



## CHAPTER cclxiv.

An Act to empower the Mayor Aldermen and Burgesses of the City of Bristol to construct an additional Dock and Railways and other works to extend the City and County of Bristol and for other purposes. A.D. 1901.

[17th August 1901.]

**W**HEREAS the city and county of Bristol (in this Act called “the existing city”) is a municipal borough and the mayor aldermen and burgesses (in this Act called “the Corporation”) acting by the council are the urban sanitary authority for the district of the said borough :

And whereas the existing city is a county of itself and has a separate court of quarter sessions commission of the peace police force sheriff and coroner and has an ancient court of record (commonly known as “the Tolzey Court”) and a court of Pied Poudré :

And whereas the existing city is a county borough under the Local Government Act 1888 :

And whereas the Corporation are conservators of the port and harbour of Bristol extending from Hanham Mills on the River Avon to the mouth of that river at Kingroad and thence down the River Severn and the Bristol Channel from Kingroad westward to the islands called respectively the Stipo Holmes (otherwise the Steep Holmes) and the Flat Holmes and are also conservators of the rivers and creeks within the said port :

And whereas the Corporation are the owners of the city docks :

And whereas under the powers of the Bristol Dock Act 1884 (in this Act called “the Act of 1884”) the Corporation acquired the undertakings rights powers and privileges of the Bristol Port and Channel Dock Company and of the Bristol and Portishead Pier and Railway Company and also certain warehouses and conveniences erected at and in connexion with the said docks by the Bristol Port and Channel Dock Warehouse Company (Limited) and the Portishead Warehouse Company (Limited) and thereby became the 47 & 48 Vict.  
c. cclv.



[Ch. cclxiv.] *Bristol Docks and Railways Act, 1901.* [1 EDW. 7.]

A.D. 1901. — owners of the Avonmouth Docks situate at the mouth and right bank of the River Avon and of the Portishead Docks near the mouth and left bank of that river :

49 & 50 Vict.  
c. xevi. And whereas by the Bristol Dock Act 1886 (in this Act called “the Act of 1886”) the Corporation were authorised to make (among other works) a new entrance lock to the Avonmouth Dock and a new dock and graving dock communicating therewith and also a wharf wall and embanking of a portion of that part of the city docks known as “the Floating Harbour” :

56 & 57 Vict.  
c. clxxxiv. And whereas by the Bristol Dock Act 1893 (in this Act called “the Act of 1893”) the Corporation were authorised to construct various works and improvements in the city in connexion with the city docks :

60 & 61 Vict.  
c. ciii. And whereas by the Bristol Dock Act 1897 (in this Act called “the Dock Act of 1897”) the Corporation were authorised to construct various works for and in connexion with their city docks and to raise by the creation and issue of Bristol Corporation Dock stock the sum of three hundred and fourteen thousand pounds for the construction of the said works and the general purposes of their dock undertaking :

60 & 61 Vict.  
c. exci. And whereas by the Great Western Railway (Bristol Lines) Act 1897 (in this Act called “the Great Western Act of 1897”) the Great Western Railway Company were authorised to make in the said city certain extensions of their harbour railway and arrangements were made between the Corporation and the Great Western Company with respect to the acquisition of land for and the construction of portions of the said works which arrangements were enacted in section 9 of that Act :

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 Company of the other part and scheduled to and confirmed by the Great Western Act of 1897 it was agreed (Article 3) that the Corporation should construct on land to be provided by the Great Western Company a new road (hereafter referred to as “the Canons Marsh Road”) and should also construct (Article 5) alongside the floating harbour on land to be acquired by the company but to be paid for by and to be conveyed to the Corporation a road and wharf in the said agreement and in this Act referred to as “the deep water wharf” :

And whereas the Avonmouth Dock is in communication with the railway systems of the Great Western and Midland Railway Companies (in this Act referred to separately as “the Great Western

[1 EDW. 7.] *Bristol Docks and Railways Act, 1901.* [Ch. cclxiv.]

Company ” and “the Midland Company ” and jointly as “the two companies ”): A.D. 1901.

And whereas in order to facilitate the increasing trade of the said port and to extend and improve the accommodation for and the convenience of vessels frequenting the same it is expedient that the Corporation be enabled to construct the dock and the entrance channel railways and other works connected therewith herein-after described being Works 1 to 11 (both inclusive) in this Act called “the Avonmouth Works ” among which are a short deviation of the Avonmouth and Severn Tunnel Railway of the Great Western Company and also of the port and pier railway belonging to the two companies :

And whereas it is expedient to empower the Corporation to make a new road from the opening bridge across the River Avon to the Ashton Road and to widen and improve Avonvale Road and the bridge carrying the same across the Feeder Canal in the city being respectively Work No. 12 and Work No. 13 herein-after described and in this Act referred to as “street works ” :

And whereas the Corporation have caused estimates to be prepared for the purchase of land for and for the execution of the works authorised by this Act and such estimates are as follows :—

For the Avonmouth Works one million four hundred and twenty-eight thousand eight hundred and eighty-five pounds ;

For a graving dock at Avonmouth two hundred and fifty thousand pounds ;

For equipment and engineering expenses two hundred and seventy-one thousand five hundred pounds ;

For the street works thirteen thousand five hundred pounds ;

For the completion of the works authorised by the Dock Act of 1897 one hundred and fourteen thousand six hundred pounds ;

For the works to be constructed by the Corporation under the provisions of the Great Western Act of 1897 and of the said agreement scheduled thereto one hundred and ninety thousand pounds ; and

For the general purposes of the city docks undertaking one hundred and eighty-two thousand seven hundred and twenty-two pounds :

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

And whereas plans and sections describing the lines situation and levels of the intended works and a book of reference containing



A.D. 1901. — the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the clerk of the peace for the county of Gloucester and for the city and are in this Act referred to as “the deposited plans sections and book of reference”:

60 & 61 Vict.  
c. ccxxx.

And whereas by the Bristol Corporation Act 1897 (herein-after referred to as “the Extension Act of 1897”) the boundaries of the then existing city were extended and the city as thereby extended was constituted a separate poor law union by the name of the Bristol Union:

And whereas by an order of the council of the city dated the twelfth day of July one thousand eight hundred and ninety-eight confirmed with modifications by Order of the Local Government Board dated the ninth day of September one thousand eight hundred and ninety-eight the several parishes comprised in the then city of Bristol were amalgamated into one parish by the name of the parish of Bristol:

And whereas it is expedient that the limits of the existing city be extended so as to include the parts of the parishes of Shirehampton and Henbury in which the Avonmouth Works are situate both of which parishes form part of the rural district of Barton Regis in the county of Gloucester but have parish councils and the said parts of parishes so to be included are in this Act referred to as “the added area”:

And whereas the parish council of the parish of Shirehampton is the burial board for the parish of Shirehampton:

And whereas it is expedient that the added area should be detached from the jurisdiction of the county council justices district and parish councils sanitary burial and other authorities having authority therein and that the Corporation should be constituted the sole authority for all municipal and sanitary government within and the burial board for the extended city:

And whereas the said parts of the parishes of Shirehampton and Henbury form part of the Barton Regis Poor Law Union and it is expedient that they be transferred therefrom to the Bristol Union:

And whereas the existing city is the district of the Bristol School Board:

And whereas no schools have been established by the Barton Regis Guardians in or for the parishes of Shirehampton or Henbury:

And whereas the school attendance committee appointed by the Barton Regis Guardians acts as such for the said parishes of

Shirehampton and Henbury and it is expedient that the part of those  
respective parishes added to the existing city should be detached  
from the jurisdiction of the said committee and that the extended  
city should be constituted one school board district: A.D. 1901.

And whereas it is expedient to make provision for such adjustment  
of the rights property and liabilities of the said several authorities  
as may be rendered equitable by reason of the extension of the  
existing city and the alteration of parishes and unions and school  
board districts by this Act effected:

And whereas it is expedient that the Corporation be empowered  
to borrow the moneys necessary for completing the works authorised  
by the Dock Act of 1897 and the said works referred to in section 9  
of the Great Western Act of 1897 so far as they are to be executed  
by the Corporation and also the moneys necessary for carrying the  
said agreement into effect so far as the same is to be executed by  
them:

And whereas it is expedient that further powers should be  
conferred upon the Corporation for the borrowing of money for the  
other purposes of this Act:

And whereas in the Bristol Dock Act 1881 (in this Act called  
“the Act of 1881”) provisions are contained enabling the Corpora-  
tion to issue Bristol Corporation Dock Debenture Stock and those  
provisions were amended and extended by the said Acts passed in  
the years 1884 1886 1893 and 1897 respectively and the Corporation  
have issued stock thereunder: 44 & 45 Vict.  
c. clxviii.

And whereas it is expedient that the other provisions contained  
in this Act be sanctioned:

And whereas the purposes of this Act cannot be effected without  
the authority of Parliament:

And whereas an absolute majority of the whole number of the  
council of the city at a meeting held on the twentieth day of  
November one thousand nine hundred after ten clear days' notice  
by public advertisement of such meeting and of the purpose thereof  
in the Western Daily Press a newspaper published or circulating  
in the city (such notice being in addition to the ordinary notices  
required for summoning such meeting) resolved that the expense in  
relation to promoting the Bill for this Act should be charged on  
the revenue arising from the dock estate and the borough fund of  
the city:

And whereas such resolution was published twice in the said  
newspaper and has received the approval of one of His Majesty's  
Principal Secretaries of State:



A.D. 1901. 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 twenty-second day of January one thousand nine hundred and one being not less than fourteen days after the deposit of the Bill in Parliament:

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

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.

### PRELIMINARY.

Short title. 1. This Act may be cited as the Bristol Docks and Railways Act 1901 and this Act and the Bristol Dock Acts 1848 to 1897 may be cited together as the Bristol Dock Acts 1848 to 1901.

Act divided into Parts. 2. This Act is divided into Parts as follows (that is to say) :—  
 Part I.—Preliminary.  
 Part II.—Works &c.  
 Part III.—Lands.  
 Part IV.—Dues.  
 Part V.—Detaching added Area from Jurisdiction of Local Authorities &c.  
 Part VI.—Extension of City Boundaries &c.  
 Part VII.—Alteration of Unions &c.  
 Part VIII.—Elementary Education Provisions.  
 Part IX.—Finance.  
 Part X.—Miscellaneous.

Incorporation of Acts. 3. The following Acts and Parts of Acts (that is to say) :—  
 The Lands Clauses Acts;  
 The Railways Clauses Consolidation Act 1845 and Part I. (construction of a railway) of the Railways Clauses Act 1863;  
 The Harbours Docks and Piers Clauses Act 1847; and  
 The provisions of the Commissioners Clauses Act 1847 relating to mortgages (except section 84);  
 so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are incorporated with and form

part of this Act Provided that sections 16 to 19 of the Harbours Docks and Piers Clauses Act 1847, shall not be in force unless the Board of Trade so require. A.D. 1901.

4. The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Corporation and shall be sufficient without the addition of the sureties in that section mentioned and any notice requiring authentication by the Corporation may be signed by the town clerk and need not be under the common seal of the Corporation. Execution of bonds and signature of notices.

