used by the public accordingly.

Power to sell
materials.

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

For pro-
tection of
Bristol Gas
Company.

19. For the protection of the Bristol Gas Company (in this section called "the gas company") the following provisions shall unless otherwise agreed between the Corporation and the gas company have effect (that is to say):—

- (1) Nothing in this Act contained shall deprive the gas company of the powers and privileges conferred upon them by any Act or Acts of Parliament of laying down and maintaining as occasion may require and repairing renewing and altering any mains or pipes in and under any part of the streets roads or footways upon or over the bridges authorised by this Act (other than such part of the bridge carrying Avon Street over the Feeder Canal (Work No. 3) as shall be

constructed as a swing lifting or opening bridge) or under any street road or court which may be temporarily stopped up during the construction of the works by this Act authorised:

A.D. 1905.

- (2) At least fourteen days before commencing the execution of any works under the powers of this Act which will in any way interfere with or affect any mains pipes or apparatus of the gas company (including the private service pipes of any consumer of gas supplied by the company) the Corporation shall submit to the gas company plans sections and particulars showing the manner in which such mains pipes service pipes and apparatus are supposed to be dealt with (which shall be such that the gas company may be enabled to continue to afford an efficient supply of gas both during and after the execution of such works) and if within fourteen days from such submission the gas company disapprove of the said plans sections or particulars or make any further requirements in relation to the dealing with the same such work shall not be commenced until the said plans sections and particulars have been agreed or settled by arbitration as herein-after provided. Provided that if the gas company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved of such plans sections and particulars and such mains pipes service pipes and apparatus shall unless otherwise agreed be dealt with (at the cost in all things of the Corporation) only in accordance with such plans sections and particulars and all works involving the interference with or affecting such mains pipes service pipes and apparatus shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the gas company:
- (3) The engineer of the gas company shall if the gas company think fit have the sole 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 diversion shoring up or supporting or otherwise altering the position of and restoring and protecting any such mains pipes service

A.D. 1905.
—

pipes or apparatus which it may be necessary to divert shore up support alter restore or protect by reason of the execution of the works by this Act authorised and for preventing any interruption to the supply of gas by the gas company or any obstruction or increased expense to the gas company in the repair renewal or inspection of such mains pipes service pipes or apparatus :

(4) All costs charges and expenses reasonably incurred by the gas company or their engineer under the foregoing provisions of this section including the costs charges and expenses of and in relation to the superintendence or watching by the gas company or their engineer or officers of any works of the Corporation authorised by this Act by which any such mains pipes service pipes or apparatus may be interfered with or affected shall be paid by the Corporation to the gas company on demand :

(5) If any interruption whatsoever in the supply of gas by the gas company or any loss of gas shall be in any way occasioned or sustained by any act or omission of the Corporation or by the acts of any of their contractors agents workmen or servants or any duly authorised person in the employ of them or any or either of them in the execution of the powers of this Act the Corporation shall pay to the gas company a sum or sums of money equivalent to the value of the gas so lost such sum or sums of money to be recovered by the gas company in any court of competent jurisdiction and the Corporation shall also be responsible for and make good to the gas company all costs losses damages and expenses which may be occasioned to the gas company (including injury and loss by explosion) through or by reason of or consequent on any such act or omission of the Corporation or of any of their contractors agents workmen or servants or any of the persons in their employ or in the employ of their contractors or others and the Corporation shall effectually indemnify and hold harmless the gas company from all claims and demands upon or against them by reason of any such act or omission :

(6) If by reason of the exercise of the powers of this Act any substituted gas mains or pipes or increased length of gas mains or pipes be rendered necessary the same shall be provided and laid by the gas company at the reasonable cost of the Corporation and if the gas company at any time by like reason or by reason of the existence of any work by this Act authorised incur any additional cost in laying down repairing renewing raising sinking altering inspecting or protecting any gas main or pipe or apparatus such additional cost shall be repaid to the gas company by the Corporation Provided that if any substituted mains or pipes or additional length of mains or pipes so laid shall be of larger dimensions than the mains or pipes in substitution for or extension of which the same are laid the Corporation shall not be bound to pay to the gas company the increased cost thereby occasioned of providing laying down repairing renewing raising sinking altering inspecting or protecting such substituted or additional mains or pipes :

