CHAPTER xii.

An Act to enable the Mayor Aldermen and Burgesses of the City of Bristol to construct a fixed bridge across the Floating Harbour or River Frome in lieu of the existing bridge called the Drawbridge and for other purposes. A.D. 1891.

[11th May 1891.]

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 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 a part of the River Avon and of the portion of the River Frome which lies between its junction with the River Avon and a bridge called "the Stone Bridge":

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 there has existed for many years across that part of the floating harbour formed by the said portion of the River Frome a swing bridge (commonly called and in this Act referred to as "the drawbridge") which constitutes the main communication between the western and central portions of the city:

And whereas the Corporation by the construction of a new street and the widening of existing streets have at great cost made a new route from the eastern end of the drawbridge to the joint station of the Great Western and Midland Railway Companies which route is

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 thirteenth day of January one thousand eight hundred and ninety-one 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 situation and levels of the intended works and books of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act have been deposited with the respective clerks of the peace for the county of Gloucester and for the city and are in this Act respectively referred to as the deposited plans sections and books of reference:

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

Short title.

1. This Act may be cited as the Bristol Saint Augustine Bridge Act 1891.

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.

Interpretation.

3. In this Act unless the context otherwise requires—

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

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

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.

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.

8. Subject to the provisions of this Act and upon lands belonging to or acquired by them within the limits defined on the deposited plans the Corporation may make and maintain all such walls embankments abutments piers arches fences dams sewers drains piling carriage-ways roadways footways steps works and appliances and may make such alteration in the lines and levels of the existing streets and quays and of the streets adjacent or leading to or communicating with the before-mentioned works or the said existing quays and may execute and do all such works matters and things in the bed and on the banks of the said floating harbour or river as may be necessary or expedient for or in connexion with the foregoing works or any of them or the utilization of the area of the existing waterspace between the said two bridges Provided always that the Corporation shall make to the owners lessees and occupiers of and all other parties interested in any lands or houses injuriously affected by any such interference or alteration full compensation for all damage sustained by them respectively.

Power to alter pipes &c.

9. In executing any work by this Act authorised the Corporation may raise sink or otherwise alter the position of any sewer drain water-pipe or gas-pipe belonging to or connected with any building adjoining or near to the site of such work 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.

Temporary stoppage of streets.

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

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.

Proceeds of sale of surplus lands.

16. The Corporation shall apply moneys received by them from the sale or exchange of lands under the powers of this Act or by leasing or letting the same as aforesaid or from fines or premiums on leases in the extinguishment of any loan raised by them under the powers of this Act and subject thereto in extinguishment of any other loan of the Corporation and such application shall be in addition to and not in substitution for any other mode of extinguishment by this Act provided except to such extent and upon such terms as may be approved by the Local Government Board.

Byelaws.

17. The Corporation may under and according to the provisions of the Municipal Corporations Act 1882 make and enforce byelaws and regulations with respect to the user of the said intended bridge.

Power to Corporation and Tramway Company to make agreements.

18. The Corporation and the Bristol Tramways and Carriage Company Limited may enter into and fulfil contracts and agreements for or in relation to the removal and alteration of the tramways laid on and adjacent to the drawbridge.

Power to borrow.

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

For the purpose of paying the costs of this Act as hereinafter defined the sums requisite for that purpose;

For the other purposes of this Act to which capital is properly applicable the sum of twenty-three thousand five hundred and fifty-nine pounds and five shillings :

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.

the sinking fund shall be equal to the annual interest of such borrowed moneys then outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payments to such sinking fund of the yearly sums required to be so paid thereto and the investing of the said yearly income. A.D. 1891.

Power to re-borrow.

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

Priority of existing mortgages.

23. 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.

24. 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.

25. The Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which

Expenses of executing Act.

27. 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.

Costs of Act.

28. 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.

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