5. In this Act unless the subject or context otherwise requires— Interpretation.

Terms to which meanings are assigned by the enactments incorporated herewith have herein the same meanings:

“The city” means the city and county of Bristol as extended by this Act;

“The Corporation” means the mayor aldermen and burgesses of the city whether acting under the provisions of the Municipal Corporations Acts or in the execution of the Acts relating to the port and harbour of Bristol;

“The lord mayor” means the lord mayor of the city;

“The council” means the council of the city;

“The dock estate” means and includes the docks for the time being of the Corporation and the real and personal property railways pier works and appliances acquired appropriated or provided by them for the purposes thereof;

“The recited Acts” means the Acts recited in the preamble to this Act;

“The port” means the port of Bristol;

“The new dock” means and includes the dock entrance lock junction and embankments and the dock works connected therewith by this Act authorised;

“Dues” includes all tolls rates duties fees and charges of every description payable to the Corporation under the recited Acts or this Act;

“Dock revenue” includes all dues rents and moneys (other than borrowed moneys) payable to the Corporation in any way on account of the dock estate;

“Articles” and “goods” respectively mean and include all goods wares merchandise commodities matters and things in respect of which the Corporation may for the time being demand dues;



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- “Animals” includes horses mules asses bulls oxen cows heifers dogs calves pigs sheep lambs and goats;
- “Cargo” includes articles and animals;
- “Vessel” includes ship trow barge and craft of every class and description however propelled;
- “The sheriff” “the recorder” “the town clerk” “the clerk of the peace” “the treasurer” and “the coroner” mean respectively the sheriff the recorder the town clerk the clerk of the peace the treasurer and the coroner of the city;
- “The local courts” means the Tolzey Court and the court of Pied Poudré of the existing city;
- “The borough fund” “the borough rate” “the district fund” and “the general district rate” mean respectively the borough fund the borough rate the district fund and the general district rate of the city;
- “The Barton Regis Council” means the rural district council of Barton Regis;
- “The county council” means the county council for the administrative county of Gloucester;
- “The Shirehampton Council” and “the Henbury Council” mean respectively the parish councils for the parishes of Shirehampton and Henbury;
- “The parish councils” means the Shirehampton Council and the Henbury Council;
- “Local authorities” means and includes the Barton Regis Council and the parish councils in respect only of their respective jurisdiction property and rights in the added area;
- “The Bristol Union” means the poor law union constituted by the Extension Act of 1897 for the city;
- “The Bristol Guardians” means the board of guardians of the Bristol Union;
- “The Barton Regis Union” means the poor law union for Barton Regis;
- “The Barton Regis Guardians” means the board of guardians of the Barton Regis Union;
- “School attendance committee” means the school attendance committee having jurisdiction in the added area;
- “Bristol School Board” means the school board of the city;
- “The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Acts amending the same;
- “The city plan” means the plan of the city signed in triplicate by the Right Honourable the Earl of Jersey the Chairman of



the Committee of the House of Lords to whom the Bill for this Act was referred; A.D. 1901.

For the purposes of this Act in enactments incorporated with this Act "company" or "the undertakers" means the Corporation;

In the Railways Clauses Consolidation Act 1845 the expressions "the railway" "the centre line of the railway" and "the boundaries of the railway" respectively mean the Avonmouth Works and the centre line and the boundaries of the Avonmouth Works;

In the Commissioners Clauses Act 1847 "the commissioners" means the Corporation and "the clerk to the commissioners" means the town clerk.

6. This Act shall come into operation for the following purposes at the following dates respectively (that is to say):— Commence-  
ment of Act.

For the purposes of the acquisition of lands and the construction of the works authorised by this Act on its passing;

For the purposes of the raising and borrowing of moneys authorised by this Act on its passing;

For the purposes of all proceedings connected with the preparation revision and completion of lists and registers of electors or of lists of burgesses and for all proceedings preliminary to the municipal elections of one thousand nine hundred and one on its passing;

For all other purposes (save as expressly provided) on the first day of October one thousand nine hundred and one;

The last-mentioned date is herein-after referred to as "the commencement of this Act."

7.—(1) The name of the municipal Corporation of the city shall on and after the passing of this Act be the lord mayor aldermen and burgesses of the city of Bristol. Name of Corporation.

(2) All charters public and general and local statutes orders confirmed by Parliament byelaws regulations commissions fiats awards judgments and decrees and all bonds conveyances covenants deeds mortgages securities contracts agreements resolutions orders and notices legal and other proceedings and the grant of arms from the Heralds College and other instruments and documents relating to the Corporation by their original or any other name shall from and after the passing of this Act be read and have effect as if throughout the same respectively wherever the original or other name of the Corporation or a reference to the Corporation by their original or other name occurs the present name of the lord mayor aldermen and burgesses of the city of Bristol were substituted.

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PART II.

WORKS &c.

Power to  
construct  
works.

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

Work No. 1 A dock with an entrance lock thereto from the River Severn and a junction cut or passage from the north-west corner of the Avonmouth Dock of the Corporation to the south-east corner of the intended dock to be constructed on lands in the parishes of Shirehampton and Henbury in the county of Gloucester and the parish of Bristol in the city and county of Bristol;

The said junction cut or passage will be situated between the north-western end of the Avonmouth Dock and a point 2 chains or thereabouts measured in a westerly direction from the lighthouse near the north-western corner of the said Avonmouth Dock:

Work No. 2 An entrance channel in the said parish of Bristol commencing at the western extremity of the land known as Dunball Island and extending in a westerly direction for a distance of 19 chains or thereabouts to low-water mark of the River Severn:

Work No. 3 An embankment or sea wall (No. 1) wholly in the said parish of Bristol commencing near the north-western end of the entrance lock to the Avonmouth Dock and terminating at a point on the foreshore of the River Severn distant 15 chains or thereabouts measured in a westerly direction from the western extremity of Dunball Island aforesaid:

Work No. 4 An embankment or sea-wall (No. 2) partly in the said parish of Shirehampton and partly in the said parish of Bristol commencing in the said parish of Shirehampton at a point on the western side of the said Avonmouth and Severn Tunnel Railway of the Great Western Company 13 chains or thereabouts measured in a north-westerly direction from the Avonmouth Hotel and terminating in the said parish of Bristol at a point near low-water mark 19 chains or thereabouts measured in a north-westerly direction from the western extremity of Dunball Island aforesaid:

Work No. 5 A deviation railway (No. 1) (1 mile 2 furlongs 4 chains in length) in the said parishes of Bristol Shirehampton and Henbury being a diversion of the said Avonmouth and



Severn Tunnel Railway commencing in the said parish of Bristol at a point thereon 3 chains or thereabouts measured in a south-westerly direction from the point where that railway crosses Gloucester Road and terminating in the said parish of Henbury at a point on the said railway 23 chains or thereabouts measured in a north-easterly direction from the bridge carrying the said Avonmouth and Severn Tunnel Railway over the outfall of the Kingsweston and Shirehampton Rhines into the River Severn :

Work No. 6 A deviation railway (No. 2) (6 furlongs 8·1 chains in length) wholly in the said parish of Shirehampton being a diversion of the Bristol Port and Pier Railway of the two companies commencing at a point on that railway 14 chains or thereabouts measured in a north-westerly direction from the point where that railway crosses Gloucester Road aforesaid and terminating at a point 15 chains or thereabouts measured in a south-easterly direction from Kingroad farmhouse and 21 chains or thereabouts measured in an easterly direction from the Avonmouth Hotel aforesaid :

Work No. 7 A railway (No. 1) (1 mile 5·2 chains in length) commencing in the said parish of Henbury by a junction with the said Avonmouth and Severn Tunnel Railway at the point of termination of the aforesaid deviation railway (No. 1) as above described and terminating in the said parish of Bristol at a point 30 chains or thereabouts measured in a south-westerly direction from the Avonmouth Hotel and 26 chains or thereabouts measured in a north-westerly direction from the lighthouse before mentioned :

Work No. 8 A railway (No. 2) (7 furlongs 9·2 chains in length) commencing in the said parish of Henbury by a junction with the intended railway (No. 1) at a point 9 chains or thereabouts measured in a south-westerly direction from the point of commencement of railway (No. 1) as above described and terminating in the said parish of Bristol at a point 13 chains or thereabouts measured in a south-westerly direction from the Marine Hotel at Avonmouth and 11 chains or thereabouts measured in a north-westerly direction from the lighthouse aforesaid :

Work No. 9 A railway (No. 3) (3 furlongs 9·2 chains in length) wholly in the said parish of Bristol commencing by a junction with the said Avonmouth and Severn Tunnel Railway at the said point of commencement of the before-mentioned deviation railway (No. 1) and terminating at a point on the south-west

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side of Dunball Island 27 chains or thereabouts measured in a westerly direction from the said Marine Hotel and 26 chains or thereabouts measured in a north-westerly direction from the lighthouse aforesaid :

Work No. 10 A road (No. 1) wholly in the said parish of Shirehampton commencing in Avonmouth Road at a point thereon 14 chains or thereabouts measured along that road in a north-westerly direction from Gloucester Road and terminating at a point 1 chain or thereabouts measured in an easterly direction from the point of termination of the deviation railway (No. 2) as herein-before described :

Work No. 11 A road (No. 2) wholly in the said parishes of Shirehampton and Bristol commencing in the said parish of Shirehampton by a junction with the said intended road (No. 1) at a point thereon 10 chains or thereabouts measured in a northerly direction from the said point of commencement of that road and terminating in the said parish of Bristol at a point 5 chains or thereabouts measured in a north-westerly direction from the Marine Hotel aforesaid :

Work No. 12 A road (No. 3) wholly in the said parish of Bristol commencing by a junction with the road crossing the River Avon on the opening bridge authorised to be constructed by the Dock Act of 1897 and terminating by a junction with Ashton Road at the eastern end of the bridge carrying such road over the Bristol and Portishead Railway of the Great Western Company :

Work No. 13 A widening and improving wholly in the parish of Bristol of Avonvale Road and of the bridge carrying that road over the Feeder Canal to Feeder Road.

Bridge over the Feeder Canal may be pulled down and reconstructed.

9. The Corporation in lieu of widening the said existing bridge carrying Avonvale Road over the Feeder Canal may pull down the said bridge and reconstruct it in the widened form.

Deviation railways vested in two companies &c.

10. As soon as the deviation railways (No. 1 and No. 2) have been completed ready for the public conveyance of passengers they shall with their appurtenances vest as follows :—

As to deviation railway (No. 1) in the Great Western Company ;  
and

As to deviation railway (No. 2) in the two companies :

And the said deviation railways respectively shall for all purposes (including the levying of tolls rates and charges) constitute parts of the respective undertakings of those respective bodies in substitution



for the portions of the railways of those respective bodies in lieu of which they have been respectively constructed. A.D. 1901.

**11.** So soon as the said deviation railways are completed and opened for the public conveyance of passengers the Great Western Company as to the said Avonmouth and Severn Tunnel Railway and the two companies as to the said port and pier railway may and shall respectively abandon so much of those respective railways as lies between the said points of diversion thereof respectively and the site of the said abandoned portions of railway shall vest in the Corporation.

Abandonment of part of said Avonmouth and Severn Tunnel and Port and Pier Railways.