(7) Whenever by reason of the exercise of the powers of this Act any gas mains or pipes or any apparatus connected therewith of the gas company shall be rendered unnecessary the Corporation shall pay to the gas company the cost of an equivalent length of gas main or pipe and of such apparatus and of laying down or fixing the same and of the works required for the discontinuance of the supply of gas by means of the mains pipes or apparatus rendered unnecessary and the gas mains pipes or apparatus so rendered unnecessary shall become the property of the Corporation :

(8) If any difference shall arise between the Corporation and the gas company touching this section or anything to be done or not to be done thereunder such difference 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 of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall extend and apply to the determination of such difference.

A.D. 1905.

For pro-
tection of
Bristol
Waterworks
Company.

20. For the protection of the Bristol Waterworks Company (in this section called "the water company") the following provisions shall have effect (that is to say):—

- (1) At least fourteen days before the commencement of any work in pursuance of the powers of this Act which may in any way interfere with or affect or be situate over any main pipe or work of the water company or any private service pipe of any person supplied with water by the water company a plan and section (showing the nature of the work proposed) shall be submitted to the water company together with the particulars of the mode of executing such work and of protecting such main pipe or work and if within fourteen days from such submission the water company disapprove of the said plans sections or particulars or make any further requirements such work shall not be commenced until the plans sections and particulars have been agreed or settled by arbitration. Provided that if the water company do not within fourteen days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof. Every such work shall be constructed in accordance with the plan and section and particulars approved agreed or settled as aforesaid and shall (so far as it may interfere with or affect or be situate over such main pipe work or private service pipe or be within three feet of such main pipe or work) be executed under the superintendence and to the reasonable satisfaction of and in such manner as shall reasonably be required by the engineer of the water company:

- (2) In the construction of the respective works described in the section of this Act of which the marginal note is "Power to execute works" as Works Nos. 1 2 3 and 4 provision shall be made to the reasonable satisfaction of the engineer of the water company by the Corporation at their own expense to enable the water company to carry in over or under the intended new widened and improved bridges respectively and in or under the respective approaches

thereto the several mains hereinafter mentioned (that is to say) In respect of Work No. 1 a seven-inch water main in respect of Work No. 2 a seven-inch water main in respect of Work No. 3 a ten-inch water main and in respect of Work No. 4 two eighteen-inch water mains in addition to any existing water main or mains in or under the several existing bridges and the approaches thereto :

- (3) Whenever the Corporation shall under the provisions of the section of this Act of which the marginal note is "Power to stop up ways temporarily" stop up all or any part of any carriage-way or footway in which any water apparatus shall be laid they shall permit the water company and the engineer workmen and others in their employ at all times when it may seem to them necessary to enter upon the said ways and do all such works therein as may be necessary for repairing maintaining removing replacing or extending such apparatus :
- (4) Whenever by the appropriation or destruction of property by this Act authorised to be acquired or by the stopping up of any street authorised by this Act to be stopped up any mains pipes or works of the water company (except pipes inside such property) shall be rendered unnecessary the Corporation shall pay to the water company the cost of such mains pipes or works and of laying the same down and of the works required for the discontinuance of the mains pipes or works rendered unnecessary and the mains pipes or works so rendered unnecessary shall become the property of the Corporation :
- (5) The engineer of the water company shall if the water 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 diversion removing raising refixing sinking or otherwise altering the position of and restoring and protecting any mains pipes or other works of the water company which it may be necessary or expedient to divert remove raise refix alter restore or protect by reason of the execution of any of the powers of this Act and for preventing any

A.D. 1905.
—

interruption to the supply of water by the water company or any obstruction or increased expense to the water company in the repair or renewal of such mains pipes or works :

(6) All costs charges and expenses reasonably incurred by the water company or their engineer under the provisions of this Act including the reasonable costs charges and expenses of and in relation to any superintendence or watching by the water company or their engineer or officers of any works by this Act authorised by which any water apparatus of the water company may be interfered with or affected shall be paid by the Corporation to the water company on demand :

