CHAPTER xii.

An Act to enable the Mayor Aldermen and Burgesses of the City of Bristol to construct a culvert and other works for the relief of the floods in the Cutlers Mills Brook and for other purposes. [6th June 1899.] A.D. 1899.

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

And whereas the River Frome flows for some distance through the city and county of Bristol (in this Act called "the city") and discharges itself into the Floating Harbour (formed in the city by the conversion into docks of parts of the Rivers Avon and Frome):

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

And whereas the Cutlers Mills Brook flows for some distance through the city and discharges itself into the River Frome:

And whereas the stream known as the Back Ditch is a branch of the River Frome:

And whereas the Cutlers Mills Brook is in times of heavy rains liable to overflow its banks to the injury of property and of the health of the inhabitants adjacent thereto:

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

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

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

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

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

And whereas it is expedient that other provisions as are in this Act contained should be sanctioned:

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

And whereas an absolute majority of the whole number of the council of the city at a meeting held on the ninth day of August one thousand eight hundred and ninety-eight after ten clear days notice by public advertisement of the meeting and of the purposes thereof in the Bristol Times and Mirror a newspaper published and circulating in the city (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund:

And whereas such resolution was published twice in the Bristol Mercury a newspaper published and circulating in the city and has received the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the said council at a further special meeting held in pursuance of a similar notice on the twenty-fourth day of January one thousand eight hundred and ninety-nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

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

And whereas plans and sections describing the lines situations and levels of the intended works and a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited

with the clerks 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: A.D. 1899.

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

Short title.

1. This Act may be cited as the Bristol Floods Prevention Act 1899.

Incorporation of general Acts.

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

The Lands Clauses Acts; and

The provisions of the Commissioners Clauses Act 1847 relating to mortgages (except section 84);

so far as they are respectively applicable for the purposes of and not varied by this Act are incorporated with and form part of this Act.

Bond to be sufficient without sureties.

3. 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.

Interpretation.

4. In this Act unless the context otherwise requires—

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

"The council" "the town clerk" "the treasurer" "the borough fund" "the borough rate" mean respectively the council the town clerk the treasurer the borough fund and the borough rate of the city;

"The culvert" means and includes the culvert and the works connected therewith by this Act authorised to be constructed;

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

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

"The commissioners" means the Corporation;

"The clerk to the commissioners" means the town clerk.

Execution of Act.

5. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the council.

Power to Corporation to improve bed and channel of

6. The Corporation may deepen and improve the bed and channel of the Cutlers Mills Brook and the Back Ditch within the city and the watercourses streams and drains connected therewith respectively and within those limits may remove alter or curtail weirs

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Cutlers Mills Brook Back Ditch &c.

dams walls arches sluices banks shoals pipes trees and any other matters or things which may interfere with the free flow of the water of the said brook and ditch watercourses streams and drains making compensation to all persons injuriously affected by the exercise of the powers of this section.

Penalty for throwing rubbish &c. into Cutlers Mills Brook Back Ditch &c.

7. Every person who places throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter or thing whatsoever into the Cutlers Mills Brook or the Back Ditch within the city or within the city into any watercourses streams or drains connected therewith or into the culvert shall for every such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the discharge into the said brook ditch watercourse stream drain or culvert as the case may be of any such solid matter from any drain waterway doorway or window belonging exclusively to any premises shall be evidence that the occupier of those premises has committed an offence against the provisions of this section.

Power to construct works.

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

In the parish of Bristol in the city—

A culvert commencing in and out of the stream known as Cutlers Mills Brook at a point about one hundred and sixteen yards south-east of the junction of the centre lines of Cheltenham Road and the road leading thereout to the Montpelier Station of the Clifton Extension Railway and terminating in the Back Ditch at the point where that stream is crossed by Stratton Street:

And the Corporation may enter upon take and use such of the lands shown on the deposited plans as may be requisite for the purpose and may divert into the works by this Act authorised and thence into the Back Ditch and the Floating Harbour the waters of the Cutlers Mills Brook.

Limits of lateral and vertical deviation.

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

Power to make subsidiary works.

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

Power to make openings &c. in streets.

11. The Corporation may in any street under which the culvert will pass make such openings shafts and manholes as may be expedient for constructing and maintaining the culvert.

Power to alter pipes &c.

12. In executing the works by this Act authorised the Corporation may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe and also any pipe tube wire or apparatus laid down or used for telegraphic or other purposes and may remove any other obstruction causing as little detriment and inconvenience as circumstances admit and making reasonable compensation for damage caused by the execution of the powers of this enactment:

Provided that the Corporation shall not raise sink or otherwise alter or interfere with any pipe tube wire or telegraphic apparatus belonging to or used by Her Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

For protection of Bristol Gas Company.