**12.** The Corporation may make erect place and maintain all entrances cuts channels locks dams basins graving-docks slips trenches gates sluices culverts arches sewers drains embankments towing-paths walls jetties landing places dolphins moorings buoys staithes groynes quays wharves warehouses sheds buildings machinery cranes lifts drops tips railways tramways rails junctions sidings turntables signals roads approaches works engines machinery and appliances which may be necessary or convenient for or incidental to the construction user or maintenance of the before-mentioned works or any of them.

Power to make subsidiary works.

**13.** The Corporation may dredge the bed banks shores and channels of the River Avon and of the River Severn or the estuary thereof within the port.

Power to dredge.

**14.** In constructing the works by this Act authorised the Corporation may deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may deviate vertically from the levels of the said works as shown on the said sections to any extent not exceeding ten feet Provided that no deviation of any works authorised by this Act within the limits of deviation of which any public navigable tidal river or channel is included shall be made from the lines thereof as shown on the deposited plans even within the limits of deviation shown on such plans in such manner as to diminish the navigable space of such river or channel without the previous consent of the Board of Trade or otherwise in such manner as is expressly authorised by the Board of Trade.

Limits of deviation.

**15.—(1)** The Corporation shall bear the cost of maintaining working and signalling the level crossing by the road No. 2 by this Act authorised of the diversion of the Avonmouth and Severn Tunnel Railway and in the event of the Board of Trade at any time hereafter requiring that the said road shall be carried over or under

Provisions as to level crossings of road No. 2 of certain railways.



A.D. 1901. the said railway by means of a bridge or subway or that any other works shall be constructed for removing or diminishing the danger arising from such level crossing the necessary works shall be constructed and maintained by and at the expense of the Corporation to the reasonable satisfaction of the Great Western Company.

(2) Any difference which may arise between the Corporation and the Great Western Company under this section shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade.

Site for  
battery at  
Avonmouth.

**16.** And whereas it is necessary to make provision for protecting the dock and works by this Act authorised in the event of war and for preserving the rights of His Majesty's Principal Secretary of State for the War Department Therefore the following provisions shall have effect (that is to say):—

(1) "The plan" referred to in this section means a plan signed in quadruplicate by the Right Honourable the Earl of Jersey the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred:

(2) The Corporation in constructing the embankment by this Act authorised shall set apart at or near the outer edge of the said embankment on the north-east side of the dock entrance a rectangular plot of land having a frontage of or about 200 feet facing north-west and a depth of 100 feet the exact position and orientation to be determined according to the military requirements of the case the said plot of land (edged red on the plan) to be occupied by His Majesty's War Department for the erection of a battery with right of access thereto for wheeled traffic by the ordinary accesses to the ground of which such space forms part and the War Department shall pay to the Corporation as yearly rent for such space the sum of ten pounds sterling on the first day of January in every year from and after the date of the said War Department taking possession thereof and if at any time the Corporation shall by the construction or removal of these or other works render it advisable in the opinion of the Secretary of State for War that the battery should be removed to another site on the estate of the Corporation the Corporation shall provide such substituted site at a point to be agreed between the Corporation and the War Department without charge to the War Department subject to the annual payment as above provided and so that if such removal shall take place at the instance of the Corporation the Corporation shall bear the reasonable expense of such removal:



(3) The Corporation shall construct the lock entrance to the dock by this Act authorised with three pairs of gates so placed that no two pairs of gates shall be within two hundred feet of each other. A.D. 1901.

17. The Corporation may divert water from the River Avon and the River Severn or the estuary thereof for the purpose of supplying with water the dock and works by this Act authorised. Power to divert water into dock &c.

18. The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve. Lights on works during construction.

If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

19. The Corporation shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct. Permanent lights on works.

If the Corporation fail to comply in any respect with the provisions of the present section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

20. 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 such approval being signified as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition. Works below high-water mark not to be commenced without consent of Board of Trade.

A.D. 1901. — 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.

Survey of  
works by  
Board of  
Trade.

21. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal waters or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement  
of work  
abandoned  
or decayed.

22. If a work constructed by the Corporation under the powers of this Act on in over through or across tidal lands or tidal waters is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

As to light-  
house at  
Avonmouth.

23. The following provisions shall take effect for maintaining a proper lighthouse to take the place of the existing Avonmouth Lighthouse (that is to say):—

- (1) The Corporation in constructing the pier to be known as the North Pier being Work No. 3 authorised by this Act shall construct a new permanent lighthouse with all necessary appurtenances thereon to the satisfaction as regards position design structure illuminating apparatus and otherwise of the Corporation of Trinity House of Deptford Strond (hereinafter called "the Trinity House") as the general lighthouse authority and shall thereafter maintain such new lighthouse and the light or lights therein to the like satisfaction of Trinity House :
- (2) The provisions of the Merchant Shipping Act (Part XI.) relating to local lighthouses shall apply to the said lighthouse when erected and completed as aforesaid :
- (3) Until such new lighthouse shall be erected and the light exhibited therein to the satisfaction of the Trinity House or until the Corporation shall at their own expense and to the like satisfaction have provided a temporary lighthouse and light therein the Corporation shall not interfere with the existing lighthouse or the premises therewith :



(4) When and as soon as the lighthouse shall be completed or the said temporary lighthouse shall have been provided and the light duly displayed therein the Corporation shall purchase from the Trinity House and the Trinity House shall sell to the Corporation the existing lighthouse and the site thereof and premises occupied therewith at such price as may be agreed on between the Corporation and the Trinity House or as in case of difference shall be determined under the Lands Clauses Acts for settling cases of disputed compensation : A.D. 1901.

(5) On the completion of the purchase there shall be paid or allowed by the Trinity House to the Corporation the difference (if any) between the value of the new lighthouse and apparatus to be erected under the provisions of subsection (1) and that of the lighthouse and apparatus which would have been necessary for local purposes only :

(6) As from the completion of the purchase or the due exhibition of the light in the new permanent lighthouse which shall last happen there shall be paid to the Corporation out of the General Lighthouse Fund or any other fund which may take the place thereof such an annual sum as shall represent the difference (if any) between the actual cost of maintaining the new permanent lighthouse so agreed to be erected as aforesaid and the light therein and the cost of maintaining a pier head light for local purposes in the same position :

(7) If any difference under subsections (5) and (6) should arise between the Trinity House and the Corporation such difference shall be settled by the Board of Trade under the provisions of the Board of Trade (Arbitration &c.) Act 1874.

**24.** In case of injury to or destruction or decay of the works or any part thereof the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken. Provision against danger to navigation.

**25.** In executing the works authorised by this Act the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe and also any pipe tube wire or apparatus laid down or used for the conduct of electricity for any Power to alter pipes.

A.D. 1901. — purpose and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment:

Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or telegraphic apparatus belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878:

Provided further 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.

Power to  
stop up  
streets &c.

**26.** The Corporation may stop up and discontinue for public traffic and extinguish all rights of way over—

So much of the said public road leading to the Avonmouth Hotel as lies between the commencement of the new road (No. 1) and the termination of the said public road;

Any other roads highways or footpaths shown on the deposited plans as intended to be stopped up or diverted:

And the site and soil of the said portion and of the said road highways and footpaths so stopped up or diverted shall if and so far as the Corporation are or under the powers of this Act become the owners of the lands on both sides thereof be wholly and absolutely vested in them and they may appropriate the same to their own purposes.

Power to  
alter levels  
of roads &c.  
communi-  
cating with  
new roads  
&c.

**27.** The Corporation may alter the level of any road or street communicating with any new road or street by this Act authorised for the purpose of causing such new road or street to communicate more conveniently therewith.

In cases where the Corporation put in force this enactment they shall be liable to pay to any person injuriously affected thereby compensation which shall be settled and recoverable in manner provided by the Public Health Act 1875.

Temporary  
stoppage of  
streets &c.

**28.** The Corporation may stop up a street road or court and prevent all persons from passing along or using the same for any reasonable time during the construction of any work by this Act authorised but the Corporation shall make provision for access for foot passengers to houses having an entrance to such street road or court.



**29.** Every new or diverted road constructed under the powers of this Act shall be repaired and maintained by the same body or persons (including the Corporation) as are now liable to repair and maintain the existing road for which it is substituted. The Corporation and any such body or person may enter into and fulfil agreements for and in relation to such construction and for or in relation to the repair and maintenance of all or any such roads. Any such agreements shall be deemed to be purposes of the Public Acts under which such body or persons have jurisdiction and any expenses incurred in relation to such agreements shall be deemed to be expenses incurred for the purposes of those Acts. The certificate of two justices of the due completion of any such new or diverted road shall be conclusive evidence of the fact so certified and such certificate shall be obtained before the existing road is interfered with except in so far as may be necessary for the construction and completion of such new or diverted road.

A.D. 1901.  
As to repair  
&c. of new  
and sub-  
stituted  
roads &c.

**30.** The said new road and widening (Work No. 12 and Work No. 13) by this Act authorised and the subsidiary works connected therewith and all lands acquired or appropriated by the Corporation for the purposes thereof shall vest in the urban sanitary authority for the district of the city as part of the highways of that district and shall be maintained and repaired by them accordingly.

New road  
&c. vested  
in urban  
sanitary  
authority.

**31.** The dock lock cut channel and embankments (Works No. 1 to No. 4) and the railways (No. 1 to No. 3) respectively by this Act authorised and the subsidiary works connected therewith respectively and all lands acquired or appropriated by the Corporation for the purposes thereof shall form part of the dock estate and subject to the provisions of this Act the Corporation shall have and may exercise and enjoy in over upon and in relation thereto the same rights powers and privileges as if the same had respectively immediately before the passing of this Act formed part of that estate.

Dock works  
&c. to be  
and form  
part of dock  
estate of  
Corporation.

**32.** For the protection of the commissioners of sewers for the lower level of the county of Gloucester (herein-after referred to as "the commissioners") and of the said level the following provisions shall unless otherwise agreed between the commissioners and the Corporation have effect (that is to say):—

For pro-  
tection of  
commis-  
sioners of  
sewers for  
lower level  
of county of  
Gloucester.

- (1) Where any of the intended works to be done under or by virtue of this Act shall or may pass over under or by the side of or so as to interfere with any sewer drain watercourse sea-wall defence or work under the jurisdiction or control of the commissioners the Corporation shall not commence such works



A.D. 1901.

until they have given to the commissioners one month's notice in writing of their intention to commence the same by leaving such notice at the office of the clerk of the commissioners with plans elevations sections and other necessary particulars of the said works and the commissioners shall have signified their approval of the same or on their failure to do so within one month after the service of the said notice and delivery of the said plans elevations and sections until the said plans elevations and sections shall have been approved by an arbitrator to be appointed as herein-after provided and all such works shall be executed by the Corporation according to such approved plans elevations sections and other necessary particulars :

- (2) The Corporation shall comply with and conform to all reasonable directions and regulations of the commissioners in the execution and subsequent maintenance of the said works and shall provide by new altered or substituted works in such manner as the commissioners may deem necessary for the proper protection of and for preventing injury or impediment to the sewers drains sea-walls and other works herein-before referred to by reason of the said intended works or any part thereof and for preventing by reason of such works the influx of the sea or of the tidal waters of the River Severn in or upon any lands within the said level and shall save harmless the commissioners against all and every expense to be occasioned thereby :
- (3) All such works shall be done under the superintendence and to the reasonable satisfaction of the engineer of the commissioners at the costs charges and expenses in all respects of the Corporation and all reasonable costs charges and expenses which the commissioners may be put to by reason of the works shall be paid to the commissioners by the Corporation and when any new altered or substituted works as aforesaid or any works connected therewith shall be completed by or at the costs charges and expenses of the Corporation under the provisions of this Act the said works shall for ever afterwards remain under the jurisdiction and control of the commissioners and shall be maintained cleansed and kept in repair by and at the expense of the Corporation unless the same shall have been constructed by the Corporation in lieu of and in substitution for other works previously existing under the jurisdiction of the commissioners or by addition to or enlargement of such works in which cases in the event of difference between the commissioners and the Corporation it shall be determined



by arbitration as herein-after provided in what manner and proportions having regard to previous liabilities such last-mentioned works shall be maintained cleansed and kept in repair and the decision of the said arbitrator shall be final : A.D. 1901.