(7) If any interruption whatsoever in the supply of water by the water company shall be occasioned by the Corporation or by the act of any of their contractors agents workmen or servants or any person in the employ of them either during the construction or subsequent maintenance of the works by this Act authorised the Corporation shall indemnify and compensate the water company in respect of all damage or loss which they may sustain by reason or in consequence of such interruption :

(8) If by reason of the exercise of the powers of this Act any increased length of water mains or pipes or any additional valves or apparatus be rendered necessary the same shall be provided and laid by the water company at the reasonable cost of the Corporation and if the water company at any time by like reason incur any additional cost in laying down repairing or altering any main or pipe or valve or apparatus such additional cost shall be repaid to the water company by the Corporation :

(9) Nothing in this Act contained shall deprive the water company of the powers rights and privileges conferred upon them by their several Acts of Parliament or the Acts incorporated therewith :

(10) If any difference arise between the Corporation and the water company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by

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

A.D 1905.

21. The Corporation shall not under the powers of this Act 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 reflows 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 section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges 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 as a Crown debt or summarily.

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

PART III.

LANDS.

22. 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 take lands for works.

23. 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 easements rights and privileges as aforesaid and to any grant of the same respectively.

Power to certain persons to grant easements &c. by agreement.

A.D. 1905.

Correction of
errors in de-
posited plans
and book of
reference.

24. If there be any omission misstatement 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 misstatement 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 misstated 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 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.

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

25. And whereas in the construction of the improvements 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:—

- (1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of such persons are hereinafter included in the term "the owner" and the said properties are hereinafter 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 (hereinafter 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 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 arbitration or inquiry 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

A.D. 1905.

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.

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.

Limitation
of time for
purchase of
lands.

26. 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.

Power to re-
tain sell &c.
lands.

27.—(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.

A.D. 1905.

(2) Any capital moneys received by the Corporation on 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.

(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.

STREETS BUILDINGS AND SEWERS.

28. The Corporation may construct and maintain in or under any street repairable by the inhabitants at large sub-stations transforming stations and other works in connection with their electrical undertaking and may in any such street provide and maintain all such accesses and approaches to such sub-stations transforming stations and works as may be necessary or convenient.

Power to construct electrical sub-stations &c. under streets.

29. The Corporation may (if in the circumstances of the case they think it expedient so to do) make it a condition of approving the plans of any new street that such street shall be so laid out and formed that the same shall not terminate with a dead end or cul-de-sac and in any such case the street shall not be laid out and formed except in accordance with such condition unless the person laying out such street can show that it would be unreasonable or impracticable for him to comply therewith.

Provision for preventing formation of culs-de-sacs.

Any person offending against this enactment shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

A.D. 1905.

Power to
Corporation
to convey
portions of
streets to
adjoining
owners.

30. The Corporation may upon such terms as they think fit convey any portion of a public street to the owner of any land adjoining it for the purpose of obtaining a uniform line of frontage and of improving such street and any moneys received by the Corporation from the owner under this section shall be applied in or towards repayment of moneys borrowed for street improvement purposes.

What to be
deemed new
buildings.

31. From and after the passing of this Act—

- (1) The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation ;
- (2) The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the city into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;
- (3) The re-conversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than that of a dwelling-house ;
- (4) The making of any addition to any existing building by raising any part of the roof or making any projection therefrom but so far as regards such addition only ; or
- (5) The roofing in or covering over of any open space between walls or buildings ;

shall for all purposes of any Act or Provisional Order for the time being in force within the city and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a new building.

Prevention
and removal
of projec-
tions over
streets.

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

33.—(1) Every hoarding or similar structure in or abutting on or adjoining any street or so near to any street that it might if not supported fall thereon shall be securely erected and maintained.

A.D. 1905.

As to hoardings and other structures used for advertising purposes.

(2) It shall not be lawful after the passing of this Act to erect wholly or partly for advertising purposes any such hoarding or similar structure to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the maintenance of such hoarding or similar structure as the Corporation may determine.

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

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

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

(6) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt.