13. 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

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or under any street road or court which may be temporarily stopped up during the construction of the works by this Act authorised:

(2) Every work which may in any way interfere with or affect or be situate over or under any main or pipe of the gas company or any private service pipe of any person supplied with gas by the gas company shall be executed in accordance with a plan and section (showing the nature of the work proposed) to be submitted to the gas company for their approval not less than ten days previous to the commencement of such work and if the gas company do not within ten days after such submission signify their approval or disapproval thereof or their requirements in relation thereto they shall be deemed to have approved thereof and every such work shall be executed under the superintendence and to the reasonable satisfaction (so far as it may interfere with or affect or be situate over or under such main pipe or private service pipe) of the engineer of the gas company:

(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 as may be reasonably necessary for the diversion removing raising refixing sinking or otherwise altering the position of and restoring any mains or pipes valves or other machinery of the gas company or 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 any superintendence which may be necessarily required of any works of the Corporation under the provisions of this section in that behalf shall be paid by the Corporation to the gas company on demand and in case of default may be recovered by the gas company in any court of competent jurisdiction:

(5) 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 :

(6) 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 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 :

(7) If any difference arise between the Corporation and the gas company touching this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an engineer to be appointed (unless otherwise agreed on between the parties) on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration shall extend and apply to the determination of such difference.

For protection of Bristol Waterworks Company.

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

(1) Every work which will in any way interfere with or affect any valves or apparatus main or pipe of the water company or any private service pipe of any person supplied with water by the water company shall be executed under the superintendence and to the reasonable satisfaction (so far as it may interfere with or affect any such main pipe or private service pipe) of the engineer of the water company :

(2) 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 protecting removing raising sinking or otherwise altering the position of and restoring any mains or pipes valves or apparatus of the water company or any private service pipe of any person supplied with water by the water company which

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it may be necessary to protect remove raise sink alter or restore by reason of the execution by the Corporation of any of the powers of this Act and for preventing any interruption to the supply of water by the water company:

(3) All costs charges and expenses reasonably incurred by the water company or their engineer under the provisions of this Act including the costs charges and expenses of and in relation to the superintendence necessarily required of any works of the Corporation under the provisions of this Act in that behalf shall be paid by the Corporation to the water company on demand and in case of default may be recovered by the water company in any court of competent jurisdiction:

(4) 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 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 Tramways and Carriage Company Limited.

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

In executing the works by this Act authorised the Corporation may open or break up the part of any street or road on or under which any tramway pipe wire or apparatus of the tramway company is laid or authorised to be laid and the Corporation and the tramway company respectively shall have and may exercise and shall be subject to the powers and liabilities conferred and imposed upon a local authority and the promoters of a tramway respectively by section 32 (Rights of authorities and companies &c. to open roads) of the Tramways Act 1870 and the provisions of that section and of section 33 (Difference between promoters and road authority &c.) of the same Act shall extend and apply to the exercise of the said powers by the Corporation.

For protection of Midland Railway Company.

16. In constructing the culvert by this Act authorised where the same will pass through the land and property of the Midland Railway Company the Corporation shall be subject to the following conditions:—

(1) The said culvert shall be constructed by the Corporation under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of the said company and according to plans and specifications to be previously

submitted to and reasonably approved by him in writing and shall for ever thereafter be maintained at the expense of the Corporation :

(2) The Corporation shall acquire only such an easement across or under the land of the Midland Railway Company as may be necessary for constructing and maintaining the said culvert and shall pay the Midland Railway Company for such easement such sum as may be agreed upon or settled by arbitration :

(3) If any difference shall arise between the Midland Railway Company and the Corporation as to the true intent and meaning of this enactment or the mode of giving effect thereto the same shall from time to time be determined by arbitration in the manner prescribed by the Railways Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Temporary stoppage of streets.

17. The Corporation may from time to time stop up any street road or court and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time during the execution of any work by this Act authorised.

Restriction on taking houses of labouring class.

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

If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision 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.

For the purposes of this section 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.

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Power to grant easements &c. by agreement.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water 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.

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

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

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

21. And whereas in the construction and maintaining of the culvert it may happen that easements only under the lands and hereditaments shown on the deposited plans may be sufficient for the purposes of the same and that such easements may be acquired without material detriment to such lands and hereditaments Therefore the owners of and other persons interested in such lands and hereditaments may be required to sell and grant to the Corporation the easement or right of constructing and maintaining the culvert through or under lands and hereditaments on which there are no buildings and the surface of which is situate three feet or more above the crown of the arch of the culvert and through or under lands and hereditaments on which buildings are standing and the surface of which is situate ten feet or more above the crown of

the arch of the culvert and also through or under lands and hereditaments hitherto liable to floods for the prevention of which the culvert is authorised by this Act without the Corporation being obliged or compellable to purchase such lands and hereditaments unless the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted shall determine that such easement or right cannot be acquired by the Corporation without material detriment to such lands and hereditaments Provided that nothing in this section contained nor any dealing with any of the said lands and hereditaments in pursuance thereof shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 in respect of any lands or hereditaments through or under which the Corporation may in pursuance of the determination of such jury arbitrators or other authority purchase or acquire an easement or right of constructing such culvert.

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

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

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

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade :

(4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding

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that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:

(5) The cost of the reference shall be in the discretion of the referee:

(6) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:

(7) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the culvert then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

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

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

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

Correction of errors &c. in deposited plans and book of reference.