(4) Any dispute which may arise under the last preceding subsection or as to the plans or designs or the mode of executing any such works as aforesaid shall be determined by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be final :

(5) Except as in this Act otherwise provided nothing in this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested or to be vested in the commissioners or any or either of them or of their successors but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

**33.** 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) :—

For pro-  
tection of  
Bristol  
Waterworks  
Company.

(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 a plan and section (showing the nature of the work proposed) shall be submitted to the water company together with particulars of the mode of executing such work and if within fourteen days from such submission the water company disapprove of the said plan section or particulars or make any further requirements such work shall not be commenced until the plan section 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 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) Before the construction of the Road No. 3 over or within twelve feet of the main pumping pipe of the water company

A.D. 1901.

situate in Ashton Meadows is commenced the Corporation shall construct and complete to the reasonable satisfaction of the engineer of the water company and thereafter maintain and keep in good and proper repair a culvert or subway with all necessary manholes or other works for affording access thereto over the site of such main pumping pipe. Such culvert or subway shall be of not less internal dimension than five feet by four feet six inches and the plan section and particulars thereof shall be submitted to the water company three months before the commencement of the construction of the said road and the water company may and shall have access to such culvert or subway and to and over the slopes of the embankment of the said Road No. 3 and the right to use the same and any lands adjoining the said culvert or subway acquired by the Corporation under this Act or any other Act at all times for the purpose of relaying repairing and inspecting the existing and laying relaying repairing and inspecting new or additional mains and pipes therein the company making good any damage they may cause to the said slopes of the embankment or other land of the Corporation :

- (3) Any mains or pipes of the water company which shall be raised diverted sunk or altered by the Corporation under or for the purposes of this Act shall be relaid at such depth as may be reasonably required by the water company for protecting such pipes from frost accident or injury :
- (4) 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 or 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 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 :
- (5) 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 and in case of default may be recovered by the water company in any court of competent jurisdiction :

- (6) 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 and such compensation may be recovered by the water company in any court of competent jurisdiction :
- (7) 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 and may be recovered by the water company in any court of competent jurisdiction :
- (8) In case the water company at any future time require to lay repair inspect or renew any main or pipe in any street on or over which any railway is constructed or is in course of construction under the powers of this Act the Corporation shall free of charge give to the water company all reasonable facilities for carrying out the work :
- (9) 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 water 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 water main pipe or work and of laying the same down and of the works required for the discontinuance of the water mains pipes or works rendered unnecessary and the water mains pipes or works so rendered unnecessary shall become the property of the Corporation :

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- (10) Subject to the provisions of this section sections 18 to 23 of the Railways Clauses Consolidation Act 1845 incorporated with this Act shall extend and apply as well to and in the case of the new roads authorised by this Act as to and in the case of the railways by this Act authorised :
- (11) Nothing in this Act contained shall deprive the water company of the powers 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 upon over or under which the railways authorised by this Act will be made or under any street which may be temporarily stopped up during the construction of the works by this Act authorised but the water company shall restore and make good any work by this Act authorised which may be interfered with by them in the exercise of such powers Provided that the water company shall not lay down any new main or pipe (except so far as may be reasonably necessary) longitudinally beneath and along the line of any railway by this Act authorised :
- (12) 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.

For protection of  
Bristol Gas  
Company.

**34.** 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 mains or pipes in and under any part of the streets or roads upon over or under which the works authorised by this Act will be made or under any street road or court which may be temporarily stopped up during the construction of the works by this Act authorised :
- (2) At least fourteen days before commencing the execution of any works authorised by this Act which will in any way interfere with or affect any mains pipes or apparatus of the



gas company the Corporation shall submit to the gas company plans sections and particulars showing the manner in which such gas mains pipes and apparatus are proposed to be dealt with 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. 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 and apparatus shall unless otherwise agreed be dealt with only in accordance with such plans sections and particulars and all works involving the interference with or affecting the same shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the gas company or their duly authorised officer :

(3) The engineer to the gas company shall if the gas company so think fit have the exclusive direction and management of and may at the reasonable cost in all things of the Corporation execute all such works and do all such acts as may be reasonably necessary for the diversion removing raising refixing sinking or otherwise altering the position of and restoring any mains pipes valves or apparatus of the gas company or of any private service pipe of any person supplied with gas by the gas company which it may be necessary to divert remove raise refix sink alter or restore by reason of the execution by the Corporation of any of the powers of this Act and for preventing any interruption to the supply of gas by the gas company or any obstruction or increased expense to the gas company in the repair or renewal of such mains or pipes :

(4) All costs charges and expenses reasonably incurred by the gas company or their engineer under the provisions of this section including the reasonable 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 mains pipes or apparatus of the gas company 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

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or sustained by or in consequence of the execution of the powers of this Act the Corporation shall pay to the gas company 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 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 in the execution of the powers of this Act 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 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 incur any additional cost in repairing or altering any gas main or pipe such additional cost shall be repaid to the gas company by the Corporation :

(7) Wherever by the appropriation or destruction of property by this Act authorised to be acquired by the Corporation or by the stopping up of any street or road authorised by this Act to be stopped up any gas mains or pipes of the gas company (except pipes inside such property) shall be rendered unnecessary the Corporation shall pay to the company the cost of an equivalent length and size of gas main or pipe and of laying the same down and of the works required for the discontinuance of the gas mains or pipes rendered unnecessary and the gas mains or pipes 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.

For pro-  
tection of  
Walton  
Goody and  
Cripps  
Limited.

**35.** The Corporation shall not in the exercise of the powers of this Act acquire otherwise than by agreement such of the property at Canons Marsh Bristol shown on the deposited plans and numbered 40 41 44 and 45 in the parish of Bristol as is coloured



red on a plan signed in duplicate by Edmund Judkin Taylor town clerk of Bristol on behalf of the Corporation and by Robert Lowe Grant Vassall of the city of Bristol solicitor on behalf of Walton Gooddy and Cripps Limited. A.D. 1901.

**36.** Except as is by this Act expressly provided nothing therein contained shall take away prejudice diminish or alter any of the estates rights royalties privileges powers or authorities vested in or enjoyed or exerciseable by the Duke of Beaufort or authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to him without his previous consent in writing. Saving rights of His Grace the Duke of Beaufort in the foreshore.

### PART III.

#### LANDS.

**37.** Subject and according to the provisions of this Act the Corporation may from time to time enter upon take and use compulsorily or by agreement all or any of the lands shown on the deposited plans and described in the deposited book of reference and may retain and hold for the purposes of the dock undertaking such of the said lands and of the lands already purchased by or on behalf of the Corporation for the purposes of that undertaking as do not form part of the deviation railways (No. 1 and No. 2). Power to acquire lands.

**38.** Nothing in this Act contained shall authorise or empower the Corporation to enter upon take or use otherwise than by agreement any lands shown on the deposited plans and described in the deposited book of reference belonging to Philip Napier Miles or as regards user contrary to existing agreements any lands acquired from him or his predecessors in title as owners of the Kingsweston estate by the Corporation or the Bristol Port and Channel Dock Company. For protection of Kingsweston estate.

**39.** 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

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purposes of the Corporation or each or any of them 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 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 :

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(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.

40. 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 any of the works by this Act authorised it may be necessary to underpin or otherwise strengthen such houses and buildings 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 herein-after provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say) :—

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

(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

A.D. 1901.

of the premises to be underpinned or strengthened shall be sent to the office of the town clerk :

- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The 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. 1901.

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

41. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

42. The Corporation may (in addition to the lands they are authorised to acquire and hold under the other powers of this Act) from time to time by agreement acquire in fee either by purchase or by way of exchange or otherwise any lands not exceeding in the whole one hundred acres or any easement right or privilege therein thereunder thereover or thereupon which shall be deemed necessary by the Corporation but nothing in this Act shall exempt the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land so acquired. Power to acquire additional lands by agreement.

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

44. 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 take easements &c. by agreement.

45.—(1) The Corporation shall not under the powers of this Act purchase or acquire in any borough or other urban district and elsewhere than in any borough or urban district in any parish ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until— Restrictions on displacing persons of labouring class.

(a) They shall have obtained the approval of the Local Government Board to a scheme for providing new dwellings for

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

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

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

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

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

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

(5) If the Corporation acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.



(6) For the purpose of carrying out any scheme under this section the Corporation may appropriate any lands for the time being belonging to them or which they have power to acquire : A.D. 1901.

Provided that nothing in this section shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for such appropriation or use of their corporate land as would require such approval under the Municipal Corporations Act 1882 (as amended by section 72 of the Local Government Act 1888) or any other general Act.

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

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

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

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

(9) For the purposes of this section—

The expression “house” means any house or part of a house occupied as a separate dwelling ; and

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

A.D. 1901.

Corporation  
may use their  
own lands for  
purposes of  
this Act.

**46.** The Corporation may from time to time appropriate and use for any of the purposes of this Act any lands for the time being vested in them and not forming part of their dock estate but before so appropriating or using the same they shall cause the same lands to be valued by some independent and competent surveyor and the amount of such valuation shall be applied in the same manner as the proceeds of the sale of such lands would have been applied had the same been sold by the Corporation. Provided that nothing in this Act shall relieve the Corporation from the necessity of obtaining the approval of the Local Government Board for any such appropriation or use as would require such approval under the Municipal Corporations Act 1882 or any other general Act.

Power to  
retain sell  
&c. lands.

**47.** Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and such lands shall in the hands of the purchaser or other person taking the same be by virtue of this Act absolutely freed from any charge of principal moneys created under this Act and the Corporation shall not be concerned to see to the application of the purchase money or be answerable for the loss or misapplication thereof.

#### PART IV.

##### DUES.

Dues &c. for  
use of new  
dock.

**48.** Subject to the provisions of this Act the Corporation may demand take and recover for and in relation to the use of the respective works Nos. 1 to 4 by this Act authorised the same dues tolls rates and charges as if those respective works had immediately before the passing of this Act formed part of the Avonmouth Docks.

Corporation  
may load &c.  
vessels.