34.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer the Corporation shall have all the powers conferred by section 41 of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by

Amendment of section 19 of Public Health Acts Amendment Act 1890.

A.D. 1905. — that section from the owners of the houses in such proportions as shall be settled by the city surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the city.

(3) For the purposes of this section the expression "drain" includes any sewer or drain whether constructed before or after the passing of this Act with which two or more houses or premises (whether belonging to the same or different owners) are at the date of the passing of this Act or may at any time hereafter be connected or which is used or capable of being or intended to be used for the conveyance of the drainage of such houses or premises directly or by means of any other sewer or drain to any public sewer situate under a street repairable by the inhabitants at large but shall not include any sewer which has been constructed to the satisfaction of the Corporation under section 150 of the Public Health Act 1875 or any sewer which has been constructed by the Corporation for the effectual drainage of the city.

Power to
require separate
sewers.

35. Where under the provisions of the Public Health Acts the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively and the Corporation may if such separate sewers have been provided from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for sewage only and where in any street provision has been made for separate sewers for surface water and for sewage as aforesaid no sewage shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the sewage sewer Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof are already connected with a sewer and would but for the provisions of this section have been sufficient to drain

effectively such house or premises the Corporation shall if they so desire at their own expense make all necessary alterations to the drains and pipes of such house or premises in order to keep separate the sewage and surface water drainage thereof and pending any such alteration the said penalty shall not apply.

A.D. 1905.

36. The provisions of this Part of this Act and any byelaws to be made thereunder shall not be carried into execution or enforced by the Corporation within the protected area as defined by section 52 (For protection of Kingsweston Estate) of the Bristol Corporation Act 1904 so as in any manner to prejudice interfere with take away or otherwise injuriously affect any of the rights privileges and powers conferred by that section upon Philip Napier Miles or other the owner or owners for the time being of the Kingsweston Estate (including any person having the powers of a tenant for life under the Settled Land Acts 1882 to 1890) and his and their assigns.

For protec-
tion of Kings-
weston
Estate.

PART V.

SANITARY PROVISIONS.

37. The powers of the Corporation under section 39 of the Public Health Act 1875 and section 20 of the Public Health Acts Amendment Act 1890 shall extend to authorise them to provide and maintain in proper and convenient situations sanitary conveniences in or under any street repairable by the inhabitants at large and to provide and maintain in proper and convenient situations lavatories in or under any such street for the use of the public and to use the soil of such street for those purposes and such powers shall also extend to authorise the Corporation to employ and pay attendants and to make reasonable charges for the use of any sanitary convenience (other than a urinal) or of any lavatory so provided and the Corporation may make byelaws for the management of such sanitary conveniences and lavatories and as to the conduct of persons frequenting the same and may let any such sanitary conveniences and any such lavatories for such periods at such rents and subject to such conditions as to the charges to be made for the use thereof and otherwise as they may think proper.

Public con-
veniences
and lava-
tories.

38.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who within the city—

For regu-
lating manu-
facture and
sale of ice-
cream &c.

(a) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to

A.D. 1905.

be manufactured sold or stored in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain ; or

(b) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination ; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof forthwith to the medical officer ;

shall be liable for every such offence on summary conviction to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building any part of which is used for the manufacture of ice-cream or any similar commodity suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owners of the ice-cream or similar commodity or materials so destroyed.

Inspection of
premises.

39.—(1) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry and inspection into and of the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 102 of the Public Health Act 1875 in the cases therein mentioned.

(2) Any person refusing entry into such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

As to dealers
in ice-cream.

40. Every dealer in ice-cream or other similar commodity vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed on such cart barrow or stand and if he fails to comply with this enactment he shall be liable to a penalty not exceeding forty shillings.

PART VI.

A.D. 1905.

PROVISIONS AS TO MILK SUPPLY AND FOOD.

41. Every person who knowingly sells or suffers to be sold or used for human consumption within the city the milk of any cow which is suffering from tuberculosis of the udder shall be liable to a penalty not exceeding ten pounds. Penalty for selling milk of diseased cows.