23. If any omission mis-statement or erroneous description is found to have been made of any lands or of any owners lessees or occupiers of any lands described or intended to be described in the deposited plans or book of reference the Corporation may apply to two justices for the correction thereof after giving ten days' notice to the owners lessees and occupiers of the lands affected by the proposed correction and if it appears to such justices that the omission mis-statement or erroneous description arose from mistake they shall certify the same accordingly stating the particulars of

the omission mis-statement or erroneous description and such certificate shall be deposited with the clerk of the peace for the city and shall be kept by him with the other documents to which it relates and subject and according to the same enactments and provisions as apply to those other documents and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Corporation may enter on take hold and use those lands accordingly.

Period for compulsory purchase of lands.

24. 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.

Power to acquire additional lands by agreement.

25. 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 acre or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) therein thereunder thereover or thereupon which shall be deemed necessary by the Corporation but the Corporation shall not create or permit any nuisance on any such lands and nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them.

Consideration for such acquisition.

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

Provided that this section shall not be taken to dispense with the consent of the Local Government Board to any disposition of land in any case in which the consent of that Board would have been required if this Act had not been passed.

Power to retain sell &c. lands.

27. 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.

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Proceeds of sale of surplus lands.

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

Power to borrow.

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

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

For carrying into effect such of the other purposes of this Act as are properly payable out of capital twenty-seven thousand pounds:

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

Repayment of borrowed moneys.

30. The Corporation shall out of the borough fund and borough rate pay off all moneys borrowed by them under the powers of this Act within the following periods from the respective dates of the borrowing thereof (that is to say):—

As regards moneys borrowed to defray the costs charges and expenses of and in relation to the obtaining of this Act as herein-after defined within any period not exceeding five years;

As regards moneys borrowed for all other purposes of this Act within any period not exceeding sixty years:

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest;

Or by a sinking fund;

Or partly by instalments and partly by a sinking fund:

The first payment by instalments shall be made on the first day of November next following the date of the borrowing of the moneys in respect of which such payment is made.

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As to sinking fund.

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

(*a*) The Corporation shall on the first day of November next following the date of the borrowing of the moneys so to be repaid and thenceforward on the same day in every year appropriate and set apart out of the borough fund and borough rate such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient after payment of all expenses to pay off the whole of the said borrowed moneys within periods not exceeding those by this Act prescribed in that behalf:

(*b*) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the resulting income thereof respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock stock or any other security (not being annuities or securities transferable by delivery) of any municipal corporation (excluding the Corporation) or of any other local authority as defined by section 34 of the Local Loans Act 1875 authorised by or under any Act of Parliament passed or to be passed under which such corporation or local authority are or is authorised to borrow money:

(*c*) The Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper:

Provided as follows:—

That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based;

That whenever and so long as the yearly income arising from the sinking fund would if invested at the same rate of interest as is payable on the borrowed moneys then outstanding be equal to the annual interest of such

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borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payments to such sinking fund of the yearly sums required to be so paid thereto and the investing of the said yearly income;

That if and so often as the interest in any year derived from such investment is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to reborrow.

32. The Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under the powers of this Act on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so toties quoties:

Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act prescribed and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan Provided also that the Corporation shall not reborrow any moneys paid off by means of instalments or a sinking fund or out of the proceeds of the sale of land or out of premiums or fines on leases.

Sinking fund may be adjusted in certain events.

33. If the Corporation out of the proceeds of the sale or disposition of lands or other moneys received on capital account repay any principal moneys borrowed under the powers of this Act the payments to any sinking fund applicable to the repayment of such principal moneys may be reduced to such extent and upon such terms as may from time to time be approved by the Local Government Board.

Priority of existing mortgages.

34. 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.

For appointment of receiver.

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

Corporation not to regard trusts.

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

Annual return to Local Government Board with respect to sinking fund.

37.—(1) The treasurer shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have

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been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the treasurer shall for each offence be liable to a penalty of not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Injuring culvert.

38. Every person who wilfully injures or without the consent of the Corporation in writing breaks up the culvert shall for every such offence be liable to a penalty not exceeding five pounds and the Corporation may restore the culvert to good condition and recover the expenses of so doing from the offender in a summary manner.

Entry on lands for repair &c. of culvert.

39. For the purpose of examining maintaining and repairing the culvert the Corporation shall have and may exercise the power to enter examine and lay open lands or premises contained in section 305 (Entry on land for purposes of Act) of the Public Health Act 1875 as if the culvert were a sewer and the provisions of that section and of section 306 (Penalty on obstructing execution of Act) and of section 308 (Compensation in case of damage by local authority) of the same Act shall extend and apply mutatis mutandis to and in relation to the exercise of the said power by the Corporation.

Expenses of executing Act.

40. All expenses incurred by the Corporation in carrying into execution the powers of this Act (except such of those expenses as

are to be paid out of borrowed moneys) shall be paid out of the borough fund and borough rate. A.D. 1899

Costs of Act

41. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund or out of moneys to be borrowed by them for the purpose under the powers of this Act.

The SCHEDULE referred to in the foregoing Act.

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

Parish.	Numbers on deposited Plans.
Bristol - - -	6 to 18 21 to 24 26 to 29 32 to 123 123A 124 to 135 137 to 156

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