**49.** Subject to the proviso in this section contained the Corporation shall have the exclusive right to load and discharge all vessels in the new dock or at any quays constructed under the provisions of this Act and to perform all services in respect



of shipping unshipping transshipping stowing unstowing landing relanding housing unhousing handling weighing cooperating packing cording tying marking numbering labelling lettering sorting lotting tareing filling sewing bagging sampling piling unpling watching loading unloading protecting delivering and repairing cargo and for preparing and furnishing certificates of weights or contents and for any other service with respect to cargo shipped or unshipped or warehoused or deposited at the new dock and the Corporation may provide all such trucks planks gear machinery and appliances and labour as may be necessary to effect the purposes aforesaid The Corporation may make reasonable charges for such services :

Provided that notwithstanding anything hereinbefore contained the owner of any vessel may employ his own agents servants and labourers with their ordinary gear to perform any service or labour in or on the said dock or quays for or in respect of any cargo in which such owner is interested.

**50.** Subject to the provisions of this Act the maximum rates and charges which the Corporation shall be entitled to charge and make in respect of merchandise traffic on the railways by this Act authorised to be made by the Corporation shall be the maximum rates and charges specified in the schedule to the Order confirmed by the Great Western Railway Company (Rates and Charges) Order Confirmation Act 1891 as if the Corporation had been specially named in the appendix to the said schedule and shall be subject to the classification regulations and provisions set forth in such schedule.

**51.** The agreement bearing date the twenty-second day of May one thousand nine hundred and one and made between the Corporation of the first part the Great Western Railway Company of the second part and the Midland Railway Company of the third part and set forth in the Second Schedule to this Act is hereby confirmed and made binding on the respective parties thereto.

**52.** Subject to the provisions of this Act and to the terms of the agreement set forth in the Second Schedule to this Act the Corporation shall afford all due and reasonable facilities in respect of traffic passing to or from the railways of the two companies and of each of them from or to the new dock for the convenient working of such traffic and except as herein provided neither the two companies nor either of them shall be required to make any payment to the Corporation in respect of such facilities.

**53.** Subject to the provisions of this Act the Corporation and the two companies or either of them may enter into and fulfil



agree as to  
modification  
of works &c.  
affecting  
them.

contracts and agreements for or in relation to the execution or modification of any works affecting the contracting company and the cost thereof and incidental thereto and the taking of any lands in or by which they may respectively be interested or affected.

## PART V.

### DETACHING ADDED AREA FROM JURISDICTION OF LOCAL AUTHORITIES &C.

Added area  
detached  
from juris-  
diction of  
local  
authorities.

**54.** From and after the commencement of this Act so much of the parishes of Shirehampton and Henbury as form part of the added area are respectively detached from the districts jurisdiction and powers of the Barton Regis Council and the parish councils and of any committee of those respective councils.

Property  
of local  
authorities  
&c. trans-  
ferred to  
Corporation.

**55.** Subject to the provisions of this Act and from and after the commencement thereof all property (real and personal) rights privileges powers authorities duties liabilities and easements (including choses in action) whatsoever which immediately before the commencement of this Act belonged to or were vested in or enjoyed by the local authorities respectively or any person on their behalf respectively (except such powers authorities and duties as are only exerciseable in rural districts) shall be and the same are hereby as from that date vested in the Corporation to the same extent and for the same estate and interest as the same respectively were at the time of the commencement of this Act vested in the local authorities respectively or any person on their behalf respectively and may be held recovered used and enjoyed and shall be undertaken executed and performed accordingly.

Conveyances  
&c. to  
remain in  
force.

**56.** Subject to the provisions of this Act all conveyances leases deeds appointments contracts agreements mortgages bonds covenants guarantees securities orders notices resolutions and proceedings made or entered into before the commencement of this Act to with in favour of or by for or on behalf of the local authorities respectively or any person on their behalf respectively (so far as relates to the added area) and then in force shall be and remain as good valid and effectual in favour of against and with reference to the Corporation and may be proceeded on and enforced in like manner to all intents and purposes as if the Corporation instead of the local authorities respectively had been party or privy thereto.

Actions &c.  
not to abate.

**57.** Any action suit prosecution or other proceedings whatsoever commenced either by or against the local authorities respectively (so far as relates to the added area) before the commencement of this Act shall not abate or be discontinued or prejudicially affected



by this Act but on the contrary may be maintained prosecuted or continued by in favour of or against the Corporation in like manner to all intents and purposes as if the Corporation instead of the local authorities respectively were parties to such action suit prosecution or proceedings. A.D. 1901.  
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**58.** All rates fees dues rents and moneys which immediately before the commencement of this Act are due and payable or accruing due and payable to the local authorities respectively (so far as relates to the added area) shall from and after the commencement of this Act be due and payable to and may be collected or recovered by the Corporation in like manner as they could have been collected or recovered by the local authorities respectively and all debts (other than mortgage debts) and moneys which immediately before the commencement of this Act are due or owing by or recoverable from the local authorities respectively (so far as relates to the added area) or for the payment whereof the local authorities respectively (so far as relates to the added area) are or but for this Act would be liable shall be paid with all interest (if any) due or to accrue thereon by or be recoverable from the Corporation and shall be accounted for on any adjustment of accounts between the Corporation and the local authorities respectively under the provisions of this Act. Rates &c.  
due to and  
by local  
authorities.

**59.—**(1) Such of the mortgage debts of the Barton Regis Council and of the parish councils respectively as were incurred in respect of the added area shall be equitably apportioned between those respective authorities and the Corporation in such manner as may be agreed on between them or as failing agreement shall be matter for equitable adjustment in manner herein-after provided. Mortgage  
debts.

(2) The portion of the said mortgage debts which shall be apportioned to the Corporation shall be charged—

As to the mortgage debt of the Barton Regis Council on the district fund and general district rate ;

As to all other mortgage debts on the borough fund and borough rate ;

and shall be paid and satisfied respectively out of the said respective funds and rates or out of moneys to be borrowed thereon for the purpose under the subsequent provisions of this Act.

**60.** All byelaws rules and regulations and all orders (other than precepts) made by the local authorities respectively (so far as they relate to the added area) under any Act of Parliament and in force at the commencement of this Act are hereby annulled but all penalties incurred thereunder and all forfeitures which have ensued Bye-laws &c.  
annulled.

A.D. 1901. by reason thereof may be enforced and recovered by the Corporation in like manner and in all respects as the same respectively might have been enforced and recovered by the respective local authorities in case this Act had not been passed and shall be carried by the Corporation to the credit of the district fund :

Provided that all plans of new streets and of new buildings within the added area approved by the local authorities respectively before the commencement of this Act shall be valid for the period of two years after that date but at the expiration of that period fresh plans of such new streets and new buildings as shall not at that date have been commenced shall be deposited for the approval of the Corporation which plans shall be in conformity with the byelaws rules and regulations in force within the city.

Books to be evidence.

**61.** All books and other documents directed or authorised to be kept by the local authorities respectively by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall notwithstanding the annulling of the jurisdiction and powers of the local authorities within the added area be admitted as evidence before all judicial tribunals and elsewhere.

Audit of accounts of local authorities.

**62.** The accounts of all receipts and expenditure of the local authorities up to the commencement of this Act shall be audited and disallowances surcharges and penalties recovered and enforced in like manner as nearly as may be as if this Act had not been passed.

Every authority committee or officer whose duty it is to make up any accounts or to account for any portion of the receipts or expenditure in any account shall until the audit is completed be deemed for the purpose of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed.

Officers to cease to hold office &c.

**63.** From and after the commencement of this Act all officers of the local authorities shall cease to have any authority within the added area.

Compensation to officers of local authorities.

**64.—(1)** Any clerk or other existing officer of the local authorities who shall be in office at the passing of this Act and who by virtue of this Act shall suffer any direct pecuniary loss shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly with the substitution of the Corporation for the county council and the Local Government



Board for the Treasury Such compensation may (at the option of the Corporation) be by way of annuity or by payment of a sum in gross. A.D. 1901.

(2) Any such compensation shall be paid by the Corporation.

(3) The non-acceptance of any office offered by the Corporation to any such clerk or officer shall not be a bar to his right to compensation.

**65.**—(1) The Corporation on the one hand and any of the local authorities having an interest in the matter respectively on the other hand may agree generally for the equitable adjustment of all financial relations and the settlement of all questions affecting the Corporation and such authorities respectively arising out of or consequent on the extension of the existing city and in default of agreement the matter or matters not so agreed shall on the application of any of the bodies in difference be determined by an arbitrator to be appointed by the Local Government Board. Adjustment of accounts.

(2) For the purposes of this section the overseers of the poor for the parishes of Henbury and Westbury respectively shall in respect of any balances in their hands respectively be deemed to be a local authority.

## PART VI.

### EXTENSION OF CITY BOUNDARIES &c.

**66.** The boundaries of the existing city are hereby extended so as to comprise and the city shall accordingly comprise in addition to the existing city those parts of the parishes of Shirehampton and Henbury respectively which are defined in the Third Schedule to this Act and the said parts of parishes so added to the existing city shall for all purposes be detached from the county of Gloucester and from the jurisdiction and powers of the county council justices of the peace sheriff coroners and officers of that county and shall for all purposes form part of the city and county of Bristol. Extension of boundaries.

The city as extended is delineated on the city plan and described in the Third Schedule to this Act and if there be any discrepancy between the city plan and the said description the latter shall prevail Notice of this provision shall be set forth on the city plan.

**67.**—(1) From and after the commencement of this Act the parts of the respective parishes of Shirehampton and Henbury hereby added to the city shall cease to form parts of the said respective parishes and shall be amalgamated with the parish of Bristol. As to parishes of Shirehampton and Henbury.

A.D. 1901.

(2) The parish councils of the said respective parishes shall continue and shall be deemed to have been elected for and shall be the parish councils for the said respective parishes as diminished by this Act.

Differential  
rating in  
Shire-  
hampton.

**68.**—(1) For the purpose of the making assessing and levying of all rates of every description which the Corporation are authorised to make assess and levy the owners and occupiers as the case may be of all rateable hereditaments in the part of the parish of Shirehampton added to the city shall be assessed during the period of nine years from the commencement of this Act at a rate in the pound less per annum by two shillings and fivepence and thereafter for a further period of five years at a rate in the pound less per annum by one shilling than that at which owners and occupiers of like hereditaments in the remainder of the city not subject to any exceptional rate shall be assessed to such rates during the like respective periods.

(2) The reduction to be made under the foregoing provision of this section shall be divided between the borough rate and the general district rate according to the proportion which those several rates bear to one another in that part of the city to which the reduced assessment does not apply.

(3) Nothing in this Act shall be deemed or taken to alter or affect any exemption (whether complete or partial) to which any particular description of property is or may be lawfully entitled under the Public Health Act 1875 or otherwise but the Corporation and their officers and all other persons shall have regard and give effect to every such exemption as aforesaid.

Valuation  
lists.

**69.** Until new valuation lists are made for the parishes portions of which are added to the city the portions of the lists which relate to hereditaments situate within the included part and the excluded part of such parishes respectively shall respectively be the valuation lists for such respective parts of those respective parishes.

Lists of  
jurymen and  
voters.

**70.** For the purposes of jury lists and lists of burgesses and county electors and parochial electors the parishes parts of which are within the added area shall be deemed unaltered until new lists are made.