42. Any person the milk of the cows in whose dairy is sold or suffered to be sold or used for human consumption within the city who after becoming aware that any cow in his dairy is suffering from tuberculosis of the udder keeps or permits to be kept such cow in any field shed or other premises along with other cows in milk shall be liable to a penalty not exceeding five pounds. Penalty on failing to isolate diseased cows.

43. Every dairyman who supplies milk within the city and has in his dairy any cow affected with or suspected of or exhibiting signs of tuberculosis of the udder shall forthwith give written notice of the fact to the medical officer stating his name and address and the situation of the dairy or premises where the cow is. Any dairyman failing to give such notice as required by this section shall be liable to a penalty not exceeding forty shillings. Obligation to notify cases of tuberculosis.

44.—(1) It shall be lawful for the medical officer or any person provided with and if required exhibiting the authority in writing of such medical officer to take within the city for examination samples of milk produced or sold or intended for sale within the city. Power to take samples of milk.

(2) The like powers in all respects may be exercised outside the city by the medical officer or such authorised person if he shall first have obtained from a justice having jurisdiction in the place where the sample is to be taken an order authorising the taking of samples of the milk which order any such justice is hereby empowered to make.

45.—(1) If milk from a dairy situate within the city is being sold or suffered to be sold or used within the city the medical officer or any person provided with and if required exhibiting the authority in writing of the medical officer may if accompanied by a properly qualified veterinary surgeon at all reasonable hours enter the dairy and inspect the cows kept therein and if the medical officer or such person has reason to suspect Power to inspect cows and to take samples of milk.

A.D. 1905. — that any cow in the dairy is suffering from tuberculosis of the udder he may require the cow to be milked in his presence and may take samples of the milk and the milk from any particular teat shall if he so requires be kept separate and separate samples thereof be furnished.

(2) If the medical officer is of opinion that tuberculosis is caused or is likely to be caused to persons residing in the city from consumption of the milk supplied from a dairy situate within the city or from any cow kept therein he shall report thereon to the Corporation and his report shall be accompanied by a report to be furnished to him by the veterinary surgeon and the Corporation may thereupon serve on the dairyman notice to appear before them within such time not less than twenty-four hours as may be specified in the notice to show cause why an order should not be made requiring him not to supply any milk from such dairy within the city until the order has been withdrawn by the Corporation.

(3) If the medical officer has reason to believe that milk from any dairy situate outside the city from which milk is being sold or suffered to be sold or used within the city is likely to cause tuberculosis in persons residing within the city the powers conferred by this section may in all respects be exercised in the case of such dairy Provided that the medical officer or other authorised person shall first have obtained from a justice having jurisdiction in the place where the dairy is situate an order authorising such entry and inspection which order any such justice is hereby empowered to make.

(4) Every dairyman and the persons in his employment shall render such reasonable assistance to the medical officer or such authorised person or veterinary surgeon as aforesaid as may be required by such medical officer person or veterinary surgeon for all or any of the purposes of this section and any person refusing such assistance or obstructing such medical officer person or veterinary surgeon in carrying out the purposes of this section shall be liable to a penalty not exceeding five pounds.

(5) If in their opinion the dairyman fails to show cause why such an order should not be made as aforesaid the Corporation may make the said order and shall forthwith serve notice of the facts on the Local Government Board and if the dairy is situate outside the city on the county council of the administrative county and the council of the borough or district in which it is situate.

A.D. 1905.

(6) The said order shall be forthwith withdrawn on the Corporation or their medical officer being satisfied that the milk supply has been changed or that it is not likely to cause tuberculosis to persons residing in the city.

(7) If any person after any such order has been made supplies any milk within the city in contravention of the order or sells it for consumption therein he shall be liable to a penalty not exceeding five pounds and if the offence continues to a further penalty not exceeding forty shillings for every day during which the offence continues.

(8) A dairyman shall not be liable to an action for breach of contract if the breach be due to an order under this section.

46.—(1) The dairyman may appeal against an order of the Corporation under the section of this Act the marginal note whereof is "Power to inspect cows and to take samples of milk" or the refusal of the Corporation to withdraw any such order either to a petty sessional court having jurisdiction within the city or at his option if the dairy is situate outside the city to the Board of Agriculture and Fisheries who shall appoint an officer to hear such appeal. Such officer shall fix a time and place of hearing within the city and give notice thereof to the dairyman and the town clerk not less than forty-eight hours before the hearing. Such officer shall for the purposes of the appeal have all the powers of a petty sessional court. Appeal.