Corporation  
property &c.  
vested for  
benefit of  
city.

**71.** Subject to the provisions of this Act all the real and personal property at the commencement of this Act vested in the Corporation in any capacity or in any trustees committee or society for educational or charitable purposes for the benefit of the existing city are hereby as from that date vested in the Corporation or such



trustees committee or society as the case may be for the benefit of the city and all rights privileges benefits and advantages (except the Parliamentary franchise) possessed or enjoyed by the burgesses and inhabitants of the existing city including those possessed or enjoyed under any charitable trust shall be and the same are hereby extended to the burgesses and inhabitants of the city but subject to all debts liabilities interests and obligations affecting the same or any part thereof or the Corporation or such trustees committee or society in respect thereof. A.D. 1901.

Save as aforesaid nothing in this section shall affect the right to the benefit of any charity or shall alter or confer any power to alter the defined charitable purposes (if any) to which any property is by law applicable at the passing of this Act.

**72.** Subject to the provisions of this Act and of the Local Government Acts no lands or other property in the city shall be liable to contribute to any county or other rates or contribution made after the commencement of this Act in or for the county of Gloucester or any division thereof or to any highway rate in respect of any parish or place or to any rate made after the commencement of this Act by or in accordance with the precept of any board authority or person other than the Bristol Guardians and the Corporation but orders or precepts respecting such rates and matters connected therewith made before the commencement of this Act shall be as valid in law as if this Act had not been passed. Exemption from liability to county and other rates.

**73.** Except as by this Act otherwise expressly provided all the jurisdiction powers rights privileges authorities immunities and duties of the Corporation as a municipal body and of the council of the existing city and any committee thereof acting in the execution of such enactments as are at the commencement of this Act in force within the existing city and of the Corporation as the urban sanitary authority for the district or any committee thereof and of the Corporation as the burial board shall extend to and throughout the city and all charters and enactments and all byelaws orders and regulations lists of tolls tables of fees and payments and scales of charges at the commencement of this Act in force within and applicable to the existing city or to the burgesses or inhabitants thereof shall subject to the provisions of this Act extend and apply to the city and the inhabitants and burgesses thereof until or except in so far as any of such byelaws orders regulations tolls fees payments or charges may be repealed or altered. Authority of Corporation &c. extended.

**74.** The jurisdiction powers authorities rights privileges and duties of the lord mayor the quarter sessions the sheriff the Jurisdiction &c. of lord mayor



A.D. 1901.  
recorder  
justices &c.

recorder the town clerk the clerk of the peace the coroner the overseers of the poor the local courts and the justices of the peace appointed for the existing city and parish of Bristol and of all constables officers and servants of the existing city and parish of Bristol shall extend to and throughout the city.

Transfer of  
lists of  
prisoners &c.

**75.** Lists of prisoners depositions writs process and particulars and all records and documents relating to or to be executed in connexion with any prosecution action or proceedings pending or existing at the commencement of this Act and appertaining to the added area shall be delivered turned over or transferred and signed in like manner in all respects (so nearly as circumstances will admit) as is required to be done upon a new sheriff coming into office in like manner as if the sheriff of the city were as respects the added area the new sheriff in succession to the sheriff of the county but except so far as may be inconsistent with the foregoing provisions every person committing an offence in the added area before the commencement of this Act shall be tried adjudicated on and dealt with as if this Act had not been passed.

Adjustment  
of questions  
affecting  
Corporation  
and county  
council.

**76.—(1)** The Corporation on the one hand and the county council on the other hand may agree generally for an equitable adjustment of all financial relations and the settlement of all questions affecting the Corporation and the county council arising out of or consequent on the extension of the existing city and in default of agreement on or before the twenty-ninth day of September one thousand nine hundred and two the matter or matters not so agreed shall (on the application of either of the bodies in difference) be determined by the Local Government Board or by an arbitrator to be appointed by them whose decision shall be final The costs and expenses incurred in such determination shall be borne and paid in such manner as the Local Government Board shall direct.

(2) For the purposes of any adjustment by the Local Government Board the provisions of the Local Government Act 1888 relating to adjustments between administrative counties and county boroughs shall apply with the necessary modifications Provided that in lieu of subsection (6) of section 61 of that Act subsections (1) and (5) of section 87 of that Act shall apply to any inquiries which may be directed by the Local Government Board under this section and to the costs of such inquiries Provided also that subsection (6) of section 32 of that Act shall apply to any agreement or award made under this section.

Deposit of  
city plan.

**77.** The city plan shall within two weeks after the passing of this Act be deposited as to one copy in the Office of the Clerk of



the Parliaments as to another copy in the Private Bill Office of the House of Commons and as to the third copy with the town clerk at his office and a copy thereof certified by the town clerk shall be sent as soon as may be after such deposit to the Board of Agriculture to the Local Government Board and to the Inland Revenue Department.

A.D. 1901.

**78.** Copies of the city plan deposited with the town clerk or any extract therefrom certified by him to be true shall be received by all courts of justice and elsewhere as *prima facie* evidence of the contents of such plan and such plan shall at all reasonable times be open to the inspection of persons liable to rates imposed by the Corporation and all persons so liable shall be entitled to a copy of or extract from such plan certified by the town clerk on payment of a reasonable fee for every such copy or extract.

Copies of deposited city plan to be evidence.

**79.**—(1) The existing city shall continue to be divided into eighteen wards having the same names and the same numbers of councillors as they respectively have at the passing of this Act.

Added area to form part of Horfield Ward.

(2) The added area shall be added to and form part of Horfield Ward and subject to that alteration the boundaries of the wards shall remain the same as they are at the passing of this Act.

(3) Notwithstanding anything in this section the provisions of section 30 (Proceedings for division of borough into wards or alteration of wards) of the Municipal Corporations Act 1882 and of any enactment substituted for or amending the same shall continue to apply to the city.

**80.** For the purposes of the county electors lists lists of burgesses and of parochial electors and registers of Parliamentary voters and burgesses and the burgess roll to be made next after the passing of this Act under the Municipal Corporations Acts and the Registration of Electors Acts 1843 to 1891 and in relation to the functions and offices of the town clerk and other officers under those Acts the added area shall be deemed to have always been part of the city. Provided that no such lists or registers or the burgess roll to be so made as aforesaid shall be deemed to be invalid by reason only that the same shall not have been made and published or any notices given at the time or times required prior to the passing of this Act if such lists registers roll or notices be given made and published as soon after the passing of this Act as may be practicable.

Burgess lists &c.

If any difficulty arises in making out revising or otherwise dealing with such lists registers and roll the council of the existing city may make such order as shall appear to them to be necessary to

A.D. 1901. — give effect to the provisions of this Act and may vary so far as shall be necessary the provisions in force with regard to such lists registers and roll.

Compensation to existing county officers.

**81.** If any officer of or paid by the county council or the standing joint committee (including in such expression the clerks to the justices of the peace for the petty sessional division of the county of Gloucester in which the added area is situate) shall by virtue of this Act or of anything done in pursuance or in consequence thereof suffer any such direct pecuniary loss as is mentioned in section 120 of the Local Government Act 1888 the provisions of that section shall apply to him with the substitution of the words "borough fund" in subsection (8) of that section for the words "county fund as a payment for general county purposes" and with such other modifications (including the substitution of the Local Government Board for the Treasury) as may be necessary to make those provisions applicable to such officer and to the Corporation and any such officer whose salary shall be reduced within five years from the commencement of this Act on the ground that his duties have been diminished in consequence hereof shall be deemed to have suffered a direct pecuniary loss in consequence of this Act. Such compensation may be by way of annuity or (if so agreed) by payment of a sum in gross and shall be paid by the Corporation out of the borough fund and the amount of such compensation if by way of annuity shall be determined by agreement or if any dispute arise as to the reasonableness of any such reduction or the amount of such annuity such dispute shall be determined by the Local Government Board :

Provided always that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

For protection of Barton Regis Rural District Council.

**82.** For the protection of the Barton Regis Rural District Council (herein-after in this section referred to as "the council") the following provisions shall apply and have effect (that is to say) :—

- (1) Notwithstanding anything contained in this Part of this Act the council shall have the same right to construct and lay a sewer or sewers to convey the sewage within their district into or in the course of the Elbury Gout and thence to or below low-water mark or otherwise through any part of the added area east of a line drawn from Kingroad Farm to the termination at the point lettered Q on the deposited plans of the new road No. 1 and thence along the side of such road to its commencement at the point lettered S on the said plans and



thence along the western side of Avonmouth Road to the city boundary as if the city had not been extended by this Act and the added area had remained within the district of the council and the Corporation shall not oppose in any way the council in any scheme which may be submitted by the council to the Local Government Board for enabling the council to discharge sewage or sewage effluent in manner aforesaid : A.D. 1901.  
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(2) If and so far as the Corporation shall alter or in any way interfere with the rhines and surface drains in the added area so as to prevent or interfere with the flow of surface or other water through the same then the Corporation shall at their own cost construct and for ever hereafter efficiently maintain such substitutionary or alternative works as the circumstances of the case may require to prevent nuisance flood or other disturbance or annoyance so that the surface and other waters of the district of the council shall flow and be dealt with and disposed of as heretofore or as near thereto as the circumstances for the time being will admit :

(3) Before stopping up and appropriating any part of the site of the path or way along the bank of the River Severn from New Passage to Avonmouth as is shown on the deposited plans to be stopped up the Corporation shall properly construct complete and dedicate for the use of the public in substitution therefor a footpath not less than six feet in width from the point where the existing footpath is proposed to be stopped up to the termination of the new road No. 1 at the said point Q Provided always that nothing in this Act contained shall prevent the Corporation obtaining an Order for diversion of the said footpath by virtue of the Highways Act 1835 :

(4) Any question or difference which may arise under the provisions of this section in regard to the works to be constructed or the claims which may arise for loss on account of increased expenditure or in any other manner howsoever between the council and the Corporation shall be referred to the arbitration of an engineer to be agreed on between the parties in difference or in default of agreement to be appointed by the Local Government Board on the application of either party.

**83.** The provisions of sections 15 16 18 19 32 and 33 of the Bristol United Gas Light Company's Act 1853 shall (notwithstanding the extension by this Act of the boundaries of the city and county of Bristol) extend only to and apply only within the city as

Saving  
rights &c. of  
Bristol Gas  
Company.

A.D. 1901. it existed prior to the passing of the Bristol Corporation Act 1895 and nothing in this Act shall be deemed to alter or repeal the limitation of the obligations of the said company contained in the proviso to section 3 of the Bristol United Gas Light Company's Act 1853.

## PART VII.

### ALTERATION OF UNIONS &c.

Contribution  
orders of  
guardians.

**84.**—(1) Nothing in this Part of this Act shall take away or prejudice any proceeding or thing pending or being done or any security right or remedy for or in respect of any contribution orders of the Barton Regis Guardians for any parish part of which is included within the city but the same shall so far as they shall be unpaid at the commencement of this Act be paid and collected and payment shall be enforced as if this Act had not been passed.

(2) The provisions of the section of this Act the marginal note whereof is "Audit of accounts of local authorities" shall extend and apply mutatis mutandis to and in relation to the audit of the accounts of such parishes up to the commencement of this Act and to and in relation to the officers of such parishes.