(2) The Board of Agriculture and Fisheries may at any stage require payment to them by the dairyman of such sum as they deem right to secure the payment of any costs incurred by the Board of Agriculture and Fisheries in the matter of the appeal.

(3) The court or the Board of Agriculture and Fisheries as the case may be may confirm vary or withdraw the order which is the subject of the appeal and may direct to and by whom the costs of the appeal (including any sum paid or payable to the Board of Agriculture and Fisheries as aforesaid) are to be paid but pending the decision of the appeal the order shall remain in force unless previously withdrawn by the Corporation.

47.—(1) If an order is made without due cause or if the Corporation unreasonably refuse to withdraw the order the dairyman shall if not himself in default be entitled to recover from the Corporation full compensation for any damage which he has Compensation to dairy-men.

A.D. 1905. — sustained by reason of the making of the order or of the refusal of the Corporation to withdraw the order.

(2) The court or the Board of Agriculture and Fisheries may determine and state whether an order the subject of appeal has been made without due cause and whether the Corporation have unreasonably refused to withdraw the order and whether the dairyman has been in default.

(3) Any dispute as to the fact whether the order has been made or maintained without due cause or as to the fact of default (where any such fact has not been determined by the court or Board of Agriculture and Fisheries) or as to the fact of damage or as to the amount of compensation shall be determined in the manner provided by section 308 of the Public Health Act 1875 and that section shall accordingly apply and have effect as if the same were herein re-enacted and in terms made applicable to any such dispute as aforesaid.

Amending
section 117
of Public
Health Act
1875 and
section 28
of Public
Health Acts
Amendment
Act 1890.

48. Where an article of food has been condemned by a justice of the city under section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 the person to whom the same belongs or did belong at the time of deposit of the same for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall if resident or occupying premises in the city be punishable as mentioned in section 117 of the Public Health Act 1875 unless he prove that at the time of such deposit he did not know and had no reason to believe that the said article was in such a condition as to be liable to be so condemned.

Notice of
provisions of
this Part of
Act.

49. The Corporation shall cause to be given public notice of the effect of the provisions of this Part of this Act by advertisement in local newspapers and by handbills and otherwise in such manner as they think sufficient and this Part of this Act shall come into operation at such time not being less than one month after the first publication of such advertisement as aforesaid as the Corporation may fix. Provided that in any proceedings before a court of summary jurisdiction whether within or without the city under this Part of this Act the production of a certificate under the hands of two justices of the city that the Corporation have complied with the requirements of this section and as to the date of the first publication of the advertisement (which certificate such justices are hereby empowered to give upon

production to them of newspapers containing the advertisement and upon such further proof as they may require) shall be sufficient evidence of all matters therein certified. A.D. 1905.

50. Offences under this Part of this Act may be prosecuted and penalties may be recovered by the Corporation before a petty sessional court having jurisdiction in the place where the dairy is situate or the offence is committed and not otherwise. Procedure.

51. All expenses incurred by the Corporation in carrying into execution the provisions of this Part of this Act shall be chargeable upon the fund and rate liable for the sanitary expenditure of the Corporation and they may also charge upon the same fund and rate any expenses incurred by them in the application by a veterinary surgeon of the tuberculin or other reasonable test for the purpose of discovering tuberculosis to any cow whose milk is or was recently being supplied within the city. Provided that no such test shall be applied except with the previous consent of the owner of such cow. As to expenses.

52. This Part of this Act may be carried into execution by a committee of the council formed in accordance with and subject to the provisions of the Fourth Schedule to the Diseases of Animals Act 1894 except that the committee shall consist wholly of members of the council. Execution of this Part of Act by committee.

PART VII.

LIBRARY RATE.

53.—(1) Notwithstanding anything contained in the Public Libraries Acts 1892 to 1901 the rate or addition to a rate leviable for the purposes of the said Public Libraries Acts in the city for one financial year may amount to but shall not exceed three half pence in the pound. Rate for public library.