Alteration of  
unions.

**85.** From and after the commencement of this Act all powers rights and jurisdiction of the Barton Regis Guardians and every committee of those guardians shall cease with respect to the added area and the added area shall be transferred to and for all purposes form part of the Bristol Union.

Property of  
Barton Regis  
Guardians so  
far as they  
relate to  
added area  
vested in  
Bristol  
Guardians.

**86.**—(1) All property debts and liabilities of the Barton Regis Guardians so far as they relate to the added area including all property held in trust for them shall as on and from the commencement of this Act become by virtue of this Act the property debts and liabilities of the Bristol Guardians.

(2) All persons who immediately before the said date owed any money to the Barton Regis Guardians or to any person on their behalf in respect of anything relating to the added area except in respect of rates shall pay the same with all interest (if any) due or accruing upon the same to the Bristol Guardians and all debts and moneys which immediately before the said date were due by or recoverable from the Barton Regis Guardians so far as they relate to the added area or for the payment of which the Barton Regis Guardians so far as they relate to the added area were or but for this Act would be liable shall be paid with all interest (if any)



due or accruing upon the same by or be recoverable from the Bristol Guardians. A.D. 1901.

**87.**—(1) Any clerk or other existing officer of the Barton Regis Guardians who shall be in office at the commencement of this Act and who by virtue thereof shall suffer any direct pecuniary loss shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly with the substitution of the Bristol Guardians for the county council and the Local Government Board for the Treasury. Such compensation may at the option of the Bristol Guardians be by way of annuity or by payment of a sum in gross. As to compensation to officers.

(2) Any such compensation shall be paid by the Bristol Guardians out of their common fund.

(3) Provided always that the non-acceptance of any office shall not be a bar to the right of any officer to compensation.

**88.** For the purpose of the election of the Bristol Guardians the added area shall be added to and form part of the Horfield Ward of the Bristol Union. Added area to form part of Horfield Ward of Bristol Union.

**89.**—(1) Every person who has acquired or who before the commencement of this Act shall acquire a settlement in any existing parish affected by this Act shall be deemed to have acquired a settlement in the parish comprising the area in which the acts or circumstances conferring such settlement shall have been done or occurred or if such acts or circumstances shall have been done or occurred in more than one parish such settlement shall be in the parish comprising the place of residence of such person at the time of acquiring such settlement. Settlement of paupers.

(2) Any person who shall have acquired a status of irremovability from any existing parish affected by this Act shall be deemed to have acquired a status of irremovability from the parish comprising the area in which he shall reside at the commencement of this Act or (if he shall then be in receipt of relief) from the parish comprising the area in which he was residing at the time of becoming chargeable. Irremovability of paupers.

**90.** The Bristol Guardians on the one hand and the Barton Regis Guardians on the other hand may agree generally for the adjustment of all financial relations and questions affecting the said guardians respectively arising out of or consequent on the alteration of the unions by this Act effected and in default of agreement the Arrangements and adjustments consequent on alterations of unions.

A.D. 1901. — matter or matters not so agreed shall on the application of either of the parties be determined by an arbitrator to be appointed by the Local Government Board.

Saving for  
Local  
Government  
Board.

91. Nothing in this Act contained shall be deemed to limit or affect the powers of the Local Government Board under the Acts relating to the relief of the poor or the powers of that Board or of the county council or of the Corporation under the Local Government Acts.

## PART VIII.

### ELEMENTARY EDUCATION PROVISIONS.

Attendance  
committee.

92. From and after the commencement of this Act the following provisions shall have effect (that is to say):—

- (1) The school attendance committee shall cease to have any power or jurisdiction within or in respect of the added area:
- (2) All byelaws and regulations made by the Bristol School Board for the existing city and then in force shall apply to and be in force within the city subject to any future repeal or amendment of the same and all byelaws and regulations made by the school attendance committee shall cease to have any force within the city. Provided always that every child resident in any part of the added area who at the commencement of this Act shall have obtained a certificate of having reached the standard of education fixed by a byelaw in force within that part of the added area in which such child is resident for the total or partial exemption from the obligation to attend school shall notwithstanding any byelaw of the Bristol School Board continue to enjoy the same exemption as if this Act had not been passed.

City to be  
a school  
district.

93.—(1) For the purposes of the Education Acts the city shall be a school district and the school board for the existing city shall be the school board for the said school district.

(2) The members of the school board for the existing city who are in office at the commencement of this Act shall constitute the school board for the district of the Bristol School Board and shall be deemed to have been elected therefor and shall hold office subject to the provisions of the Education Acts and this Act and to any Order to be made by the Education Department for holding a new election or otherwise.

Compensa-  
tion to  
officers.

94.—(1) Any clerk or other existing officer of the school attendance committee who shall be in office at the commencement of this Act and who by virtue of this Act shall suffer any direct



pecuniary loss shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall apply accordingly with the substitution of the Bristol School Board for the county council and the Local Government Board for the Treasury. Such compensation may (at the option of the Bristol School Board) be by way of annuity or by payment of a sum in gross. A.D. 1901.

(2) Any such compensation shall be paid by the Bristol School Board.

**95.** All books and other documents directed or authorised to be kept by the school attendance committee by any Act of Parliament and which at the commencement of this Act would be receivable in evidence shall notwithstanding the annulling of the jurisdiction and the powers of the school attendance committee within the added area be admitted as evidence before all judicial tribunals and elsewhere. Books to be evidence.

## PART IX.

### FINANCE.

**96.** The Corporation may for such of the following purposes as are properly payable out of capital raise by the creation and issue of stock moneys not exceeding the following amounts (that is to say):— Power to create and issue stock.

- (A) For paying the costs of this Act the sum requisite for the purpose ;
- (B) For the Avonmouth Works one million four hundred and twenty-eight thousand eight hundred and eighty-five pounds ;
- (C) For constructing a graving dock two hundred and fifty thousand pounds ;
- (D) For equipment of the Avonmouth Works and engineering expenses two hundred and seventy-one thousand five hundred pounds ;
- (E) For completing the works authorised by the Dock Act of 1897 and for acquiring the lands to be acquired and for executing the works to be executed by the Corporation under the provisions of the Great Western Act of 1897 one hundred and fourteen thousand six hundred pounds ;
- (F) For constructing the Deep Water Wharf one hundred and ninety thousand pounds ;
- (G) For the general purposes of the city docks one hundred and eighty-two thousand seven hundred and twenty-two pounds ;
- (H) For the payment of interest at a rate not exceeding three pounds and ten shillings per centum per annum on moneys

A.D. 1901.

borrowed or stock created and issued by the Corporation for the construction of the Avonmouth Works for the period of seven years from the passing of this Act such further sums as shall be necessary for the purpose.

The provisions of section 52 as amended by section 39 of the Act of 1893 and of sections 53 to 64 and 66 to 78 of the Act of 1881 and sections 44 to 49 of the Act of 1884 and section 40 of the Act of 1893 shall extend and apply to and in relation to such stock created and issued under the powers of this Act and in construing those sections for the purposes of this section the expression "this Act" whensoever used in any of those sections shall be construed to include the Bristol Docks and Railways Act 1901 :

Provided as follows—

The Corporation shall redeem or make provision for redeeming the stock issued under the powers of this Act for the following purposes within the respective periods herein-after mentioned with respect thereto from the respective dates when the same shall be issued (that is to say):—

For the purposes of subsection (A) within five years ;

For the purposes of subsection (B) within fifty-three years ;

For the purposes of subsection (C) sixty years ;

For the purposes of subsection (D) thirty years ;

For the purposes of subsection (E) sixty years ;

For the purposes of subsection (F) sixty years ;

For the purposes of subsection (G) sixty years ;

For the purposes of subsection (H) fifty-three years.

The first payments to the sinking fund for the redemption of stock shall be as follows (that is to say) :—

As to stock issued for defraying the costs of this Act on or before the first day of November one thousand nine hundred and two ;

As to stock issued for the Avonmouth Works on or before the first day of November one thousand nine hundred and eight ;

As to stock issued for the other purposes by this Act authorised on or before the first day of November in the year next following the issue of such stock.

The accumulation of the sinking fund for the redemption of stock shall be by way of compound interest at a rate not exceeding three pounds per centum per annum.

The Corporation shall not invest the sinking fund in or upon any security granted created or issued by the Corporation or in or upon any security transferable by delivery.



**97.** The Corporation may also borrow at interest on the following securities for the following purposes any sum or sums not exceeding the following (that is to say) :—

A.D. 1901.

Power to  
borrow on  
mortgage.

On the security of the district fund and general district rate—

- (a) For and in relation to the construction of the Canons Marsh Road the sum of four thousand pounds ;
- (b) For and in relation to the construction of the street works (Works No. 12 and No. 13) by this Act authorised the sum of nine thousand five hundred pounds ;
- (c) For repayment of the portions (if any) apportioned to the Corporation of the mortgage debts of the Barton Regis Council the amounts so apportioned :

On the security of the borough fund and borough rate—

- (d) For payment of any compensation by this Act authorised by way of gross sum to be paid by the Corporation the amount of such compensation ;
- (e) For repayment of the portions (if any) apportioned to the Corporation of the mortgage debts of the county council and the parish councils respectively the amounts so apportioned ;
- (f) For repayment of any moneys properly chargeable to capital and payable by reason of any adjustment made under the provisions of this Act the respective amounts of those moneys.

In calculating the sum the Corporation may borrow under any other enactment the 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 Act 1875.

**98.—**(1) The Corporation if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures debenture stock or annuity certificates or partly in one way and partly in another.

Power to  
borrow under  
Local Loans  
Act 1875.

(2) Any moneys borrowed in manner by this section authorised shall be charged on and shall be paid out of the same funds and rates as they would be charged upon and paid out of if raised by way of mortgage under the powers of this Act and such funds and rates shall in every case be deemed to be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

(3) Every such loan shall be discharged within the period prescribed by this Act and the provisions of this Act with respect

A.D. 1901. to the sinking fund shall apply to the repayment of moneys so borrowed in substitution for the provisions of section 15 of the Local Loans Act 1875.

Incorporation of sections of Public Health Act 1875

**99.** The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say):—

Section 236 (Form of mortgage);

Section 237 (Register of mortgages);

Section 238 (Transfer of mortgages); and

Section 239 (Receiver may be appointed in certain cases).

As to repayment of borrowed moneys.

**100.—(1)** The Corporation shall repay or make provision for repaying all moneys borrowed under the section of this Act the marginal note whereof is "Power to borrow on mortgage" and all mortgage debts transferred to the Corporation under the provisions of this Act within the respective periods herein-after mentioned from the date when the same shall be respectively borrowed:—

All mortgage debts apportioned to the Corporation under the provisions of this Act and not repaid by means of moneys borrowed under the powers of this Act in any periods not exceeding the unexpired periods remaining for the repayment of those respective debts at the date of their transfer to the Corporation;

All moneys borrowed by the Corporation for the repayment of mortgage debts payable by the Corporation under the provisions of this Act in any periods not exceeding the unexpired periods remaining for the repayment of those respective debts at the date of their transfer to the Corporation;

All moneys borrowed for the Canons Marsh Road and the street works authorised by this Act in any period not exceeding sixty years;

All other moneys borrowed under the provisions of this section in any period not exceeding thirty years:

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.