(2) Notwithstanding anything contained in the Museums and Gymnasiums Act 1891 and the Public Libraries Acts 1892 to 1901 or any of those Acts the Corporation may (in addition to any amount appropriated to art gallery purposes out of the rate or addition to a rate leviable under the said Public Libraries Acts as altered by this Act) apply any sum by which the amount raised or received in any financial year for museum purposes under the first-mentioned Act exceeds the amount expended in that financial year for those purposes towards the cost of maintaining the Bristol Art Gallery during the next ensuing financial year.

A.D. 1905.

PART VIII.

FINANCE.

Power to
borrow for
purposes of
Act.

54.—(1) 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 the Public Health Acts or any public general Act borrow at interest any sum or sums of money for the purposes hereinafter 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 hereinafter defined the sum requisite for that purpose:
- (b) For the purchase of lands for and the execution of the improvements the sum of thirty thousand pounds:
- (c) For the purchase of lands in pursuance and for the purposes of the agreement dated the twenty-seventh day of May one thousand eight hundred and ninety-seven and made between the Corporation of the one part and the Great Western Railway Company of the other part scheduled to and confirmed by the Great Western Railway (Bristol Lines) Act 1897 and for the construction of the new road referred to in the said agreement the sum of nineteen thousand pounds:
- (d) For the purchase of lands for and the erection of a police station under the powers hereinafter contained the sum of six thousand eight hundred pounds:
- (e) For the general purposes of the dock undertaking of the Corporation the sum of one hundred thousand pounds:

Provided that no part of the said sum of one hundred 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—

As regards purposes (a) and (d) the borough fund and borough rate;

As regards purpose (b) —

(i) In respect of moneys borrowed for the purposes of Works Nos. 1 2 3 and 5 hereinbefore described (a) the

dock revenue and the borough fund and borough rate and (b) the district fund and general district rate in such proportions as they may determine ;

A.D. 1905.

(ii) In respect of moneys borrowed for the purposes of Work No. 4 hereinbefore described the dock revenue and the borough fund and borough rate ;

(iii) In respect of moneys borrowed for the purposes of Work No. 6 hereinbefore described the district fund and general district rate ;

As regards purpose (c) the district fund and general district rate ; and

As regards purpose (e) the dock revenue and the borough fund and borough rate.

55. 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 reborrowing 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.

56. 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) (c) and (d) mentioned in the said section within sixty years from the date or respective dates of borrowing ;

As to moneys borrowed for the purpose (e) 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 ;

Or by means of a sinking fund ;

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

A.D. 1905.

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.

57. 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 77 (Power to reborrow);

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 re-borrowing 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.

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

58. 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 the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

PART IX.

A.D. 1905.

MISCELLANEOUS.

59. Notwithstanding anything contained in section 175 of the Public Health Act 1875 any lands or property for the time being vested in the Corporation and not required for the purposes for which such lands and property were authorised to be acquired may with the approval of and subject to such conditions as may be imposed by the Local Government Board be retained and used by the Corporation for any other purpose in like manner as if they had been originally acquired for such last-mentioned purpose.

Power to appropriate lands for other purposes than those for which they were acquired.

60.—(1) No compensation in respect of any damage sustained by the making prior to the thirty-first day of October one thousand eight hundred and ninety-seven by the council of the former urban district of Saint George or of the former urban district of Stapleton or of the rural district of Keynsham of any of the sewers shown on the plan marked "A" signed in triplicate by Charles Bill the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (one copy of which has been deposited in the Private Bill Office of the House of Commons one copy in the Parliament Office of the House of Lords and one copy with the town clerk at his office in the council house in the city) shall be recoverable from the Corporation unless notice in writing stating the particulars of the claim for such compensation and the amount thereof shall have been served on the Corporation within three years after the passing of this Act.

Limiting time for claims for compensation in certain cases.

(2) The Corporation shall cause to be given notice of the effect of the provisions of this section by advertisement published in each of four successive weeks with an interval between each of any two such publications of not less than six clear days in two newspapers published and circulating in the city.