Every such instalment or instalments shall be paid out of the funds and rates on the security of which the principal moneys in respect of which it or they are so paid were borrowed.

The first payment by instalments or to the sinking fund shall be made on or before the twenty-fifth day of March in the year next



following the time of the borrowing of the moneys in respect of which such payment is to be made. A.D. 1901.

**101.** The following sections of the Extension Act of 1897 (that is to say) :—

Section 76 (As to sinking fund) ;

Section 77 (Power to re-borrow) ;

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

Section 80 (Application of moneys borrowed) ;

Incorporation of certain sections of Act of 1897.

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

**102.** A person lending money to the Corporation shall not be bound to inquire as to the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or of any part thereof.

For protection of lenders.

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

Priority of existing mortgages.

**104.** The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the Corporation shall not be bound to see

Corporation not to regard trusts.

A.D. 1901. — to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Expenses of execution of Act.

105. All expenses incurred by the Corporation in the execution of this Act (except such of them as are properly chargeable to capital and are payable out of borrowed moneys and such of them as relate to the maintenance of the works vested in the Corporation as the urban sanitary authority) shall be paid out of the dock revenue and any deficiency therein shall be paid out of the borough fund and borough rate and all expenses incurred in the maintenance of the said works vested in the Corporation as the urban sanitary authority shall be paid as to Work No. 12 wholly out of the district fund and general district rate and as to Work No. 13 three-fifths of such expenses shall be paid out of the dock revenue and two-fifths thereof shall be paid out of the district fund and general district rate.

## PART X.

### MISCELLANEOUS.

Officers of Inland Revenue to have access to works.

106. The officers of the Inland Revenue shall at all times have access to all parts of the works during construction.

Inquiries by Local Government Board.

107.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

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

Saving for Postmaster-General.

108. Nothing in any agreement made under the authority of this Act shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railways of the Corporation and to alter such telegraphic lines and to enter upon the land and works comprised in such undertaking for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to



exercise all the rights aforesaid notwithstanding that the railways of the Corporation are worked by the two companies or either of them as freely and fully in all respects as he was entitled to do before the making of any such agreement. A.D. 1901.

**109.** 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 the King's most Excellent 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) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty. Saving rights of Crown.

**110.** All the costs charges and expenses incurred by the Corporation preliminary to and of and incidental to the preparing of 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 the dock revenue and the borough fund or out of stock to be created and issued for that purpose by virtue of the powers of this Act. Costs of Act.

A.D. 1901.      The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PORTIONS ONLY MAY BE ACQUIRED BY THE CORPORATION.

Parish.	Numbers on deposited Plans.
Shirehampton - - - -	1 to 76   96 to 98   100 to 104   107 to 111   114 115   118   120.
Henbury - - - -	16.
Bristol - - - -	1 to 20   28   29   31   32   40 to 52   60 to 65.

THE SECOND SCHEDULE.

AN AGREEMENT made the twenty-second day of May one thousand nine hundred and one between THE MAYOR ALDERMEN AND BURGESSES OF THE CITY OF BRISTOL (herein-after called "the Corporation") of the first part THE GREAT WESTERN RAILWAY COMPANY (herein-after called "the Great Western Company") of the second part and THE MIDLAND RAILWAY COMPANY (herein-after called "the Midland Company") of the third part.

WHEREAS there is now pending in Parliament a Bill to empower the Corporation to construct an additional dock and railways and other works at Avonmouth :

And whereas the said Bill is opposed by the Great Western and the Midland Companies :



And whereas the two companies have agreed to withdraw their petitions against the said Bill upon the execution of the agreement herein-after contained Now therefore it is hereby agreed as follows:—

A.D. 1901.

1. If the Corporation shall under the powers contained in the said Bill acquire any of the lands of or belonging to the two companies or of or belonging to the Great Western Company the Corporation shall convey to the two companies or to the Great Western Company as the case may be lands equal in area and equally convenient of access for the purposes of the two companies or the Great Western Company as the case may be in lieu of the lands so acquired by the Corporation.
2. In lieu of the deviation Railway No. 1 described in the Bill as Work No. 5 being a diversion of the Avonmouth and Severn Tunnel Railway of the Great Western Company and the deviation railway No. 2 described in the said Bill as Work No. 6 being a diversion of the Bristol Port and Pier Railway of the two companies the Corporation shall so far as they legally can construct the railways coloured blue and yellow upon the plan annexed hereto and signed by W. W. Squire on behalf of the Corporation J. C. Inglis on behalf of the Great Western Company and J. A. Macdonald on behalf of the Midland Company and when constructed the railways coloured yellow shall be vested in the two companies and the railways coloured blue shall be vested in the Great Western Company.
3. The Corporation shall also construct light and maintain upon the area coloured pink upon the said plan sufficient railways and sidings to enable the Corporation to carry out their obligations under Article 5 of this Agreement and for the reception and marshalling of traffic destined for or coming from the railways of either of the two companies.
4. Should any further powers be found necessary to enable the Corporation to construct the railways and sidings referred to in Articles 2 and 3 of this Agreement such further powers shall be sought for in a Bill which shall be promoted in the ensuing session by one of the companies parties hereto or by the Corporation.
5. From and after the opening of the new dock which is proposed to be constructed under the powers contained in the said Bill the two companies and each of them shall efficiently and regularly work all traffic requiring to pass between the railway and sidings to be constructed by the Corporation under Article 3 of this Agreement and the railways of the two companies respectively and the Corporation shall efficiently and regularly work all traffic requiring to pass between the ship's side or the dock warehouses as the case may be and the same sidings Provided that if by reason of the arrangement of sidings within the docks any traffic requires to pass between the new dock and the railways of the two companies respectively without using the sidings to be constructed by the Corporation the Corporation shall efficiently and regularly work such traffic.

A.D. 1901.

6. The two companies and each of them shall after the opening of the new dock for public traffic make payments to the Corporation in respect of traffic taken from or delivered to the companies respectively whether at the existing dock at Avonmouth or at the new dock which shall be ascertained in manner following (that is to say):—
  - (a) The average annual tonnage of traffic so worked by the Corporation during the five years ending the 30th April next preceding the opening of the new dock and coming within Classes A B and C of the railway companies' classification of merchandise or carried at exceptionally low rates and that coming within classes 1 to 5 of the said classification other than traffic carried at exceptionally low rates shall be separately ascertained and it shall also be ascertained how much of the average tonnage of each division of traffic was carried by each company;
  - (b) If in any year the traffic of either company in classes A B and C of the railway companies' classification or carried at exceptionally low rates which is taken from or delivered to the companies respectively at both the said docks exceeds the average tonnage so ascertained in the case of that company that company shall pay 3*d.* per ton upon each ton in excess of the average tonnage;
  - (c) If in any year the traffic in classes 1 to 5 of the railway companies' classification other than traffic carried at exceptionally low rates which is taken from or delivered to the companies respectively at both the said docks exceeds the average tonnage as ascertained in the case of that company that company shall pay 9*d.* per ton upon each ton in excess of the average tonnage.
7. The expression "traffic carried at exceptionally low rates" is intended to mean traffic carried at lower rates than those in operation for Class 1 of the railway clearing-house classification.
8. If any of the railway rates presently in force to or from Avonmouth Docks shall be hereafter raised the Corporation may demand a revision of the payments to be made in respect of the traffic to which such rates apply and if any of such rates are reduced either of the companies may demand a revision of the payments to be made in respect of the traffic to which such rates apply.
9. At the end of any period of ten years from the opening of the new dock the two companies or either of them or the Corporation may demand that the said payments to be made to the Corporation shall be revised but so that unless the railway rates out of which such payments are to be made shall have been increased the payments of 3*d.* or as the case may be of 9*d.* as above provided shall not be increased.
10. Any difference as to the amount of payment to be made upon any such revision as aforesaid and any question or difference arising out of or in connexion with this Agreement shall be referred to arbitration.
11. This Agreement shall be scheduled to and confirmed by the said Bill subject to such alterations as may be made therein by Parliament but if any material alteration is made therein it may be determined by either of the parties hereto.



[1 EDW. 7.] *Bristol Docks and Railways Act, 1901.* [Ch. cclxiv.]

In witness whereof the parties hereto have caused their respective common seals to be hereunto affixed the day and year first before written. A.D. 1901.

The seal of the Corporation duly affixed in the presence of—

EDMUND J. TAYLOR  
Town Clerk  
Bristol.

L.S.

The common seal of the Great Western Company duly affixed in the presence of—

G. K. MILLS  
Secretary.

L.S.

The common seal of the Midland Company duly affixed in the presence of—

W. H. HODGES  
Director of the Company  
Derby.

L.S.

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### THE THIRD SCHEDULE.

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[NOTE.—The numbers herein-after specified in relation to any properties in each parish are in all cases unless otherwise expressly stated the numbers whereby those respective properties are distinguished on the  $\frac{1}{2500}$  Ordnance map of such parish published in 1890.]

The city as extended shall include within its boundary as shown on the city plan the following places and parts of parishes (that is to say):—

The existing city ;

So much of the parish of Shirehampton as is bounded by a line commencing at a point in the boundary of the existing city at the north-western side of Gloucester Road where such road meets the Bristol Port and Pier Railway passing thence in a north-easterly direction across such railway and along the north-western side of such road to its junction with the road from Avonmouth to Shirehampton thence across that road to its north-eastern side thence in a north-westerly direction along the north-eastern side of such road to the western corner of the churchyard of the Church of Saint Andrew thence in a north-easterly direction along the boundary of the said churchyard to a point 140 feet from the western corner thereof thence in a straight line in a northerly direction to a point in the boundary between the parishes of Shirehampton and Henbury 170 feet south-east of the north-western corner of the enclosure

A.D. 1901.

No. 113 on the Ordnance map for the parish of Henbury (sheet LXVII. 13) thence in a north-westerly direction along the said boundary between the said parishes of Henbury and Shirehampton to a point where such boundary meets the boundary of the existing city on the bank of the River Severn thence in a southerly and south-easterly direction along the boundary between the parish of Shirehampton and the existing city to the commencement of the said line ;

So much of the parish of Henbury as is bounded by a line commencing at a point in the boundary between the parishes of Henbury and Shirehampton 170 feet south-east of the north-western corner of the said enclosure No. 113 on the Ordnance map of the said parish of Henbury passing thence in a straight line in a northerly direction to the northern corner of the enclosure No. 57 on the Ordnance map of the said parish (sheet LXVII. 14) thence along the south-western boundary of the enclosure No. 49 on the said Ordnance map to the western corner thereof thence in a straight line in a north-westerly direction to a point in the boundary between the parish of Henbury and the existing city 580 feet north-east of the south-western corner of the enclosure No. 15 on the Ordnance map of the said parish (sheet LXVII. 13) thence in a southerly direction along the said boundary between the said parish of Henbury and the existing city to a point on the bank of the River Severn where the boundaries of the existing city and the parishes of Henbury and Shirehampton meet thence in a south-easterly direction along the boundary between the parishes of Henbury and Shirehampton to the said commencement of the said line.

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