61. The Corporation may appropriate and use for the purpose of erecting thereon a police station any portion of the lands in the city acquired by them under the powers of the Order of 1901 for the purposes of or in connection with the widening and improvement of Fishponds Road authorised by the said Order which will not be required for such widening and improvement and which they shall think fit and may erect such police station accordingly.

Power to appropriate for erection of police station part of lands acquired for widening Fishponds Road.

A.D. 1905.

As to leading or driving animals.

62. The Corporation may by order prescribe the streets in which and the manner according to which the leading or driving of animals shall be permitted within the city provided that the route or routes which it shall be lawful for the Corporation so to prescribe shall not be such as would prevent the passage of cattle between any market on the one hand and any railway station or landing wharf in the city or any place beyond the city on the other hand when such animals are merely passing between such market and railway station landing wharf or other place aforesaid and the Corporation shall be bound to allow at all times a reasonably short and efficient route or routes for the passage of such animals. Provided also that any such order shall only operate between the hours of nine in the morning and nine in the evening and shall not prevent the owner of any animals driving the same to or from his own premises and nothing in this enactment contained shall authorise the Corporation to interfere with the leading or driving of any animals to any duly licensed slaughter-house.

Corporation may license drovers.

63.—(1) The Corporation may grant to any person carrying on or desiring to carry on within the city the business or calling of a drover a licence on such terms and revocable in such cases and events as the Corporation may prescribe.

(2) The Corporation may demand and take for every such licence any sum not exceeding four shillings for twelve months and in the like proportion for any shorter period not being less than three months and may attach to such licence the terms and conditions of revocation or suspension of any such licence.

(3) If any person while unlicensed represents himself to be licensed or wears any badge for the purpose of holding himself out as a licensed drover he shall be liable to a penalty not exceeding twenty shillings.

Amending section 22 of Bristol Encroachment Act 1837.

64. From and after the passing of this Act section 22 of the Bristol Encroachment Act 1837 shall be read and have effect as if the words “before the hour of nine of the clock in the morning” were substituted therein for the words “before the hour of ten of the clock in the morning.”

Changing name of Westbury Ward.

65. From and after the passing of this Act the ward of the city called or known as the “Westbury Ward” shall for all purposes be called or known as the “Redland Ward.”

66. Any person who shall frequent and use any street or public place within the city either on behalf of himself or of any other person for the purpose of bookmaking betting or wagering or agreeing to bet or wager or paying or receiving or settling any bet or wager or receiving any money as or in respect of any bet or wager shall be liable to a penalty not exceeding for the first offence five pounds and for the second offence ten pounds and for the third and every subsequent offence fifty pounds.

A.D. 1905.

Street betting.

67. All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and carried by him to the credit of the borough fund or the district fund as the Corporation may direct.

Application of penalties under Act.

68. The provisions of sections 182 to 185 of the Public Health Act 1875 shall (save where otherwise by this Act expressly provided) apply to all byelaws made by the Corporation under or for the purposes of this Act.

As to byelaws under this Act.

69. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order or dismissal by a court of summary jurisdiction under the provisions of this Act or any byelaw made under the powers of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order judgment or determination or dismissal the Corporation may in like manner appeal. Provided that it shall not be requisite for the Corporation to enter into any recognisance or to make any deposit of money.

As to appeal.

70. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of penalties.

A.D. 1905.

Saving
rights of
Crown.

71. Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the King's most Excellent Majesty and in particular nothing herein contained 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 land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent such Commissioners and such Board are hereby respectively authorised to give.

Costs of Act.

72. 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 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 moneys to be borrowed by the Corporation under this Act but may in the first instance be paid by the Corporation out of any of their rates or funds and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

The SCHEDULE referred to in the foregoing Act.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY BE
REQUIRED.

Parish.	Work.	Numbers on deposited Plans.
Bristol - - -	No. 2	12 13 14 15 16 16A 17 18 19 20.
	No. 3	23 25 26.
	No. 6	47 and 49.

Printed by EYRE and SPOTTISWOODE,

FOR

ROWLAND BAILEY, Esq., M.V.O., I.S.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE. E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.